

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JULY 21, 2008**

AGENDA

- 9:30 Presentations
- 10:00 Presentation of the Transportation Advisory Commission (TAC) 2007 Transportation Achievement Award
- 10:10 Presentation of the Volunteer Fire and Rescue Service Awards
- 10:20 Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
- 10:20 Items Presented by the County Executive

ADMINISTRATIVE ITEMS

- 1 Designation of Plans Examiner Status Under the Expedited Land Development Review Program
- 2 Extension of Review Period for 2232 Review Application (Providence District)
- 3 Streets into the Secondary System (Dranesville, Hunter Mill, Providence and Sully Districts)
- 4 Authorization to Advertise a Public Hearing to Consider an Amendment to *The Code of the County of Fairfax, Virginia* – Chapter 5, Offenses
- 5 Approval of Traffic Calming Measures, Consideration for Cut-Through Restrictions, as Part of the Residential Traffic Administration Program (Dranesville and Lee Districts)
- 6 Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance Amendment Re: Civil Penalties and Appeal Period

ACTION ITEMS

- 1 Adoption of Principles for Public Investment in Support of Commercial Redevelopment
- 2 Approval of the Location of a Future Metro Entry Pavilion on Fairfax Corner Development, PCA 87-S-039-6 (Springfield District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
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10:50	Matters Presented by Board Members
11:40	Closed Session
PUBLIC HEARINGS	
3:00	Public Hearing on SE 2008-MA-005 (Education For Life) (Mason District)
3:00	Public Hearing on SE 2008-DR-003 (Chevy Chase Bank, F.S.B.) (Dranesville District)
3:00	Public Hearing on RZ 2007-SU-014 (Bo Hwan Suk, Sun Ok Suk & Fairfax County Park Authority) (Sully District)
3:00	Public Hearing on PCA 74-2-150 (Fairfax County Park Authority) (Sully District)
3:00	Board Decision on Spot Blight Abatement Ordinance for 15011 Lee Jackson Memorial Highway (Sully District)
3:30	Public Hearing on DPA B-846-03 (Reston Square Hotel LLC) (Hunter Mill District)
3:30	Public Hearing on SE 2007-MA-021 (Ghana-American Community Association) (Mason District)
3:30	Public Hearing on PCA-C-597-04 (JBG/Tycon 3, L.L.C & JBG/Tycon 2, L.L.C.) (Providence District)
3:30	Public Hearing on SE 2007-PR-014 (JBG/Tycon 3, L.L.C. c/o Kenneth F. Finkelstein) (Providence District)
3:30	Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Sanger Street (Mount Vernon District)
4:00	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Tilbury Road Project (Lee District)
4:00	Public Hearing on Proposed Plan Amendment S07-IV-S1, West of I-95 and Backlick Road, North of Fullerton Road (Lee District)
4:00	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Recodification of Title 63.1, Chapter 10 of the Code of Virginia to Title 63.2, Chapter 17

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**PUBLIC HEARINGS
(CONTINUED)**

- 4:00 Public Hearing on a Proposed Zoning Ordinance Amendment Re: Public Hearing Notice Requirements for Levy and Fee Amendments
- 4:30 Public Hearing to Consider Adopting an Ordinance Expanding the Langley Residential Permit Parking District, District 20 (Dranesville District)
- 4:30 Public Hearing to Expand the Stone Creek Crossing Community Parking District (Springfield District)
- 4:30 Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)
- 4:30 Public Hearing on Proposed Amendments to *The Code of the County of Fairfax, Virginia*, Chapter 82, Relating to Fines for Violation of County Handicapped Parking Restrictions and the Untimely Payment of Certain Parking Fines
- 4:30 Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of Outstanding State Code Sections



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
July 21, 2008

9:30 a.m.

PRESENTATIONS

1. CERTIFICATE – To recognize Pfc. Mike Gubesch and Fairfax County K-9 police dog Justice for winning the Virginia Police Canine Association Iron Dog competition, and Master Police Officer Mark Dale and K-9 partner Niko, who also represented the county in the competition. Requested by Chairman Connolly and Supervisor Frey.
2. CERTIFICATE – To recognize the Police Department for receiving the 2007-2008 National Law Enforcement Award and the Occupant Protection Award in the special category from the International Association of Chiefs of Police. Requested by Chairman Connolly.
3. PROCLAMATION – To designate August 5, 2008, as National Night Out in Fairfax County. Requested by Chairman Connolly.
4. RESOLUTION – To recognize Dale Rumberger for 32 years of dedicated service in Fairfax County Public Schools. Requested by Supervisor Hyland.
5. RESOLUTION – To recognize Karen Dickerson for her contributions and achievements as a Special Olympic Virginia athlete. Requested by Supervisor Bulova.

— more —

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6. RESOLUTION – To recognize Vance Zavela for his community work that resulted in being named Rotarian of the Year by Rotarian International District 7610, and receiving the Citation of Meritorious Service from the Rotary Foundation and the Four Avenues of Service Citation from the Rotary Club of McLean. Requested by Chairman Connolly and Supervisor Smyth.

STAFF:

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

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10:00 a.m.

Presentation of the Transportation Advisory Commission (TAC) 2007 Transportation Achievement Award

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Ms. Janyce Hedetniemi, Chair, Transportation Advisory Commission

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10:10 a.m.

Presentation of the Volunteer Fire and Rescue Service Awards

ENCLOSED DOCUMENTS:

None

PRESENTED BY:

Timothy Fleming, Chair, Volunteer Fire Commission
Jeffrey Katz, Volunteer Liaison, Fire and Rescue Department

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10:20 a.m.

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

ENCLOSED DOCUMENTS:
Appointments to be Heard July 21, 2008

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

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10:20 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

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

ISSUE:

Board action to designate four individuals as Plan Examiners to participate in the Expedited Land Development Review Program, to place eleven individuals into inactive status who have elected not to pursue their continuing education requirements, and to reinstate one individual into active status who has completed his continuing education requirements pursuant to the adopted criteria and recommendation of the Advisory Plans Examiner Board.

RECOMMENDATION:

The County Executive recommends that the Board take the following actions:

- Designate the following four individuals, identified with their registration numbers, as Plans Examiners:

Michael J. Gallagher	279
Hiren C. Joshi	280
Timothy S. Doody	281
Alester Sturdivant, Jr.	282

- Designate the following eleven individuals, identified with their registration numbers, as inactive Plans Examiners:

William R. Ackman, Jr.	75
Mirza T. Baig	70
Charles B. Fronda	104
Yosif A. Ibrahim	243
Jiri F. Kovats	16
Camlynn Lewis	254
Michael F. Meyers	147
Gary D. Newlen	155
Mark S. Stires	140
Lana Tran	201
Andrew J. Williams	216

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

Lance K. Kilby

190

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 their applications and credentials, the APEB has found that the four candidates listed above satisfy these requirements. This finding was documented in a letter dated May 15, 2008, from the Chairman of the APEB, James H. Scanlon, to Chairman Connolly.

Inactive Status: Chapter 117 requires Plans Examiners to participate in the Board adopted Continuing Education Program. Consistent with the requirements of Section 117-1-3(a), and subject to Board approval, the APEB will recommend designation of inactive status for individuals electing not to pursue the continuing education program. This status designation continues until and if they wish to reactivate their Designated Plans Examiner (DPE) status by completing the continuing education requirements. An inactive status makes these individuals ineligible to participate in the expedited plan process procedure. At the time they are placed in inactive status, individuals are provided with information concerning requirements for reinstatement as an active DPE.

Eleven individuals were identified that have elected not to pursue the continuing education requirements. The APEB recommends that their status become inactive until and if they wish to reactivate their status as a DPE by completing their continuing education requirement.

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Reinstatement of Plans Examiner Status: As noted above, individuals are provided with information concerning requirements for reinstatement as an active DPE at the time they are placed on inactive status.

As detailed earlier in a letter from the chairman of the APEB, dated May 15, 2008, one individual has applied for reinstatement as an active DPE. Upon review of this candidate's application and finding that the continuing education requirements have been satisfied, the APEB recommends reinstatement to active DPE status.

Staff concurs with these recommendations as being in accordance with Chapter 117 and the Board-adopted criteria.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I – Three letters dated May 15, 2008, from the Chairman of the APEB to the Chairman of the Board of Supervisors.

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services (LDS), DPWES

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ADMINISTRATIVE – 2

Extension of Review Period for 2232 Review Application (Providence District)

ISSUE:

Extension of the review period for specific 2232 Review application 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 period for application FSA-P07-53-1 to September 19, 2008.

TIMING:

Board action is required on July 21, 2008, to extend the review period of application FSA-P07-53-1 before its expiration.

BACKGROUND:

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

The Board should extend the review period for the following application, which was accepted for review by the Department of Planning and Zoning on April 22, 2008:

FSA-P07-53-1 AirCell LLC
 Rooftop antennas
 1751 Pinnacle Drive
 Providence District

This application is for a telecommunications facility. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning

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Commission to act on this application by no more than sixty additional days. The need for the full time of this extension may not be necessary, and is not intended to set a date for final action.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE – 3

Streets into the Secondary System (Dranesville, Hunter Mill, Providence and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cascades Estate Lots Section 12A	Dranesville	Seneca Road (Route 602) (Additional Right of Way Only) Woolington Road Sinegar Place
Middleton Farms Section 6	Hunter Mill	Middleton Farm Court Bradley Woods Court
Maple Hill Meadows	Providence	Maple Hill Road (Route 2516)
Westwood Park Section 2	Providence	Jeanee Street (Route 2358)
Avondale Glen	Providence	Heathland Drive Saint Augustine Lane Oakton Road, Rte 664 (Additional ROW Only) Oakton Road, Rte 664 (Additional ROW Only) Oakton Road, Rte 664 (Additional ROW Only)

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<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Pendleton Park – James P. Robinson – Stone Road	Sully	Stone Road, Route 662 (Additional ROW Only)
		Stone Road, Route 662
		Lee Highway, Route 29 (Additional ROW Only)

TIMING:
Routine.

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

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 - Street Acceptance Form

STAFF:
Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
James W. Patteson, Director, Land Development Services, DPWES

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Consider an Amendment to *The Code of the County of Fairfax, Virginia – Chapter 5, Offenses*

ISSUE:

Board authorization to advertise a public hearing to consider an amendment to *The Code of the County of Fairfax, Chapter 5, Offenses*.

RECOMMENDATIONS:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 8, 2008, at 4:00 p.m. to consider an amendment to *The Code of the County of Fairfax, Chapter 5, Offenses*.

TIMING:

Board action is requested on July 21, 2008, to provide sufficient time to advertise the proposed public hearing on September 8, 2008, at 4:00 p.m.

BACKGROUND:

Chapter 5, Article 5, Section 5-5-1 of *The Code of the County of Fairfax* authorizes the Fairfax County Police Department to serve summons to solid waste collectors operating within Fairfax County without a permit. Staff proposes to replace Code referenced in Section 5-5-1 from “Chapter 109” to “Chapter 109.1”, to bring Section 5-5-1 in line with the current version of the County Code.

