

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
SEPTEMBER 22, 2008**

AGENDA

8:30		Environmental Committee Meeting Room 232
9:30	Done	Presentations
10:00	Board accepted report and referred it to the Planning Commission & Staff Done	Transforming Tysons: Vision and Area Wide Recommendations
11:00	Done	Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
11:00	Done	Items Presented by the County Executive
ADMINISTRATIVE ITEMS		
1	Approved	Extension of Review Periods for 2232 Review Applications (Lee, Mason, Mount Vernon, Providence, and Sully Districts)
2	Approved w/amendment	Authorization to Advertise a Public Hearing to Consider Amending the Fairfax County Code Chapter 41.1, Animal Control and Care
3	Approved w/amendment	Additional Time to Commence Construction for Special Exception SE 2004-MV-011, Colchester Land Company LLC (Mount Vernon District)
4	Approved	Authorization for the Department of Transportation to Apply for FY 2010 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds
5	Approved	Additional Time to Commence Construction for Special Exception SE 2002-MV-022, Trustees of Engleside Baptist Church (Mount Vernon District)
6	Approved	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)
7	Approved	Authorization to Advertise a Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5A (Residential Permit Parking Districts)

**FAIRFAX COUNTY
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**ADMINISTRATIVE
ITEMS (continued)**

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| 8 | Approved | Authorization to Advertise a Public Hearing for the Continued Leasing of County-Owned Property to the Chantilly Youth Association (Sully District) |
| 9 | Deferred to no later than Dec. 8, 2008 Board Meeting | Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Maintaining Neighborhood Character |

ACTION ITEMS

- | | | |
|---|-----------------|--|
| 1 | Approved | Authorization to File Comments in Application of Virginia Telecommunications Industry Association for Authority to Eliminate the Current Requirement for a Three-Free Call Allowance for Local Directory Assistance Service, SCC Case No. PUC-2008-00046 |
| 2 | Approved | Endorsement of Guidelines for Temporary Traffic Management During Construction |
| 3 | Approved | Endorsement of FY 2010 Virginia Department of Transportation's Enhancement Program Project Applications |
| 4 | Approved | Adjustment to Fairfax Center Road Fund Contribution Rate and Authorization of Corresponding Rate Adjustments in the Centreville and Tysons Corner Fund Areas (Providence, Springfield, Sully, and Hunter Mill Districts) |
| 5 | Approved | Approval of the Fairfax-Falls Church Community Services Board State Performance Contract for 2009 |

INFORMATION ITEMS

- | | | |
|---|--------------|--|
| 1 | Noted | Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers |
| 2 | Noted | Report on Implementation of the First Large Area Community Parking District |
| 3 | Noted | Local Comment Letter to the Virginia Housing Development Authority on Carlyn Hill Apartments (Mason District) |

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**INFORMATION ITEMS
(continued)**

4	Noted	Contract Award—Columbia Pike Walkway (Mason District)
5	Noted	Planning Commission Action on Application 2232-D08-8, NewPath Networks, LLC and New Cingular Wireless PCS, LLC by AT&T Mobility Corporation Its: Manager (Dranesville District)
11:30	Done	Matters Presented by Board Members
12:20	Done	Closed Session

PUBLIC HEARINGS

3:00	Approved	Public Hearing on a Proposal to Abandon a Segment of Newbrook Drive (Sully District)
3:30	Approved	Public Hearing on SE 2008-SP-015 (Suntrust Bank, Inc.) (Springfield District)
3:30	Public hearing deferred to 10/20/08 at 6:00 p.m.	Public Hearing on PCA-C-696-07 (Dulles Development, LLC) (Hunter Mill District)
3:30	Public hearing deferred to 10/20/08 at 6:00 p.m.	Public Hearing on SE 2008-HM-018 (Dulles Development, LLC) (Hunter Mill District)
3:30	Approved	Public Hearing on SEA 2002-HM-046 (CTD, Arrowbrook Centre, LLC) (Hunter Mill District)
4:00	Approved	Public Hearing on Proposed Amendments to the Map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia, Re: Resource Protection Area Boundaries on Map Pages No. 47-2 (Providence District) and 110-1 (Mount Vernon District)
4:00	Approved	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the South Kings Highway/Harrison Lane Intersection Improvements Project (Lee District)

