

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
JANUARY 12, 2010**

**AGENDA**

- |       |             |   |
|-------|-------------|---|
| 9:30  | <b>Done</b> | Presentations   |
| 10:00 | <b>Done</b> | Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees |
| 10:15 | <b>Done</b> | Items Presented by the County Executive   |

**ADMINISTRATIVE  
ITEMS**

- |   |  |   |
|---|--|---|
| 1 | <b>Approved</b>  | Authorization to Advertise a Public Hearing on a Proposed Amendment to <i>The Code of the County of Fairfax, Virginia</i> , to Add a New Chapter, Chapter 123 (Coastal Primary Sand Dune Zoning Ordinance) RE: Protection of Coastal Sand Dunes and Beaches |
| 2 | <b>Approved</b>  | Extension of Review Periods for 2232 Review Applications (Dranesville, Mason, Providence, and Sully Districts)  |
| 3 | <b>Approved</b>  | Streets into the Secondary System (Dranesville, Lee, Mason, Mount Vernon, Providence, Springfield and Sully Districts)  |
| 4 | <b>Approved</b>  | Authorization to Advertise a Public Hearing to Establish the Springfield Community Parking District (Springfield District)  |
| 5 | <b>Approved</b>  | Approval of Traffic Calming Measures and Installation of Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Dranesville, Hunter Mill, Providence, Springfield and Mount Vernon Districts)             |
| 6 | <b>Approved</b>  | Supplemental Appropriation Resolution AS 10099 for the Department of Family Services to Accept Grant Funding from the U.S. Department of Health and Human Services for Early Head Start Expansion   |
| 7 | <b>Approved<br/>w/amendment to<br/>delete "accept"</b> | Authorization for the Fire and Rescue Department to Apply for and Accept Funding from the Department of Homeland Security for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant   |

**ACTION ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2010 |
|---|-----------------|---|

**FAIRFAX COUNTY  
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**ACTION ITEMS**  
(continued)

- |   |                 |   |
|---|-----------------|---|
| 2 | <b>Approved</b> | Endorsement of Design Plans for the Seven Corners Transit Center (Mason District)   |
| 3 | <b>Approved</b> | Request of Fairfax County Economic Development Authority to Issue Bonds for Purposes of Financing the Wiehle Avenue Metrorail Station Garage Project, Approval of Preliminary Bond Documents for Wiehle Avenue Metrorail Station Garage Project and Authorization of Judicial Proceedings to Validate Bonds |

**CONSIDERATION  
ITEMS**

- |   |                                  |   |
|---|----------------------------------|---|
| 1 | <b>Denied applicant's appeal</b> | Appeal of Va. Code Ann. § 15.2-2232 Determination – Application 2232-D08-19, T-Mobile Northeast, LLC (Dranesville District) |
|---|----------------------------------|---|

**INFORMATION  
ITEMS**

- |       |              |  |
|-------|--------------|--|
| 1     | <b>Noted</b> | Contract Award – Ossian Hall Park – Phase II Improvements (Braddock District)  |
| 2     | <b>Noted</b> | Service Changes to FAIRFAX CONNECTOR Routes to be Implemented in January 2010  |
| 3     | <b>Noted</b> | Planning Commission Action on Application 2232-V09-10, T-Mobile Northeast LLC (Mount Vernon District)  |
| 4     | <b>Noted</b> | Contract Award – Architectural/Engineering (A/E) Basic Ordering Agreement (BOA) Contract for The Lukmire Partnership, Incorporated   |
| 5     | <b>Noted</b> | Contract Award for Environmental Engineering Services for the Solid Waste Management Program   |
| 6     | <b>Noted</b> | Request for Proposal for an Extended Day Pilot Program at Two of the Six Elementary Schools that do not Currently have a SACC Program: White Oaks and Clearview Elementary Schools |
| 10:45 | <b>Done</b>  | Matters Presented by Board Members   |
| 11:35 | <b>Done</b>  | Closed Session   |

**FAIRFAX COUNTY  
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**PUBLIC HEARINGS**

- |      |  |   |
|------|--|---|
| 3:00 | <b>Public hearing deferred to 2/23/10 at 3:30 p.m.</b> | Public Hearing on SE 2008-MV-031 (Trustees for Mount Vernon Lodge No. 219, A.F. & A.M., New Cingular Wireless PCS, LLC D/B/A AT&T Mobility and T-Mobile Northeast, LLC) (Mount Vernon District)   |
| 3:30 | <b>Upheld Planning Commission's Decision</b>           | Public Hearing on Appeal of Va. Code Ann. § 15.2-2232 Determination – Application 2232-D08-19, T-Mobile Northeast, LLC (Dranesville District)   |
| 3:30 | <b>Denied</b>  | Public Hearing on SE 2009-DR-005 (T-Mobile Northeast LLC) (Dranesville District)  |
| 3:30 | <b>Approved</b>  | Public Hearing on SE 2009-DR-014 (Sherwood Development) Group LLC (Dranesville District)  |
| 3:30 | <b>Public hearing deferred to 3/9/10 at 3:30 p.m.</b>  | Public Hearing on SE 2009-MA-015 (Ana A. Cornejo) (Mason District)  |
| 3:30 | <b>Approved</b>  | Public Hearing on SE 2009-SP-019 (New Cingular Wireless PCS LLC d/b/a AT&T Mobility Northern Virginia Electric Cooperative and Smartpole, Inc.) (Springfield District)  |
| 3:30 | <b>Approved</b>  | Public Hearing on PCA 87-S-023-03 (Costco Wholesale Corporation) (Springfield District)   |
| 3:30 | <b>Approved</b>  | Public Hearing on SE 2007-SP-001 (Costco Wholesale Corporation) (Springfield District)  |
| 4:00 | <b>Public hearing deferred to 2/9/10 at 4:00 p.m.</b>  | Public Hearing to Lease County-Owned Property to Washington, D.C. SMSA Limited Partnership d/b/a Verizon Wireless (Providence District)   |
| 4:00 | <b>Approved</b>  | Public Hearing to Lease County-Owned Property to Clear Wireless, LLC (Providence District)  |
| 4:00 | <b>Approved</b>  | Public Hearing to Establish the Timber Ridge Community Parking District (Springfield District)  |
| 4:00 | <b>Approved</b>  | Public Hearing on Proposed Plan Amendment S09-CW-3CP, Generally Surrounding the Intersection of Interstate 95 and Franconia/ Old Keene Mill Roads, East and South of Commerce Street, West of the CSX Railroad Tracks, and North of Springfield Center Drive (Lee District) |





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

**Tuesday**  
**January 12, 2010**

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9:30 a.m.

**PRESENTATIONS:**

1. **CERTIFICATE** – To recognize the Westfield High School Golf Team for winning the Virginia AAA State Golf Championship. Requested by Supervisor Frey.
2. **CERTIFICATE** – To recognize Shawn Akard for receiving the American Horticultural Society 2009 Annual Great American National Award for Youth and Children's Gardening. Requested by Supervisor Hyland.
3. **RESOLUTION** – To recognize Sydenstricker United Methodist Church for its 100th anniversary. Requested by Supervisor Herrity.
4. **PROCLAMATION** – To designate January 2010 as Mentoring Month in Fairfax County. Requested by Chairman Bulova.
5. **RESOLUTION** – To urge Fairfax County residents to complete their census form by April 1. Requested by Chairman Bulova.
6. **PROCLAMATION** – To designate 2010 the Year of Appreciation for Older Adults in Fairfax County. Requested by Chairman Bulova.
7. **RESOLUTION** – To recognize Ken Garnes, Verdia Haywood and Jimmie Jenkins for their years of service to Fairfax County. Requested by Chairman Bulova and Supervisors Frey, Herrity and Hudgins.

**STAFF:**

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

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10:00 a.m.

Board Organization and Appointments of Board Members to Various Regional and Internal Boards and Committees

ENCLOSED DOCUMENTS:

Listing of Interjurisdictional Committees and Inter- and Intra- Governmental Boards and Committees for Calendar Year 2010.

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:15 a.m.

Items Presented by the County Executive

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Board Agenda Item  
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ADMINISTRATIVE - 1

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

ISSUE:

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

RECOMMENDATION:

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

TIMING:

Board action is requested on January 12, 2010, to provide sufficient time to advertise a public hearing before the Board on February 9, 2010, at 4:00 p.m.

BACKGROUND:

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

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

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

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

PROPOSED AMENDMENT:

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

The new Chapter 123 proposes the following:

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

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

REGULATORY IMPACT:

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

FISCAL IMPACT:

Under the proposed Code amendment, an applicant would pay \$300 to Fairfax County for processing of a beach permit or a combined beach/wetlands permit as well as the cost for advertising the public hearing by the county's Wetlands Board. (Currently, the

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fee for submittal of a wetlands permit to the county is \$300.) The Department of Planning and Zoning staff liaison to the Fairfax County Wetlands Board would process the permit.

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

ENCLOSED DOCUMENT:

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

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Mary Ann Welton, Environmental Planner, DPZ

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ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Dranesville, Mason, Providence, 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: applications FS-M09-62 and FS-D09-138 to March 13, 2010; applications FS-Y09-117 and FS-D09-154 to March 22, 2010; and applications FSA-P01-24-2 and FSA-P01-49-1 to March 26, 2010.