Attachment 1 provides a staff report and overview of the change proposed for Section 5-5-1 of the County Code and Attachment 2 is the revised Section 5-5-1 of the County Code.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report of Proposed Reference Change

Attachment 2 – Proposed Change to *The Code of the County of Fairfax, Chapter 5, Offenses*

Attachment 3 – Notice of Public Hearing

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STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

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

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ADMINISTRATIVE - 5

Approval of Traffic Calming Measures, Consideration for Cut-Through Restrictions, as Part of the Residential Traffic Administration Program (Dranesville and Lee Districts)

ISSUE:

Board endorsement of the following streets to be considered for traffic calming measures and cut-through measures as part of the Residential Traffic Administration Program (RTAP):

- Ingleside Avenue (Dranesville)
- Russell Road (Lee District)

RECOMMENDATION:

The County Executive recommends that the Board endorse the following traffic calming measures (Attachment I):

- Two speed humps on Ingleside Avenue (Dranesville District).

The County Executive further recommends approval of a resolution (Attachments II-III) for consideration of a cut-through traffic restriction on:

- Russell Road (Lee District)

TIMING:

Board action is requested on July 21, 2008.

BACKGROUND:

Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. For Ingleside Avenue, a traffic calming plan was approved by staff and the Virginia Department of Transportation (VDOT), and was subsequently submitted for approval to residents of the petition area. On June 17, 2008, the Department of Transportation received written verification from the local supervisor confirming community support for the traffic calming plan.

Cut-through employs the use of access restrictions (turn prohibitions, etc.) and/or physical devices such as the traffic calming devices referenced above, to reduce the volume of traffic on a residential street. Multi-way stops may be employed for regulatory control of traffic. Due to the fact that a portion of Russell Road is a collector street, no

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access restrictions are being considered, but only traffic calming type measures. Therefore, an alternate route has not been identified. If the cut-through resolution is approved, a task force will be formed to recommend and formally adopt a cut-through plan, which will then be presented at a future public hearing before the Board of Supervisors.

FISCAL IMPACT:

The estimated cost of \$7,000 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan – Ingleside Avenue
Attachment II: Cut-Through Traffic Restriction Resolution
Attachment III: Primary Use Area Map – Russell Road

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, (FCDOT)
William P. Harrell, Transportation Planner, (FCDOT)
Steven K. Knudsen, Transportation Planner, (FCDOT)

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on a Proposed Zoning Ordinance
Amendment Re: Civil Penalties and Appeal Period

ISSUE:

The proposed amendment requires appeals for certain zoning violations, including the occupancy of a dwelling unit, to be filed within ten days from the date of the notice of zoning violation with the Zoning Administrator and Board of Zoning Appeals; and allows a violation that is subject to civil penalties to be prosecuted as a criminal misdemeanor when such civil penalties total \$5,000 or more.

RECOMMENDATION:

The County Executive recommends the authorization of the advertisement of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on July 21, 2008, to provide sufficient time to advertise the proposed Planning Commission public hearing on September 18, 2008, at 8:15 p.m. and the proposed Board of Supervisors' public hearing on October 20, 2008, at 4:00 p.m.

BACKGROUND:

The proposed amendment is on the 2008 Priority 1 Zoning Ordinance Amendment Work Program and is in response to House Bills 679 and 1061, which were adopted by the 2008 Virginia General Assembly. House Bill 679 allows zoning violations for which civil penalties that total \$5,000 or more to be prosecuted as a criminal misdemeanor. If no civil penalties are sought, violations may be prosecuted as a criminal misdemeanor. House Bill 1061 allows for appeal periods of less than thirty days, but not less than ten days, for a notice of zoning violation involving maximum occupancy limitations of a residential dwelling unit or similar short-term, recurring violations. Under the current Zoning Ordinance, all appeals of notices of violation must be filed within 30 days of the notice.

The proposed amendment will provide additional tools in zoning enforcement efforts, to include assisting the Strike Team in resolving multiple occupancy/overcrowding violations.

The proposed amendment includes the following:

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- A. Allows a zoning violation that is subject to civil penalties to be prosecuted as a criminal misdemeanor when such civil penalties total \$5,000 or more.
- B. Requires that appeals to the Fairfax County Board of Zoning Appeals of notices of violations for the following zoning violations be filed within ten days from the date of issuance of the notice of violation: over occupancy of a dwelling unit; parking of inoperative motor vehicles; parking a commercial vehicle in a residential district; parking of a vehicle on an unsurfaced area in the front yard of a single family detached dwelling in the R-1, R-2, R-3 and R-4 Districts; erection of a prohibited sign and erection of a sign without the required sign permit.
- C. Requires that written notices of zoning violations involving the zoning violations set forth in Paragraph B above include a statement that the person to whom the violation is issued has a right to appeal the notice to the Fairfax County Board of Zoning Appeals within 10 days.

REGULATORY IMPACT:

The proposed amendment enhances the ability to enforce the Zoning Ordinance by allowing a violation that is subject to civil penalties to be prosecuted as a criminal misdemeanor when such civil penalties total \$5,000 or more, and it reduces the appeal period from 30 to 10 days for certain notices of zoning violation.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Brian Parsons, Senior Assistant to the Zoning Administrator, DPZ

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ACTION - 1

Adoption of Principles for Public Investment in Support of Commercial Redevelopment

ISSUE:

Board adoption of the proposed Principles for Public Investment in Support of Commercial Redevelopment and the accompanying process for the evaluation of requests for such public investment.

RECOMMENDATION:

The County Executive recommends that the Board adopt as policy the 16 Principles for Public Investment in Support of Commercial Redevelopment and the accompanying process for the evaluation of requests for such public investment.

TIMING:

Routine.

BACKGROUND:

The County's Comprehensive Plan seeks to manage the additional 245,000 jobs and 290,000 new residents that are projected to come to the County by 2030 by concentrating growth in centers, by preserving stable residential neighborhoods, and by providing a balance between residential and employment uses. These strategic directions are also in accord with the Metropolitan Washington Council of Government's regional strategies for growth within the metro area.

The County has initiated planning studies in its planned activity centers, including Annandale, Baileys Crossroads, Lake Anne, Springfield and Tysons Corner, so that these areas are planned appropriately to accommodate future growth in a way that better utilizes available land and assists in the revitalization, redevelopment and reinvestment of our older commercial areas and transit station areas as mixed use activity centers. By continuing this strategy, we can contribute to the future quality of life in areas in need of redeveloping or revitalization, maximize our past investment in public facilities and transportation, improve air quality, enhance quality of living through opportunities for reduced commutes, and promote convenient and attractive higher density communities in which people live, work, shop and play. Redevelopment also improves upon the natural environment by lessening pressure to intrude on undeveloped green space and by enhancing open space, stormwater management and energy efficiency in our existing commercial areas. Concentrating future growth in centers also reduces regional sprawl, promotes a better quality of life for persons

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who work in the County and enhances the attractiveness of the County for economic development.

Historically, the County has received significant proffered contributions from private developers and, unlike other jurisdictions, has not had to rely heavily on public funds to bring private development to fruition. In addition, the County has not had a consistent program for investing significant public funds in the revitalization, redevelopment, and reinvestment of its commercial areas. The development climate is changing; portions of the County are changing to a more urban form as a result of efforts to concentrate future growth in designated areas and an increasing market for higher density residential development. Development in these areas is typically redevelopment and therefore presents financial and other challenges not experienced in "greenfield" development. Developing a project on a previously developed site is typically more expensive and time consuming than developing the same project in a greenfield. This results from the additional complexities of a pre-developed site, including: demolition costs, environmental remediation, land prices that reflect a developed site, relocation costs, major infrastructure improvement/replacement (sewer, water, street relocation), under grounding of utilities, property assemblage/consolidation, and holding costs.

To implement critical aspects of the Comprehensive Plan's vision for the revitalization of its commercial areas the County has been or may be asked to consider the use of public funds to provide needed infrastructure improvements to stimulate and support private revitalization, redevelopment, and reinvestment. For example, the costs associated with the public infrastructure required to support the redevelopment of areas like Springfield and Tysons Corner, including roads, sidewalks and trails, public parks and open space, utilities and transit/circulator service, may be beyond the ability of the private sector to absorb fully, even considering potential increases in value that is derived from the Plan's increased density and land use flexibility. Also, for the first time, individual "catalytic" mixed-use projects are requesting financial assistance for public improvements related to their redevelopment proposals, asserting that the projects are not economically feasible without such assistance (Merrifield Town Center: Eskridge Road extension; streets; public parks) and Springfield Mall (storm drainage realignment; roads, parking garage).

The County has various funding methods available to it, including: Sanitary Districts, Service Districts, Parking Authorities, Transportation Improvement Districts, General Obligation bonds, Community Development Authorities (CDAs) and Tax Increment Financing (TIFs). The particular method or methods to be utilized will depend upon the specifics of the particular project (see Attachment 2 for Glossary of Terms).

Public and private investments can reap mutual benefits: Public contributions foster private sector revitalization, redevelopment and reinvestment thereby furthering development in accord with the County's Comprehensive Plan by encouraging growth in centers, reclaiming underutilized land, creating mixed use centers with a balance of employment, entertainment

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and residential uses and guiding development in accord with environmental, transportation and other quality of life objectives of the Plan.

These Principles for Public Investment in Support of Commercial Redevelopment have been developed in order to provide policy guidance related to requests for public investment in designated redevelopment, revitalization and other strategic areas of the County. These Principles and the accompanying evaluation process were developed by staff in consultation with the County's financial and real estate consultants and were vetted through the Board appointed Community Revitalization and Reinvestment Advisory Group (CRRAG). The package was discussed at the Board's Community Revitalization and Reinvestment Committee on June 9, 2008, following which a press release was issued and the Principles were posted on the Web for public comment.

On June 25, 2008, the CRRAG recommend unanimously that the Board of Supervisors adopted the attached Principles and evaluation process.

FISCAL IMPACT:

Adoption of the Principles themselves will have no fiscal impact. However, future use of public funds will have fiscal implications. Any such future requests will be the subject of separate Board actions.

ENCLOSED DOCUMENTS:

Attachment 1: Principles for Public Investment in Support of Commercial Redevelopment
Attachment 2: Process for the evaluation of requests for public investment in support of commercial redevelopment.

STAFF:

Anthony H. Griffin, County Executive
Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment
Leonard P. Wales, County Debt Manager, Department of Management and Budget
James P. Zook, Director, Department of Planning and Zoning

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ACTION - 2

Approval of the Location of a Future Metro Entry Pavilion on Fairfax Corner Development, PCA 87-S-039-6 (Springfield District)

ISSUE:

Board approval of the location of a future Metro entry pavilion to be located at the Fairfax Corner Development, to serve a future Metro station on the Orange Line extended, in accordance with PCA 87-S-039-6.