**FAIRFAX COUNTY
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**PUBLIC HEARINGS
(continued)**

- | | | |
|------|---|--|
| 4:00 | Decision Deferred to 10/20/08 at 3:00 p.m.;
Approved surcharge extension | Public Hearing on Proposed Amendments to the Code, Section 84.1, Public Transportation, Including Those Pertaining to Taxicab Rates, Taxicab Fuel Efficiency, and Other Regulatory Requirements |
| 4:00 | Approved | Public Hearing to Grant a Perpetual Street Easement and a Temporary Construction Easement to the Virginia Department of Transportation for the Willard Road Interchange Project (Sully District) |
| 4:30 | Approved | Public Hearing on Proposed Plan Amendment S07-CW-6CP to Add Guidance Encouraging Universal Design in the Development of Housing and Communities |
| 4:30 | Public hearing deferred to 10/20/08 at 5:30 p.m. | Public Hearing on RZ 2008-PR-011 (The Mitre Corporation) (Providence District) |
| 4:30 | Public hearing deferred to 10/20/08 at 5:30 p.m. | Public Hearing on PCA 92-P-001-05 (The Mitre Corporation) (Providence District) |



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
September 22, 2008

9:30 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate October 5-11, 2008, as Fire Prevention Week in Fairfax County. Requested by Chairman Connolly.
2. PROCLAMATION – To designate October 2008 as Domestic Violence Awareness Month in Fairfax County. Requested by Chairman Connolly.
3. PROCLAMATION – To designate October 5-11, 2008, as Mental Illness Awareness Week in Fairfax County. Requested by Chairman Connolly.
4. PROCLAMATION – To designate October 2008 as Disability Employment Awareness Month in Fairfax County. Requested by Chairman Connolly.
5. RESOLUTION – To congratulate Bishop Floyd B. Brown Jr. for his 50th anniversary with the Church of the Blessed Trinity. Requested by Supervisor Frey.
6. PROCLAMATION – To designate October 2008 as African American Adoption Awareness Month in Fairfax County. Requested by Supervisor Hudgins.

STAFF:

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

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Board Agenda Item
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10:00 a.m.

Transforming Tysons: Vision and Area Wide Recommendations

ENCLOSED DOCUMENTS:
Report Separate from package

PRESENTED BY:
M.L. Clark Tyler, Chairman, Tysons Land Use Task Force

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Board Agenda Item
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11:00 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard September 22, 2008

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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Board Agenda Item
September 22, 2008

11:00 a.m.

Items Presented by the County Executive

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Board Agenda Item
September 22, 2008

ADMINISTRATIVE – 1

Extension of Review Periods for 2232 Review Applications (Lee, Mason, Mount Vernon, Providence, and Sully Districts)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-V08-38 to December 5, 2008; applications FS-M08-52, FS-P08-53, FS-Y08-54, FS-L08-56, and FS-V08-61 to December 14, 2008; and application 2232-L08-9 to December 15, 2008.

TIMING:

Board action is required on September 22, 2008, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:

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

The Board should extend the review periods for applications 2232-L08-9, FS-V08-38, FS-M08-52, FS-P08-53, FS-Y08-54, FS-L08-56, and FS-V08-61 described below, which were accepted for review by the Department of Planning and Zoning between July 8 and July 18, 2008. These applications are for telecommunications facilities, and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days:

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- 2232-L08-9 New Cingular Wireless PCS LLC, T-Mobile Northeast LLC, and
 Cricket Communications
 155' monopole (tree pole)
 6500 Byron Avenue (Byron Avenue Park)
 Lee District
- FS-V08-38 New Cingular Wireless PCS LLC
 Antenna colocation on existing monopole (tree pole)
 8616 Pohick Road
 Mount Vernon District
- FS-M08-52 Cricket Communications
 Antenna colocation on existing monopole
 6800 Versar Center Court
 Mason District
- FS-P08-53 Cricket Communications
 Rooftop antennas
 3211 Jermantown Road
 Providence District
- FS-Y08-54 Cricket Communications
 Rooftop antennas
 4050 Westfax Drive
 Sully District
- FS-L08-56 Cricket Communications
 Antenna colocation on existing monopole
 7936 Telegraph Road
 Lee District
- FS-V08-61 Cricket Communications
 Antenna colocation on existing monopole
 7400 Lockport Place
 Mount Vernon District

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

FISCAL IMPACT:

None

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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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Board Agenda Item
September 22, 2008

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Consider Amending the Fairfax County Code Chapter 41.1, Animal Control and Care

ISSUE:

Authorization to advertise a public hearing to consider amending the Fairfax County Code by adopting amendments to Chapter 41.1.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing at 5:30 p.m. on Monday, October, 20, 2008, to consider the adoption of the proposed amendments.