TIMING:

Board action is required on January 12, 2010, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review periods for applications FS-M09-62, FS-Y09-117, FS-D09-138, FS-D09-154, FSA-P01-24-2, and FSA-P01-49-1, which were accepted for review by the Department of Planning and Zoning between October 14, 2009, and October 27, 2009. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

FS-M09-62	Clearwire US LLC Antenna colocation on existing light pole 6560 Braddock Road (Thomas Jefferson High School) Mason District
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- FS-Y09-117      New Cingular Wireless PCS LLC  
Rooftop antennas  
14900 Conference Center Drive  
Sully District
- FS-D09-138      Clearwire US LLC  
Antenna colocation on existing tower  
9916 Georgetown Pike (Great Falls VFD Station)  
Dranesville District
- FS-D09-154      T-Mobile Northeast LLC  
Rooftop antennas  
10135 Colvin Run Road  
Dranesville District
- FSA-P01-24-2      Verizon Wireless  
Additional and replacement antennas  
3050 Chain Bridge Road  
Providence District
- FSA-P01-49-1      Verizon Wireless  
Replacement antennas  
2600 Park Tower Drive  
Providence District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE – 3

Streets into the Secondary System (Dranesville, Lee, Mason, Mount Vernon, Providence, Springfield and Sully 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>
Totonji Property	Dranesville	Elizabeth Street (Route 3887)
Anne Ly Estate II	Lee	Anne Ly Lane
		Old Rolling Road (Route 803) (Additional Right-of-Way (ROW) Only)
Highgrove Estates Section 4	Lee	Deer Ridge Trail (Route 10189)
Highgrove Estates Section 5	Lee	Deer Ridge Trail (Route 10189)
		Highgrove Park Court
Highgrove Estates Section 6	Lee	Meriwether Lane (Route 4105)
		Willowfield Way
Habitat for Humanity of Northern Virginia, Inc.	Lee	Lockheed Boulevard (Route 723) (Additional ROW Only)
Skyline Homes	Lee	Old Franconia Road (Route 5228) (Additional ROW Only)

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<b><u>Subdivision</u></b>	<b><u>District</u></b>	<b><u>Street</u></b>
School for Contemporary Education	Mason	Backlick Road (Route 617) (Additional ROW Only)
Pohick Creek Estates	Mt. Vernon	Pohick Road (Route 641) (Additional ROW Only)
Grays Oakton	Providence	Palmer Street (Route 4470) (Additional ROW Only)  Gray Street (Route 674) (Additional ROW Only)
McDonalds Corporation and Rutherford	Providence	Leesburg Pike (Route 7) Service Drive (F-758) (Additional ROW Only)
Fair Chase Section 4	Springfield	Dixie Hill Road (Route 1579) (Additional ROW Only)
Fair Ridge Executive Plaza	Sully	Fair Ridge Drive (Route 7960)
Faircrest-Centreville Farms Lots 95-99, 152 (Phase I)	Sully	Centreville Farms Road  Lee Highway (Route 29) (Additional ROW Only)  Leland Road (Route 7773) (Additional ROW Only)
MOR Dulles South, LLC	Sully	Dulles South Court  Lee Jackson Memorial Highway (Route 50) (Additional ROW Only)
Thompson Road Property	Sully	Rose Grove Drive (Route 10303)  Percheron Lane  Belle Cote Lane

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**Subdivision**

**District**

**Street**

Meyer Woods Lane

Thompson Road (Route 669)  
(Additional ROW Only)

**TIMING:**

Routine.

**BACKGROUND:**

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

**FISCAL IMPACT:**

None.

**ENCLOSED DOCUMENTS:**

Attachment 1 – Street Acceptance Forms

**STAFF:**

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

Michelle Brickner, Acting Director, Land Development Services, DPWES

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Establish the Springfield Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for February 9, 2010, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Springfield CPD in accordance with current large area CPD restrictions.

TIMING:

The Board of Supervisors should take action on January 12, 2010, to provide sufficient time for advertisement of the public hearing on February 9, 2010, at 4:00 p.m.

BACKGROUND:

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

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

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

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a large area CPD if the proposed District contains all of a magisterial district, excluding certain areas that meet minimum size requirements. In this case, the proposed District will encompass the entire Springfield District. Staff has verified that the requirements for a large area CPD have been satisfied.

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

STAFF:

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

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ADMINISTRATIVE - 5

Approval of Traffic Calming Measures and Installation of Multi-Way Stop and “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Dranesville, Hunter Mill, Providence, Springfield and Mount Vernon Districts)

ISSUE:

Board endorsement of a traffic calming plan, multi-way stop and “Watch for Children” signs as part of the Residential Traffic Administration Program (RTAP)

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming measure for Birch Street (Attachment I), consisting of the following:

- One speed hump and one multi-way stop on Birch Street (Dranesville District)

The County Executive further recommends approval of multi-way stops at the following intersections:

- Quincy Adams Drive at Wendell Holmes Drive and Quincy Adams Drive at McLearen Road (Hunter Mill District)
- Abby Oak Drive and Meadowlark Road (Hunter Mill District)
- Magna Carta Drive and Keele Drive (Hunter Mill District)
- Greenview Lane and Harland Drive (Springfield District)

The County Executive further recommends approval for “Watch for Children” signs on the following streets (Attachment II):

- Rosedown Drive (Hunter Mill District)
- Bois Avenue (Hunter Mill District)
- Wolftrap Road (Providence District)
- Riverwood Road (Mount Vernon)

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

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TIMING:

Board action is requested on January 12, 2010.

BACKGROUND:

Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Birch Street, a plan was developed and approved by Fairfax County Department of Transportation (FCDOT) staff and VDOT. The traffic calming plan was subsequently submitted for approval to residents in the ballot area of the community. On November 30, 2009, FCDOT received written verification from the appropriate local supervisor confirming community support.

The RTAP allows for installation of multi-way stops in local residential neighborhoods at intersections consisting of a through cross street connected to adjacent streets. In addition, the following criteria must be met, as contained in VDOT "Policy on Multi-Way Stops in Residential Communities":

- The street has 100% residential frontage on both sides and is classified as a local or collector street.
- The street has a posted legal speed limit of 25 mph.
- No potential safety problems would be created.
- The intersection geometrics and spacing to adjacent intersections have been determined to be acceptable.
- There would be minimal impact on traffic flow for neighboring streets.

FCDOT staff and VDOT have authorized the multi-way stop signs requested. On November 30, 2009, (Quincy Adams Drive at Wendell Holmes Drive and Quincy Adams Drive at McLearen Road); on November 13, 2009, (Abby Oak Drive and Meadowlark Road); on December 1, 2009, (Magna Carta Drive and Keele Drive); and on November 13, 2009, (Greenview Lane and Harland Drive) FCDOT received written verification from the appropriate local supervisor confirming community support.

The Board should be aware, however, of the potential negative impacts of multi-way stops. These include delay in travel time, reduced motorist compliance with regulatory signs, difficulty of police enforcement, parking restrictions within 30 feet of stop signs, and increased air and noise pollution.

The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may

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request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed signs will be effectively located and will not be in conflict with any other traffic control devices. FCDOT received written verification from the Hunter Mill and Providence District Supervisors confirming community support for the referenced "Watch for Children" signs on November 30, 2009 (Rosedown Drive and Bois Avenue); on November 30, 2009 (Wolftrap Road); and on November 10, 2009 (Riverwood Road).

FISCAL IMPACT:

The estimated cost of \$11,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Birch Street

Attachment II: "Watch for Children" Signs Resolution- Rosedown Drive, Bois Avenue, Wolftrap Road and Riverwood Road

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

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ADMINISTRATIVE - 6

Supplemental Appropriation Resolution AS 10099 for the Department of Family Services to Accept Grant Funding from the U.S. Department of Health and Human Services for Early Head Start Expansion

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 10099 for the Department of Family Services (DFS) to accept funding from the U.S. Department of Health and Human Services (DHHS) for Early Head Start expansion in the amount of \$610,581. Funding will expand Early Head Start services to 40 children and their families. The required 20 percent local match will be met through \$50,000 in Local Cash Match from Fund 102, Federal/State Grant Fund and the balance in in-kind contributions. This funding will support 3/2.5 SYE new grant positions. The project period is from November 1, 2009 to September 29, 2011. This item requests funding that has been made available through September 29, 2010. When year two funding is made available, another item will be submitted to the Board requesting appropriation of the funds. This funding has been made available as a result of the American Recovery and Reinvestment Act (ARRA) of 2009. When grant funding expires, the County is under no obligation to continue funding the expansion.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 10099 to accept funding from DHHS in the amount of \$660,581, including \$50,000 in Local Cash Match, for the Early Head Start expansion.

TIMING:

Board approval is requested on January 12, 2010.

BACKGROUND:

Early Head Start is a national child and family development program that provides quality early childhood education and comprehensive family support services to income eligible families with children birth to 3 years of age and expectant parents. DFS is the administering agency for Early Head Start and directly operates the Greater Mount Vernon Community Head Start programs, through which Early Head Start children are served in either a center-based or family child care model. Fairfax County Public Schools (FCPS) and a private non-profit organization also provide Early Head Start services through contractual delegate relationships with DFS. A total of 212 Early Head Start children are currently served in Fairfax County by DFS and its delegates.

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The federal government has made ARRA funds available to Fairfax County to expand Early Head Start services to an additional 40 children and their families; 24 in family child care homes and 16 in two new classrooms in Fairfax County Public Schools at Dogwood Elementary. The project period is from November 1, 2009 to September 29, 2011. It is unclear at this time whether the federal government will make the expansion part of base funding after the project period ends. If they do not, the closing of classrooms/family child care homes will be handled largely through attrition as children turn 3 years old and age out of the program. Parents of children enrolled in the expansion program will also be informed as to the temporary nature of the funds.

**FISCAL IMPACT:**

The Early Head Start expansion grant of \$610,581 will support services to an additional 40 children and their families. The required 20 percent local match will be met through \$50,000 in Local Cash Match from Fund 102, Federal/State Grant Fund and the balance in in-kind contributions. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund as funds are held in reserve for funding received as part of the American Recovery and Reinvestment Act of 2009 in FY 2010. This grant does not allow the recovery of indirect costs.

**Reporting Requirements**

In order to meet the ARRA transparency and accountability requirements, DFS is required to submit quarterly reports to the federal government. The reports are due no later than 10 days after the end of each quarter. Should there be additional and/or a change in existing reporting requirements, staff will notify the County Executive.

**CREATION OF NEW POSITIONS:**

These funds will be used to support 3/2.5 SYE new grant positions. The County has no obligation to fund these positions when the grant period ends.

**ENCLOSED DOCUMENTS:**

Attachment 1: Early Head Start Expansion award letter  
Attachment 2: Supplemental Appropriation Resolution AS 10099

**STAFF:**

Verdia L. Haywood, Deputy County Executive  
Nannette M. Bowler, Director, Department of Family Services  
Anne-Marie Twohie, Director, Office for Children

ADMINISTRATIVE - 7

Authorization for the Fire and Rescue Department to Apply for and Accept Funding from the Department of Homeland Security for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant

ISSUE:

Board of Supervisors authorization is requested for the Fire and Rescue Department (FRD) to apply for and accept funding, if awarded, from the U.S. Department of Homeland Security (DHS) for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$2,463,009 under the Hiring of Firefighters Activity to create 15/15.0 SYE additional merit firefighter positions to staff five truck companies according to the National Fire Protection Association (NFPA) standard of four person minimum staffing.