RECOMMENDATION:

The County Executive recommends that "Location B," as shown on the attached graphic (Attachment 2), be the decided location for dedication to the Board of Supervisors for a future Metro entry pavilion, in accordance with the proffers accepted with PCA 87-S-039-6. Within the context of Location B being the decided alternative, those items included in Attachment 4 should be considered during the Metro station design.

TIMING:

Board action is requested on July 21, 2008.

BACKGROUND:

PCA 87-S-039-6, in the name of Fairfax Corner Retail LC, was approved by the Board of Supervisors on September 24, 2007 (See Attachment 1 for location). The proffers accepted with that application (See Attachment 3) included a commitment to dedicate land for an entry pavilion into a future Metro station to be located in the median of Interstate 66 with the extension of the Orange Line. The combined Conceptual/Final Development Plan showed two potential locations within the application area for this entry pavilion, identified as Location B and Location C on the graphic in Attachment 2. A third location, Location A, on the adjacent property owned by the County, was also proposed by the applicant. In order to provide additional time to identify engineering constraints and operational needs for both the Metro entry pavilion and the surrounding private developments, the final location was not determined at the time of zoning approval.

In the proffers, the applicant committed to coordinate and fund a working group to evaluate the alternative locations, and to provide a recommendation to the Board of Supervisors. The working group was to consist of representatives from Fairfax County Department of Transportation and Department of Planning and Zoning, Washington Metropolitan Area Transit Authority, Virginia Department of Transportation, Fair Oaks Mall, an American's with Disabilities Act (ADA) Compliance Consultant, the Applicant, and other members

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deemed necessary by the Springfield District Supervisor. A list of participants in the study group is included in Attachment 6. The proffers stated that the applicant would dedicate land for the entry pavilion in the location selected by the Board of Supervisors, after consideration of the study group's recommendation. The proffers also provided that, as a fall-back, Location B would be dedicated should the Board choose not to make a decision.

The study group was formed in January, 2008, in accordance with the proffers, and met over the next several months. The group reviewed engineering constraints on the potential location of the Metro station platform and the corresponding entry pavilion locations; operational parameters needed for the entry pavilion; operational considerations for the surrounding private developments; and transit oriented design principals as laid out in the Fairfax County Comprehensive Plan. Specific elements that were evaluated are shown in a matrix developed by the group and contained in Attachment 5. After this consideration, the study group made a unanimous recommendation to recommend Location B on the Fairfax Corner site as the ultimate location of the Metro entry pavilion. This recommendation, which is found in Attachment 4, includes a number of design factors which the group felt should be considered at such time as the actual entry pavilion is designed and constructed. The recommendation does not include a preferred location for a corresponding entry pavilion on the north side of I-66, on the Fair Oaks Mall site. The northern landing will be negotiated at a future date, in conjunction with a recently filed zoning application for additional development at Fair Oaks Mall.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Location map

Attachment 2: Graphic showing proposed (and recommended) Metro entry pavilion locations

Attachment 3: Relevant sections of the approved proffers, PCA 87-S-039-6

Attachment 4: "Considerations for Design and Operation of a Metro Entry Pavilion at the Building B Location at Fairfax Corner" (final recommendation of Study Group)

Attachment 5: "Comparison of Metro Entry Pavilion Options" (matrix used by Study Group)

Attachment 6: Study Group members

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Daniel B. Rathbone, Chief, Transportation Planning Division, Fairfax County Department of Transportation (FCDOT)

Richard F. Stevens, Dulles Corridor Rail Project Manager, FCDOT

Tracy D. Strunk, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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ACTION – 3

Amendments to Financing Documents Between the Lorton Arts Foundation and Fairfax County

ISSUE:

The Lorton Arts Foundation (LAF) is seeking additional credit from Wachovia Bank to complete infrastructure improvements required in excess of original projections. In addition, the LAF has finalized the details of its tenant lease and rental arrangements which need to be defined properly in various documents in order to establish the basis for the County's credit support.

RECOMMENDATION:

The County Executive recommends approval.

TIMING:

Board action is requested on July 21, 2008, in order to secure the additional financing in time for the opening of the facility scheduled for September 19, 2008.

BACKGROUND:

On June 5, 2006 the Board of Supervisors approved a lease and financing documents to enable the Lorton Arts Foundation to proceed with the renovation and conversion of the former prison Workhouse facility at Lorton into a center for the arts.

Under the terms of the lease LAF is responsible for raising the funds necessary for construction, promotion and operation of the new Workhouse, which will serve as an integral part of the revitalization of the Lorton area. A summary of the key provisions of the Lease are:

- ◆ Phase I – (Construction to begin within 1 year, with scheduled completion within 5-7 years): Workhouse Arts Center, including artists studios, artists residences, art gallery, exhibition space, theater, restaurants, visitor and community heritage center, administrative offices, and performing arts studios.
- ◆ Phase II -Second Phase of improvements including museum, music barn and performing arts center anticipated for construction within 10 years. County has the right to re-acquire Phase II land if the second phase is not constructed within 10 years.

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- ◆ Construction, Maintenance and Repair - LAF is responsible for the entire cost of all improvements, maintenance, repair and upkeep. County has the right to approve final designs.
- ◆ Term – 50 years. Nominal \$1/ year for initial 35 years, with adjustment to fair market rental at year 35 unless County and LAF agree on additional substantial improvements and services in lieu of rent. All improvements revert to the County upon lease termination.
- ◆ The LAF will be required to set aside funds for a major maintenance reserve from annual operating revenues to ensure sufficient funds are available for mid-term replacement of major systems, roofs, and other structures that may be necessary.

Under the agreement the County entered into a 10-year Contingent Master Lease (CML) that will be subject to annual appropriation and only become effective if all of the following conditions exist: 1) the LAF debt reserve is drawn down to an amount below 6 months of payments; 2) the occupancy of the studios and administrative space falls below 85 percent for 3 consecutive months; and 3) the income from the gallery falls below 85 percent of the proforma amount for 3 consecutive months. The CML will remain in effect until either one of those conditions is cured. The CML would apply to 98,740 square feet, or approximately 64 percent of the serviceable space for ten years at rates equal to the rate to be charged to all other tenants in the first year, which are at or below the current market. The County rental rates will be set without escalation at the base year cost throughout the ten-year period. This space could be sublet or used to offset other County rental requirements.

In addition, the Board agreed to provide a dollar for dollar match up to \$1.0 million per year through FY 2011 for donations and contributions received through private fundraising.

Attached is a report from the Foundation that provides the Board an update of their current activities and immediate plans for the grand opening in September. Some highlights are:

- ◆ Completion of the first phase of renovations is expected next month in August 2008.
- ◆ In the midst of construction, LAF began its arts programming in 2004 with over 13,000 artists having attended workshops, camps, classes and exhibitions to date.
- ◆ Fall classes have been scheduled with an expected 2,000 students per quarter.
- ◆ 100 percent of artist studios have been pre-leased at rates higher than projected up to a maximum of \$34.50 per square foot.
- ◆ Total projected revenue at these rates has been revised to approximately \$2.2 million net of expenses, or a 40 percent increase over original projections.
- ◆ Raised over \$4.75 million from private donations.
- ◆ Entered into partnerships with the Baryshnikov Dance Center and the Shenandoah Conservatory.

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LAF issued a bond through the Economic Development Authority in the amount of \$26.2 million which, together with historic tax credits they have been able to obtain, provided funding for the renovations. During the course of the renovations, the LAF encountered numerous unforeseen expenses primarily related to unknown existing site conditions and regulatory requirements that increased the net cost of Phase I by approximately \$6 million. The single largest additional expense was from a redesign of the storm water management system to a more environmentally friendly design which required additional pipelines and restoration of an existing underground vault for an additional \$1.6 million. Other significant factors included cabling requirements that were upgraded to respond to the needs of the expected clientele including a new security monitoring system; abatement of asbestos, lead and PCB's discovered remaining in the buildings after the County's initial abatement efforts; a requirement for a new water main by the Water Authority; a requirement for a sprinkler system in the Colonnade by the Fire Marshall; the existence of a much larger network of tunnels than was documented by the federal government that required opening and filling; higher than anticipated costs to conform to the historic preservation and Architectural Review Board standards for doors and window restoration; and \$2.5 million of requirements to complete various infrastructure upgrades for subsequent phases that were not originally budgeted for Phase I, such as completion of the sanitary loop for all 30 buildings even though only 10 buildings are included in Phase I.

In order to complete these improvements, which represent approximately 65 percent of the total required of all phases, LAF must issue an interim note to finance \$6 million of additional funds. Wachovia Bank, the purchaser of the original note, is willing to extend the additional credit to LAF, but only if the County agrees to allow its Contingent Master Lease (CML) to be extended to cover the additional debt under the same terms described above. The recommended amendments to the Lease and other financing documents reflect this extension. The LAF has refined the details of the rental program to expand the concept of base rent to include net usable square footage, association fees and commissions such that the net return for the use of the property is higher than expected. During the renovation, more accurate estimates of the rentable square footage were obtained such that the original estimate of 98,740 gross square feet subject to the CML has been adjusted to reflect 79,303 square feet of gross space, of which 64,632 square feet is rentable floor area.

As the implementation of the rent structure and the total square footage subject to the CML is different than the gross rental rate anticipated in the original documents, the documents are amended to reflect the new basis for assessing rent and put the County's obligation under the CML on a blended net rentable square foot basis at a rate not to exceed the current market rates for the area. The estimated base rent to be paid by the County in the event of exercise of the CML is \$30 a square foot on a reduced usable base of 64,632 square feet plus a coefficient to include use of common areas. If exercised the County's obligation will be considered a Full Service rate with no additional charges accruing. The rate is also fixed for the ten year period with no escalation or adjustment. The primary CML triggers of compliance with the 85 percent occupancy covenant and the maintenance of at least half of the debt service reserve remain as before, however, the trigger related to the

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income received on the gallery space has been eliminated as the rental of the gallery will now be treated the same as all other space. The net effect on the County's potential obligation is estimated to be neutral, or a wash, as a result of these adjustments with no increase in exposure or risk. In fact, with an actual pre-lease rate of 100 percent the risk is considerably reduced from the time of the original pledge when rental rates and occupancy rates were uncertain projections.

County staff continues to hold discussions with LAF to assist in structuring a financing plan for Phase II of the project which will focus on the renovation of space for the performing arts and construction of housing on the site. The success of Phase 1 and the partnerships LAF has formed with The Baryshnikov Dance Center and the Shenandoah Conservatory have encouraged the LAF to accelerate their plans for Phase II including renovation of the old gymnasium into a theater for the performing arts, creation of an events center out of the old dining facility, and conversion of the barn and other buildings earmarked for use to support performing arts activities and classes.

FISCAL IMPACT:

The increase in debt service to LAF will be fully covered by the increase in projected rental income and should have no impact on the County. Based on the LAF proforma as confirmed by the bank analysis preparatory to approval of the financing, the LAF is expected to achieve self sustaining operations within a few years of completion of the improvements. In that event, the County would have no further obligation to provide financial support to the LAF under the terms of the Lease. The County's potential obligation to shore up rental occupancy is limited to ten years under the terms of the Lease. The Contingent Master Lease is not effective unless both conditions are met at the same time. The CML is subject to annual appropriation and lasts only until one of the conditions is cured. Therefore, due to the large number of variables involved in a dynamic project such as the Workhouse and the availability of other revenue sources, a precise estimate of the County's obligation in the event of a failure of both conditions is not possible. The maximum value of the 64,632 rentable square feet at the 85 percent occupancy threshold is approximately \$2.0 million per year.

