

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 8, 2011**

AGENDA

8:30	Held	A Reception hosted by the Fairfax-Falls Church Community Services Board, the ARC, and People First for "Developmental Disabilities Inclusion Month", (Reception Area)
9:30	Done	Presentations
10:30	Report Accepted	A Report by the Fairfax County Economic Advisory Commission: "Fairfax County: Preserving Our Quality of Life Requires Maintaining a Strong Economy"
10:45	Report Accepted	A Report by the Fairfax County Economic Development Authority: "Fairfax County: Emerging From the Recession"
11:00	Report Accepted	Report on General Assembly Activities
11:15	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Designation of Plans Examiner Status Under the Expedited Land Development Review Program
2	Approved	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Reston Avenue Walkway Improvements (Hunter Mill District)
3	Approved	Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Colewood Street Sanitary Sewer E & I (Sully District)
4	Approved	Approval of Traffic Calming Measures and Installation of "\$200 Additional Fine for Speeding" Signs and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Sully, Dranesville, and Mason Districts)
5	Approved	Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Lee and Providence Districts)
6	Approved	Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2012
7	Approved	Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the United States Health Resources and Services Administration for a Healthy Behaviors in Women and Families Grant

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 8, 2011**

**ADMINISTRATIVE
ITEMS**

(continued)

8	Approved	Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2011 Revised Budget Plan
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**INFORMATION
ITEMS**

1	Noted	Local Comment Letter to the Virginia Housing Development Authority on Proposed Project by Wesley Mt. Vernon L.P. (Lee District)
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2	Noted	Notification of Public Meeting Dates and Locations for the Tysons Metrorail Stations Access Management Study
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3	Noted	Service Changes to FAIRFAX CONNECTOR Routes to be Implemented in April 2011
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4	Noted	Contract Award – West Ox Bus Operations Center Bus Parking Lot Expansion (Springfield District)
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5	Noted	Contract Award – Contract for Architectural/Engineering (A/E) Design Services for the Public Safety Headquarters Project (Springfield District)
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6	Noted	Contract Award – Tysons Corner Circulator Study (Providence, Dranesville, and Hunter Mill Districts)
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7	Noted	2010 Virginia Pollutant Discharge Elimination System Permit Annual Report for Fairfax County, Virginia
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11:45	Done	Matters Presented by Board Members
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12:35	Done	Closed Session
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PUBLIC HEARINGS

3:30	Public hearing deferred to 4/26/11 at 3:30 p.m.	Public Hearing on SE 2009-MA-026 (Gossom Family Limited Partnership I, RLLLP) (Mason District)
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3:30	Public hearing deferred to 3/29/11 at 2:30 p.m.	Public Hearing on RZ 2010-LE-013 (WPPI Springfield HS, LLC) (Lee District)
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3:30	Approved	Public Hearing on SE 2010-SP-029 (Pleasant Valley Preschool, Inc.) (Springfield District)
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
MARCH 8, 2011**

PUBLIC HEARINGS
(continued)

3:30	Approved	Public Hearing on PCA 86-W-001-11 (Jefferson At Fairfax Corner LLC) (Springfield District)
3:30	Approved	Public Hearing on RZ 2010-LE-007 (Fleet Drive LLC) (Lee District)
3:30	Approved	Public Hearing on PCA 2006-LE-018 (Fleet Drive LLC) (Lee District)
3:30	Public hearing deferred to 3/29/11 at 2:30 p.m.	Public Hearing on RZ 2010-LE-009 (MR Lewin Park Capital, LLC) (Lee District)
4:00	Approved	Public Hearing on SEA 81-P-025 (Falls Church (E&A) LLC) (Providence District)
4:00	Approved	Board Decision on SE 2010-LE-017 (Iskalo CBR LLC) (Lee District)

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Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Tuesday
March 8, 2011

9:30 a.m.

PRESENTATIONS

1. **DESIGNATIONS:**

- PROCLAMATION – To designate March 2011 as Intellectual and Developmental Disabilities Inclusion Month. Requested by Chairman Bulova.
- PROCLAMATION – To designate March 24, 2011, as TB Awareness Day in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate March 2011 as Women’s History Month in Fairfax County. Requested by Chairman Bulova.

2. **RECOGNITIONS:**

- CERTIFICATE – To recognize Dorothy Purvis for more than a quarter of a century of public service with the Virginia Department of Transportation. Requested by Supervisor McKay.
- RESOLUTION – To recognize the Medical Care for Children Partnership program for its 25th anniversary. Requested by Chairman Bulova.
- RESOLUTION – To recognize Trudy Harsh for being named a 2010 Washingtonian of the Year by Washingtonian magazine. Requested by Supervisor Frey.

— more —

Board Agenda Item
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- CERTIFICATE – To recognize the Fairfax County Department of Neighborhood and Community Services and the Burke-West Springfield Center Without Walls for receiving a 2010 Commitment Award from the Environmental Protection Agency for being a community-based project. Requested by Chairman Bulova.

STAFF:

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

Board Agenda Item
March 8, 2011

10:30 a.m.

A Report by the Fairfax County Economic Advisory Commission: "Fairfax County:
Preserving Our Quality of Life Requires Maintaining a Strong Economy"

ENCLOSED DOCUMENTS:
Delivered under separate cover

PRESENTED BY:
Carol Welti, Chair of the Strategic Planning Subcommittee of the EAC

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Board Agenda Item
March 8, 2011

10:45 a.m.

A Report by the Fairfax County Economic Development Authority: "Fairfax County:
Emerging From the Recession"

ENCLOSED DOCUMENTS:
Delivered under separate cover

PRESENTED BY:
Steven L. Davis, FCEDA Commission Chairman

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Board Agenda Item
March 8, 2011

11:00 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

Final report to be delivered under separate cover.

PRESENTED BY:

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

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Board Agenda Item
March 8, 2011

11:15 a.m.

Items Presented by the County Executive

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Board Agenda Item
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ADMINISTRATIVE – 1

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

ISSUE:

Board of Supervisors' action to designate an individual as a Plans Examiner to participate in the Expedited Land Development Review Program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (the Board) take the following actions:

- Designate the following individual, identified with his registration number, as a Plans Examiner:

Stephen E. Crowell

291

TIMING:

Routine.

BACKGROUND:

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

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

Plans Examiner Status: Candidates for status as Plans Examiners must meet the education and experience requirements contained in Chapter 117. After review of his application and credentials, the APEB has found that the candidate listed above satisfies these

Board Agenda Item
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requirements. This finding was documented in a letter dated January 20, 2011, from the Chairman of the APEB, James H. Scanlon, P.E., L.S., to Chairman Bulova.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

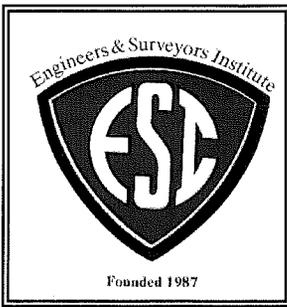
Attachment I – Letter dated January 20, 2011, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Michelle Brickner, Deputy Director, Land Development Services, DPWES



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 Terrance C. Ryan, PhD., P.E.

January 20, 2011

Received

JAN 31 2011

Land Development Services
 Director's Office

Hon. Sharon Bulova, Chairman
 Fairfax County Board of Supervisors
 12000 Government Center Parkway
 Fairfax, VA 22035

Dear Chairman Bulova:

The following named individual, was approved by the Advisory Plans Examiner Board for recommendation as Designated Plans Examiners:

Name	Reg. No.
Stephen E. Crowell	#291

He has been found to meet the qualifications outlined in Chapter 117-1-2 of the Code of Fairfax County and is in accordance with the criteria adopted by the Fairfax County Board of Supervisors on February 11, 1991.

Sincerely,

James H. Scanlon, P.E., L.S.

Chairman

Fairfax County Advisory Plans Examiner Board

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Board Agenda Item
March 8, 2011

ADMINISTRATIVE – 2

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Reston Avenue Walkway Improvements (Hunter Mill District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project 4YP201 (PB015) - Reston Avenue Walkway, Pedestrian Improvements-Bond Funded, Fund 304, Transportation Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 29, 2011, commencing at 4:00 p.m.

TIMING:

Board action is requested on March 8, 2011, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

The County is planning to complete pedestrian improvements along the west side of Reston Avenue, from Southington Lane to Shaker Drive. These improvements consist of the construction of approximately 700 linear feet of six-foot wide asphalt sidewalk that ties into the existing trail.

These improvements require land rights on one parcel, with all additional improvements located within the existing right-of-way. The required land rights include a trail easement, and a grading agreement and a temporary construction easement across the subject property.

Although the Land Acquisition Division has been negotiating to acquire these land rights since July 31, 2009, as of this date, staff has been unable to reach resolution on this parcel due to property owner concerns about the project. Repeated deferrals to move forward on the project have meant increases in project costs; thus, condemnation is necessary. Pursuant to state statute, namely Va. Code Ann. § 15.2-1903 (Supp. 2007), a public hearing is required before property interests can be acquired by eminent domain.

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FISCAL IMPACT:

Funding is available in Project 4YP201 (PB015) – Reston Avenue Walkway, Pedestrian Improvements-Bond Funded, in Fund 304, Transportation Improvements. This project is included in the Fairfax County Second Four-Year Transportation Plan endorsed by the Board of Supervisors on October 15, 2007. Sufficient funds are available in the project for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

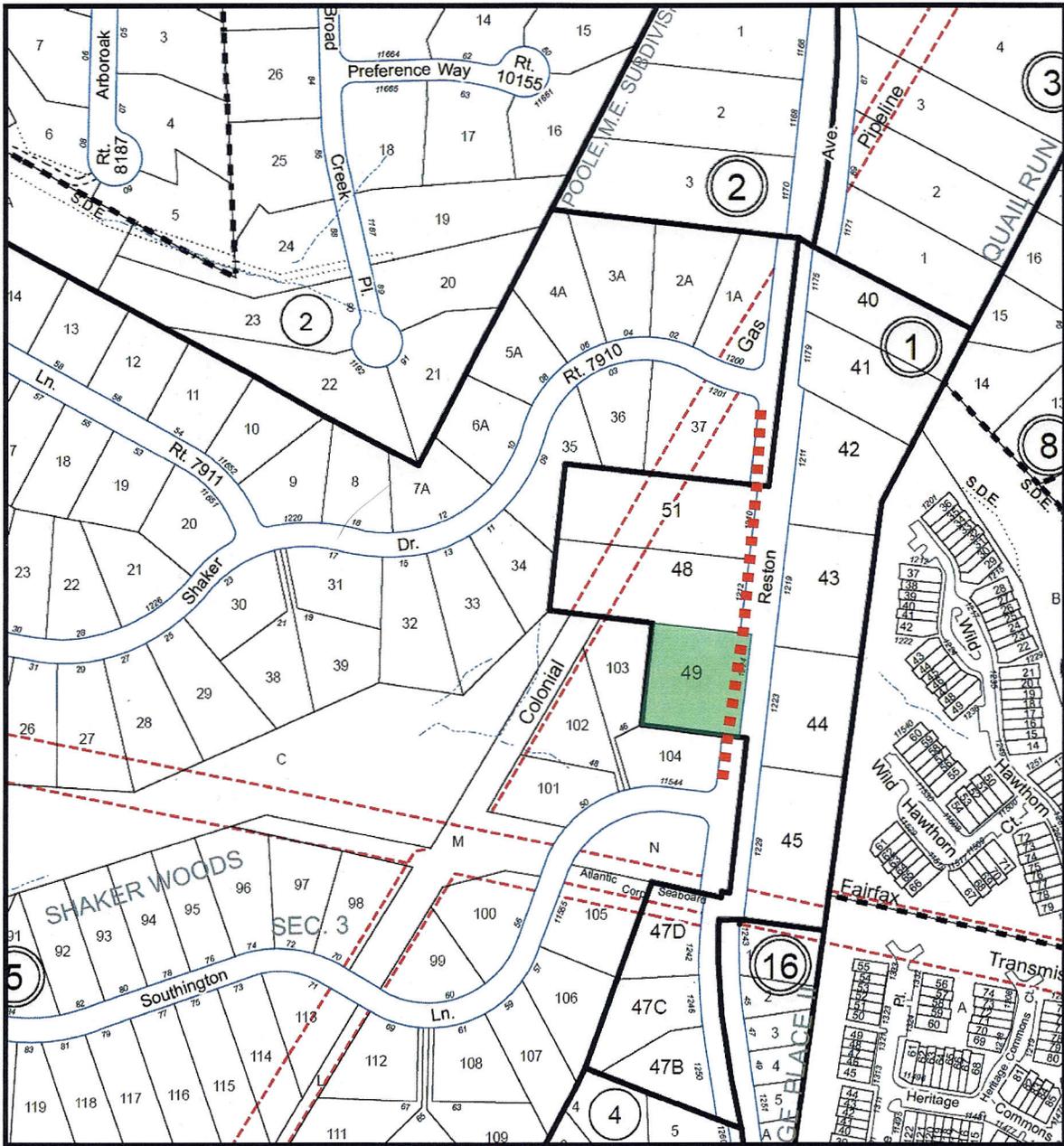
Attachment B - Listing of Affected Property

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



RESTON AVENUE WALKWAY

Tax Map: 11-2

Project 4YP201 (PB015)
Hunter Mill District

Scale: Not to Scale

Scope: This project consists of the construction of approximately 700 linear feet of six-foot wide asphalt sidewalk along the west side of Reston Avenue from Southington Lane to Shaker Drive.

Affected Property:



Trail Easement:



LISTING OF AFFECTED PROPERTY
Project 4YP201 (PB015) – Reston Avenue Walkway Improvements
(Hunter Mill District)

<u>PROPERTY OWNER(S)</u>	<u>TAX MAP NUMBER</u>
1. Earle A. Payne Mary J. Payne	011-2-01-0049
Address: 1224 Reston Avenue, Herndon, VA 20170	

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ADMINISTRATIVE – 3

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Colewood Street Sanitary Sewer E & I (Sully District)

ISSUE:

Board authorization to advertise a public hearing on the acquisition of certain land rights necessary for the construction of Project X00828 (10003) - Colewood Street Sanitary Sewer E & I, Fund 402, Sanitary Sewer Improvements.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for March 29, 2011, commencing at 4:00 p.m.

TIMING:

Board action is requested on March 8, 2011, to provide sufficient time to advertise the proposed public hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

The County is planning to install approximately 785 linear feet of sanitary sewer force main to serve properties on Colewood Street and Bennett Road.

The most accessible and beneficial location for the proposed sanitary sewer line, that will meet the needs of the area residents, is within the 30' wide outlet road identified as Colewood Street, located on Tax Map Number 035-4. A sanitary sewer easement is needed to facilitate the installation and maintenance of the proposed eight-inch sanitary sewer line improvement.

A title search performed on the 30' outlet road indicates that the property must be titled as "Heirs of Harry R. Stutsman and/or Unknown Owners"; therefore, condemnation is required to obtain title to the affected property.

In order to commence construction of this project on schedule, it is necessary for the Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. §§ 15.2-1904 and 15.2-1905 (2008).

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Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

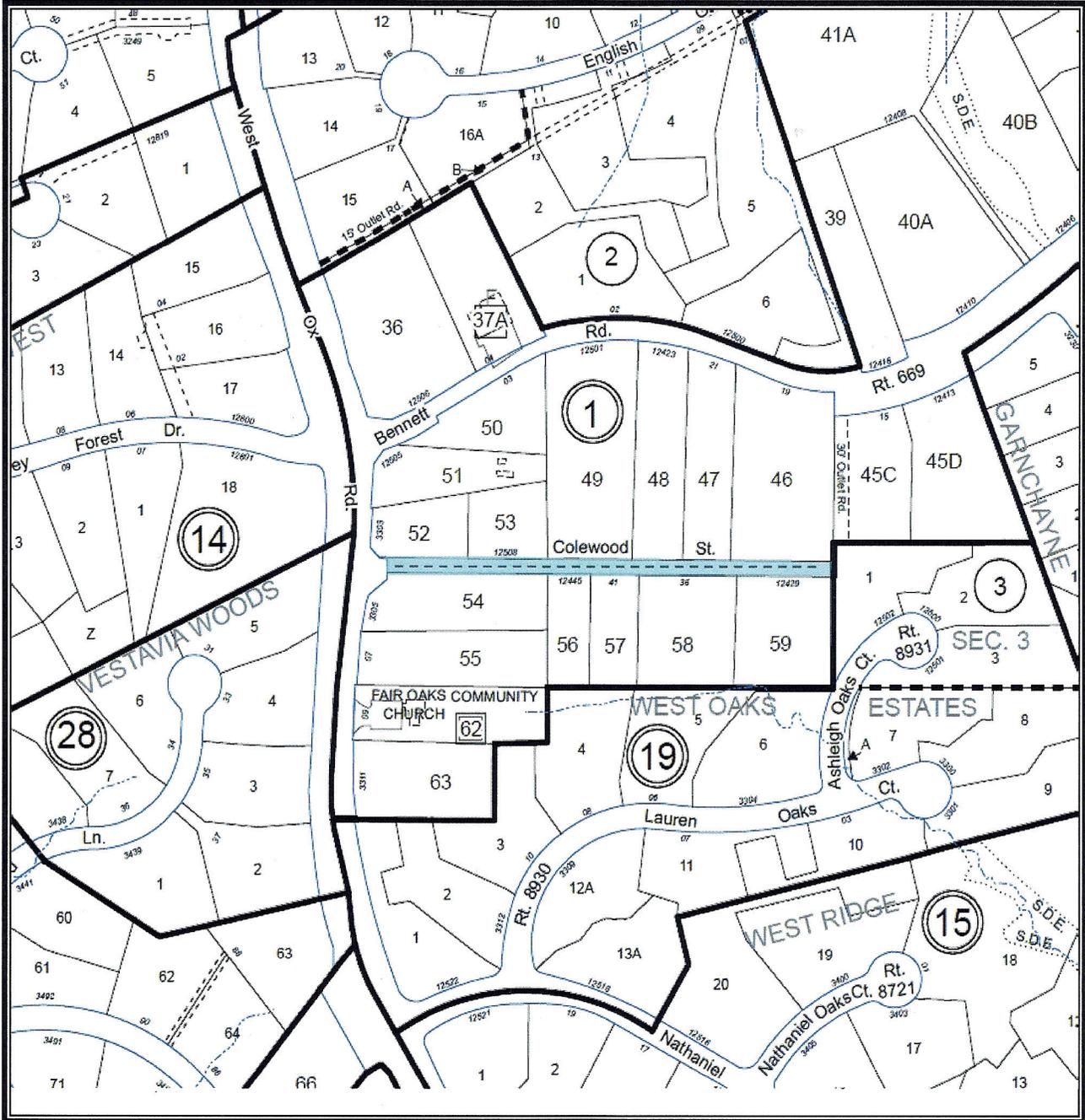
No funding is required at this time. Funding is available for future requirements in Project X00828, Sanitary Sewer E & I within Fund 402, Sanitary Sewer Improvements.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map
Attachment B - Listing of Affected Property

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



COLEWOOD STREET SANITARY SEWER E&I

Tax Map: 035-4

Project X00828 (10003)
Sully District

Scale: 1" = 350'

Scope: The County is planning to install approximately 785 linear feet of sanitary sewer force main to serve properties on Colewood Street and Bennett Road.

Affected Property:



Sanitary Sewer Improvements:



LISTING OF AFFECTED PROPERTY

Project X00828 (10003) – Colewood Street Sanitary Sewer E & I
(Sully District)

1. Heirs of Harry R. Stutsman
And/or Unknown Owners 035-4

Address:
No known address
Sully District

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ADMINISTRATIVE - 4

Approval of Traffic Calming Measures and Installation of "\$200 Additional Fine for Speeding" Signs and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Sully, Dranesville, and Mason Districts)

ISSUE:

Board endorsement of a traffic calming plan, "\$200 Additional Fine for Speeding" signs, 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 plan for Eagle Tavern Lane and Meherrin Drive (Attachment I) consisting of the following:

- Two speed humps and one multi-way stop on Eagle Tavern Lane (Sully District)
- One speed hump and one multi-way stop on Meherrin Drive (Sully District)

The County Executive further recommends that the Board approve a resolution (Attachments II and III) for the installation of "\$200 Additional Fine for Speeding" signs on Powells Tavern Place between Dranesville Road and Sadlers Wells Drive (Dranesville District).

The County Executive further recommends that the Board approve a resolution (Attachment IV) for the installation of "Watch for Children" signs on the following roads:

- Powells Tavern Place (Dranesville District)
- Murray Lane (Mason District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved measures as soon as possible.

TIMING:

Board action is requested on March 8, 2011.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. 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 Eagle Tavern Lane and Meherrin Drive, a traffic calming plan was developed by staff in concert with community representatives. The plan was subsequently submitted for approval to residents in the ballot area from the adjacent community. On February 8, 2011, FCDOT received written verification from the appropriate local supervisor confirming community support.

Section 46.2-878.2 of the *Code of Virginia* permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less. In addition, to determine that a speeding problem exists, staff performs an engineering review to ascertain that additional speed and volume criteria are met. Powells Tavern Place between Dranesville Road and Sadlers Wells Drive meets the RTAP requirements for posting of the "\$200 Additional Fine for Speeding" signs. On January 26, 2011, FCDOT received written verification from the local supervisor confirming community support.

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 centers, or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. On January 26, 2011, FCDOT received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs.

FISCAL IMPACT:

The estimated cost of \$17,000 is to be paid out of the VDOT secondary road construction budget.