If awarded, the total amount of grant funds received by the County would be \$2,463,009 over two years. There is no Local Cash Match required. However, costs such as training, equipment and overtime are not eligible grant costs and would be borne by the County. In addition, the County is required to retain the new firefighters for one year after the initial two-year grant period and cover all personnel and operating costs during the third year. The total cost to the County over a three-year period is \$1,803,099. Including DHS funding and the required County funding, the total cost of this program activity over a three-year period is \$4,266,108. If the actual award received 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 awarded, in the amount of \$2,463,009 to be received over two years from the U.S. Department of Homeland Security for the SAFER grant program to hire an additional 15/15.0 SYE merit firefighter positions. There is no Local Cash Match required. However, the required County funding over a three-year period is \$1,803,099. The total cost of this program activity over a three-year period is \$4,266,108, including DHS funding, non-eligible grant costs and full position costs for one year after the initial two-year grant period, as required by grant regulations.

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TIMING:

Board approval is requested on January 12, 2010. Applications are due January 15, 2010.

BACKGROUND:

The purpose of the SAFER Grant Hiring of Firefighter Activity is to award grants directly to fire departments to help those agencies increase their cadre of firefighters, as prescribed by the National Fire Protection Association (NFPA) standards. The Hiring of Firefighters Activity is a two-year grant to assist fire departments in adding staff by paying the salaries and fringe benefits of newly hired firefighters. These newly hired positions must be in addition to authorized and funded active firefighter positions. Grantees are required to maintain the number of authorized funded positions as declared at the time of application plus the awarded new firefighter positions throughout the two-year period of performance and one year after the grant period ends.

The current three-person staffing of truck companies (of which there are 14 in the FRD) is below NFPA standards. Safe staffing, municipal fire and rescue department best practices, and NFPA 1710 guidelines include a fourth person on truck companies. The addition of a fourth person on truck companies would allow Advanced Life Support (ALS) capability on these vehicles, in addition to engines and medic units. It would also bring units into compliance with OSHA-mandated "two in-two out" personnel safety regulations which apply to entry into immediately dangerous to life and health (IDLH) environments such as structure fires, collapses, and hazardous materials incidents. Most importantly, it would immediately enhance the efficiency of the truck crew's multi-faceted task list (search and rescue, laddering, ventilation, forcible entry, overhaul, and salvage) and dramatically boost the safety margin for citizens in peril and firefighters.

If Fairfax County is successful in obtaining this award, it will provide an opportunity for the FRD to bring five County truck companies (each with three shifts) into compliance with NFPA safe-staffing standards. Costs associated with training, equipping, and overtime of newly hired firefighters, and other administrative support costs, cannot be included as part of the grant application and must be fully funded with Fairfax County funds. This amount is estimated to be \$172,425 for each of the first two years for a total of \$344,850. In addition, the County is required to retain new firefighters for one year after the initial two-year grant period and would be required to absorb the entire cost of any positions awarded as a result of the grant. The amount for the third year is estimated to be \$1,458,249.

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The department will continue to monitor the legislative process to seek opportunities for addressing other critical staffing issues through future grant funds, and will apply for future SAFER funding should this grant stream be continued in upcoming fiscal years.

FISCAL IMPACT:

If the application is successful, the Fire and Rescue Department would receive \$2,463,009 in federal funding over two years for the Hiring of Firefighters Activity. These funds would be used to hire an additional 15/15.0 SYE merit firefighter positions to provide adequate staffing for five truck companies. There is no Local Cash Match required. However, because of the mandate to retain staff for one year after the initial two-year grant period and the need to fund non-eligible grant costs associated with training, equipping, and overtime, the required County contribution to fully fund this initiative is \$1,803,099. The total cost of this program activity over a three-year period is \$4,266,108, including DHS funding and required County funding. This action does not increase the expenditure level of Fund 102, Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2010. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

A total of 15/15.0 SYE merit positions would be created through this grant award. The County has an obligation to fund these positions for a three-year period, but is not obligated to continue funding the positions when the three-year period expires.

ENCLOSED DOCUMENTS:

None.

STAFF:

Robert A. Stalzer, Deputy County Executive  
Ronald L. Mastin, Fire Chief  
Cathy Maynard, Grants Coordinator, Fire and Rescue Department

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ACTION – 1

Approval of the Board of Supervisors' Meeting Schedule for Calendar Year 2010

ISSUE:

Board approval of its meeting schedule for January through December, 2010.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the meeting schedule for January through December, 2010.

TIMING:

The Board should take action on January 12, 2010, in order that the calendar can be implemented immediately.

BACKGROUND:

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2010 calendar is presented for Board approval. The section further states that “meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year.”

Scheduled meetings may be adjourned and reconvened as the Board may deem necessary, and the Board may schedule additional meetings or adjust the schedule of meetings approved at the annual meeting, after notice required by Virginia law, as the need arises.

At its Retreat, held on June 29 and 30, 2009, the Board discussed moving the 2010 Board Meetings from Mondays to Tuesdays. At the September 14, 2009, meeting, the Board approved a draft 2010 meeting calendar that showed such a change in meeting day. Attached to this Board Item is a final meeting calendar that is consistent with that adopted in draft form. At the September meeting, the Board also agreed that with Board adoption of a Tuesday schedule for Board Meetings, Board Committee meetings could also be moved to Tuesdays.

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ENCLOSED DOCUMENTS:

January-December, 2010 Schedule for Board of Supervisors' Meetings

STAFF:

Catherine A. Chianese, Assistant County Executive

Board Agenda Item  
January 12, 2010

ACTION - 2

Endorsement of Design Plans for the Seven Corners Transit Center (Mason District)

ISSUE:

Board of Supervisors' (Board) endorsement of the design plans for the proposed Seven Corners Transit Center, Project 26007G (06000), in Fund 102, Federal/State Grant Fund. The center will upgrade existing bus stops in the northwest quadrant of the Seven Corners Shopping Center parking lot, on the south side of Route 50/Arlington Boulevard, between Thorne Road and Patrick Henry Drive in Falls Church, VA. The center will include three bus bays with six bus shelters, a bus layover area, and bicycle facilities.

RECOMMENDATION:

The County Executive recommends that the Board endorse the design plans for the proposed Seven Corners Transit Center as presented at the November 18, 2009, Public Hearing.

TIMING:

The Board should take action on this matter as soon as possible to allow the Virginia Department of Transportation (VDOT) to authorize the Department of Public Works and Environmental Services (DPWES) to proceed with final design plans.

BACKGROUND:

The Seven Corners Shopping Center has an existing bus stop that serves as a transportation hub for citizens in the area, serving more than 2,000 riders each day. The existing bus stop is inadequate to meet the demand, and busses must travel on private parking lot areas not adequately designed to handle such heavy traffic loads. The estimated total cost of this project is \$1.2 million, which is being funded from the Congestion Mitigation and Air Quality (CMAQ) Improvement Program.

VDOT's Northern Virginia District Environmental Section has determined that this project will not impact streams, wetland, endangered species, or natural, cultural, and historic resources. This project was coordinated through the State Environmental Review Process and National Environmental Policy Act, and no impacts were identified.

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A Public Hearing was held on Wednesday, November 18, 2009, from 5 p.m. to 7 p.m. A total of five people attended the hearing. All verbal comments were generally supportive of the project. One written comment was received via e-mail following the Public Hearing. The writer requested that the new facilities be well lighted and provide accessible sidewalks and crosswalks. Streetlights are a part of the project as well as improved pedestrian access with sidewalks and crosswalks to the Transit Center. The writer also expressed concerns regarding pedestrian and transit access to the Seven Corners shopping areas. Most of these areas are internal to the shopping center property and beyond the limits of this project. VDOT and the County are implementing further improvements to a number of intersections in the area to enhance pedestrian movements within the right-of-way. The writer also suggested that a bus route be established connecting from the Transit Center to the closest Metro station at East Falls Church. The Transit Center is served by Metro bus and instead provides routes to the adjacent Metro rail station at Ballston as well as stations at Dunn Loring-Merrifield, Vienna, Rosslyn, and King Street.

The project schedule is as follows:

Design Public Hearing: November 18, 2009

Final Design, Obtain Public Hearing Approval: February 2010

Construction Begins: July 2010

Open Transit Center: January 2011

FISCAL IMPACT:

None at this time. A March 6, 2006, agreement between Fairfax County and VDOT authorized CMAQ funds for the design and construction of a transit center at Seven Corners Shopping Center. VDOT is programming additional CMAQ funding for this project and an amended project agreement will be presented to the Board prior to construction contract award.

ENCLOSED DOCUMENTS:

Attachment I: Design Public Hearing Brochure

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, Director, Fairfax County Department of Transportation

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

Howard J. Guba, Deputy, Director, DPWES

Board Agenda Item  
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ACTION – 3

Request of Fairfax County Economic Development Authority to Issue Bonds for Purposes of Financing the Wiehle Avenue Metrorail Station Garage Project, Approval of Preliminary Bond Documents for Wiehle Avenue Metrorail Station Garage Project and Authorization of Judicial Proceedings to Validate Bonds

ISSUE:

Request of Fairfax County Economic Development Authority to issue bonds for purposes of financing the Wiehle Avenue Metrorail Station Garage Project, approval of preliminary financing documents to begin the process for financing the Wiehle Avenue Metrorail Station Garage Project (the "Project"), and authorizing judicial proceedings to validate bonds issued for such financing.

RECOMMENDATION:

The County Executive recommends approval of a Resolution which (i) requests the Fairfax County Economic Development Authority ("EDA") to issue bonds to finance the Project (the "Bonds"), (ii) approves the form and authorizes the execution of the Installment Purchase Contract between the Fairfax County Economic Development Authority ("EDA") and Board of Supervisors which contract sets out the terms and conditions for the County to make payments to EDA to pay the debt service on the Bonds and the responsibilities of the parties relating to the " Project," (iii) approves the form of the Trust Agreement, between EDA and a trustee, which agreement sets forth the terms for issuing the Bonds; the application of the proceeds of the Bonds and the pledging of funds for the payment of the Bonds, and (iv) authorizes the Office of the County Attorney, in conjunction with EDA Counsel and Bond Counsel to initiate proceedings to validate the Bonds.

TIMING:

Board action is requested on January 12, 2010, in order to begin the legal processes for financing the Project.

