

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 11, 2010**

AGENDA

9:30	Done	Presentations
10:30	Done	Presentation of the History Commission Annual Report
10:45	Done	Presentation of the Advisory Social Services Board Annual Report
11:00	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Extension of Review Periods for 2232 Review Applications (Braddock, Hunter Mill, Springfield, and Sully Districts)
2	Approved	Authorization to Advertise a Public Hearing on Proposed Amendments to Section 30-3-6 of the <i>Fairfax County Code</i> Relating to the Storage of Firearms and Ammunition in Home Child Care Facilities
3	Approved	Approval of Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Springfield District)
4	Approved	Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept an Assistance to Firefighters Grant from the U.S. Department of Homeland Security
5	Approved	Streets into the Secondary System (Mason and Mount Vernon Districts)
6	Approved	Authorization to Advertise a Public Hearing for the Creation/Enlargement of Small and Local Sanitary Districts for Refuse and/or Leaf Collection Service (Dranesville, Lee, and Mason Districts)
7	Approved	Authorization to Advertise a Public Hearing to Continue to Lease County-Owned Property at the Lewinsville Facility to the McNair Child Development Center, Inc. (Dranesville District)
8	Approved	Appointment and Re-appointment of Members to the Fairfax-Falls Church Community Policy and Management Team (CPMT)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 11, 2010**

ACTION ITEMS

- | | | |
|---|---------------------------------|---|
| 1 | Approved | Authorization to Utilize Treasurer's Collection Contract Authority to Pursue Delinquent Non-Tax Revenues and Charge Associated Collection Fees |
| 2 | Approved
w/amendment | Approval of the Adaptive Reuse Plan of the Former Lorton Reformatory and Penitentiary and Authorization for Staff to Proceed with Phase II of the Planning Process, Developer Negotiations (Mount Vernon District) |
| 3 | Approved
w/amendment | Approval of the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011; and, Approval of Section 108 Submissions to U.S. Department of Housing and Urban Development to Recover Costs Associated with Previously Approved and Completed Neighborhood Improvements and to Refinance |
| 4 | Approved | Authorization of Payment to the Virginia Department of Transportation (VDOT) from the Route 28 Project Completion Fund |
| 5 | Approved
w/amendment | Approval of a Project Agreement for the Environmental Analysis and Documentation of Roadway Improvements on Richmond Highway (Mount Vernon District) |
| 6 | Approved | Approval of Interjurisdictional Solid Waste Facility Use Agreement Between Fairfax County and Prince William County |
| 7 | Approved | Approval of Parking Reduction for Avalon at Park Crest (Providence District) |
| 8 | Approved
w/amendment | Approval of the Development, Acquisition and Financing Agreement and Memorandum of Understanding with the Mosaic District Community Development Authority, Eskridge (E & A), LLC, and Eskridge Properties (E & A), LLC |

**INFORMATION
ITEMS**

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| 1 | Noted | Contract Award – Huntley Historic Site – Restoration/Renovation of the Manor House and Historic Out Buildings (Lee District) |
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MAY 11, 2010**

11:30	Done	Matters Presented by Board Members
12:20	Done	Closed Session
PUBLIC HEARINGS		
3:30	Approved	Public Hearing on PCA 2002-PR-016-02 (Park Crest SPE Phase, I, L.L.C.) (Providence District)
3:30	Approved	Public Hearing on PCA 82-P-084-02 (Fathia H. Soliman D/B/A F.A.Z. Creative Education Center) (Providence District)
3:30	Approved	Public Hearing on PCA C-448-33 (Kingstowne Residential Owners Corp.) (Lee District)
3:30	Approved	Public Hearing on PCA 85-L-101-5 (Kingstowne Residential Owners Corp.) (Lee District)
3:30	Public hearing deferred to 5/25/10 at 3.30 p.m.	Public Hearing on SE 2010-MA-001 (Radley Management, LLC and Radley Automobiles, Incorporated) (Mason District)
3:30	Approved	Public Hearing on SE 2009-PR-027 (TDC Owner, LLC) (Providence District)
3:30	Approved	Public Hearing on SE 2009-LE-016 (T-MOBILE Northeast LLC & Springfield Swimming and Racquet Club Incorporated) (Lee District)
4:00	Approved	Public Hearing on Proposed Policy Plan Amendment S09-CW-1CP to Add Guidance in Support of the Visual and Performing Arts
4:00	Public hearing deferred to 5/25/10 at 4:30 p.m.	Public Hearing on RZ 2009-HM-019 (Comstock Reston Station Holdings, LC) (Hunter Mill District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
May 11, 2010

9:30 a.m.

PRESENTATIONS:

1. PROCLAMATION – To designate May 9-15, 2010, as Police Week in Fairfax County. Requested by Chairman Bulova.
2. PROCLAMATION – To designate May 2010 as Asian/Pacific American Heritage Month in Fairfax County. Requested by Chairman Bulova.
3. CERTIFICATE – To recognize the Fairfax County Asian American History Project and sponsors for the debut of its book. Requested by Chairman Bulova.
4. PROCLAMATION – To designate May 22, 2010, as Girl Power Day in Fairfax County. Requested by Supervisor Hudgins.
5. CERTIFICATE – To recognize the Lake Braddock Secondary School band and director, Roy Holder, for their accomplishments. Requested by Supervisor Cook.
6. 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.
7. PROCLAMATION – To designate May 2010 as Community Action Month in Fairfax County. Requested by Supervisor Foust.
8. PROCLAMATION – To designate May 16-22, 2010, as Public Works Week in Fairfax County. Requested by Chairman Bulova.

STAFF:

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

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Board Agenda Item
May 11, 2010

10:30 a.m.

Presentation of the History Commission Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Debbie Robison, Chairman, History Commission

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Board Agenda Item
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10:45 a.m.

Presentation of the Advisory Social Services Board Annual Report

ENCLOSED DOCUMENTS:

None. Report delivered under separate cover.

PRESENTED BY:

Marcus B. Simon, Chairman, Advisory Social Services Board

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Board Agenda Item
May 11, 2010

11:00 a.m.

Items Presented by the County Executive

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Board Agenda Item
May 11, 2010

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Braddock, Hunter Mill, 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-Y09-113 to July 16, 2010; application FSA-S08-101-1 to July 19, 2010; application FS-B09-82 to July 23, 2010; and application 2232-H10-1 to November 16, 2010.

TIMING:

Board action is required on May 11, 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-H10-1, which was accepted for review by the Department of Planning and Zoning (DPZ) on March 17, 2010. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board should extend the review periods for applications FS-B09-82, FS-Y09-113, and FSA-S08-101-1, which were accepted for review by DPZ between February 16, 2010, and February 23, 2010. These applications are for telecommunications facilities, and thus are

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subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

2232-H10-1	Fairfax County Park Authority Lights for ballfield & tennis court, lighted sports complex, picnic shelter 2431 Fox Mill Road (Stratton Woods Park) Hunter Mill District
FS-B09-82	Clearwire US LLC Rooftop antennas 8996 Burke Lake Road Braddock District
FS-Y09-113	Clearwire US LLC Rooftop antennas 3080 Centreville Road Sully District
FSA-S08-101-1	FLO TV Relocate antennas from existing tower to ground 6199 Old Arrington Lane Springfield District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

Board Agenda Item
May 11, 2010

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on Proposed Amendments to Section 30-3-6 of the *Fairfax County Code* Relating to the Storage of Firearms and Ammunition in Home Child Care Facilities

ISSUE:

Board authorization to advertise a public hearing to consider proposed amendments to Fairfax County Code Section 30-3-6 by repealing subsection (k), relating to the storage of firearms and ammunition in home child care facilities, effective upon adoption, and by adding a new subsection (k), relating to the storage of firearms and ammunition in home child care facilities, to become effective July 1, 2010.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on Tuesday, June 8, 2010, at 4:30 p.m., to consider adoption of an amendment to Section 30-3-6 of the Fairfax County Code (Attachment 1).

TIMING:

Board action is requested on May 11, 2010, to provide sufficient time to advertise a public hearing on the proposed amendments on June 8, 2010.

BACKGROUND:

The Home Child Care Facilities Ordinance (Chapter 30, Article 3 of the Fairfax County Code) was adopted in 1989 and revised in 2001. The ordinance governs home child care facilities, which are regulated by the Department of Family Services, Office for Children, in partnership with the Fire and Rescue Department. The ordinance is intended to protect the health and safety of Fairfax County children who receive care in home child care facilities.

PROPOSED AMENDMENT:

Due to changes in state law since the ordinance was last revised, the County now needs to have express statutory authority to regulate the storage of firearms and ammunition, and the authorizing statute must explicitly refer to firearms or ammunition. The County's enabling authority for the Home Child Care Facilities Ordinance does not currently provide such express authorization. Therefore, the proposed amendment to

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Chapter 30-3-6 repeals subsection (k), relating to the storage of firearms and ammunition in home child care facilities, effective upon adoption.

However, during the 2010 session of the Virginia General Assembly, Delegate Mark D. Sickles introduced House Bill 1379 (Attachment 2) which proposed to amend the County's enabling authority for the Home Child Care Facilities ordinance. The legislation explicitly allows certain localities that are authorized to regulate child care facilities to regulate the possession and storage of firearms and ammunition, so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family child care homes. This bill was signed into law by Governor McDonnell on April 11, 2010, and will be effective on July 1, 2010. Because the Governor has signed this legislation, Virginia law permits the Board to take action at this time so long as that action is not effective prior to July 1, 2010. Therefore, the proposed amendments to Chapter 30-3-6 adds a new subsection (k), relating to the storage of firearms and ammunition in home child care facilities, effective July 1, 2010. The new subsection (k) is identical to the comparable state regulation applicable to family child care homes, which was recently amended and will also take effect on July 1, 2010.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed amendments to Fairfax County Code Section 30-3-6

Attachment 2: 2010 Acts of the Virginia General Assembly, Chapter 649

STAFF:

Patricia D. Harrison, Deputy County Executive

Robert A. Stalzer, Deputy County Executive

Nannette M. Bowler, Director, Department of Family Services

Ronald L. Mastin, Chief, Fire and Rescue Department

Anne-Marie D. Twohie, Director, Office for Children

Dereck A. Baker, Deputy Chief, Fire and Rescue Department

Carlton Burkhammer, Battalion Chief, Fire and Rescue Department

Erin C. Ward, Assistant County Attorney

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ADMINISTRATIVE - 3

Approval of Installation of "\$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program (Springfield District)

ISSUE:

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

RECOMMENDATION:

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

- Random Hills Road between Lee Jackson Memorial Highway and Lee Highway (Springfield District).

