

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
AUGUST 6, 2007**

AGENDA

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|-------|-------------|--|
| 8:00 | | Joint Meeting of the Board of Supervisors and the Fairfax County Convention and Visitors Corporation Board of Directors
Conference Room 232 |
| 9:30 | Done | Presentations |
| 10:00 | Done | Appointments to the History Museum Subcommittees |
| 10:00 | Done | Items Presented by the County Executive |

ADMINISTRATIVE ITEMS

- | | | |
|---|-----------------|--|
| 1 | Approved | Streets into the Secondary System (Mason, Providence, and Sully Districts) |
| 2 | Approved | Additional Time to Commence Construction for Special Exception Amendment SEA 78-D-098-3, McLean Bible Church (Dranesville District) |
| 3 | Approved | Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Workforce Housing Program |
| 4 | Approved | Additional Time to Commence Construction for Special Exception SE 00-D-036, Walker Road Associates, LLC (Dranesville District) |
| 5 | Approved | Additional Time to Commence Construction for Special Exception SE 2003-DR-039, The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and His Successors in Office (St. John Catholic Church) (Dranesville District) |
| 6 | Approved | Additional Time to Commence Construction for Special Exception SE 2004-SU-025, Stanford Hotels Corporation (Sully District) |
| 7 | Approved | Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Hunter Mill, Lee, Mason, Providence, Springfield, and Sully Districts) |

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**ADMINISTRATIVE ITEMS
(CONTINUED)**

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| 8 | Approved | Installation of "No Parking for Commercial Vehicles Over 12,000 Pounds" Signs on the West Side of South Kings Highway from Chimney Wood Court to Franklin Street (Lee District) |
| 9 | Approved | Authorization to Advertise a Public Hearing to Establish the Newington Community Parking District (Mount Vernon District) |
| 10 | Approved | Authorization to Advertise a Public Hearing to Establish the Sequoia Farms Community Parking District (Sully District) |
| 11 | Approved | Authorization to Submit an Application for a 15.2-2232 Determination to the Planning Commission as Agent for the Board of Supervisors for the Renovation and Expansion of the Mott Community Center (Springfield District) |
| 12 | Approved | Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Hunter Mill, Dranesville, Providence and Springfield Districts) |
| 13 | Approved w/amendment | Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2008 Revised Budget Plan |

ACTION ITEMS

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| 1 | Approved | FY 2007 Year End Processing |
| 2 | Withdrawn | Authorization for Condemnation of Certain Land Rights Necessary for the Construction of the Wiehle Avenue Trail Project (Hunter Mill District) |
| 3 | Approved | Adoption of the Cameron Run Watershed Management Plan (Braddock, Dranesville, Lee, Mason, Mount Vernon, and Providence Districts) |

**FAIRFAX COUNTY
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ACTION ITEMS (CONTINUED)

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|---|-----------------|--|
| 4 | Approved | Authorization to Designate 1988 Commercial and Redevelopment Area Improvement Bonds for Woodley-Nightingale, as a Portion of the Funding for the Design and Development of the Residences at North Hill Park and Notification of a Contract and Contract Amendment for Architectural and Engineering Services for the Development of the Project (Mount Vernon District) |
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CONSIDERATION ITEM

- | | | |
|---|-----------------|---|
| 1 | Approved | Consideration to Increase Salaries of Fairfax County Water Authority (FCWA) Board Members |
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INFORMATION ITEMS

- | | | |
|---|--------------|---|
| 1 | Noted | Contract Awards and Approval of Street Acceptance Items During Board of Supervisors' Recess |
| 2 | Noted | Contract Awards to PBS&J, Inc. – Development of Watershed Management Plans for Pohick Creek and Lower Occoquan (Springfield, Mount Vernon and Braddock Districts) |
| 3 | Noted | Contract Awards to F.X. Browne, Inc. - Development of Watershed Management Plans: Sugarland Run and Horsepen Creek; Nichol Run and Pond Branch (Dranesville, Hunter Mill and Sully Districts) |
| 4 | Noted | Contract Award - Annual Contract for Asbestos/Hazardous Materials Surveys |
| 5 | Noted | Contract Award – Architectural/Engineering Design Services for the Jennings Courtroom Renovations (Providence District) |
| 6 | Noted | Contract Award – Contract Amendment for Architectural/Engineering (A/E) Services for the Fair Oaks Police Station Renovation and Expansion Project (Sully District) |
| 7 | Noted | Fiscal Year 2008 Stormwater Management Program Work Implementation Plan |

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BOARD OF SUPERVISORS
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10:30	Done	Matters Presented by Board Members
11:20	Done	Closed Session
PUBLIC HEARINGS		
3:30	Approved	Board Decision on the Vacation of a Trail Easement Located on Property Owned by the Upper Occoquan Sewage Authority (Springfield District)
3:30	Approved	Public Hearing on SE 2005-MV-017 (Kevin J. O'Neill) (Mount Vernon District)
3:30	Approved	Public Hearing on SEA 85-D-097-05 (The Potomac School) (Dranesville District)
3:30	Approved	Public Hearing on AR 90-S-004-02 (JLB Associates) (Springfield District)
3:30	Approved	Public Hearing on AR 90-D-003-02 (Joan Lewis Jewett and Freeborn G. Jewett, Jr.) (Dranesville District)
4:00	Public hearing held	Public Hearing on Proposed Transportation Enhancement Program Projects
4:00	Approved	Public Hearing to Expand the Franklin Glen Community Parking District (Sully District)
4:00	Approved	Public Hearing to Expand the Colony Park Community Parking District (Braddock District)
4:00	Approved	Public Hearing Concerning Transportation Plan Update: Phase II, Technical Corrections S01-CW-17CP(B)
4:00	Approved	Public Hearing on a Temporary Uncodified Ordinance that will Provide for up to a One Dollar Taxicab Fuel Surcharge Until January 31, 2008
5:00	Done	Public Comment from Fairfax County Citizens and Businesses on Issues of Concern



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
August 6, 2007

9:30 a.m.

PRESENTATIONS

1. RESOLUTION – To commend Fairfax County firefighters for the Fill the Boot campaign. Requested by Chairman Connolly.
2. CERTIFICATE – To recognize David Smith for his years of service to Fairfax County in the field of education. Requested by Supervisor McConnell.
3. RESOLUTION – To recognize the American Association of University Women for its 125th anniversary. Requested by Supervisor Hudgins.
4. PROCLAMATION – To designate September 8, 2007, as Jefferson Manor Day in Fairfax County. Requested by Supervisor Kauffman.

STAFF:

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

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10:00 a.m.

Appointments to the History Museum Subcommittees

ENCLOSED DOCUMENTS:
Appointments to be Heard August 6, 2007

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

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10:00 a.m.

Items Presented by the County Executive

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Board Agenda Item
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ADMINISTRATIVE – 1

Streets into the Secondary System (Mason, 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>
Miller's Pointe	Mason	Maryalice Place (Route 3387)
Wieland Property	Providence	Shreve Road (Route 703) (Additional Right-of-Way (ROW) only) Wieland Place
Faircrest, Landbay Six, Section One	Sully	Arrowhead Park Drive (Route 10099) (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.

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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 - 2

Additional Time to Commence Construction for Special Exception Amendment SEA 78-D-098-3, McLean Bible Church (Dranesville District)

ISSUE:

Board consideration of additional time to commence construction for SEA 78-D-098-3, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve eighteen months additional time for SEA 78-D-098-3 to February 4, 2009.

TIMING:

Routine.

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice, unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On August 4, 2003, the Board of Supervisors approved Special Exception Amendment SEA 78-D-098-3, subject to development conditions. The special exception amendment application was filed in the name of McLean Bible Church to amend a previously approved special exception for a church with a child care center, with an enrollment of 150 children daily, and a Youth Recreation Center, with a maximum daily attendance of 300 children, and a recycling drop-off center, to permit an increase in land area, addition of a medical care facility which provides respite care and early intervention programs to children and young adults with special needs, parking, and to permit other site modifications for property identified as Tax Map Parcel 28-2 ((1)) 9, pursuant to Sections 3-104 and 3-204 of the Fairfax County Zoning Ordinance (See the Locator Map in Attachment 1). The SEA development conditions were in addition to the development conditions approved with

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SEA 78-D-098-2, which continue to govern the church and all portions of Tax Map Parcels 28-2 ((1)) 10 and 11, which were not included in the SEA 78-D-098-3. On August 4, 2003, the Board of Supervisors also approved concurrent Proffered Condition Amendment PCA 83-D-050 to amend the proffers for RZ 83-D-050 previously approved for a cluster subdivision to permit a medical care facility with an overall Floor Area Ratio (FAR) of 0.20 in the R-2 District, subject to proffers dated July 31, 2003. The development conditions for SEA 78-D-098-3 and proffers for PCA 83-D-050 are included as part of the Clerk to the Board's letters in Attachment 2. The development conditions specified that the use be established or construction be commenced and diligently prosecuted within thirty months of the approval date, unless the Board granted additional time.

On February 27, 2006, the Board of Supervisors approved eighteen months additional time to commence construction with a new expiration date of August 4, 2007. A copy of the Clerk to the Board's letter is contained in Attachment 3. The additional time was requested to allow time to make changes to the interior building layout, which would break the interior into pods, instead of a large institutional facility. The applicant stated that the project was in the design phase and it was anticipated that a site plan would be filed in early 2006. The additional time was requested in order to allow the processing of the site plan.

On January 23, 2007, a determination was made by Barbara Byron, Director, Zoning Evaluation Division, DPZ, that proposed modifications to the floor plan of the medical care facility to break the interior into pods were in substantial conformance with the approved SEA. Minor changes to the building footprint were also proposed with no increase in gross floor area, no reduction in peripheral setbacks, no change in access, and no impacts on landscaping. A copy of the letter is contained in Attachment 4.

On May 8, 2007, the Department of Planning and Zoning received a letter dated May 4, 2007, from Stuart Mendelsohn, Agent for the Applicant, requesting twenty-four months of additional time to commence construction (Attachment 5). Mr. Mendelsohn indicates that the redesign of the project delayed the raising of funds and the submission of a site plan. Site plan (#3455-SP-004-1) was submitted on April 18, 2007, and returned to the engineer for corrections on July 2, 2007. The following items are identified to be corrected or added to the site plan: easements and areas of dedication need to be shown; issues associated with stormwater outfall; stormwater management pond design; off-site sanitary sewer easement issues; erosion and sedimentation control measures for the off-site sanitary sewer installation; redesign of the berm along Route 7 to conform with the SEA Plat; notification of adjacent property owners; and, clarification of building setbacks and dimensions, among other items.

Staff has reviewed Special Exception Amendment SEA 78-D-098-3 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax

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County Zoning Ordinance to allow a medical care facility which provides respite care and early intervention to children and young adults with special needs in the R-2 District. There has been a change in land use circumstances affecting the subject property since the approval of SEA 78-D-098-3. The Dulles Rail Project has completed design plans for Phase I of the planned extension of Metrorail to Dulles which will result in major construction impacts along Route 7. The Department of Transportation (DOT) has requested that the applicant coordinate its construction of the medical care facility with the construction on Route 7 that is associated with the Metrorail to Dulles Project and with the reconstruction of Route 7 south of the Dulles Toll Road so that peak period capacity on Route 7 is maintained. This issue has been discussed with Mr. Mendelsohn who has confirmed that McLean Bible Church will coordinate construction of the medical care facility (Jill's House) with the Dulles Rail Project (Attachment 5).

The Comprehensive Plan recommendation for this site has not changed since the SEA was approved. Finally, the conditions associated with the Board's approval of SEA 78-D-098-3 are still appropriate. Staff believes that eighteen months additional time should be sufficient to allow completion of the site plan process and the commencement of construction.

Staff recommends that eighteen months additional time be approved. It should be noted that this recommendation applies only to the request for additional time to commence construction and should not be construed to be a recommendation of approval for any other changes to the structure or other features of the application site from the approved SEA.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 21, 2003, to Elizabeth D. Baker, agent for the applicant, from Patti Hicks, Deputy Clerk to the Board of Supervisors, which sets forth the conditions for approval of SEA 78-D-098-3. Letter dated August 21, 2003, to Elizabeth D. Baker, agent for the applicant, from Patti Hicks, Deputy Clerk to the Board of Supervisors, which sets forth the proffered conditions for approval of PCA 83-D-050

Attachment 3: Letter dated March 2, 2006, from Nancy Vehrs, Clerk to the Board of Supervisors, stating the Board of Supervisors' approval of eighteen months additional time

Attachment 4: Interpretation letter dated January 23, 2007, from Barbara A. Byron, Director, Zoning Evaluation Division, DPZ

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Attachment 5: Letter dated May 4, 2007, from Stuart Mendelsohn, agent for the applicant, to Eileen McLane, Zoning Administrator, Department of Planning and Zoning, requesting additional time, E-mail dated July 20, 2007, from Stuart Mendelsohn

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Murray, Director, Zoning Evaluation Division (ZED), DPZ

Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 3

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment
Re: Workforce Housing Program

ISSUE:

The proposed Zoning Ordinance amendment to establish a Workforce Housing Program to facilitate the administration of proffered dwelling units designed to be affordable to those households earning tiered ranges of income of not more than 120% of the Metropolitan Statistical Area Median Income.