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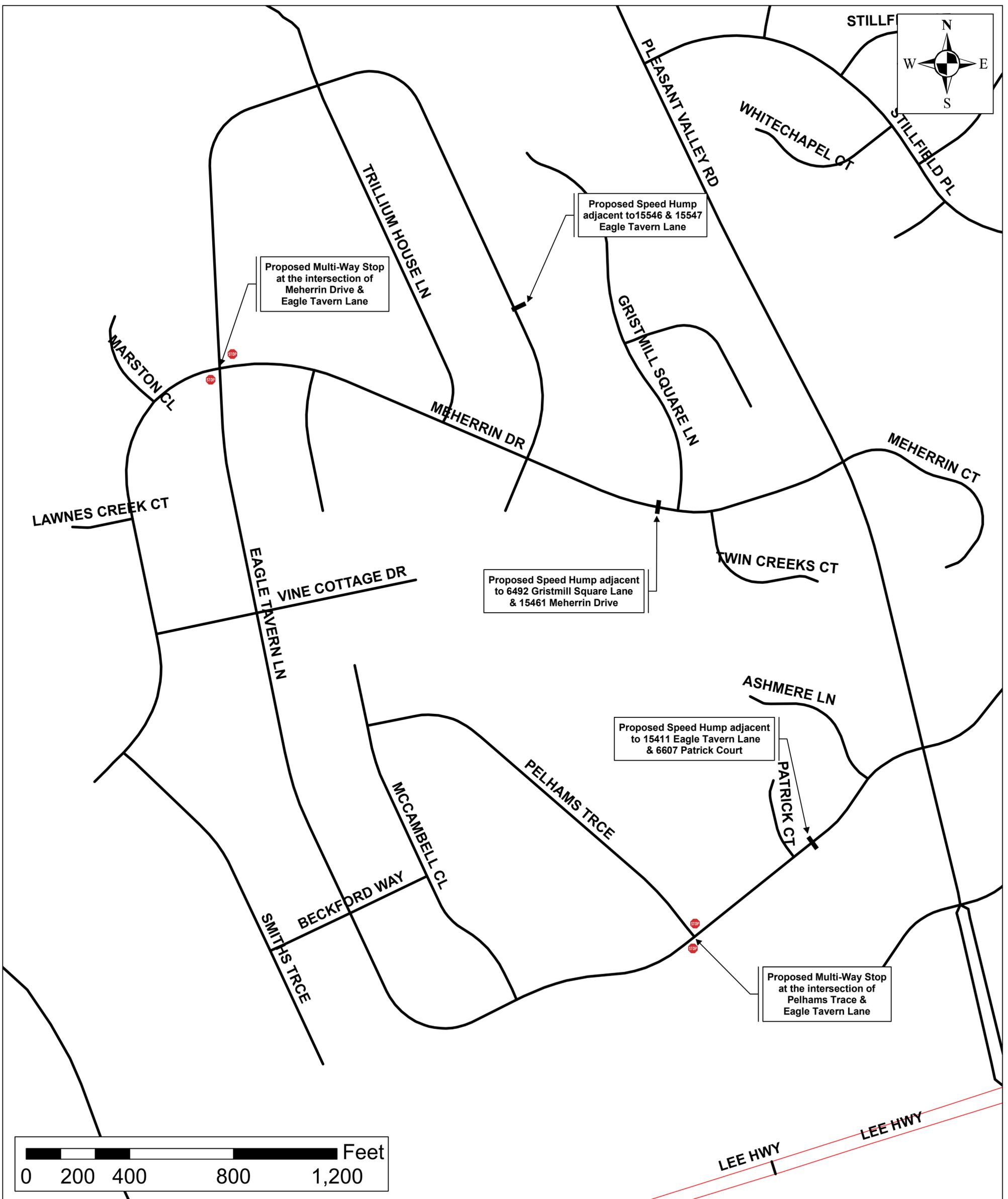
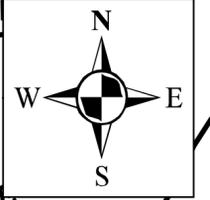
ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Eagle Tavern Lane and Meherrin Drive
Attachment II: "\$200 Additional Fine for Speeding" Signs Resolution – Powells Tavern Place
Attachment III: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs -
Powells Tavern Place
Attachment IV: Board Resolution for a "Watch for Children" Sign

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT
William P. Harrell, Transportation Planner, FCDOT

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Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
EAGLE TAVERN LANE & MEHERRIN DRIVE
Sully District



RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS
POWELLS TAVERN PLACE BETWEEN DRANESVILLE ROAD AND
SADLERS WELLS DRIVE
(DRANESVILLE DISTRICT)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, March 08, 2011, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

WHEREAS, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Powells Tavern Place between Dranesville Road and Sadlers Wells Drive, such road also being identified as a Urban Collector; and

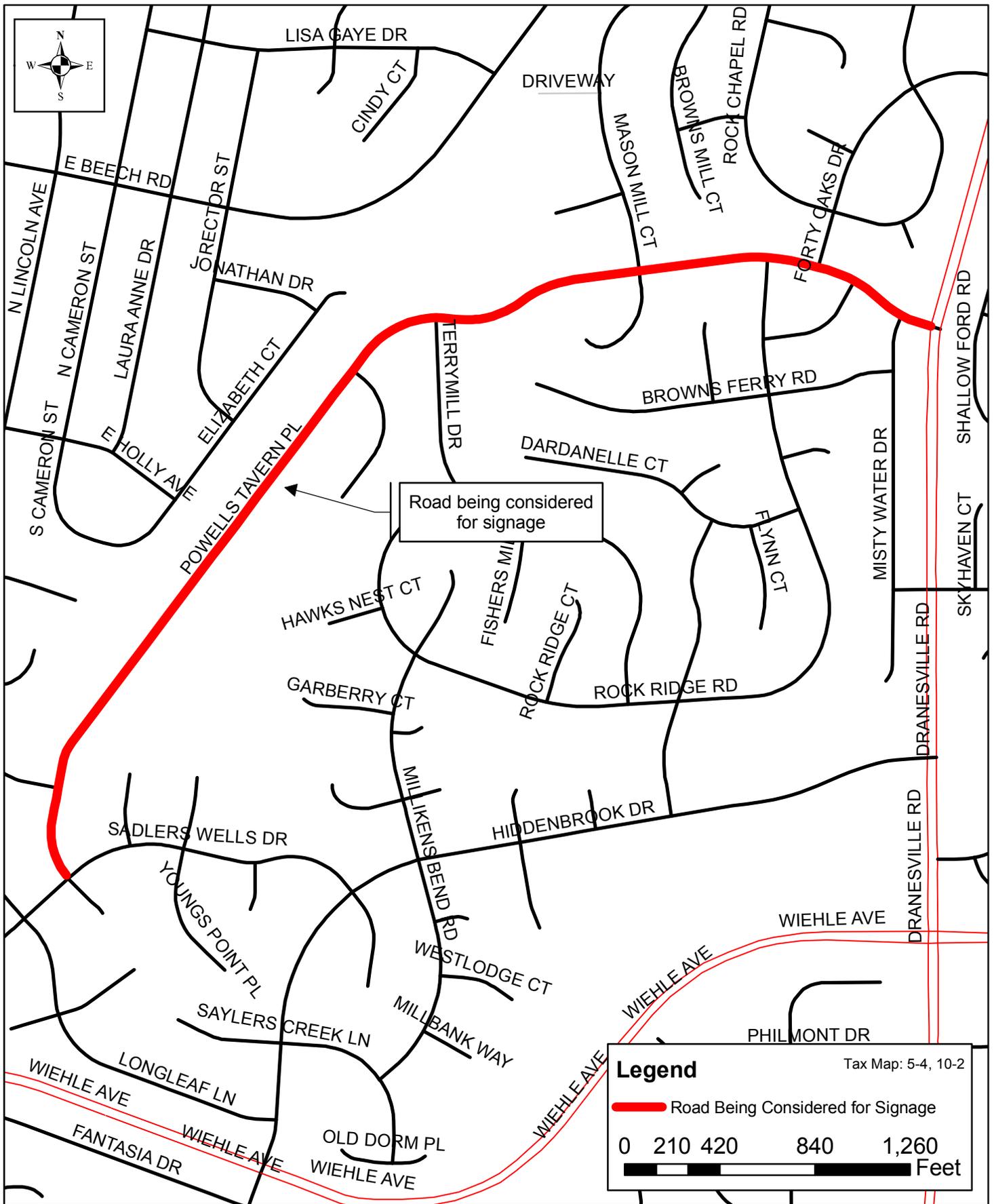
WHEREAS, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Powells Tavern Place between Dranesville Road and Sadlers Wells Drive.

NOW, THEREFORE BE IT RESOLVED that "\$200 Additional Fine for Speeding" signs are endorsed for Powells Tavern Place between Dranesville Road and Sadlers Wells Drive.

AND FURTHER, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding", and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

A Copy Teste:

Nancy Vehrs
Clerk to the Board of Supervisors



Fairfax County Department of Transportation
 Residential Traffic Administration Program (RTAP)
PROPOSED \$200 FINE FOR SPEEDING
POWELLS TAVERN PLACE
 Dranesville District



RESOLUTION

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
WATCH FOR CHILDREN SIGNS
Powells Tavern Place (Dransville District)
Murray Lane (Mason District)**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, March 08, 2011, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, "Watch for Children" signs are available to local communities as part of the Fairfax County Department of Transportation Residential Traffic Administration Program (RTAP); and

WHEREAS, Section 33.1-210.2, of the *Code of Virginia*, enables the Board of Supervisors to request by resolution to the Commissioner of the Virginia Department of Transportation, signs alerting motorists that children may be at play nearby; and

WHEREAS, the Virginia Department of Transportation has indicated a willingness to install "Watch for Children" signs on the above-referenced streets;

NOW THEREFORE BE IT RESOLVED, that "Watch for Children" signs are endorsed for these streets;

AND FURTHER, the Virginia Department of Transportation is requested to install the "Watch for Children" signs at the earliest possible date, and to maintain same, with the cost of such signs to be funded from the Virginia Department of Transportation's countywide traffic services fund in the Fairfax County secondary road construction budget.

A Copy Teste:

Nancy Vehrs
Clerk to the Board of Supervisors

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ADMINISTRATIVE – 5

Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Lee and Providence Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-L10-69 to May 7, 2011; application FS-B10-66 to May 14, 2011; application FSA-D06-2-2 to May 19, 2011; and application FSA-P99-27-3 to May 21, 2011.

TIMING:

Board action is required on March 8, 2011, 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 of *Section 15.2-2232* of the *Code of Virginia* 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-L10-69, FS-B10-66, FSA-D06-2-2 and FSA-P99-27-3, which were accepted for review by the Department of Planning and Zoning between December 8, 2010 and December 22, 2010. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

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The review periods for the following applications should be extended:

- | | |
|--------------|---|
| FS-L10-69 | T-Mobile Northeast
Antenna collocation on existing water tower
2972 Southgate Drive
Lee District |
| FS-B10-66 | AT&T Mobility
Antenna collocation on existing monopole
7920 Woodruff Court
Braddock District |
| FSA-D06-2-2 | AT&T Mobility
Antenna collocation on existing monopole
I-495 and George Washington Memorial Highway
Dranesville District |
| FSA-P99-27-3 | AT&T Wireless
Rooftop antennas
1900 Gallows Road
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
Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)
Chris B. Caperton, Planning Division, DPZ
Sandi M. Beaulieu, Planning Division, DPZ

Board Agenda Item
March 8, 2011

ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing on the Proposed Consolidated Plan One-Year Action Plan for FY 2012

ISSUE:

Board of Supervisors' authorization to advertise a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2012* as forwarded by the Consolidated Community Funding Advisory Committee (CCFAC).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2012* to be held at 4:30 p.m. on Tuesday, March 29, 2011. The public will have an opportunity to comment on the proposed use of funds as described in the *Proposed One-Year Action Plan for FY 2012* in accordance with United States Department of Housing and Urban Development (HUD) regulations and guidelines. Citizens may also comment on housing and community service needs in Fairfax County as well as provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan in 2010.

TIMING:

Board authorization on March 8, 2011 to advertise the public hearing is requested in order to proceed in a timely manner with required public notification and to maintain the schedule for the Consolidated Plan process.

BACKGROUND:

The *Proposed One-Year Action Plan for FY 2012* (Attachment 1) presents the proposed uses of funding for programs to be implemented in the second year of the Five-Year Consolidated Plan for FY 2011 - 2015. An annual action plan is required by HUD. These programs include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Shelter Grants (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The *Proposed Consolidated Plan One-Year Action Plan for FY 2012* includes the second year of the two-year (FY 2011-2012) funding cycle for the Consolidated Community Funding Pool (CCFP). Although the CCFP FY 2012 funding awards will be made by the Board in April 2011, the awards are subject to annual appropriations, and approval of the annual Action Plan

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which is required by HUD.

Funding allocations under the *Proposed Consolidated Plan One-Year Action Plan for FY 2012* have been reviewed by the Fairfax County Redevelopment and Housing Authority (FCRHA) and the CCFAC-FCRHA Working Advisory Group (WAG). The WAG is a group established to strengthen coordination between the FCRHA and the CCFAC in the proposed use of funds and was composed of seven members: three appointed by the FCRHA Chairman, three appointed by the CCFAC Chairman, and one who serves on both the FCRHA and the CCFAC. Recommendations from the WAG were forwarded to the CCFAC as were supportive recommendations from the FCRHA. The final recommendations contained in the *Proposed Consolidated Plan One-Year Action Plan for FY 2012* are consistent with what the WAG, the FCRHA and subsequently, the CCFAC recommended.

In addition to funding level allocations, the WAG also approved a policy recommendation applicable to the Rehabilitation of FCRHA Properties project. In prior years, restrictions had been placed on the use of these funds, limiting them to the rehabilitation of housing and facilities only for persons with physical or mental disabilities. The WAG recognized that many of the FCRHA properties contain a mixture of residents who may or may not have a disability. Because those properties do not contain 100% of residents with disabilities, prior year funds designated under the Rehabilitation of FCRHA Properties project could not be used on needed improvements at various FCRHA properties. Further, these unused funds impact the required timely expenditure of funds under CDBG and HOME. Lifting the restriction on the use of these funds provides the FCRHA with more flexibility to address improvement needs at FCRHA properties and will enable more timely expenditure of HUD funds. The WAG recommended lifting the restrictions for the funds used for this project activity for an estimated \$821,438.

The *Proposed Consolidated Plan One-Year Action Plan for FY 2012* was released by the CCFAC to allow for a 30-day public comment period, and will also be the subject of the public hearing by the Board on March 29, 2011, as authorized by this item. Following the public hearing and the conclusion of the public comment period, the CCFAC will make any revisions and forward its recommendations to the Board for action in April 2011 to approve the One-Year Action Plan for FY 2012. The One-Year Action Plan for FY 2012 will include the funding allocations to the CCFP. The CCFP awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the CCFP Request for Proposal process for FY 2011-2012.

The Fairfax County Citizen Participation Plan and HUD regulations require advertisement of the public hearing (Attachment 2) prior to the date of the Board

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meeting. The notice will include sufficient information about the purpose of the public hearing to permit informed comment from citizens. Upon approval of the Board, a public hearing on the *Proposed Consolidated Plan One-Year Action Plan for FY 2012* will be scheduled for Tuesday, March 29, 2011, 4:30 p.m. An advertisement will appear in newspaper(s) of general circulation and minority non-English speaking publications at least 15 days prior to the date of the public hearing, and will be included in the Weekly Agenda, as well as in information released by the Fairfax County Office of Public Affairs.

FISCAL IMPACT:

Funds identified in the *Proposed Consolidated Plan One-Year Action Plan for FY 2012* include CDBG (\$6,463,133 entitlement and \$230,000 estimated program income), HOME (\$2,692,612 entitlement and \$30,000 estimated program income), ESG (\$262,768), and HOPWA (\$380,000) funds. In addition, reallocated funds of prior year monies of \$4,232,120 have also been recommended.

ENCLOSED DOCUMENTS:

Attachment 1: *Proposed Consolidated Plan One-Year Action Plan for FY 2012*
The *Proposed One-Year Action Plan for FY 2012* is available on line at
<http://www.fairfaxcounty.gov/rha>
Attachment 2: Public Hearing Advertisement

STAFF:

Patricia D. Harrison, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Deputy Director, Real Estate, HCD
Aseem K. Nigam, Director, REF&GM Division, HCD
Robert C. Fields, Grants Management, HCD
Stephen Knippler, Senior Program Manager, Grants Management, HCD

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**PUBLIC HEARING ON
PROPOSED CONSOLIDATED PLAN
ONE-YEAR ACTION PLAN FOR FY 2012**

The Fairfax County Board of Supervisors will hold a public hearing on Tuesday, March 29, 2011 at 4:30 p.m. in the Board Room of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, on the Proposed Consolidated Plan One-Year Action Plan for FY 2012.

The Consolidated Community Funding Advisory Committee (CCFAC) is the citizen advisory group that oversees the preparation of the Proposed One-Year Action Plan for FY 2012 and Five-Year Consolidated Plan. The FY 2012 Action Plan covers the second year of the County's Five-Year Consolidated Plan for Fiscal Years 2011-2015.

The Proposed One-Year Action Plan for FY 2012 identifies the proposed use of funds for the four federal programs with an estimated amount of \$9.8 million: Community Development Block Grant (CDBG - \$6,463,133), HOME Investment Partnerships Program (HOME - \$2,692,612), Emergency Shelter Grant (ESG - \$262,768), and Housing Opportunities for Persons with AIDS (HOPWA - \$380,000). The funding levels used reflect the funding levels of FY 2011 until HUD notification of FY 2012 grant awards. It is estimated that there will be approximately \$230,000 in CDBG program income and \$30,000 in HOME program income.

The Proposed Action Plan also proposes a reallocation of CDBG funds carried over from prior years. The Proposed Action Plan proposes using CDBG funds totaling \$1,257,151 and HOME funds totaling \$2,974,969 and reallocating them as follows:

<u>CDBG Funds</u>	<u>Reallocated Prior Year Funds</u>
Fair Housing	\$ 75,000
<i>From: Completed Public Improvements in Conservation Areas</i>	(\$ 61,000)
<i>Revitalization</i>	(\$ 14,000)
Non-Profit Affordable Housing Project – Blueprint	\$ 500,000
<i>From: Affordable Housing Fund (Prior Year CCFP)</i>	(\$ 417,865)
<i>Completed Public Improvements in Conservation Areas</i>	(\$ 82,135)
Senior/Disabled/Homeless Housing	\$ 112,915
<i>From: Contingency</i>	(\$ 68,205)
<i>Revitalization</i>	(\$ 25,000)
<i>Housing Development Corporation</i>	(\$ 19,710)
North Hill Project	\$ 569,236

<i>From: Accessibility Modifications/FCRHA</i>	
<i>Properties</i>	(\$ 500,000)
<i>Completed Public Improvements in</i>	
<i>Conservation Areas</i>	(\$ 69,236)

HOME Funds

Reallocated
Prior Year Funds

Non-Profit Affordable Housing Project –	
Blueprint	\$1,579,594
<i>From: Silver Lining Initiative</i>	(\$1,579,594)
TBRA – Homeless Prevention, Partnership for Permanent	
Housing and Non-elderly Disabled	\$ 376,673
<i>From: TBRA – Partnership for Permanent Housing and</i>	
<i>Homeless</i>	(\$ 376,673)
Rehabilitation of FCRHA Properties	\$ 950,000
<i>From: Silver Lining Initiative</i>	(\$ 950,000)
Senior/Disabled/Homeless Housing	\$ 68,702
<i>From: HOME Development Costs</i>	(\$ 68,702)

The Proposed One-Year Action Plan for FY 2012 also includes the second year of the two-year funding cycle for the Consolidated Community Funding Pool (CCFP) for FY 2011-2012. It identifies funding (an estimated \$11.1 million in federal, State, and local funds, which includes \$2.1 million of CDBG funds) to be made available to nonprofit organizations for community-based programs that are recommended for awards. The awards are based on the recommendations from the Selection Advisory Committee appointed to review the proposals received through the competitive CCFP solicitation process for FY 2011-2012. However, final awards for FY 2012 are subject to appropriations by the Fairfax County Board of Supervisors, to be decided through the County budget approval process in April 2011.

In addition, the Proposed Consolidated Plan One-Year Action Plan for FY 2012 identifies: (1) various public and private resources available for housing and community development activities; (2) the goals and objectives for the Five-Year Consolidated Plan; and (3) the FY 2011-2012 CCFP funding priorities.

The Proposed Consolidated Plan One-Year Action Plan for FY 2012 also contains a policy recommendation applicable to the Rehabilitation of Fairfax County Redevelopment and Housing Authority (FCRHA) Properties project. In prior years, restrictions had been placed on the use of these funds, limiting them to the rehabilitation of housing and facilities only for persons with physical or mental disabilities. Many of the FCRHA properties contain a mixture of residents who may or may not have a disability. Because those properties do not contain 100% of residents with disabilities, prior year funds designated under the Rehabilitation of FCRHA Properties project could not be used on needed improvements at various FCRHA properties. Further, these unused funds impact the required timely expenditure of funds under CDBG and HOME. Lifting the restriction on the use of these funds provides the FCRHA with more flexibility to

address improvement needs at FCRHA properties and will enable more timely expenditure of HUD funds. It is recommended that the restrictions be lifted for the funds used for this project/activity for an estimated \$821,438.

Citizens are also invited to express their views on housing, community development, fair housing, homelessness and community service needs in Fairfax County, as well as comment on Fairfax County's community development performance. The public is encouraged to provide information concerning changes in housing and community service trends since the last Board public hearing on the Consolidated Plan in April 2010.

To Obtain Copies of the Proposed Consolidated Plan One-Year Action Plan for FY 2012:

Copies of the Proposed Consolidated Plan One-Year Action Plan for FY 2012 are available for review on line at <http://www.fairfaxcounty.gov/rha>, at the Citizen Information Desk located on the lobby level of the Government Center, and at the information desk of all branches of the Fairfax County Public Library system. Copies may be obtained at the Fairfax County Department of Housing and Community Development, 3700 Pender Drive, Suite 300, Fairfax, Virginia 22030. All of the above mentioned locations are accessible to persons with disabilities.

To Testify at the Public Hearing:

Citizens wishing to comment on the Proposed Consolidated Plan One-Year Action Plan for FY 2012 may do so by testifying in person at the Public Hearing on Tuesday, March 29, 2011. All persons wishing to testify may register in advance by calling the Clerk to the Board of Supervisors at 703-324-3151 (TDD 703-324-3903).

To Submit Written Comments:

Citizens wishing to comment on the Proposed Consolidated Plan One-Year Action Plan for FY 2012 may also do so by writing to the attention of Stephen Knippler, Senior Program Manager, at the Department of Housing and Community Development, 3700 Pender Drive, Fairfax, Virginia 22030. The deadline for receipt of written comments on the Proposed One-Year Action Plan for FY 2012 will be 4 p.m. on Monday, March 28, 2011.

For additional information on the Proposed Consolidated Plan One-Year Action Plan for FY 2012, contact the Department of Housing and Community Development at 703-246-5170, TTY: 703-385-3578.



Fairfax County is committed to a policy of nondiscrimination in all County programs, services and activities and will provide reasonable accommodations upon request. To request special accommodations call 703-246-5101 or TTY 703-385-3578. Please allow seven working days in advance of the event in order to make the necessary arrangements

F:\Users\CD\SHARE\CONSOLIDATED PLAN - CAPER\Consolidated Plan\Five Year Consolidated Plan, FY 2011 - 2015\Final and Drafts\PUBLIC HEARING NOTICE for FY 2011-15 Consolidated Plan & FY 11 Action Plan-sek.doc

Board Agenda Item
March 8, 2011

ADMINISTRATIVE – 7

Authorization for the Department of Neighborhood and Community Services to Apply for and Accept Grant Funding from the United States Health Resources and Services Administration for a Healthy Behaviors in Women and Families Grant

ISSUE:

Board approval for the Department of Neighborhood and Community Services (DNCS) to apply for and accept funding, if received, from the United States Health Resources and Services Administration for a Healthy Behaviors in Women and Families Grant in the amount of \$448,423. This grant would be used to implement nutrition education, physical activity, and health and wellness activities in targeted communities to improve healthy behaviors and prevent childhood obesity. No Local Cash Match is required. The grant period is August 1, 2011 through July 31, 2014. 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 in accordance with Board policy.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize DNCS to apply for and accept funding, if received, from the United States Health Resources and Services Administration in the amount of \$448,423 for a Healthy Behaviors in Women and Families Grant to implement nutrition education, physical activity, and health and wellness activities in targeted communities to improve healthy behaviors and prevent childhood obesity.

TIMING:

Because of a February 22, 2011 submission deadline for this grant, the application was submitted pending Board approval. The grant opportunity was announced in late January, too late to be included on the February 22 Board agenda. If the Board of Supervisors does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The Healthy Behaviors in Women and Families program is intended to prevent childhood obesity by encouraging healthy nutrition and physical activity behaviors in mothers and women of child-bearing age so that they may pass the behaviors on to their families. The project will target specific communities that are involved with DNCS's Neighborhood Initiatives program and will focus on three main strategies:

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Implementation of nutrition, physical activity, and wellness programs and services along a need-based continuum of general health promotion through intensive intervention;

1. Linkage of services to foster seamless referrals and transitions, and ensure that residents are receiving appropriate levels of service; and
2. Engagement and empowerment of residents and community-based organizations to develop and implement a community-based network of service provision, screenings, and referrals.

Services and programs will include coordinated efforts among multiple service providers to implement nutrition education, physical activity, and health and wellness programs. There will be a special focus on citizen engagement to determine the specific needs and interests of each community. For example, nutrition education programs can be tailored to accommodate the cultural norms and preferences of certain communities. Program formats will include intensive, home-based services; group education and support; and general health and wellness classes.

FISCAL IMPACT:

The Department of Neighborhood and Community Services applied for a Healthy Behaviors in Women and Families Grant from Health Resources and Services Administration (HRSA) in the amount of \$448,423. 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 2011. No Local Cash Match is required. HRSA allows the recovery of indirect costs; NCS is requesting the FY 2011 County indirect cost rate of 13.38 percent of direct salaries and wages, or \$35,803 over the three-year grant period.

CREATION OF NEW POSITIONS:

Funding will support 1/1.0 SYE grant position, a Nutrition Program Supervisor, to oversee the project. The Nutrition Program Supervisor will be responsible for administering the grant, implementing selected programs, and supervising and coordinating grant activities. The County has no obligation to fund this position when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1– Healthy Behaviors in Women and Families, Summary of Grant Proposal

STAFF:

Patricia D. Harrison, Deputy County Executive
Christopher A. Leonard, Director, Department of Neighborhood and Community Services (DNCS)
Jesse M. Ellis, Resource Development Manager, DNCS

HEALTHY BEHAVIORS IN WOMEN AND FAMILIES SUMMARY OF GRANT PROPOSAL

This summary details the specifics of the application, which is completed online.

Grant Title: Healthy Behaviors in Women and Families

Funding Agency: United States Health Resources and Services Administration

Applicant: Fairfax County Department of Neighborhood & Community Services (DNCS)

Partners: Dept. of Family Services, Dept. of Health, Virginia Cooperative Extension

Purpose of Grant: The goal of this program is to prevent childhood obesity by encouraging healthy behaviors in women and families. The grant will fund nutrition education, physical activity, and health and wellness interventions targeted to mothers and women of childbearing age. Activities will be targeted to mothers and women of childbearing age targeted neighborhoods that participate in DNCS's Neighborhood Initiatives program and have multiple community-level risk factors for obesity.

Funding Amount: Up to \$150,000 per year for three years (August 1, 2011 – July 31, 2014).