ENCLOSED DOCUMENTS:

Attachment 1: Amendment to Financing Documents

Attachment 2: Workhouse Construction and Operations Update, a Report by the Lorton Arts Foundation

STAFF:

Edward Long, Deputy County Executive

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

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

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ACTION – 4

Request to Designate Old Keene Mill Road from Accotink Creek to Fairfax County Parkway as a Blue Star Memorial Highway (Springfield District)

ISSUE:

Request to the Commonwealth Transportation Board to designate Old Keene Mill Road from Accotink Creek to Fairfax County Parkway as a Blue Star Memorial Highway.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution requesting that the Commonwealth Transportation Board designate Old Keene Mill Road between Accotink Creek and Fairfax County Parkway as a Blue Star Memorial Highway.

TIMING:

Board action is requested on July 21, 2008.

BACKGROUND:

On September 12, 2005, Supervisor Kauffman asked the Board to refer a request from the National Garden Clubs, Inc., and the Springfield Acres Garden Club to designate Old Keene Mill Road in Springfield as a Blue Star Memorial Highway to the Legislative Committee for review and consideration. Ultimately, the Board's 2006 Legislative Program included a request to designate Old Keene Mill Road between Interstate 95 and Accotink Creek as a Blue Star Memorial Highway to honor the many military personnel, both retired and active duty, that live in Springfield. Subsequently, the General Assembly designated Old Keene Mill Road from Interstate 95 to Accotink Creek as a Blue Star Memorial Highway.

More recently, the Springfield Acres Garden Club has requested that the remainder of Old Keene Mill Road be designated as a Blue Star Memorial Highway. Rather than waiting for General Assembly action, this request would be made to the Commonwealth Transportation Board.

The Blue Star Memorial Highways are a tribute to the men and women of the Armed Forces that have defended the United States of America. When the first Blue Star Memorial Highway was dedicated in 1944 on U.S. 22 in New Jersey, the Blue Star was a recognized icon during World War II. At the time, families would display a banner in a window of their home with one blue star representing each son or daughter serving in the military; thus the inspiration for the Blue Star Memorial. Garden clubs beautify these

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highways with plantings as a living memorial to service members. The Blue Star program was originally intended to honor World War II veterans, but in 1951, it was expanded to include all men and women who serve in the Armed Forces, as a sign of appreciation.

FISCAL IMPACT:

The cost of the sign installation is estimated at \$300 to be paid out of Fairfax County's Secondary Road Funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution Endorsing the Designation of Old Keene Mill Road from Accotink Creek to Fairfax County Parkway as a Blue Star Memorial Highway.

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Calvin Lam, Coordination and Funding Division, FCDOT

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ACTION - 5

Revisions to Chapter 10 of the Personnel Regulations RE: Implementing a Parental Leave Program

ISSUE:

Board approval of revisions to Chapter 10 of the Personnel Regulations implementing a parental leave program.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed revisions to Chapter 10 of the Personnel Regulations. The Board Personnel Committee reviewed and supported the implementation of a parental leave program for employees.

TIMING:

Routine. If approved by the Board, the program will be implemented the first full pay period in September.

BACKGROUND:

At the request of Chairman Connolly, staff reviewed options for enhancing the leave benefits available for the birth, adoption, or foster care placement of a child. The county's current leave program for new parents compares favorably with other local jurisdictions. New parents currently use a combination of their sick, annual and compensatory leave when taking time off following the birth, adoption or foster care placement of a child. The Family and Medical Leave Act guarantees 12 weeks off for these events but does not mandate that such leave be paid. In those instances where an employee has insufficient paid leave to cover the absence, he or she will use either leave without pay or if eligible, transferred leave received from coworkers.

However, an option that is offered in a number of firms in the private sector and is also under review currently for inclusion for federal government employees is a separate category of paid parental leave. Parental leave provides paid leave for parents for the birth, adoption or foster care placement of children in addition to other benefits offered. Following discussion at the May 19, 2008 Personnel Committee meeting, the Board agreed to enhance the county's leave program with the addition of two weeks of parental leave for the birth, adoption or foster care placement of a child.

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Additional revisions to Chapter 10 clarify leave transfer and administrative leave for performance awards procedures.

In accordance with the Merit System Ordinance, the proposed revisions were forwarded to the Civil Service Commission for public hearing. The public hearing was held on July 10, 2008. The Commission's comments are included as attachment 2. The recommendations of the Commission and the Employees Advisory Council have been incorporated in the attached proposed revisions.

FISCAL IMPACT:

With no reliable statistics to define the universe of employees eligible for this leave, an exact cost estimate is not available. It is anticipated that the cost will be minimal but the program will be monitored to provide data for future review if needed. Agencies will be required to absorb the cost within existing budget appropriations.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Chapter 10 of the Personnel Regulations
Attachment 2: Memorandum from the Civil Service Commission

STAFF:

Edward L. Long, Jr., Deputy County Executive
Susan Woodruff, Acting Director, Department of Human Resources
Edward E. Rose, III, Senior Assistant County Attorney

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ACTION – 6

Parking Reduction for Tycon III and Tycon IV (Providence District)

ISSUE:

Board approval of a 13.5 percent reduction in required parking for Tycon IV, Tax Map Reference Number 039-1-06-0000-B1 and 0069-A, Providence District.

RECOMMENDATION:

The County Executive recommends that the Board approve a parking reduction of 13.5 percent for Tycon IV, pursuant to Paragraph 4(B), Section 11-102 of Chapter 112 (Zoning Ordinance) of *The Code of the County of Fairfax, Virginia* (County Code), based on an analysis of the parking requirements for each use on the site and parking reduction study, on condition that:

1. A minimum of 480 parking spaces must be maintained on site at all times for the existing Tycon III office building and the proposed Tycon IV hotel.
2. The uses permitted per this parking reduction are 141,268 gross square feet of office use and 173 rooms of hotel use.
3. Compliance with the conditions of the pending Proffer Condition Amendment (PCA) C-597-4 and Special Exception (SE) 2007-PR-014.
4. The current owners, their successors or assigns of the parcels identified as Fairfax County Tax Map Number 039-1-06-0000-B-1 and 0069-A, shall submit a parking space utilization study for review and approval by the Board at any time in the future that the Zoning Administrator so requests. Following review of that study, or if a study is not submitted within 90 days after being requested, the Board may rescind this parking reduction or require alternative measures to satisfy parking needs, which may include requiring all uses to comply with the full parking spaces requirements as specified in Article 11 of the Zoning Ordinance.
5. All parking utilization studies prepared in response to a request by the Zoning Administrator shall be based on applicable requirements of the County Code and the Zoning Ordinance in effect at the time of said parking utilization study submission.
6. Shared parking with any additional use(s) shall not be permitted without the submission of a new parking study prepared in accordance with the applicable requirements of the Zoning Ordinance and shall be subject to the Board's approval.

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7. All parking provided shall be in accordance with the applicable requirements of Article 11 of the Zoning Ordinance and the Fairfax County Public Facilities Manual, including the provisions referencing the Americans with Disabilities Act.
8. The conditions of approval of this parking reduction shall be recorded in the Fairfax County land records in a form acceptable to the County Attorney.

TIMING:

Board action is requested on July 21, 2008.

BACKGROUND:

This site is 8.8 acres which was rezoned to office district (C-3) on October 6, 1975, per RZ C-597. The applicant is now proposing SE 2007-PR-014 and PCA C-597-4 to permit the construction of a hotel. The applicant has requested a shared parking analysis between the office use and the hotel use be reviewed to determine an appropriate parking reduction for this development.

The parking study was reviewed by staff based on the new edition of the Urban Land Institute (ULI) Shared Parking recommendations. It was determined that the parking accumulations of the two uses justified a 12 percent reduction in required parking per the County's review of the provided information. The applicant had requested a 13.5 percent parking reduction based on a conventional parking generated study and an amended request was prepared to resolve the difference in the amount of reduction. A Transportation Demand Management (TDM) Program which reduces drive-alone trips through strategies that encourage carpooling or other alternative modes to reduce vehicle trips was added to this request. It was determined that the combination of a shared parking analysis and a TDM Program resulted in a 13.5 percent parking reduction. The applicant is proffering to the County to provide a TDM Program for this site. Therefore, staff supports the applicant's revised request for a 13.5 percent (75 parking spaces) parking reduction subject to the condition listed above.

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

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 – Parking Reduction Study and Letter of Request dated December 18, 2007,
from Jennifer N. Carpenter, Wells & Associates

Attachment II – Memorandum of revised request with TDM Program dated March 20, 2008,
from Robin Antonucci and Jennifer N. Carpenter, Wells & Associates

Attachment III – Proposed Conditions of PCA C-597-4 and SE 2007-PR-014.

STAFF:

Robert A. Stalzer, Deputy County Executive

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

James W. Patteson, Director, Land Development Services, DPWES

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ACTION - 7

Designation of Virginia Department of Transportation FY 2009 Revenue Sharing Program Funds and Matching Fairfax County Funds (Springfield and Sully Districts)

ISSUE:

Board approval of the application for and use of a maximum of \$1,000,000 in FY 2009 Virginia Department of Transportation (VDOT) Revenue Sharing Program funds to partially fund the widening of Stringfellow Road.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution (Attachment I) designating a maximum of \$1,000,000 in FY 2009 VDOT Revenue Sharing Program Funds to partially fund the widening of Stringfellow Road.

TIMING:

The Board of Supervisors should act on this item on July 21, 2008. VDOT has requested a response prior to August 1, 2008.

BACKGROUND:

Section 33.1-23.05, the *Code of Virginia*, enables the County to designate County funds for improvements to the primary and secondary roadway systems, with these funds to be equally matched, up to \$1,000,000, by VDOT funds, limited to a maximum of \$50,000,000 in matching VDOT funds statewide in FY 2009. This program is commonly referred to as the Revenue Sharing Program, and provides that VDOT match the County funds as a priority before allocating monies to its road systems. Therefore, the use of these funds results in a net increase of state funds available for transportation projects in the County.

On December 4, 2006, the Board approved the use of Revenue Sharing funds for the Stringfellow Road project, and the County received the full \$1,000,000 in Revenue Sharing funds. On February 28, 2005, and as part of the Board's Four Year Transportation Plan, the Board approved a total of \$16,000,000 in transportation bond funds for this project. These funds will be used to match the maximum of \$1,000,000 in the FY 2009 VDOT Revenue Sharing Program.