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 August 6, 2007, to provide sufficient time to advertise the proposed Planning Commission public hearing on September 19, 2007, at 8:15 p.m., and proposed Board of Supervisors' public hearing on October 15, 2007, at 5:00 p.m.

BACKGROUND:

The proposed amendment is the result of the work of the High-Rise Affordability Panel, appointed by the Board of Supervisors (Board) to consider ways in which to achieve affordable housing in high-rise and high density residential developments. The Panel discussed this issue from October 2005 to early 2007 and presented its findings and recommendations to the Board on February 6, 2006 and October 16, 2006 and its revised recommendations on April 12, 2007. The Panel is recommending the development of a Workforce Housing Program to serve income populations of up to 120% of the Area Median Income. Workforce dwelling units would be produced on a proffered basis through rezoning actions and would receive, as an incentive for such proffers, up to a 20% increase in density as recommended under a companion amendment to the Comprehensive Plan.

At its April 30, 2007 meeting, the Board directed staff to prepare the Comprehensive Plan (the Plan) and Zoning Ordinance amendments to implement the recommendations of the High-Rise Affordability Panel. The Plan amendment proposes to add a definition of workforce housing, which is related to income levels, and to add guidance to the Housing section of the Policy Plan to foster production of affordable/workforce housing as part of new development in the County's designated mixed-use centers and transit station areas.

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On July 26, 2007, the Planning Commission held a public hearing on the Plan amendment, at which time it recommended adoption as presented by staff. The Board's public hearing on the Plan amendment is scheduled for September 24, 2007.

The Zoning Ordinance amendment to implement the Plan recommendations is the subject of this administrative item and proposes to create the administrative and implementation regulations for the Workforce Housing Program, which would be applicable to proffered workforce dwelling units. The program will be similar to some of the existing Affordable Dwelling Unit (ADU) Program regulations, but provides for higher income limits and sales prices, an extended term for rental developments, includes regulations for unit size and specifications, allows for a comparably sized market rate unit for each workforce dwelling unit established, provides the Board with the right to acquire units, designates certain authority and responsibilities for the administration of the Program to the Director of the Department of Housing and Community Development, among other distinctions.

A more detailed discussion of the proposed amendment is set forth in the attached Staff Report. It is noted that the High-Rise Panel membership is included as an attachment to the Staff Report.

REGULATORY IMPACT:

The proposed amendment will establish a new Section 2-1100 of the Zoning Ordinance to set forth regulations pertaining to dwelling units proffered to be developed and regulated under the Workforce Housing Program, which is designed to expand housing opportunities to those households with tiered ranges of income of not more than 120% of the area median income.

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
Donna Pesto, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE – 4

Additional Time to Commence Construction for Special Exception SE 00-D-036, Walker Road Associates, LLC (Dranesville District)

ISSUE:

Board consideration of additional time to commence construction for SE 00-D-036, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SE 00-D-036 to July 8, 2008.

TIMING:

Routine

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice, unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On January 8, 2001, the Board of Supervisors approved Special Exception SE 00-D-036, subject to development conditions. The special exception application was filed in the name of Walker Road Associates, LLC, to permit the renovation and expansion of an existing vehicle light service establishment, pursuant to Section 4-804 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 13-1 ((2)) 1A1 (see the Locator Map in Attachment 1). The development conditions and plat for SE 00-D-036 are included as part of the Clerk to the Board's letter in Attachment 2. The development conditions specified that the use be established or construction be commenced and diligently prosecuted within thirty months of the approval date, unless the Board granted additional time. On July 7, 2003, the Board of Supervisors granted twelve months of additional time to commence construction for SE 00-D-036 to

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July 8, 2004. On August 2, 2004, the Board of Supervisors granted eighteen months of additional time to commence construction for SE 00-D-036 to January 8, 2006. On February 27, 2006, the Board of Supervisors granted eighteen months of additional time to commence construction for SE 00-D-036 to July 8, 2007. The Clerk's letters documenting the previous approvals of additional time are included in Attachment 3.

On June 18, 2007, the Department of Planning and Zoning (DPZ) received a letter dated June 18, 2007, from Keith C. Martin, agent for the applicant, requesting twelve months additional time to commence construction for this project (Attachment 4). According to the letter, the applicant is pursuing approval of Site Plan #1227-SP-01-4, which is in its fourth submission. The site plan has entailed several revisions and resubmissions to address review comments, including issues related to stormwater management and the processing of a sight distance waiver with Virginia Department of Transportation (VDOT). The applicant anticipates approval of the site plan and the commencement of construction within the next few months.

Staff has reviewed Special Exception SE 00-D-036 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow a vehicle light service establishment in the C-8 District. Further, staff knows of no change in land use circumstances that affect the compliance of SE 00-D-036 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. The conditions associated with the Board's approval of SE 00-D-036, to permit the renovation and expansion of an existing vehicle light service establishment, are still appropriate. Staff recommends that twelve months of additional time to commence construction be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated January 31, 2001, to Keith C. Martin, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 00-D-036

Attachment 3: Letters from the Clerk to the Board of Supervisors stating the Board's previous approvals of additional time

Attachment 4: Letter dated June 18, 2007, from Keith C. Martin, agent for the applicant, to the Department of Planning and Zoning requesting additional time

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STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 5

Additional Time to Commence Construction for Special Exception SE 2003-DR-039, The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and His Successors in Office (St. John Catholic Church) (Dranesville District)

ISSUE:

Board consideration of additional time to commence construction for SE 2003-DR-039 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SE 2003-DR-039 to February 2, 2009.

TIMING:

Routine

BACKGROUND:

Under Sect. 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On August 2, 2004, the Board of Supervisors approved Special Exception SE 2003-DR-039, subject to development conditions. The special exception was filed in the name of The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington, Virginia and His Successors in Office (St. John Catholic Church), for a place of worship and private school of general education, pursuant to Section 3-204, of the Fairfax County Zoning Ordinance, for the property described as Tax Map 31-3 ((1)) 25B, 25C, 27A and 31B (see the Locator Map in Attachment 1). SE 2003-DR-039 was approved with the condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time.

The development conditions for SE 2003-DR-039 are included as part of the Clerk to the Board's letter contained in Attachment 2.

On January 18, 2007, the Department of Planning and Zoning (DPZ) received a letter

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dated January 17, 2007, from Lynne J. Strobel, agent for the applicant, requesting twenty-four months of additional time to commence construction for SE 2003-DR-039 (see Attachment 3). According to the letter, delays were caused by the fact that the applicant placed all construction projects on hold subject to re-evaluation. The project has been allowed to proceed. Additional time is needed for preparation of a site plan and for fundraising.

Staff has reviewed Special Exception 2003-DR-039 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance for a place of worship and a private school of general education. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2003-DR-039 with the special exception standards applicable to this use, or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2003-DR-039 are still appropriate and remain in full force and effect. Staff believes that approval of the request for additional time is in the public interest and recommends that twenty-four months of additional time be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated August 19, 2004, to Lynne J. Strobel, agent for the applicant, from Patti M. Hicks, Deputy Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2003-DR-039

Attachment 3: Letter dated January 17, 2007, from Lynne J. Strobel, which requests additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

Fred Selden, Director, Planning Division, DPZ

Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 6

Additional Time to Commence Construction for Special Exception SE 2004-SU-025, Stanford Hotels Corporation (Sully District)

ISSUE:

Board consideration of additional time to commence construction for SE 2004-SU-025, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twelve months additional time for SE 2004-SU-025 to July 24, 2008.

TIMING:

Routine

BACKGROUND:

Under Section 9-015 of the Zoning Ordinance, if the use is not established or if construction is not commenced within the time period specified by the Board of Supervisors, an approved special exception shall automatically expire without notice, unless additional time is approved by the Board. A request for additional time must be filed with the Zoning Administrator prior to the expiration date of the special exception. The Board may approve additional time if it determines that the use is in accordance with the applicable provisions of the Zoning Ordinance and that approval of additional time is in the public interest.

On January 24, 2005, the Board of Supervisors approved Special Exception SE 2004-SU-025, subject to development conditions. The special exception application was filed in the name of Stanford Hotels Corporation to permit an increase in building height for the construction of a hotel in the C-8, Highway Corridor (HC) and Airport Noise (AN) Impact Overlay districts, pursuant to Section 9-607 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 34-4 ((12)) 3A2, 3A3, 3A4 and 3A5 (see Locator Map in Attachment 1). SE 2004-SU-025 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time. The development conditions and plat are included as part of the Clerk to the Board's letter in Attachment 2.

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On July 10, 2007, Department of Planning and Zoning (DPZ) received a letter dated July 9, 2007, from Sheri Hoy, agent for the applicant, requesting twelve months additional time to commence construction for the project (see Attachment 3). The letter states that additional time is needed to complete the building permit approval process. Site Plan #5611-SP-026-2 was reviewed and approved January 13, 2006, followed by revisions for compliance with recent amendments to the stormwater management regulations, with approval on March 21, 2007. The site plan is in final review for bonding approval pending the applicant's fulfillment of conditions.

Staff has reviewed Special Exception SE 2004-SU-025 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit an increase in building height for the construction of a hotel in the C-8, HC and AN Districts. Further, staff knows of no change in land use circumstances that affect the compliance of SE 2004-SU-025 with the special exception standards applicable to this use or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2004-SU-025 are still appropriate and remain in full force and effect. Staff believes that approval for the request for twelve months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated February 7, 2005, to Gregory A. Riegler, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2004-SU-025

Attachment 3: Letter dated July 9, 2007, from Sheri Hoy, agent for the applicant, requesting twelve months additional time

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Regina C. Coyle, Director, Zoning Evaluation Division (ZED), DPZ

Kevin Guinaw, Chief, Special Projects Applications/Management Branch, ZED, DPZ

Pamela Nee, Chief, Environment and Development Review Branch, PD, DPZ

Carrie Lee, Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE – 7

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-H07-38 to October 5, 2007; application FS-B07-42 to October 11, 2007; applications FS-M07-26, FS-P07-35, and FS-H07-40 to October 15, 2007; application FS-D07-41 to October 18, 2007; application FS-L07-43 to November 1, 2007; application 2232-Y07-8 to November 3, 2007; and applications 2232-S07-10 and 2232-M07-12 to December 3, 2007.

TIMING:

Board action is required on August 6, 2007, to extend the review periods of the applications noted above before their 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 periods for applications 2232-Y07-8, FS-P07-35, FS-H07-38, FS-H07-40, FS-D07-41, FS-B07-42, and FS-L07-43, which were accepted for review by the Department of Planning and Zoning (DPZ) between May 8, 2007, and June 4, 2007. These applications are for telecommunications facilities. Therefore, in accordance with State Code requirements, the Board may extend the time required for

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

The Board also should extend the review periods for applications 2232-S07-10, 2232-M07-12, and FS-M07-26, which were accepted for review by DPZ between April 11, 2007, and June 29, 2007. These applications are for public facilities or utilities, and thus are not subject to the State Code provision for extending the review periods by no more than sixty additional days.

The need for these extensions may not be necessary, and is not intended to set dates for final action. The review periods for the following applications should be extended:

- | | |
|-------------|---|
| 2232-Y07-8 | Clearwire US LLC
100-foot tall monopole (stealth monopole)
3155 West Ox Road
Sully District |
| 2232-S07-10 | Dominion Virginia Power
New transformer addition to existing electric substation
13100 Moore Road
Springfield District |
| 2232-M07-12 | Columbia Crossroads LP
East County Human Services Center (PPEA proposal)
5837 Columbia Pike
Mason District |
| FS-M07-26 | Fairfax County Dept. of Public Works and Environmental Services
Renovation and expansion of Thomas Jefferson Library
7415 Arlington Boulevard
Mason District |
| FS-P07-35 | Sprint/Nextel Communication
Rooftop antennas
8380 Greensboro Drive
Providence District |
| FS-H07-38 | Clearwire US LLC
Rooftop antennas
11500 Fairway Drive
Hunter Mill District |

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- FS-H07-40 Mobile Satellite Ventures
 Antenna colocation on building parapet
 11800 Sunrise Valley Drive
 Hunter Mill District
- FS-D07-41 Mobile Satellite Ventures
 Antenna colocation on existing tower
 11000 Leesburg Pike
 Dranesville District
- FS-B07-42 Clearwire US LLC
 Antenna colocation inside new steeple
 5116 Twinbrook Road
 Braddock District
- FS-L07-43 T-Mobile Northeast LLC
 Antenna colocation on existing transmission tower
 4500 Roundhill Road
 Lee District

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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ADMINISTRATIVE - 8

Installation of “No Parking for Commercial Vehicles Over 12,000 Pounds” Signs on the West Side of South Kings Highway from Chimney Wood Court to Franklin Street (Lee District)

ISSUE:

Board approval for the County installation of “No Parking for Commercial Vehicles Over 12,000 Pounds” signs on the west side of South Kings Highway from Chimney Wood Court to Franklin Street.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) restricting commercial parking on the above-referenced street. The County Executive further recommends that staff be directed to install these signs at the earliest possible date.