	Year 1	Year 2	Year 3
<i>Personnel Costs</i>			
Nutrition Program Supervisor	68,087	71,151	74,353
Fringe Benefits (35.3%)	24,035	25,116	26,247
Instructors and Facilitators	18,000	18,000	18,000
Fringe Benefits (7.65%)	1,377	1,377	1,377
<i>Indirect Costs (13.38%)</i>	11,518	11,928	12,357
<i>Operating Costs</i>			
Program Supplies	15,000	15,000	15,000
Translation Costs	3,500	2,000	0
Printed Educational Materials	7,500	5,000	2,500
TOTAL	149,017	149,573	149,833

New Positions: 1.0 SYE Nutrition Program Supervisor to supervise, coordinate, and implement activities and administer the grant.

Performance Measures: The success of this project will be based on three outcomes:

- 1) Improved awareness and knowledge of healthy nutrition- and physical activity-related behaviors among the target population;
- 2) Increased competencies for engaging in healthy nutrition- and physical activity-related behaviors among the target population;
- 3) Increased adoption of healthy lifestyles among the target population.

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Board Agenda Item
March 8, 2011

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2011 Revised Budget Plan

ISSUE:

Board approval of an advertisement for a public hearing to adjust the FY 2011 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2011 Third Quarter Reviews*. Section 15.2-2507 of the Code of Virginia requires that a public hearing be held prior to Board action to amend the current appropriation level.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on March 29, at 6:00 p.m. and March 30 and 31, 2011 at 3:00 p.m.

TIMING:

Board action is requested on March 8, 2011 to provide sufficient time to advertise the proposed public hearings.

BACKGROUND:

As the *FY 2011 Third Quarter Review* includes proposed adjustments in appropriation greater than one percent of total expenditures, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement. Copies of these documents are being made available for citizen review at governmental centers, libraries, the Government Center, and on the County's Internet website.

The School Board funding adjustments included in the advertisement are based on staff's Third Quarter recommendations to the School Board, which is scheduled to be presented to the School Board on March 10, 2011 with action to be taken by the School Board on March 24, 2011.

FISCAL IMPACT:

The documents describing the fiscal impact of FY 2011 Third Quarter adjustments will be transmitted to the Board of Supervisors as separate attachments.

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ENCLOSED DOCUMENTS:

The attachments will be transmitted to the Board separately.

Attachment A - Proposed advertisement for public hearing

Attachment B - Memorandum to the Board of Supervisors dated March 8, 2011 from Anthony H. Griffin, County Executive, with attachments will include the County's *FY 2011 Third Quarter Review* with appropriation resolutions and the Fairfax County Public Schools staff's recommendations on the *FY 2011 Third Quarter Review*. A memorandum transmitting final recommendations on the School Board's *FY 2011 Third Quarter Review* will also be distributed separately to the Board.

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

Board Agenda Item
March 8, 2011

INFORMATION - 1

Local Comment Letter to the Virginia Housing Development Authority on Proposed Project by Wesley Mt. Vernon L.P. (Lee District)

The Virginia Housing Development Authority (VHDA) has requested a letter of comment (local support letter) from the County concerning the application for federal Low Income Housing Tax Credits. The application was submitted by Wesley Mt. Vernon, L.P.:

Mt. Vernon Apartments
8263 Russell Road
Alexandria, VA 22312

The developer listed above intends to apply to VHDA for Low Income Housing Tax Credits. The following table summarizes the type of construction, type of development, total number of units, total affordable units and population to be served.

Project Name	Construction	Development Type	Total Units	Affordable Units	Tenant Population
Mt. Vernon Apartments	Acquisition & Rehabilitation	Garden Style	184	175	Family

As described in Attachment 3, VHDA accepts letters in support of proposed projects applying for Low Income Housing Tax Credits. Letters that correspond to the attached letter of support (Attachment 1) will qualify the application for 50 points. If an opposition letter is sent stating that the development is inconsistent with (1) current zoning, or (2) other applicable land use restrictions, the development will receive no points in this category. Additionally, if no comments are provided or the letter does not meet the support or opposition criteria discussed above, the application will receive a score of 25 points. County policy requires that the Board be informed of Consolidated Plan certifications and similar letters of comment.

Unless directed otherwise by the Board, the County Executive will sign the attached letter of support for Wesley Mt. Vernon, L.P. and forward it to VHDA for consideration with the tax credit application.

ENCLOSED DOCUMENTS:

- Attachment 1 – Draft Letter to the Virginia Housing Development Authority
- Attachment 2 – Certification of Consistency with the Consolidated Plan
- Attachment 3 – Notification Letter

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STAFF:

Patricia Harrison, Deputy County Executive

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)

John Payne, Deputy Director, Real Estate, HCD

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

Molly Norris, Associate Director, Real Estate Finance, HCD

Local CEO Support Letter

March 8, 2011

Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220
Attention: Jim Chandler

LOCAL SUPPORT

VHDA Tracking Number: 2011-C-119

Name of Development: Mt. Vernon Apartments

Name of Owner/Applicant: Wesley Mt. Vernon L.P.

The construction or rehabilitation of the above named development and the allocation of federal housing tax credits available under IRC Section 42 for said development will help meet the housing needs and priorities of Fairfax County. Accordingly, Fairfax County supports the allocation of federal housing tax credits requested by Wesley Mt. Vernon L.P. for this development.

Yours Truly,

Anthony H. Griffin
County Executive

U.S. Department of Housing and Urban Development

Certification of Consistency with the Consolidated Plan

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.

(Type or clearly print the following information:)

Applicant Name: Wesley Mt. Vernon L.P,

Project Name: Mt. Vernon Apartments

Location of the Project: 8263 Russell Road

Alexandria, VA 22312

Lee District

Name of the Federal Program to which the Applicant is applying: Low Income Housing Tax Credit Program, A Federal Affordable Housing Program

Name of Certifying Jurisdiction: Fairfax County, Virginia

**Certifying Official
Of the Jurisdiction**

Name: Anthony H. Griffin

Title: County Executive

Signature: _____

Date: _____



January 28, 2011

Anthony H. Griffin
Executive Officer
Fairfax County
12000 Government Center Parkway
Suite 552
Fairfax, VA 22035

Re: Mt. Vernon Apartments
VHDA Tracking Number: 2011-C-119

Dear Mr. Griffin:

The above referenced development may be submitted to the Virginia Housing Development Authority (VHDA) for a reservation of Low Income Housing Tax Credits. The tax credits apply to the owner's federal tax return, but the VHDA is responsible for allocating the credits to developments within Virginia. We are required by the Internal Revenue Code to provide localities with an opportunity to comment on the developments under consideration.

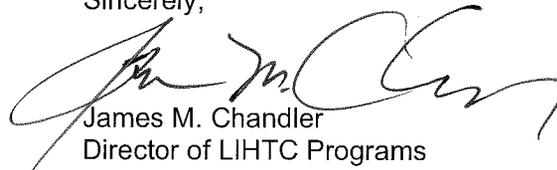
You may have already written a letter, which will be included in the application package submitted by the development sponsor, and if so, we appreciate that input. If not, or if you would like to comment further, you may do so at this time. **In order for us to consider your comments in our scoring, we must receive your letter by April 1, 2011.**

Letters that correspond to the attached letter of support will qualify the application for 50 points. If you send an opposition letter stating that the development is inconsistent with (1) current zoning, or (2) other applicable land use regulations, the development will receive no points in this category. Additionally, if you provide no comments or if your letter does not meet the support or opposition criteria discussed above, the application will receive a score of 25 points.

For your reference, we have included development information sheets that briefly explain the development and identify the sponsor. I would encourage you to contact the person listed in the Owner Information Section to achieve a better understanding of the proposed development. A notification letter is also being sent to Sharon Bulova, Chairman of the Board of Supervisors, for informational purposes.

Thank you for your time and consideration.

Sincerely,



James M. Chandler
Director of LIHTC Programs

Enclosures

Locality Notification Information Summary

Tracking #: 2011-C-119

Notice Type: 9% Competitive

Cycle Year: 2011

Last Saved: 1/27/2011 1:23:39 PM

Last Saved By: jcabelli@whdc.org

DEVELOPMENT INFORMATION

Development Name: Mt. Vernon Apartments

Address Information		
Address Line 1: 8263 Russell Road		
Address Line 2:		
City: Alexandria	State: VA	Zip: 22312

Census Tracts	
Census Tract Number	Is this a Qualified Census Tract?
4216	No

Locality Notification Information Summary

VHDA Tax Credit Pool: Planning District 8 (Inner Washington MSA)

Development Type: Family

Location in which the Deed to the Property is or will be Recorded: Fairfax County

Is the development located in a Difficult Development area? No

Is the development located in a Revitalization area? Yes

Districts

Congressional District: 8

Planning District: 8

State Senate District: 30

State House District: 44

Architectural Features

Single Family Detached: No

Town House (Two Story): No

Garden Style: Yes

One Story Elderly: No

Low Rise (1-4 stories): Yes

Mid Rise (5-7 stories): No

High Rise (8+ stories) : No

Property Descriptions

Description of Exterior Finish: Brick

Description of Development: Acquisition and rehabilitation of a 184 unit conventional housing complex on the Ft Belvoir corridor in order to preserve it as a valuable affordable housing resource for working families in Fairfax County.

Description of Community Facilities: 1100 sf community building; new playground equipment

Description of Heating/AC System: New Individual Electric split systems, 15 SEER (planned).

Structural Features

Slab on Grade: Yes

Elevator: No

Basement: No

Crawl Space: Yes

Locality Notification Information Summary

Unit Type	
	# Units
New	0
Adaptive Reuse	0
Rehabilitation	184
Total	184
Low Income	175
% Low Income	95%
Property Type: Rehab	

Bedrooms	
	# Units
Efficiency	0
1 BR	72
2 BR	91
3 BR	21
4 BR	0
More than 4 BR	0
Total	184

Floor Area (sq. ft.)	
	Floor Area
Gross Residential	150143
Commercial	0
Low Income	142635
% Low Income	95%

Number/Age of Buildings	
Number of Buildings	7
Age of Buildings (Years)	35
Number of Stories	3

Locality Notification Information Summary

OWNER & SELLER INFORMATION

Owner Information

Name: Wesley Mt. Vernon, L.P.

Phone: 703-642-3830

Best Person to Contact: Leslie Steen

Entity Type: Limited Partnership

Address Information

Address Line 1: 5515 Cherokee Avenue

Address Line 2: Suite 200

City: Alexandria

State: VA

Zip: 22312

List of Principals

Principal Name	Phone	Ownership Type	% Ownership
Wesley Richmond, Inc.	703-642-3830	General Partner	.01
Wesley Housing Development Corporation	703-642-3830	Parent of General Partner	100
Shelley Murphy, President and CEO	703-642-3830	Chief Executive Officer	100
Wesley Housing Development Corporation	703-642-3830	Limited Partner	99.99

Seller/Existing Owner Information

Applying for Rehab Credits: No

Name: Russell Road Limited Partnership, David Smith

Phone: 301-652-2302

Address Information

Address Line 1: 4919 Bethesda Avenue

Address Line 2: Suite 200

City: Bethesda

State: MD

Zip: 20814

Locality Notification Information Summary

JURISDICTION INFORMATION

Development Jurisdiction: Fairfax County

Chief Executive Officer (CEO) Information

Salutation: Mr.

Name: Anthony H Griffin

Suffix:

Job Title: Executive Officer

If Other, Title:

Address Information

Address Line 1: 12000 Government Center Parkway

Address Line 2: Suite 552

City: Fairfax

State: VA

Zip: 22035

Mayor or Chairman of the Board of Supervisors Information

Salutation: Ms.

Name: Sharon Bulova

Suffix:

Job Title: Chairman

If Other, Title:

Address Information

Address Line 1: 12000 Government Center Parkway

Address Line 2: Suite 530

City: Fairfax

State: VA

Zip: 22035

Local Planning/Zoning Contact Information

Name: Eileen McLane

Job Title: Zoning Administrator

If Other, Title:

Contact Phone: 703-324-1314

Locality CEO Support Letter

[DATE]

Jim Chandler
Virginia Housing Development Authority
601 South Belvidere Street
Richmond, Virginia 23220

VHDA Tracking Number: _____
Development Name: _____
Name of Owner/Applicant: _____

Dear Mr. Chandler:

The construction or rehabilitation of the above-named development and the allocation of federal housing tax credits available under IRC Section 42 for said development will help to meet the housing needs and priorities of [NAME OF LOCALITY]. Accordingly, [NAME OF LOCALITY] supports the allocation of federal housing tax credits requested by [NAME OF APPLICANT] for this development.

Yours truly,

[CEO Name]
[Title]

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March 8, 2011

INFORMATION – 2

Notification of Public Meeting Dates and Locations for the Tysons Metrorail Stations Access Management Study

The Fairfax County Department of Transportation (FCDOT) plans to conduct public meetings associated with the Tysons Metrorail Stations Access Management Study (TMSAMS) during the week of March 21st. The meetings will be conducted during the times and on the dates outlined below:

1. Tuesday, March 22, 2011
McLean High School
7:00 p.m. – 9:00 p.m.
2. Wednesday, March 23, 2011
George C. Marshall High School
7:00 p.m. – 9:00 p.m.
3. Thursday, March 24, 2011
Westbriar Elementary School
7:00 p.m. – 9:00 p.m.

The location and time for a fourth, daytime, meeting is currently being scheduled.

Status and Background on the Tysons Metrorail Stations Access Management Study

In order to create a multi-modal access plan for the Metrorail stations in Tysons Corner, the Board approved funding for the TMSAMS project on June 1, 2009. TMSAMS, modeled after the Reston Metrorail Access Group (RMAG) study, was initiated in early 2010. When the Comprehensive Plan Amendment for Tysons Corner was approved in June 2010, the Board included a follow-on motion directing staff to continue the work already begun on TMSAMS and to engage the public in identifying and prioritizing projects that would provide multi-modal access to the four new Metrorail stations in Tysons Corner. The ultimate goal of the TMSAMS effort is to ensure that high quality public transit, pedestrian, and bicycle access is provided to the Metrorail stations.

A TMSAMS Advisory Group was formed to guide the study through its completion as well as to determine how best to present information to the public and collect public input. This advisory group includes representatives from the three bordering Supervisory districts, TYTRAN, and the Town of Vienna. Ultimately, the public input collected through this process will be used to assist in prioritizing bus transit, pedestrian,

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and bicycle transportation improvements that will enhance access to the four Metrorail stations in Tysons Corner.

Three recently completed or on-going transportation studies, being done in conjunction with the Tysons planning effort, were selected to provide the basis for recommended alternative mode transportation improvements in the TMSAMS effort. These studies are: the Fairfax County Transit Development Plan (TDP), the Tysons Corner Sidewalk Analysis, and the Tysons Corner Bicycle Master Plan. In order for the public to visualize the entire pedestrian and bicycle networks recommended and/or planned for Tysons, bicycle and pedestrian projects currently in advanced stages of the development process, including project initiation, design, or construction will also be included in presentations made to the public. It is important to note that parallel efforts have been underway for some time to fund and implement pedestrian improvements around the Metrorail stations and in other parts of Tysons Corner.

The Perspectives Group, a private public-outreach consulting firm with extensive Tysons Corner-related experience, has been selected to conduct a comprehensive public involvement process for TMSAMS. This public involvement process will include a total of four public meetings, key stakeholder interviews, as well as the development of a TMSAMS website with an online survey. Three public meetings will be held in the evening with one located in each of the Providence, Hunter Mill, and Dranesville Supervisor Districts. A fourth daytime meeting will be held in central Tysons Corner to allow the greatest number of employees in the Tysons Corner core to participate.

After an extensive public involvement process has been conducted, The Perspectives Group will compile the results of the input collected and produce a final report including summaries from all areas of the outreach effort, public meetings, key stakeholder interviews, electronic surveys, and e-mail responses. Based on the public input received, the final report will highlight and prioritize the recommended bus transit, pedestrian, and bicycle facility improvement recommendations from the TDP, the Tysons Corner Sidewalk Analysis, and the Tysons Corner Bicycle Master Plan, specifically improving access to the four new rail stations.

The final report is anticipated to be completed and presented to the TMSAMS Advisory Group in June 2011 and the TMSAMS effort will culminate with a final public meeting, likely scheduled in July 2011, to present the findings of the TMSAMS effort to the public. When the TMSAMS effort is complete, FCDOT staff will be able to use the information collected in the study to implement recommended alternative mode transportation improvements providing access to the new Tysons Corner Metrorail Stations.

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ENCLOSED DOCUMENTS:

None.

STAFF:

Robert A. Stalzer, Deputy County Executive

Thomas P. Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)

Daniel B. Rathbone, Chief, Transportation Planning Division, FCDOT

Leonard Wolfenstein, Chief, Transportation Planning Section, FCDOT

Kris Morley-Nikfar, Transportation Planning Section, FCDOT

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INFORMATION – 3

Service Changes to FAIRFAX CONNECTOR Routes to be Implemented in April 2011

The Fairfax County Department of Transportation (FCDOT) intends to change the schedules and/or routings of several FAIRFAX CONNECTOR bus routes in April 2011 as outlined below:

1. Route 505 (Hunter Mill District): Modify the route to add service to the Sunset Hills Interim Park and Ride Lot (Sunset Hills), remove the route from the Reston East Park-and-Ride Lot (Reston East); adjust the schedule to provide ten-minute service (combined with proposed Route 555) between Sunset Hills and West Falls Church.
2. Route 551 (Hunter Mill District): Modify the schedule to add one additional morning trip at 9:10 a.m. and two evening trips at 8:40 and 9:40 p.m.; shift 8:16 p.m. trip up to 8:10 p.m.; remove route from Reston East.
3. Route 552 (Hunter Mill District): Modify the schedule to add one additional evening trip at 9:35 p.m.; remove route from Reston East.
4. Proposed New Route 555 (Hunter Mill District): Implement new bus route to provide 10 minute service (combined with Route 505) in the AM and PM peak periods between the newly constructed Sunset Hills Interim Park and Ride Lot and West Falls Church (Attachment 1).
5. Routes 554 and 557 (Hunter Mill District): Modify the routes and schedules to remove service from Reston East.

BACKGROUND:

As a part of Dulles Rail Phase I, Reston East, located on the northwest corner of Wiehle Avenue and the Dulles Toll Road, will be developed into a seven-level underground garage with mixed-use Transit-Oriented Development (TOD) located above the garage. Construction on the property is scheduled to begin in April 2011. Therefore, FCDOT will need to close Reston East the week of April 1, 2011. The closure will remain in effect until construction of the parking garage is complete in late 2013. Due to this closure, staff has begun to implement an aggressive Reston East Relocation Plan to reposition the current Reston East patrons from one of the most heavily used park-and-ride lots in Fairfax County.

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The Reston East Relocation Plan is being implemented in two phases. The first phase, which occurred in November 2010, shifted approximately 300 bus riders who use Routes 595 and 597 to the adjacent Reston North Park-and-Ride Lot (Reston North) and increased bus service to the Reston South Park-and-Ride Lot (Reston South). As a result of this shift, Reston East currently has an approximate daily utilization of 700 of the 820 existing spaces. There are five remaining bus routes (Routes 505, 551, 552, 554, 557) that operate as neighborhood collector services into Reston East and terminate at the West Falls Church Metrorail Station, operating in the reverse direction in the evening. Scheduled together, the bus routes provide 8-10 minute headways in the peak.

In April 2011, FCDOT will implement Phase II of the Reston East Relocation Plan, which includes opening a new interim park-and-ride lot located on the corner of Sunset Hills Road and Town Center Parkway, and closing the Reston East lot. The Sunset Hills lot is projected to contain approximately 600 parking spaces. Bus service to and from this new lot and West Falls Church will be provided by existing Route 505, as well as new proposed Route 555. The schedule of Route 505 is being adjusted and, combined with proposed Route 555, results in ten-minute peak service between Sunset Hills and West Falls Church. In addition, later morning and evening trips are being added to Routes 551 and 552, which operate as neighborhood collector routes in south and north Reston, respectively. Adding one morning and three evening trips on these two routes will provide Reston residents with another commuting option beyond driving to the new park-and-ride lot.

Concurrent with the opening of Sunset Hills, the Reston East lot will close until the completion of the future Wiehle Metrorail Station parking garage. When Reston East closes all bus service that currently operates on the lot (Routes 505, 551, 552, 554, 557) will be redirected and all schedules adjusted accordingly.

Unless otherwise directed by the Board, the Department of Transportation will implement these service changes in April 2011.

FISCAL IMPACT:

The total operating cost of the new services is approximately \$224,000 in FY 2011, based on partial year implementation, and approximately \$918,000 for a full year implementation. The current FY 2011 budget for Fund 100, County Transit Systems, is sufficient to fund the new services on Routes 505, 551, 552 and 555. There is no additional cost for the Route 554 and 557 modifications. The FY 2012 Advertised Budget Plan includes funding for these service modifications.

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ENCLOSED DOCUMENTS:

Attachment 1: Proposed Fairfax Connector Route 555

STAFF:

Robert A. Stalzer, Deputy County Executive

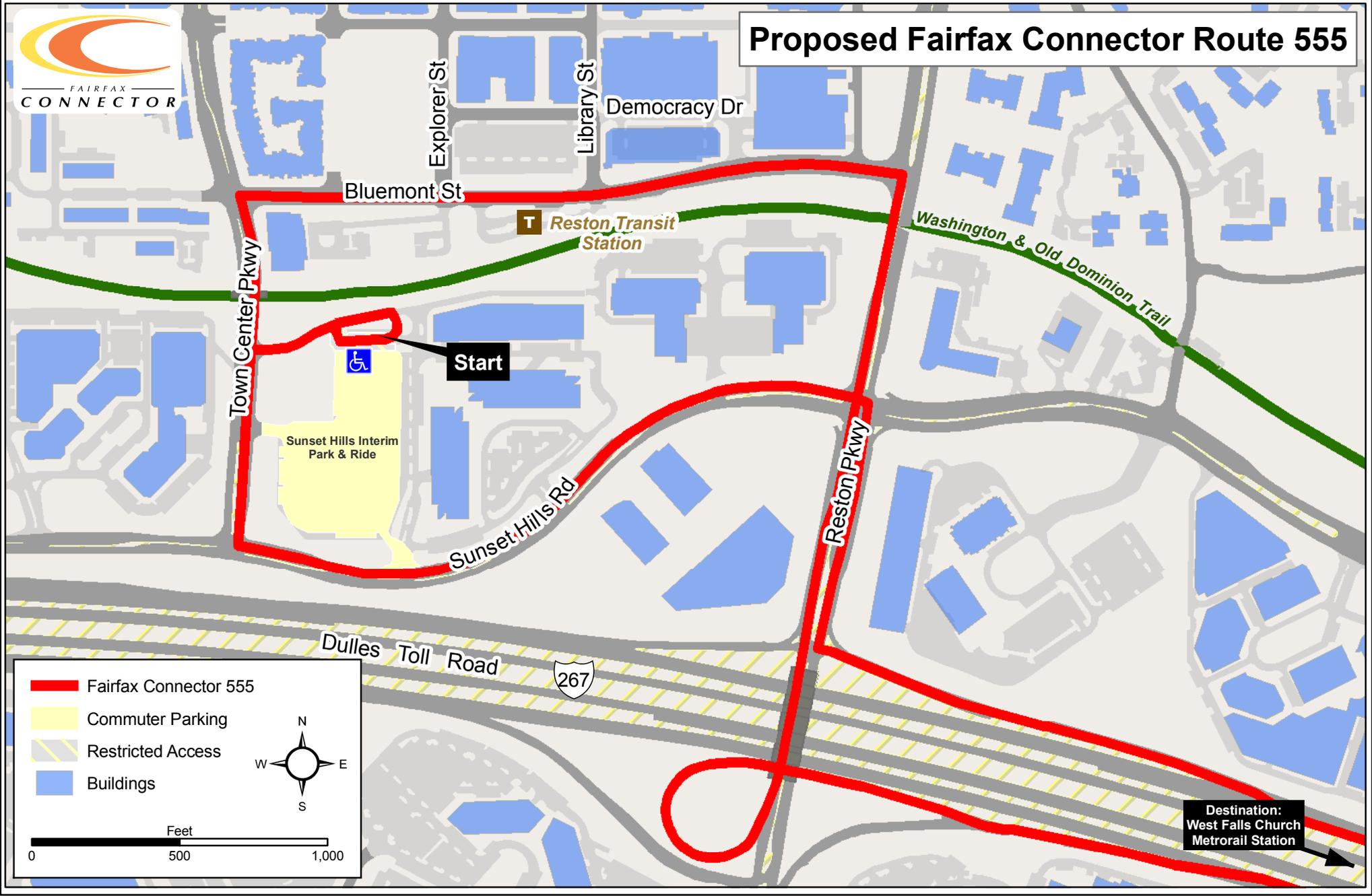
Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)

Rollo Axton, Chief, Transit Services Division, FCDOT

Christin Wegener, Transit Services Division, FCDOT



Proposed Fairfax Connector Route 555



- Fairfax Connector 555
- Commuter Parking
- Restricted Access
- Buildings

Feet
0 500 1,000

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INFORMATION - 4

Contract Award – West Ox Bus Operations Center Bus Parking Lot Expansion
(Springfield District)

Ten sealed bids were received and opened on February 8, 2011, for the construction of the West Ox Bus Operations Center Bus Parking Lot Expansion, Project TWTOX1, in Fund 124, County and Regional Transportation Projects. This contract award will provide for the construction of approximately 110,000 square feet of concrete paved bus parking lot including 95 spaces and drive aisles. This project is included in the FY 2011 - FY 2015 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Arthur Construction Company, Inc. The firm's bid of \$999,951 is \$400,438 or 28.6% below the Engineer's Estimate of \$1,400,389. The second lowest bid of \$1,192,800 is \$192,849 or 19.3% above the low bid. The average of the bids is \$1,317,211 or 5.9% below the Engineer's Estimate. The Contractor's experience in this type of work and an extremely competitive bidding environment are reflected in this favorable below estimate bid.