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The attached May 21, 2008, letter from VDOT (Attachment II) specifies that the County must notify VDOT by August 1, 2008, of its intent to apply for FY 2009 Revenue Sharing Program Funds. Based on the revisions to the program approved by the General Assembly, the highest priority for FY 2009 projects are those in which the jurisdiction over-matches the Revenue Sharing request. To increase the County's chances of securing the full \$1,000,000, staff is recommending that the County use \$2,000,000 previously allocated to the Stringfellow Road widening project to over-match the requested funds.

FISCAL IMPACT:

Funds previously approved for the widening of Stringfellow Road will be used to pay the total \$2,000,000 match for the VDOT Revenue Sharing funds. There is no fiscal impact on the County for this project. If these funds are approved, there will be an additional \$1,000,000 for the project.

ENCLOSED DOCUMENTS:

Attachment I: Resolution: Designation of FY 2009 Revenue Sharing Program Funds
Attachment II: Letter from VDOT Regarding FY 2009 Revenue Sharing Program
Attachment III: Designation of Funds Forms for FY 2009 Revenue Sharing Program

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Jay Guy, FCDOT

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ACTION – 8

Amendment to the Memorandum of Understanding and Agreement Between Fairfax County, Virginia, and the Fairfax County Convention and Visitors Corporation

ISSUE:

Board approval of the amendments to the Memorandum of Understanding and Agreement (MOU) between Fairfax County and the Fairfax County Convention and Visitors Corporation (FCCVC).

RECOMMENDATION:

The County Executive recommends approval of the amended MOU.

TIMING:

Board action is requested on July 21, 2008.

BACKGROUND:

The Board approved a Memorandum of Understanding and Agreement (MOU) between Fairfax County and the Fairfax County Convention and Visitors Corporation (FCCVC) on June 21, 2004, and the MOU was executed on July 9, 2004. The FCCVC Board of Directors was established with the following membership: Ten members appointed by the Board of Supervisors; eleven members nominated by the Fairfax County Chamber of Commerce and confirmed by the Board of Supervisors and five nonvoting ex officio members.

The selection process for the 11 non-Board of Supervisors' appointed members of the FCCVC's Board of Directors is proposed to be amended. The purpose of the amendment, which has been approved by both the FCCVC's Board and the Fairfax Chamber of Commerce, is to give the FCCVC direct input into the prospective selection of nine of its Board members, all of whom are presently nominated by the Northern Virginia Hospitality Council of the Fairfax Chamber of Commerce.

In addition, there are changes in subparagraph 10.B. to bring the Memorandum of Understanding into conformance with the County's new accounting policy by which transient occupancy tax collections are calculated from August 16 through the following August 15 of calendar years, as opposed to the County's fiscal year. The proposed changes alter the annual date of disbursement of funds from ten business days

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following the beginning of the new fiscal year to sixty days following the beginning of the new fiscal year and link the date of the annual adjustment of disbursements to the Third Budget Quarter instead of the annual County Carryover Review.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Letter from Mark G. Carrier, Chairman of the Board, Visit Fairfax to Chairman Gerald E. Connolly and Anthony H. Griffin, Fairfax County Executive.

Attachment 2: Amended and Restated Memorandum of Understanding and Agreement between Fairfax County, Virginia, and the Fairfax County Convention and Visitors Corporation.

STAFF:

Anthony H. Griffin, County Executive

Michael H. Long, Senior Assistant County Attorney

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INFORMATION -1

Planning Commission Action on Application 2232-Y07-16, Upper Occoquan Sewage Authority (UOSA) (Sully District)

On Thursday, June 26, 2008, the Planning Commission voted 10-0-1 (Commissioner Hall abstaining; Commissioner Harsel not present for the vote) to approve 2232-Y07-16.

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

Application 2232-Y07-16 by UOSA sought approval to replace existing gravity sewer line with new gravity sewer line (approximately 25,000 linear feet) within the Cub Run Stream Valley Park in Centreville. Portions of Tax Maps: 0642-0403-D; 0642-0402-A; 0642-01-0035; 0642-01-0005A; 0642-04-A; 0642-03-0028; 0642-03-0026A; 0642-01-0001F; 0534-01-12; 0534-06-D; 0534-06-E; 0534-08-I; 0534-09-A; 0534-01-0002; 0534-09-B; 0534-0502-A; 0532-01-0001; 0532-02-B; 0532-02-C; 0532-02-D; 0532-02-E; 0434-01-0004; 0434-03-F; 0434-03-H; 0434-03-J; 0434-03-M; 0434-03-N; 0434-03-Q; 0434-07-0008; 0434-07-0009; 0434-07-0007; 0434-07-0006; 0434-07-0005; 0434-07-0004; 0434-01-0005B; 0434-01-0005A; 0434-01-0009; 0434-06-0011; 0434-08-0001; 0432-01-0012; 0432-02-0009E; 0432-02-0009C2; 0432-02-0029I; 0432-01-0003; 0432-02-0029E2 in Sully District.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 6/26/08 Commission meeting

Attachment 2: Vicinity maps

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lippa, Executive Director, Planning Commission Office

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INFORMATION – 2

Fairfax-Falls Church Community Services Board FY 2009 Fee Schedule

Since its establishment in 1969, the Fairfax-Falls Church Community Services Board (CSB) has complied with Section 37.1-197(B) (7) of the Code of Virginia, which states that the CSB shall prescribe a reasonable schedule of fees for services provided by personnel or facilities under the jurisdiction or supervision of the Board and establish procedures for the collection of the same.

The CSB ensures compliance with the Code of Virginia in four ways: (1) conducts a review of fee related materials by the CSB's Fee Policy Committee comprised of CSB Board members; (2) posts a Notice of Public Hearing and Comment Period and accepts written comments regarding Proposed Fees for the next fiscal year; (3) distributes copies of the proposed changes to Board of Supervisors' District Offices, the Fairfax County Regional Libraries, the Fairfax County Government Center main lobby, CSB service sites, the Cities of Fairfax and Falls Church, consumers, and advocates; and (4) holds a public session on the proposed fees for the next fiscal year. The Fee Policy Committee's final report was made to the CSB after holding a public session on June 25, 2008, at a CSB Board meeting during matters of the public.

In accordance with the CSB's Reimbursement Policy, the Memorandum of Agreement with the Board of Supervisors and State regulations, the CSB approved the attached FY 2009 Fee Schedule on June 25, 2008. In addition, the CSB's Reimbursement Policy stipulates that changes in fees shall become effective no sooner than 60 days after the date of final approval by the Board. Therefore, the revised Fee Schedule is scheduled for implementation on October 1, 2008.

The revised Fee Schedule (Attachment B) takes into account consultation with the Deputy County Executive for Human Services, the County's Department of Management and Budget on the guidelines for review of fees, a review of other CSBs' Fee Policies and Procedures, a review of the CSB's unit costs, a review of the most frequently paid median fees by insurance companies for individual therapy sessions, consultation on income and poverty guidelines from the County's Department of Systems Management for Human Services, and a review of Federal Health and Human Services (HHS) materials.

The revised Fee Schedule reflects proposed changes in Comprehensive Services Act rates for residential services, revision of the monthly transportation fee, addition of an access brief services fee for mental health as well as deletion of fees charged for services no longer provided. This access fee, reviewed with the Deputy County

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Executive for Human Services, is a one time fee that will be assessed after the first free access visit.

Unless otherwise directed by the Board of Supervisors, the CSB will direct staff to proceed with the implementation of the FY 2009 Fee Schedule (Attachment B) on October 1, 2008.

FISCAL IMPACT:

It is estimated a total of \$17.5 million (an appropriate 5% increase over the FY 2008 Revised Budget Plan Revenue Estimate) will be generated in FY 2009 from self-pay, insurances, Medicaid, CSA and other fee sources.

ENCLOSED DOCUMENTS:

Attachment A: Fairfax-Falls Church Community Services Board Proposed Changes FY2009 Fee Schedule from FY2008

Attachment B: Fairfax-Falls Church Community Services Board FY 2009 Fee Schedule

STAFF:

Verdia L. Haywood, Deputy County Executive

James A. Thur, M.S.W., MPH, Executive Director, Fairfax-Falls Church Community Services Board

James P. Stratoudakis, Ph.D., Director Quality Management and Emergency Preparedness, Fairfax-Falls Church Community Services Board



INFORMATION - 3

Washington Metropolitan Area Transit Authority's FY 2009 Operating Budget and Capital Improvement Program

On June 26, 2008, the Washington Metropolitan Area Transit Authority (WMATA) approved the FY 2009 Operating Budget and Capital Improvement Program (CIP) for the regional transit authority. The WMATA Board, which includes members from our County Board of Supervisors, reviewed the operating and capital budgets over the past few months with the assistance of WMATA and local staff.

Operating Budget:

The following table summarizes the financial impacts of WMATA's FY 2009 Annual Budget. The table reflects WMATA systemwide totals of operating costs, operating revenues, operating subsidies, and cost recovery ratios, and compares the adopted WMATA FY 2008 and FY 2009 Annual Budgets.

WMATA Operating Budget

	FY 2008 WMATA Budget	FY 2009 WMATA Budget	Percent Change FY 2008 vs. FY 2009
System Operating Cost	\$1,153.8M	\$1,329.0M	+ 15%
System Operating Revenue	653.9M	793.7M	+ 21%
System Operating Subsidy	499.9M	535.2M	+ 7%
Cost Recovery Ratio	56.7%	59.7%	+ 3%

The FY 2009 system operating cost figure in WMATA's adopted budget is a 15 percent increase from FY 2008. The major contributors to this increase are inflationary costs, fuel, additional costs of health, casualty, and liability insurances, workers compensation, system quality improvements, and service improvements. The recommended budget also includes a 21 percent increase in system operating revenue, because of continued increases in ridership and the fare increase implemented in January 2008. These changes in system operating cost and revenue result in a system operating subsidy increase of \$35.3 million or 7 percent.

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WMATA's FY 2009 Annual Budget includes passenger fare and parking fee increases that went into affect on January 2008. The additional revenue generated by the fare increase in FY 2008 (January 2008 through June 2008) was applied to the FY 2009 operating budget. No additional fare increase was included in the FY 2009 budget.

Capital Improvement Program (CIP):

The last Interjurisdictional Funding Agreement (IFA) signed by the jurisdictions for capital expenditures expired in FY 2003. Subsequently, WMATA and the local jurisdictions signed the Metro Matters Funding Agreement for capital expenditures in FY 2006 through FY 2011. The remaining part of the CIP is now referred to as the "Beyond Metro Matters Program" and consists of the Infrastructure Renewal Program (IRP), the System Access Program (SAP), and the System Expansion Program (SEP) needs beyond FY 2011.

The Metro Matters Program for FY 2009 includes \$178.6 million systemwide from the local jurisdictions. Fairfax County's share of that total is \$24.8 million. The "Beyond Metro Matters" portion of the CIP for FY 2009 includes \$3.0 million which provides preliminary engineering and project development for future Metro projects around the region. Fairfax County's share of that is \$417,000.