TIMING:

Routine.

BACKGROUND:

A request for “No Parking for Commercial Vehicles Over 12,000 Pounds” signs on the west side of South King Highway from Chimney Wood Court to Franklin Street was made by the Lee District Supervisor in response to requests from residents concerned about safety hazards created by large trucks parking on this street in their neighborhood.

Section 82-5-37 of *The Code of the County of Fairfax, Virginia*, provides that the Board of Supervisors may designate, by resolution, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that any of the following conditions exist:

1. That parking along any secondary road is damaging property/and or landscaping within the right-of-way limits; or
2. That parking along local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or

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3. That parking along any secondary road creates a safety hazard for pedestrians, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or
4. That statutory parking violations pursuant to Fairfax County Code section 82-5-1 occur with frequency in a particular location and compliance with section 82-5-1 will be facilitated by the installation of "No Parking" signs; or
5. That, in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for non-residential use on which parking is restricted on the residential side of the street pursuant to Fairfax County Code section 82-5-7, the prohibition of parking of commercial vehicles, as defined by section 82-5-7, on the side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety and general welfare of the abutting residential community.

In accordance with subsection (3) referenced above, staff believes that parking commercial vehicles over 12,000 pounds along the west side of South Kings Highway from Chimney Wood Court to Franklin Street, is creating a safety hazard for motorists, and should be prohibited 24 hours a day.

FISCAL IMPACT:

The cost of installing the signs is estimated at \$300 to be paid out of Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Restricted Parking Resolution

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
Tad Borkowski, FCDOT
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Establish the Newington Community Parking District (Mount Vernon District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 10, 2007, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Newington CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on August 6, 2007, to provide sufficient time for advertisement of the public hearing on September 10, 2007, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the 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 establish a CPD if: (1) the Board receives a petition requesting

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such an establishment 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 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 CPD have been satisfied.

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1000 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Newington CPD Establishment
Attachment III: Notice of Public Hearing

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
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 10

Authorization to Advertise a Public Hearing to Establish the Sequoia Farms Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for September 10, 2007, at 4:30 p.m. (Attachment III) to consider adoption of a Fairfax County Code amendment (Attachment I) to establish the Sequoia Farms CPD in accordance with current CPD restrictions.

TIMING:

The Board of Supervisors should take action on August 6, 2007, to provide sufficient time for advertisement of the public hearing on September 10, 2007, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the 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 establish a CPD if: (1) the Board receives a petition requesting

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such an establishment 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 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 CPD have been satisfied.

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$1500 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Sequoia Farms CPD Establishment
Attachment III: Notice of Public Hearing

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
Tad Borkowski, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 11

Authorization to Submit an Application for a 15.2-2232 Determination to the Planning Commission as Agent for the Board of Supervisors for the Renovation and Expansion of the Mott Community Center (Springfield District)

ISSUE:

Authorization is requested to allow the Fairfax County Redevelopment and Housing Authority (FCRHA) to submit an application for a determination pursuant to Section 15.2-2232 of the Code of Virginia as the agent for the Board of Supervisors for the renovation and expansion of the Mott Community Center. The existing center, which is owned by the Board of Supervisors, is located at 12111 Braddock Road in Fairfax, Virginia. Built in 1996, the Community Center needs to be renovated and expanded to better serve its increased and diverse population.

RECOMMENDATION:

The County Executive recommends authorization to allow the FCRHA to submit an application for a determination pursuant to Section 15.2-2232 of the Code of Virginia as the agent for the Board of Supervisors for the renovation and expansion of the Mott Community Center.

TIMING:

Board action is requested on August 6, 2007, to enable the project to proceed in a timely manner.

BACKGROUND:

The Mott Community Center, which is located at 12111 Braddock Road in Fairfax, Virginia, has been in operation since 1974. The property is owned by the Fairfax County Board of Supervisors. The original Center was located within a 1,500 square foot prefabricated building which was replaced in 1996 by a new 7,600 square foot masonry structure that was built by the FCRHA. The Fairfax County Department of Community and Recreation Services (DCRS) has managed the Center since the facility opened its doors. The existing Center serves the community with a focus on sports/fitness, arts and crafts, after school activities, educational enrichment, life long leisure development, computer tutoring, educational and recreational field trips and elderly programs.

In addition to the Mott Community Center improvements, the adjacent property is being developed by the Fairfax County Park Authority. Patriot Park is a planned 97-acre park and Phase I is currently under construction. Upon completion, Phase I will include one full

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size adult lighted artificial turf field that will also be used as 3 micros soccer fields for children. Future development of the park will include three lighted and irrigated ninety-foot baseball diamonds, three lighted and irrigated full size rectangular fields, sidewalks, trails, parking, landscaping and restrooms.

The Mott Community Center needs to be renovated and expanded to better serve the increased and diverse population. Based on a program developed by DCRS, the proposed project will refurbish the existing 7,600 gross square foot Community Center and construct approximately 6,000 square feet of additional programmable floor space. The addition will provide for the expansion of the existing social and recreational programs operated by DCRS; the space will include a new computer clubhouse, expansion of the existing gymnasium and additional storage space. In addition, the renovation of the existing building will include the expansion of the administrative space, new wall and floor finishes, and replacement of the existing heating and air conditioning systems, the roof and ceilings. Site improvements will be provided, including additional parking and exterior lighting.

An architect and engineer have been hired to complete the plans and specifications for this improvement project. The architectural drawings are 50 percent complete and the site plan has been submitted to the County for review. It is anticipated that the architectural and engineering plans and specifications for the construction of the expansion will receive county approvals in December of 2007 and construction is expected to begin in the spring of 2008.

In accordance with Fairfax County Comprehensive Plan, any major expansions of existing facilities must be considered by the County Planning Commission through provisions outlined in Section 15.2-2232 of the Virginia Code of Virginia. The 2232 determination provides review by the Planning Commission of public use proposals to determine if their general location, character, and extent are substantially in accord with the County's adopted Comprehensive Plan. The present use of the site, a public recreational facility, is in conformance with the Fairfax County Comprehensive Plan. However, because of the size of the renovation project, a 2232 application for the Mott Center is required to ensure that the use conforms to the Comprehensive Plan. The FCRHA, at its meeting on July 26, 2007, authorized submission of the application for such a determination upon approval by the Board of Supervisors. The FCRHA will act as the development-agent on behalf of the Board of Supervisors.

FISCAL IMPACT:

The Board of Supervisors appropriated \$2 million from the General Fund in the Adopted Budget Plan in FY 2006 for the Mott Community Center project. Upon completion of the construction documents, the preliminary estimates will be updated to determine the total development cost for the project, and a preliminary financing plan will be developed which will identify the entire funding source.

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ENCLOSED DOCUMENTS:
Attachment 1: Location Map

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Mary Stevens, Deputy Director, HCD
John Payne, Acting Deputy Director, Real Estate and Development, HCD
Cynthia Ianni, Director, Design, Development and Construction Division, HCD
Roberta Butler, Development Officer, Design, Development and Construction Division, HCD

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ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing to Consider an Ordinance Amending County Code Relating to Election Precincts (Hunter Mill, Dranesville, Providence and Springfield Districts)

ISSUE:

Authorization to advertise a public hearing to consider an ordinance that proposes to amend Chapter 7 of the Fairfax County Code to become effective on January 16, 2008, to (1) divide the Reston #1 precinct to create a new precinct; (2) divide the Cooper precinct to create a new precinct; (3) adjust the boundaries of the Blake, Nottoway and Oak Marr precincts; and (4) divide the Monument and Leehigh precincts to form a new precinct and rename Leehigh precinct.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing on Monday, September 10, 2007, at 4:00 p.m. to consider this ordinance.

TIMING:

Board action is requested on August 6, 2007, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on September 10, 2007, at 4:00 p.m. and to complete the federal preclearance process thereafter in advance of the February 12, 2008, presidential primary election. Note that January 16, 2008, will be the effective date for these proposed changes. No precincts or polling places are scheduled to be altered before the November 6, 2007, general election.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to increase or decrease the number of precincts and alter precinct boundaries and polling place locations subject to the requirements of Virginia Code Sections 24.2-307, 24.2-310 and 24.2-310.1. All registered voters who are affected by a change in their precinct or polling place will be mailed a new Virginia Voter Information Card following federal preclearance for the proposed changes.

(1) In Hunter Mill District, the Electoral Board recommends dividing the Reston #1 precinct which has grown to over 5,300 registered voters. This proposal would divide the precinct to create a new precinct named "Cameron Glen." The proposed polling place for Cameron

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Glen precinct is the North County Human Services Building located at 1850 Cameron Glen Drive, Reston. Reston #1 precinct voters will continue to vote at the Lake Anne Elementary School located at 11510 North Shore Drive, Reston.

(2) In Dranesville District, the Electoral Board recommends dividing Cooper precinct which has grown to over 4,600 registered voters. This proposal would divide the precinct to create a new precinct named "Spring Hill." The proposed polling place for Cooper precinct is the Cooper Middle School located at 977 Balls Hill Road, McLean. The "Spring Hill" precinct voters will continue to vote at the Spring Hill Elementary School located at 8201 Lewinsville Road, McLean.

(3) In Providence District, the Electoral Board recommends adjusting the boundaries of the Blake, Nottoway and Oak Marr precincts to reduce the size of the Nottoway precinct which has grown to over 4,700 registered voters. The proposed boundary adjustments will reduce Nottoway precinct by 1,019 voters, increase Blake precinct by 392 voters and increase Oak Marr precinct by 627 voters. The existing polling places will remain the same. All voters that are affected by the proposed changes will be reassigned to polling places that are closer to their homes than their current polling place.

(4) In Springfield District, the Electoral Board recommends dividing the Monument and Leehigh precincts which have 4,814 and 2,694 registered voters, respectively, to form a new precinct to allow for additional growth in this area. This proposal will create a new precinct named "Eagle View" and establish its polling place at the new Eagle View Elementary School located at 4500 Dixie Hill Road, Fairfax. Monument precinct will continue to vote at the Fairfax County Government Center located at 12000 Government Center Parkway, Fairfax. The Electoral Board further recommends that the name of Leehigh precinct be changed to "Fair Oaks" to be consistent with its polling place at the Fair Oaks Church Rec Center (formerly called the Fair Oaks Academy Gym) located at 4531 West Ox Road, Fairfax.

The Electoral Board recommends a delayed effective date for these changes to avoid changing any of these election precincts during the current 2007 election cycle, but the Electoral Board recommends having these changes in place prior to the busy 2008 election cycle. More specifically, the Electoral Board has requested adoption of these proposed changes on September 10, 2007, with an implementation date of January 16, 2008, in order to prepare for the three major elections that will be held in 2008: (1) the February 12 Presidential Primary, (2) the June 10 Congressional Primary, and (3) the November 4 Presidential Election. In the unlikely event that a special General Assembly election is ordered in December or early January, the January 16 implementation date will permit a special election to be held in the same polling places as the November 6, 2007, election.

Additionally, in preparation for the 2008 elections, the General Registrar is planning a countywide mailing of new Voter Information Cards with informational inserts regarding absentee voting and the need for election officers. This will be the first countywide mailing to

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voters in over 20 years. It also should be noted that many of the older voter cards were printed with social security numbers. All Fairfax County registered voters will receive a new Voter Information Card in January 2008 with an assigned registration number instead of their social security number along with their precinct, polling place and election district information.

FISCAL IMPACT:

Insignificant. Funding for precinct and polling place changes and a countywide voter card mailing is included in the FY 2008 Adopted Budget.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2 - Summary of Proposed Precinct and Polling Place Changes
Attachment 3 – Maps and Descriptions of Proposed Precinct and Polling Place Changes
Attachment 4 - Proposed Ordinance
Attachment 5 - Draft Advertisement

STAFF:

Jackie C. Harris, General Registrar
Michael Long, Senior Assistant County Attorney
Erin C. Ward, Assistant County Attorney

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ADMINISTRATIVE – 13

Authorization to Advertise a Public Hearing to Amend the Current Appropriation Level in the FY 2008 Revised Budget Plan

ISSUE:

Board approval of an advertisement to increase the FY 2008 appropriation level. The advertisement encompasses both the County and the Schools' *FY 2007 Carryover Reviews*. Section 15.2 – 2057 of the Code of Virginia requires that a public hearing be held prior to Board Action.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to publish the advertisement for a public hearing to be held on September 10, 2007, at 10:00 a.m.