TIMING:

Board action is requested on May 11, 2010.

BACKGROUND:

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated roadways. Also, roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Random Hills Road between Lee Jackson Memorial Highway and Lee Highway meets the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. On October 15, 2009, the Department of Transportation received written verification from the local supervisor confirming community support.

FISCAL IMPACT:

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

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ENCLOSED DOCUMENTS:

Attachment I: \$200 Fine for Speeding Signs Resolution – Random Hills Road

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

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

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

William P. Harrell, Transportation Planner, FCDOT

Guy M. Mullinax, Transportation Planner, FCDOT

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ADMINISTRATIVE - 4

Authorization for the Fairfax County Fire and Rescue Department to Apply for and Accept an Assistance to Firefighters Grant from the U.S. Department of Homeland Security

ISSUE:

Board approval for the Fairfax County Fire and Rescue Department (FRD) to apply for and accept funding, if received, from the U.S. Department of Homeland Security (DHS) FY 2010 Assistance to Firefighters Grant Program in the amount of \$175,282, including the required 20 percent Local Cash Match of \$35,056. The program period is typically one year from the date of the award. If the actual award received or the Local Cash Match is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Fire and Rescue Department to apply for and accept funding, if received, from the DHS FY 2010 Assistance to Firefighters Grant Program in the amount of \$175,282, including \$35,056 in Local Cash Match

TIMING:

Board approval is requested on May 11, 2010. Applications are due May 28, 2010.

BACKGROUND:

The Assistance to Firefighters Grant (AFG) program was originally authorized under the Defense Authorization Bill of 2001, Public Law 106-398, which amended Section 33 of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. 2201 et seq. This program supports the country's national preparedness goal to prevent, protect, respond, and recover from both terrorist attacks and catastrophic natural disasters. Congress has appropriated \$810 million to carry out the activities of the FY 2010 AFG programs.

Funding in the amount of \$175,282 is requested to purchase a gas-fired fire training prop for the Class B Burn Building currently under construction at the Fairfax County Fire and Rescue Department Training Academy. The federal share, if awarded, will be

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\$140,226 and the required 20 percent Local Cash Match for this project will be \$35,056.

The Class B Burn Building, currently under construction, offers a variety of residential and commercial layouts similar to those found throughout Fairfax County. Three props are being installed as part of the initial build: kitchen fire, double bed fire, and a hidden attic fire. The building has the ability to house 12 different gas-fired burn props. If this funding is awarded, the Fire and Rescue Department would purchase an industrial gas-fired prop with thermal tiles and a temperature monitoring system. This prop would complement the current residential props and provide recruits and incumbent field personnel with practical experience in a realistic and safe training environment in fighting routine fires similar to those encountered throughout Fairfax County.

FISCAL IMPACT:

The total amount of the 2010 Assistance to Firefighters Grant proposal is \$175,282, including \$35,056 in required Local Cash Match. If this proposal is successful, the Fire and Rescue Department would receive \$140,226 in federal funding. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2011.

The Local Cash Match requirement for fire departments serving populations over 50,000 is 20 percent of project costs. All non-federal matching funds must be in cash; In-kind contributions are not acceptable. The total anticipated Local Cash Match is \$35,056. The Local Cash Match is available from the Local Cash Match Reserve in Fund 102, Federal/State Grant Fund.

CREATION OF NEW POSITIONS:

No new positions will be created by this grant.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Chief Ronald L. Mastin, Fire and Rescue Department
Assistant Chief Daryl L. Louder, Fire and Rescue Department
Assistant Chief John Caussin, Jr., Fire and Rescue Department
Cathy Maynard, Grants Coordinator, Fire and Rescue Department

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ADMINISTRATIVE - 5

Streets into the Secondary System (Mason and Mount Vernon Districts)

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>
Korfonta's Addition to Annandale Oaks	Mason	Annandale Road – Route 650 (Additional Right-of-Way (ROW) Only)
		Medford Drive – Route 4054 (Additional ROW Only)
REP KBY Realty LLC Chili's Beacon Hill	Mt. Vernon	Richmond Highway – Route 1 (Additional ROW Only)
		Dawn Drive – Route 1432 (Additional ROW Only)
REP KBY Realty LLC Commerce Bank Beacon Hill	Mt. Vernon	Richmond Highway – Route 1 (Additional ROW Only)

TIMING:

Routine.

BACKGROUND:

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

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Forms

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

Authorization to Advertise a Public Hearing for the Creation/Enlargement of Small and Local Sanitary Districts for Refuse and/or Leaf Collection Service (Dranesville, Lee and Mason Districts)

ISSUE:

Board authorization to advertise a Public Hearing for the Creation/Enlargement of Small and Local Sanitary Districts for refuse and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing at 4:00 p.m. on Tuesday, June 8, 2010, to consider the following change to small and local sanitary districts for refuse and/or leaf collection service in accordance with the Board of Supervisor's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 6 Within Dranesville District (Wemberly Way)	Enlarge	Refuse	Approve
Small District 15 Within Dranesville District (Primrose Drive)	Create	Refuse & Leaf	Approve
Local District 1A8 Within Small District 1 Within Dranesville District (East Avenue Area)	Enlarge	Refuse	Approve
Local District 1C Within Small District 1 Within Lee District (5903, 5905 & 5907 Brookland Road)	Enlarge	Leaf	Approve
Small District 7 Within Mason District (6918 & 6920 Winter Lane)	Enlarge	Refuse	Approve

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TIMING:

Board of Supervisors' authorization to advertise on May 11, 2010, is required for a Public Hearing to be held on June 8, 2010, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board of Supervisors at public hearings. Prior to any action by the Board of Supervisors on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board of Supervisors' adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

The submitted petitions have been reviewed, and it has been determined that they meet the Board of Supervisors' Adopted Criteria. Staff recommends that the authorization to advertise a public hearing for the Creation/Enlargement of small and local sanitary districts for refuse and/or leaf collection be approved. If approved, the modifications will become permanent in July 2010.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheets with Proposed Resolutions and Maps

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
May 11, 2010

ADMINISTRATIVE- 7

Authorization to Advertise a Public Hearing to Continue to Lease County-Owned Property at the Lewinsville Facility to the McNair Child Development Center, Inc. (Dranesville District)

ISSUE:

Authorization to advertise a public hearing to continue to lease County-owned property at the Lewinsville facility at 1609 Great Falls Street, McLean, Virginia (Tax Map 30-3 ((1)) parcel 42) to the McNair Child Development Center, Inc. d/b/a Fun and Friends Development Center.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to advertise a public hearing to be held on June 22, 2010, at 4:00 p.m., to enter into a lease with Fun and Friends Child Development Center, which will permit them to continue leasing space at the Lewinsville facility for a child care center.

TIMING:

Board action is requested on May 11, 2010, to provide sufficient time to advertise a proposed public hearing to be held on June 22, 2010, at 4:00 p.m.

BACKGROUND:

The Board of Supervisors is the owner of a facility located at 1609 Great Falls Street and identified as the Lewinsville facility (Tax Map Number 30-3 ((1)) parcel 42). Fun and Friends Child Development Center, through different ownerships, has resided at the Lewinsville facility for more than 20 years. The Center has an enrollment of approximately 95 -100 children ranging from 6 weeks to 5 years of age, and serves approximately 90 families in the McLean area.

The existing agreement expires on June 30, 2010. Fun and Friends Child Development Center requested to renew the existing lease for 5,109 rentable square feet. Therefore, subject to the County's completion of lease negotiations with the Fun and Friends Child Development Center, it is proposed that the County enter into a new lease that will permit the Center to continue leasing space at the Lewinsville facility from July 1, 2010, through June 30, 2011. In addition, the proposed lease will allow for two one-year option periods.

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FISCAL IMPACT:

Tenant shall pay to the Board annual rent for this facility in the amount of \$96,352.70, effective on the commencement date of the lease, July 1, 2010. The annual rent shall be recorded as revenue and will be adjusted by two (2) percent annually.

ENCLOSED DOCUMENTS:

Attachment A: Location Map

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

Board Agenda Item
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ADMINISTRATIVE – 8

Appointment and Re-appointment of Members to the Fairfax-Falls Church Community Policy and Management Team (CPMT)

ISSUE:

In order to fulfill Virginia Code requirements, Fairfax-Falls Church CPMT Bylaws provide for two representatives of private service providers, and two parent representatives who are not employees of any public or private provider of services to youth, to be approved by the CPMT and the Board of Services for terms of up to two years. Re-appointments may be made for additional consecutive terms upon approval of the CPMT and Board of Supervisors.

In filling private service provider positions, CPMT has generally solicited and strongly considered the recommendation of the Northern Virginia Coalition of Private Provider Associations (NOVACO). Attached is NOVACO's recommendation of Sandy Porteous of Phillips Programs and Ms. Porteous' resume.

RECOMMENDATION:

The County Executive recommends that the Board appoint Sandy Porteous of the Phillips Programs; and reappoint Rick Leichtweis of INOVA Kellar Center and Kristen Eisenhart and Robert Rexrode, parent representatives as members of the CPMT.

TIMING:

Board action is requested on May 11, 2010.

BACKGROUND:

As required under the Virginia Comprehensive Services Act (CSA), the Fairfax County Board of Supervisors and the Fairfax and Falls Church City Councils established a joint Community Policy and Management Team and appointed original members in October, 1992. Members include the Deputy County Executive for Human Services, one representative each from the Cities of Fairfax and Falls Church, the Directors of the Community Services Board, Juvenile and Domestic Relations District Court, (Court Services), Department of Health, Family Services, Office for Children, Community and Recreation Services, Systems Management, Administration for Human Services, two representatives of the Fairfax County Public Schools, one representative of the Falls

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Church City Schools, two representatives of private providers of children's and family's services, two community representatives and two parent representatives.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Sandy Porteous resume

Attachment 2: NOVACO Recommendation Letter

STAFF:

Patricia Harrison, Deputy County Executive

Board Agenda Item
May 11, 2010

ACTION – 1

Authorization to Utilize Treasurer's Collection Contract Authority to Pursue Delinquent Non-Tax Revenues and Charge Associated Collection Fees

ISSUE:

Board authorization to utilize the Treasurer's collection authority to contract with collection agents in the collection of non-tax delinquent revenue and to charge associated fees.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Director of Finance (Treasurer) to place delinquent non-tax accounts with a private collection agent and to recover the agent's collection fee from the person owing the charge to the County of Fairfax.