TIMING:

Board action is requested on September, 22, 2008, to provide sufficient time to advertise the proposed public hearing on October, 20, 2008, at 5:30 p.m. If approved, the change would become effective on November 1, 2008.

BACKGROUND:

During its 2008 Session, the General Assembly passed several bills amending the State comprehensive animal laws, including a bill repealing Title 3.1 and recodifying it into a new title numbered 3.2. Staff recommends incorporating those applicable changes into Chapter 41.1. Staff also recommends changes to update terminology; reflect current enforcement practices; clarify language; modify dog license fees and adoption-related fees; establish a bond requirement for certain owners whose animals are held in the Animal Shelter pending charges on neglect or cruelty to animals; and establish fees for euthanizing and cremating wildlife. The changes as explained below are recommended for adoption at this time. These proposed amendments were presented to the Animal Care and Control Commission at its July 2008 meeting, and the Commission reacted favorably.

Article 1 - General.

Staff proposes a change to conform the definition of "adequate water" to that in State law, as amended in the 2008 Session of the General Assembly.

Article 2 – Animal Control and Rabies Control.

Section 41.1-2-2 (Dog Licenses). The proposed change in sub-section (a) conforms the language in our ordinance to that found in the State code. In sub-section (b) the dog license annual fee is proposed to be set at the maximum allowed by State law, a flat \$10.00 for all dogs, regardless of whether the dog is fertile or infertile, to be more reflective of the actual cost of selling the license. The County's dog license fee has not changed in the last 25 years.

Section 41.1-2-5 (c) and (e) (County Animal Shelter). Sub-section (c) updates the language by deleting the word "destroyed" and replacing it with "euthanized" which reflects the language in the State code. Additionally, staff proposes an amendment to subsection (e) that would raise the first impoundment fee for a cat or dog to \$25, bringing it in line with other nearby localities. Subsection (e) would also be amended to provide for graduated impoundment fees for cats and dogs that repeatedly come into the Animal Shelter; the General Assembly authorized graduated fees for repeated impoundments in 2008 (Senate Bill 663).

Section 41.1-2-5 (e) (Adoption Fees and Charges for Spay/Neuter Surgeries). The current County Code regarding adoption fees and spay-neuter charges is not reflective of the costs for those services. The changes proposed would update the fees for shelter services and require full payment for spay/neuter surgeries directly to the veterinarian performing the surgery. The proposed changes include the following:

- Increase the adoption fee for dogs from \$20.00 to \$40.00 and the adoption fee for cats from \$20.00 to \$30.00 to offset the cost of services provided. The cost of services the Shelter currently provides for dogs and cats in preparation for adoption would be over \$100.00 if performed at a community veterinary clinic. Further, plans are underway to include two additional services: rabies vaccinations and micro-chipping for shelter cats and dogs. The proposed adoption fees will still be significantly lower than retail cost of the provided services. Area shelters vary in what they charge for adoptions. When looking at the comparison of adoption fees of dogs and cats for various shelters, the fees range from \$20.00 (for dogs and cats) to \$180 (for dogs), \$225 (for puppies), \$100 (for cats), and \$150 (for kittens). Any comparison of fees needs to take into account the variety of services those fees cover.
- Below is an example of typical veterinary charges for services that will be included for cats and dogs adopted from the shelter. Micro-chipping and rabies vaccinations are not currently provided.

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CATS		DOGS	
Rabies	\$ 15.00	Rabies	\$ 15.00
FVRCP	\$ 29.00	DHLPP	\$ 29.00
FeL/FIV Test	\$ 53.00	Heartworm Test	\$ 43.00
Microchip	\$ 34.50	Microchip	\$ 34.50
Vet Exam Voucher	\$ 32.00 (or more)	Vet Exam Voucher	\$ 32.00 (or more)
	\$163.50		\$153.50

- Reduce the adoption fee for rabbits from \$20.00 to \$15.00
- Add an adoption fee for those animals for which no fee is currently charged:
- Have spay/neuter fees for unsterilized dogs and cats paid in full directly to the veterinary clinic(s) contracted for that service. Currently citizens pay a “deposit” to the County at the time of adoption and the balance at the vet when they pick up their new pet after surgery. Since newly adopted pets are now sent for surgery *prior* to going home with their new owners, the process can be significantly streamlined by eliminating the deposit which ultimately must be refunded to the veterinarian by the County resulting in a cumbersome and costly accounting process.