TIMING:

Board action is requested on August 6, 2007.

BACKGROUND:

As the *FY 2007 Carryover Review* includes potential increases in appropriation greater than \$500,000, a public hearing is required prior to Board action. In addition, the Code of Virginia requires that a synopsis of proposed changes be included in the advertisement for a public hearing.

Details of the proposed changes shown in the advertisement are provided to the Board in the enclosed *FY 2007 Carryover Review* documents. As stated in the advertisement, copies of these documents will be made available for public review at governmental centers, libraries and the Government Center.

The School Board funding adjustments included in the advertisement is based upon the School Board's actions on July 26, 2007.

ENCLOSED DOCUMENTS:

Attachment A: Proposed advertisement for public hearing

Attachment B: August 6, 2007 Memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, with attachments, transmitting the County's *FY 2007 Carryover Review* with appropriate resolutions

Attachment C: Fairfax County School Board's FY 2007 Final Budget Review and Appropriation Resolutions

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STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

Susan Datta, Director, Department of Management and Budget

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ACTION - 1

FY 2007 Year-End Processing

ISSUE:

Board approval to allow staff to process payment vouchers for items previously approved and appropriated in FY 2007. In addition, this item is to inform the Board that one General Fund agency and one County other fund require additional appropriations for FY 2007. It should be noted that no School Board funds require additional appropriations for FY 2007. As a result of required personnel services and contractual requirements in the Office of the Sheriff and actual payments to the Transportation Board for the Rt. 28 Taxing District one agency and one other fund require additional appropriations for FY 2007.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the following actions:

- Authorize staff to process payment vouchers for items previously approved and appropriated in FY 2007 for the interim period from July 1 until the Board approves the *FY 2007 Carryover Review*, which is scheduled for action on September 10, 2007.
- Supplemental Appropriation Resolution AS 07143 for the one General Fund agency and one other fund requiring additional appropriations for FY 2007.

Since these adjustments do not increase the actual total expenditure level for all funds, a public hearing is not required.

TIMING:

Board approval is required on August 6, 2007, since the *FY 2007 Carryover Review* is not scheduled for Board action until September 10, 2007.

BACKGROUND:

The *FY 2007 Carryover Review* is scheduled for final action on September 10, 2007, following a public hearing. In the interim, Board approval is requested to allow staff to process payment vouchers for items previously approved and appropriated in FY 2007

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such as capital construction projects, grant-funded programs, and capital equipment purchases for the period of July 1 to September 10, 2007 or until final action is taken on the *FY 2007 Carryover Review*. Similar action has been taken in prior years as part of the year-end closeout.

In addition, based on unanticipated overtime and contractual requirements in the Office of the Sheriff and actual payments to the Commonwealth Transportation Board the following agency and fund require additional appropriations for FY 2007.

- Agency 91, Office of the Sheriff (\$720,459)

The agency shortfall of \$720,459 is attributable to unanticipated overtime usage by more experienced and costly Deputy Sheriff's to offset a higher than anticipated vacancy rate, as well as contractual increases in programs such as food services and pharmaceuticals which are partially driven by the number of inmates and cost requirements. It should be noted that, an administrative adjustment is included in the *FY 2007 Carryover Review* package to address the majority of this deficiency in FY 2008 through the addition of funding for contractual increases.

- Fund 700, Rt. 28 Taxing District (\$185,098)

The fund shortfall of \$185,098 reflects actual payments to the Commonwealth Transportation Board based on revenues received in FY 2007. Fairfax County and Loudoun County entered into a contract with the Route 28 District on September 1, 1988 and agreed to levy an additional tax assessment of .20 cents per \$100 of assessed value, collect the tax, and pay all tax revenues to the Commonwealth Transportation Board. Actual revenues were slightly higher than anticipated. These additional revenues were forwarded to the Commonwealth in accordance with the contract.

It should also be noted that based on the required accounting treatment to state the gross revenues and expenditures associated with securities lending transactions combined with the required adjustment to record 12 months of banking and investment services charges in FY 2007, it is anticipated that as part of the FY 2007 audit, adjustments will be made to Fund 601, Fairfax County Employees' Retirement System and Fund 602, Police Officers' Retirement System that will require an additional appropriation for FY 2007. The magnitude or need for the adjustment will not be known until final audited information is received. As in previous years, if a supplemental appropriation resolution is required as a result of the external audit, this information will be included in the Third Quarter Review package for review and approval by the Board.

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FISCAL IMPACT:

Approval of Supplemental Appropriation Resolution AS 07143 will result in no net increase in FY 2007 total expenditures for all funds. In addition, this item relates to funding for previously appropriated items approved in FY 2007 and carried forward to FY 2008 for payment.

ENCLOSED DOCUMENTS:

Attachment 1: Supplemental Appropriation Resolution AS 07143

STAFF:

Edward L. Long, Jr., Deputy County Executive
Susan Datta, Director, Department of Management and Budget

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ACTION - 2

Authorization for Condemnation of Certain Land Rights Necessary for the Construction of the Wiehle Avenue Trail Project (Hunter Mill District)

ISSUE:

Board authorization to institute the necessary legal proceedings to acquire certain land rights necessary for the construction of Project W00300 (W3040), Wiehle Avenue Trail, Fund 307, Pedestrian Walkway Improvements.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution authorizing condemnation of these land rights.

TIMING:

Routine.

BACKGROUND:

Wiehle Avenue Trail Project consists of approximately 1,200 linear feet of 5-foot-wide concrete sidewalk, including 170 linear feet of concrete retaining wall along the west side of Wiehle Avenue (Route 828) between North Shore Drive (Route 4726) and Baron Cameron Avenue (Route 606). This project is important because it will complete a critical segment of the countywide trail system in the Reston area.

The construction of this project requires the acquisition of Sidewalk, Retaining Wall, and Grading Agreement and Temporary Construction Easements on one property in the Hunter Mill District. Although the Land Acquisition Division has been negotiating to acquire these land rights since August 26, 2002, as of this date, this office has been unable to reach resolution due to property owner concerns about this project.

Therefore, condemnation is necessary.

Board authorization for condemnation of the outstanding land rights will allow the project to move forward.

FISCAL IMPACT:

Funding for this project is available in Project W00300 (W3040), Wiehle Avenue Trail,

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Fund 307, Pedestrian Walkway Improvements, and Project 009470 (WT001), Wiehle Avenue Trail, Fund 303, County Construction. No additional funding is being requested from the Board of Supervisors for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B – Resolution with Plat (Attachment 1)

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

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ACTION – 3

Adoption of the Cameron Run Watershed Management Plan (Braddock, Dranesville, Lee, Mason, Mount Vernon, and Providence Districts)

ISSUE:

The adoption of the Cameron Run Watershed Management Plan.

RECOMMENDATION:

The County Executive recommends that the Board adopt the Cameron Run Watershed Management Plan.

TIMING:

Routine. Board Action is requested on August 6, 2007.

BACKGROUND:

The Board of Supervisor's Environmental Agenda, Environmental Excellence for Fairfax County - A 20-Year Vision, adopted in 2004 establishes a commitment to protecting and enhancing our watersheds and natural streams. Beginning in Fiscal Year 2006, the Board dedicated one penny of the real estate tax rate to implement stormwater projects and programs in accordance with the Water Quality goals stated in the Environmental Agenda. In the last two years, the dedicated penny has equated to over \$40,000,000 being dedicated to improving the County's stormwater program, with a goal focused on protecting and restoring our natural environment.

The environmental plan specifically identifies the preparation and implementation of the new watershed management plans and stream protection strategies as they are created. The Cameron Run Watershed Management Plan is the fifth plan to be completed, and helps fulfill the vision identified by the Board. With the completion of this plan, planning has been completed for nearly 50% of the land area of the County, and work is underway on the remaining 50%.

Since the late 1970s, the County has utilized watershed management plans to manage the planning, design, and implementation of stormwater control projects. The initial planning effort, performed by Parsons Brinckerhoff Quade and Douglas, projected stormwater program needs until year 2000. A subsequent update to the watershed program was the Regional Stormwater Management Plan approved by the Board in 1989.

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Only 20 percent of the County's streams are in good to excellent biological health based on stream monitoring conducted between 1999 and 2005. One of the primary objectives of the watershed planning initiative is to improve these conditions as well as address the County's commitment to the Chesapeake Bay Program. Starting with the Little Hunting Creek Watershed Management Plan, the County embarked on a watershed planning initiative to assess program needs for the next 25 years. The Cameron Run Watershed Plan is part of a series of planning projects initiated by the County beginning in 2002. The Board continued to dedicate one cent of real estate tax revenue in the FY 2008 adopted budget toward the Stormwater Program initiatives which is being used to implement the recommended projects from this and other completed watershed plans.

The Cameron Run Watershed Management Plan was prepared by Versar, Inc., in association with Horne Engineering Services, LLC. The Watershed Management Plan process began in November 2003, with the first steering committee meeting. This committee, representing diverse interests in the watershed, assisted the project team in developing a plan that incorporated community input throughout the entire process. Two public meetings were conducted to involve the public in the formulation of the issues and problems to be addressed in the plan and two workshops were conducted to present draft versions of the plan to the community.

The Cameron Run watershed contains some of the oldest and most highly developed areas in Fairfax County, with a current overall watershed imperviousness of 26% that is projected to rise to 30% at ultimate build-out conditions. The majority of the watershed is developed with residential areas, commercial enterprises, and extensive roadway systems built before the implementation of stormwater management facilities to control the quantity and quality of runoff. It is estimated that less than 10% of the developed area in the watershed has stormwater controls. Under these conditions (watershed highly developed with limited opportunity for projects, few existing stormwater controls), it was determined that the best approach would be to initially target publicly owned land for distributed, low-impact development (LID) type stormwater management practices. In addition, a number of policy recommendations were made to support the objectives of the watershed plan goals to reduce stormwater impacts, as well as preserve, maintain, and improve stream quality.

The Cameron Run Watershed Management Plan offers a range of project options to reduce nutrient loadings and sediment in the streams, improve stream habitat and reduce the stormwater runoff peak flows in the primary tributaries. Hydrologic, hydraulic, and water quality models were created for the Cameron Run Watershed in order to quantify the benefits of the plan's proposed alternatives.

Plan recommendations are divided into two categories: structural and non-structural projects and policy/land use related recommendations. Structural projects include LID practices, modifications to existing stormwater management facilities to improve water

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quality controls, new stormwater management facilities, and stream restoration. Non-structural recommendations include practices such as developing educational and outreach materials, and supporting volunteer monitoring groups. It is anticipated that the structural and non-structural projects will be implemented through the following means:

1. County-initiated projects via the capital improvement program
2. Developer-initiated projects as waiver conditions or via the zoning approval process through proffers or development conditions
3. Volunteer group implementation and other organizations such as the Northern Virginia Soil and Water Conservation District

A total of 101 structural projects, and 24 non-structural projects and special studies, are proposed in the Cameron Run Watershed Management Plan. The majority of proposed projects are located on public land. Model-based estimates of the benefits of the plan indicate that the proposed actions in the plan will result in approximately 4-5% reduction in overall water quality loadings, and a 5% reduction in peak flows from small (1 year return period) storms and a 3% reduction in peak flows from large (100 year return period) storms. In addition, a number of stream restoration and streambank stabilization projects will improve habitat and water quality within the watershed. It is important to note that relatively small reductions in water quality loadings and peak flows are indicated because the watershed is highly developed, and opportunities for stormwater improvements tend to be limited.

The policy recommendations include proposals that would typically involve amendments to the *Code of the County of Fairfax, Virginia* and other supporting documents such as the *Public Facilities Manual*. These recommendations will need to be further evaluated by the County in light of their countywide implications. The planned approach for processing the policy recommendations is to integrate these recommendations with similar recommendations developed for the Little Hunting Creek, Popes Head Creek, Difficult Run, and Cub Run and Bull Run Watershed Management Plans and the forthcoming Middle Potomac Watershed Management Plan over the next several years. This process has commenced.