BACKGROUND:

On June 1, 2009, the Board approved a Comprehensive Agreement with Comstock Reston Station Holdings, LC and CRS Construction Services, LC (collectively, "Comstock") providing for Comstock to construct on County-owned real estate on Wiehle Avenue in Reston, Virginia, public parking facilities to include 2300 public parking spaces, 10 bus bays, 46 kiss/and/ride spaces and ancillary facilities (the "Project") to serve the new metrorail station. In order to finance the Project, it is proposed that the Board request EDA to issue Bonds to fund Project costs in an amount not to exceed One Hundred Ten Million

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Dollars (\$110,000,000). The Bonds will fund the cost of the public facilities, costs of issuance and capitalized interest during construction as well as provide a contingency reserve in the event of any unforeseen circumstances that may impact the cost of the Project for which the County is responsible. The Office of the County Attorney and Bond Counsel recommend that prior to the issuance of the Bonds by EDA, there should be a judicial determination of the validity of the Bonds to ensure broad financial market acceptance of the Bonds. After such judicial proceedings are fully completed and prior to the sale of the Bonds, Staff expects to return to the Board around July, 2010 with final cost and design recommendations and additional documents and requests for approval relating to the issuance of the Bonds.

FISCAL IMPACT:

As noted on June 1, 2009, the cost of the public facilities is currently estimated at \$90 million absent unforeseen circumstances. The debt service required to support construction, soft costs and capitalized interest will be approximately \$7.95 million per year commencing in FY 2015. Ground rents at that time are expected to be \$1.1 million rising to approximately \$3.3 million by 2020 and to \$5.3 million by 2034. Net operating income from the garage operations are expected to contribute approximately \$1.9 million per year at current system parking rates. The financing gap to be paid by the C&I tax is therefore approximately \$ 4.9 million per year to start in FY 2015 reducing to \$2.7 million in 2020 when full ground rents are received and finally reducing to zero by 2039.

Estimated incremental tax revenues are conservatively estimated to grow to in excess of \$5 million per year based on current real estate, personal property, sales and business taxes assessments on the full projected build out of 980,000 square feet in 2020. The final outcome of incremental taxes is a function of the final approved rezoning action, market conditions and future tax rates.

ENCLOSED DOCUMENT:

Attachment 1: Resolution of Approval (Distributed under separate cover and copy available in the Office of the Clerk to the Board)

STAFF:

Edward L. Long, Jr. Deputy County Executive  
Leonard P. Wales, County Debt Manager

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CONSIDERATION – 1

Appeal of Va. Code Ann. § 15.2-2232 Determination – Application 2232-D08-19,  
T-Mobile Northeast, LLC (Dranesville District)

ISSUE:

Consideration of an appeal filed by T-Mobile Northeast LLC of a Va. Code Ann. § 15.2-2232 determination by the Fairfax County Planning Commission that the proposal by T-Mobile Northeast LLC, to construct a telecommunications facility near the intersection of Dolley Madison Boulevard and Georgetown Pike in McLean, is not substantially in accord with the adopted Fairfax County Comprehensive Plan.

TIMING:

Board of Supervisors' action is required on January 12, 2010, to ensure compliance with the appeal procedures mandated by Va. Code Ann. § 15.2-2232.

BACKGROUND:

In 2004, the Fairfax County Planning Commission ("Planning Commission") approved Application 2232-D04-7 for Verizon Wireless ("Verizon") to construct a telecommunications facility north of the intersection of Dolley Madison Boulevard and Georgetown Pike in McLean. Verizon's facility would consist of 12 panel antennas attached to a triangular array at the top of a new 100-foot tall electric transmission pole ("the pole") that would replace an existing 90-foot tall electric transmission pole owned by Dominion Virginia Power. In addition, a fenced equipment compound would be located near the pole. In 2006, the Planning Commission approved Application FS-D06-80 for Cingular Wireless to establish a collocated telecommunications facility at the same site, consisting of 9 panel antennas attached to a second triangular array on the pole below Verizon's array, and a fenced equipment compound near the pole.

On March 31, 2009, T-Mobile Northeast LLC ("T-Mobile") submitted Application 2232-D08-19, dated March 30, 2009, as amended through September 17, 2009 (Attachment A), to the Department of Planning and Zoning ("DPZ"). As described, T-Mobile proposed to construct a telecommunications facility collocated on a 10-foot extension of the new pole noted above, and requested that the Planning Commission make a determination pursuant to Va. Code Ann. § 15.2-2232, as amended (Attachment B), that the proposed telecommunications facility was substantially in accord with the Fairfax County Comprehensive Plan ("Comprehensive Plan"). T-Mobile also sought approval of a Category 1 Special Exception for the proposed facility under Application SE 2009-DR-005, concurrent with Application 2232-D08-19.

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T-Mobile's proposed facility would consist of three panel antennas mounted directly to the exterior surface of a 10-foot tall cylindrical "pole" extension attached to the top of the existing 100-foot tall transmission pole (following its extension, the top of the pole would be 110 feet above the ground). The diameter and color of the extension would match the pole's top diameter and gray color, and the antennas would be gray to match the pole and proposed extension. In addition, three ancillary equipment cabinets would be located within a compound surrounded by an 8-foot tall chain link fence screened by a mix of new deciduous and evergreen plant material around the compound.

Staff evaluated T-Mobile's proposal to assess the potential visual impact of the proposed facility. The following relevant guidelines from the "MOBILE AND LAND-BASED TELECOMMUNICATION SERVICES" section of the Public Facilities element in the 2007 edition of the Policy Plan of the Comprehensive Plan, as amended through January 10, 2005, were some of the citations in the staff report upon which staff based its recommendation:

Objective 42, Policy a – "Avoid the construction of new structures by locating mobile and land-based telecommunication facilities on available existing structures such as building rooftops, telecommunication and broadcast poles and towers, electrical utility poles and towers, and water storage facilities when the telecommunication facilities can be placed inconspicuously to blend with such existing structures."

Objective 42, Policy c – "Subject to the availability and feasibility of a public site, when multiple sites have equal opportunity to minimize impacts, consider public lands as the preferred location for new structures."

Objective 42, Policy e – "Locate mobile and land-based telecommunication facilities operated by different service providers on single sites and/or structures whenever appropriate. Locate single-use structures on a property when a collocation structure for multiple service providers is not desirable or feasible due to site limitations or visual impact concerns."

Objective 42, Policy I – "Mitigate the visual impact of proposed telecommunication structures, and their antennas and ancillary equipment, using effective design options appropriate to the site such as:

- locating facilities near to or within areas of mature vegetation and trees which effectively screen or provide an appropriate setting for the proposed structure or which, when viewed in context, considering perspective views, relative topography and other factors, mitigate their visual presence and prominence;
- blending facilities with an existing pattern of tall structures;

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- obscuring or blocking the views of facilities with other existing structures, vegetation, treecover, or topographic features to the maximum extent feasible;
- increasing the height of or replacing existing structures to reduce the need for another structure when such height increases or structure replacements are appropriate to the site and the surrounding area.”

From its evaluation, staff believed that, even though the facility would be visible from some properties in the surrounding area, the proposed facility would have no significant adverse visual impact on the character of nearby residential areas and the public way. It was staff's opinion that the facility's visual impact would be mitigated by existing tree cover and the significant distance between the proposed facility and residential properties, and by T-Mobile's proposed design to mount its antennas close to the pole extension. Thus, in staff's opinion, it was appropriate to collocate the facility on an existing-use single structure, in accordance with Policy Plan objectives. Following its extension, the pole would remain visible as one of the transmission poles in an existing electric transmission corridor, where staff believed it would blend with the existing pattern of tall transmission poles located in that corridor. Also, staff believed that the extended pole would be visually compatible with the character, height, color, and type of other poles in the transmission corridor, and would have no adverse impact on heritage resources. Staff noted that T-Mobile's proposal to construct a collocated facility would not increase the total number of transmission poles already in the corridor, and would remove T-Mobile's need to construct a new telecommunications structure elsewhere in the area. Staff also noted that the proposed facility would be located on public property that was owned by the Commonwealth of Virginia, planned and developed for public street right-of-way purposes, and available for T-Mobile's use. Therefore, in the staff report for Application 2232-D08-19 (Attachment C), prepared by DPZ for the Planning Commission, staff took the position that the proposal satisfied the criteria of location, character, and extent, as specified in Va. Code Ann. § 15.2-2232, as amended, and recommended that the Planning Commission find the proposed facility substantially in accord with the provisions of the adopted Comprehensive Plan.

The Planning Commission held a public hearing for Application 2232-D08-19 (and SE 2009-DR-005) on November 5, 2009, during which two speakers presented testimony regarding T-Mobile's proposal. Following the public hearing, the Planning Commission deferred its decision on Application 2232-D08-10 to November 18, 2009. By a vote of 5-0-5, the Planning Commission denied Application 2232-D08-19 on November 18, 2009, finding that the general location or approximate location, character, and extent of the proposed facility was not substantially in accord with the adopted Comprehensive Plan (Attachment D).

Although cited by staff to support a favorable recommendation in its report to the Planning Commission, the following relevant guideline from the "MOBILE AND LAND-BASED TELECOMMUNICATION SERVICES" section of the Public Facilities element in the 2007 edition of the Policy Plan of the Comprehensive Plan, as amended through January 10,

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2005, also was cited by the Planning Commission in rendering its decision:

Objective 42, Policy e – “Locate mobile and land-based telecommunication facilities operated by different service providers on single sites and/or structures whenever appropriate. Locate single-use structures on a property when a collocation structure for multiple service providers is not desirable or feasible due to site limitations or visual impact concerns.”

The Planning Commission stated that, to approve Application 2232-D08-19, it must determine that the proposal is in harmony with the Comprehensive Plan. Furthermore, the proposal should not adversely affect the use of neighboring properties, or have a significant, adverse visual impact on the character of the residential areas, and should be designed to mitigate visual presence and prominence, concealing its intended purpose in a manner consistent with the character of the surrounding community. The Planning Commission noted that the proposed facility would be located in an area characterized by stable residential neighborhoods, and would be the tallest structure in the area, with attachments that would be further distracting. The Planning Commission believed that the facility would not easily blend with the existing pattern in the transmission corridor, and would be clearly visible from more numerous residential areas and above tree cover than at present. In addition, the Planning Commission expressed its belief that the visual impact of the proposal on the surrounding residential area would be both significant and adverse, and that the applicant had failed to design and locate the proposed facility to have the least visual presence on the community. Finally, it was noted that the height of the proposed facility would draw immediate, undesirable, and visible attention to it. Thus, the Planning Commission believed that the proposal failed to satisfy the criteria of location, character, and extent as specified in Va. Code Ann. § 15.2-2232, as amended.