Section 41.1-2-5 (f) (New). Pursuant to Virginia Code Ann. Section 3.2-6569, would establish the requirement of posting of a bond by the owner for animals held for more than 30 days in the Animal Shelter pending trial on charges related to neglect or cruelty to animals.

Section 41.1-2-16 (Burial and Cremation of Animals). Establishes fees for disposal of “nuisance” wildlife brought to the shelter for euthanasia by individuals and pest disposal companies who have trapped them. Currently there is no charge for this service. The proposed fees will help to offset the actual cost to the County for impoundment, euthanasia and cremation of these animals.

FISCAL IMPACT:

These additional fees are estimated to generate \$264,000 in revenue:

- \$225,000 in dog license sales based on 45,000 dog licenses being sold for spayed or neutered dogs at \$10 rather than \$5 as provided under the current ordinance.
- \$25,000 in increased adoption fees.
- \$7,000 additional revenue resulting from increasing initial impoundment fee from \$20 to \$25; estimated increased revenue resulting from multiple impoundments are not available via the current records management system.

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- \$7,000 revenue resulting from charging a cost based fee for disposal of trapped wildlife.

Estimated Cost (to be absorbed within existing FY 2009 appropriation):

- \$15,000 to cover the cost of the two additional services (rabies vaccinations and microchips) if those items are provided to all cats and dogs adopted from the shelter

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amendments to Chapter 41.1, "Animal Control and Care"

STAFF:

Robert A. Stalzer, Deputy County Executive
Colonel David M. Rohrer, Chief of Police
Michael Lucas, Director of Animal Control
Karen Diviney, Animal Shelter Director

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ADMINISTRATIVE - 3

Additional Time to Commence Construction for Special Exception SE 2004-MV-011,
Colchester Land Company LLC (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SE 2004-MV-011 pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months of additional time for SE 2004-MV-011 to June 5, 2010.

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 December 5, 2005, the Board of Supervisors approved Special Exception SE 2004-MV-011, subject to development conditions. This approval was concurrent with the Board's approval of RZ 2004-MV-011 and PCA 89-V-062-2, which were approved subject to combined proffers. The special exception application was filed in the name of Colchester Land Company LLC to permit construction of retail uses, up to two fast food restaurants, and a quick service food store in the I-5 District, pursuant to Section 5-504 of the Fairfax County Zoning Ordinance, for the property located at Tax Map 113-3 ((1)) 5H1 (see the Locator Map in Attachment 1). SE 2004-MV-011 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 30 months of the approval date, unless the Board grants additional time. The development conditions for SE 2004-MV-011 and proffers for RZ 2004-MV-011 and PCA 89-V-062-2 are contained in Attachment 2. This special exception amendment would have expired on June 5, 2008.

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On March 24, 2008, the Department of Planning and Zoning received a letter dated March 24, 2008, from Inda E. Stagg, agent for the applicant, requesting twenty-four months of additional time to commence construction. A copy of letter is included as Attachment 3. The request was received prior to the date on which the approval would have expired; therefore, the special exception amendment will not expire pending the Board's action on the request for additional time. Ms. Stagg indicates that the property is located in Land Bay A of the Gunston Commerce Center and that, since the approval, the owner has diligently pursued development of the Gunston Commerce Center and the property. She states that numerous site plans for the Center have been approved and remain valid. According to DPWES, Site Plan #9754-SP-010-2 for retail and office uses in Building 3 (Land Bay A) was approved June 2, 2008, and was sent to Bonds and Agreements on June 12, 2008. The site plan for office uses in Building 2 (Land Bay A) was approved on June 7, 2001. Building 1 in Land Bay A, which is also office use, has been constructed and is occupied. No site plans have been submitted for the fast food restaurants or quick service food store. Ms. Stagg states that the property continues to be marketed for the approved retail, restaurant, and quick service retail uses; however, the insecurity of the financing markets has made it difficult to lease unanchored retail developments. Ms. Stagg states that the owner continues to be of the opinion that the retail, restaurant, and quick service food store uses are essential to the success of the Gunston Commerce Center as a whole and are an important component in the reduction of vehicular trip generation by employees of the Center.