The following provisions address the funding and implementation of projects, programs, and policy recommendations in the County's watershed plans. These provisions were developed for the Popes Head Creek Watershed Management Plan in February 2006 and have been applied to the Difficult Run, and Cub Run and Bull Run Watershed Plans:

1. Projects and programs (both structural and non-structural) as well as policy items in this plan will first undergo appropriate review by County staff and the Board prior to implementation. Board adoption of the Cameron Run Watershed Management

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Plan will not set into motion automatic implementation of projects, programs, initiatives or policy recommendations that have not first been subject to sufficient scrutiny to ensure that the projects that are funded give the County the greatest environmental benefit for the cost;

2. The Cameron Run Management Plan provides a conceptual master-list of structural capital projects and a list of potential non-structural projects for the watershed. Staff will, on a fiscal year basis, prepare and submit to the Board a detailed spending plan to include a description of proposed projects and an explanation of their ranking, based on yet to be established, specific criteria. Criteria used to assemble this list will include, but are not limited to, cost-effectiveness as compared to alternative projects, a clear public benefit, a need to protect public or private lands from erosion or flooding, a need to meet a specific watershed or water quality goal and implemented within same fiscal year that funding is provided. Staff also intends to track the progress of implementation and report back to the Board periodically;
3. Each project on the annual list of structural projects will be evaluated using basic value-engineering cost effectiveness principles before implementation and the consideration of alternative structural and non-structural means for accomplishing the purposes of the project will be considered before implementation;
4. Obstruction removal projects on private lands will be evaluated on a case-by-case basis for referral to the Zoning Administrator and/or County Attorney for action as public nuisances; and otherwise to determine appropriate cost-sharing by any parties responsible for the obstructions;
5. Any stream-crossing improvements not related to protecting streambeds or banks or preventing structure flooding will not be implemented using County stormwater improvement funds; and
6. Stream restoration projects on private lands will be evaluated to determine means for cost-sharing by land owners directly responsible for degradation due to their land uses.

These provisions have also been incorporated into the Cameron Run Watershed Management Plan.

FISCAL IMPACT:

There is no direct fiscal impact as a result of approving the Cameron Run Watershed Management Plan. Projects and other recommendations of the plan will be initiated and funded through the annual budget process. The total cost of complete implementation of

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the recommended projects in the plan over 25 years is estimated at \$47.4 million. It is anticipated that projects will be funded with both general and pro rata share funds.

ENCLOSED DOCUMENTS:

Attachment 1: Copy of the Cameron Run Watershed Management Plan Executive Summary (The complete plan is available in the Office of the Clerk to the Board)

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

Randolph W. Bartlett, Director, Stormwater Management, DPWES

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ACTION – 4

Authorization to Designate 1988 Commercial and Redevelopment Area Improvement Bonds for Woodley-Nightingale, as a Portion of the Funding for the Design and Development of the Residences at North Hill Park and Notification of a Contract and Contract Amendment for Architectural and Engineering Services for the Development of the Project (Mount Vernon District)

ISSUE:

Reauthorization is requested of \$1.87 million of the 1988 Commercial and Redevelopment Area Improvement General Obligation Bond for its original purpose for Fund 340, Housing Assistance Program, Project 003836, Woodley-Nightingale to fund the conceptual design and pre-development and development costs of the Residences at North Hill Park. Full development of the area was the original vision for the 1988 Commercial and Redevelopment Area Improvement General Obligation Bonds funding. The property, which is owned by the Fairfax County Redevelopment and Housing Authority (FCRHA), is identified by Fairfax County tax map number 92-4-((1))-82A and located on Richmond Highway. Additionally, this item informs the Board of Supervisors of the contract and contract amendment with Cunningham + Quill Architects, PLLC and Greenhorne and O'Mara, Inc., respectively, for the provision of architectural and engineering services to implement the design and development of the project.

RECOMMENDATION:

The County Executive recommends reauthorization of \$1.87 million of the 1988 Commercial and Redevelopment Area Improvement Bond for its original purpose for Fund 340, Project 003836, Woodley-Nightingale, to fund the design and development of the Residences at North Hill Park (Woodley-Nightingale), as well as informs the Board of Supervisors of the contract and contract amendment with Cunningham + Quill Architect, PLLC (CQA) and Greenhorne and O'Mara, Inc. (G&O) for the provision of architectural and engineering services, respectively, to implement the design and development of the project.

TIMING:

Board action is requested on August 6, 2007, to enable the project to proceed in a timely manner.

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BACKGROUND:

The 1988 Commercial and Redevelopment Area Improvement Bonds referendum authorized \$9.7 million to fund redevelopment projects to eliminate blight and deterioration at Woodley-Nightingale Mobile Home Park. The redevelopment of the park was needed to preserve affordable housing, and provide decent, safe and sanitary dwellings for the residents. The funding of \$9.7 million was to be used for construction and reconstruction of utilities, roadways and sidewalks, including curbs, gutters, culvert drains, streetlights, signage, landscaping, and acquisition of necessary land in public areas. The completed park was to accommodate 227 mobile homes. Of the \$9.7 million originally authorized in the Bond Referendum an amount of \$3.33 million was used to upgrade the Woodley-Nightingale Mobile Home Park. Of the \$6.37 remaining bond authorization, an amount of \$2.0 million was used for the Merrifield Town Center Urban Park project and an amount of \$2.5 million is appropriated to the Commerce Street Redevelopment project. The remaining \$1.87 million is recommended for the North Hill Park project which involves development of 65 mobile home/manufactured houses, and is within the scope of the original bond authorization for Woodley-Nightingale Mobile Home Park. The FCRHA is requesting to appropriate the remaining \$1.87 million balance to fund the design and development of the Residences at North Hill Park.

The FCRHA owns approximately 48 acres of land along Richmond Highway, identified by Fairfax County tax map number 92-4-((1))-82A (Attachment 1). Most of the property was part of the original Woodley Nightingale Mobile Home Park. The site contains 3 zoning districts: approximately 25.2 acres of R-MHP, 5 acres of C-8 and 18 acres of R-2. Approximately 14 acres of the R-MHP, located at the southern portion of the site, were redeveloped as the "Woodley Hills Estates" mobile home park. Woodley Hills, which accommodates 115 manufactured homes, was completed in 1991. The other 22.8 acres, known as "North Hill", have remained vacant.

The Residences at North Hill Park is a proposal to develop the remaining 11 acres of land zoned R-MHP, located directly north of the existing Woodley Hills Estates. The project will be developed in conformance with the approved Generalized Development Plan (GDP) and proffered conditions which were adopted by Board of Supervisors on November 22, 1982 for the 25.24 acres of R-MHP. The new development is expected to accommodate approximately 65 mobile home/manufactured houses residences. Additionally, the Department of Housing and Community Development (HCD) plans to work with the Fairfax County Park Authority which would create a community park on the land directly north of the new neighborhood.

On March 16, 2006, the FCRHA authorized an allocation of up to \$100,000 from Fund 340, Housing Assistance Program. G&O, a civil engineering firm, was hired to assess the technical and economic feasibility of the development of North Hill. As the feasibility is now complete, it is proposed that the scope of the contract with G&O be amended to

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include engineering services for site plan design, to obtain construction permits, as well as oversight of the Construction Phase of the project. At its meeting on July 26, 2007, the FCRHA approved a contract amendment in the amount of \$222,760 plus a standard ten percent (10%) contingency in the amount of \$22,276 to fund change orders for unanticipated design expenses. Total funding in the amount of \$245,036 is necessary to amend the contract and fund the associated contingency. The revised total contract amount for engineering services is \$294,016, which includes the current contract amount of \$48,980 plus \$245,036 of additional services. The Department of Tax Administration has verified that the firm of G&O has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

The firm of CQA will provide master planning services which will include such items as research of manufactured housing regulations and prototypes, site analysis and the design of several alternative conceptual plans. Sustainable (Green) design, as well as universal design features, will be incorporated into the site and the manufactured homes to the extent possible. At its meeting on July 26, 2007, the FCRHA approved execution of a contract in the amount of \$118,000 plus a standard ten percent (10%) contingency in the amount of \$11,800 to fund change orders for unanticipated design expenses. Total funding in the amount of \$129,800 is necessary to fund the contract and the associated contingency. The Department of Tax Administration has verified that the firm of CQA, a small business has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

The community will be kept informed through a series of meetings held by the Supervisor's Office and HCD. The results of the master planning will be presented to the community before development proceeds.

Unless otherwise directed by the Board of Supervisors, the FCRHA will proceed to award the contract and contract amendment in the amounts indicated above to CQA and G&O.

FISCAL IMPACT:

Funding in the amount of \$245,036 is required to fund the amendment and the associated contingency for the engineering services contract with G&O. Funding in the amount of \$129,800 is required to fund the contract and the associated contingency for the architectural services contract with CQA.

Combined, this contract amendment, contract and associated contingencies require a total of \$374,836. Funding in the amount of \$1.87 million will be appropriated as part of the *FY 2007 Carryover Review* for Fund 340, Project 003836, Woodley-Nightingale, to cover the cost of the contract amendment, contract and associated contingencies, as well as other development costs. Upon completion of the development plan, preliminary

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estimates of the total development cost will be prepared for the project, and a preliminary financing plan will be developed which will identify the entire funding source. Use of the funds for the North Hill reflects the original purpose of the bonds. Upon allocation of these funds, all remaining bonds from the 1988 referendum will be allocated to specific projects.

ENCLOSED DOCUMENTS:

Attachment 1: Location Map

STAFF:

Verdia Haywood, Deputy County Executive

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

Mary A. Stevens, Deputy Director, HCD

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

Cynthia Ianni, Director, Design, Development and Construction Division, HCD

Thomas W. Armstrong, Senior Design and Construction Manager, Design,
Development and Construction Division, HCD

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INFORMATION – 1

Contract Awards and Approval of Street Acceptance Items During Board of Supervisors' Recess

Current Board policy requires that the County Executive obtain Board authorization to award construction, professional and consultant contracts in excess of \$100,000 unless a severe emergency occurs (flood, sewer main breaks, etc.). Since December 15, 1980, the Board of Supervisors has authorized the County Executive or the appropriate Deputy County Executive to award miscellaneous construction and professional and consultant contracts during the period between the August meeting and the first meeting in September. In addition, since September 24, 1984, the Board also has authorized the County Executive or the appropriate Deputy to approve requests for roads to be accepted into the State Secondary System, and similar matters without Board action during the period between the August meeting and the first meeting in September.

Unless otherwise directed, the County Executive or the appropriate Deputy County Executive will continue to approve street acceptance items and award contracts during the period between the August meeting and the first meeting in September. Whenever a contract exceeds the estimate by 10 percent, it will be discussed with the Board Member in whose district the project is located and the Chairman of the Board before action is taken. The Board will receive a copy of all contracts awarded.

ENCLOSED DOCUMENTS:

None

STAFF:

Catherine A. Chianese, Assistant to the County Executive

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INFORMATION -2

Contract Awards to PBS&J, Inc. – Development of Watershed Management Plans for Pohick Creek and Lower Occoquan (Springfield, Mount Vernon and Braddock Districts)

The Board of Supervisor's Environmental Agenda, Environmental Excellence for Fairfax County - A 20-Year Vision, adopted in 2004 commits the county to protecting and enhancing our watersheds and natural streams. Beginning in Fiscal Year 2006 the Board dedicated one penny of the real estate tax rate to implement stormwater projects and programs in accordance with the Water Quality goals stated in the Environmental Agenda. In the last two years, the dedicated penny has equated to over \$40,000,000 being dedicated to improving the County's stormwater program, with a goal focused on protecting and restoring our natural environment.

The environmental plan specifically identifies the preparation and implementation of watershed management plans and stream protection strategies. In accordance with this goal, the Department of Public Works and Environmental Services (DPWES) is in the process of developing Watershed Management Plans for all of the County's watersheds. Approximately 50% of the County area has plans mostly completed and adopted by the Board of Supervisors. DPWES has selected three consultant firms to work collectively on developing the second round of watershed plans to complete plans for the entire county by 2010.

Consultant services are required to provide A/E design services for watershed management plans for the Pohick Creek watershed and the Lower Occoquan watershed, Projects PC9000 and LO9000 respectively, in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

In accordance with the purchasing and procurement guidelines and requirements for Fairfax County, it is proposed that the County enter into contractual agreements with the firm of PBS&J, Inc. to provide consulting engineering services for watershed management plans. The firm will be tasked with developing these plans under two separate contracts – one for each watershed.