Arthur Construction Company, Inc. has satisfactorily completed several County projects and is considered a responsible bidder. The Department of Tax Administration has verified that Arthur Construction Company, Inc. has the appropriate Fairfax County Business, Professional and Occupational License. Arthur Construction Company, Inc. is a minority business and a small business firm.

This bid may be withdrawn after March 25, 2011.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Arthur Construction Company, Inc., in the amount of \$999,951.

FISCAL IMPACT:

Funding in the amount of \$1,300,000 is necessary to award this contract and fund the associated contingency and other project costs such as utilities, inspections, and construction management. Funding is currently available in Project TWTOX1, West Ox Bus Operations Center Bus Parking Lot Expansion, in Fund 124, County and Regional Transportation Projects.

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ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

DEPARTMENT OF PUBLIC WORKS
& ENVIRONMENTAL SERVICES
CONSTRUCTION MANAGEMENT DIVISION

COUNTY OF FAIRFAX
VIRGINIA

DATE OF BID OPENING: February 8, 2011
NO AWARD OF CONTRACT YET MADE

**WEST OX BUS OPERATIONS CENTER PARKING LOT EXPANSION
CONTRACT NO. CN1124004
PROJECT NO. 124/TWTOX1**

ORDER OF BIDDERS

1. Arthur Construction Company, Inc..... \$ 999,951
23691 Overland Drive
Dulles, VA 20166
2. E.E. Reed Construction, L.P..... \$1,192,800
3076 Centreville Road, Suite 210
Herndon, VA 20171
3. Finley Asphalt & Sealing, Inc..... \$1,216,027
9105 Industry Drive
Manassas Park, VA 20111
4. Jeffrey Stack, Inc..... \$1,281,540
12260 Pomerary Drive
King George, VA 22485
5. Rustler Construction, Inc. \$1,300,000
9209 Old Marlboro Pike
Upper Marlboro, MD 20772
6. Fort Meyer Construction Corp. \$1,326,921
2237 33rd Street, NE
Washington, DC 20018
7. A & M Concrete Corp. \$1,333,170
43760 Trade Center Place, Suite 160
Dulles, VA 20166

Order of Bidders
Page 2

8.	Sagres Construction Corp.	\$1,467,000
	5420 Oakwood Road	
	Alexandria, VA 22310	
9.	Rand Construction Corp.	\$1,518,706
	1029 North Royal Street	
	Alexandria, VA 22314	
10.	Tavares Concrete Co., Inc.	\$1,536,000
	8000 Cinder Bed Road	
	Lorton, VA 22079	
	INDEPENDENT ENGINEER'S ESTIMATE	\$1,400,388.99

Contract Time: 120 Calendar Days



VICINITY MAP

**West Ox Bus Operations Center
PARKING LOT EXPANSION**

4960 ALLIANCE DRIVE, FAIRFAX, VA 22030

**CONTRACT NO. CN11124004
PROJECT NO. 124/TWTOX1**

SPRINGFIELD DISTRICT

TAX MAP 55-2

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INFORMATION - 5

Contract Award – Contract for Architectural/Engineering (A/E) Design Services for the Public Safety Headquarters Project (Springfield District)

Consultant services are required to provide A/E design services for the design of the Public Safety Headquarters, Project 009230, in Fund 312, Public Safety Construction. This project is included in the FY 2011 – FY 2015 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of Hellmuth, Obata & Kassabaum, Incorporated (HOK, Inc.) was selected to provide full A/E design services for the new Public Safety Headquarters project. HOK, Inc. was selected based on the firm's technical expertise and relevant experience in public safety projects. HOK's basic design services will be performed in multiple phases. The initial phase will include the engineering services required to prepare the Space Programming Verification, Site/Zoning Requirements, and Conceptual Design Studies to provide options and a better understanding of the facility and budget requirements to be presented to the Board's Public Safety Committee.

The initial engineering design services contract amount is for \$484,264. Full design services and funding requirements are subject to future amendments and appropriations.

The Department of Tax Administration has verified that HOK, Inc. is located in Washington, DC and a number of other branch locations and does not require a Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to HOK, Inc. in the amount of \$484,264.

FISCAL IMPACT:

Funding in the amount of \$484,264 is necessary to award this contract. Funding in the amount of \$484,264 is available in Project 009230, Fund 312, Public Safety Construction, to award this contract and to fund the associated project costs.

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ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities

Awardee:

HOK, Inc.
Canal House
3223 Grace Street, NW
Washington DC 20007
James Kessler, AIA

Other Firms Interviewed:

AECOM
3101 Wilson Boulevard, Suite 900
Arlington VA 22201
Joseph E. Wells, AIA

HDR Architects, Inc.
1101 King Street, Suite 400
Alexandria VA 22314
Thomas E. Vandever, RA

Grimm+Parker Architects
1355 Beverly Road, Suite 105
McLean VA 22101
John M. Hill, AIA

Moseley Architects
3200 Norfolk Street
Richmond VA 23230
John J. Moore III, AIA

Wisnewski Blair & Associates
44 Canal Center Plaza, Suite 100
Alexandria VA 22314
J. Patrick Halpin, AIA

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INFORMATION - 6

Contract Award – Tysons Corner Circulator Study (Providence, Dranesville, and Hunter Mill Districts)

The Comprehensive Plan for Tysons Corner, adopted by the Board in June 2010, identified an internal circulator system as an important element of the future transportation system. Included in the follow-on motions, the Board directed staff to issue a Request for Proposal (RFP) for a Circulator Study.

The Tysons Circulator Study will define the objectives of the proposed circulator system and its relation to other transit services and transit studies. The contractor will:

- Evaluate best practices, future demand, operations, phasing, maintenance requirements, and costs.
- Evaluate modes, service characteristics, route alignments, frequency of service, stop locations and interface with Metrorail stations.
- Assess right-way requirements for both existing and future streets.
- Assess of the pros and cons of dedicated versus shared rights as part of the operational analysis.
- Evaluate maintenance requirements, including the size and potential locations for a maintenance facility within or proximate to Tysons.
- Complete the study by the end of 2011.

On December 8, 2010, the Department of Purchasing and Supply Management issued a Request for Proposal (RFP11-198948-44). The solicitation notice was posted on the County's procurement notification system, and five firms responded with proposals by the closing date of January 11, 2011. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the final evaluation of the proposals, the SAC recommended that negotiations commence with the top ranked offeror. The SAC successfully negotiated the contract terms and has recommended award to AECOM.

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award the contract to AECOM. The total amount of this contract is \$450,000.

FISCAL IMPACT:

Funds for this contract were authorized by the Board on June 1, 2009. Funding is

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available in Project009916, Tysons Circulator Feasibility Study, in Fund 301,
Contributed Roadway Improvement Fund.

ENCLOSED DOCUMENTS:

Attachment 1 - List of Offerors for RFP

STAFF:

Edward L. Long, Jr., Deputy County Executive

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

Thomas P. Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)

Leonard Wolfenstein, FCDOT

List of Offerors for RFP11-198948-44

- AECOM
- CAMBRIDGE SYSTEMATICS, INC
- JOHNSON MIRMIRAN & THOMPSON
- NELSON/NYGAARD
- TRAN SYSTEMS

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Board Agenda Item
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INFORMATION – 7

2010 Virginia Pollutant Discharge Elimination System Permit Annual Report for Fairfax County, Virginia

Fairfax County Department of Public Works and Environmental Services prepared the enclosed annual report for submission to the Virginia Department of Conservation and Recreation (DCR) in compliance with Virginia Pollutant Discharge Elimination System (VPDES) Permit VA0088587, Part I, Section C.4. The annual report documents activities performed by the County between January 1, 2010, and December 31, 2010, to satisfy requirements of its VPDES permit to operate a municipal separate storm sewer system (MS4). The report is formatted to meet DCR's request for a concise summary of activities related to each permit requirement presented in the order in which they appear in the MS4 permit. The current permit was issued January 24, 2002, and expired January 24, 2007. The County is currently operating under an administrative continuance of the existing permit in anticipation of permit renewal later this year.

Unless otherwise directed by the Board of Supervisors, the County Executive will forward the "2010 VPDES Permit Annual Report" with attachments to DCR and to others as requested, and will publish it on the County's Web site.

FISCAL IMPACT:

No fiscal impact is associated with the submittal of this report to the Department of Conservation and Recreation.

ENCLOSED DOCUMENT:

Attachment 1: 2010 VPDES Permit Annual Report

STAFF:

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

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2010 VPDES Permit Annual Report

Fairfax County, Virginia

VPDES Permit No. 0088587
March 8, 2011

The following annual report is submitted to the Virginia Department of Conservation and Recreation (DCR) in compliance with Fairfax County's Virginia Pollutant Discharge Elimination System (VPDES) permit. The permit was issued January 24, 2002 and expired January 24, 2007. The county is currently operating under an administrative continuance of the existing permit in anticipation of permit renewal. This report covers the previous calendar year from January 1, 2010 to December 31, 2010 and describes all of the activities performed to satisfy the county's permit requirements.

Annual Report requirements as specified in Part I.C.4 of the permit are bold and underlined below and the stormwater program requirements as specified in the permit, Part I sections B.1, C.1, C.2 and C.3 of the permit are in italics under the applicable annual report section.

NOTE: Fairfax County's response to the annual report and permit requirements are indented.

a) Watershed Management Program Implementation

The Municipal Separate Storm Sewer System and any stormwater structural controls shall be operated in a manner that reduces the discharge of pollutants to the maximum extent practicable (B.1).

Starting with the Little Hunting Creek Watershed Management Plan in 2003, the county embarked on a watershed planning initiative that assessed the needs and resulted in proposed improvements for the county's 30 watersheds over the next 25 years. The watershed management planning process is one component of the county's MS4 Program and is part of the Fairfax County Board of Supervisors' Environmental Agenda. The overarching goals for the watershed plans are:

1. Improve and maintain watershed functions in Fairfax County, including water quality, habitat and hydrology.
2. Protect human health, safety and property by reducing stormwater impacts.
3. Involve stakeholders in the protection, maintenance and restoration of County watersheds.

A total of 13 plans, which cover all 30 watersheds, were developed during this watershed planning initiative. The plans were developed with the assistance of the community through public meetings and individual plan stakeholder groups. This public involvement process helped to ensure that the plans meet the needs in the watershed, and have the support, of county residents. The county completed and adopted six watershed plans between 2005 and 2008 as part of the first round of planning. By early February 2011, the seven remaining watershed management plans were completed and adopted by the Fairfax County Board of Supervisors. Attachment 1 lists the status of each of the 13 county watershed management plans.

It is anticipated that structural projects proposed in the plans will be primarily funded from the Stormwater Services fund and from the Pro Rata Share Drainage Construction fund.

a.1) Structural and Source Controls

The Municipal Separate Storm Sewer System and any storm water structural controls shall be operated in a manner that reduces the discharge of pollutants to the maximum extent practicable (B.1.a).

a.1 (a) Report all inspections performed on SWM facilities and BMP Ponds.

In 2010, the county inspected 173 of the 1,338 county-maintained stormwater management (SWM) and best management practice (BMP) facilities at least once. Given that 926 county-maintained facilities (72 percent) were inspected in 2009, this level of performance complies with the permit requirement to inspect all county-maintained facilities once during the term of the permit. In anticipation of a new annual reporting schedule with a renewed MS4 permit, these inspections are being tracked on a fiscal year basis, resulting in approximately 650 inspections per fiscal year. The county inspected 411 (or 12 percent) of the 3,348 privately-maintained facilities in 2010 with the goal of inspecting all privately-maintained facilities at least once during the permit cycle as required by the permit.

a.1 (b) Report all maintenance performed on SWM facilities and BMP Ponds.

In 2010, the county cleaned and/or mowed 1,136 dam embankments, including 40 regional ponds which were maintained four times each over the calendar year. Cleaning involves removing trash, sediment, and debris from the trash rack, control structure, and all inflow channels leading to the control structure. At each stormwater management facility, deposited sediment is removed from the trickle ditch upstream from the control structure and disposed of offsite. The cleaning helps keep the facility functioning properly by conveying water and performing the BMP function as it was designed. The county completed 131 maintenance work orders to correct deficiencies in publicly maintained SWM/BMP facilities. In 2010, more of these work orders focused on major maintenance problems, which resulted in a lower number of total work orders compared to recent years.

a.2) Areas of New Development and Significant Redevelopment

The permittee shall comply with and enforce all components of the County's Comprehensive Land Use Plan that are relevant to storm water discharges. The goals of such controls shall be to limit increases in the discharge of pollutants from storm water as a result of development and significant re-development (B.1.b).

The Comprehensive Plan, as amended in 2007, provides explicit support for better site design and low impact development (LID) measures, and opportunities to implement such measures are explored during the zoning process. This support helps staff to negotiate for measures such as reductions in proposed impervious cover and the provision of biofiltration facilities (rain gardens) to provide water quality control through infiltration.

The Department of Planning and Zoning (DPZ) provides a full range of environmental review, but does not track stormwater efforts independently from other environmental efforts. In coordination with other DPZ staff and staff from other county agencies, DPZ reviewed 49 rezonings and related applications (e.g., amendments), 49 special exceptions and amendments, and 119 special permits and amendments in fiscal year 2010 for environmental considerations.

a.3) Roadways

Public streets, roads, and highways maintained by the permittee shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities (B.1.c).

The Virginia Department of Transportation (VDOT), which is covered by a separate Phase II MS4 permit, is responsible for maintenance and operation of public roads (interstate, primary, secondary, residential) in Fairfax County. The county is only responsible for maintaining several miles of discontinuous road segments, many of which are unpaved. A significant component of Fairfax County's roadways program is sweeping parking lots associated with county facilities such as government centers, libraries, public schools, fire stations, police stations, health centers, bus transit facilities, park and ride lots, commuter rail stations, public housing facilities and staffed park locations.

In an effort to limit the discharge of pollutants from parking lots into the county's streams, the county provides sand and chemical treatment only when dictated by safety. The county sweeps material from each treated parking area once annually during the spring.

The county's parking lot sweeping program is currently carried out by three organizations: Department of Public Works and Environmental Services (DPWES), Department of Housing and Community Development (DHCD), and Fairfax County Park Authority (FCPA, or Park Authority). DPWES sweeps parking lots at county government and public schools sites as well as paved county road segments, where feasible. DHCD sweeps parking lots on residential developments such as apartment complexes, townhouse developments, group homes and senior facilities that are owned and operated by DHCD. FCPA maintains essential use parking areas at staffed park locations and commuter parking lots. In 2010, more than 1,570 cubic yards of material was removed from 317 county government and public schools sites, 41 residential sites, essential use areas at parks and county-maintained road segments through sweeper trucks and hand sweeping.

a.4) Retrofit

Receiving water quality impacts shall be assessed for all storm water management facilities. When the permittee determines water quality impact, they shall continue to evaluate and implement retrofitting existing storm water management facilities and areas without stormwater controls (B.1.d).

In 2010, the county maintained compliance with retrofit requirements by completing projects to enhance stormwater management functionality. The projects included BMP/low impact development (LID) retrofits for water quality, detention pond retrofits, and dam improvements as summarized below:

- seven BMP/LID water quality retrofits treating an estimated 13.4 acres
- eight stormwater detention pond retrofits treating an estimated 255 acres, including a major renovation and spillway repair at Lake Accotink dam
- five dam rehabilitation projects draining 20,491 acres, which also included a project to repair and strengthen the Lake Accotink dam
- eight major maintenance projects to enhance stormwater management functionality
- two renovations of existing adult-sized natural turf soccer fields into synthetic turf fields which provide storage capacity, reduce peak flows during large storm events and have a conservative 15 percent phosphorous removal efficiency rate. The new synthetic turf fields also eliminate the need for fertilizer and pesticide application. The two projects provide treatment for over eight acres combined.

- two major park renovations incorporated rain gardens, underground stormwater storage facilities, porous pavers and a new synthetic turf field as well as renovation of an existing stormwater management pond. The renovations treat approximately 18 acres combined.
- large underground stormwater management facilities are being installed at another park to provide on-site detention for a family recreation area where construction began in June 2010
- modification of 120 linear feet of swale at a golf course to provide rain water harvesting, improve infiltration, address an existing drainage problem, and improve both site infrastructure and aesthetics. The improvement addresses about one acre of drainage area. The project also incorporated two rain barrels with drip lines and a deep artificial river-rock channel to provide stormwater storage and decrease standing water and run-off.

Eleven of these retrofits were projects recommended in county watershed management plans.

Combined, the 15 stormwater detention pond and BMP/LID retrofit projects are estimated to remove approximately 580 pounds/year nitrogen, 99 pounds/year phosphorus (in addition to removals anticipated as a result of conversion from turf to synthetic fields), and 28 tons/year sediment. Sediment and nutrient removal estimates are not available for maintenance projects.

As part of park planning, development, and renovation processes, the Park Authority evaluates opportunities to incorporate LID stormwater management techniques. Park Authority staff members maintain over twenty rain gardens and numerous other LID features.

Retrofit documentation is maintained by the Maintenance and Stormwater Management Division and the Watershed Projects Implementation Branch of DPWES and the Park Authority.

a.5) Pesticides, Herbicide, and Fertilizer Application

The permittee will implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied to public right of ways, parks, and other municipal property. The permittee shall develop and implement a program within one year of the effective date of the permit to achieve the above goal (B.1.e).

County agencies involved in the administration of public rights-of-way, parks and other municipal properties currently have some form of nutrient and pest management plans and either implement the plans themselves or have contractors implement them. County personnel and private contractors follow the Virginia Department of Conservation and Recreation’s nutrient management guidelines, the Virginia Department of Agriculture’s guidelines, and the Virginia Pesticide Control Act, 2006. In addition, many agencies are also collecting information on the application rates and total annual usage of pesticides, herbicides and fertilizers (PHF).

In 2010, Park Authority staff worked to reduce the amount of mowed turf areas at several park sites around the county to promote water and air quality and provide additional wildlife habitat. Mowing was discontinued on 15 acres in the Vienna and McLean areas of the county.

The Park Authority currently has approximately 515 acres under nutrient management plans. These areas are on golf courses. The vast majority of the remaining mowed turf areas do not receive any regular treatments of either fertilizers or pesticides.

In 2010, a Virginia state-certified nutrient management planner in the Northern Virginia Soil and Water Conservation District (NVSWCD) prepared nutrient management plans covering 66.6

acres in the county. These included 31.1 “new acres” which were not previously part of any current or expired plan and 35.5 “revised acres” which were already under plans that had been recently rewritten because the previous ones had expired or were about to expire. The plans accounted for 37.1 acres of horse operations, 8.5 acres in hay production and 21.0 acres of George Washington’s historic farming operation at the Mount Vernon Estates and Gardens.

In 2010, county agencies that have property ownership and maintenance responsibilities met to discuss the PHF program. Attendees reviewed the record keeping sections of the draft Nutrient Management Plan (dated October 15, 2007) and the Site Specific Nutrient Management Plan Content document (dated October 17, 2007). It was decided that the Site Specific Nutrient Management Plan Content sheet should be updated and could be adapted to develop a template for certified nutrient management plans. Attendees also reviewed the draft Integrated Pest Management Plan and discussed how the Park Authority’s Early Detection – Rapid Response invasive plant program, the gypsy moth spraying program and other types of pest management involving the use of chemicals around county buildings (such as termite and mosquito control) would be covered by the site specific plans. Plan updates are scheduled to begin in 2011 with the participation of DHDC, DPWES, Fairfax County Public Schools, the Health Department, NVSWCD, and the Park Authority.

a.6) Illicit Discharges and Improper Disposal

a.6 (a) Report all identified illicit dischargers. This shall include site inspections and a description of any follow-up activities associated with illicit dischargers (see No. 12 below for dry weather screening);

Non-storm water discharges to the Municipal Separate Storm Sewer System will be effectively prohibited (B.1.f).

The Fire and Rescue Department’s (FRD) Fire and Hazardous Materials Investigative Services section aggressively enforces County Code Chapters 62, 105 and 106 in conjunction with the Department of Public Works and Environmental Services and the Department of Planning and Zoning, and issues criminal citations during investigations of hazardous materials incidents. Chapter 62 establishes that the Fire Marshall and all permitted members of the Fire Marshall’s staff have police powers to investigate and prosecute certain offenses including offenses related to storage, use, and transportation of hazardous materials and hazardous waste, and environmental crimes. Chapters 105 and 106 contain provisions that address illicit discharges to state waters and the county’s storm drainage system. Procedural Memorandum No. 71-01, Illegal Dump Site Investigation, Response, and Cleanup, outlines the process of follow-up action for non-emergency incidents of illegal dumping; establishes action under County Code Chapter 46, Health or Safety Menaces; and provides referrals for action on complaints that are neither public health hazards nor regulated.

Programs that can help to prevent, detect and eliminate illicit discharge of sanitary wastes into the MS4 are implemented and documented in the Wastewater Management business area of DPWES. The Sanitary Sewer Infiltration Abatement Program conducts wastewater flow measurements and analysis to identify areas of the wastewater collection system with excessive inflow/infiltration problems, and uses closed circuit television (CCTV) to inspect trunk sewer mains in an effort to specifically identify defective sewer lines for repair and rehabilitation. In 2010, 213 miles of old sewer lines and 7 miles of new sewer lines were inspected, resulting in the identification of sanitary sewer lines and manholes needing repair and rehabilitation. In 2010, 21.8 miles of sanitary sewer lines were rehabilitated, bringing the total length of sewer lines repaired over the past ten years to 208.64 miles (1,101,599 feet).

The Sanitary Sewer Extension and Improvement Program addresses pollution abatement and public health considerations by providing sanitary sewer service to areas identified by the Department of Health as having non-repairable, malfunctioning septic systems. In 2010, one Extension and Improvement project was completed consisting of 912 linear feet of eight-inch sanitary sewer and sanitary sewer connections to five existing homes.

a.7) Spill Prevention and Response

A program to prevent, contain, and respond to spills that may discharge into the Municipal Separate Storm Sewer System shall be implemented. The spill response program may include a combination of spill response actions by the permittee (and/or another public or private entity), and legal requirements for private entities within the permittees' jurisdiction (B.I.g).

The Fire and Rescue Department responds to all reported incidents of hazardous material releases, spills and discharges in the county (regardless of whether the material has potential to enter the county-operated MS4 or another system, such as VDOT's). The department maintains and tracks firefighter training/certification under OSHA 29 CFR 1910.120 (q) and NFPA 472. The department's Fire and Hazardous Materials Investigative Services (FHIS) personnel receive regular training in pollution prevention and are equipped to initiate spill control measures to reduce the possibility of hazardous materials reaching the MS4. Resources available to personnel include personal protective equipment, technical tools and equipment for spill control, and absorbent products such as pads and booms for spill containment. The section also maintains a contract with a major commercial hazardous materials response company to provide additional containment and clean-up support for large-scale incidents.

In 2010, FHIS received 390 complaints. Approximately 315 of the complaints involved the actual release of various petroleum or chemical substances. Of the 315 releases, 221 involved the release of either diesel fuel (23), home heating fuel oil (53), gasoline (42), motor oil (31), or hydraulic oil (72). Other releases investigated involved antifreeze, paint, sewage, waste water discharges, water treatment chemicals and mercury. Storm drains were involved in 45 of the releases.

In both emergency and non-emergency spills that reach the MS4, FHIS enforces appropriate codes and ordinances to ensure that responsible parties take appropriate spill control and cleanup actions to protect and restore the environment.

FHIS monitors, on a long-term basis, contaminated sites that have a potential for the contaminant coming in contact with surface waters or stormwater management facilities. As a part of the Oversight Program, FHIS, as an agent of the Director of DPWES, accepts, reviews and processes requests to discharge treated groundwater from remedial activities at contaminated sites into county storm sewers. FHIS then monitors the discharge for the duration of the agreement. In 2010, the Hazardous Materials Technical Support Branch of FHIS started the year with 52 oversight files. During the year, 75 new oversight files were opened, and 55 were closed. Most of these oversight files involve contaminated underground storage tank sites. Fifty-six oversight files will be carried into 2011.