Staff has reviewed SE 2004-MV-011 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2004-MV-011 with the special exception standards applicable to the use and which should cause the filing of a new special exception application and review through the public hearing process. Finally, the conditions associated with the Board's approval of SE 2004-MV-011 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. Staff recommends that twenty-four months of additional time be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of June 5, 2010.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment – Locator Map

Attachment 2 – Letter dated December 9, 2005, to Inda E. Stagg, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors; letter dated December

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9, 2005, to Inda E. Stagg, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3 – Letter dated March 24, 2008, from Inda E. Stagg, agent for the applicant, requesting additional time to commence construction

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 J. Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ

Fred Selden, Director, Planning Division, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 4

Authorization for the Department of Transportation to Apply for FY 2010 Regional Surface Transportation Program and Congestion Mitigation and Air Quality Program Funds

ISSUE:

Board authorization is requested for the Department of Transportation to apply for FY 2010 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality Program (CMAQ) Funds. These funds would be used to advance the projects listed below and described in Attachment I. There is no Local Cash Match required for these funds. Beginning with applications submitted in FY 2005, the Virginia Department of Transportation (VDOT) has been providing the Local Cash Match for RSTP and CMAQ projects. After RSTP and CMAQ allocations have been determined, staff will return to the Board for concurrence with specific grant agreements for projects administered by Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Transportation to apply for FY 2010 RSTP and CMAQ Funds. There is no Local Cash Match required for these funds.

TIMING:

Board authorization is requested on September 22, 2008, in order to meet the Northern Virginia Transportation Authority's (NVTA) September 26, 2008, submission deadline.

BACKGROUND:

The RSTP and CMAQ programs provide funds for regions that are designated air quality non-attainment areas to assist them in complying with Clean Air Act requirements. For FY 2010, VDOT estimates that in Northern Virginia, \$36.776 million will be available for distribution in the RSTP program and \$24.233 million will be available in the CMAQ Program.

The NVTA is requesting that jurisdictions submit all RSTP and CMAQ project requests by September 26, 2006. The Commonwealth Transportation Board will subsequently consider the NVTA-approved list of projects in May or June 2009.

Staff has prepared a prioritized list of projects for each program to submit to the NVTA Jurisdiction and Agency Coordinating Committee by the September 26, 2008, deadline. Included in this list are projects for the Washington Metropolitan Area Transit Authority (WMATA) and the Virginia Railway Express (VRE), that would benefit Fairfax County.

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These projects are shown in the table below. More detailed information is provided in Attachment I.

Staff primarily considered projects included in the Board of Supervisors' Four Year Transportation Program, the TransAction 2030 Plan, the VDOT Six-Year Program, and prior year submissions. Fairfax County staff recommends requesting \$31.6 million in RSTP projects and \$11.25 in CMAQ projects.

<u>Regional Surface Transportation Program</u>	<u>Request</u>
U.S. Route 29/Gallows Road Intersection Improvements	\$10.000 million
Fairfax County Parkway - Fair Lakes/Monument Drive Interchange	\$10.000 million
Rolling Road Improvements – Fullerton Road to Delong Drive	\$ 2.500 million
<u>Mulligan Road – Old Mill Road Connector Road</u>	<u>\$ 9.100 million</u>
TOTAL	\$31.600 million
<u>Congestion Mitigation and Air Quality Program</u>	<u>Request</u>
VRE Lorton Platform Extension	\$ 1.250 million
Vaden Drive - I-66/Vienna Access Ramp	\$ 2.000 million
Bike & Pedestrian Access to Dulles Corridor Metrorail Stations	\$ 4.000 million
Enhanced Bicycle Amenities at Metrorail Stations	\$ 1.000 million
Huntington Metrorail Station Canopy	\$ 2.500 million
Franconia-Springfield Transit Store Operating Cost (FY 2010)	\$ 0.300 million
<u>Seven Corners Transit Center</u>	<u>\$ 0.200 million</u>
TOTAL	\$ 11.250 million

Unless otherwise directed by the Board of Supervisors, staff will assume endorsement of these projects by the Board and will pursue funding for FY 2010.

FISCAL IMPACT:

None at this time. Beginning with applications submitted in FY 2005, neither the RSTP nor CMAQ projects have required a Local Cash Match from the County, because the match is being provided by VDOT. As part of the annual budget process and quarterly budget reviews, staff reviews anticipated funds and requirements, based on projects approved and project schedules, to determine the appropriate level of funding required in the upcoming fiscal year.