The Department of Tax Administration has verified that PBS&J, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

In FY 2006, the ongoing watershed planning effort was formally evaluated at the request of the Board. The evaluation provided an in-depth review of existing watershed

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planning processes and included recommendations for improvements for the completion of the remaining watershed plans. As a result of this watershed evaluation, the following program modifications are underway:

1. Decreased the detailed project scoping from 25 years to 10 years
 - Plans will still identify prioritized opportunities over a 25 year horizon. However, detailed scoping will be carried out for the 10-year plan projects only.
 - The initial number of conceptual projects and total watershed plan implementation costs will decrease.
 - Updates based on technology and policy advances will support more detailed evaluation of long range projects in later years.
 - More detail will be obtained on higher priority projects to enhance implementation efforts upon completion of the watershed plan.
2. Technical sections will be separated from the final watershed plan to create a smaller “reader friendly” version for the public.
3. Improved characterization and prioritization of problem areas to better target effective solutions.
4. Revised modeling scope that will result in improved consistency between watersheds, improvements in flood plain management, and benefit from contracting efficiencies.

The revised watershed program supports the Board's desire to pursue an expedited planning schedule, resulting in all 30 watersheds being in an active planning stage and under contract by summer 2007. This expedited schedule also ensures that Fairfax County meets its commitment to the Chesapeake Bay 2000 Agreement by completing the watershed planning process by the year 2010.

In order to implement and support the modified watershed planning program and to get the desired consistency amongst watershed plans, the watershed program support services contract is being utilized to complete several key components of the planning effort. In essence, most of the watershed characterization, modeling, GIS support, and consistency review support will be done by one firm, Tetra Tech. Their efforts support the work of County staff with individual watershed consultants (AMEC, FX Brown, KCI, and PBS&J) who will perform tasks such as watershed field reviews, identification of problem areas and candidate sites, watershed committee coordination/public outreach, project development, and watershed report preparation. It is believed that separating the work in this way will result in meeting the goals of the modified process noted above.

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The Lower Occoquan watershed comprises the smaller watersheds of Old Mill Branch, Wolf Run, Ryan's Dam, Sandy Run, Occoquan, Mill Branch, Kane Creek and High Point collectively (see attached map). The group of watersheds in the two contracts proposed above comprise an additional 18% of County land area to undergo watershed master planning. The services requested for these Watershed Management Plans will include the following:

- a review of previous studies and watershed information,
- the implementation of a public involvement campaign for the watershed,
- the development of hydrological and water quality models,
- creation of floodplain maps to support a limited detailed FEMA study,
- the analysis of structural and non-structural solutions;
- and the development of the final watershed plan document.

The proposed contracts consist of a core set of required tasks, necessary to complete the watershed plans, as well as optional tasks and subtasks. These include updating the Stream Physical Assessments (for up to 25% of stream reaches), additional technical and public advisory group meetings and development of "Immediate Action Plans" to expedite the implementation process. The optional tasks may be executed through the terms of the contract if authorized by the County. The contracts are expected to be completed within two years.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award contracts for the Pohick Creek Watershed Management Plan in the amount of \$1,598,283 and the Lower Occoquan Watershed Management Plan in the amount of \$1,420,079 to the firm of PBS&J, Inc.

FISCAL IMPACT:

Funding in the amount of \$3,018,362 is necessary to award these two contracts. Funding in the amount of \$1,700,000 in project PC9000, Pohick Creek Watershed Study, and \$1,500,000 in project LO9000, Lower Occoquan Watershed Study, is available in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

ENCLOSED DOCUMENTS:

Attachment 1: List of Awardee and other firms interviewed
(Copies of the contracts available in the Office of the Clerk to the Board)

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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

Randolph W. Bartlett, Director, Stormwater Management, DPWES

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INFORMATION – 3

Contract Awards to F.X. Browne, Inc. - Development of Watershed Management Plans: Sugarland Run and Horsepen Creek; Nichol Run and Pond Branch (Dranesville, Hunter Mill and Sully Districts)

The Board of Supervisor's Environmental Agenda, Environmental Excellence for Fairfax County - A 20-Year Vision, adopted in 2004 commits the county to protecting and enhancing our watersheds and natural streams. Beginning in Fiscal Year 2006 the Board dedicated one penny of the real estate tax rate to implement stormwater projects and programs in accordance with the Water Quality goals stated in the Environmental Agenda. In the last two years, the dedicated penny has equated to over \$40,000,000 being dedicated to improving the County's stormwater program, with a goal focused on protecting and restoring our natural environment.

The environmental plan specifically identifies the preparation and implementation of watershed management plans and stream protection strategies. In accordance with this goal, the Department of Public Works and Environmental Services (DPWES) is in the process of developing Watershed Management Plans for all of the County's watersheds. Approximately 50% of the County area has plans mostly completed and adopted by the Board of Supervisors. DPWES has selected three consultant firms to work collectively on developing the second round of watershed plans to complete plans for the entire county by 2010.

Consultant services are required to provide A/E design services for watershed management plans for Sugarland Run/Horsepen Creek and Nichol Run/Pond Branch, Projects HC9000 and PN9000 respectively, in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

In accordance with the purchasing and procurement guidelines and requirements for Fairfax County, it is proposed that the County enter into contractual agreements with the firm of F.X. Browne, Inc. to provide consulting engineering services for watershed management plans. The firm will be tasked with developing these plans under two separate contracts – one for each watershed.

The Department of Tax Administration has verified that F.X. Browne, Inc. (Located in Lansdale, PA) is not required to have a Fairfax County Business, Professional and Occupational License.

In FY 2006, the ongoing watershed planning effort was formally evaluated at the request of the Board. The evaluation provided an in-depth review of existing watershed planning

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processes and included recommendations for improvements for the completion of the remaining watershed plans. As a result of this watershed evaluation, the following program modifications are underway:

1. Decreased the detailed project scoping from 25 years to 10 years
 - Plans will still identify prioritized opportunities over a 25 year horizon. However, detailed scoping will be carried out for the 10-year plan projects only.
 - The initial number of conceptual projects and total watershed plan implementation costs will decrease.
 - Updates based on technology and policy advances will support more detailed evaluation of long range projects in later years.
 - More detail will be obtained on higher priority projects to enhance implementation efforts upon completion of the watershed plan.
2. Technical sections will be separated from the final watershed plan to create a smaller “reader friendly” version for the public.
3. Improved characterization and prioritization of problem areas to better target effective solutions.
4. Revised modeling scope that will result in improved consistency between watersheds, improvements in flood plain management, and benefit from contracting efficiencies.

The revised watershed program supports the Board's desire to pursue an expedited planning schedule, resulting in all 30 watersheds being in an active planning stage and under contract by summer 2007. This expedited schedule also ensures that Fairfax County meets its commitment to the Chesapeake Bay 2000 Agreement by completing the watershed planning process by the year 2010.

In order to implement and support the modified watershed planning program and to get the desired consistency amongst watershed plans, the watershed program support services contract is being utilized to complete several key components of the planning effort. In essence, most of the watershed characterization, modeling, GIS support, and consistency review support will be done by one firm, Tetra Tech. Their efforts support the work of County staff with individual watershed consultants (AMEC, FX Brown, KCI, and PBS&J) who will perform tasks such as watershed field reviews, identification of problem areas and candidate sites, watershed committee coordination/public outreach, project development, and watershed report preparation. It is believed that separating the work in this way will result in meeting the goals of the modified process noted above.

The group of watersheds in the two contracts proposed above comprise an additional 9% of County land area to undergo watershed master planning. The services requested for

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these Watershed Management Plans will include the following:

- a review of previous studies and watershed information,
- the implementation of a public involvement campaign for the watershed,
- the development of hydrological and water quality models,
- creation of floodplain maps to support a limited detailed FEMA study,
- the analysis of structural and non-structural solutions;
- and the development of the final watershed plan document.

The proposed contracts consist of a core set of required tasks, necessary to complete the watershed plans, as well as optional tasks and subtasks. These include updating the Stream Physical Assessments (for up to 25% of stream reaches), additional technical and public advisory group meetings and development of "Immediate Action Plans" to expedite the implementation process. The optional tasks may be executed through the terms of the contract if authorized by the County. The contracts are expected to be completed within two years.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award contracts for the Horsepen Creek and Sugarland Run Watershed Management Plan in the amount of \$1,358,217 and the Nichol Run and Pond Branch Watershed Management Plan in the amount of \$940,854 to the firm of F.X. Browne, Inc.

FISCAL IMPACT:

Funding in the amount of \$2,299,071 is necessary to award these two contracts. Funding in the amount of \$1,500,000 in project HC9000, Horsepen Creek and Sugarland Run Watershed Study, and \$1,000,000 in project PN9000, Nichol Run and Pond Branch Watershed Study, is available in Fund 318, Stormwater Management Program, which is funded by the dedicated one penny of the real estate tax.

ENCLOSED DOCUMENTS:

Attachment 1: A/E selection process summary for watershed plan consultants
(Contract copies available in the Office of the Clerk to the Board)

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
Randolph W. Bartlett, Director, Stormwater Management, DPWES

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Board Agenda Item
August 6, 2007

INFORMATION - 4

Contract Award - Annual Contract for Asbestos/Hazardous Materials Surveys

Consultant services are needed to provide asbestos/hazardous materials surveys for various buildings throughout the County. These services are required to provide comprehensive reports suitable for use in an abatement program. The services under this contract may also include laboratory testing, asbestos monitoring during construction, and other activities related to asbestos/hazardous materials.

It is proposed that the County enter into a contractual agreement with the firm of Versar Inc., to provide professional services for such projects when authorized by the County. This initial contract will be for one year, but the contract may be renewed for two additional one year terms, at the County's option, with a value of \$500,000 limit per year.

Versar Inc., was selected in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that Versar Inc., has the appropriate Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Versar Inc., in the amount of \$500,000.

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment 1 - List of Awardee and Other Firms Interviewed
(Copy of Contract available in the Office of the Clerk to the Board)

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

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Board Agenda Item
August 6, 2007

INFORMATION - 5

Contract Award – Architectural/Engineering Design Services for the Jennings Courtroom Renovations (Providence District)

Consultant services are needed to provide architectural and engineering design services for Project 009223, Jennings Courtroom Renovations, in Fund 312, Public Safety Construction and Fund 104 Information Technology. The services are required to provide full design, and construction administration services for the renovation of four existing courtrooms with an option for eight additional courtrooms, plus design services for the information technology in the 27 new courtrooms, located in the Jennings Judicial Center in the Fairfax County Safety Complex. This project is included in the FY 2008 – FY 2012 Adopted Capital Improvement Program.

It is proposed that the County enter into a contractual agreement with the firm of Gruzen Samton, LLP which was selected in accordance with the Fairfax County Purchasing Resolution. The Department of Tax Administration has verified that Gruzen Samton, LLP does not have, and is not required to have a Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Gruzen Samton, LLP in the amount of \$415,973.

FISCAL IMPACT:

Funding is available in the amount of \$415,973 in Project 009223, Public Safety Construction, Jennings Courtroom Renovations, Fund 312, and in Project IT0078, Courthouse Expansion Technology, Fund 104, Information Technology to award this contract.

ENCLOSED DOCUMENTS:

Attachment 1- List of Awardee and Other Firms Interviewed
(Copy of Contract available in the Office of the Clerk to the Board)

STAFF:

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

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Board Agenda Item
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INFORMATION - 6

Contract Award – Contract Amendment for Architectural/Engineering (A/E) Services for the Fair Oaks Police Station Renovation and Expansion Project (Sully District)

Consultant services are required to provide A/E design and construction administration services for the renovation and expansion of the Fair Oaks Police Station, Project 009225, in Fund 312, Public Safety Construction. The project will consist of approximately 24,451 square feet of renovation and 20,798 square feet of expansion including minor expansion and renovation of the co-located Fair Oaks Fire and Rescue Station. This project will be designed and constructed in accordance with the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) guidelines. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the architectural firm of PSA Dewberry was selected in July 2005 and a contract for Phase I in the amount of \$217,540 was authorized on September 27, 2005, to provide a feasibility study for this project as well as the Reston and McLean Police Stations. The original Request for Qualifications included the provision that the successful consultant firm would be eligible to be selected for the future design of one of the Police Stations. This Contract Amendment is required to provide the full design and construction administration services for the Fair Oaks Police Station Project. This amendment in the amount of \$1,337,730 increases the total contract amount from \$217,540 to \$1,555,270.

The Department of Tax Administration has verified that PSA Dewberry has the appropriate Fairfax County Business, Professional and Occupational License.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this Contract Amendment to PSA Dewberry in the amount of \$1,337,730.

FISCAL IMPACT:

Funding is available in the amount of \$1,337,730 in Project 009225, Fair Oaks Police Station, Fund 312, Public Safety Construction to award this Contract Amendment.

Board Agenda Item
August 6, 2007

ENCLOSED DOCUMENTS:

(Copy of Contract Amendment available in Office of the Clerk to the Board)

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

Board Agenda Item
August 6, 2007



INFORMATION - 7

Fiscal Year 2008 Stormwater Management Program Work Implementation Plan

The Board of Supervisor's Environmental Agenda, Environmental Excellence for Fairfax County - A 20-Year Vision, adopted in 2004 commits the County to protecting and enhancing our watersheds and natural streams. Beginning in Fiscal Year 2006 the Board dedicated one penny of the real estate tax rate to implement stormwater projects and programs in accordance with the Water Quality goals stated in the Environmental Agenda. In the last two years, the dedicated penny has equated to over \$40,000,000 being dedicated to improving the County's stormwater program, with a goal focused on protecting and restoring our natural environment.