On November 30, 2009, T-Mobile filed with the Clerk to the Board of Supervisors a written appeal of the Planning Commission’s determination (Attachment E). It should be noted that, although staff recommended that the Planning Commission find Application 2232-D08-19 substantially in accord with provisions of the adopted Comprehensive Plan, the issues before the Board of Supervisors are the grounds specified in the appeal. In its appeal, T-Mobile states:

“Applicant argues that the proposed telecommunications facility will not have significant and adverse visual impact on the character of the residential areas for the reasons stated [in the appeal]. Applicant asserts that Application 2232-D08-19 satisfies the criteria of location, character and extent pursuant to Section 15.2-2232 of the Code of Virginia, is determined to be in substantial accord with the Comprehensive Plan and, therefore, should be approved.

Applicant requests that the Board of Supervisors find that the Planning Commission failed to obtain a quorum majority vote on November 18, 2009 and, as such, the vote obtained should be considered invalid.

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Applicant requests that the Board of Supervisors overturn the decision of the Planning Commission to recommend to the Board of Supervisors that it deny the subject Application 2232-D08-19, as amended, as not substantially in accord with provisions of the adopted Comprehensive Plan.

Applicant requests that the Board of Supervisors overturn the decision of the Planning Commission to recommend to the Board of Supervisors that it deny the subject Application SE 2009-DR-005, as amended. “

Regarding the issues raised in the appeal, staff responds as follows:

T-Mobile first argues in its appeal that the Planning Commission's vote on the 2232 application was "invalid" because a majority of the Planning Commissioners allegedly did not vote in favor of the motion to deny the application. Va. Code Ann. § 15.2-2215 states, in relevant part, that "no action of the Planning Commission shall be valid unless authorized by a majority of those present and voting." Five members of the Planning Commission voted in favor of the motion to deny the Application, and none of the members voted against it. Five Planning Commission members abstained from voting, but such abstentions are never included in the vote pursuant to Roberts Rules of Order, which the Planning Commission has adopted as part of its by-laws. Indeed, the plain meaning of the word "abstain" is "to decline to vote." Thus, the majority of the Planning Commissioners voted to deny the Application, and that vote is plainly valid pursuant to Va. Code Ann. § 15.2-2215.

In the staff report, staff recommended that the Planning Commission find T-Mobile's proposal substantially in accord with the provisions of the adopted Comprehensive Plan. Staff's recommendation was based on its analysis and evaluation of the proposal with regard to the Objectives and Policies listed under the "MOBILE AND LAND-BASED TELECOMMUNICATION SERVICES" section of the Public Facilities element in the 2007 edition of the Policy Plan of the Comprehensive Plan, as amended through January 10, 2005. Based on its evaluation, staff concluded that, in its opinion, the proposed facility satisfied the criteria of location, character, and extent as specified under Va. Code Ann. § 15.2-2232, and recommended that the Planning Commission find the proposal substantially in accord with provisions of the adopted Comprehensive Plan.

However, the Planning Commission is not required to follow staff's recommendation because reasonable people may differ with respect to whether a particular land use proposal is in substantial accord with the Comprehensive Plan. The Planning Commission's decision was founded on numerous factors. Its decision to disagree with the staff recommendation and deny the application was based in part on testimony provided by members of the community, on information provided in the staff report and by T-Mobile, and on its own assessment of the proposal. The staff report did not present staff's recommendation as the only conclusion that could be reasonably drawn. The land use

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issues presented to the Planning Commission by staff and by members of the community during the public hearing are issues for which differing positions can be reasonably taken and different conclusions can be reasonably reached. Although staff made a recommendation, it was well within the Planning Commission's authority to assess the information presented to it and draw its own conclusions.

Another factor considered by the Planning Commission was its interpretation of written Comprehensive Plan recommendations which were cited by staff in the staff report. These included adopted County policies to minimize impacts on the character of the surrounding areas, to mitigate the visual impact of proposed telecommunications structures, and to locate single-use telecommunications facilities on a property when a collocation structure for multiple service providers is not desirable due to visual impact concerns.

The Planning Commission also considered information and analyses presented in the staff report. With respect to character, the Planning Commission noted that the proposed 10-foot extension of the existing 100-foot transmission pole, which is visible above the existing tree cover now, would be even more dominant. The Planning Commission concluded that the proposed facility would not easily blend with the existing pattern of transmission poles in the transmission corridor, and would be clearly visible from more numerous residential and recreational areas than at present. Finally, the Planning Commission noted that the visual impact of the proposed facility on the surrounding residential area is both significant and adverse, and that T-Mobile failed to design and locate the facility to have the least visual presence on the community.

In addition to its consideration of the information in the staff report, the Planning Commission assessed other information presented during the public hearing in order to reach a conclusion. During the public hearing, the Planning Commission heard testimony, which was then entered into the official record. Information that was presented at the public hearing included a presentation by T-Mobile identifying alternative locations that it considered, and reasonable opinions and legitimate questions about land use issues raised by speakers.

In its analysis of the application, staff considered whether the proposal conformed to certain specific Policy Plan recommendations. The Planning Commission considered the same recommendations. Although staff had a different assessment of the impact of the proposed facility, the Planning Commission's decision was based, in part, on conclusions related to whether the proposed facility would have a significant adverse visual impact on surrounding areas. It was well within the Planning Commission's authority, and was its duty, to independently assess the information presented to it and draw its own conclusions. Within that context, and following its receipt of the material and information outlined above, the Planning Commission could, in staff's opinion, legitimately arrive at a negative decision about T-Mobile's proposal.

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Therefore, it is staff's opinion that a reasonable person could review the Comprehensive Plan recommendations, the subject proposal by T-Mobile, and other written information available to the Planning Commission, and conclude that the record supported a decision that, with regard to its location, character, and extent, the facility proposed by T-Mobile in Application 2232-D08-19, to be located north of the intersection of Dolley Madison Boulevard and Georgetown Pike in McLean, is not substantially in accord with the Comprehensive Plan.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A – Proposal dated March 30, 2009, from T-Mobile Northeast LLC  
Attachment B – Va. Code Ann. § 15.2-2232  
Attachment C – Staff Report (text only) dated September 21, 2009, prepared by DPZ  
Attachment D – Planning Commission Meeting, November 18, 2009, Verbatim Excerpt  
Attachment E – Appeal of T-Mobile Northeast LLC for Application 2232-D08-19

STAFF:

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

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INFORMATION – 1

Contract Award – Ossian Hall Park – Phase II Improvements (Braddock District)

Fifteen (15) sealed bids were received and opened on Friday, November 13, 2009, for the Ossian Hall Park – Phase II Improvements in Project 474408, Park and Building Renovation and in Project 474763, Grants, both in Fund 370, Park Authority Bond Construction.

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

The lowest responsive and responsible bidder is Jeffrey Stack, Inc. of Jersey, Virginia. Their total base bid of \$1,321,482.50 is \$478,517.50, or 26.6% below the Park Authority's pre-bid cost estimate of \$1,800,000. The second lowest bid of \$1,335,000 is \$13,517.50, or 1% above the low bid, and the highest bid of \$1,658,900 is \$337,417.50, or 25.5% above the low bid. The decision was made to not accept add Alternate No. 1.

Based on their financial capability and construction experience, Jeffrey Stack, Inc. is considered to be a responsible contractor and holds a Virginia Class A Contractor's license.

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

On December 16, 2009, 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 Jeffrey Stack, Inc. in the amount of \$1,321,482.50.

FISCAL IMPACT:

Based on post-bid update, funding in the amount of \$1,694,349.50 is necessary to award this contract and to fund the associated contingency, administrative costs, and other project related costs. Funding is currently available in the amount of \$1,645,349.50 in Project 474408, Park and Building Renovation, and \$49,000 in Project 474763, Grants, both in Fund 370, Park Authority Bond Construction to award this contract and to fund the associated contingency, administrative costs, and other project related costs.

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ENCLOSED DOCUMENTS:

Attachment 1: Bid Results  
Attachment 2: Scope of Work  
Attachment 3: Cost Estimate

STAFF:

Robert A. Stalzer, Deputy County Executive  
John W. Dargle Jr., Director, Park Authority

INFORMATION – 2

Service Changes to FAIRFAX CONNECTOR Routes to be Implemented in January 2010

This is to notify the Board that the Department of Transportation intends to change the schedules and/or routings of several FAIRFAX CONNECTOR bus routes in January 2010 as outlined below:

1. Modify the schedules and routing of RIBS 1, 2 and 3 to improve on-time performance; restructure and modify the routing and schedule of RIBS 4 to provide more efficient service (Attachment 1).
  - RIBS 1 (Hunter Mill District): Modify route as follows: In the AM and PM peak periods, remove service from Hunters Woods Village Center and Lake Anne Fellowship House; in the off-peak, remove service from Hunters Woods Fellowship House and Reston East Park and Ride; modify schedule to ensure timed transfers RIBS buses and route 505.
  - RIBS 2 (Hunter Mill District): Modify route as follows: In the AM and PM peak periods, remove service from Kaiser Hospital, Hunters Woods Fellowship House and South Lakes Village Center; in the off-peak, remove service from Hunters Woods Fellowship House and Reston East Park-and-Ride; modify schedule to ensure timed transfers with RIBS buses and route 505.
  - RIBS 3 (Hunter Mill District): Modify route as follows: In the AM and PM peak periods, remove service from Hunters Woods Village Center and Lake Anne Fellowship House; reduce number of daily trips to USGS from 12 to 6; modify schedule to ensure timed transfers with RIBS buses and route 505.
  - RIBS 4 (Hunter Mill District): Modify route as follows: Split route at Reston Town Center to create a new RIBS 4 and RIBS 5; in the AM and PM peak periods, RIBS 4 will provide service to the Bennington Woods and Lake Newport neighborhoods and Reston Town Center; in the off-peak, RIBS 4 will provide service to North Reston, the North Point Village Center and Reston Town Center; modify schedule to ensure timed transfers with RIBS buses and route 505 (Attachment 2).
  - RIBS 5 (Hunter Mill and Dranesville Districts): New route will provide service as follows: In the AM and PM peak periods, the route will link Reston Town

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Center to Herndon via Sunset Hills and Elden Street; in the off-peak, route will also provide front door service to K-Mart on Elden Street; modify schedule to ensure timed transfers with RIBS buses and route 505. (Attachment 3)

2. Modify the schedules and routing of routes 642 and 644:

- Route 642 (Sully District): Restructure the route to provide service to Sully Station Drive. The 2008 Centreville-Chantilly-Oakton bus service plan removed service on Sully Station Drive due to low ridership; however, since the implementation of the new service, staff has received numerous complaints about the removal of service.
- Route 644 (Sully District): Modify the schedule to improve frequency at Stone Road Park and Ride. The 2008 Centreville-Chantilly-Oakton bus service plan called for 15-20 minute headways at Stone Road Park-and-Ride; however, current operational and ridership data suggests that the frequency of service needs to be increased to 10-12 minutes in order to accommodate heavy passenger loads in the 7:00am and 8:00am hours. Currently, a strategic bus is being used to accommodate heavy passenger loads and the proposed new schedule places the strategic bus permanently into the schedule.