Fire and Rescue continued to maintain membership in the Fairfax Joint Local Emergency Planning Committee (FJLEPC), which includes representatives of Fairfax County, the City of Fairfax, and the towns of Vienna and Herndon. Fire and Rescue periodically updates its Hazardous Material Emergency Response Plan.

a.8) Industrial & High Risk Runoff

a.8 (a) Report on all inspections of any new or previously unidentified facilities.

a.8 (b) Report an updated list of all industrial storm water sources and VPDES permitted facilities that discharge into the MS4.

A program to identify and control pollutants in storm water discharges to the Municipal Separate Storm Sewer System (municipal landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313) and any other industrial or commercial discharge the permittee determine are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System shall be implemented under this program (B.1.h).

Fairfax County's efforts regarding the permit requirements related to Industrial and High Risk Runoff are also presented in sections a.12.b and -c of this report, which contain a discussion of the county's Wet Weather and Industrial and High Risk Runoff Monitoring Program.

Fairfax County's Division of Solid Waste Disposal and Resource Recovery (DSWDRR) manages two landfills on county property that are covered under a VPDES General Permit: the I-95 Landfill located at 9850 Furnace Road in Lorton (registration number VAR051076) and the I-66 Transfer Station/Closed Landfill located at 4618 West Ox Road in Fairfax (registration number VAR051074). Each permit was reissued in 2009 with a new expiration date of June 30, 2014.

The 250-acre municipal solid waste (MSW) portion of the I-95 Landfill is now fully closed in accordance with Virginia Solid Waste Management Regulations for cover systems and covered by an engineered cap. Stormwater is managed more efficiently and infiltration is reduced significantly, in turn providing for less generation of leachate. The final cover system also minimizes the need for post-closure maintenance. Storm water is collected and retained in ten sediment basins prior to discharge into local waterways.

Phase IIIA of the I-95 Area Three Lined Landfill (ATLL) Project continues to accept ash from the Noman Cole Pollution Control Plant, the Energy from Waste (EFW) Facility located at the I-95 Complex and a similar energy-from-waste facility located in Alexandria. Phase IIIA consists of a 7-acre cell underlain with three different composite liner systems and a composite drainage network to transport leachate. It is covered with a rain cap laid over a protective soil layer (protecting the liner system). Approximately three acres of rain cap have been removed to allow for placement of ash on a full time basis. Leachate from the new ash filling area is collected by drainage standpipes that tie directly into the leachate collection trench. Stormwater is separated from leachate by soil cover, soil berms and rain cap. Approximately two acres are provided with intermediate cover, which is a temporary cover generally consisting of stabilized soil.

Phases I and II of the ATLL are not currently accepting ash. Surfaces of these areas are either formally closed with engineered cover to regulatory specifications, contain intermediate cover material which can be removed for future use, or are covered with asphalt or milled asphalt. Storm water is managed through a network of berms, ditches, gabion down chutes and sediment basins.

Storm water associated with the I-66 transfer station, closed Recycling and Disposal Center (RDC) landfill, and truck parking area are completely collected and retained in three sediment basins prior to discharge into local waterways.

Training in pollution prevention is provided once per year for facility staff. Pollution Prevention Plans are maintained at each facility and are updated when conditions change. Additionally, spill kits are readily available at each location.

Staff performs quarterly visual inspections of the stormwater outfalls located at the I-95 Landfill and the I-66 Transfer Station/Closed Landfill. Annual effluent limit and benchmark sampling is performed at each site during the monitoring year. Semi-annual TMDL sampling is performed at I-66 during the monitoring year.

Four Fairfax County Department of Vehicle Services (DVS) bus garages (Alban, Jermantown, Newington and West Ox maintenance facilities) are covered by the VPDES general industrial stormwater permit. As required by the general permit, each facility has developed and is implementing a stormwater water pollution prevention plan (SWPPP), which includes spill prevention and response procedures.

a.9) Construction Site Runoff

a.9 (a) Report all Erosion and Sediment Control Plans the permittee has approved for sites disturbing greater than 1 acre of land for that year.

A program to reduce the discharge of pollutants from construction sites (land disturbing activities equal to or greater than one acre) shall be implemented under this program (B.1.i).

In 2010, a total of 655 Erosion and Sediment Control (E&S) plans for projects that would disturb a land area of 2,500 square feet or more were submitted and approved. Written reports listing these individual sites were provided on a monthly basis to the Virginia Department of Conservation and Recreation (DCR).

Fairfax County's Alternative Inspection Program, established in cooperation with the DCR, resulted in 27,579 E&S inspections in 2010 on all sites under construction. This number represents 59 percent of the 46,912 total site inspections that were performed by Environmental and Facilities Inspections Division (EFID) personnel. The county's E&S program is fully approved by DCR.

The county sponsors an annual Land Conservation Awards program to recognize the developers, contractors, site superintendents, and site inspectors who demonstrated an exemplary effort in controlling erosion and sediment on construction projects during the past year. Awards are given in six categories, one award per each category: Large Commercial, Small Commercial, Large Single Family Residential, Large Single Family residential, Linear Project and Infill Lot. In 2010, 13 sites were nominated for awards. Among the recipients, one was also recognized for having the "Best Protected Environmentally Sensitive Site." These awards are valued by recipients in the construction industry and provide incentives to do excellent work. The 2010 Land Conservation Awards program was held on January 21, 2011.

Residents may report complaints about erosion and sedimentation to the county by phone or through email. Residents can visit the following web page to find contacts for specific land development issues:

<http://www.fairfaxcounty.gov/dpwes/publications/urbanfor.htm>

a.10) Storm Sewer Infrastructure Management

A program to maintain and update the accuracy and inventory of the storm sewer system shall be implemented. The permittee shall submit to the Department of Environmental Quality, Northern Virginia Office a plan and schedule by which the entire storm sewer Infrastructure will be mapped. The plans and schedule shall be submitted within 180 days of the effective date of this permit (B.1.j).

A Storm Sewer Infrastructure Management Plan and Schedule was submitted to the Virginia Department of Environmental Quality (DEQ) on July 24, 2002, in accordance with the permit, and has been updated with each annual report (Attachment 2). The requirements in the plan have been fulfilled and the infrastructure inventory will continue to be updated in accordance with the permit.

Fairfax County contains 399 square miles of land and water as identified on 436 tax map grids. From 2002 to 2005, Fairfax County staff field verified the location of the storm drainage conveyance system on each tax map grid, identified storm sewer pipes, outfalls and associated appurtenant structures, and created a GIS-based data layer. During 2010, the GIS inventory continued to be updated with new as-built plans and field verification of system location and components within identified easements. More than 200 as-built construction plans were digitized and 287 tax map grids have been reviewed for completeness, maintenance responsibility and spatial accuracy. Routine maintenance began during the Spring of 2010 on the GIS-based stormwater easement database.

During 2010, the county continued implementation of its infrastructure inspection and rehabilitation program, inspecting 1,100 pipe segments and 9,500 storm structures using video and photo documentation. Under the rehabilitation program, video was taken of over 66 miles of pipe and almost 70,000 photos were taken to document the existing structural and service conditions of the interior of the storm system. These efforts resulted in 98 miles, or 6.5 percent, of the storm drainage network being photographed or screened for obvious deficiencies. The inventory continues to be assessed for ongoing repair of identified deficiencies. In addition, more than 2,300 feet of the over 1,500 miles of storm pipe in the county's inventory were rehabilitated or repaired through replacement or by using cured-in place pipe lining methods.

a.11) Public Education

A public education program shall be implemented (B.1.k).

Fairfax County's public education program is an essential component of stormwater management. The program raises awareness about stormwater issues facing the county, educates residents about watersheds and stormwater management, and offers opportunities for residents to become involved in efforts to restore and protect Fairfax County's local waterways, the Occoquan Reservoir, the Potomac River and the Chesapeake Bay. County employees give presentations to various groups including homeowners' associations, civic associations, students and the business community. A summary of the education activities conducted in 2010 follows.

- The county sponsored Fall for Fairfax, an annual event with exhibits to raise awareness about environmental issues and encourage watershed-friendly behaviors.
- Pod cast messages on stormwater-related topics were aired through the county's website for a weekly audience of about 350 listeners.
- The county created educational public service announcements on responsible pet waste management, litter and plastic bags. These programs air on channel 16 and are posted to YouTube.

- Educational fact sheets were created on such topics as watersheds, volunteer opportunities, stream health actions steps, picking up pet waste, humane removal of geese, the stormwater drainage system and clean streams.
- A new web page and brochure were created to educate residents about proper discharge of swimming pool water.
- The county created an activity book, “Stormy the Raindrop’s Watershed Journey” depicting Stormy’s travels from Fairfax County to the Chesapeake Bay. The activity book was created with the help of the Fairfax County Public School system to ensure that it met the Standards of Learning at a 4th grade level. More than 1,800 copies of and earlier publication, “Adventures of Stormy the Raindrop,” and approximately 1,500 copies of “Stormy the Raindrop’s Watershed Journey” were distributed at various libraries, district offices and events. Both activity books are available on the county website.
- The county provided 1,500 reusable bags with the Stormy the Raindrop image and an anti-litter message to attendees of Fall for Fairfax.
- Almost 200 dog waste bag dispensers carrying the Stormy image and an educational message were provided to the Fairfax County Animal Shelter for residents who adopted a dog from their facility.
- Seven news releases about the watershed management plans were sent to the media.
- Stormwater management staff provided 19 media interviews for print, television and radio news and feature stories on topics related to stormwater management.

In 2010, Fairfax County continued to provide opportunities for public school students to learn about watersheds. For example, 13 Sewer Science program presentations were made to more than 320 students in six high schools, with audiences ranging from freshmen through seniors. County staff spoke also at various events such as Science Honor Society meetings and high school Science Fairs.

The Fairfax County Solid Waste Management Program (SWMP) plays an important role in protecting surface water resources through its outreach efforts to promote responsible waste management practices. The SWMP provides education to residents and businesses about how they can reduce the volume of waste generated, recycle more, and dispose of wastes properly.

- The SWMP is responsible for the county’s Household Hazardous Waste (HHW) Management Program which provides residents the opportunity to properly dispose of household hazardous waste (such as used motor oil, antifreeze and other automotive fluids) at no charge, instead of pouring it down a storm drain or placing it in the trash. The SWMP has two permanent HHW collection facilities that are open four days per week.
- The SWMP periodically amends its practices to accommodate new types of wastes such as compact fluorescent lamps (CFLs) and other fluorescent lamps, which can be taken to the county’s HHW facilities at no charge to county residents. An educational brochure prepared by the SWMP about the lamps is the most viewed document on the SWMP’s portion of the county website.
- The SWMP continued its monthly electronics recycling program for county residents known as Electric Sunday where one Sunday per month residents can drop off used computers and televisions for recycling. Over 2,000,000 pounds of electronic waste, equating to about 50 tons of lead, were prevented from being introduced into the Fairfax County environment.
- The SWMP continues to work closely with the Northern Virginia Regional Commission on a regional public information program entitled KnowToxics, which educates business

owners about their responsibility to comply with federal and state regulations that require proper disposal or recycling of spent fluorescent lamps, rechargeable batteries, computers, and related electronics.

- The SWMP continued to collaborate with the industry-funded Rechargeable Battery Recycling Corporation Program to make collection boxes available at offices of all members of the Fairfax County Board of Supervisors and at major county buildings. Rechargeable batteries are also accepted at the county's HHW facilities.
- The SWMP made 22 presentations to students in the Fairfax County Public Schools regarding solid waste and recycling practices.
- The SWMP annually creates and electronically distributes the SCRAPBook, (Schools/County Recycling Action Partnership) which is a compendium of resources dedicated to conducting environmental education in the schools from the Department of Public Works and Environmental Services.
- The SWMP created SCRAPmail, an electronic resource for teachers. This e-mail subscription allows interested teachers, students and school administrators to receive periodic news items, event announcements, and updates and reviews on environmental education resources available to county schools.
- The SWMP dedicates a portion of its website specifically for student education on recycling.
- The SWMP made a total of 72 presentations about solid waste and recycling practices to students, community groups and business leaders in 2010.
- The SWMP collaborated with the non-profit Alice Ferguson Foundation on the Trash-Free Potomac River Watershed Initiative with the goal of preventing trash and litter from entering the Potomac River. The SWMP provided financial and in-kind support of the initiative which will culminate in an area-wide litter prevention outreach and education campaign.
- The SWMP works with the Metropolitan Washington Council of Governments (MWCOCG) on its annual Go Recycle radio campaign. This campaign provides two weeks of intensive announcements on five major Washington DC radio stations to address recycling issues. Fairfax County is a major financial sponsor.
- The SWMP supports Clean Fairfax Councils' annual grant program to support environmental projects in the Fairfax County Public Schools. The grant program, entitled the Johnnie Forte Environmental Grant Program, offers grants in the amount of \$500 to support environmental projects in the Fairfax County Public Schools. This program has been in existence for over 20 years and to date, the agency has donated over \$60,000 to these projects in the schools.

In addition to Fall for Fairfax, Solid Waste Management provided financial and operational support for annual events where outreach and education regarding proper waste management and recycling practices are the primary goals, including Earth Day/Arbor Day at Northern Virginia Community College and the 4-H Fair held at Frying Pan Park.

As a member of the Northern Virginia Clean Water Partners (Partners), Fairfax County continued to support the regional stormwater education campaign in 2010. By pooling outreach funds with other jurisdictions to reach a wider audience, the campaign used radio and internet advertising to reduce pollution-causing behaviors among Northern Virginia residents. Surveys during prior years of the campaign have demonstrated that of residents that heard the radio ad, an average of 15 percent said they were more careful with fertilizer, 12 percent said they no longer dump used motor oil or they recycle it, and 11 percent said they picked up after their pet more frequently as a result of the advertisement's messages. Eighty-one percent of people hearing the ad said they thought it would be effective in changing behavior.

For the 2010 campaign, the Partners focused on the issue of pet waste. In 2010, the Partners also selected a new radio public service advertisement “*Dog Beep*”, which aired in October, 2010. The City of Los Angeles’ Department of Public Works produced “*Dog Beep*” and provided permission for the Partners to feature it in the DC area. The ad featured an action-oriented tagline to remind residents that storm drains flow to local streams, and included the web site address for more information.

The Partners created the Dog Blog which features interesting articles about dogs and weaves in a message about picking up pet waste into the articles. Through August 2010, the Dog Blog had 3,693 views, and 328 people completed the trivia quiz featured on the blog. The trivia quiz included a question about what dog owners should do with their pet waste, which 87 percent of participants answered correctly. As of September 2010, 87 percent of the over 120 visitors who answered a separate poll question stated they always pick up after their dog. In September and October 2010, the Partners featured several contests on the blog to encourage viral marketing of the blog amongst residents of Northern Virginia.

The Only Rain web site (www.onlyrain.org) that was created in 2009 was enhanced with new information and links to the dog blog. Throughout fiscal year 2010, the Only Rain web site had 5,708 unique visitors and over 6,300 total visits. Since 2009, the campaign partners have used online advertising through search engines and social networking sites in addition to traditional radio advertising.

The total cost for the 2010 campaign was \$104,125. The effort is funded by 14 local governments and three independent sanitary and drinking water authorities. Fairfax County’s contribution was \$50,000.

In 2010, the Northern Virginia Soil and Water Conservation District continued its popular public education programs, including the Storm Drain Marking Program and the Rain Barrel Program:

- Fiscal year 2010 marked the fifth year of the county-wide storm drain marking initiative that is staffed by NVSWCD and funded by Fairfax County at approximately \$12,000/year for plastic markers and glue. The objective of the initiative is to facilitate environmental stewardship among Fairfax County residents and educate the public about non-point source pollution prevention. During each storm drain marking project, volunteers engage in outreach among their peers such as distributing educational fliers door-to-door, then place the pre-printed labels with a “no dumping” message on their neighborhood storm drains. In calendar year 2010, the Storm Drain Marking Program coordinated 44 projects that placed markers on 4,605 storm drains and educated 19,717 households on ways they could take action to protect water quality. Each household received a flyer about the causes and prevention of nonpoint source pollution, and how to properly dispose of used motor oil, pet waste, paint, fertilizer, yard debris, and other pollutants. In 2010, 636 volunteers contributed 1,927 hours to the program. Since the program began, 2,376 volunteers have helped to complete 131 projects which resulted in outreach to 281,702 households and labeling of 18,092 storm drains.
- In 2010, NVSWCD coordinated a regional rain barrel initiative for Northern Virginia with neighboring jurisdictions. Eight “build-your-own” rain barrel workshops and two pre-made rain barrel sales were held in Northern Virginia. In 2010, the program held one free rain barrel workshop for teachers and one “train the trainer” event. Nine of the 12 events were held within Fairfax County. Four hundred fifty-one people participated in these programs. A total of 588 rain barrels were distributed, including 35 free barrels at

training events, 273 barrels made at “build-your-own” workshops, and 280 barrels sold at other distribution events.

- NVSWCD sponsors a volunteer stream monitoring program, which complements the county's stream bioassessment program. Trained volunteers assess the ecological health of streams by using an enhanced biological monitoring protocol and habitat assessment. Approximately 65 volunteers collect data at 33 sites four times a year. In addition, 36 public stream monitoring workshops and field trips were held throughout the county, and 250 county residents attended. The program builds awareness of watershed issues among the participants. A monthly *Watershed Calendar*, listing training and other events of interest, is emailed to 805 recipients.
- NVSWCD presented the Enviroscope® watershed model 6 times to 260 students in schools and scout programs.
- Education was presented directly to homeowners and homeowner associations by NVSWCD staff during 110 site visits to advise on solving drainage and erosion problems.
- The NVSWCD website is a source of information for residents to help them manage their land and protect water quality by controlling stormwater, preventing erosion and encouraging native vegetation. One of the resources, *You and Your Land – a Homeowner’s Guide for the Potomac Watershed*, provides comprehensive information.
- NVSWCD sponsors a program to provide information and assistance with planning and implementation to those who manage horse-keeping operations. In 2010, managers of 489 acres received information about nutrient management for their pastures and composting horse waste, as well as instructions for 5,000 linear feet of new vegetated buffer for waterways and 24,654 linear feet of replanted buffers. In the fall, 40 people attended an educational event sponsored by NVSWCD and a local horse-owners organization in the Occoquan Watershed. In 2010, NVSWCD created and published *Earth Friendly Suburban Horse Farming*. It contains detailed information about site planning, pasture management, non-vegetated heavy use areas, and animal waste management. This guide is distributed to the horse-keeping community directly, at events and on-line.

In 2010, NVSWCD provided training and education focusing on rain gardens and other low impact development practices:

- Four rain garden workshops included presentations on rain garden function, design, location, costs, construction, maintenance, planting, and materials. The workshops were attended by 122 county residents. Two presentations about rain gardens were made to 89 industry professionals.
- The fall issue of NVSWCD’s newsletter, *Conservation Currents*, featured a rain garden built by a county resident.
- NVSWCD and the Park Authority continue to distribute the manual they published last year -- *Rain Garden Design and Construction: A Northern Virginia Homeowner’s Guide*. It has all the instructions and calculations needed for a homeowner to build a rain garden on his or her property. The manual is available in hard copy and electronic formats.
- NVSWCD published a *Residential LID Landscaping Guide* for homeowners, which provides design and installation information for several low impact development practices appropriate for solving common drainage problems. It includes sources of supplies and plant materials. It is available in hard copy and electronic formats.

As in past years, Fairfax County Park Authority hosted and organized lake and stream valley clean up days in many of our stream valley parks and two of our lake front parks. These events provided an excellent learning opportunity for volunteers.

Several Resource Management sites are included in the county stream quality monitoring program and staff train and sponsor citizen volunteer monitors. Staff at five nature centers and an imbedded naturalist at Cub Run RECenter provide water quality and environmental education to hundreds of thousands of park visitors each year. For example, Huntley Meadows Park staff held the annual Wetlands Awareness Day on May 2, 2010 to educate citizens on the importance of maintaining healthy wetlands.

a.12) Monitoring Programs

a.12 (a) Report on the Dry Weather Screening Program; (1) Number of outfalls inspected and test results; (2) Follow-up activities to investigate problematic areas and illicit dischargers.

The permittee shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the Municipal Separate Storm Sewer System. Representative outfalls of the entire Municipal Separate Storm Sewer System must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). Sample collection and analysis need not conform to the requirements of 40 CFR Part 136 (B.1.1.1).

In 2010, the county selected 117 MS4 outfalls for dry weather screening in accordance with the general protocol outlined in the Fairfax County Dry Weather Screening Program: Site Selection and Screening Plan (July 2007). Physical parameters were recorded at each outfall. Water was found to be flowing at 31 of the outfalls, and was tested for a range of pollutants (ammonia, conductivity, surfactants, fluoride, pH, potassium, phenol, copper, and chlorine) using field test kits. Of the outfalls tested, 12 required follow-up investigations because they exceeded the allowable limit for at least one pollutant. Upon retesting these sites, nine continued to exceed the screening criteria, and further testing was conducted in an attempt to track down the source. This track down procedure consisted of using a map of the county's storm drainage system to track the storm network upstream of each site, recording observations of flowing water and land use, and testing the water where flow was found. This procedure was followed all the way up the network of storm sewer pipes until the source was found or there was no flowing water.

The source of the flow for one of the nine trackdowns could not be found. Six of the trackdowns were solely for high fluoride levels, while two of the remaining trackdowns were high for fluoride as well as other analytes. The county purchased a new fluoride testing device this year which was able to detect fluoride at a wider range than the photometer used in 2009. The fluoride limit was set at 0.2 mg/l this year, instead of the 0.6mg/l used in 2009. This may partially explain the increase in fluoride trackdowns in 2010 as compared to 2009. It was suspected that five of the fluoride trackdowns were water line leaks; therefore SWPD staff members are coordinating with Fairfax Water to determine the source of the leaks and resolve these issues.

SWPD staff also worked closely with DEQ in 2010 to resolve one illicit connection from a dry cleaning operation, one contaminated discharge resulting from a carwashing operation at an auto body shop and one illicit connection from an office building in Springfield.

During dry weather screening, staff noticed some businesses in the county that appeared to be washing cars and draining the dirty water directly to the storm drain system. SWPD is developing

outreach materials that target businesses that wash cars on how to properly discharge dirty wash water.

a.12 (b) Report on the Wet Weather Screening Program; (1) Number of outfalls inspected and test results; (2) Follow-up activities to investigate problematic areas and illicit dischargers.

The permittee shall investigate, and address known areas within their jurisdiction that are contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System. The Permittee shall specify the sampling and nonsampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136 (B.1.1.2).

The final report on wet weather screening and industrial high risk monitoring conducted from 2006 through 2008 was written in 2009. In 2010, the county solicited a proposal to review and update its Wet Weather Screening and Industrial High Risk Monitoring program. The updated plan will identify wet weather monitoring locations by ranking sites according to a land use code, other factors and the potential to contribute pollutants to the MS4. The selected sites will be monitored in 2011 for pollutants in accordance with the criteria established in the permit and the updated plan.

a.12 (c) Report on the Industrial and High Risk Runoff Monitoring Program

The permittee may include monitoring for pollutants in storm water discharges to the Municipal Separate Storm Sewer System which include: municipal landfills; other treatment, storage, or disposal facilities for municipal waste; hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313. Monitoring may also be required on other industrial or commercial discharges the permittee determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System. Permittee may require the industrial facility to conduct self-monitoring to satisfy this requirement (B.1.1.3).

This part of the permit is satisfied through the Wet Weather Screening Program described in the preceding section, a.12 (b).

a.12 (d) Report on the Watershed Monitoring Program; (1) Monitoring plan; (2) Summarize the implementation including, Storm Event Data, Station test results, Seasonal Loadings and Yearly Loadings.

The permittee shall develop a long-term monitoring plan and trend analysis to verify the effectiveness and adequacy of control measures in the County's Storm Water Management Plan and to identify water quality improvement or degradation. The permittee shall submit an approvable monitoring program to the Department of Environmental Quality no later than one year from the effective date of this permit. The program shall be implemented within two years of the effective date of the permit. Monitoring shall be conducted on representative stations to characterize the quality of storm water in at least two watersheds during the term of this permit (C.1).

In 2010, four rainfall events were monitored at each of the two water quality monitoring sites, Henderson Road in Occoquan (OQN) and Kingsley Avenue in Vienna (VNA) in accordance with Fairfax County's Watershed Water Quality Monitoring Program submitted on January 24, 2003. The June 10, 2010 storm at VNA was unsuccessful as the pickup hose was damaged during the storm. Rainfall, flow and water quality data were collected during each of the rainfall events. Samples were tested for concentrations of nine constituents of concern. Table 2, below, contains

the median, high and low concentration of each of the nine constituents over the six years from 2005 to 2010.