On April 30, 2007, the Board adopted the FY 2008 Budget Plan that includes the allocation of \$22.7 million, or the approximate value of one penny from the county's real estate tax, to provide for a balanced stormwater management program. This will be the third consecutive year the penny has been dedicated to implement the program that will include watershed planning, project implementation, dam safety, regulatory compliance, and infrastructure reinvestment components.

In direct support of the Board's environmental agenda and management philosophy, the stormwater management program is designed to:

- plan for and implement projects that protect and restore the county's waters;
- meet regulatory goals and objectives;
- provide for safety of county residents; and
- manage the county's investment in stormwater assets.

County staff has prepared a work plan that identifies specific stormwater projects, along with estimated encumbrances/expenditures during FY 2008, that meet these objectives. The implementation plan includes the \$22.7 million FY 2008 general fund allocation, plus other available stormwater funds for a total program estimate of approximately \$32.9 million.

In FY 2008, staff will focus on the following program initiatives:

Watershed Planning

- improve the quality and timeliness of the remaining watershed plans by completing the upfront modeling/data work before engaging communities
- providing a more focused community process
- implementing a consistent report format

Board Agenda Item
August 6, 2007

- providing more detail on the first 10 years of projects with the ability to begin engineering designs of the initial projects in conjunction with the finalization of the plan

Project Implementation

- continue to address house floodings
- continue to implement projects identified in the adopted watershed plans
- continue to build capacity to address the significant increase in workload

Dam Safety

- obtain long term operation and maintenance certificates for state regulated facilities
- enhance safety through tabletop exercises and data management
- capitalize on Federal funding participation where possible

Regulatory Compliance

- collaborate with other local jurisdictions to share Municipal Separate Storm Sewer System permit concerns including the combining of multiple regulations, shifting of responsibility from the state to local government, budgetary and other reporting requirements that detract from the work, and additional inspection requirements
- support regional stormwater efforts and joint engagement of regulatory agencies

Infrastructure Reinvestment

- continue to pursue a 75-100 year rehabilitation cycle
- complete the Geographic Information System storm network and easement layers
- integrate an asset management and work order system

Stormwater management is a rapidly changing discipline requiring program flexibility to ensure success. The work plan, in conjunction with Fairfax County's budget process, provides the flexibility necessary to address program changes that arise throughout the year. Strategies such as the "pay as you go" concept of constructing projects as soon as the designs are finalized have facilitated a considerable gain in program momentum. The integration of technology not typically seen in the stormwater arena is also playing a major role. In FY2008, the greatest program unknown remains regulatory compliance.

Attachment 1 is the Stormwater Management Program Work Plan and lists each project by magisterial district. In addition, Capital Project Detail Sheets provided on Attachment 2 include a map and brief description of each individual project identified in the plan.

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The plan sets out a very optimistic but reasonable schedule that the county is continuing to embark upon to meet the challenges of improving and sustaining our stormwater management system.

FISCAL IMPACT:

This work plan is consistent with available funding.

ENCLOSED DOCUMENTS:

Attachment 1: Project Listing

Attachment 2: Capital Project Details Sheets

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

Randolph W. Bartlett, Director, Stormwater Management, DPWES

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Board Agenda Item
August 6, 2007

10:30 a.m.

Matters Presented by Board Members

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August 6, 2007

11:20 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. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); Eileen M. McLane, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)*
 - 2. *Great Socialist People's Libyan Arab Jamahiriya v. Arlington County, Virginia, and Fairfax County, Virginia, Case No. 1:07CV497 (E.D. Va.) (Providence District)*
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christine A. Bucierka, Case No. CL-2007-0004195 (Fx. Co. Cir. Ct.) (Sully District)*
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pilar C. Cortes, et al., Case No. CL-2006-0014146 (Fx. Co. Cir. Ct.) (Mason District)*
 - 5. *Michael R. Congleton, Property Maintenance Official for Fairfax County v. Norman Mesewicz, Case No. CL-2007-0008884 (Fx. Co. Cir. Ct.) (Braddock)*

6. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Official for Fairfax County, Virginia v. Marco A. Rocabado Tapia, Also Known as Marco A. Rocabado, Case No. CL-2007-0008624 (Fx. Co. Cir. Ct.) (Lee District)*
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Nabil Zerhouni, Atef Abdellatif, and Abdelbagi Bushara, Case No. CL-2007-0006018 (Fx. Co. Cir. Ct.) (Lee District)*
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilder S. Soto, a/k/a Soto Wilder, Case No. CL-2007-0008830 (Fx. Co. Cir. Ct.) (Mason District)*
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aqela Hashimi and Haroon M. Wardak, Case No. CL-2007-0008418 (Fx. Co. Cir. Ct.) (Sully District)*
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Farmville Group, LLC, Case No. CL-2007-0008623 (Fx. Co. Cir. Ct.) (Dranesville District)*
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Dino Mitchell, Case No. CL-2007-0008571 (Fx. Co. Cir. Ct.) (Providence District)*
12. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edwin D. Arrazola, Case No. CL-2007-0008622 (Fx. Co. Cir. Ct.) (Providence District)*
13. *Board of Supervisors v. Glenbrook 8, LLC, Case No. CL-2006-0001891 (Fx. Co. Cir. Ct.) (Sully District)*

Board Agenda Item
August 6, 2007

3:30 p.m.

Board Decision on the Vacation of a Trail Easement Located on Property Owned by the Upper Occoquan Sewage Authority (Springfield District)

ISSUE:

Decision only for public hearing regarding the vacation of a trail easement located on property owned by the Upper Occoquan Sewage Authority.

RECOMMENDATION:

The County Executive recommends the Board adopt the attached Ordinance for the vacation of the subject trail easement.

TIMING:

The public hearing on the vacation of a trail easement located on property owned by the Upper Occoquan Sewage Authority was held on July 23, 2007. The public hearing was closed and the decision was deferred to August 6, 2007, at 3:30 p.m.

BACKGROUND:

The Board of Supervisors acquired a trail easement on February 10, 2003, from the Upper Occoquan Sewage Authority (UOSA) by consent. The easement is recorded in Deed Book 13999 at Page 1 (one) among the land records of Fairfax County, located on the parcel identified as Tax Map Number 074-2-01-0020.

The County has decided to realign the trail to a better location on the same property. The existing easement is no longer needed because the property owner is granting, in exchange, a new trail easement that will be sufficient for this project.

On July 23, 2007, a public hearing was held regarding the vacation of the subject easement. During the hearing, a property owner adjacent to the UOSA property, Mr. Alexander Heidt of 6810 Compton Heights Circle, Clifton, came forward with an inquiry. Specifically, he was concerned the new trail would be behind the existing pump station and cause safety concerns. Subsequent to the public hearing, staff followed up with Mr. Heidt regarding the specific location of the proposed trail. Mr. Heidt was satisfied to be informed that the trail would go between the pump station and Compton Road, and not behind the pump station.

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Staff recommends that the existing trail easement be vacated in conformance with Section 15.2-1800 of the Code of Virginia.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment A – Ordinance

Attachment B – Tax Map No. 074-2

STAFF:

Edward L. Long, Deputy County Executive

Jose A. Comayagua, Director, Facilities Management Department

James Ratliff, Project Manager, Department of Public Works and Environmental Services

Board Agenda Item
August 6, 2007

3:30 p.m.

Public Hearing on SE 2005-MV-017 (Kevin J. O'Neill) to Permit Uses and Fill in a Floodplain, Located on Approximately 9,900 Square Feet Zoned R-20, Mount Vernon District

The application property is located at 1111 I Street, Tax Map 93-2 ((7)) (4) 3.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SE 2005-MV-017 was held on June 28, 2007. On Wednesday, July 25, 2007, the Commission voted 7-0-2 (Commissioners Harsel and Hopkins abstaining; Commissioners Flanagan, Hall and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2005-MV-017, subject to the Development Conditions dated July 24, 2007; and
- Waiver of the transitional screening and barrier requirements along the northern property line.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Cathy Lewis, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 6, 2007

3:30 p.m.

Public Hearing on SEA 85-D-097-05 (The Potomac School) to Amend SE 85-D-097 Previously Approved for a Private School of General Education and Nursery School to Permit an Increase in Land Area, Building Additions and Portable Temporary Classrooms, a Maximum of 25 Accessory Employee Housing Units, and Associated Modifications to Site Design and Development Conditions, Located on Approximately 89.99 Acres Zoned R-1, Dranesville District

The application property is located at 1301 Potomac School Road, Tax Map 31-1 ((1)) 5, 7, 8, 10A, 10B, 10C and 12A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 25, 2007, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioners Flanagan, Hall and Koch absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 85-D-097-05, subject to the Development Conditions dated July 25, 2007;
- Modification of the transitional screening requirement along all property lines in favor of the existing vegetation and supplemental landscaping depicted on the SEA Plat; and
- Waiver of the barrier requirement along the southern and western property lines.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item
August 6, 2007

3:30 p.m.

Public Hearing on AR 90-S-004-02 (JLB Associates) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 34.1 Acres Zoned R-C and WS, Springfield District

The application property is located on the north and south sides of Popes Head Road approximately 1,000 feet west of its intersection with Pocol Drive, Tax Map 66-4 ((1)) 19Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2007, the Planning Commission voted unanimously (Commissioners Flanagan and Koch absent from the meeting) to recommend that the Board of Supervisors approve AR 90-S-004-02, to renew the JLB Local Agricultural and Forestal District, subject to the Ordinance provisions contained 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)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 6, 2007

3:30 p.m.

Public Hearing on AR 90-D-003-02 (Joan Lewis Jewett and Freeborn G. Jewett, Jr.) Local A&F District Renewal Application Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 25.19 Acres Zoned R-1, Dranesville District

The application property is located at 8700 Lewinsville Rd. Tax Map 29-1 ((1)) 70Z, 71Z and 72Z.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 26, 2007, the Planning Commission voted unanimously (Commissioners Flanagan and Koch absent from the meeting) to recommend that the Board of Supervisors approve AR 90-D-003-02, to renew the Jewett Local Agricultural and Forestal District, subject to the Ordinance provisions dated July 24, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
August 6, 2007

4:00 p.m.

Public Hearing on Proposed Transportation Enhancement Program Projects

ISSUE:

Public hearing to solicit comments and input on proposed FY 2009 Transportation Enhancement Projects.

RECOMMENDATION:

Staff will return to the Board on September 24, 2007, with a list of projects recommended for endorsement. Unless otherwise directed by the Board, the list will include only those projects where the applicant has identified a source of funds for the required 20 percent match.

TIMING:

On June 4, 2007, the Board of Supervisors authorized advertisement of a notice for a public hearing on the FY 2009 Transportation Enhancement Program (Attachment I). The deadline to identify potential projects for review and action by the Board of Supervisors is August 31, 2007. Staff will return to the Board of Supervisors on September 24, 2007, with a recommended list of projects for approval. Projects must be submitted to the Virginia Department of Transportation (VDOT) by November 1, 2007.

BACKGROUND:

The Transportation Equity Act for the 21st Century (TEA-21) continued the program established under the Intermodal Surface Transportation Efficiency Act (ISTEA) that provides ten percent of funds apportioned to a State under the Surface Transportation Program (STP) be made available for transportation enhancement activities. It is estimated that approximately \$17-18 million will be available statewide for enhancement projects this year; however, this amount could change depending on the Federal funding levels. In FY 2008, approximately \$17.0 million was available in this program. This amount represents the federal 80 percent share and does not include the 20 percent local match.

A list of Fairfax County projects approved by the Commonwealth Transportation Board (CTB) for FY 2008 enhancement funds is provided as Attachment II. A spreadsheet of all Enhancement Funds received by Fairfax County is included as Attachment III. Under VDOT guidelines, enhancement projects may be initiated by any group or individual, but needs to be formally endorsed by a local jurisdiction or public agency.

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Transportation enhancement projects are financed with up to 80 percent Surface Transportation Program (STP) funds and require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match. VDOT will generally administer an enhancement project, if it is located within the VDOT right-of-way.

Final selection of projects will be made by the CTB working through the VDOT Programming and Scheduling Division. The deadline to identify potential projects for FY 2009 funds to Fairfax County for inclusion in the September 24, 2007, Board Item is August 31. The deadline for submitting projects to VDOT is November 1, 2007.