FISCAL IMPACT:

Based on the FY 2009 WMATA adopted budget, the County's operating subsidy for Metrobus, Metrorail, and MetroAccess is \$69.7 million. The County's FY 2009 Adopted Budget includes a total of \$67.2 million for WMATA operating subsidies. There is an additional \$2.2 million in ending balance from FY 2008 that will be used to pay the operating subsidy. The remaining \$0.3 million will come from an increase in state aid. An adjustment will be made as part of a future budget review to accomplish this. Staff does not anticipate that there will be a need to increase the County's General Fund transfer to Fund 309, Metro Operations and Construction, in FY 2009. All required adjustments, including revised estimates of state aid and gas tax to Fund 309, will be included in the *FY 2009 Carryover Review* or a future budget review.

ENCLOSED DOCUMENTS:

None

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Todd Wigglesworth, Coordination and Funding Division, FCDOT

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INFORMATION - 4

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

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

This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES) and the Virginia Department of Transportation (VDOT) Northern Virginia District.

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

ENCLOSED DOCUMENTS:

Attachment 1: June 2008 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program for FY 2008 Through FY 2011

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Karyn Moreland, Chief, Capital Projects Section, FCDOT
Charles Galloway, Capital Projects Section, FCDOT

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INFORMATION – 5

Belle View/New Alexandria Community Flooding and Amendment 2 of the Belle Haven Watershed Flood Damage Reduction Study Agreement Between Fairfax County and the U.S. Army Corps of Engineers (Mount Vernon District)

On June 8, 2008, the Stormwater Planning Division presented its 2009 spending plan to the Board of Supervisors. The plan includes funding to further the design of a flood mitigation project for the Belle View/New Alexandria community.

On July 11, 2006, the County entered into an agreement with the U.S. Army Corps of Engineers (USACE) to identify preliminary flood damage reduction alternatives and to develop 5% concept level alternative plans, costs and benefits for the Belle Haven community, which suffered severe flooding during Hurricane Isabel in September 2003. The 5% concept designs were completed and presented to the community in March 2008.

This agreement was amended to include the Huntington Community, which suffered severe flooding in June 2006. The Huntington Amendment # 1 was to determine the cause of flooding, prepare 5% concept designs, and to prepare a 65% design of the selected solution. This amendment was approved on September 26, 2006, and is scheduled to be completed in January 2009. Similar engineering services are needed to provide a comprehensive analysis of various levee and floodwall alignments that were developed as part of the 5% concept level plans for the Belle Haven/New Alexandria community. These services also will include a 65% engineering design of the final recommended alignment for the Belle View/New Alexandria communities.

Engaging the USACE to perform this work as an amendment to the Belle Haven Watershed Flood Damage Reduction study provides the most expedited schedule available to move forward with the design, while completing the tasks necessary to fully explore federal cost share participation opportunities. On completion of the 65% design the USACE may be engaged to finalize the design and construction if federal participation is ultimately awarded. If federal participation does not materialize, the County will be able to capitalize on the USACE's work, finalize the design and construction documents, and construct the improvements independent of the USACE, subject to funding.

This agreement will result in the preparation of a 65% design of the recommended levee and floodwall alignments. The final deliverable will be available in approximately 18 months. Additional details regarding this project are provided below.

Staff has worked closely with USACE to prepare an Amendment to the Letter Agreement (Attachment 1) and the Amended Plan of Study (Attachment 2) for the Belle Haven Watershed & Huntington Community Flood Damage Reduction Study in order to further

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the design of a flood project. This revised scope of work that will be provided by the USACE includes the following action areas:

- Planning and Project Management - project management, design and technical management, plan formulation and evaluation, and public presentation meetings coordination.
- Technical Services - social analysis, cultural resource analysis, environmental analysis, economic analysis, real estate studies, water resources engineering, geotechnical investigation and design, structural design, civil design, cost engineering, field study survey and mapping of the existing storm sewer system
- Final Report Preparation

Unless otherwise directed by the Board of Supervisors, the County Executive, on behalf of the County, will sign the second Amendment of the Belle Haven Watershed Flood Damage Reduction Study Agreement between Fairfax County and the U.S. Army Corps of Engineers.

FISCAL IMPACT:

Staff included funding in the amount of \$1,100,000 for this project in the 2009 spending plan. These funds were allocated from Fund 318 to Project BH8000-BH003. Funding in the amount of \$1,065,000 is required for execution of the amendment, with the remaining \$35,000 required for contingency and deliverables Fairfax County must prepare and provide to the USACE during the course of the project.

ENCLOSED DOCUMENTS:

Attachment 1 – Amendment #2 to Letter Agreement between the United States of America and Fairfax County, Virginia for Belle Haven Watershed Flood Damage Reduction Study
Attachment 2 – Amended Plan of Study for the Belle Haven Watershed & Huntington Community Flood Damage Reduction Study

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

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10:50 a.m.

Matters Presented by Board Members

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11:40 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derek B. Vereen and Angelique Vereen*, Case No. CL-2006-0009795 (Fx. Co. Cir. Ct.) (Lee District)
 - 2. *Appeal Application A 2008-LE-030, Hermilio Machicao* (Lee District)
 - 3. *Louise Root v. County of Fairfax, et al.*, Case No. 2008-1735 (United States Court of Appeals for the Fourth Circuit)
 - 4. *In re Grievance of Kenneth A. Carroll*, Case No. 0810 (Fx. Co. Civil Serv. Comm'n)
 - 5. *County of Fairfax, Virginia, on Behalf of Richard J. Curro v. Robert W. Barfield, Jr.*, Case No. CL 2008-0004639 (Fx. Co. Cir. Ct.)
 - 6. *ARPA Enterprises, Inc. v. Fairfax County Zoning Administrator, et al.*, Case No. CL-2008-0002106 (Fx. Co. Cir. Ct.) (Providence District)
 - 7. *Shirley Ann Stewart v. Court Services Division and Thomas B. Haddock, Esquire*, Case No. CL-2008-0004767 (Fx. Co. Cir. Ct.)
 - 8. *Tuyen Pham v. Thuy Dang and Sung Yoon*, Case No. GV-08-014091 (Fx. Co. Gen. Dist. Ct.)

9. *Kenny Dang v. Thuy Dang and Sung Yoon*, Case No. GV-08-014090 (Fx. Co. Gen. Dist. Ct.)
10. *Tin Do v. Thuy Dang and Sung Yoon*, Case No. GV-08-014089 (Fx. Co. Gen. Dist. Ct.)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Ricardo Orellana and Angelica Orellana*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
12. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rime Milton Rojas Salguero and Yola Nancy Foronda de Jaldin*, Case No. CL-2008-0004293 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Javier Nava and Ana S. Nava*, Case No. CL-2008-0004727 (Fx. Co. Cir. Ct.) (Lee District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paula R. Brassfield*, Case No. CL-2007-0013238 (Fx. Co. Cir. Ct.) (Dranesville District)
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Yahya Feda and Mohamed Rjiba*, Case No. CL-2008-0004973 (Fx. Co. Cir. Ct.) (Springfield District)
16. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susan Ruth, Executor for the Estate of John A. Ruth*, Case No. CL-2008-0000220 (Fx. Co. Cir. Ct.) (Lee District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vivian A. Cross and Julio Cross*, Case No. CL-2008-0004936 (Fx. Co. Cir. Ct.) (Providence District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Thomas A. Porras*, Case No. CL-2008-0005010 (Fx. Co. Cir. Ct.) (Lee District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Blanca D. Amaya*, Case No. CL-2008-0008084 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariam Del Carmen Machado and Lucio Machado*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor R. Fernandez, Lilian R. Rioja, Mario A. Cobarrubias, and Norca T. Cobarrubias*, Case No. CL-2008-0008081 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marina Flores and Domingo Flores*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan A. Garcia, Rosa Garcia, and Virgilio Martinez*, Case No. CL-2008-0008359 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nick M. Pittas and Helen Pittas*, Case No. CL-2008-0008545 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
25. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Arthur W. Smith and William T. Smith*, Case No. CL-2008-0008405 (Fx. Co. Cir. Ct.) (Providence District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu*, Case No. CL-2008-0006278 (Fx. Co. Cir. Ct.) (Providence District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Grover Ruiz*, Case No. CL-2008-0008360 (Fx. Co. Cir. Ct.) (Braddock District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. James D. Turner and Karen S. Turner*, Case No. CL-2008-0008137 (Fx. Co. Cir. Ct.) (Lee District)
29. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona*, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward Martinez Miranda, Case No. CL-2008-0008037 (Fx. Co. Cir. Ct.) (Lee District)*
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vinh Dang and Lily Dang, Case No. CL-2008-0007390 (Fx. Co. Cir. Ct.) (Dranesville District)*
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olivero Leiva Mercado, Jacqueline Del Socorro Gomez, and Esterlina Zeledon, Case No. CL-2008-0008255 (Fx. Co. Cir. Ct.) (Braddock District)*
33. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Hafiz Mohammad Imran, Case No. CL-2008-0008257 (Fx. Co. Cir. Ct.) (Lee District)*
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nida Hassan and Tahir Hassan, Case No. CL-2008-0008404 (Fx. Co. Cir. Ct.) (Braddock District)*
35. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yun Yi C. Ahn, Case No. 08-0019341 (Fx. Co. Gen. Dist. Ct.) (Lee District)*
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene S. Austin, Case No. 08-0019342 (Fx. Co. Gen. Dist. Ct.) (Springfield District)*
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alan Mandelblat, Case No. 08-0019344 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Fatima Saine, Case No. 08-0019343 (Fx. Co. Gen. Dist. Ct.) (Sully District)*

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3:00 p.m.

Public Hearing on SE 2008-MA-005 (Education For Life) to Permit a Private School of General Education, Nursery School And Childcare Center with a Combined Maximum Daily Enrollment of 90 Students, Located on Approximately 6.34 Acres Zoned I-3, CRD, HC and SC, Mason District

The application property is located at 3431-A Carlin Springs Road, Tax Map 62-1 ((1)) 16F.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 26, 2008, the Planning Commission unanimously voted to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-MA-005, subject to Development Conditions consistent with those dated June 24, 2008; and
- Modification of the barrier requirements in favor of that shown on the SE Plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
July 21, 2008

3:00 p.m.

Public Hearing on SE 2008-DR-003 (Chevy Chase Bank, F.S.B.) to Permit a Drive-In Financial Institution in a Highway Corridor Overlay District, Waiver of Certain Sign Regulations and Modifications and Waivers in a Commercial Revitalization District, Located on Approximately 30,363 Square Feet Zoned C-2, CRD, HC and SC, Dranesville District

The application property is located at 1427, 1433 and 1441 Dolley Madison Blvd. Tax Map 30-2 ((5)) 6, 9 and 10.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 12, 2008, the Planning Commission voted unanimously (Commissioners Murphy and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2008-DR-003, subject to the Development Conditions dated June 12, 2008;
- Modification of the barrier requirement along Dolley Madison Boulevard, in favor of that shown in the Special Exception Plat;
- Modification of the transitional screening requirement along Dolley Madison Boulevard, in favor of that shown on the Special Exception Plat;
- Modification of the front yard requirement in a Commercial Revitalization District, in favor of what is shown on the Special Exception Plat;
- Waiver of the service drive requirement along Dolley Madison Boulevard; and
- Modification of the required peripheral parking lot landscaping, in favor of that shown on the Special Exception Plat;

The Planning Commission voted 8-1-1 (Commissioner Harsel opposed; Commissioner Hart abstaining; Commissioners Murphy and Sargeant absent from the meeting) to recommend that the Board of Supervisors waive the loading space requirement.