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ENCLOSED DOCUMENTS:

Attachment I: Prioritized List of Projects

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT

Jay Guy, FCDOT

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ADMINISTRATIVE - 5

Additional Time to Commence Construction for Special Exception SE 2002-MV-022,
Trustees of Engleside Baptist Church (Mount Vernon District)

ISSUE:

Board consideration of additional time to commence construction for SE 2002-MV-022, 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 SE 2002-MV-022 to November 18, 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 November 18, 2002, the Board of Supervisors approved Special Exception SE 2002-MV-022, subject to development conditions. The special exception application was filed in the name of the Trustees of Engleside Baptist Church to permit a church with a private school of general education and four (4) units of pastoral housing, pursuant to Section 9-006 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 108-3 ((1)) 16 pt. and 108-1 ((1)) 27A pt. (see the Locator Map in Attachment 1). On November 18, 2002, the Board of Supervisors also concurrently approved Rezoning RZ 2002-MV-020, subject to proffers, which rezoned the church site from the PDH-4 District to the R-3 District and rezoned the adjacent 12.88 acres from the PDH-4 District to the PDH-3 District to permit a single-family detached residential development. The development conditions for SE 2002-MV-022 and proffers for RZ 2002-MV-020 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.

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On September 26, 2005, the Board of Supervisors approved eighteen months additional time to commence construction until November 18, 2006. On February 26, 2007, the Board of Supervisors approved eighteen months additional time to commence construction until May 18, 2008. Copies of the Clerk to the Board's letters stating approvals of additional time are contained in Attachment 3.

On April 17, 2008, the Department of Planning and Zoning (DPZ) received a letter dated April 5, 2008, from David Zimmerman, Trustee, agent for the applicant, requesting eighteen months additional time to commence construction for the approved church. The request was received prior to the date on which the approval would have expired; therefore, the special exception amendment will not expire pending the Board's action on the request for additional time. Mr. Zimmerman states that financial challenges have delayed construction of the approved church and private school. He states that the church is currently considering selling the land, but no final decision has been made. The church indicated that there is an entity with an interest in the property that has a year to make a decision.

Staff has reviewed Special Exception SE 2002-MV-022 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow a church with a private school of general education and four (4) units of pastoral housing in the R-3 District. Further, staff knows of no change in land use circumstances that affect the compliance of SE 2002-MV-022 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. Finally, the conditions associated with the Board's approval of SE 2002-MV-022 are still appropriate. Staff believes that the approval of the requested additional time would be in the public interest and recommends that eighteen months additional time be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of November 18, 2009.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated February 14, 2003, to Gregory A Riegle, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors. Letter dated February 14, 2003, to Gregory A. Riegle, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors,

Attachment 3: Letter dated September 28, 2005, to Michael Bruen, agent for the applicant, from Patti Hicks for Nancy Vehrs, Clerk to the Board of Supervisors. Letter dated March 5, 2007, to Harry Hart, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

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Attachment 4: Letter dated April 5, 2008, from David Zimmerman, Trustee, agent for the applicant to the Board of Supervisors, requesting additional time to commence construction.

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

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Springdale Residential Permit Parking District, District 33 (Mason District)

ISSUE:

Board authorization to advertise a public hearing for Monday, October 20, 2008, at 4:30 p.m., to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Springdale Residential Permit Parking District (RPPD) District 33.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Monday, October 20, 2008, at 4:30 p.m., to consider adopting an amendment (Attachment I) to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Springdale RPPD, District 33.

TIMING:

The Board should take action on September 22, 2008, to advertise a public hearing for October 20, 2008, at 4:30 p.m.

BACKGROUND:

Section 82-5A-4(b) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District,

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the foregoing provisions apply only to the area to be added to the existing District. A petition requesting expansion of the RPPD was received on May 21, 2008. The proposed District expansion includes the following street: Courtland Drive (Route 7556) from Hoffmans Lane (Route 7555) to the end, excluding the reverse frontage of commercially zoned 61-2((01)) parcel 117.

The signatures on the petition represent more than 60 percent of the eligible addresses of the proposed District expansion and represent more than 50 percent of the eligible addresses on each block of the proposed District expansion, thereby satisfying Code petition requirements. More than 75 percent of the land abutting each block of the proposed District expansion is developed residential, thereby satisfying Code land use requirements. The required application fees were submitted on May 21, 2008 thereby satisfying Code fee requirements.