On June 4, 2007, staff proposed the following schedule for the FY 2009 enhancement grant program:

June 4, 2007	Board Authorization to Advertise a Public Hearing on Enhancement Requests
August 6, 2007	Board Public Hearing
August 31, 2007	Deadline to Submit Projects for Board Consideration
September 24, 2007	Board Endorsement of Recommended Projects
October 1, 2007	Letters to Applicants Announcing Applications Endorsed by the Board
November 1, 2007	VDOT Submission Deadline

Criteria for Project Eligibility:

Transportation enhancements are activities or improvements that increase the value or growth of a project or make it more aesthetically pleasing. In other words, the project is "enhanced" by doing something that is not a common practice. Eligible transportation enhancement activities are:

1. Provision of facilities for bicycles and/or pedestrians;
2. Provision of safety and educational activities for pedestrians and bicycles;
3. Acquisition of scenic easements and scenic or historic sites;
4. Scenic or historic highway programs;

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August 6, 2007

5. Landscaping and other scenic beautification;
6. Historic preservation;
7. Rehabilitation and operation of historic transportation buildings, structures, or facilities including historic railroad facilities and canals;
8. Preservation of abandoned railway corridors, including the conversion and use thereof for pedestrian and bicycle trails;
9. Control and removal of outdoor advertising;
10. Archaeological planning and research;
11. Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;
12. Establishment of transportation museums.

The Federal Highway Administration (FHWA) has determined that the above list is exclusive. Only those activities listed are eligible for transportation monies.

FISCAL IMPACT:

Transportation enhancement projects will require a minimum 20 percent local match. Any project endorsed by the Board must have an identified source of funding for the 20 percent match.

ENCLOSED DOCUMENTS:

Attachment I: Notice of intent to conduct a public hearing
Attachment II: List of projects approved by VDOT for FY 2008 enhancement funds
Attachment III: Enhancement Project Update Spreadsheet

STAFF:

Katharine D. Ichter, Director, Department of Transportation
Tom Biesiadny, Chief, Coordination and Funding Division, Department of Transportation
Jay Guy, Department of Transportation

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Board Agenda Item
August 6, 2007

4:00 p.m.

Public Hearing to Expand the Franklin Glen Community Parking District (Sully 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 Franklin Glen 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 Franklin Glen CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on July 9, 2007, for August 6, 2007, at 4:00 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 proposed district, and represent more than 50 percent of the eligible addresses on each

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August 6, 2007

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 CPD have been satisfied.

The parking prohibition identified above for the Franklin Glen 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 \$130 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Division Chief, Capital Projects and Operations, FCDOT
Karyn L. Moreland, Chief, Traffic Operations Section, FCDOT
Maria Turner, Transportation Planner II, FCDOT

Board Agenda Item
August 6, 2007

4:00 p.m.

Public Hearing to Expand the Colony Park Community Parking District (Braddock 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 Colony Park 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 Colony Park CPD in accordance with existing CPD restrictions.

TIMING:

The public hearing was authorized on July 9, 2007, for August 6, 2007, at 4:00 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 CPD have been satisfied.

The parking prohibition identified above for the Colony Park 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. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

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

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4:00 p.m.

Public Hearing Concerning Transportation Plan Update: Phase II, Technical Corrections
S01-CW-17CP(B)

ISSUE:

The proposed Plan Amendment S01-CW-17CP(B) contains technical and editorial changes to the text and transportation-related figures in the four Area Plan volumes of the Comprehensive Plan in order to make the four Area Plan volumes consistent with the Fairfax County Transportation Plan Map, as adopted by the Board of Supervisors on July 31, 2006 in S01-CW-17CP, as well as to make the four Area Plan volumes technically correct with respect to: typographical errors, transportation figure annotations and cartographic improvements, text formatting improvements, factual corrections and corrections due to transportation improvements or projects having been implemented or completed (Attachments 1 and 2).

The proposed Plan Amendment S01-CW-17CP(B) also considers adding a circle to the Fairfax County Transportation Plan Map designating a full interchange improvement at Fairfax County Parkway and Sunset Hills Road/Spring Street (Attachment 3).

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 13, 2007, the Planning Commission voted 9-0-1 (with Commissioner Murphy abstaining; Commissioners Harsel and Lusk absent from the meeting) to recommend the following action to the Board of Supervisors:

- APPROVAL OF S01-CW-17CP(B), PHASE II OF THE TRANSPORTATION PLAN UPDATE, AS ADVERTISED, WITH REVISIONS IDENTIFIED IN ATTACHMENTS I AND II OF THE MEMORANDUM TO THE PLANNING COMMISSION DATED JUNE 11, 2007.

A Verbatim Excerpt of the Planning Commission discussion on June 13, 2007, is included as Attachment 4.

RECOMMENDATION:

The County Executive concurs with the Planning Commission recommendation.

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TIMING:

Planning Commission public hearing – May 30, 2007
Planning Commission decision only – June 13, 2007
Board of Supervisors public hearing – August 6, 2007

BACKGROUND:

Phase II is also called “Technical Corrections.” The primary purpose of Phase II is to consider technical and editorial changes to the text (Attachment 1) and transportation-related figures (Attachment 2) in the four Area Plan volumes of the Comprehensive Plan in order to make the four Area Plan volumes consistent with the adopted Fairfax County Transportation Plan Map. Phase II addresses typographical errors and makes transportation figure annotations, cartographic improvements, text formatting improvements, and factual corrections either due to something being factually incorrect or due to a transportation improvement or project having been implemented or completed.

In order to obtain public input for Phase II of the Transportation Plan Update, staff visited citizen land use committees from different magisterial districts in the fall of 2006. Such committees were presented with proposed Area Plan text changes as well as background information about the update of the Fairfax County Transportation Plan. Members of every committee were invited to provide comments on the proposed text changes.

In addition to the technical and editorial changes to the text and transportation-related figures, a circle is proposed to be added to the Fairfax County Transportation Plan Map designating a full interchange improvement at Fairfax County Parkway and Sunset Hills Road/Spring Street (Attachment 3). This proposal is being made due to a request of the Board of Supervisors at the July 31, 2006 meeting, and was authorized to be included in these technical corrections.

The process of making technical corrections included comparing existing text against the Transportation Plan Map changes that were approved by the Board of Supervisors. There are four different kinds of proposed text changes associated with either the Area Plan text or the transportation figures: 1.) Existing text that was corrected due to the changes of the 2006 Transportation Plan Map over the previous map; 2.) Existing text that was corrected for technical reasons, for example, a road that was built or a correction of a typographical error; 3.) New text that was added due to the changes made to the 2006 Transportation Plan Map over the previous map; and 4.) New text that was added for either cartographic improvements or to address an issue raised during the Phase I public hearing process such as the need for further study associated with the planned Wiehle Avenue extension from Dranesville Road to Crestview Drive.

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FISCAL IMPACT:

There is no fiscal impact associated with the proposed changes to the Area Plan text, figures, or Transportation Plan map.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Technical Corrections

Attachment 2: Transportation Figures

Attachment 3: Proposed Improvement - Fairfax County Parkway and Sunset Hills Road/Spring Street

Attachment 4: Planning Commission Summary of Actions

STAFF:

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

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

Leonard Wolfenstein, Chief, Transportation Planning Section, FCDOT

Fred Selden, Chief, Planning Division, Department of Planning and Zoning (DPZ)

Daniel C. Stevens, Transportation Planner, FCDOT

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4:00 p.m.

Public Hearing on a Temporary Uncodified Ordinance that will Provide for up to a One Dollar Taxicab Fuel Surcharge Until January 31, 2008

ISSUE:

Board approval of a temporary uncodified ordinance to provide for a taxicab fuel surcharge of up to one dollar per trip, to be effective for the period August 7, 2007 to January 31, 2008.

RECOMMENDATION:

The County Executive recommends that the Board approve a temporary uncodified ordinance to provide for a taxicab fuel surcharge of one dollar per trip, to be effective for the period August 7, 2007 to January 31, 2008.

TIMING:

An emergency taxicab fuel surcharge of one dollar per trip, effective since June 19, 2007, will expire on August 6, 2007.

BACKGROUND:

On June 18, 2007, the Board adopted staff's recommendation for an emergency uncodified ordinance providing for a one dollar (\$1.00) fuel surcharge, effective June 19, 2007 through August 6, 2007. This action responded to a request by Murphy Brothers, Inc. on May 30, 2007 to implement a gasoline surcharge of \$1.00 per trip on taxicab rates (Attachment 1). The request to institute an emergency gas surcharge cited the dramatic increase in gasoline prices over recent months, the expectation of continued high prices, and the resulting economic hardship to taxicab drivers as increased gasoline prices reduce their compensation.

Under the existing ordinance, a decision concerning a request to permanently increase taxi rates would next be made in the spring of 2009. However, Section 84.1-6-2 (g) of the County Code (Code) permits industry rate requests prior to the next biennial filing period, if dire financial needs exist as a result of circumstances beyond the industry's control. Further, under Section 84.1-6-2(b), the Board may consider changes in rates, fares or charges upon recommendation of the Director of the Department of Cable Communications and Consumer Protection, or the Consumer Protection Commission (Attachment 2).

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The requested rate relief would be implemented by an uncodified ordinance to impose a temporary taxicab fuel surcharge (Attachment 3). By notice published on July 5, 2007 and again on July 12, 2007, the public was notified that a public hearing would be held on a proposed uncodified ordinance providing for a temporary taxicab fuel surcharge (Attachment 4).

Taxicab fare rates were last set in June 2005, based on an average regular-grade gasoline price in March 2005 of \$2.13 a gallon. Retail gasoline prices have experienced wide price swings since that time, resulting in the periodic approval of emergency and temporary fuel surcharges. Since the last fuel surcharge expired, on January 31, 2007, retail gasoline prices in the County have increased dramatically. Prices have risen approximately \$0.82 gallon, or more than 35 percent, since February 2007. According to the American Automobile Association (AAA), in late February 2007 the average price of a gallon of regular-grade gasoline was approximately \$2.25, but averaged approximately \$3.07 per gallon in June 2007 (Attachment 5).

Staff has analyzed the request for a temporary fuel surcharge and, for the reasons set forth in the attached staff report, has concluded that a fuel surcharge of \$1.00 per trip appears justified, due in part to the expectation of continued high gasoline prices (Attachment 6). As staff's report notes, in May 2007 the U.S. Department of Energy's Energy Information Administration (EIA) projected an average 2007 summer gasoline price of \$2.95 per gallon, due to strong global demand and continuing problems for refineries in the United States and abroad. Two months later, in July, the EIA increased its projected summer average price \$0.07 to \$3.02, citing the combination of rising crude oil prices, strong demand for gasoline, and low gasoline inventories.

As Table 3 in staff's report illustrates, a \$1.00 per trip fuel surcharge should offset gasoline costs up to about \$2.94 per gallon. Consequently, a \$1.00 surcharge should provide significant relief to current taxi drivers, who are suffering economic hardship as a result of high gasoline prices, and may help attract new drivers.

The Consumer Protection Commission (CPC) held its Public Hearing on Murphy Brother's request for a fuel surcharge of \$1.00 per trip at its regular meeting on July 17, 2007, pursuant to Section 84.1-6-2(f) of the Code. At the conclusion of the Public Hearing the CPC voted unanimously to recommend approval of the temporary taxicab fuel surcharge of \$1.00 per trip through January 31, 2008.

Among area jurisdictions, the District of Columbia and the City of Alexandria have recently approved a \$1.00 per trip fuel surcharge. Arlington County is also considering such a surcharge, but has not yet enacted one. Montgomery County increased taxicab fares in February 2006, in part to offset the increased costs of gasoline. The initial charge, or drop-fee, in Montgomery County is now \$4.00, which is approximately 45 percent higher than Fairfax County's drop-fee of \$2.75.

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ENCLOSED DOCUMENTS:

- Attachment 1 – Letter from Charles O. King, President, Murphy Brothers Inc.
- Attachment 2 – Section 84.1-6-2 (f) (g) (h)
- Attachment 3 – Uncodified Ordinance to Impose a Temporary Taxicab Fuel Surcharge
- Attachment 4 – Public Hearing Advertisement
- Attachment 5 – Local Gasoline Price Trends – 2001- 2007
- Attachment 6 – Staff Report on a Temporary Taxicab Gas Surcharge

STAFF:

- David J. Molchany, Deputy County Executive
- Michael Liberman, Director, Department of Cable Communications and Consumer Protection
- Steve Sinclair, Chief, Utilities Branch, DCCCP
- Susan Hafeli, Utility Analyst, DCCCP
- Dave Reidenbach, Chief, Regulation and Licensing Branch, DCCCP
- Rene Faulkner-MacDonagh, Assistant County Attorney

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Public Comment from Fairfax County Citizens and Businesses on Issues of Concern

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