Unless otherwise directed by the Board, the Department of Transportation will proceed to implement these service changes in January 2010.

FISCAL IMPACT:

The service changes listed above require no additional cost. The total number of daily revenue hours operated will remain constant.

ENCLOSED DOCUMENTS:

Attachment 1 – Fairfax Connector RIBS Service Plan Summary  
Attachment 2 – Fairfax Connector RIBS 4  
Attachment 3 – Fairfax Connector RIBS 5

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Rollo Axton, Chief, Transit Services Division, FCDOT  
Thomas Black, Chief, Fairfax Connector Section, FCDOT  
Christin Wegener, Transit Services Division, FCDOT

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INFORMATION - 3

Planning Commission Action on Application 2232-V09-10, T-Mobile Northeast LLC  
(Mount Vernon District)

On Wednesday, December 2, 2010, the Planning Commission voted 9-0-1 (Commissioner de la Fe abstaining; Commissioners Harsel and Lusk absent from the meeting) to approve 2232-V09-10.

The Commission noted that the application met the criteria of character, location and extent, and was in conformance with Section 15.2-2232 of the Code of Virginia.

Application 2232-V09-10 sought approval to construct a 125' telecommunications treepole, with collocation potential for up to two additional future providers, at George Washington RECenter, 8426 Old Mount Vernon Road, Alexandria, on property owned by the Park Authority. It will also include nine panel antennas and three equipment cabinets within a compound that will be screened by an 8' tall board-on-board wood fence. (Tax Map 101-4 ((1)) 47A)

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 12/2/09 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

David B. Marshall, Assistant Director, Planning Division, DPZ

Barbara J. Lipka, Executive Director, Planning Commission Office

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INFORMATION – 4

Contract Award – Architectural/Engineering (A/E) Basic Ordering Agreement (BOA)  
Contract for The Lukmire Partnership, Incorporated

Professional services are required for various projects throughout the County. These services are required for the preparation of required documents for feasibility studies, special design studies, special services, and for design and construction administration of small capital facility projects.

The Request for Proposal indicated that the County would award two contracts each for an annual amount of \$500,000. This contract is the second of two contracts to be awarded. The term of the award is for one year in the maximum amount of \$500,000, with two one-year renewals at the option of the County, with no individual projects authorized greater than \$200,000. Funds not expended at the end of the year cannot be rolled over to a subsequent year. Individual task orders will be authorized as projects are identified. The scope of the Architect's services will be developed on a case-by-case basis as individual projects are identified and task orders are negotiated.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of The Lukmire Partnership, Incorporated, was selected based on the firm's technical expertise and relevant experience. The Department of Tax Administration has verified that The Lukmire Partnership, Incorporated, is not required to have a Fairfax County Business, Professional and Occupational License because it is located in Arlington County.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to The Lukmire Partnership, Incorporated, in the amount of \$500,000 for the initial year with two one-year renewals at the option of the County.

FISCAL IMPACT:

Funding for this contract will be available from the applicable projects for which the A/E services are required. The amount of funding and the funding source will be identified prior to authorizing each task order. The Department of Public Works and Environmental Services will authorize individual task orders as they are identified.

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ENCLOSED DOCUMENTS:

Attachment 1 – List of awardee and other firms interviewed  
(Copy of contract is available in Office of the Clerk to the Board)

STAFF:

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

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## INFORMATION - 5

### Contract Award for Environmental Engineering Services for the Solid Waste Management Program

The Department of Purchasing and Supply Management (DPSM) issued a Request for Proposal (RFP) #10-127976-44 for Professional Engineering Services for the Solid Waste Management Program (SWMP) in order to solicit proposals and establish a contract or contracts for professional engineering and consultation services required by County disposal and collection operations, as well as recycling programs. The contracts will provide engineering and consulting services related to environmental compliance of the SWMP and provide technical review and support for waste collection operations, programs and practices. In addition, the contracted firms will be available to implement projects which may be required by the Virginia Department of Environmental Quality, pending federal environmental legislation.

The RFP was advertised on eVA, the Commonwealth of Virginia's e-procurement portal, and notice was sent to approximately 200 potential offerors. Seven proposals were received in response to the RFP. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP.

Following evaluation of the proposals, the SAC negotiated with the firms, beginning with the top-rated offeror. Due to the breadth and scope of the work that is anticipated, four firms were selected and recommended for contracts.

Contracts were negotiated in the best interests of the County with each of the selected firms. Pricing under the contracts is based on fixed hourly rates plus cost reimbursement for specific project costs (materials, transportation, mileage, mailing, etc).

The SAC has recommended awards to the following firms based on their professional competency, qualifications and experience:

- Malcolm Pirnie, Inc.
- SCS Engineers
- Camp Dresser & McKee
- Solid Waste Services

The Department of Tax Administration has verified that each of the firms (Malcom

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Pirnie, Inc., SCS Engineers, Camp Dresser & McKee, and Solid Waste Services) has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award contracts to the firms listed above. The amount expended with each contractor is anticipated to be less than \$500,000 per year.

FISCAL IMPACT:

The total estimated contract value is \$2 million annually (\$500,000 for each contract award) and will be available from the applicable projects in Fund 109, Refuse Collection and Recycling Operations, Fund 110, Refuse Disposal, Fund 112, Energy/Resource Recovery Facility, and Fund 114, I-95 Refuse Disposal. Solid Waste Management will authorize individual task orders as they are identified.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors

STAFF:

Edward L. Long, Deputy County Executive

Cathy Muse, Director, Department of Purchasing & Supply Management

James Patteson, Director, Department of Public Works and Environmental Services

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

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INFORMATION – 6

Request for Proposal for an Extended Day Pilot Program at Two of the Six Elementary Schools that do not Currently have a SACC Program: White Oaks and Clearview Elementary Schools

As directed by the Board of Supervisors and the Smart Savings Task Force, the county and Fairfax County Public Schools have developed a request for proposals (RFP) for an extended day pilot program at two of the six elementary schools that do not have classroom space available for the county's SACC program: White Oaks and Clearview. The pilot program will provide extended day services by using an outside vendor and gym and cafeteria space only. Subsequently, the pilot programs will likely use a different curriculum. The RFP will require that selected vendor/s:

- Are licensed by the Virginia Department of Social Services.
- Provide a curriculum and enrichment activities appropriate for school age children.
- Provide for the inclusion and integration of children with special needs and meet Americans with Disabilities Act requirements.
- Provide healthy snacks/meals for children and participate in the USDA Child and Adult Care Food Program.
- Provide regular monitoring and evaluation of site, program and staff.
- Provide proof of required insurance.

Unless otherwise directed by the Board of Supervisors, the Department of Family Services/Office for Children will proceed with releasing the RFP in January 2010. The contract will be awarded for two years with two optional renewals.

FISCAL IMPACT:

Adjustments which may be necessary to subsidize fees for families with low income and for the additional costs associated with serving children with special needs in the pilot program will need to be considered as part of the FY 2011 budget.

ENCLOSED DOCUMENTS:

Attachment 1: Draft RFP scope, background, tasks to be performed

STAFF:

Verdia L. Haywood, Deputy County Executive  
Nannette M. Bowler, Director, Department of Family Services  
Anne-Marie D. Twohie, Director, Office for Children

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10:45 a.m.

Matters Presented by Board Members

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11:35 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
  - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
  - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *John McIntosh, et al. v. Amanda Perry*, Case No. CL-2009-0000354 (Fx. Co. Cir. Ct.)
  2. *Dunn, McCormack, & MacPherson v. Gerald E. Connolly*, Case No. CL-2008-0004469 (Fx. Co. Cir. Ct.)
  3. *Tevores Wade v. Romon Robertson, PFC; Anthony Taormina, PFC; Daniel Griffith, PFC; Mount Vernon District Station, et al.; County of Fairfax, Virginia, in Official Capacity; Commonwealth of Virginia; Fairfax County Police Department; David M. Rohrer, Chief; Frank Wernlein, Major; John Brennan, Lieutenant; Fairfax County Board of Supervisors; Gerald E. Connolly; Sharon Bulova; Catherine Hudgins; Jeff McCoy; Penelope Gross; Gerald Hyland; Linda Smyth; Pat Herrity; Michael Frey; John Foust*, Case No. 09-7733 (4th Cir. Ct. of App.)
  4. *Rita Illes v. Fairfax County, Virginia*, Case No. 1:09-CV-858 LO/JFA (E.D. Va.)
  5. *Elena Norfolk v. Detective Douglas Middlebrooks*, Case No. CL-2009-0009207 (Fx. Co. Cir. Ct.)