BACKGROUND:

As part of the FY 2010 Lines of Business (LOBs) Review, the Board has asked staff to review the possibility of other County agencies using the same collection contract currently utilized by the Department of Tax Administration (DTA). The benefit of this would be that under the Treasurer's authority, the private delinquent collection agent also would be able to pass on the collection fee, not to exceed 20 percent, to the person owing the delinquent payment. This procedure would effectively reduce costs for the County to collect fees.

In Fairfax County, the authority to pass on collection fees currently is shared only by the Department of Tax Administration and the Department of Finance (DOF). DTA has long utilized private collection agents; in addition, the Board further expanded this capability as part of the FY 2010 LOBs process. For tax accounts referred to the collection agent under DTA's contract, the delinquent taxpayers pay the 20 percent collection fee directly to the collection agent. However, this authority to pass on the collection fee exists only via a contract placed by DTA or DOF.

A number of agencies with non-tax receivables already use private collection agents, e.g., the Fairfax County Public Libraries and the School Age Child Care Program. However, because these contracts are not using the Treasurer's authority to collect fees, the County, not the delinquent person, ends up paying the collection agent's fees.

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Under Virginia Code §58.1-3934, the governing body is authorized to place delinquent taxes "or other charges," which have been delinquent for at least six months, with a local delinquent tax collector. Concurrently, Virginia Code §58.1-3958 allows the Board of Supervisors to pass on the delinquent collector's charges, not to exceed 20 percent of the charges so collected. (The 20 percent fee is paid by the delinquent person to the private collection agent.)

The adoption of this Board item will authorize County agencies to work with the Director of Finance to pass on the agent's collection fee to the collection agency in the collection of their receivables as may be appropriate.

FISCAL IMPACT:

It is anticipated that the use of the Treasurer's Collection Contract will reduce FY 2011 collection costs by at least \$150,000, distributed among the multiple participating agencies. This amount represents the fees that currently are being paid by agencies, which are using their own independent existing collection contracts.

ENCLOSED DOCUMENTS:

None.

STAFF:

Edward L. Long, Jr., Deputy County Executive
Victor L. Garcia, Director, Department of Finance
Kevin C. Greenlief, Director, Department of Tax Administration
Corinne N. Lockett, Assistant County Attorney, Office of the County Attorney

Board Agenda Item
May 11, 2010

ACTION - 2

Approval of the Adaptive Reuse Plan of the Former Lorton Reformatory and Penitentiary and Authorization for Staff to Proceed with Phase II of the Planning Process, Developer Negotiations (Mount Vernon District)

ISSUE:

Approval of the Laurel Hill Adaptive Reuse Plan and authorization for County staff to begin negotiations with The Alexander Company as the next step in the planning process for the former Reformatory and Penitentiary at Laurel Hill. Phase I of Request for Proposal 08-943415-40, consisting of planning and outreach activities, is completed. Phase II allows staff to begin developer negotiations for the purpose of defining roles and responsibilities for the future development of the site. Any negotiated development agreement must meet with Board approval.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Adaptive Reuse Plan and authorize staff to begin developer negotiations.

TIMING:

Routine.

BACKGROUND:

The Laurel Hill Adaptive Reuse Citizens Advisory Committee, in November 2004, released their "Recommendations for the Adaptive Reuse Areas Within Laurel Hill" and the Recommendations were accepted by the Board of Supervisors on December 6, 2004. The Board of Supervisors authorized an Out-of-Turn Plan Amendment in February 2005, and the Comprehensive Plan was amended in March 2006.

On August 31, 2007, the Department of Purchasing and Supply Management (DPSM) issued Request for Proposal (RFP) 08-943415-40 soliciting qualified firms to enter into a Public-Private Partnership contract for the planning and development of the Former Lorton Reformatory and Penitentiary, also known as the Laurel Hill Adaptive Reuse Area. In accordance with the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), DPSM sought qualified developers to prepare Phase I.

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The contract was awarded to The Alexander Company of Madison, Wisconsin, a development firm with experience in historic preservation and adaptive reuse. The Alexander Company worked with County staff, the Board-appointed Laurel Hill Project Advisory Citizens Oversight Committee (PAC), and citizen groups for an 18-month period to develop the Adaptive Reuse Plan for the site. Over 35 public meetings were held as part of the planning process. The Plan includes the adaptive reuse of the majority of the historic structures on site as well as new construction. The Adaptive Reuse Plan builds on the 2004 Recommendations by further refining the proposed land uses to include residential, retail, office, and open space (Attachment 1).

Upon completion of the Adaptive Reuse Plan, the County hired the firm of Alvarez + Marsel to independently review the Plan's financial assumptions and conclusions. This third-party review concluded that the Plan was based on reasonable market assumptions and reflected sound real estate fundamentals and decision making. However, a financial gap of between \$9 – 13 million exists for funding public infrastructure site costs for the project and must be closed for the project to proceed. The Alvarez + Marsel review identified possible tools and mechanisms for closing the gap that can be explored. Closing this gap will be the critical focus of the developer agreement negotiations, or Phase II of the RFP.

The Adaptive Reuse Plan was approved, with recommendations, by the Board-appointed PAC on December 16, 2009 (Attachment 2). The General Services Administration (GSA) reviewed the Plan, determined that the Plan is in conformance with the Corrected Quitclaim Deed and its provisions, and indicated no further GSA role.

Phase II of the RFP entails the Master Developer entering into Development Negotiations with the County to identify the required approvals, appropriate transition and transfer of assets, tasks, related costs, responsibilities, and schedules related to the development of the Adaptive Reuse Area.

With this Action Item, staff seeks the following actions by the Board of Supervisors: 1) approval of the Adaptive Reuse Plan, and 2) authorization to begin staff negotiations with The Alexander Company to achieve a development agreement to implement the Adaptive Reuse Plan.

The final development agreement will be structured to maximize the ability of the County to meet the historic preservation requirements of the Corrected Quitclaim Deed and the Memorandum of Agreement, while minimizing the financial burden on the County and providing for quality development in the Laurel Hill area. The final development agreement is subject to approval by the Board of Supervisors. Upon reaching a Board-approved development agreement, the development process will

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commence, to include a Comprehensive Plan Amendment and Rezoning with associated public hearings before the Planning Commission and Board of Supervisors.

Staff will apprise the Board of progress during the negotiations. If the County is unable to reach a satisfactory agreement with The Alexander Company, the RFP allows the County to re-solicit for other developers to implement the Adaptive Reuse Plan.

FISCAL IMPACT:

The Board has been requested to authorize staff to negotiate a Development Agreement between Fairfax County and the Alexander Company. The cost associated with this negotiation process is minimal and will be absorbed.

Staff will apprise the Board of Supervisors of the status of negotiations and will return to the Board at a future date for additional approvals and/or direction as negotiations proceed. The Board should be aware that due to non-market restrictions on allowable density and uses that do not allow for full for-profit development, a substantial gap in funding for the public improvements may result from the necessity to provide the internal public infrastructure for the site, including demolition and renovation of existing historic and non-revenue producing structures. Staff will attempt to minimize the expected shortfall and will explore options for financing the public improvements that will not impact the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Adaptive Reuse Plan for the Laurel Hill Adaptive Reuse Site

Attachment 2: Project Advisory Committee Recommendations

STAFF:

Robert Stalzer, Deputy County Executive

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

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

Chris B. Caperton, Laurel Hill Project Coordinator, DPZ

Leanna H. O'Donnell, Planner III, DPZ

Len Wales, County Debt Manager

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ACTION - 3

Approval of the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011; and, Approval of Section 108 Submissions to U.S. Department of Housing and Urban Development to Recover Costs Associated with Previously Approved and Completed Neighborhood Improvements and to Refinance

ISSUE:

Final action by the Fairfax County Board of Supervisors on the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011.

Authorization is also requested to submit a Section 108 Loan Application for \$6,535,000 to HUD for pre-award costs associated with neighborhood public infrastructure improvements previously approved by the Board. Authorization of the request to submit this Section 108 Loan Application requires approval by the Board to amend the Consolidated Plan One-Year Action Plan for FY 2010 to incorporate the proposed uses of funding and will utilize federal funds to reimburse interim County funding.

In addition, the Department of Housing and Community Development (HCD) has been notified by HUD that refinancing of 108 Loan #B-93-UC-51-001, Series 1996-A could result in a savings of approximately, \$19,000 per year in interest costs paid from the County's federal Community Development Block Grant (CDBG) allocation.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (1) adopt the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011 with funding allocations outlined below; and (2) authorize signature of the Consolidated Plan Certifications and Federal funding application forms (SF424s) required by HUD by May 14, 2010.

The County Executive also recommends that the Board (1) authorize submission of the Section 108 Loan Application described above and adopt the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2010 to incorporate the proposed funding uses; and (2) authorize refinancing of 108 Loan # B-93-UC-51-001, Series 1996-A.

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TIMING:

Board action is requested on May 11, 2010, 2010, in order to maintain the schedule for the Consolidated Plan process, which is included as Appendix C in the enclosed revised Proposed Consolidated Plan One-Year Action Plan for FY 2011, and to ensure timely submission of the Plans to HUD.

The Section 108 Loan Application cannot be submitted to HUD until it has received Board approval, as well as having been advertised in a local newspaper and been through a 30-day public comment period. The opportunity to comment on the proposed Section 108 Loan Application was advertised in a local newspaper, and the public comment period ended April 26, 2010. Following Board approval, the application will be submitted to HUD for approval and subsequent drawdown of funds for this project.

BACKGROUND:

About the Consolidated Plan: A Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011 (One-Year Action Plan for FY 2011) were issued by the Consolidated Community Funding Advisory Committee (CCFAC) for public review and comment. The Five-Year Consolidated Plan for FY 2011 - 2015 replaces the County's Five-Year Consolidated Plan for FY 2006-2010 which is in the fifth and final year that ends on June 30, 2010. The Five-Year Consolidated Plan for FY 2011-2015 is required for funding four federal programs: CDBG, HOME Investment Partnerships Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA).