In addition, statistical analyses using the Mann-Whitney 2-sample test, was performed to determine if there were significant differences between constituent concentrations at the two stations. This year, for the first time, the analysis found significant statistical differences for concentrations of all of the nine constituents measured at the two sites. In addition, seasonal and annual unit-area constituent loadings for 2010 were calculated and are presented in Table 3.

Table 2 - Results of statistical analysis to determine if there is a significant difference between observed constituent concentrations at Stations VNA and OQN for 2005 to 2010

Constituent*	Station VNA			Station OQN			Differences Statistically Significant?***
	Median	High	Low	Median	High	Low	
NH ₃ -N	0.18	0.73	0.00	0.01	0.27	0.00	YES
COD	64	292	22	27	122	0	YES
E. Coli	874	200000	0	631	38000	27	YES
Fecal Strep	5350	129000	100	1089	51000	18	YES
NO ₃ +NO ₂ -N	0.78	1.64	0.16	0.44	0.73	0.10	YES
TDS	137	836	51	98	160	71	YES
TKN	1.77	11.30	0.48	0.57	2.41	0.00	YES
TP	0.33	1.61	0.06	0.06	0.80	0.00	YES
TSS	52.75	1207.00	4.90	17.00	485.00	1.40	YES

*All constituent units are mg/l, other than *E. coli* and Fecal Strep which are in colonies/100 ml.

**Based on a Mann-Whitney 2-sample test at a 0.1 significance level.

Table 3 - Computed seasonal and annual unit-area constituent loadings at monitored locations for 2010

Constituent	Unit-area loading *									
	Winter		Spring		Summer		Fall		Annual	
	VNA	OQN	VNA	OQN	VNA	OQN	VNA	OQN	VNA	OQN
NH ₃ -N	0.211	0.003	0.084	0.021	0.189	0.020	0.052	0.005	0.536	0.050
COD	56.138	6.168	29.039	12.288	50.583	8.528	53.393	7.153	198.2	34.1
E. Coli	0.564	0.427	6.143	22.507	118.99	14.932	18.763	11.054	144.46	48.921
Fecal Strep	0.914	1.888	21.526	19.480	89.390	43.699	58.062	10.761	169.891	75.828
NO ₃ +NO ₂ -N	0.577	0.120	0.331	0.094	0.707	0.180	0.250	0.070	1.865	0.464
TDS	148.17	31.754	60.546	20.866	79.926	45.777	56.923	19.199	345.6	117.6
TKN	1.314	0.116	1.435	0.285	1.583	0.333	0.553	0.109	4.885	0.843
TP	0.197	0.009	0.101	0.076	0.313	0.040	0.255	0.032	0.867	0.157
TSS	81.435	2.832	37.882	46.272	95.604	23.463	80.690	16.687	295.6	89.3

*All units are lb/ac, except for *E. coli* and Fecal Strep which are in billion colonies/ac. To compute total loads in lbs or billion colonies, multiply unit-area loading by drainage area of monitoring station in acres.

a.12 (e) Report on the Bioassessment Monitoring Program; (1) Monitoring plan; (2) Summarize test results.

The permittee can use and is encouraged to use a rapid bioassessment monitoring program to demonstrate the effectiveness of the stormwater management plan. The program will be implemented within one year of the effective date of the permit and an approvable program must be submitted within six months of the effective date of the permit (C.2).

A probability-based site selection sampling methodology was used to identify randomly-selected stream bioassessment locations throughout Fairfax County. These sites were stratified and proportionally distributed throughout the county based on Strahler stream order applied to all perennially flowing streams in Fairfax County. This methodology eliminates any site selection bias and is commonly used as a cost-effective way of obtaining a statistically defensible determination of stream conditions at a countywide scale. A total of 53 sites were sampled in 2010: 40 sites randomly selected within Fairfax County as part of the annual probabilistic monitoring program; 11 Piedmont reference locations in Prince William National Forest Park; and two Coastal Plain reference sites in the Kane Creek watershed of Fairfax County. Results from the 40 randomly selected sites suggest that approximately 78 percent of the county's waterways are in "Fair" to "Very Poor" condition based on a decrease in biological integrity of streams. The monitoring program is part of the framework to evaluate future changes and trends in watershed conditions.

a.12. (f) Report on the Floatables Monitoring Program

The permittee shall conduct surveys of floatables. The intent of the survey is to document the effectiveness of the litter control programs for the Municipal Separate Storm Sewer System. Surveys shall be done in accordance with the following procedures: c) The above may be accomplished through the "Adopt a Stream" program referenced in Part I.B.1.k.2 (C.3.c).

In 2010, Fairfax County fulfilled the floatables monitoring requirements of the VPDES permit by actively participating in a regional data-sharing partnership with numerous other local agencies. Efforts were made to align the various data collecting and recording strategies used by participating entities so that differences in stream cleanup data sets could be reconciled, and the data integrated to yield a more comprehensive picture of the impacts of floatable trash and debris and the effectiveness of litter control programs in the region.

The county continued to work with and support the following organizations that coordinate large and small-scale volunteer cleanups:

- The Alice Ferguson Foundation (Potomac River Watershed Cleanup)
- The Virginia Department of Conservation and Recreation
- International Coastal Cleanup /Clean Virginia Waterways
- Clean Fairfax Council
- The Friends of the Occoquan

The county continued to provide support and staff for various stream and river cleanup events. In the spring of 2010, 89 sites were established throughout the county for the Alice Ferguson Foundation's annual Potomac River Watershed Cleanup. Sixty of those stream clean ups were conducted on county parkland. Cleanups were also conducted at other state and local parks, schools, the county wastewater treatment plant and other locations. These cleanups were advertised in publications such as Solid Waste Management's ScrapBook and the Fairfax County Park Authority's Parktakes Magazine, as well as on the internet. Staff from the Stormwater

Planning Division, Division of Solid Waste, Wastewater Management Division, and the Northern Virginia Soil and Water Conservation District participated in these cleanups. More than 2,115 volunteers removed approximately 1,673 bags of trash and litter, 340 tires, 2,239 cigarette butts, and over 6,000 plastic shopping bags from Fairfax County streams.

In addition, the Park Authority organized separate clean up events in the spring and fall. The Lake Accotink Park annual Spring Watershed Clean-up Day attracted more than 250 volunteers, who collected 150 trash bags which filled two dumpsters. A separate fall clean up event at Lake Accotink included 150 volunteers who contributed a total of 450 volunteer hours and collected about 700 pounds of trash from the lake shore, trails and roadways surrounding the park. Hidden Pond Nature Center hosted two clean-ups in the Pohick Stream Valley which collected approximately 18 cubic yards of trash.

Fairfax Trails and Streams volunteers cleaned Pimmit Run Stream Valley Park on a bi-monthly basis, removing an estimated 200 bags of trash in 2010. Baha'is of McLean conducts monthly stream clean-ups to a tributary of Pimmit Run in Olney Park, removing an estimated 40 bags of trash in 2010. Volunteers conducted two stream clean ups at John Mastenbrook/Greenway Downs Park removing about 20 bags of debris.

According to Clean Virginia Waterways, nine stream and shoreline cleanups were held in the county during September and October 2010 as part of the International Coastal Cleanup.

The county continued to promote the "Adopt a Stream" program. The Stormwater Planning Division distributed copies of its Floatables Monitoring Program Brochure to various public offices and during educational activities and outreach events throughout the county. The brochure was also made available on the Floatables web page on the county web site. Stream cleanup event organizers were encouraged to record their cleanup information on the Floatables Data Reporting Form (available in the brochure or on the web) and return the completed form to the county. Cleanup data submitted to the county were entered in the Floatables database.

b) Proposed Changes to the Stormwater Management Program

Storm Water Management Program Review and Update (B.4).

In 2009, Fairfax County and Fairfax County Public Schools proposed to the Department of Conservation and Recreation that the two jurisdictions be covered by the county's Phase I MS4 permit. The arrangement would be contingent upon the two jurisdictions submitting formal documentation to DCR outlining the commitments of each jurisdiction and upon DCR issuing a new permit. In 2009, the county and Public Schools drafted a memorandum of understanding outlining the roles and responsibilities of each jurisdiction that pertain to specific requirements of the MS4 permit. In 2010, both parties continued to monitor changes in the county's draft permit requirements which may impact specific terms of the MOU.

In 2010, the county continued to implement the existing MS4 program per its current Phase I permit. Likewise, Fairfax County Public Schools continued to implement its existing Phase II permit (VAR040104). Public Schools completed and submitted its Annual Report to DCR in August 2010.

c) Assessments of controls and the fiscal analysis of the effectiveness of new controls established by the Stormwater Management Program

As the county approaches build-out conditions, it has become increasingly challenging to mitigate the impacts of impervious area and nonpoint source pollution on streams. Several efforts through the existing stormwater management program are helping to reduce or minimize water quality impacts. They include: the mandate of controls (BMPs) by the Chesapeake Bay Preservation Ordinance; development and implementation of Comprehensive Watershed Management Plans; development of a retrofitting program for existing developed areas; and ongoing changes to stormwater management codes, policies, ordinance, and guidelines.

d) Annual Expenditures for the Storm Water Management Program and Budget

Department of Public Works and Environmental Services

The county has not tracked expenditures to meet permit requirements separate from its overall stormwater program, nor has it separately tracked the resources other agencies expend on programs that contribute towards meeting MS4 permit conditions. The total expenditures in the Stormwater Management business unit for calendar year 2010 were \$26,036,496.

Since FY 2006, the Board of Supervisors had dedicated the value of one penny of the real estate tax, or approximately \$20 million annually to stormwater capital projects. In FY 2009, due to budget constraints, staff and operating costs were charged to the stormwater penny fund, resulting in reduced funding for capital project and maintenance support. As part of the FY 2010 Adopted Budget Plan, a new service district was created to support the stormwater management program, as authorized by Virginia Code Ann. Sections 15.2-2400. The service district levy of \$0.010 (one cent) per \$100 of assessed real estate value supports both staff operating requirements and stormwater capital projects. The Board of Supervisors approved an increase of the service district levy to \$0.015 as part of the FY 2011 budget, which began on July 1, 2010. The proposed district will generate approximately \$28 million in FY 2011 and be dedicated to funding the entire stormwater management program.

e) Identification of water quality improvements or degradation.

As the county approaches build-out, the county will continue to implement best management practices to control stormwater pollutants, meet regulatory requirements, and achieve holistic watershed restoration and preservation. Efforts include enhanced infrastructure maintenance and inspections, development and implementation of watershed management plans, an improved construction inspection program, and ongoing outreach efforts to increase public awareness. It is anticipated that these efforts will have a positive long-range impact on the future health of county watersheds, will help to satisfy stream water quality standards and support the goals of restoring the Chesapeake Bay.

Attachment 1

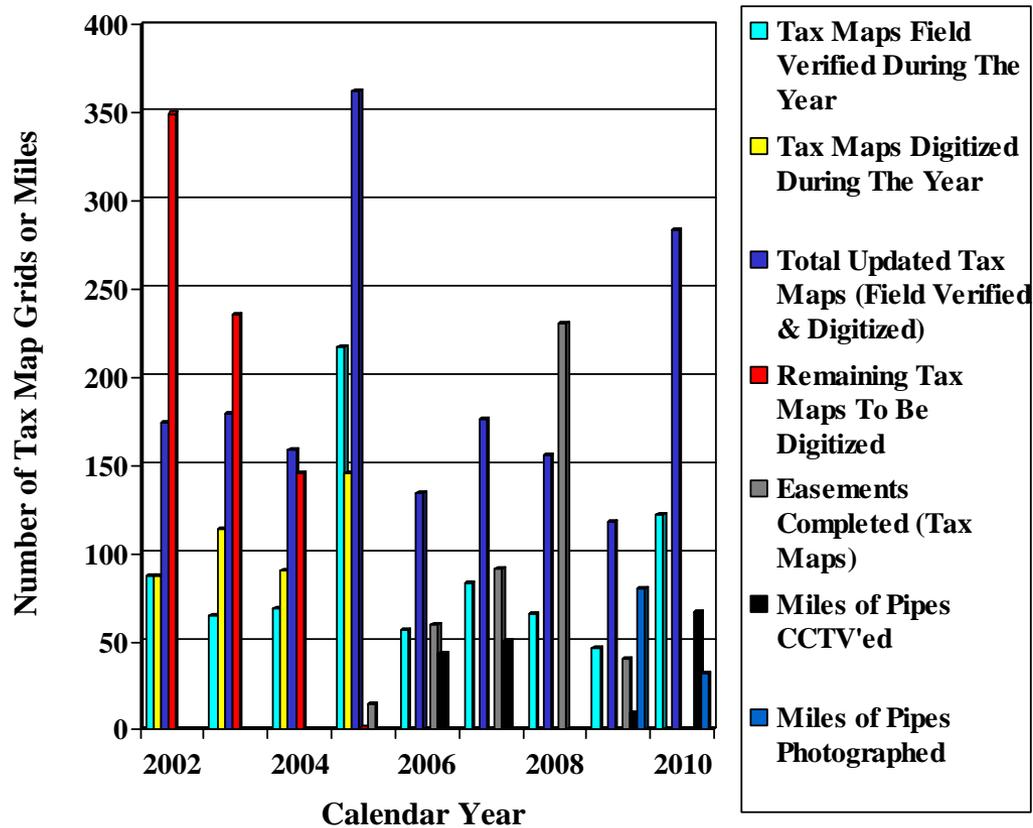
Status of Fairfax County watershed planning process				
<i>Watershed Planning Group*</i>	<i>Watershed Name</i>	<i>Total Area (sq. mi.)</i>	<i>Fairfax Co. Area (sq. mi.)</i>	<i>Plan Status</i>
Little Hunting Creek	Little Hunting Creek	11.0	11.2	Adopted 02/2005
Popes Head Creek	Popes Head Creek	18.9	18.2	Adopted 01/2006
Cub Run and Bull Run	Bull Run	9.7	8.4	Adopted 02/2007
	Cub Run	55.3	39.1	
Difficult Run	Difficult Run	57.7	55.3	Adopted 02/2007
Cameron Run	Cameron Run	42.0	32.6	Adopted 08/2007
Middle Potomac Watersheds	Bull Neck Run	2.3	2.3	Adopted 05/2008
	Dead Run	3.1	3.1	
	Pimmit Run	12.6	10.3	
	Scotts Run	6.0	6.0	
	Turkey Run	2.0	2.0	
Pohick Creek	Pohick Creek	36.5	34.3	Adopted 12/2010
Sugarland Run and Horsepen Creek	Horsepen Creek	23.5	8.8	Adopted 12/2010
	Sugarland Run	22.5	10.5	
Belle Haven, Dogue Creek and Four Mile Run	Belle Haven	2.8	2.8	Adopted 1/2011
	Dogue Creek	19.4	13.3	
	Four Mile Run	30.1	2.0	
Lower Occoquan Watersheds	High Point	6.3	6.3	Adopted 1/2011
	Kane Creek	4.8	4.8	
	Mill Branch	8.8	8.8	
	Occoquan	3.4	3.4	
	Old Mill Branch	4.4	4.4	
	Ryans Dam	3.6	3.6	
	Sandy Run	8.2	8.2	
Nichol Run and Pond Branch	Nichol Run	7.7	7.7	Adopted 1/2011
	Pond Branch	8.4	8.4	
Accotink Creek	Accotink Creek	51.1	37.8	Adopted 2/2011
Little Rocky Run and Johnny Moore Creek	Johnny Moore Creek	5.3	5.3	Adopted 2/2011
	Little Rocky Run	7.4	7.4	
* Copies of final approved plans may be found on the specific watershed website at www.fairfaxcounty.gov/dpwes/watersheds				

Attachment 2

Infrastructure Management Plan and Schedule

VPDES Permit No. VA0088587
Fairfax County Municipal Separate Storm Sewer System (MS4) Permit
(Updated 1/12/11)

Storm Sewer Infrastructure Management Schedule



Board Agenda Item
March 8, 2011

11:45 a.m.

Matters Presented by Board Members

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Board Agenda Item
March 8, 2011

12:35 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Glenn S. Ovrevik, Mary R. Ovrevik, and James H. Wessels v. Board of Supervisors of Fairfax County, Virginia, and Hilltop Sand and Gravel Company, Inc.*, Case No. CL-2009-0005160 (Fx. Co. Cir. Ct.) (Lee District)
 - 2. *Jermaine Ridgley v. Fairfax County Department of Family Services*, Record No. 110201 (Va. Sup. Ct.)
 - 3. *The County of Fairfax, Virginia, and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. Brian E. Bennett and Rebecca A. Crump*, Case No. CL-2010-0010469 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonel A. Romero and Nora E. Martinez*, Case No. CL-2009-0012157 (Fx. Co. Cir. Ct.) (Braddock District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gelman Fenwick Shopping Center, LLC*, Case No. CL-2011-0001922 (Fx. Co. Cir. Ct.) (Providence District)

6. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Guillermo Renato Garcia and Lenny Quiroz, Case No. CL-2010-0007947 (Fx. Co. Cir. Ct.) (Lee District)*
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hillbrook Real Estate Holdings, LLC, Case No. 2010-0013770 (Fx. Co. Cir. Ct.) (Mason District)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alfred M. Araujo, Lore K. Araujo, the Alfred M. Araujo Trust, Alfred M. Araujo, Trustee, Lore K. Araujo, Trustee, Stephen Kurt Araujo, Trustee, and Makram Jamil Malaeb, Case No. CL-2010-0016997 (Fx. Co. Cir. Ct.) (Mason District)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hiep V. Nguyen and Thu T. T. Nguyen, Case No. CL-2010-0011200 (Fx. Co. Cir. Ct.) (Mason District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu, Case No. CL-2011-0001906 (Fx. Co. Cir. Ct.) (Providence)*
11. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu, Case No. CL-2011-0001925 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. James E. Jones and June V. Jones, Case No. CL-2011-0001908 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. James R. Zenteno and Marcela Montequin, Case No. CL-2011-0002055 (Fx. Co. Cir. Ct.) (Lee District)*
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Judy D. Watson, Case No. CL-2011-0002019 (Fx. Co. Cir. Ct.) (Lee District)*
15. *Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Reynaldo C. Medrano and Carla Munoz-Lopez, Case No. CL-2011-0002181 (Fx. Co. Cir. Ct.) (Mason District)*

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Delfin Farfan and Mary I. Farfan*, Case No. CL-2011-0002183 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael A. Gilmore*, Case No. CL-2011-0002184 (Fx. Co. Cir. Ct.) (Sully District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. William S. Grammer and Penelope F. Grammer*, Case No. CL-2011-0002180 (Fx. Co. Cir. Ct.) (Springfield District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher F. Trigg and Mi S. Trigg*, Case No. CL-2011-0002185 (Fx. Co. Cir. Ct.) (Springfield District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. David F. Nichols and Linda A. Nichols*, Case No. CL-2011-0002314 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Haydar Najem and Zaynab Najem*, Case No. 11-0003629 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

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Board Agenda Item
March 8, 2011

3:30 p.m.

Public Hearing on SE 2009-MA-026 (Gossom Family Limited Partnership I, RLLLP) to Permit Uses in a Floodplain, Located on Approximately 21,784 Square Feet Zoned R-4, Mason District

Also under the Board's Consideration will be the applicant's Resource Protection Area Encroachment Exception (RPA) Request # 25172-WRPA-001-2, accompanied by a Water Quality Impact Assessment # 25172-WQ-001-4 under Section 118-6-7 (Chesapeake Bay Preservation Ordinance) of Chapter 118 of the Code of the County of Fairfax to permit encroachment within an RPA to allow modifications to a single family detached dwelling unit.

The application property is located at 3404 Hockett Street, Tax Map 60-1 ((1)) 58A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, January 13, 2011, the Planning Commission voted unanimously (Commissioner Murphy absent for the votes) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2009-MA-026, subject to the Development Conditions dated December 29, 2010; and
- Approval of RPA Encroachment Exception 25172-WRPA-001-2, subject to the Development Conditions contained in Attachment A of Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4337621.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

SE 2009-MA-026 – GOSSOM FAMILY LIMITED PARTNERSHIP I, RLLLP

After the Close of the Public Hearing

Vice Chairman Alcorn: Close the public hearing; recognize Commissioner Hall.

Commissioner Hall: Just when you learn one system, they replace it with another one. And it will take awhile to get used to it. Very quickly, I don't think anyone of us are in favor of building on a floodplain. If this was a new application, it would not probably be receiving my support or the Mason District's support, but as you saw this is an existing dwelling unit. The neighbors have been waiting a very long time for somebody to do something with it to correct the problems and the applicant has stepped forward to do so. The application was reviewed by the Mason District Land Use Committee and it does receive their support. And after reviewing the application, I also am willing to support the application. So, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-MA-026 [sic], SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 29, 2010.

Commissioner Litzenberger: Second.

Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): Commissioner Hall, is that 2009-MA-026? It should be.

Commissioner Hall: Well, let's just - -

Vice Chairman Alcorn: It is 2009 but not in the motion.

William O'Donnell, ZED, DPZ: Yes. It's 2009.

Commissioner Hall: I'm going to get you.

Mr. O'Donnell: I apologize.

Commissioner Hall: The other application is 2010. This one is 2009. That's correct.

Vice Chairman Alcorn: Okay. That motion's been made and clarified as 2009. Is there a second to the motion?

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion on that motion? All those in favor of recommending approval of SE 2009-MA-026, subject to the proposed development conditions dated December 29, 2010, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All those opposed? That motion carries. Commissioner Hall.

Commissioner Hall: Thank you, Mr. Chairman. Finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RPA ENCROACHMENT EXCEPTION NUMBER 25172-WRPA-001-2, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN ATTACHMENT A OF APPENDIX 1 OF THE STAFF REPORT.

Commissioner Litzenberger: Second.

Vice Chairman Alcorn: Seconded by Commissioner Litzenberger. Any discussion on that motion? All those in favor of recommending approval of the RPA Encroachment Exception, subject to development conditions in the staff report as articulated by Commissioner Hall, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

Commissioner Hall: Thank you, Mr. Chairman. I'm sure the neighbors who've been looking at this eyesore for many, many years will appreciate an improvement, and that's what we're hoping for. Thank you.

Vice Chairman Alcorn: Thank you. Thank you, Mr. Farrell.

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(The motions carried unanimously with Commissioner Murphy not present for the votes.)

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Board Agenda Item
March 8, 2011

3:30 p.m.

Public Hearing on RZ 2010-LE-013 (WPPI Springfield HS, LLC) to Rezone from C-6, CRD, HC and SC to PDC, CRD, HC and SC to Permit Commercial Development with an Overall Floor Area Ratio (FAR) of 1.68 and Approval of the Conceptual Development Plan, Located on Approximately 1.63 Acres, Lee District

The application property is located in the northwest quadrant of the intersection of Old Keene Mill Road and Amherst Avenue, Tax Map 80-4 ((9)) 4, 5 and 6.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 24, 2011, the Planning Commission unanimously voted (Commissioners Hall, Harsel, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of RZ 2010-LE-013 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those dated February 11, 2011, with corrections to the sheet numbers referenced in Proffer 8C;
- Approval of an increase in maximum FAR from 1.5 to 1.68, pursuant to Par. 3 of Sect. 6-208 of the Zoning Ordinance;
- Modification of the off-street loading space requirement;
- Approval of a 20% parking reduction;
- Modification of the 20-foot minimum rear yard requirement to permit a minimum rear yard of 8 feet along the eastern boundary; and
- Modification of the front yard 45-degree bulk plane requirements to permit a front yard bulk plane of 4 degrees.

In a related action, the Planning Commission voted unanimously (Commissioners Hall, Harsel, and Murphy absent from the meeting) to approve FDP 2010-LE-013, subject to the Board's approval of RZ 2010-LE-013 and the Conceptual Development Plan.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4341564.PDF>

Board Agenda Item
March 8, 2011

STAFF:

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

RZ/FDP 2010-LE-013 – WPPI SPRINGFIELD HS, LLC

After the Close of the Public Hearing

Vice Chairman Alcorn: I'll close the public hearing; recognize Commissioner Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. What we have tonight is a fairly straightforward case. It is a request to take a vacant piece of commercial land from the C-6 District to a PDC District in order to allow for a proposed 120,000 square foot hotel. This location is in the Springfield CRD nearby to what was the old mixing bowl. The applicant has met with the community on multiple occasions from the start to make this a better project and I think they have succeeded. The application has the support of the Lee District Land Use Committee and staff's recommendation for approval. I concur. Therefore, Mr. Chairman, I have a series of motions to make.

Vice Chairman Alcorn: Yes, you do.

Commissioner Migliaccio: And I apologize.

Vice Chairman Alcorn: Not a problem.