On July 20, 2008, staff conducted a peak parking demand survey for Courtland Drive. This survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning block were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning block, thereby satisfying Code parking requirements.

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

FISCAL IMPACT:

The cost of printing notices and letters, decals, and installing the RPPD signs is approximately \$600. These funds are currently available in the Department of Transportation's budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD Expansion
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
Maria Turner, FCDOT
Hamid Majdi, FCDOT

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Consider Amending Parking Regulations in Fairfax County Code Section 82-5A (Residential Permit Parking Districts)

ISSUE:

Board authorization to advertise a public hearing for October 20, 2008, at 4:30 p.m., to consider the proposed amendments to Section 82-5A of *The Code of the County of Fairfax, Virginia* (Fairfax County Code) to allow public colleges and universities to be specifically included in the criteria to establish a Residential Permit Parking District (RPPD) and to exclude vehicles with temporary tags and non-motorized vehicles from parking in RPPDs.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for October 20, 2008, at 4:30 p.m. (Attachment II) to consider adopting the proposed amendment (Attachment I) to the Fairfax County Code.

TIMING:

The Board should take action on September 22, 2008, to advertise a public hearing for October 20, 2008, at 4:30 p.m.

BACKGROUND:

In response to a situation that has been developing near the Northern Virginia Community College (NOVA), the Board on July 21, 2008, directed County staff to amend the existing RPPD ordinance to add public colleges and universities under the same criteria currently used by high schools and rail stations when establishing an RPPD. This inclusion would eliminate the need for those institutions to meet the requirements set forth in Fairfax County Code Section 82-5A-4(b) for minimum and out-of-area vehicle parking percentages that currently apply to other RPPD applicants.

To limit the extent of this provision, staff recommends that this amendment be restricted to public institutions of higher education in residential districts that occupy land owned by the Commonwealth of Virginia, which in Fairfax County, are NOVA and George Mason University (GMU).

As an additional change to the current RPPD ordinance, staff recommends amending Fairfax County Code Section 82-5A-9 to provide that RPPD parking restrictions apply to all non-motorized vehicles, such as boats and trailers, as well as all vehicles with temporary tags. Currently, that section expressly excludes those vehicles from the RPPD parking

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regulations. Although this amendment may require RPPD residents to park their boats and trailers on their property rather than the public street, this would ensure that available space will be fully utilized to park permitted motorized vehicles as well as motorized vehicles of authorized visitors. It may also deter those types of non-motorized vehicles owned by those who reside outside of the RPPD from parking indefinitely within a RPPD. With regard to motorized vehicles with temporary tags that are owned by RPPD residents, those vehicle owners within any RPPD will receive a temporary permit for their vehicle until they acquire their permanent vehicle plates and the permanent permit will then be issued. This amendment is intended to prevent owners of vehicles with temporary tags that do not reside within the RPPD from parking on streets therein.

Staff is therefore recommending changes to Fairfax County Code Section 82-5A as indicated in Attachment I:

1. In Section 82-5A-2 define a *Virginia college or university campus*.
2. Expand Section 82-5A-4(a) to specifically include a *Virginia college or university campus* as criteria for qualifying to establish a RPPD.
3. In Section 82-5A-9 remove the reference to vehicles with temporary tags and non-motorized vehicles such as boats and trailers.
4. In Section 82-5A-10(c), change reference from subsection (b) to (c) and indicate the procedure for acquiring a 60-day nonrenewable pass for residents with temporary tags.

FISCAL IMPACT:

Staff anticipates that several new RPPDs may be established. As a result, there will be associated processing and sign installation costs as well as ongoing permit renewal and sign maintenance costs. These costs are not expected to be significant.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to Fairfax County Code Section 82-5A.

Attachment II: 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

Maria Turner, FCDOT

Hamid Majdi, FCDOT

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ADMINISTRATIVE- 8

Authorization to Advertise a Public Hearing for the Continued Leasing of County-Owned Property to the Chantilly Youth Association (Sully District)

ISSUE:

Authorization to advertise a public hearing for the continued leasing of County-owned property at 12504 Bennett Road, previously the Navy Vale Fire Station (Tax Map No. 35-4 ((11)) 37A, Sully District), to the Chantilly Youth Association (CYA).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing for the continued leasing of County-owned property at 12504 Bennett Road, previously the Navy Vale Fire Station (Tax Map No. 35-4 ((11)) 37A), to Chantilly Youth Association (CYA).