- The proposed **Five-Year Plan** identifies a wide range of needs, current programs and strategies, and gaps and priorities for housing, community service, homeless, community development, neighborhood preservation and revitalization, employment and economic opportunity programs and services in the County. The Five-Year Plan also includes broad goals and objectives to address priority needs with the use of resources available through the Consolidated Plan.
- The proposed **One-Year Action Plan for FY 2011** contains the proposed uses of funding for programs to be implemented in the first year of the Five-Year Consolidated Plan for FY 2011-2015. An annual action plan is required by the HUD for the four federal programs: CDBG, HOME, ESG, and HOPWA. In addition, the document describes the Continuum of Care for homeless services and programs in the Fairfax community, and the Consolidated Community Funding Pool (CCFP). The Proposed Consolidated Plan One-Year Action Plan for FY 2011 includes the first year of the two-year funding cycle for the CCFP. The CCFP was established by the Board and provides funding for community-

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based programs by nonprofit organizations through a competitive solicitation process. The FY 2011 CCFP funding awards were made by the Board on April 27, 2010, subject to annual appropriations.

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

The Consolidated Plan and Fair Housing: Federal regulations issued by HUD governing the Consolidated Plan require jurisdictions to complete an analysis of impediments to fair housing choice. In June 1997, the Board of Supervisors adopted the Fairfax County Fair Housing Analysis of Impediments (AI). The Fairfax County Board of Supervisors adopted a Fair Housing Plan on July 26, 1999, to address impediments to fair housing choice within Fairfax County. The Board designated the Fairfax County Human Rights Commission as the agency responsible for implementation and oversight of fair housing activities initiated by Fairfax County.

Fairfax County's Human Rights Commission amended the County's Analysis of Impediments (AI); the amended AI was subsequently adopted by the Fairfax County Board of Supervisors on July 23, 2007. The One-Year Action Plan for FY 2011 includes follow-up activities to be conducted to address impediments to fair housing identified in the AI. A new AI, overseen by the County's Human Rights Commission, is currently being conducted and will be brought before the Board at a later date.

Consolidated Plan Funding Levels: The funding levels incorporated in the Proposed One-Year Action Plan for FY 2011 by the CCFAC and released for public comment were based on the funding levels of FY 2010 until formal notification from HUD of actual grant levels. Since the release of the Proposed One-Year Action Plan for FY 2011 for public comment, the County has received notification of actual grant levels. In the Proposed One-Year Action Plan for FY 2011, guidance was provided by the CCFAC regarding recommended funding allocations should the FY 2011 funding level be different from the FY 2010 level. The guidance states that, should the County's FY 2011 funding exceed the FY 2010 amount, the additional funds first would be allocated to projects that have percentage limitations attached to them, up to the limit allowed by HUD. These projects are the CDBG-funded Targeted Public Services, CDBG administrative projects, HOME administrative projects, and Community Housing Development Organization (CHDO) Set-Aside under HOME. Any additional funds will

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be distributed to projects consistent with the Fairfax County Housing Blueprint adopted by the Fairfax County Board of Supervisors. The Fairfax County Redevelopment and Housing Authority (FCRHA) also requested that additional funds be allocated to affirmatively further fair housing.

Fairfax County's award of CDBG funds for FY 2011 exceeds the FY 2010 amount by \$480,829. The additional funds were allocated per the CCFAC's guidance and are presented in Attachment 2, a revised Proposed One-Year Action Plan for FY 2011. Fairfax County's award of HOME funds for FY 2011 is \$15,045 less than its FY 2010 award, and the County's award of ESG funds for FY 2011 is \$1,210 less than FY 2010's award. These modifications are handled in the revised Proposed One-Year Action Plan for FY 2011 by 1) allocating the increase in CDBG funds to the Lincolnia Assisted Living Project and North Hill Project; 2) decreasing homeownership (Silver Lining Initiative) funding in HOME; and 3) decreasing ESG overall by the reduced amount. Based on a request from County agencies that directly administer the ESG, the Katherine K. Hanley Family Shelter has been added to the shelters proposed to receive ESG funding for FY 2011.

Total entitlement funding anticipated of \$9,598,513 has been recommended in this item: for CDBG – Fund 142 (\$6,463,133), HOME – Fund 145 (\$2,692,612), ESG (\$262,768), and HOPWA (\$180,000 estimated). In addition, reallocated funds of prior year monies of \$70,000 have also been recommended as well as total program income anticipated of \$376,000: for CDBG – Fund 142 (\$330,000) and HOME – Fund 145 (\$46,000).

The use of funds identified in the revised Proposed One-Year Action Plan for FY 2011 is summarized below. A description for each activity is provided in the attached revised Proposed One-Year Action Plan for FY 2011.

<u>CDBG Funds</u>	<u>FY 2011 Grant</u>	<u>Reallocated Prior Year Funds</u>	<u>Total</u>
Payments on Section 108 Loans	\$1,488,938		\$ 1,488,938
Home Repair for the Elderly Program Relocation Program/ Homeownership Initiatives	\$ 315,937		\$ 315,937
Homeownership Program	\$ 296,560		\$ 296,560
Fair Housing	\$ 408,674		\$ 408,674
Planning (Programs and Compliance)	\$ 57,514		\$ 57,514
General Administration	\$ 475,921		\$ 475,921
Affordable Housing Fund (Consolidated Community Funding Pool)	\$ 677,791		\$ 677,791
Targeted Public Services - CCFP	\$1,113,445		\$ 1,113,445

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(@maximum 15% of CDBG grant)	\$ 969,469		\$ 969,469
Affordable Housing Preservation/ Workforce Housing		\$ 70,000	\$ 70,000
Senior/Disabled/Homeless Housing	\$ 146,342		\$ 146,342
Lincolnia Assisted Living	\$ 156,271		\$ 156,271
North Hill Project	\$ 156,271		\$ 156,271
Neighborhood Revitalization Neighborhood		(\$ 70,000)	(\$ 70,000)
Rehabilitation of FCRHA Properties	<u>\$ 200,000</u>		<u>\$ 200,000</u>
TOTAL	\$6,463,133	\$0	\$ 6,463,133

<u>HOME Funds</u>	<u>FY 2011 Grant</u>	<u>Reallocated Prior Year Funds</u>	<u>Total</u>
Silver Lining Initiative	\$1,339,191		\$ 1,339,191
Tenant Based Rental Assistance (TBRA) Homeless Prevention & Elderly	\$ 245,584		\$ 245,584
TBRA - Partnership for Permanent Housing and Homeless	\$ 232,048		\$ 232,048
CHDO Set-Aside	\$ 605,025		\$ 605,025
HOME Administration	\$ 246,337		\$ 246,337
Fair Housing	<u>\$ 24,427</u>		<u>\$ 24,427</u>
TOTAL	\$2,692,612	\$0	\$ 2,692,612

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

Emergency Shelter Grant (ESG) **\$ 262,768**

Housing Opportunities for Persons with AIDS (HOPWA) - Estimated **\$ 180,000**

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

The funding available through the CCFP is allocated bi-annually through a competitive Request for Proposals process. The County Executive appoints a Selection Advisory

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Committee of citizens to review and rank applications received and make funding recommendations to the Board, which makes the final project funding awards. The One-Year Action Plan for FY 2011 will cover the first year of projects for the two-year funding cycle (FY 2011 – 2012). The Board made final awards for FY 2011 with action on the annual County budget.

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

*CDBG Affordable Housing Funds	\$ 1,113,445
*CDBG Targeted Public Services Funds	\$ 969,469
**Federal and State Community Services Block Grant (CSBG) Funds	\$ 390,157
**County General Funds	<u>\$ 8,580,530</u>
Total Proposed CCFP Funding:	\$11,053,601

*CDBG Affordable Housing Funds and CDBG Targeted Public Services Funds totaling \$2,082,914 are available for the CCFP and are a part of the total \$6,463,133 in FY 2011 CDBG funds incorporated in the revised Proposed One-Year Action Plan for FY 2011.

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

Public Participation in the Consolidated Plan Process: During the development of the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011, three public input forum meetings/public hearings were held on three separate dates (October 28 and 29, 2009 and November 6, 2009), at three different locations (Reston Community Center, South County Government Center, and Fairfax County Government Center). The forums covered three broad areas: Affordable Housing, Homeless and Special Needs Populations, and Community and Economic Development.

Citizen input on housing, community development, and needs for services to be provided by community-based organizations was also received at a public hearing held by the CCFAC on December 8, 2009. The priority needs set by the CCFAC and approved by the Board of Supervisors take into consideration comments from the public along with suggestions from housing advocacy groups, the Affordable Housing Advisory Committee, and the FCRHA, and other stakeholders.

In accordance with the Board-adopted Citizen Participation Plan for the Consolidated Plan process, the Plans were made available and were circulated for review and comment by citizens, service providers and other interested parties during the formal public comment period which ended with a public hearing at the Board of Supervisors

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on April 27, 2010. Following the public hearing and the public comment period, the Proposed Five-Year Consolidated Plan for FY 2011-2015 and Proposed Consolidated Plan One-Year Action Plan for FY 2011 were revised and are being forwarded to the Board in this Item for final action on May 11, 2010.

Next Steps on Consolidated Plan Public Comments: At the Public Hearing conducted by the Board of Supervisors on April 27, 2010, comments were received that are worthy of consideration but require further analysis.

The Community Services Board (CSB) recommended that specific data related to the special needs populations served by CSB be incorporated into the Consolidated Plan. This information is substantially included in the Five-Year Plan (page 66), but at a five-year level, rather than 10 year level as suggested by CSB. Since the Consolidated Plan reflects a five year horizon, it would appear appropriate to not change the five year data.

The CSB also recommended that the Board of Supervisors should secure maximum allocation of federal and other housing and human resources referenced in the Consolidated Plan. This is already incorporated in the Plan and it is the intent of HCD and other County agencies to pursue federal and other funding to the greatest extent possible. For example, the FCRHA will apply for a special allocation of vouchers for persons with disabilities in July.