6. *Mary Ann and Robert Berkowitz and Mary Ann Brewer v. County of Fairfax*, Case No. CL-2009-0012972 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Kaveh Sari v. Detective T. W. Bacigalupi, George Mason University, Officer L. A. Robinson, Fairfax County Police Department, Ayah Wali, and Mariam B. Alwarith*, Case No. CL-2009-0016309 (Fx. Co. Cir. Ct.)
8. *Hong Theng Ker v. Vinnita M. Macri*, Case No. CL-2009-0017367 (Fx. Co. Cir. Ct.)
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. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona*, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Arturo Castellon*, Case No. CL-2008-0004426 (Fx. Co. Cir. Ct.) (Springfield District)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert R. McKim*, Case No. CL-2009-0013286 (Fx. Co. Cir. Ct.) (Springfield District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Raimundo Guevara-Mendieta*, Case No. CL-2007-0012705 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Gerald M. Bowen*, Case No. CL-2009-0001835 (Fx. Co. Cir. Ct.) (Sully District)

17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lola Stubblefield*, Case No. CL-2008-0014170 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Seung Ik Seo and Myung Soon Han*, Case No. CL-2009-0008136 (Fx. Co. Cir. Ct.) (Springfield District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ramiro Z. Herrera*, Case No. CL-2009-0006973 (Fx. Co. Cir. Ct.) (Providence District) (Strike Team Case)
20. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Norman Mesewicz*, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene A. Velasquez and Tomasa Velasquez*, Case No. CL-2009-0007700 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilber E. Magana and Saira N. Magana*, Case No. CL-2009-0007699 (Fx. Co. Cir. Ct.) (Lee District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan P. Bonilla*, Case No. CL-2009-0011661 (Fx. Co. Cir. Ct.) (Providence District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. William J. Cook*, Case No. CL-2009-0006975 (Fx. Co. Cir. Ct.) (Mount Vernon District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul L. Veeder*, Case No. CL-2009-0003259 (Fx. Co. Cir. Ct.) (Providence District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Deborah R. Hakenson and Melvin E. Hakenson*, Case No. CL-2009-0005303 (Fx. Co. Cir. Ct.) (Lee District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Omer Villarroel, Roberto Villarroel, and Diego Villarroel*, Case No. CL-2009-0013289 (Fx. Co. Cir. Ct.) (Mason District)

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter A. Shultz, Case No. CL-2009-0012158 (Fx. Co. Cir. Ct.) (Springfield District)*
29. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Potomac Custom Homes II, LLC, Case No. CL-2009-0010550 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas N. Robinson, Jr., Case No. CL-2009-0013944 (Fx. Co. Cir. Ct.) (Mason District)*
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Paz and Marlene B. Paz, Case No. CL-2009-0010924 (Fx. Co. Cir. Ct.) (Braddock District)*
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Han Sun Lee and Hyun Jin Lee, Case No. CL-2009-0010263 (Fx. Co. Cir. Ct.) (Springfield District)*
33. *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)*
34. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iris Y. Villalobos Aguilar, Case No. CL-2009-0010920 (Fx. Co. Cir. Ct.) (Lee District)*
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy Mark, Case No. CL-2009-0010262 (Fx. Co. Cir. Ct.) (Braddock District)*
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ena Xiomara Martinez, Case No. CL-2009-0013130 (Fx. Co. Cir. Ct.) (Mason District)*
37. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)*
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cleto Rojas, Ismael Dante Casildo-Ordonez, and Delia Luisa Berrospi-Romero, Case No. CL-2009-0016908 (Fx. Co. Cir. Ct.) (Mason District)*

39. *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)*
40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young C. Kim and Ok Ja Kim, Case No. CL-2009-0016977 (Fx. Co. Cir. Ct.) (Mason District)*
41. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Brenda M. Hunt, Case No. CL-2009-0017027 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria Argueta, Case No. CL-2009-0017349 (Fx. Co. Cir. Ct.) (Sully District)*
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fernando Vargas and Graciela Vargas, Case No. CL-2009-0017350 (Fx. Co. Cir. Ct.) (Sully District)*
44. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 1519 & 6460 Linway Terrace, LLC, Case No. CL-2009-0017505 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)*
45. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 1519 & 6460 Linway Terrace, LLC, Case No. CL-2009-0017506 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team/BNV Case)*
46. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eun S. Sul, Case No. CL-2009-0017508 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team/BNV Case)*
47. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Antonio Pereira, Case No. CL-2009-0017509 (Fx. Co. Cir. Ct.) (Dranesville District) (Strike Team Case)*
48. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Nelson G. Lameles, Case No. CL-2009-0017503 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team/BNV Case)*

49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Villarroel-Romero, Carlos Rogelio Renjel, and Celia Vargas-Mendez, Case No. CL-2009-0017629 (Fx. Co. Cir. Ct.) (Mason District)*
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Julio Moya, Case No. CL 2009-0017993 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)*
51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Silva-Guzman, Case No. CL-2009-0018052 (Fx. Co. Cir. Ct.) (Lee District)*
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Darwin Santos Gonzalez, Case Nos. 09-0030069 and 09-0030070 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. David Almendarez, Civil Case Nos. 09-0029452 and 09-0029453 (Fx. Co. Gen. Dist. Ct.) (Mason District)*
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rocio L. Veizaga, Case Nos. 09-0030296 and 09-0030297 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Young B. Cho, Case Nos. 09-31115 and 09-31116 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ryan Denmark and Amy Denmark, Case Nos. 09-0031512 and 09-0031513 (Fx. Co. Gen. Dist. Ct.) (Lee District)*

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3:00 p.m.

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

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

PLANNING COMMISSION RECOMMENDATION:

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

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

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

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

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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3:30 p.m.

Public Hearing on Appeal of Va. Code Ann. § 15.2-2232 Determination – Application 2232-D08-19, T-Mobile Northeast, LLC (Dranesville District)

and

Public Hearing on SE 2009-DR-005 (T-Mobile Northeast LLC) to Permit Telecommunications Facilities, Located on Approximately 1,987 Square Feet Zoned R-1, Dranesville District

The application property is located at on VDOT ROW Access Rd. off Colonial Farm Road, Tax Map 22-3 ((1)) 40.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, November 18, 2009, the Planning Commission voted 5-0-5 (Commissioners Alcorn, Hall, Hart, Lusk, and Murphy abstaining; Commissioner Sargeant not present for the vote; Commissioner de la Fe absent from the meeting) to deny 2232-D08-19. The Commission noted that the proposal to add a 10-foot extension to the existing 100-foot tall utility transmission pole (at the intersection of Georgetown Pike and Dolley Madison Boulevard on VDOT right-of-way) would be visually obtrusive to the surrounding residential community and therefore did not satisfy the criteria of location, character and extent, as set forth in Sect. 15.2-2232 of the *Code of Virginia*, as amended.

The Planning Commission then voted 5-0-5 (Commissioners Alcorn, Hall, Hart, Lusk, and Murphy abstaining; Commissioner Sargeant not present for the vote; Commissioner de la Fe absent from the meeting) to recommend that the Board of Supervisors deny SE 2009-DR-005, based on the rationale stated for the denial of 2232-D08-19.

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

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Board Agenda Item  
January 12, 2010

3:30 p.m.

Public Hearing on SE 2009-DR-014 (Sherwood Development Group LLC) to Permit a Quick Service Food Store, Located on Approximately 1.14 Acres Zoned C-5, Dranesville District

The application property is located at 8100 Old Dominion Drive, Suite. E. Tax Map 20-4 ((1)) 27A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 2, 2009, the Planning Commission voted unanimously (Commissioner Flanagan not present for the vote; Commissioners Harsel and Lusk absent from the meeting) to recommend that the Board of Supervisors approve SE 2009-DR-014, subject to the Development Conditions dated November 18, 2009.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
January 12, 2010

3:30 p.m.

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

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

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SE 2009-MA-015 was held on December 10, 2009, at which time the Commission voted unanimously (Commissioners Flanagan, Harsel, Lusk, and Sargeant absent from the meeting) to defer its decision to Thursday, January 7, 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)  
Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item  
January 12, 2010

3:30 p.m.

Public Hearing on SE 2009-SP-019 (New Cingular Wireless PCS, LLC D/B/A AT&T Mobility Northern VA Electric Cooperative and Smartpole, Inc.) to Permit a Telecommunications Facility, Located on Approximately 1.38 Acres Zoned R-C and WS, Springfield District

The application property is located at 4904 Mattie Moore Court. Tax Map 56-4 ((1)) 20A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 10, 2009, the Planning Commission voted unanimously (Commissioners Flanagan, Harsel, Lusk, and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve SE 2009-SP-019, subject to the proposed Development Conditions dated November 25, 2009, with the addition of a new Condition to read:

“An eight-foot high chain link fence shall be installed inside the interior of the board-on-board fence, as shown on the SE Plat. The subject chain link fence shall enclose all proposed and future equipment to be installed in the equipment compound.”

In a related action, the Planning Commission voted unanimously (Commissioners Flanagan, Harsel, Lusk, and Sargeant absent from the meeting) to approve 2232-S09-17, noting that the proposed telecommunications facility (located at 4904 Mattie Moore Court on 1.38 acres of land zoned R-C and WS; Tax Map 56-4 ((1)) 20A) was in conformance with the criteria of location, character and extent, as set forth in Sect. 15.2-2232 of the *Code of Virginia*, as amended.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
January 12, 2010

3:30 p.m.

Public Hearing on PCA 87-S-023-03 (Costco Wholesale Corporation) to Amend the Proffers for RZ 87-S-023 Previously Approved for Commercial Development to Permit Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.22, Located on Approximately 17.56 Acres Zoned C-6 and WS, Springfield District

and

Public Hearing on SE 2007-SP-001 (Costco Wholesale Corporation) to Permit an Expansion of a Retail Sales Establishment – Large, Located on Approximately 16.05 Acres Zoned C-8 and WS. Springfield District

PCA 87-S-023-03 is located in the northeast quadrant of the intersection of West Ox Road and Lee Highway, Tax Map 56-3 ((1)) 5C and 5D.

SE 2007-SP-001 is located at 4725 West Ox Road, Tax Map 56-1 ((1)) 5C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, October 29, 2009, the Planning Commission voted unanimously (Commissioner Flanagan absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 87-S-023-03, subject to the execution of proffers consistent with those dated October 7, 2009;
- Approval of SE 2007-SP-001, subject to the Development Conditions dated October 28, 2009, revised as follows:
  - Add the following sentence to Condition 17: “The Zoning Administrator may approve a later date for the completion of the road improvement without requiring an SEA upon demonstration by the applicant that, despite diligent efforts and due to factors beyond the applicant’s control, the required road improvements have been delayed.”
  - Add a new Condition (renumbering the Conditions as appropriate) to read: “The stormwater management system shall be determined to be adequate by the Department of Public Works & Environmental Services at the time of site plan review.”

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- Modification of the transitional screening requirement to the east in favor of the existing vegetation as shown on the GDP/SE Plat and waiver of the barrier requirements to the east in favor of the landscape berm shown on the GDP/SE Plat; and
- Waiver of the trail requirement along Lee Highway (Route 29).

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

Board Agenda Item  
January 12, 2010

4:00 p.m.

Public Hearing to Lease County-Owned Property to Washington, D.C. SMSA Limited Partnership d/b/a Verizon Wireless (Providence District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

On December 7, 2009, the Board of Supervisors authorized the advertisement of a public hearing to be held on January 12, 2010, commencing at 4:00 pm.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 3300 Gallows Road (Tax Map 59-2 ((1)) 1A). Verizon Wireless is currently expanding their network in the Baltimore/Washington/Northern Virginia area and identified a Fairfax County Water Authority water tower and the associated ground area as an excellent location for a base station for their telecommunications network. The County proposes to enter into a communications lease with Verizon Wireless that is substantially in accordance with the Lease Agreement attached hereto as Attachment B.