The Commission voted 9-1 (Commissioner Litzenberger opposed; Commissioners Murphy and Sargeant absent from the meeting) to recommend that the Board of Supervisors waive construction of the required on-road bike lane, in favor of an applicant-established escrow fund for future construction.

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ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Board Agenda Item
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3:00 p.m.

Public Hearing on RZ 2007-SU-014 (Bo Hwan Suk, Sun Ok Suk & Fairfax County Park Authority) to Rezone from R-1, R-5, HC and WS to C-3, R-5, HC and WS to Permit Commercial Development and Public Park with an Overall Floor Area Ratio of 0.30, Located on Approximately 3.03 Acres, Sully District

and

Public Hearing on PCA 74-2-150 (Fairfax County Park Authority) to Amend the Proffers for RZ 74-2-150 Previously Approved for a Park to Permit a Land Swap with Adjacent Property and Deletion of Proffers to Permit Development of a Public Park and Office Uses and Associated Modifications to Site Design with an Overall Floor Area Ratio of 0.30, Located on Approximately 1.07 Acres Zoned R-5, HC and WS, Sully District

The application property is located on the east side of Old Centreville Road approximately 20 feet south of its intersection with Braddock Road. Tax Map 54-4 ((1)) 81 and 82; 54-4 ((8)) (6) K pt.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 30, 2008, the Planning Commission unanimously voted to recommend the following actions to the Board of Supervisors:

- Approval of PCA 74-2-150;
- Approval of RZ 2007-SU-014, subject to the execution of proffers consistent with those dated April 24, 2008;
- Modification of the transitional screening width along the northern and eastern property boundaries, from 35 to 25 feet, in favor of the existing vegetation with supplemental plantings, as shown on the Generalized Development Plan;
- Waiver of the transitional screening requirements adjacent to the proposed Stormwater Management/BMP facility to the south, in favor of the supplemental plantings as shown on the Generalized Development Plan; and
- Waiver of all barrier requirements.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

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STAFF:

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

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3:00 p.m.

Board Decision on Spot Blight Abatement Ordinance for 15011 Lee Jackson Memorial Highway (Sully District)

ISSUE:

Decision Only to consider the adoption of a Spot Blight Abatement Ordinance for 15011 Lee Jackson Memorial Highway, Chantilly, VA 20151 (Tax Map No. 033-2-((01))-0007) (Property) and approval of a blight abatement plan for Property.

RECOMMENDATION:

The County Executive recommends that the Board permanently defer the adoption of an Ordinance to declare 15011 Lee Jackson Memorial Highway blighted, constituting a nuisance, because the owners voluntarily removed the fire damaged structure with a valid demolition permit and the blighted conditions no longer exist.

TIMING:

On May 19, 2008, the Board authorized advertisement of this public hearing to be held Monday, June 30, 2008, at 4:00 p.m. On June 30, 2008, the decision was deferred to July 21, 2008.

BACKGROUND:

Va. Code Ann. § 36.49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance, the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute if they meet the definition for "Blighted property" established under Va. Code Ann. 36-3 (Supp. 2008) which defines a blighted property as "any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or

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improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of 'spot blight.'"

The property located at 15011 Lee Jackson Memorial Highway was referred to the Blight Abatement Program (BAP) on April 27, 2007. Located on the subject property are the burned out remains of a two-story house. The residential structure was constructed in 1925 according to Fairfax County Tax Records. On April 24, 2007, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. The structure has been vacant since at least the winter of 2005, when fire destroyed most of the structure.

On March 5, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination.

The property was presented to the Board of Supervisors at a public hearing June 30, 2008, and the decision was deferred. Per the Supervisor's request the decision was deferred because even though the owners have razed the fire damaged structure prior to the public hearing the property still contained a significant amount of debris that had not been removed.

An inspection of the property on July 9, 2008, revealed that all the materials and debris from the demolition efforts had been removed and the site was clean and the lot stabilized. HCD recommends that this item be permanently withdrawn because voluntarily compliance has been obtained.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photograph

STAFF:

Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
John Payne, Deputy Director, Real Estate, HCD
Cynthia Ianni, Director, Design, Development and Construction Division, HCD
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD
Christina M. Sadar, Blight Abatement Program Coordinator, HCD

Board Agenda Item
July 21, 2008

3:30 p.m.

Public Hearing on DPA B-846-03 (Reston Square Hotel LLC) to Permit the Third Amendment of the Development Plan for RZ B-846 Previously Approved for Hotel to Permit a Change in the Approved Development Plan to Allow 200 Rooms Within the Proposed Hotel for a Portion of the Original 15.0 Acre Site with an Overall Floor Area Ratio of 1.07, Located on Approximately 19,159 Square Feet Zoned PRC, Hunter Mill District

The application property is located on the north side of Sunrise Valley Drive between Reston Parkway and Roland Clarke Place and south of Dulles Toll Road. Tax Map 17-4 ((31)) H.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 26, 2008, the Planning Commission voted unanimously (Commissioner Harsel not present for the vote) to recommend that the Board of Supervisors approve DPA B-846-3, subject to the proposed Development Condition set forth in Appendix 1 of the staff report.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, 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
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3:30 p.m.

Public Hearing on SE 2007-MA-021 (Ghana-American Community Association) to Add a Public Benefit Association as Part of an Existing Place of Worship, Located on Approximately 1.49 Acres Zoned I-5, Mason District

The application property is located at 6424 General Green Way, Tax Map 81-1 ((19)) 2.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 12, 2008, the Planning Commission voted 8-0-2 (Commissioners Donahue and Litzenberger abstaining; Commissioners Murphy and Sargeant absent from the meeting) to recommend that the Board of Supervisors approve SE 2007-MA-021, subject to Development Conditions consistent with those dated June 10, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
July 21, 2008

3:30 p.m.

Public Hearing on PCA-C-597-04 (JBG/Tycon 3, L.L.C & JBG/Tycon 2, L.L.C.) to Amend the Proffers for RZ C-597 Previously Approved for Three Office Buildings to Permit a Hotel in Lieu of the Third Un-Built Office Building and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 1.0, Located on Approximately 8.8 Acres Zoned C-3, HC and SC, Providence District

and

Public Hearing on SE 2007-PR-014 (JBG/Tycon 3, L.L.C. c/o Kenneth F. Finkelstein) to Permit a Hotel and an Increase in Building Height from 90 feet up to a Maximum of 91 feet for an Existing Building, Located on Approximately 4.9 Acres Zoned C-3, HC and SC, Providence District

The application property is located in the southeast quadrant of the intersection of Howard Avenue and Boone Boulevard at 8229 Boone Boulevard. Tax Map 39-1 ((6)) B1 and 69A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 12, 2008, the Planning Commission voted unanimously (Commissioners Murphy and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of PCA C-597-04, subject to the execution of proffers consistent with those dated June 10, 2008;
- Approval of SE 2007-PR-014, subject to the Development Conditions contained in Appendix 2 of the staff report; and
- Modification of the front yard requirement along Boone Boulevard, in accordance with Sect. 2-418 of the Zoning Ordinance.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
July 21, 2008

3:30 p.m.

Public Hearing on a Proposal to Abandon Part of the Right-of-Way of Sanger Street
(Mount Vernon District)

ISSUE:

Public hearing on a proposal to abandon part of the right-of-way of Sanger Street.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached order (Attachment III) for abandonment of the subject right-of-way.

TIMING:

On May 5, 2008, the Board authorized a public hearing to consider the proposed abandonment for June 2, 2008 at 4:00 p.m. On June 2, the Board deferred the public hearing to July 21, 2008 at 3:30 p.m.

BACKGROUND:

The applicant, Lorton Valley III LC, is requesting that a portion of the right-of-way of Sanger Street at the southern terminus be abandoned. Sanger Street is in the Virginia Department of Transportation (VDOT) State Secondary System (Route 747).

The request is being made in conjunction with a by-right residential development of seven units. The applicant is requesting the abandonment to place the houses further from Interstate 95. The applicant will construct a new terminus of Sanger Street with a cul-de-sac.

Traffic Circulation and Access

The abandonment will have no long-term impact on vehicle circulation and access. The subject right-of-way is a dead end and the applicant will replace it with a new alignment.

Easements

Dominion Virginia Power has identified facilities within the area to be abandoned. The applicants have provided easement plats, deeds, or agreements in forms acceptable to them. No other easement needs were identified.

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This proposal to abandon this right-of-way was circulated to the following public agencies and utility companies for review: Office of the County Attorney, Department of Public Works and Environmental Services, Fairfax County Department of Transportation, Department of Planning and Zoning, Fairfax County Park Authority, Fairfax County Water Authority, Fairfax County School Board, Fire and Rescue, Virginia Department of Transportation, Dominion Virginia Power, Washington Gas Light Company, and Verizon. None of these indicate any opposition to the proposal.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Statement of Justification
Attachment II: Notice of Intent to Abandon
Attachment III: Order of Abandonment
Attachment IV: Abandonment Plat
Attachment V: Metes and Bounds Description
Attachment VI: Vicinity Map

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Michael A. Davis, FCDOT
Donald Stephens, FCDOT

Board Agenda Item
July 21, 2008

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the Tilbury Road Project (Lee District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project V00004 (RM101), Tilbury Road, Fund 303, County Construction.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On June 30, 2008, the Board authorized advertisement of a public hearing to be held on July 21, 2008, commencing at 4:00 p.m.

BACKGROUND:

This project consists of minor road improvements, installation of bollards/cable barriers at each end of the unpaved portion of Tilbury Road to restrict access, and tree trimming will facilitate emergency access for the properties along Tilbury Road and adjacent communities. Approximately 1,700 linear feet of "Dedication for Public Street Purposes" is required along an existing 20-foot outlet road, i.e., Tilbury Road, from Scotch Drive to Cobbs Road.

This project requires the acquisition of a deed of dedication along an existing 20-foot outlet road. The property is owned by an "unknown owner;" 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 of Supervisors to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2003). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project V00004 (RM101) – Tilbury Road, Fund 303, County

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Construction. No additional funding is being requested from the Board for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B – Resolution with Fact Sheet on each affected parcel with plat showing interests to be acquired (Attachments 1 through 1C).