The CSB as well as the Disability Services Board (DSB) suggested that the Deputy County Executive for Human Services utilize the inter-agency/community Housing Options Committee to develop recommendations to improve communication, outreach and accommodations for persons with disabilities. It should be noted that some improvements have been completed (offering third party notification for both applicants and program participants) and many are underway (including inter-agency agreements between HCD, CSB, the Department of Family Services (DFS) and the Office to Prevent and End Homelessness (OPEH). This recommendation will be fully pursued by the Deputy County Executive and the Housing Options Committee with a report and recommendations to the Board's Housing Committee forthcoming later in the year. The Deputy County Executive will also appoint a representative of the DSB to the committee.

DFS suggested that 10 percent of the funding for the Blueprint be made available to provide housing for those with physical or sensory disabilities. This recommendation will be accommodated and will be incorporated in the Bridging Affordability Program – a draft of which will be reviewed at the next Board Housing Committee meeting. In addition, both DSB and CSB recommended a broader policy, increasing the percent of accessible housing from a 5 percent HUD threshold to 10 percent. This suggestion reflects an important policy change but one with potentially significant cost and

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feasibility considerations and should be considered in more depth by the Deputy County Executive and affected agencies.

It is the intent of the Deputy County Executive and the Human Services agencies to fully consider the recommendations, complete a more in-depth analysis, seek the input of the inter-agency/community Housing Options Committee and return with a recommendation to the Board's Housing Committee. Amendments to the Consolidated Plan at a later date may result.

About Section 108 Loans: Section 108 is the loan guarantee provision of the federal CDBG program. It provides communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects. The principal security for the loan guarantee is a pledge by the applicant public entity of its current and future CDBG funds. Additional security requirements may also be required to assure repayment of guaranteed obligations. The maximum repayment period for a Section 108 loan is twenty years. HUD has the ability to structure the principal amortization to match the needs of the Project and the borrower. Each annual principal amount will have a separate interest rate associated with it.

Section 108 Loan for Pre-Award Costs Related to Neighborhood Public Improvements: Upon approval of the Loan Application by the Board and HUD, \$6,535,000 in loan funds will be made available to reimburse the County as pre-award costs for eligible costs incurred on projects previously approved by the Board and completed in the construction of neighborhood public infrastructure improvements in the Bailey's and James Lee Conservation Areas, located in the Bailey's Crossroads and Falls Church areas of the County, and in the Fairhaven, Gum Springs, and Jefferson Manor Conservation Areas, located in the southern part of the County. The Loan would be repaid using annual Community Development Block Grant funds and would be for a term of up to 20 years as usually allowed under HUD Section 108 policies. Sufficient funding from the CDBG funds is available.

While the debt service is fully paid from CDBG, HUD does require the County to provide a guarantee from the County should CDBG funds no longer be appropriated. This guarantee was previously approved by the Board and would continue for 20 years. CDBG has been funded continuously by Congress for over 30 years.

In this application, the County will request an exception to the regulation that funding for pre-award costs may be awarded if the total amount of pre-award costs to be paid during any program year is no more than the greater of 25 percent of the amount of the CDBG award for that year or \$300,000. If the exception and Section 108 Loan Application are approved, this will allow the neighborhood improvement projects to be

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fully funded using federal funds.

For substantive amendments to the Consolidated Plan, in accordance with the County's Citizen Participation Plan, public notice is to be given before the Board of Supervisors takes action and public notice has been given regarding the Section 108 Loan Application and the proposed amendment to the Consolidated Plan One-Year Action Plan for FY 2010 as described above. The amendment was publicly advertised for 30 days prior to consideration of this item by the Board of Supervisors to allow time for public comment. The notice for the proposed amendment to the Consolidated Plan was published on March 27, 2010 in *The Washington Post* newspaper.

Refinancing of Existing Section 108 Loan: In 1996, Fairfax County obtained a Section 108 Loan in the amount of \$500,000 to fund the reconstruction of the Washington Plaza area in the Lake Anne community of Reston. This loan is currently scheduled to be repaid in full on August 1, 2015. HUD has offered Fairfax County the opportunity to refinance this loan at a substantially lower interest rate. The refinanced loan would be for same period as the present loan, five (5) years, and would be repaid in full on August 1, 2015, the same date as the current loan. HUD estimates that the refinancing would result in a savings to Fairfax County of approximately \$19,000 in interest charges.

FISCAL IMPACT:

Total entitlement funding anticipated of \$9,598,513 has been recommended in the One-Year Action Plan for FY 2011 portion of this item: for CDBG – Fund 142 (\$6,463,133), HOME – Fund 145 (\$2,692,612), ESG (\$262,768), and HOPWA (\$180,000 estimated). In addition, reallocated funds of prior year monies of \$70,000 have also been recommended as well as total program income anticipated of \$376,000: for CDBG – Fund 142 (\$330,000) and HOME – Fund 145 (\$46,000).

Funding for the HOPWA Program is estimated and actual funding will depend on the final allocation made available to Northern Virginia jurisdictions through the Northern Virginia Regional Commission and the District of Columbia, recipient of the funds. The CSBG and County General Funds for the CCFP are based on the FY 2010 County budget and will be revised subject to the final federal entitlement amounts for the CSBG program and the appropriation of local General Funds by the Board for FY 2011. Regarding the Section 108 Loan Application, \$6,535,000 will be made available under the program and will be repaid using a portion of the County's annual allocation of CDBG funds. A schedule of estimated repayment amounts and dates is provided in Attachment 1 (Proposed Section 108 Loan Application).

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ENCLOSED DOCUMENTS:

Attachment 1: Proposed Section 108 Loan Application

The Proposed Five-Year Consolidated Plan for FY 2011-2015 and the Proposed One-Year Action Plan for FY 2011 (Delivered separate from package and available online at <http://www.fairfaxcounty.gov/rha/consolidatedplanshomepage.htm>)

STAFF:

Patricia D. Harrison, Deputy County Executive

Paula C. Sampson, Director, HCD

John Payne, Deputy Director, Real Estate and Development, HCD

Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD

Audrey Spencer-Horsley, Associate Director, Grants Management, HCD

Thomas E. Fleetwood, Strategic Planner, HCD

Stephen E. Knippler, Senior Program Manager, Grants Management, HCD

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ACTION – 4

Authorization of Payment to the Virginia Department of Transportation (VDOT) from the Route 28 Project Completion Fund

ISSUE:

Board approval to release \$9,308,995.93 from the Route 28 Improvements Project Completion Fund, authorized under the Route 28 Highway Transportation Improvements District agreements, to provide VDOT the resources needed to cover project expenses for the Route 28 Phase II Project Improvements. This action has been requested by the Route 28 Tax District Commission.

RECOMMENDATION:

The County Executive recommends that the Board approve the release of \$9,308,995.93 from the Route 28 Improvements Project Completion Fund for Route 28 Phase II Project Improvements.

TIMING:

Board action is requested on May 11, 2010, so that VDOT can proceed with necessary contract amendments to allow work on the Route 28 Phase II Project Improvements to be completed.

BACKGROUND:

On February 2, 2010, VDOT notified the Route 28 Tax District Commission that there was an anticipated budget shortfall of approximately \$12.8 million to complete the Route 28 Phase II Project Improvements (a package of the ten interchanges in Fairfax and Loudoun Counties). In keeping with the 75 percent Tax District / 25 percent Commonwealth funding split that has been previously established, VDOT requested that the Route 28 District Commission pay \$9,308,995.93 from the Route 28 Tax District Project Completion Fund to cover the project shortfall. VDOT staff explained that this shortfall was primarily due to the higher than anticipated right-of-way costs associated with the interchanges.

On March 18, 2010, the Route 28 Highway Transportation Improvement District Commission held its annual meeting and considered the VDOT request. The Commission unanimously recommended that the Fairfax County and Loudoun County Boards of Supervisors authorize payment of \$9,308,995.93 to VDOT from the Project

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Completion Fund for the Route 28 Phase II Project Improvements shortfall. As part of this action, the District Commission also decided that any future payment requests for Phase II would be reevaluated in calendar year 2011 with the goal of trying to maintain the district tax rate at \$0.18 per \$100 valuation.

The Fairfax and Loudoun County Boards of Supervisors are being asked to endorse the action of the Route 28 Tax District Commission regarding this payment.

The Loudoun County Board of Supervisors approved this request on May 4, 2010.

FISCAL IMPACT:

There is no fiscal impact to Fairfax County as a result of this request. Funding is available in the Route 28 Project Completion Fund. This Fund is supported by excess Route 28 Highway Improvements Tax District tax revenues not required to pay debt service, or to replenish the Rate Stabilization Fund. An amount of \$29.4 million is available in the Project Completion Fund (as of March 31, 2010).

ENCLOSED DOCUMENTS:

Attachment 1: Letter from the Virginia Department of Transportation dated February 2, 2010

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Leonard Wales, County Debt Manager
Bob Owolabi, FCDOT

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ACTION - 5

Approval of a Project Agreement for the Environmental Analysis and Documentation of Roadway Improvements on Richmond Highway (Mount Vernon District)

ISSUE:

Board approval to execute a project agreement (Attachment I) with the Federal Highway Administration to undertake the environment analysis and complete the environmental documentation required for improving access to the U.S. Army Hospital under construction at Fort Belvoir. The access improvement to be considered is the widening of U.S. Route 1 (Richmond Highway) from the Fairfax County Parkway to Mount Vernon Memorial Highway. Funding for this project is included in Project R00101, Route 1 Widening - Design, in Fund 124, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board approve the project agreement in substantial form, including \$750,000 in commercial and industrial property tax funding for all the activities related to the coordination and preparation of federal environmental documentation.

TIMING:

Board approval is requested on May 11, 2010, so that the project can move forward as expeditiously as possible, since the hospital is under construction and will open in 2011.

BACKGROUND:

In 2005, the Base Realignment and Closure (BRAC) Commission recommended changes to a variety of military bases nationwide. As part of their recommendations, the Walter Reed Army Hospital in Washington, D.C. will be combined with Fort Belvoir's DeWitt Army Community Hospital at Fort Belvoir. All of the BRAC recommendations are due to be implemented by 2011. The new hospital is under construction, and will be substantially larger than DeWitt Hospital. As a result, significant roadway improvement must be made around Fort Belvoir to accommodate the additional traffic to the hospital.

Congressman Moran has secured \$150 million in U.S. Department of Defense funding to facilitate improvement on Richmond Highway. The environmental work to support the design must begin prior to the availability of Department of Defense funding for

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construction. The grant agreement covers this environmental work. The work will be undertaken by the Federal Highway Administration (FHWA).