Commissioner Migliaccio: First, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2010-LE-013, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE DATED FEBRUARY 11TH, 2011.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Does he need to reference the CDP in that motion as well?

Mr. Williams: The FDP?

Commissioner Migliaccio: That's the next one.

Vice Chairman Alcorn: The CDP.

Commissioner Migliaccio: Oh, CDP. I'm sorry.

Vice Chairman Alcorn: Okay, and so, would your motion also include the associated Conceptual Development Plan, Commissioner?

Commissioner Migliaccio: Yes.

Vice Chairman Alcorn: Okay. That motion's been made. Is there a second?

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Seconded by Commissioner Flanagan. Any discussion on that motion?
Commissioner Hart.

Commissioner Hart: Thank you, Mr. Chairman. I'm sorry, got my light here. The – just, I would request, as a FRIENDLY AMENDMENT, that that be SUBJECT TO STRAIGHTENING OUT THIS PAGE NUMBER business in – wherever that is – [PROFFER] 8C, AS TO WHICH PAGES WE'RE TALKING ABOUT. IT'S NOT 14, 15, 16; IT'S SOMETHING ELSE. Straighten that out before we get to the Board.

Commissioner Migliaccio: I accept that as a friendly amendment.

Commissioner Hart: Thanks.

Vice Chairman Alcorn: Okay, any other discussion on the motion? All those in favor of recommending approval of RZ 2010-LE-013 and the associated Conceptual Development Plan, subject to the proffers consistent with those dated February 11th, 2011, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: Thank you. I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2010-LE-013, SUBJECT TO THE BOARD OF SUPERVISORS' APPROVAL OF RZ-2010-LE-013.

Commissioner Flanagan: Second.

Commissioner de la Fe: – and the Conceptual Development Plan.

Vice Chairman Alcorn: – and the Conceptual Development Plan?

Commissioner Migliaccio: Yes.

Commissioner Sargeant: Second.

Vice Chairman Alcorn: Okay, so moved. Seconded by Commissioners Flanagan and Sargeant. Is there a discussion of that motion? All those in favor of recommending approval - - I'm sorry - -

all those in favor of approving FDP 2010-LE-013, subject to the Board of Supervisors' approval of the rezoning and the CDP, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AN INCREASE IN MAXIMUM FAR FROM 1.5 TO 1.68, PURSUANT TO PARAGRAPH 3 OF SECTION 6-208 OF THE ZONING ORDINANCE.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Flanagan and Sargeant. Any discussion of that motion? All those in favor of recommending approval of an increase in maximum FAR from 1.5 to 1.68, pursuant to Paragraph 3 of Section 6-208 of the Zoning Ordinance, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: Thank you. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE OFF-STREET LOADING SPACE REQUIREMENT.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Sargeant and Flanagan. Any discussion of that motion? All those in favor of recommending approval of the modification of the off-street loading space requirement, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE 20 PERCENT PARKING REDUCTION.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Flanagan and Sargeant. Any discussion of that motion? All those in favor of recommending approval of the 20 percent parking reduction, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. Commissioner Migliaccio.

Commissioner Migliaccio: Thank you. Just two more. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE 20-FOOT MINIMUM REAR YARD REQUIREMENT TO PERMIT A MINIMUM REAR YARD OF EIGHT FEET ALONG THE EASTERN BOUNDARY.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Flanagan and Sargeant. Any discussion of that tongue-twister motion? All those in favor of approving the motion as articulated by Commissioner Migliaccio, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries. And finally, Commissioner Migliaccio.

Commissioner Migliaccio: Yes, finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE FRONT YARD 45-DEGREE BULK PLANE REQUIREMENTS TO PERMIT A FRONT YARD BULK PLANE OF FOUR DEGREES.

Commissioners Flanagan and Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioners Flanagan and Sargeant. Any discussion of that motion? All those in favor of recommending approval of the modification of the front yard 45-degree bulk plane requirements to permit a front yard bulk plane of four degrees, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries as well.

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(The motions carried unanimously with Commissioners Hall, Harsel, and Murphy absent from the meeting.)

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Board Agenda Item
March 8, 2011

3:30 p.m.

Public Hearing on SE 2010-SP-029 (Pleasant Valley Preschool, Inc.) to Modify and Expand the Parking Lot at the Greenbriar Community Center, Which Houses the Pleasant Valley Preschool, with No Changes in Enrollment or Hours of Operation, Located on Approximately 1.52 Acres Zoned R-3 and WS, Springfield District

The application property is located at 4615 Stringfellow Road, Tax Map 45-3 ((1)) 11.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 24, 2011, the Planning Commission voted unanimously (Commissioners Hall, Harsel, and Murphy absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2010-SP-029, subject to the proposed Development Conditions dated February 17, 2011;
- Modification of the transitional screening requirements along the west property line, in favor of that depicted on the SE Plat and as stated in the Development Conditions; and
- Waiver of the barrier requirements along the west property line.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4341563.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Bob Katai, Staff Coordinator, Zoning Evaluation Division, DPZ

SE 2010-SP-029 – PLEASANT VALLEY PRESCHOOL, INC.

After the Close of the Public Hearing

Vice Chairman Alcorn: I'll close the public hearing; recognize Commissioner Litzenberger for action on the case.

Commissioner Litzenberger: Thank you, Mr. Chairman. First, I want to thank Mr. Cale. He did the preschool exactly right. He met with VDOT; then he met with our staff; reached out to the Greenbriar Civic Association and got their support; went across the street to the Sully District and got the support of the Poplar Tree Estates Homeowners Association; then went from the Sully District Land Use Committee and got their unanimous support. So, thank you very much for doing it the right way. We really appreciate it. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE 2010-SP-029, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 17TH, 2011.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Seconded by - - Motion's been made, seconded by Commissioner Flanagan. Any discussion of that motion? All those in favor of recommending approval of SE 2010-SP-029, subject to the proposed development conditions dated February 17th, 2011, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

Commissioner Litzenberger: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG THE WEST PROPERTY LINE, IN FAVOR OF THAT DEPICTED ON THE SE PLAT AND AS STATED IN THE DEVELOPMENT CONDITIONS.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Seconded by Commissioner Flanagan. Any discussion of that motion? All those in favor of that motion as articulated by Commissioner Litzenberger, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

Commissioner Litzenberger: Lastly, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE BARRIER REQUIREMENT ALONG THE WEST PROPERTY LINE.

Commissioner Flanagan: Second.

Vice Chairman Alcorn: Seconded by Commissioner Flanagan. Any discussion of that motion? All those in favor of recommending approval of a waiver of the barrier requirements on the western property line – is that correct?

Commissioner Litzenberger: Yes.

Vice Chairman Alcorn: Please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

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(The motions carried unanimously with Commissioners Hall, Harsel, and Murphy absent from the meeting.)

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Board Agenda Item
March 8, 2011

3:30 p.m.

Public Hearing on PCA 86-W-001-11 (Jefferson At Fairfax Corner LLC) to Amend the Proffers and Conceptual Development Plan for RZ 86-W-001 Previously Approved for Commercial Development to Permit a Residential Option and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.26 Including Bonus Density for the Provision of ADUs, Located on Approximately 90.39 Acres for PCA and 8.12 Acres for FDPA Zoned PDC and WS, Springfield District

The application property is located on the south side of Monument Drive approx. 1,300 feet east of its intersection with Government Center Pkwy, Tax Map 56-1 ((15)) 5B and 14.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, March 2, 2011. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Attachment 1 – Verbatim; under separate cover
Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4342072.PDF>

STAFF:

Barbara Berlin, 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
March 8, 2011

3:30 p.m.

Public Hearing on RZ 2010-LE-007 (Fleet Drive LLC) to Rezone from R-1 and R-12 to R-12 to Permit Residential Development at a Density of 6.9 Dwelling Units Per Acre, Located on Approximately 4.33 Acres, Lee District

and

Public Hearing on PCA 2006-LE-018 (Fleet Drive LLC) PCA Appl. to Amend the Proffers for RZ 2006-LE-018 Previously Approved for Residential Development to Permit Deletion of Land Area with Associated Modifications to Proffers and Site Design, Located on Approximately 3.68 Acres Zoned R-12, Lee District

The application property for RZ 2010-LE-007 is located the west side of Beulah Street on the east side of Fleet Drive at its intersection with Gravel Avenue, Tax Map 91-1((1)) 59A, 59B, 60; 91-1 ((5)) 2, 3, 4 and 7.

The application property for PCA 2006-LE-018 is located on the west side of Beulah Street on the east side of Fleet Drive at its intersection with Gravel Avenue, Tax Map 91-1((1)) 59A, 59B, 60; 91-1 ((5)) 2, 3 and 4.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, March 2, 2011. The Commission's recommendations will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Attachment 1 – Verbatim under separate cover
Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4342074.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Kelli-Mae Goddard-Sobers, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
March 8, 2011

3:30 p.m.

Public Hearing on RZ 2010-LE-009 (Mr. Lewin Park Capital, LLC) to Rezone from R-1 to PDC to Permit Commercial Development with an Overall Floor Area Ratio of 1.5 and Approval of the Conceptual Development Plan, Located on Approximately 13.45 Acres, Lee District

The application property is located in the northwest quadrant of the intersection of Franconia-Springfield Parkway and Beulah Street, Tax Map 91-1 ((4)) 1-11, 13-25, 500 and 501

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing will be held on Wednesday, March 2, 2011. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

Attachment 1 – Verbatim; under separate cover
Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4342683.PDF>

STAFF:

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

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Board Agenda Item
March 8, 2011

4:00 p.m.

Public Hearing on SEA 81-P-025 (Falls Church (E&A) LLC) to Amend SE 81-P-025 Previously Approved for a Drive-In Financial Institution to Permit a Fast Food Restaurant in a Highway Corridor Overlay District, an Increase in Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 3.87 Acres Zoned C-8 and HC, Providence District

The application property is located at 7393 Lee Highway, Tax Map 50-1 ((1)) 39D.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, February 24, 2011, the Planning Commission voted unanimously (Commissioners Hall, Harsel, and Murphy absent from the meeting) to recommend that the Board of Supervisors approve SEA 81-P-025, subject to the Development Conditions dated February 9, 2011.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4341076.PDF>

STAFF:

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

SEA 81-P-025 – FALLS CHURCH (E&A) LLC

After the Close of the Public Hearing

Vice Chairman Alcorn: I'll close the public hearing; recognize Commissioner Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. What we are doing here is swapping out a donut shop for a bagel shop. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 81-P-025, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 9TH, 2011.

Commissioner Sargeant: Second.

Vice Chairman Alcorn: Seconded by Commissioner Sargeant. Any discussion of that motion? All those in favor of recommending approval of SEA 81-P-025, subject to the development conditions dated February 9th, please say aye.

Commissioners: Aye.

Vice Chairman Alcorn: All opposed? That motion carries.

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(The motion carried unanimously with Commissioners Hall, Harsel, and Murphy absent from the meeting.)

JN

Board Agenda Item
March 8, 2011

4:00 p.m.

Board Decision on SE 2010-LE-017 (Iskalo CBR LLC) to Permit a Regional Non-Rail Transit Facility (Bus Maintenance Facility) Driveway for Uses in an I-District and Uses in a Floodplain, Located on Approximately 17.37 Acres Zoned I-6 and R-1, Lee District

The application property is located at 7901, 7909, 7915 and 7828 Cinder Bed Road, Tax Map 99-2 ((3)) 1, 2, 3A and 3B.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on 2232-L10-17 and SE 2010-LE-017 was held on Thursday, January 13, 2011. On Thursday, February 3, 2011, the Planning Commission voted 8-1-1 (Commissioner Flanagan opposed; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting) to approve 2232-L10-17. The Commission noted that the application satisfies the criteria of location, character and extent, as specified in Sect. 15.2-2232 of the *Code of Virginia* and is substantially in accord with the provisions of the Comprehensive Plan.

The Commission voted 8-1-1 (Commissioner Flanagan opposed; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve SE 2010-LE-017, subject to the Development Conditions dated February 2, 2011.

The Planning Commission voted 9-0-1 (Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve the modification of the interior parking lot landscaping requirements in favor of that shown on the SE Plat.

ENCLOSED DOCUMENTS:

Attachment 1 - Verbatim

Staff Report previously furnished and available online at
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4337803.PDF>

STAFF:

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

SE 2010-LE-017 – ISKALO CBR, LLC
2232-L10-17 – WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Decision Only During Commission Matters
(Public Hearing held on January 13, 2011)

Commissioner Migliaccio: Thank you, Mr. Chairman. I have one decision only tonight. And before we go on verbatim I would like to ask staff a few questions, and perhaps the applicant. Staff, after the site visit that we had, I believe that it was January 21st, did VDOT and OT find that the WMATA buses could safely navigate the intersection of Backlick Road and the Fairfax County Parkway, as Development Condition 16 had indicated?

St. Clair Williams, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ): I'm St. Clair Williams with the Department of Planning and Zoning. Yes. Following the site visit to watch the bus - - review the turning movements, both Fairfax County DOT and VDOT - - both determined that there were no turning issues. They've also provided memos, which I believe you would have received via email yesterday.

Commissioner Migliaccio: Yes, thank you. Mr. St. Clair (*sic*), does this application satisfy the criteria of Section 9-400 for the transportation facilities in our Code?

Mr. Williams: Yes. Staff has determined that the application is in conformance with the applicable standards of Section 9-404 of the Ordinance.

Commissioner Migliaccio: And two more: Does Objective 38 of the Plan apply to this application?

Mr. Williams: Objective 38 of the Policy Plan refers to County maintenance facilities and it actually states that it's to "ensure that County vehicle maintenance facilities are located on adequate and appropriate sites."

Commissioner Migliaccio: – but not WMATA facilities.

Mr. Williams: Yes. That would not be a County facility.

Commissioner Migliaccio: Okay. And, does this application conform to the agreement between WMATA and the County?

Mr. Williams: I have consulted with the County Attorney's Office on this matter and there is a master agreement between WMATA and Fairfax County. It states that, I guess, WMATA would comply with all laws, ordinances, and regulations of the County. And based on staff's review of the application, this application is in conformance.

Commissioner Migliaccio: Okay. And one last one, is this proposed use in harmony with the adopted Plan?

Mr. Williams: Staff's determination is that the application is in harmony with the Comprehensive Plan.

Commissioner Migliaccio: Okay, thank you. And one question for the applicant, please.

[Inaudible]

Chairman Murphy: Hold on. Before – we're having an audio... Can you hear? No, it's - - it's - -Can we get some audio adjustment down here, guys, okay? Because I can hardly hear the applicant. God knows, we don't want to miss one of those words.

David Gill, Esquire, McGuireWoods LLP: That's right.

Chairman Murphy: Okay. Go ahead.

Commissioner Migliaccio: Thank you. There has been a question about the service area. Do you have any map or any diagram to show us the proposed service area?

Mr. Gill: Sure. It may be a little bit difficult to see here as it comes up here on the overhead for each individual - - but the red dot here is the service - - is the proposed bus garage. As you slide over what we've done is highlighted the three closest WMATA routes that are going to be serviced from this garage. And those are in yellow on this plan. You can see there is a number of routes going east and west here along Old Keene Mill Road. There is the REX facility, which is the Richmond Highway Express, which is actually run by WMATA. They are WMATA buses that, pursuant to "John Quigley Buyer," it is pursuant to the contract – correct? – but we –

Unidentified Associate: – No, they're Metrobuses. The paint is different.

Mr. Gill: They are Metrobuses, just painted differently to reflect the Richmond Highway Express. Those run from Fort Belvoir directly to the Huntington Metro and points north as well as bus service originating to and from the Springfield Metro.

Commissioner Migliaccio: And, and - - oh, I'm sorry. And that bottom one, is that Richmond Highway? Is that Route 1? I can't –

Mr. Gill: Yes, it is. Yes. Sorry. It is difficult to see. We have copies of the map. We'd be happy to share it with the Commission.

Commissioner Migliaccio: Thank you. One other question.

Mr. Gill: Sure.

Commissioner Migliaccio: Can you explain - - there's been questions at the public hearing about air pollution. Can you just tell us what you did as the applicant?

Mr. Gill: I think we mentioned this a little bit at the public hearing, but because this project was subject to WMATA applying for federal funds, instead of federal stimulus funds and FTA funds in order to help fund this project, it underwent the federal environmental analysis that's required, including compliance with federal environmental regulations. As part of that environmental evaluation, WMATA also did an air quality analysis. That was part of it; it was included prior to their public hearing they held back in June of 2009. The public hearing was in July but the analysis was from June. And they concluded that there was no impact, largely because this is swapping facilities within the same area. And, again, because air quality is measured on a broader scale that - - there was a conclusion by that analysis that there was no impact from the proposed facility.

Commissioner Migliaccio: And one final question that was brought up quite a bit: Do you as - Does the applicant commit to not using Newington Road?

Mr. Gill: Absolutely.

Commissioner Migliaccio: Okay, thank you.

Chairman Murphy: All right. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. On January 13th of this year we held a public hearing to receive comment regarding application SE 2010-LE-017, concurrent with 2232-L10-17. The applicant proposes to build in Lee District a regional non-rail transit facility for up to 160 buses, located on Cinder Bed Road, a driveway for uses in an I-District and uses in a floodplain. This facility will ultimately be owned and operated by WMATA and replace an aging bus garage on Royal Street. The proposed building would be located on what is now blighted industrial property on the I-95 Corridor Industrial. Per Plan guidelines, this and the adjacent lots are designated to remain industrial. One benefit of locating a facility here among compatible uses includes the minimal impact it would have on its immediate neighbors. This application has not been without critics who have raised some valid points throughout the process. With citizen input, this application has been improved through a number of development conditions. Chief among them are the ones that relate to traffic. The applicant has committed to not run buses on Newington Road, a key point for nearby residents. Instead, all buses will travel down Cinder Bed Road to Backlick Road and then onto the Fairfax County Parkway. The applicant has also committed to provide a stoplight at the intersection of Newington Road and Cinder Bed Road. While these conditions may not please everyone, they have made this a better application. The application also benefits the environment. The applicant will clean up and restore a blighted property with extensive environmental issues and will employ BMPs not currently found onsite in order to protect Long Branch stream. The facility will be LEED certified up to the Silver level. In addition, the existence of a compressed natural gas pipeline onsite will help facilitate a quicker transition to a fleet of buses powered by CNG.

Overall, this application would provide much needed mass transit capacity for this part of the County as it grows and it would help improve the efficiency of the transit system by providing a new garage at a key location. The nearest residential neighborhood - - neighborhood, which is in Lee, supports this application with the development conditions, as does the Lee District Land Use Committee. County staff has reviewed both the SE and 2232, and recommends approval. I concur. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THAT THE FACILITY PROPOSED UNDER 2232-L10-17 SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA* AND IS SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioners de la Fe and Alcorn: Second.

Chairman Murphy: Seconded by Mr. de la Fe and Mr. Alcorn. Is there a discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Mr. Chairman, I would like to move a substitute motion at this time. I WOULD LIKE TO MOVE THAT THIS MATTER BE DEFERRED TO THE NEXT DATE AVAILABLE. And if I can get a second to that.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there a discussion of the motion?

Commissioner Migliaccio: Mr. Chairman?

Commissioner Flanagan: Yes, Mr. Chairman, I'd like to - -

Chairman Murphy: All right. Mr. - - ? Substitute.

Commissioner Migliaccio: Oh, I'm sorry.

Chairman Murphy: Mr. Flanagan.

Commissioner Hall: That's odd. Why?

Commissioner Flanagan: No, it's not odd at all.

Commissioner Hall: What's the purpose of the -

Chairman Murphy: He's going to say right now.

Commissioner Hall: Oh, all right. I'll wait.

Chairman Murphy: That's why I said, "Discussion."

Commissioner Hall: Ah, good. I'll listen.

Commissioner Flanagan: Okay. During the subject public hearing on January 13th, a Commissioner asked to be provided with a map of the Metrobus routes in Virginia. And I was able to find such a map and I'd like to ask the staff to put that up on the screen at the present time. This cannot be focused a little better than that?

Chairman Murphy: Probably not. I don't think it's - - I think it's the texture of the original that I'm looking at. Sometimes - -

Commissioner Flanagan: There's nothing wrong with the focus of the original.

Kristin Abrahamson, ZED, DPZ: Well, if you tune to your little screens it should be pretty clear.

Commissioner Hart: I can't read it.

Commissioner Hall: Oh no, they're not. But we have copies.

Chairman Murphy: We all have copies.

Commissioner Flanagan: Anyway, we all got - - I think that all the Commissioners got copies of it anyway.

Chairman Murphy: Yes.

Commissioner Flanagan: My understanding - - and staff, I'd like to ask these questions. You know - - no it was.

Chairman Murphy: Is that the best you can do?

Ms. Abrahamson: That's the best I can do.

Chairman Murphy: Okay, go ahead, Earl.

Commissioner Flanagan: Oh, I can read it from the - - I'll tell you what those words say there. The - - but I'd like to ask the staff. Staff, as I understand it, this facility on - - the proposed facility on Cinder Bed would take the place of the Royal Street - -

Chairman Murphy: There we go.

Commissioner Flanagan: - - garage that's now in Alexandria. Is that correct?

Mr. Williams: That is correct.

Commissioner Flanagan: And does the - - my understanding is that the Royal Street serves all those blue lines on there, all the Metrobus blue routes that are in Alexandria and Arlington to the - - on this map. This map contains the lines, those blue lines you see on there are basically the routes of the Metrobus system.

Mr. Williams: Yes, I think that would be a better question for the applicant to answer.

Commissioner Flanagan: I don't know if you can see this map or not.

Mr. Gill: It doesn't recognize the REX necessarily, but - -

Commissioner Flanagan: This a Metro map, by the way.

Mr. Gill: Sure, and we don't include it on the - - the REX on there because it is - - it is a different service, but Metro does run that.

Commissioner Flanagan: Right.

Mr. Gill: The only point I would raise is absolutely lines going to other jurisdictions. That's the very reason why we have a regional transit agency, is they serve Fairfax and Arlington, Alexandria, and the District, and the region. And so yes, there are certainly service lines that will service other jurisdictions.

Commissioner Flanagan: The lines that are being serviced by that Royal Street at the present time are basically - -

Chairman Murphy: Hold on, please. Ma'am, if you're going to have a conversation on your cell phone, please take it outside. And please, if you have a cell phone, please turn it off or put it on "stun." Go ahead.

Mr. Gill: Sorry, Commissioner Flanagan, go ahead.

Chairman Murphy: Okay.

Commissioner Flanagan: The area that's just below the - - where it says "proposed Cinder Bed Road" on there, with the red star.

Mr. Gill: Yes, where the Fort is, primarily.

Commissioner Flanagan: Right. All of that area in there between all of the blue lines of the Metro lines is not served by Metro. Is that right?

Mr. Gill: Correct. Those are primarily Connector routes and those are -

Commissioner Flanagan: These are all Fairfax County Connector routes.

Mr. Gill: Right. And frankly as BRAC comes online, it's one of the reasons that made this site more attractive was we anticipate cooperating with the County and making sure we can serve BRAC, which would likely bring more of those blue lines to Fort Belvoir and the EPG.

Commissioner Flanagan: The Connector routes at the present time area all being serviced by the bus maintenance facility that already exists in Newington on Cinder Bed Road?

Mr. Gill: I can't - - that's for the County to answer.

Commissioner Flanagan: Oh, all right.

Mr. Gill: There's the facility at West Ox as well, obviously.

Commissioner Flanagan: So there is a facility there. And that facility does meet the Objective 38 - - the Policy statement in the Policy Plan that says that it should located in the center of its service area.

Mr. Gill: For a County facility, I'd leave it to staff to answer that.

Commissioner Flanagan: Well, staff could answer it then.

Mr. Williams: Could you repeat the question, please?

Commissioner Flanagan: The bus facility that serves the Connector bus is now located on Cinder Bed Road and is in the center of its service area, thereby meeting the Policy Plan requirement that it be in the center of its service area?

Mr. Williams: Yes, I do not know the details of the services provided by the Connector buses using that site. And again, as I stated previously, the Objective 38 of the Policy Plan applies to County maintenance facilities, which the subject application is not a County maintenance facility.

Commissioner Flanagan: But that bus, I think the 2232 staff report that I had when we approved the improvement of those facilities there did state that it was not on an arterial highway. And - - is that correct? You have - -?

Mr. Williams: That is correct because, again, it also has access to Cinder Bed Road.

Commissioner Flanagan: Right, but the reason why we approved - - the only reason we approved a bus at that location was because it was grandfathered in. It was there in 1960 before the Policy Plan contained this language at the present time.

Mr. Williams: I do not know. I was - - I'm not familiar with that application.

Commissioner Flanagan: I just want to be sure this is part of the record and that is the case. On this map it shows that - - and this, by the way, is my own - - these are my own figures - - that when I left the site I found that it was 5.5 miles to the Keene Mill intersection from this site. You know, it's the first place I could come to a Metrobus line route was at - - was 5.5 miles away from this bus site.