Verizon Wireless plans to install a telecommunications facility on an existing 183.5 foot tall Fairfax County Water Authority water tank located within close proximity of Fairfax Hospital. The telecommunications facility will consist of up to eight (8) panel antennas mounted on the water tank and up to eight (8) outdoor equipment cabinets and one (1) generator on the ground. The total area for the ground base station will be approximately 798 square feet. The Board owns the land and the Water Authority owns the water tower.

On September 9, 2009, the Planning Commission voted unanimously to concur with the determination that modifications proposed by Verizon Wireless to a previously approved telecommunications facility located at 3300 Gallows Road (TM 59-2 ((1)) 1A) is

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substantially in accordance with the recommendations of the adopted Comprehensive Plan, and should be considered a “feature shown” pursuant to Virginia Code Section 15.2-2232, as amended.

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment A – Tax Map 59-2

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

STAFF:

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

Board Agenda Item  
January 12, 2010

4:00 p.m.

Public Hearing to Lease County-Owned Property to Clear Wireless, LLC (Providence District)

ISSUE:

Public hearing to lease County-owned property to Clear Wireless, LLC, for the installation of a high speed internet hub station at 4100 Chain Bridge Road.

RECOMMENDATION:

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

TIMING:

On December 7, 2009, the Board of Supervisors authorized the advertisement of a public hearing to be held on January 12, 2010, commencing at 4:00 pm.

BACKGROUND:

The Board of Supervisors is the owner of real property located at 4100 Chain Bridge Road (Tax Map 57-4 ((01)) 14) and commonly referred to as the Massey building. Clear Wireless seeks to install antennas on the existing Sprint/Nextel roof top sled mounts on the Massey building and equipment cabinets in the Massey communications penthouse room. The total area for the internet hub station will be approximately 100 square feet. The high speed internet hub station will consist of four (4) 16", four (4) 26.1" and two (2) 35" dish antennas and three (3) 43"x12"x5" panel antennas and two (2) equipment cabinets 75"x36"x30". The County proposes to enter into a communications lease with Clear Wireless that is substantially in accordance with the Lease Agreement attached hereto as Attachment B.

The proposed internet hub station is a vital component of Clear Wireless area-wide wireless network. Clear Wireless is a new entrant in this market and as such is just beginning to build out its network in the Baltimore/Washington/Northern Virginia area. Clear Wireless has no coverage in the area surrounding the Massey facility and by locating on the Massey facility; Clear Wireless will be able to begin providing coverage. Also, the proposed internet station will have less visual impact on nearby residential properties than a new monopole or other structure located elsewhere in the vicinity.

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On Thursday, October 15, 2009, the Planning Commission voted unanimously that the high speed internet station proposed by Clear Wireless, LLC. and located at 4100 Chain Bridge Road (Tax Map 157-4 ((1)) 14), is in conformance with the recommendations of the Comprehensive Plan and should be considered a “feature shown”, pursuant to Section 15.2-2232 of the Code of Virginia, as amended.

Staff recommends that the Board enter into a communications lease with Clear Wireless to permit the installation of a new high speed internet hub station at 4100 Chain Bridge Road (substantially in accordance with the proposed Lease Agreement attached hereto as Attachment B). The proposed lease will have an initial term of five years with 3 five year options.

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment A: Tax Map 57-4

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

STAFF:

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

Board Agenda Item  
January 12, 2010

4:00 p.m.

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

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Timber Ridge Community Parking District (CPD).

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on December 7, 2009, for January 12, 2010, at 4:00 p.m.

BACKGROUND:

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

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

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agencies to provide services.

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT  
Selby Thannikary, Chief, Traffic Operations Section, FCDOT  
Maria Turner, Sr. Transportation Planner, FCDOT  
Janet Nguyen, Transportation Planner, FCDOT

Board Agenda Item  
January 12, 2010

4:00 p.m.

Public Hearing on Proposed Plan Amendment S09-CW-3CP, Generally Surrounding the Intersection of Interstate 95 and Franconia/ Old Keene Mill Roads, East and South of Commerce Street, West of the CSX Railroad Tracks, and North of Springfield Center Drive (Lee District)

ISSUE:

Plan Amendment (PA) S09-CW-3CP involves the 800 acres of the Franconia-Springfield Transit Station Area (TSA), the Springfield Community Business Center (CBC), several parcels southwest of the CBC, and several parcels north of Franconia Road and east of Interstate-95 (I-95). The primary focus of the Plan amendment is approximately 600 acres of this subject area that surround the intersection of I-95 and Old Keene Mill/ Franconia Roads. The Plan amendment revises the Plan recommendations for the CBC and TSA based on the urban design and transportation-related findings of a special area study, which generally encompassed the subject area, entitled the Springfield Connectivity Study (August 2008). The amendment also proposes changes to the planned land use guidance for two areas within the Springfield CBC, referred to in the Comprehensive Plan as Land Units A and D-2.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 9, 2009, the Planning Commission voted unanimously (Commissioners Donahue, Flanagan, Harsel, Lawrence, and Litzenberger absent from the meeting) to recommend that the Board of Supervisors adopt the proposed text for S09-CW-3CP, as shown on pages 1 through 113 of the staff report, with modifications to the Transportation Map on page 27 and to the Land Unit A text, as shown on the attached handout dated December 10, 2009.

In a related action, the Commission also voted unanimously (Commissioners Donahue, Flanagan, Harsel, Lawrence, and Litzenberger absent from the meeting) to deny the following three BRAC Area Plan Review (APR) nominations: BRAC APR-08-IV-5FS, BRAC APR-08-IV-7FS, and BRAC APR-08-IV-9FS. The Commission noted that these items were taken into consideration with the creation of the proposed text for Plan Amendment S09-CW-3CP.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation. The proposed amendment provides updated areawide guidance, which would facilitate the transformation of the existing, suburban form of the Franconia-Springfield Area into a walkable, vibrant, urban, and active mixed-use center through innovative urban design, streetscape and placemaking concepts. The amendment

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modifies the land use and intensity recommendations for Land Units A and D-2 within the CBC to allow for redevelopment of Land Unit A as an urban village and Land Unit D-2 as a commuter parking facility with ancillary retail uses and parks and recreation facilities. Finally, the amendment reorganizes the structure of the Plan text for the Franconia-Springfield Area.

TIMING:

Planning Commission public hearing– December 9, 2009  
Board of Supervisors' public hearing – January 12, 2010

BACKGROUND:

On June 1, 2009, the Board of Supervisors authorized PA S09-CW-3CP, to consider incorporating recommendations of the Springfield Connectivity Study, August 2008, into the Franconia-Springfield Area guidance of the Comprehensive Plan. The Springfield Connectivity Study proposed specific changes to the land use, urban design, and transportation facilities and service in the Franconia-Springfield Area to promote mixed-use, urban redevelopment and multi-modal transportation options. The Study also recommended marketing and branding strategies. The authorization also directed further evaluation to be undertaken on three Springfield CBC Plan amendment nominations submitted during the special Area Plans Review cycle, which was initiated to consider the effects of the 2005 Base Realignment and Closure (BRAC) actions.

The proposed text reflects the Springfield Connectivity Study and takes into account, to a certain extent, the BRAC nominations. The areawide guidance proposes to improve the street presence, integrate a diversity of land uses, and create distinct built form along the streetscape. The text establishes a hierarchy of urban plazas and parks at a variety of scales and functions. The Plan also improves multi-modal connectivity by incorporating complete street principles into an enhanced streetscape and by recommending transportation improvements, such as a bus circulator service and several road improvements. The recommendations take advantage of the location of the Joe Alexander Transportation Center in the Franconia-Springfield Area and other transit services and facilities to encourage transit use.

Within the specific land unit guidance, the amendment proposes to increase mixed-use intensity in Land Unit A, north of Old Keene Mill Road and west of Interstate-95 from the current Plan recommendation of 1.1 floor-area ratio (FAR) to 1.6 FAR overall. The recommended mixture of uses would result in an approximately 1:1 ratio of commercial to residential use on a square foot basis. The proposed intensity and mix of land uses responds to the need to manage the impact on transportation, improve the pedestrian and bicyclist realms, and balance housing and employment opportunities. The Plan amendment also identifies a specific location for a commuter parking facility on a 4-acre area on the south-side of Old Keene Mill Road, west of Amherst Avenue, which is part of Land Unit D-2

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of the CBC. The proposed Plan recommends that the facility include complementary uses, such as ancillary retail use (approximately 20,000 square feet), public uses, and parks and recreational facilities.

Finally, the proposed amendment incorporates a number of editorial changes. First, the Engineer Proving Ground (EPG) section would be placed after the Franconia-Springfield Area text. Second, the land unit lettering system for the CBC and TSA would be changed into one that is sequential, as shown in the Staff Report (Attachment A). The new land unit map also proposes to rectify Land Units G & I in order to reflect current subdivisions and to combine Land Units A-1 & A-2 as their land use recommendations are similar. Finally, the CBC boundaries are recommended to be expanded to include the commercial area east of Interstate-95 and north of Old Keene Mill Road to be more consistent with the current Commercial Revitalization District zoning designation for the area. The Staff Report (Attachment A) also includes an illustration of the expansion.

This Plan amendment required that a Chapter 527 Traffic Impact Analysis be completed. Under the Virginia Chapter 527 Traffic Impact Analysis Regulations, adopted by the General Assembly of 2006, localities are required to submit Comprehensive Plans and Plan amendments that will substantially affect transportation on state-controlled highways to VDOT, in order for the agency to review and provide comments on the impact of the item submitted. VDOT Chapter 527 comments regarding this proposed Plan amendment are included within Attachment IV of the Staff Report (Attachment A of the Board Agenda Item).

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A - Staff Report for Proposed Plan Amendment S09-CW-3CP (Separate from package; can be found online at

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/planamendments.htm>

Attachment B – Revised Planning Commission Proposed Text for Land Unit A, December 10, 2009

Attachment C – Planning Commission Verbatim, December 9, 2009

STAFF:

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

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

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

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

Meghan D. Van Dam, Planner III, Policy and Plan Development Branch, PD, DPZ

Jaak Pedak, Planner III, Transportation Planning Branch, FCDOT

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