FISCAL IMPACT:

County funds are available for this environmental work. On July 13, 2009, the Board of Supervisors approved the use of \$3 million in FY 2009-FY 2012 Commercial and Industrial property tax funds for Richmond Highway Widening design work. Of this amount, FY 2010 funds of \$970,000 (for the segment from Fairfax County Parkway to Mount Vernon Memorial Highway) are currently available in Project R00101, Route 1 Widening - Design, in Fund 124, County and Regional Transportation Projects. This amount includes \$220,000 for County-led design and survey work and \$750,000 for FHWA to conduct the necessary environmental analysis and documentation under this agreement. The balance of Board approved project design funds will be applied to other portions of this project and will be budgeted at a future quarterly review.

ENCLOSED DOCUMENTS:

Attachment I – Memorandum of Agreement between the United States Department of Transportation, Federal Highway Administration and the County of Fairfax, Virginia.

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen F. M. Posner, Assistant County Attorney
Larry Ichter, Chief, Transportation Design Division, FCDOT
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Mark Canale, Base Realignment and Closure (BRAC) Coordinator, FCDOT
Jay Guy, Senior Transportation Planner, Coordination and Funding Division, FCDOT
Otto Clemente, Senior Transportation Planner, Coordination and Funding Division, FCDOT
Khalid Salahuddin, Transportation Design Division, FCDOT

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ACTION – 6

Approval of Interjurisdictional Solid Waste Facility Use Agreement Between Fairfax County and Prince William County

ISSUE:

Since 1993, Fairfax County and Prince William County have had in place a solid waste facility use agreement, commonly referred to as the Trash Trade Agreement. The term of the most recent agreement has reached its end and a new agreement is required.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve entering into an agreement between Fairfax County and Prince William County regarding solid waste disposal, substantially in the form of the attached agreement.

TIMING:

Immediate.

BACKGROUND:

Under the terms of the agreement, Fairfax County is able to utilize the Prince William County landfill to meet our backup disposal needs, as well as its yard waste processing facility. In exchange, Prince William County solid waste collectors have access to the I-95 Energy/Resource Recovery Facility (E/RRF).

The current version of the agreement has reached the end of its term. The agreement remains a valuable tool, managing about half of the County's yard waste which is critical to meeting the state mandated recycling requirement, and providing a close disposal alternative which can be accessed on a moments notice should a problem occur at the E/RRF. This arrangement is also identified as an element of our Solid Waste Management Plan.

The terms of the agreement remain valid, so the agreement will be extended in its current form for an additional five-year period, with automatic annual extensions beyond the initial term. The only other change is the updating of contact information.

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FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Interjurisdictional Solid Waste Facility Use Agreement

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery

ACTION – 7

Approval of Parking Reduction for Avalon at Park Crest (Providence District)

ISSUE:

Board approval of an 18.7 percent reduction of the code required parking, which is a reduction of 106 parking spaces, for Avalon at Park Crest, Tax Map reference number 29-4 ((7)) A6, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board approve an 18.7 percent parking reduction for Avalon at Park Crest, pursuant to paragraphs 5 and 26 of Section 11-102 of Chapter 112 (Zoning Ordinance) of the *Code of the County of Fairfax, Virginia*, based on an analysis of the parking requirements for the proposed use on the site and a parking reduction study on condition that:

1. There shall be a maximum of 354 residential dwelling units.
2. A minimum of 460 parking spaces plus any additional spaces that may be required under condition #3 below must be maintained at all times to serve the 354 residential dwelling units.
3. The following mix of units are allowed for the minimum 460 parking spaces:
 - 266 one bedroom or studio units
 - 88 two bedroom units

In the event the mix of units changes, one additional parking space shall be provided for each additional two bedroom unit.

4. The Transportation Demand Management (TDM) program proffered in conjunction with the approval of PCA 2002-PR-016-2 must be implemented.
5. The current owners, their successors or assigns of the parcel identified as Fairfax County Tax Map #29-4 ((7)) A6, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.

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6. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
7. All parking provided shall be in accordance with applicable requirements of Article 11 of Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
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 May 11, 2010.

BACKGROUND:

This parking reduction is associated with PCA 2002-PR-016-2 scheduled for public hearing today at 3:30 p.m. The proposed PCA would provide a single six-story building, with 354 residential units, in lieu of two thirteen-story buildings on the parcel of land identified as Tax Map #29-4 ((7)) A6, located in the northwest quadrant of the WestPark Drive/Park Run Drive intersection in Tysons Corner. The site is slightly more than 1/2 mile from the proposed Tysons Central 7 Metro Station and approximately 1/3 of a mile from the existing Tyson – Westpark Transit Station.

The applicant is requesting an 18.7 per cent reduction (106 spaces) in the required parking of 566 spaces (1.6 spaces per dwelling unit) for the proposed 354 unit residential building. The applicant proposes to provide a minimum of 460 spaces which results in a ratio of 1.3 spaces per dwelling unit. This parking ratio is consistent with the recommendations for non-transportation oriented development in the *Transforming Tysons – Tysons Corner Urban Center Areawide and District Recommendations Draft Plan Amendment* and the proposed Zoning Ordinance amendment to establish the Planned Tysons Corner Urban District. The applicant is proposing 266 one bedroom or studio units and 88 two bedroom units. Per the draft Tysons Plan amendment and the proposed Zoning Ordinance amendment, a minimum of 412 spaces and a maximum of 522 spaces are recommended. The minimum 460 spaces proposed falls in the middle of this range. It is also noted that 460 spaces will provide one space per bedroom.

Based on review of the parking study, proximity of the site to the proposed Tysons Central 7 Metro Station and the existing Tysons – Westpark Transit Station, the consistency of the requested reduction with both the draft Tysons Plan amendment and proposed Zoning Ordinance amendment, and the Transportation Demand Management Program proffered with PCA 2002-PR-016-2, staff recommends granting an 18.7 percent reduction from code

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required parking for the proposed residential use subject to the conditions listed in the Recommendation Section above.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Letter of Request for a Parking Code Reduction from Jami L. Milanovich, Wells and Associates, dated March 1, 2010

Attachment II – Excerpt of Parking Reduction Study by Wells and Associates dated February 26, 2010 (Full Study available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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ACTION - 8

Approval of the Development, Acquisition and Financing Agreement and Memorandum of Understanding with the Mosaic District Community Development Authority, Eskridge (E & A), LLC, and Eskridge Properties (E & A), LLC

ISSUE:

Board approval of the Development Agreement for the Mosaic Community Development Authority (CDA) that further details the arrangement between the CDA, County and developer for the Mosaic at Merrifield mixed use development consistent with terms and conditions contained in the previously approved Memorandum of Understanding.

RECOMMENDATION:

The County Executive recommends that the Board approve the Development Agreement and the MOU and authorize him to execute them on behalf of the County.

TIMING:

Approval of this item is a prerequisite for subsequent actions that will culminate in the offering of bonds for the public improvements to be constructed in association with the development, and for the subsequent construction of those public improvements. The schedule for the project indicates that construction of the project will commence in June, 2010, and that bonds will be sold in the late summer or fall of 2010.

BACKGROUND:

On October 15, 2007, The Board of Supervisors approved RZ 2005-PR-041, a request by Edens & Avant to rezone 31.31 acres of land to the PDC and PRM Districts in order to develop the portion of Merrifield designated as the town center in the Comprehensive Plan. The site is located south of Lee Highway/Rt. 29, west of Yates Way, east of Eskridge Road and north of the Luther Jackson Middle School. The project was approved for approximately 1000 dwelling units, a multi-plex theatre, 125,000 square feet of office space, 500,000 square feet of other non-residential uses and a 150 room hotel. Among the improvements are two parks, the realignment and widening of Eskridge Road, the widening of Lee Highway, improvements to the Lee Highway/Gallows Road intersection and construction of a grid of streets. Virtually all parking will be provided in structures.

Early in 2007, Edens & Avant requested that the County consider the establishment of a CDA and to permit the CDA to issue bonds in order to assist in the funding of the public infrastructure associated with the project. County staff and the County's consultants – MuniCap, Inc. and Public Financial Management (PFM) – evaluated the information

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submitted by Edens & Avant and negotiated terms and conditions of a CDA with them that were memorialized in the Memorandum of Understanding (MOU). That MOU has been updated to reflect occurrences since its approval by the Board in 2009; the updated MOU is contained in Attachment 1. Among other things, the MOU provides for:

- Funding of a 30 million dollar portion of the public facilities to be constructed on the site through a 30 year bond to be issued by the CDA whose debt service will be paid by a self assessment.
- Funding of a 42 million dollar portion of the public facilities to be constructed on the site (road improvements, parks, and a small portion of the parking garage) through a 22 year bond also issued through the CDA whose debt service will be paid through incremental real estate tax revenues. Liability for the debt service will be secured by the CDA, not the County.

On April 27, 2009, the Board created the Mosaic District CDA, pursuant to the provisions of Title 15.2, Chapter 51 of the Code of Virginia 1950, as amended; on April 27, 2010, the Board adopted certain amendments to the Ordinance that created the CDA.

The MOU requires certain actions as a prerequisite to the issuance of bonds. Among these is execution of a Development Agreement (Attachment 2) among the parties that sets out in more specific terms performance standards and expectations related to the funding and construction of the public facilities. These include such things as the construction budget and documentation process, insurance provisions, representations, warranties, and covenants of the parties, defaults and remedies, and indemnification by the developer.

Prior to the Board's establishment of the CDA and agreement on the MOU, the developer submitted financial information to confirm that the project would not occur without the requested assistance - the "but for" test. Also evaluated was how much the County could afford while still receiving an adequate return on the project, and what can the projected revenues could support. The fundamental analysis consisted of determining the base value, which is the pre-rezoning 2007 assessed value (approximately 38 million dollars) and subtracting that from the projected assessed value after development (approximately 483 million dollars), resulting in an incremental assessed value of approximately 445 million dollars. Projections were then made as to yearly real property revenues above the base value, less debt service for the bond, which results in an increase in real property taxes of approximately \$966,000 per year. When revenues from other sources, such as BPOL and personal property, are added, annual net County revenues amount to approximately \$7.2 million per year, which, when additional operating expenses are subtracted, leaves a net surplus to the County of approximately \$4.8 million per year, or \$248 million over a 30 year period. Other tangible impacts, such as added employment and wages, and intangible benefits, including the creation of the town center and the impetus for additional development in Merrifield, provide additional benefits as a result of the creation of the CDA with the ability to issue the bonds as described previously.