Mr. Gill: We disagree. I mean, when we ran it, it was 4.3, but - - I mean, we're not going to look at that.

Commissioner Flanagan: It's more than one mile.

Mr. Gill: The service originates from the Metro station.

Commissioner Flanagan: Okay. Anyway, this is - - this site is not on a Metrobus route.

Mr. Gill: Correct.

Commissioner Flanagan: Okay. I also clocked it at five miles. Is five miles to Springfield Metro?

Mr. Gill: We came out at 4.3, but again - -

Commissioner Flanagan: Basically, there's a five-mile radius or circle here where there are no Metrobuses serving the public.

Mr. Gill: Again, with REX, that is - - could be closer as well. We didn't go out and measure the distance to Fort Belvoir.

Commissioner Flanagan: I measured it. It was 4.7 miles to REX and that was to the main gate over there as well. The reason why I bring that up is because I was disappointed to find that in the staff report there was no mention of the zoning requirements in Section 9-400 that are requirements for the Transportation Facilities that Special Exception applications must meet. And there's no discussion, there's no listing of those requirements for a Special Exception in the staff report, and there's no mention of any response from the applicant. The applicant didn't volunteer any information along this line in the application.

Mr. Gill: Did you check the Statement of Justification? Because we would have had to address it as part of our Statement of Justification.

Commissioner Flanagan: Okay.

Mr. Williams: Excuse me, if I can respond to that. Actually, yes, again the response is included in the Statement of Justification. And also the applicable standards, which apply to the site in 9-404, are actually standards which are addressed in other areas of the staff report. The first standard is that all buildings and structures shall comply with the bulk regulations of the zoning district in which they're located. And the staff report does note that the proposed development is in compliance with the bulk standards for the

zoning district or site that it's located in. Another standard which applies says, "Except in the I-6 District, all maintenance, repair, and mechanical work, except of an emergency nature, shall be performed in enclosed buildings." And while the proposed - - this proposed site - - the repairs are to take place in an enclosed building, it is on property that's zoned I-6. Standard Number 4 says, "All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels." And the staff report notes that the applicant has provided a noise study which demonstrates that the noise impacts will be - - meet the County standards. And the last standard in that section which applies is Number 8, and it talks about such applications being subject to the provisions of Article 17, which is site plans. And this application will be subject to site plan review.

Commissioner Flanagan: Okay. The one thing which I'd like to have you clarify for me: On page 16 of the staff report, it starts out by listing all of the General Standards of the zoning requirements for a Special Exception. And the first one mentioned is 9-006, as I read it. The next one is 9-104, -606, -905, 9-616. I don't see any listing of the - - any of the "400" provisions there.

Mr. Williams: That is correct.

Commissioner Hart: Mr. Chairman, may I bring up a point of order?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. I hesitate to interrupt, but I thought the business that was on the table was the discussion of a substitute motion to defer Commissioner Migliaccio's motion to another date. It seemed to me the discussion ought to be germane to the deferral and somehow we've transitioned back into a reopening of the public hearing. We've had questions of staff, questions of the applicant, and I'm not sure what had - - how that public hearing got reopened. I thought the discussion now ought to be just on the reason for the deferral, which was Commissioner Hall's question, I think.

Commissioner de la Fe: I would agree with that.

Commissioner Flanagan: Mr. Chairman, I'm bringing this point up because I think that in order to have a complete package going to the Board of Supervisors we need to have this information listed and responded to, that there should be some response to these. And so the purpose in my deferral would be to give the staff an opportunity to indicate how that might be done.

Chairman Murphy: Okay. Further discussion of the motion?

Commissioner Lawrence: Mr. Chairman?

Chairman Murphy: Yes, Mr. Lawrence.

Commissioner Lawrence: Point of clarification on the substitute motion. If the purpose of the deferral is to include Ordinance provisions that are not now included in the staff report - -

Commissioner Flanagan: Yes.

Commissioner Lawrence: Let me ask the staff whether the omission is deliberate because what we are considering is a 2232. Staff, can you respond to that, please?

Mr. Williams: Could you repeat the question, please?

Commissioner Lawrence: As I understand it, what we have here tonight to vote on is a 2232.

Commissioner de la Fe, Chairman Murphy, and Mr. Williams: And a Special Exception.

Commissioner Lawrence: And a Special Exception.

Mr. Williams: Yes.

Commissioner Lawrence: Does the staff report list all the applicable standards?

Mr. Williams: The standards of 9-404 were not included in the staff report; however, as I just stated, those same standards are addressed in other sections of the Ordinance, which were included in the staff report.

Commissioner Lawrence: So the reason they are not addressed by number is that the same content appears in other sections of the Ordinance. Did I understand that correctly?

Mr. Williams: That is correct.

Commissioner Flanagan: I'd like to - -

Commissioner Lawrence: So in that case, the content - - the substantive content is present whether the numbers are present or not. Does that affect your desire to defer?

Commissioner Flanagan: Yes, it helps but it doesn't really answer the need to have all of them mentioned in the staff report going to the Board of Supervisors. Because I'm passing out here - -

Chairman Murphy: What's - - are we talking about the staff report for the 2232?

Commissioner Flanagan: We're talking about the Special Exception staff report.

Chairman Murphy: We haven't made that motion yet. Am I correct?

Commissioner de la Fe: We are at the 2232.

Chairman Murphy: We have not talked about the Special Exception application. We're talking about the 2232, which is the up or down for the Planning Commission. And the motion was to approve the 2232 because it met the standards - - the State standards of character, location, and extent. The second motion was to defer the 2232 application, which does not include citations from the Zoning Ordinance.

Commissioner Flanagan: But if there's a deferral on the SE, then will the 2232 also be deferred?

Chairman Murphy: No.

Commissioner Flanagan: Well, I think we need to take up the SE first.

Chairman Murphy: All right, all those in favor of the motion to defer the decision only on 2232-L10-17, say aye.

Commissioners Flanagan and Litzenberger: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion carries. (*sic*)

Commissioner Hall: Abstain.

Commissioners: No.

Commissioner Alcorn: Motion doesn't carry.

Chairman Murphy: Motion doesn't carry, I should say.

Commissioner Hall: Excuse me.

Chairman Murphy: Mr. Flanagan was the only one that supported that motion (*sic*). Is there further discussion? Yes.

Commissioner Hall: I need to abstain because even though I was here at the beginning of the meeting, I did go home ill. So I did miss the public hearing. So I'll be abstaining from voting on this issue.

Chairman Murphy: And I'm glad you brought that up because I had to leave before the public hearing, but I watched the public hearing tonight on video. All those in - - ? Okay.

Commissioner de la Fe: Mr. Litzenberger also supported, I believe.

Chairman Murphy: Did you support that?

Commissioner Litzenberger: The deferral, yes.

Chairman Murphy: Okay. Mr. Litzenberger and Mr. Flanagan supported the deferral, okay. Further discussion of the motion? All those in favor - -?

Commissioner Lawrence: We just made the motion.

Commissioner Alcorn: No, we're returning to the main motion.

Commissioner Hall: Now you return to the main motion.

Commissioner Lawrence: Return to the main motion.

Chairman Murphy: That which I'm - - yes, okay. All right, all those in favor of the motion to approve 2232-L10-17, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hall: Abstain.

Chairman Murphy: Opposed?

Commissioner Flanagan: Nay.

Chairman Murphy: Motion carries. Mr. Flanagan votes no. Mr. Migliaccio.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2010-LE-017, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED FEBRUARY 2ND, 2011.

Commissioners de la Fe and Alcorn: Second.

Chairman Murphy: Seconded by Mr. de la Fe and - - was there another second? Mr. Alcorn. Is there a discussion of that motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I apologize for bringing up my motion during the - -

Chairman Murphy: Okay.

Commissioner Flanagan: - - the 2232 - -

Chairman Murphy: That's all right.

Commissioner Flanagan: - - to the Commission. But, now is the time to bring it up. And yes, I would - - I WOULD LIKE TO SEE IS THE APPLICATION IMPROVED BY INCLUDING IN THE APPLICATION A LISTING OF THE SPECIAL EXCEPTION REQUIREMENTS LISTED IN 9-400, WITH RESPONSE.

Chairman Murphy: Are you MAKING A MOTION NOW TO DEFER?

Commissioner Flanagan: YES.

Chairman Murphy: Okay. Is there a second to that motion?

Commissioner Litzenberger: Second.

Chairman Murphy: Mr. Litzenberger seconded the motion. For discussion, Mr. - -

Commissioner Flanagan: - - Flanagan.

Chairman Murphy: Flanagan. Mr. Lawrence.

Commissioner Lawrence: Just a point of clarification, Mr. Chairman.

Chairman Murphy: Yes.

Commissioner Lawrence: Just a point of clarification. It is for staff. If the content of these ordinances - - these provisions of the Ordinance - - is covered in the staff report, is it permissible to reference those in a document appended to the staff report by the time it gets to the Board for their disposition?

Ms. Abrahamson: Thank you, Commissioner Lawrence. And actually, it's - - certainly we could do an appendix - - an addendum, I'm sorry - - with an appendix attached. But it is common practice for staff not to always list every redundant standard. And what we probably erred in was we didn't list the citation. But often you'll see the citations - - three, four, five citations - - and we'll give you the summary statement on them. We don't usually go through them over and over again when they're redundant.

Commissioner Lawrence: Could such a citation statement be prepared and attached?

Ms. Abrahamson: All it would be--would be, you know, the section number. It just would be - -

Commissioner Lawrence: And that would not violate the scope of advertising?

Ms. Abrahamson: No. No. It has nothing to do with that.

Commissioner Lawrence: Thank you very much. Thank you, Mr. Chairman.

Commissioner de la Fe: Mr. Chairman?

Chairman Murphy: Yes, Mr. de la Fe.

Commissioner de la Fe: I have a point of - - further point of clarification from staff, or maybe from Commissioner Flanagan. What SE standards are not included in the staff report? I see, beginning on page 16 of the staff report, "Special Exception Requirements (See Appendix 10)." And then it lists "General Standards" and then the discussion of that. There are standards for all Category Use 1 - - you know, all sorts. What specifically is not in the staff report?

Commissioner Flanagan: Okay. That's what I was enumerating.

Ms. Abrahamson: Yes. The standards that Mr. Flanagan is referring to are Section 9-404, which are Standards for All Category use - - All Category 4 Uses, excuse me. And again, because those standards are somewhat redundant of the others, we often don't separately evaluate them and lump them into the discussion; although, usually we do include a header that says, "These are the sections we've reviewed." And that was omitted inadvertently. But the standards themselves are covered by the other standards that have been discussed. So the only thing that's really missing is a header that says, "Section 9-404." That's it. And that would be the substance of an addendum to say we typographically left out a citation, but the review has been completed below.

Commissioner de la Fe: Okay, thank you. That answers my question.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Alcorn, and then Mr. Hart.

Commissioner Alcorn: Just another point of clarification for staff. In this motion, are we being asked to make a recommendation on the staff report? Or are we being asked to make a recommendation on the application?

Ms. Abrahamson: Much as we would love you to, you know, make a recommendation on our staff, it is your evaluation that you're considering. The staff report is merely an aid for your consideration of the facts of the case and therefore what you're voting on are the facts of the case. You know, the staff recommendation is explained in the staff report, and we try to put it forth for you, but that has nothing to do with what you recommend.

Commissioner Alcorn: That's what I thought. Thank you.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Hart, then Mr. Flanagan. We're on verbatim.

Commissioner Hart: Thank you. Thank you, Mr. Chairman. I think Commissioner Alcorn has made my point. Thank you.

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. The reason for listing them is because there should have been a discussion that would have - - at the public hearing - - that brought all of these issues up. And that did not occur because they weren't listed in the staff report. Had 9-404, Paragraph 8 been listed in the staff report, it would have - - you would have known that it says that the regional non-rail transit facilities and electrically powered regional rail transit facilities operated by WMATA shall be established in conformance with the provisions of the agreement between WMATA and the County. I passed out to everybody here the first page of that - - of that agreement and there is a controversy at the present time as to whether - - between legal counsel, as to whether that requires WMATA to comply with the County's Objective 38 or not. And so I've consulted with the corporation counsel on this and they have told me that they think it's odd that it would be alleged that they're not - - that WMATA is - - is not complying with the County's requirements - - Policy requirements in this regard. They think it's odd but, as St. Clair Williams accurately stated, if you take it to read it literally, it says the County only has to comply with those requirements for County facilities. But in this memorandum that you have before you, WMATA clearly promises to abide by all of the requirements that are the obligation of County facilities. So I'm just saying that there's a - - there's a disconnect here in the staff report at the present time. And I'm not voting against this application, I'm just saying that this is something I think needs to be cleared in the next week. And my deferral is to allow staff and everybody time to make these corrections.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to - - yes.

Commissioner Hall: If I can figure - - oh, okay, I think this is working. You know, I thought this only happened in the federal government, but let me take a shot because what I'm hearing is kind of disconcerting, or maybe making a mountain out of a molehill. I'm not sure which it is, but let me make sure. Basically, the provisions are there; they were maybe omitted in one place but they do appear, and it's clear that the intent of the staff report lists the pertinent regulations. Is that right?

Mr. Williams: That is correct. And I would just like to add that I have consulted with the County Attorney's Office regarding the agreement between WMATA and the County and, again, it does state that WMATA will comply with all County laws, ordinances, and regulations. However, the objectives of the Policy Plan which the Commissioners referred to are not laws, ordinances, or regulations. They're guidelines, so therefore that isn't - - that would not be applicable.

Commissioner Hall: They're guidelines, so they're not regulations at all. Okay. You know, I like - - in one way I do like the federal government. I'm the chief of contracting and procurement. I love the Christian Act. And for those of you who don't know what that is, it has nothing to do with religion. But it was a case where even if it isn't there, it's there. So I kind of get the feeling that, even though it isn't there, it's there. So I don't have a problem with it. Thank you, Mr. Chairman. Not that I can vote - - because I missed the public hearing.

Chairman Murphy: Further discussion of the motion?

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: Yes. One of the requirements that hasn't been mentioned yet, which I think you should all be aware of, it says that - - in the 400 series, it says that if an applicant is, for a Special Exception, and only in the case of a Special Exception, do they have to comply with the Comprehensive Plan. So the Comprehensive Plan doesn't become just another guideline, it's now a requirement that they have to comply. So that's - - that's the sticking point here, that this legal point needs to be brought to the attention of the Board of Supervisors before it gets to them. It needs to be settled and I'm asking for a week to settle it.

Chairman Murphy: All right. All those in favor of the motion to defer the decision only on SE - -

Commissioner de la Fe: The recommendation.

Chairman Murphy: - - the recommendation to defer Special Exception 2010-LE-017, say aye.

Commissioners Flanagan and Litzenberger: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion carries.

Commissioner Hall: Abstain.

Chairman Murphy: Vote - - and Ms. Hall abstains. Mr. Flanagan voted aye.

Commissioner de la Fe: Motion fails.

Chairman Murphy: Motion fails. I'm sorry. And Mr. Litzenberger voted to support the motion. Now, we'll return to the main motion. All those in favor of the motion to - -

Commissioners Flanagan: Mr. Chairman? Mr. Chairman?

Chairman Murphy: Yes. We're on verbatim, Earl.

Commissioner Flanagan: I know. This is an important issue in my mind.

Chairman Murphy: Go ahead. All right.

Commissioner Flanagan: If the Board agrees to disregard, you know, the requirement for - - that are in Number 38 (*sic*), then I recommend that Condition 15 - - I would like to move an amendment to Condition 15, and that - - if I can get a second to that.

Chairman Murphy: Well, we want to hear what it is.

Commissioner Flanagan: I have a - -

Chairman Murphy: Do you have a list of them?

Commissioner Flanagan: Okay, I'D LIKE TO RECOMMEND THAT 15 BE WORDED TO ADD THE FOLLOWING TEXT: No buses shall use - - well, I guess I should say, "NO BUSES SHALL USE TELEGRAPH ROAD NORTH OF THE FAIRFAX COUNTY PARKWAY UNLESS NEEDED TO ACCESS ROUTES THAT ORIGINATE DIRECTLY FROM TELEGRAPH ROAD." And then, "NO BUSES SHALL USE RICHMOND HIGHWAY NORTH OF THE FAIRFAX COUNTY PARKWAY UNTIL RICHMOND HIGHWAY IS IMPROVED TO SIX LANES OR WHEN THE LEVEL OF SERVICE IS 'D' OR BETTER, UNLESS NEEDED TO ACCESS ROUTES THAT ORIGINATE DIRECTLY FROM RICHMOND HIGHWAY." And I'd like to - - if I can get a second.

Commissioner Litzenberger: Second.

Commissioner Flanagan: I'd like to, you know, give rationale behind that.

Commissioner de la Fe: Is this a substitute motion?

Commissioner Flanagan: This is an amendment to the motion, yes.

Chairman Murphy: Main motion.

Commissioner Flanagan: The motions would still stand. Yes.

Chairman Murphy: All right. Is there a discussion to that motion?

Commissioner Flanagan: Yes, Mr. Chairman.

Chairman Murphy: All right, Mr. Flanagan.

Commissioner Flanagan: Now that Condition 15 prevents any increase to traffic through Lee District along Telegraph Road, I MOVE THAT THE FOLLOWING TEXT PROVIDE THE SAME FOR THE MOUNT VERNON DISTRICT ALONG ROUTE 1 NORTH OF THE PARKWAY: "UNTIL ROUTE 1 HAS BEEN WIDENED TO ACCOMMODATE BRAC AND END THE 25 MINUTES NEEDED TO MOVE PAST THE GATES INTO AND OUT OF FORT BELVOIR." I see no benefit to Fairfax County inviting "deadhead" buses that don't pick up any County residents and only provide further congestion. In addition, I'd like to also note that - - that this - - that Mount Vernon District probably will bear the most of the brunt of any of this extra traffic by having this bus facility at this location. So that is the reason for advancing the amendment.

Chairman Murphy: All right. That's the discussion. Further discussion on the amendment? All those in - - Mr. Migliaccio?

Commissioner Migliaccio: No, never mind.

Chairman Murphy: All those in favor of the amendment, as articulated by Mr. Flanagan, say aye.

Commissioners Litzenberger and Flanagan: Aye.

Chairman Murphy: Opposed?

Commissioners: Nay.

Chairman Murphy: Motion fails.

Commissioner Hall: Abstain.

Chairman Murphy: Mr. Litzenberger and Mr. Flanagan vote in support of the motion. Ms. Hall abstains. Returning to - -

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Thank you. I have a discussion on the main motion if we're ready.

Chairman Murphy: All right. Further discussion on the main motion, which we have now returned to, to recommend to the Board of Supervisors, that it approve SE 2010-LE-017. Mr. Hart.

Commissioner Hart: Thank you Mr. Chairman. I will be supporting the motion. Because this is an application with Countywide or regional implications, I wanted to add some comments to the record to explain my decision. I'm sorry, Jeanette; this is going to be a long night. I was troubled initially by the transportation aspect of this application, but I'm now satisfied that both VDOT

and the Office of Transportation have concluded that the intersection with the Fairfax County Parkway is safe for the buses which are the subject of the applications. The support of those agencies was confirmed with the memoranda we received this past week. This process is not an exact science. Although we may not always achieve unanimity, I believe we have abundant evidence in the record, coupled with favorable recommendations from our professional staff, including Transportation, to justify our support of the applications. We've also received an unusual volume of written communications in opposition to the application. Some of this is based on unfortunate rumors. I believe some of the opposition also misconstrues the law applicable to our decision. First and foremost, in Virginia, a locality's comprehensive plan is a guide, not a mandatory regulation. The General Assembly has provided in Section 15.2-2233 that the Plan is general in nature to show the general or approximate location, character, and extent of each feature. And a comprehensive plan is not the same thing as a zoning ordinance. The Ordinance requirement that an application be harmonious with the adopted Plan still is not the same thing as incorporating - - incorporating generalized Plan text as mandatory regulation. If the Comprehensive Plan was the last word on land use, on the one hand it would need to be much more specific, and on the other hand we might not need to hear so many applications. The Board of Supervisors also retains the important flexibility to approve an application, notwithstanding Plan text, and it occasionally exercises its judgment to do so for the greater good. Nothing in the Ordinance deprives the Board of that discretion. Ordinarily, under our Zoning Ordinance, applications such as these must be in harmony with the adopted Comprehensive Plan. Harmony, however, does not necessarily require total uniformity or inflexibility. To the contrary, a harmonious county necessarily includes a great variety of uses with adjustments and coordination. To my way of thinking, the concept of harmony implies that multiple components coexist and complement each other. In the land use context, harmony could be achieved among multiple uses through a combination of development conditions appropriate to the context. A bus facility easily can coexist in harmony with other component parts of an industrial area, or the whole county, especially with the imposition of development conditions. An argument is made by some opponents that although this particular site is surrounded by industrial uses, it is over one mile from an arterial roadway and therefore inconsistent with the adopted Plan. But staff has included important development conditions that, for example, prohibit bus traffic to and from this use on Newington Road or Loisdale Road. With specific and appropriate development conditions, even an otherwise inconsistent application can be harmonized with the spirit and intent of the Comprehensive Plan. The evaluation of these development conditions is part of our land use function. Here, with the restrictions recommended by staff, I believe harmonization has been satisfactorily accomplished and this use, in my judgment, is in harmony with the Plan. Specific references to Plan Objectives 38 and 39 also are made by opponents. But both Objectives 38 and 39 are expressly applicable only to County-owned public facilities, not those owned by others or operated by other entities. That text simply does not govern a WMATA facility unless it is on County-owned land. The reliance on Objectives 38 and 39 is incorrect. Air pollution from buses is another articulated rationale for denial. But we have other bus facilities throughout the County, including within residential areas, and we have no criteria or local zoning regulations regarding the permissible level of air pollution from buses. If air pollution were an appropriate justification for zoning denial, we would not locate bus facilities anywhere in the County. In the overall sense, buses can reduce air pollution significantly because they are reducing the number of vehicles on the road. I do not

believe a denial of this bus facility based on fears of air pollution is consistent with the applicable standards in the Zoning Ordinance; nor for that matter is there any prohibition now on which streets WMATA chooses to run its buses or the location of bus stops. No matter what, this applicant still must comply with the Noise Ordinance and important site plan requirements. Nothing in the approval will relax or modify those requirements. Similarly, some of the opposition complains of the lack of enforcement of development conditions on other approvals. That is a matter for enforcement, not an issue for denial. If citizens have specific examples of violations of development conditions, they need to notify Zoning Enforcement staff. Our system is essentially complaint driven, and staff may not even be aware of the specific issue. Zoning Enforcement staff will follow up if notified. Another unfortunate rumor is that there is a statute requiring that bus facilities be located within one mile of an arterial roadway, making this application somehow illegal. No such statute exists and there is nothing illegal about this application. I recognize that there is adamant opposition from a number of the nearby Mount Vernon residents, but land use is not a popularity contest. We need, from time to time, to locate bus facilities such as this within the County and Cinder Bed Road, a blighted industrial area, is an appropriate location for this type of use, particularly with the imposition of these development conditions. Therefore, Mr. Chairman, I believe this application warrants our favorable recommendation to the Board of Supervisors. Thank you.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of supervisors that it approve SE 2010-LE-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Hall: Abstain.

Commissioner Flanagan: Nay.

Chairman Murphy: Motion carries. Mr. Flanagan votes no.

Commissioner Flanagan: Right.

Chairman Murphy: And Ms. Hall abstains. Thank you very much. Is that it?

Commissioner Migliaccio: No, Mr. Chairman, one last - -

Chairman Murphy: I'm sorry. Go ahead.

Commissioner Migliaccio: - - piece. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE MODIFICATION OF THE INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE SE PLAT.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Thank you, Mr. Williams, excellent job as usual.

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The substitute motion to defer the decision on 2232-L10-17 failed by a vote of 2-7-1 with Commissioners Flanagan and Litzenberger in support; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The motion to approve 2232-L10-17 carried by a vote of 8-1-1 with Commissioner Flanagan opposed; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The substitute motion to defer the decision on SE 2010-LE-017 (to include references to Sect. 9-400) failed by a vote of 2-7-1 with Commissioners Flanagan and Litzenberger in support; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The motion to amend Development Condition Number 15 of SE 2010-LE-017 failed by a vote of 2-7-1 with Commissioners Flanagan and Litzenberger in support; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The motion to recommend approval of SE 2010-LE-017 carried by a vote of 8-1-1 with Commissioner Flanagan opposed; Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

The motion to recommend approval of the modification of the interior parking lot landscaping requirements carried 9-0-1 with Commissioner Hall abstaining; Commissioners Harsel and Sargeant absent from the meeting.

JN