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)

Howard J. Guba, Deputy Director, DPWES

Board Agenda Item
July 21, 2008

4:00 pm

Public Hearing on Proposed Plan Amendment S07-IV-S1, West of I-95 and Backlick Road, North of Fullerton Road (Lee District)

ISSUE:

This Plan Amendment proposes amending the Comprehensive Plan guidance for Tax Map Parcels 99-1 ((1)) 22, 23A and 99-1 ((5)) 3, and 4 to add an option for office and hotel use at an intensity up to 1.6 FAR. The staff analysis and recommendation are found in the Staff Report, Attachment I.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 25, 2008, the Planning Commission voted 6-3-1 (Commissioners Alcorn, Donahue, and Harsel opposed; Commissioner Hart abstaining; Commissioner Sargeant not present for the vote; Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors adopt the proposed amendment to the Comprehensive Plan as set forth in the staff report dated June 11, 2008, with the third paragraph under "Land Unit A" revised to read as follows:

"As an option, Parcels 99-1 ((1)) 22 and 23A may be appropriate for office use up to 1.4 FAR if consolidated. Alternatively, office and possible hotel use at an intensity of up to 1.6 FAR may be appropriate if parcels 99-1 ((1)) 22 and 23A and 99-1 ((5)) 3, 4 are consolidated. In either scenario, the following conditions should be met:

- Provision of a unified development plan;
- Provision of vehicular access to Fullerton Road;
- Demonstration that sufficient transportation capacity will exist on Backlick Road and Fullerton Road to support the development; and
- Provision of support retail to serve employees and visitors."

NOTE: The complete Planning Commission verbatim and recommendation for this item are found in Attachment III. This recommendation would add an option for office and possibly hotel uses at an intensity up to 1.6 FAR for Parcels 99-1 ((1)) 22, 23A and 99-1

Board Agenda Item
July 21, 2008

((5)) 3, and 4, with conditions relating to transportation, parcel consolidation, and retail support services.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the staff recommendation to revise the Plan guidance to support office use at an intensity up to .50 FAR or office/hotel use at .75 FAR.

TIMING:

Planning Commission public hearing – June 25, 2008
Board of Supervisors' public hearing – July 21, 2008

BACKGROUND:

The Plan amendment was originally authorized on January 22, 2007. Subsequent motions were authorized incorporating additional land and revisions to use and intensity. On March 31, 2008 the Board of Supervisors authorized staff to consider a Plan amendment that would allow office and hotel use at an intensity up to a 1.6 FAR.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for Plan Amendment S07-IV-S1
Attachment II: Motion dated June 25, 2008
Attachment III: Planning Commission Verbatim and Recommendation

STAFF:

James P. Zook, Director, Department of Planning and Zoning (DPZ)
Fred R. Selden, Director, Planning Division (PD), DPZ
Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ
Cheryl van Allen, Planner II, PD, DPZ

Board Agenda Item
July 21, 2008

4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Recodification of Title 63.1, Chapter 10 of the Code of Virginia to Title 63.2, Chapter 17

ISSUE:

The proposed amendment replaces all references in the Zoning Ordinance to Title 63.1, Chapter 10 and Sect. 63.1-196 of the Code of Virginia (Virginia Code) with Title 63.2, Chapter 17.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 26, 2008, the Planning Commission voted unanimously (Commissioner Harsel not present for the vote) to recommend approval of the proposed amendment, as set forth in the staff report dated June 2, 2008, with an effective date of 12:01 a.m. on the day following adoption.

RECOMMENDATION:

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

TIMING:

Board of Supervisors' authorization to advertise – June 2, 2008; Planning Commission public hearing - June 26, 2008; Board of Supervisors' public hearing - July 21, 2008 at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2008 Priority 1 Zoning Ordinance Amendment Work Program and replaces all references to Title 63.1, Chapter 10, and Sect. 63.1-196 of the Virginia Code with Title 63.2, Chapter 17, due to the recodification of Title 63.1 of the Virginia Code. These references identify state regulations regarding licensure and registration procedures for child-related facilities, which are classified in the Zoning Ordinance as including child care centers, nursery schools, private schools of general education, private schools of special education, and home child care facilities. The proposed amendment updates appropriate Virginia Code references set forth in the Zoning Ordinance and does not alter where or how these uses are permitted.

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REGULATORY IMPACT:
None.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Staff Report
Attachment 2 – Planning Commission Recommendation

STAFF:
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Douglas W. Hansen, Senior Assistant to the Zoning Administrator, DPZ

Board Agenda Item
July 21, 2008



4:00 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Public Hearing Notice Requirements for Levy and Fee Amendments

ISSUE:

The proposed amendment is the result of a state code change regarding the public hearing notice requirements for levy and fee related amendments.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, June 26, 2008, the Planning Commission voted unanimously (Commissioner Harsel not present for the vote) to recommend that the Board of Supervisors approve the proposed amendment as set forth in the staff report dated June 2, 2008, with an effective date of 12:01 a.m. on the day following adoption.

RECOMMENDATION:

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

TIMING:

Board of Supervisors' authorization to advertise – June 2, 2008; Planning Commission public hearing – June 26, 2008; Board of Supervisors' public hearing – July 21, 2008 at 4:00 p.m.

BACKGROUND:

The proposed Zoning Ordinance amendment is on the 2008 Priority 1 Zoning Ordinance Amendment Work Program and is the result of a state code revision to Sect. 15.2-107 of the Code of Virginia. The proposed amendment revises Sect. 18-110 of the Zoning Ordinance concerning the public hearing notice requirements for any ordinance amendment which imposes or increases levies and fees, and eliminates the provision that 14 days must elapse since the last public notice before the amendment can be adopted. As a result, the notice time requirements are now the same as non-levy or fee related amendments, requiring 2 notices not more than 21 days or less than 6 days before the public hearing, with at least 6 days between notices. This proposed amendment would make the Zoning Ordinance provision consistent with the Code of Virginia pertaining to the public hearing notice requirements for any ordinance amendment which imposes or increases levies and fees.

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REGULATORY IMPACT:

The proposed amendment revises Sect. 18-110 of the Zoning Ordinance to bring it into conformance with Sect. 15.2-107 of the Code of Virginia.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – Planning Commission Recommendation

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Douglas W. Hansen, Senior Assistant to the Zoning Administrator, DPZ

Board Agenda Item
July 21, 2008

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Langley Residential Permit Parking District, District 20 (Dranesville District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Langley Residential Permit Parking District (RPPD), District 20.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Langley RPPD, District 20.

TIMING:

On June 30, 2008, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on July 21, 2008, at 4:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous on-street parking spaces, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

A petition requesting expansion of the RPPD was received on April 12, 2005. The

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proposed District expansion includes the following street: Tina Lane (Route 6084) from Ridge Drive (Route 6090) to the end.

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on May 8, 2004 thereby satisfying Code fee requirements.

In April and May of 2005, staff conducted peak parking-demand surveys for Tina Lane and it did not qualify. This survey was conducted again on April 30, 2008 and verified that more than 75 percent of the total number of on-street parking spaces of the petitioning block were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning block, thereby satisfying Code parking requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Langley RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$400. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *the Code of the County of Fairfax, Virginia*

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

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

Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT

Maria Turner, FCDOT

Hamid Majdi, FCDOT

Board Agenda Item
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4:30 p.m.

Public Hearing to Expand the Stone Creek Crossing Community Parking District
(Springfield District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix M of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to expand the Stone Creek Crossing Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to expand the Stone Creek Crossing CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on June 30, 2008, for July 21, 2008, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the

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proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Maria Turner, FCDOT

Board Agenda Item
July 21, 2008

4:30 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Robinson Residential Permit Parking District, District 17 (Braddock District)

ISSUE:

Proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson Residential Permit Parking District (RPPD), District 17.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Robinson RPPD, District 17.

TIMING:

On June 30, 2008, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to take place on July 21, 2008, at 4:30 p.m.

BACKGROUND:

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

A petition requesting expansion of the RPPD was received on May 22, 2008. The proposed District expansion includes the following street block faces: Portsmouth Road (Route 4406) from Sideburn Road (Route 653) to Earlham Street (Route 4610).

The signatures on the petitions represent more than 60 percent of the eligible

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addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block face of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on May 22, 2008, thereby satisfying Code fee requirements.

Therefore, it is recommended that the Board adopt the proposed amendment (Attachment I) to expand the Robinson RPPD.

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$400. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Maria Turner, FCDOT
Hamid Majdi, FCDOT

Board Agenda Item
July 21, 2008

4:30 p.m.

Public Hearing on Proposed Amendments to *The Code of the County of Fairfax, Virginia*, Chapter 82, Relating to Fines for Violation of County Handicapped Parking Restrictions and the Untimely Payment of Certain Parking Fines

ISSUE:

Modifications to sections 82-1-32 and 82-5-29.1 of *The Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 82.

TIMING:

On June 30, 2008, the Board authorized advertisement of a public hearing on July 21, 2008, at 4:30 p.m. If adopted, this ordinance would become effective on July 21, 2008.

BACKGROUND:

Currently, using a parking space reserved for persons with disabilities by a non-disabled person is punishable by a fine of \$250 in Fairfax County. The *Code of Virginia*, Section 46.2-1242 allows for a fine of up to \$500. The proposed amendments would increase the fine in Fairfax County to the State maximum of \$500. In addition, the current late fee for payment of certain parking violations is \$20. The proposed amendments would increase the late fee to \$25 if not paid within fifteen days of the offense. Also, the proposed amendments to Chapter 82 include updated references to the *Code of Virginia*.

FISCAL IMPACT:

The increase in fines charged for these parking violations is projected to result in a revenue increase of approximately \$0.1 million in FY 2009. This estimate has been included in the FY 2009 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

Attachment I - Proposed Amendment to Chapter 82 of *The Code of the County of Fairfax, Virginia*.

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STAFF:

Colonel David M. Rohrer, Chief of Police

David J. Ferris, Manager, Policy and Planning, Fairfax County Police Department

Board Agenda Item
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4:30 p.m.

Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of Outstanding State Code Sections

ISSUE:

Public hearing to amend Chapter 82, Motor Vehicles and Traffic. These amendments adopt outstanding motor vehicle and traffic-related state code sections into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Chapter 82.

TIMING:

The Board authorized the advertisement of a public hearing on the proposed amendments on June 30, 2008; scheduled for July 21, 2008, at 4:30 p.m. If approved, the provisions of these amendments will become effective on July 21, 2008.

BACKGROUND:

A review of motor vehicle and traffic-related laws in Title 46.2 of the *Code of Virginia* identified several sections that had not previously been adopted by reference into the *Code of the County of Fairfax* Chapter 82. Staff recommends that these additional sections now be incorporated by reference. Doing so will enable law enforcement officers to cite County Code when writing traffic summonses, thereby ensuring that any fines assessed will be directed to the County rather than the Commonwealth.

A summary of these changes, which become effective July 21, 2008, is provided in Attachment 2.

FISCAL IMPACT:

By incorporating these codes into Chapter 82, officers will have the ability to cite them from County Code when writing traffic summonses. This will provide for increased revenue as related fines will be directed to the County.

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ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic

Attachment 2 - Summary of Outstanding State Code Sections Being Adopted into Chapter 82

STAFF:

Colonel David M. Rohrer, Chief of Police

Robert M. Ross, Assistant County Attorney