The developer submitted updated numbers which were evaluated by MuniCap. Additionally,

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Municipal reviewed and updated assessed values based on current market conditions. Due to the recent decline in assessed values, the overall projected assessed value for the development decreased from approximately \$483 million to \$351 million. After deducting the base value, the incremental assessed value was reduced from \$445 million to \$312 million.

On Thursday, April 29, 2010, the Board of the Mosaic Community Development Authority approved the Development Agreement.

FISCAL IMPACT:

Based on the revised development and assessed valuation assumptions, and assuming no change in the fiscal impact analysis assumptions, the development is projected to generate a net surplus to the County of approximately \$2.85 million per year, or \$159.7 million over a 30 year period.

Note: Financial impacts are shown before impacts of inflation, except the projected impacts over 30 years, which do include inflation of three percent per year.

ENCLOSED DOCUMENTS:

Attachment 1: MOU

Attachment 2: Development Agreement

(All attachments to be delivered under separate cover)

STAFF:

Anthony H. Griffin, County Executive

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

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

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INFORMATION - 1

Contract Award – Huntley Historic Site – Restoration/Renovation of the Manor House and Historic Out Buildings (Lee District)

Thirteen (13) sealed bids for the restoration/renovation of the manor house and historic out buildings, and related site improvements at the Huntley Historic Site, in Project 475098, Natural and Cultural Resource Facilities; in Project 476204, Building New Construction; and in Project 475008, Stewardship, all in Fund 370, Park Bond Construction, were received and opened on March 3, 2010, as detailed in Attachment 1.

This project is included in the FY 2010 – FY 2014 Adopted Capital Improvement Program.

During the post-bid qualification review, staff in consultation with the County Attorney's Office determined that the three (3) lowest bidders did not satisfy the contractor's experience and qualification requirements and were determined to be non-responsible. Therefore, the lowest responsible bidder was Grunley Construction Company, Inc., of Rockville, Maryland. Their bid in the amount of \$1,325,000 is \$605,000, or 31.3% below the Engineer's Estimate of \$1,930,000 (Attachment 2) and \$18,000 below the next lowest bidder.

Based on their financial capability and construction experience, Grunley Construction Company, Inc. is considered to be a responsible contractor and holds an active Virginia Class A Contractor's license.

The Department of Tax Administration has verified that Grunley Construction Company, Inc. has the appropriate Fairfax County Business, Professional, and Occupational License (BPOL).

On April 28, 2010, the Fairfax County Park Authority Board approved the contract award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Grunley Construction Company, Inc. in the amount of \$1,325,000.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$1,763,250 is necessary to award this contract and to fund the associated contingency, administrative costs and

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other project-related costs. Based on encumbrances and expenditures to date, funding is currently available in the amount of \$166,472 in Project 475098, Natural and Cultural Resource Facilities; \$50,000 in Project 476204, Building New Construction; and \$1,546,778 in Project 475008, Stewardship, all in Fund 370, Park Bond Construction, for a total of \$1,763,250 to award this contract and to fund the associated contingency, administrative costs and other project related costs. It is anticipated that a National Park Service, "Save America's Treasures Grant" will provide an additional \$100,000 to fund construction. When the grant funding is received it will be applied to Project 475008, Stewardship.

ENCLOSED DOCUMENTS:

Attachment 1: Bid Results

Attachment 2: Engineer's Estimate

STAFF:

Robert A. Stalzer, Deputy County Executive

John W. Dargle, Jr., Director, Fairfax County Park Authority

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11:30 a.m.

Matters Presented by Board Members

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12:20 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. Claim by Gant Redmon of Redmon, Peyton and Braswell, L.L.P., on Behalf of Norma Bostick Hartwell, Ann Bostick, Warren Bostick, and Wycliffe on the Potomac Homeowners Association, Inc. (Mount Vernon District)
 - 2. Request for Information by the United States Department of Justice, Civil Rights Division, Concerning the County's Compliance with the 1982 Consent Decree
 - 3. Department of Justice Audit of County Buildings and Programs for Compliance with the Americans with Disabilities Act
 - 4. *Louise Root v. County of Fairfax, et al.*, Case No. 2008-1735 (U.S. Ct. of App. for the Fourth Cir.)
 - 5. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Record No. 100260 (Va. Sup. Ct.)
 - 6. *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)
 - 7. *Kenneth R. Andersen v. Fairfax County*, Case No. CL-2010-0002395 (Fx. Co. Cir. Ct.) (Hunter Mill District)

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8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chalmer G. Dunbar*, Case No. CL-2006-0007489 (Fx. Co. Cir. Ct.) (Mount Vernon District)
11. *L. Ray Pylant, Building Official for Fairfax County, Virginia, in His Capacity as Property Maintenance Code Official for Fairfax County, Virginia v. Spring Hill Seniors, LLC*, Case No. CL-2010-0002925 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *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)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. MY West Spring Plaza, LLC*, Case No. CL-2006-0003805 (Fx. Co. Cir. Ct.) (Springfield District)
14. *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)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane S. Whitney, Edward N. Whitney, Arthur M. Whitney, Pamela V. Whitney, Rhonda L. Whitney, Candace Alexander, and Jeanette Alexander*, Case No. CL-2007-0005644 (Fx. Co. Cir. Ct.) (Providence District)
16. *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)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter L. Johnson, Lloyd K. Johnson, and Virginia M. Johnson*, Case No. CL-2009-0010551 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yong Ho Kwon and Kristi L. Karls*, Case No. CL-2009-0010821 (Fx. Co. Cir. Ct.) (Mason District)

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19. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Melba B. Clarke, Case No. CL-2009-0016978 (Fx. Co. Cir. Ct.) (Mason District)*
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manuel Zapata Ledezma, Grober Olivera Castro, and Roxana Flores Romero, Case No. CL-2009-0013021 (Mason District)*
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Argueta, Case No. CL-2009-0017349 (Fx. Co. Cir. Ct.) (Sully District)*
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. George T. West and Ingrid E. Gendell, Case No. CL-2009-0014809 (Fx. Co. Cir. Ct.) (Mason District)*
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Azhar Iqbal, Case No. CL-2010-0001666 (Fx. Co. Cir. Ct.) (Sully District) (Strike Team Case)*
24. *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)*
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Clarence N. Cichy, II, Case No. CL-2009-0016343 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)*
26. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph J. Dunn, Case No. CL-2010-0002477 (Fx. Co. Cir. Ct.) (Lee District)*
27. *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)*
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Ramos Pinto and Marisol Pinto, Case No. CL-2009-0016596 (Fx. Co. Cir. Ct.) (Providence District)*
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gilbert Rojas, a/k/a Gilberto Rojas, Case No. CL-2009-0008425 (Fx. Co. Cir. Ct.) (Lee District)*

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30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz*, Case No. CL-2009-0016279 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team/BNV Case)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor I. Garcia and Sandra Arze*, Case No. CL-2010-0005026 (Fx. Co. Cir. Ct.) (Mason District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phuong H. Ngo and Thien D. Nguyen*, Case No. CL-2010-0005427 (Fx. Co. Cir. Ct.) (Mason District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan R. Chicas*, Case No. CL-2010-0005599 (Fx. Co. Cir. Ct.) (Lee District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Harry R. Crouch and Nena E. Crouch*, Case No. CL-2010-0005600 (Fx. Co. Cir. Ct.) (Springfield District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Brian Richard Bartunek and Sharon C. Bartunek*, Case No. CL-2010-0005678 (Fx. Co. Cir. Ct.) (Springfield District)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shuren Ma*, Case No. CL-2010-0005707 (Fx. Co. Cir. Ct.) (Mason District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kee Cho Han and Ae Young Han*, Case No. CL-2010-0005706 (Fx. Co. Cir. Ct.) (Mason District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Armulfo Argueta and Rosa Isabel Crick*, Case No. CL-2010-0005805 (Fx. Co. Cir. Ct.) (Mason District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Vivian L. Schultz*, Case No. CL-2010-0006026 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alejandro J. Sanabria*, Case No. CL-2010-0006025 (Fx. Co. Cir. Ct.) (Lee District)

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41. *Karen Rompalo v. Fred Ellis*; Case No. GV10-001886 (Fx. Co. Gen. Dist. Ct.)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bong R. Suh*, Case Nos. 10-0002840 and 10-0002841 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio C. Torres Martinez and Luis A. Cruz*, Case Nos. 10-0007440 and 10-0007439 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Emmanuel T. Arcenas and Gina D. Arcenas*, Case Nos. 10-0004490, 10-0004533, and 10-0007350 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Iglesia De Dios Pentecostal Esmirna, Inc.*, Case Nos. 10-0004099 and 10-0006617 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Alvin B. Owens*, Case Nos. 10-0009610 and 10-0009611 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
47. *Board of Supervisors of Fairfax County, Virginia v. CCI Herndon SA, LLC*, Case No. CL-2009-0005253 (Fx. Co. Cir. Ct.) (Sully District)

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3:30 p.m.

Public Hearing on PCA 2002-PR-016-02 (Park Crest SPE Phase, I, L.L.C.) to Amend the Proffers for RZ 2002-PR-016 Previously Approved for Mixed Use Development to Permit Residential and Retail Development and Associated Modifications to Proffers and Site Design With an Overall Floor Area Ratio of 3.0 and a Maximum of 1,354 Multi-Family Dwelling Units, Located on Approximately 13.54 Acres Zoned PRM, Providence District

The application property is located in the northwest quadrant of the intersection of Westpark Drive (Rt. 5061) and Park Run Drive (Rt. 6062), Tax Map 29-4 ((7)) A6, A9; 29-4 ((13)) C1, 102-109, 113-117, 201-219, 301-319, 401-419, 501-519, 601-619, 701-719, 801-819, 901-919, 1001-1019, 1101-1119, 1201-1219, 1301-1319, 1401-1419, 1501-1519, 1601-1619, 1701-1719, 1801, 1802, 1808, 1810, 1812, 1814, 1816, 1818, 1819, 1901, 1902, 1906, 1908, 1910, 1912, 1914, 1916, 1918 and 1919; 29-4 ((14)) C1 and 1C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 22, 2010, the Planning Commission voted 6-0-2 (Commissioners Murphy and Sargeant abstaining; Commissioner Alcorn not present for the votes; Commissioners Donahue, Flanagan, and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2002-PR-016-02 and the associated Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those dated April 16, 2010;
- Waiver of the transitional screening and barrier requirements between the proposed uses within the development;
- Waiver of the 600-foot maximum length for a private street; and
- Modification of the non-core area streetscape design concept in the Tysons Corner Urban Center Plan in favor of that shown on the CDPA/FPDA.

The Commission voted 6-0-3 (Commissioners Harsel, Murphy, and Sargeant abstaining; Commissioner Alcorn not present for the vote; Commissioners Donahue, Flanagan, and Hall absent from the meeting) to recommend that the Board of Supervisors reaffirm the previously approved waiver for underground stormwater detention in a residential area, subject to continuation of the existing conditions.

In a related action, the Planning Commission voted 6-0-2 (Commissioners Murphy and Sargeant abstaining; Commissioner Alcorn not present for the vote; Commissioners Donahue, Flanagan, and Hall absent from the meeting) to approve FDPA 2002-PR-016-02.

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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
May 11, 2010

3:30 p.m.

Public Hearing on PCA 82-P-084-02 (Fathia H. Soliman D/B/A F.A.Z. Creative Education Center) to Amend the Proffers for RZ 82-P-084 Previously Approved for Industrial Development to Permit Modifications to Approved Proffers and Site Design with no Change in Overall Floor Area Ratio of 0.24, Located on Approximately 28,305 Square Feet Zoned I-4, Providence District

The application property is located at 1776 Old Meadow Rd. Tax Map 29-4 ((6)) 94B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, March 25, 2010, the Planning Commission unanimously voted (Commissioner Lusk not present for the votes; Commissioner Hart recused; Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 82-P-084-02, subject to the execution of proffers consistent with those dated March 22, 2010;
- Modification of the barrier requirements along the eastern, southern, and western property boundaries to that shown on the plan;
- Waiver of the peripheral and interior parking lot landscaping requirements; and
- Waiver of the trail requirement.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 11, 2010

3:30 p.m.

Public Hearing on PCA C-448-33 (Kingstowne Residential Owners Corp.) to Amend the Proffers for RZ C-448 Previously Approved for Residential Development to Permit the Transfer of Ownership and Maintenance Obligations of Stormwater Management Facilities to Fairfax County Department of Public Works and Environmental Services (DPWES) Located on Approximately 13.02 Acres Zoned PDH-4, Lee District

and

Public Hearing on PCA 85-L-101-5 (Kingstowne Residential Owners Corp.) to Amend the Proffers for RZ 85-L-101 Previously Approved for Residential Development to Permit the Transfer of Ownership and Maintenance Obligations of Stormwater Management Facilities to Fairfax County Department of Public Works and Environmental Services (DPWES) Located on Approximately 2.47 Acres Zoned PDH-4, Lee District

Application property PCA C-448-33 is located at Basin 1, Basin 2, Basin 4, Basin 5, Basin 6, Basin F, and Kingstowne Lake (all located within Kingstowne Community) Tax Map 81-4 ((38)) 74 pt.; 91-2 ((1)) 26l pt., 28A1, 29B pt.; 91-3 ((1)) 63D pt., 64B pt.; 91-3 ((11)) 7pt., 9 pt., 40 pt.; 91-4 ((1)) 1H pt.; 91-4 ((9)) 10 pt. and 91-4 ((9)) (30) G1 pt

Application property PCA 85-L-101-5 is located at Basin 3 (located within Kingstowne Community) Tax Map 91-4 ((9)) 10 pt and 91-4 ((9)) (30) G1 pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 29, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to recommend that the Board of Supervisors approve PCA C-448-3 and PCA 85-L-101-5, subject to the execution of proffers consistent with those dated April 21, 2010.

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
May 11, 2010

3:30 p.m.

Public Hearing on SE 2010-MA-001 (Radley Management, LLC and Radley Automobiles, Incorporated) to Permit a Vehicle Major Service Establishment and Waivers and Modifications in a Commercial Revitalization District. Located on Approximately 35,625 Square Feet Zoned C-8, CRD, HC and SC, Mason District

The application property is located at 5908 Seminary Rd Tax Map 61-2 ((20)) 1.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission's public hearing will be held on Wednesday, May 5, 2010. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 11, 2010

3:30 p.m.

Public Hearing on SE 2009-PR-027 (TDC Owner, LLC) Permit a College/University and Waiver of the Open Space Requirement, Located on Approximately 2.62 Acres Zoned C-3, Providence District

The application property is located at 1761 Old Meadow Rd. Tax Map 29-4 ((6)) 106.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission's public hearing will be held on Wednesday, May 5, 2010. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
May 11, 2010

3:30 p.m.

Public Hearing on SE 2009-LE-016 (T-MOBILE Northeast LLC & Springfield Swimming and Racquet Club Incorporated) to Permit a Telecommunications Facility, Located on Approximately 3.75 Acres Zoned R-3, Lee District

The application property is located at 7400 Highland Street, Tax Map 80-1 ((5)) (52) 1.

PLANNING COMMISSION RECOMMENDATION:

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

- Approval of SE 2009-LE-016, subject to the Development Conditions dated March 31, 2010;
- Modification of the transitional screening and barrier requirements along the western, eastern, and southern property lines to that shown on the SE Plat; and
- Direct the Director of the Department of Public Works and Environmental Services to permit modification of the tree conservation plan elements for SE 2009-LE-016, in favor of the landscaping shown on the SE Plat.

In a related action, the Planning Commission voted unanimously (Commissioners Hall, Murphy and Sargeant absent from the meeting) to approve 2232-L08-25. The Commission noted that the proposed 130-foot tall telecommunications flag pole monopole on the site of the Springfield Swimming and Racquet Club satisfies the criteria of location, character and extent, as set forth in Sect. 15.2-2232 of the *Code of Virginia*, and is in 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)
Brenda Cho, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
May 11, 2010

4:00 p.m.

Public Hearing on Proposed Policy Plan Amendment S09-CW-1CP to Add Guidance in Support of the Visual and Performing Arts

ISSUE:

Proposed Plan Amendment S09-CW-1CP considers adding a visual and performing arts section to the Policy Plan. The proposed section includes an introduction, a goal that expresses support for the visual and performing arts, and objectives and related policies that support the display of arts, encourage investment in existing and new arts facilities, support the provision of a variety of arts venues, and address mitigation of new and renovated arts facilities on surrounding land uses, environment, transportation and public infrastructure.

PLANNING COMMISSION RECOMMENDATION:

On March 10, 2010, the Planning Commission held its public hearing on proposed Plan amendment S09-CW-1CP. On April 14, 2010, the Planning Commission voted 7-0-2 (Commissioners Alcorn and Harsel abstaining; Commissioners Lusk, Murphy, and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve S09-CW-1CP, as shown in Attachment 1 of the memorandum from James Hart to the Planning Commission dated March 31, 2010.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Planning Commission recommendation for proposed Plan Amendment S09-CW-1CP as shown in the memorandum to the Planning Commission dated March 31, 2010 and as included as Attachment III. Staff supports the Planning Commission's recommendation to modify the staff report recommendation so that the recommended Plan text includes editorial changes, a definition on arts diversity, explanation on implementation of objectives and policies, clarification on the role and engagement of the community and arts groups, and a policy to consider the cost of and responsibility for maintenance in the selection of public art located on public land.

TIMING:

Planning Commission public hearing – March 10, 2010
Planning Commission decision – April 14, 2010
Board of Supervisors' public hearing – May 11, 2010

Board Agenda Item
May 11, 2010

BACKGROUND:

In 2008, the Board of Supervisors sponsored Commission on the Future of the Arts in Fairfax County released its final report on findings on the current state of the visual and performing arts as well as recommendations to strengthen the arts as an important component in the quality of life and economic vitality of Fairfax County. At the direction of the Board of Supervisors, an inter-agency arts committee was formed to promote and implement recommendations from the final report. On November 16, 2009, the Board of Supervisors authorized consideration of a Policy Plan amendment regarding the visual and performing arts.

FISCAL IMPACT:

As with the application of other Policy Plan guidance, should this Policy Plan amendment be adopted, staff time and cost related to the promotion of arts would be part of larger routine discussions during the zoning review process and would be absorbed by existing staff within the Department of Planning and Zoning.

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for proposed Plan Amendment S09-CW-1CP
Attachment II: Planning Commission verbatim and recommendation
Attachment III: Memorandum to the Planning Commission, dated March 31, 2010

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
Pamela G. Nee, Chief, Environment and Development Review Branch, PD, DPZ

Board Agenda Item
May 11, 2010

4:00 p.m.

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

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

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 29, 2010, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2009-HM-019, subject to the execution of proffers consistent with those dated April 21, 2010;
- Approval of CDP 2009-HM-019, subject to the Development Conditions dated April 21, 2010 and subject also to Board approval of RZ 2009-HM-019;
- Waiver of the 75-foot setback requirement for nonresidential uses abutting principal arterial highways;
- Modification of the transitional screening requirements and waiver of the barrier requirements, in favor of that shown on the CDP/FDP;
- Modification of Sect. 17-201.4 of the Zoning Ordinance for the widening of Sunset Hills Road, in favor of that shown on the CDP/FDP and in the proffers; and
- Modification of Sect. 16-102.1 of the Zoning Ordinance for yard setbacks and building height regulations, in favor of that shown on the CDP/FDP.

The Commission voted 8-0-1 (Commissioner Harsel abstaining; Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to recommend that the Board modify the loading space requirement in favor of the loading spaces depicted on the CDP/FDP.

The Planning Commission voted 8-1 (Commissioner Harsel opposed; Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to recommend that the Board of Supervisors direct the Director of the Department of Public Works & Environmental

Board Agenda Item
May 11, 2010

Services to waive Sect. 6-0303.8 of the Public Facilities Manual to locate underground stormwater management facilities in a residential area, subject to the Conditions, dated February 12, 2010, of Waiver Number 2615-WPFM 002-1.

In a related action, the Planning Commission voted unanimously (Commissioners Alcorn, Hall, and Litzenberger absent from the meeting) to approve FDP 2009-HM-019.

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