TIMING:

Board action is requested for September 22, 2008, to provide sufficient time to advertise the public hearing on October 20, 2008, at 4:30 pm.

BACKGROUND:

In 1985 the Navy Vale Fire Station was transferred to the County as part of an agreement with the Navy Vale Volunteer Fire Department. In 1987, the Board of Supervisors authorized the leasing of the facility and land to the Chantilly Youth Association (CYA) for the storage and distribution of sports equipment. The lease agreement between the Board of Supervisors and CYA recently expired, and CYA requested a new lease agreement. The proposed terms of the new lease agreement between the Board of Supervisors and CYA are summarized below.

The lease agreement is effective for a one year period beginning on July 1, 2008. The lease will automatically renew for an additional period of five terms of one year, unless notice to the contrary is given by either party 60 days prior to the end of the then current term.

The facility will be accepted by CYA "as is", and will be maintained in suitable condition by CYA at its expense. Use of the facility will be restricted to the storage and distribution of sports equipment. Use of the facility for any other purpose will require

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prior approval by the County and will be subject to CYA securing all necessary permits and/or approvals required for the requested additional use. CYA will be responsible for all utility costs associated with their use of the facility, normal maintenance and repair costs. Also, CYA will be responsible for landscaping, grounds care, and parking lot repair as needed. In return, CYA will not be charged monetary rent by the County.

FISCAL IMPACT:

Approval of this lease agreement will not generate any revenue. However, the terms of the agreement will eliminate all maintenance costs that would be otherwise incurred by the County.

ENCLOSED DOCUMENTS:

Attachment A – Advertisement
Attachment B – Tax Map

STAFF:

Edward L. Long, Jr., Deputy County Executive, Office of the County Executive
Jose A. Comayagua, Jr., Director, Facilities Management Department

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ADMINISTRATIVE - 9

Authorization to Advertise Public Hearings on a Proposed Amendment to the Zoning Ordinance Re: Maintaining Neighborhood Character

ISSUE:

The proposed amendment addresses the impacts of infill development in existing residential neighborhoods by introducing a new angle of bulk plane requirement that would be applicable to single family detached dwellings in the R-C through R-8 and R-MHP Districts and a revised approach to how building height is measured for single family detached dwellings in R and P Districts by establishing grade as the lower of the pre-development or finished elevations.

RECOMMENDATION:

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

TIMING:

Board action is requested on September 22, 2008, to provide sufficient time to provide notice and advertisements for the proposed Planning Commission public hearing on October 22, 2008, at 8:15 p.m., and for the proposed Board of Supervisors' public hearing on November 17, 2008, at 4:30 p.m.

BACKGROUND:

The proposed amendment is on the 2007 Priority 1 Zoning Ordinance Amendment Work Program and was initiated by a Board request that staff examine possible ways to address massing and looming impacts of new construction in well established residential neighborhoods. The proposed amendment also implements recommendations contained in the County's 2000 Infill and Residential Development Study, adopted by the Board in January of 2001. The proposed amendment is prompted by a phenomenon that has increased in recent years which is characterized by larger new homes towering over existing, smaller sized, homes. Such impacts have brought a reduction of light, air and privacy which, in general, has brought about changes in the character of older neighborhoods. The proposed amendment introduces new regulations that are designed to provide a measured approach to reducing the negative impacts of looming and excessive bulk. The amendment addresses the protection of neighborhood character through the use of two zoning approaches that are designed to work in conjunction with one another. The two approaches include a

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revised method of measuring single family detached dwelling height by establishing grade as the lower of the pre-development or finished elevations, and a new angle of bulk plane that is used exclusively in association with single family detached dwellings. The amendment also provides a new special permit to allow the modification of angle of bulk plane in circumstances where strict adherence to angle of bulk plane requirements may not be warranted or feasible. The proposed regulations are intended to provide a reasonable balance between protecting older homes from the impacts of infill development and the rights of property owners to build on and improve their property. If the proposed amendment is adopted, staff will provide information regarding the new regulations to the building industry and the general public through Letter(s) to Industry, brochures and internet links. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:

The amendment adds new angle of bulk plane requirements for single family detached dwellings, height is calculated with regard to grade, and it introduces a Group 9 special permit to allow modifications to angle of bulk plane requirements that apply to single family detached dwellings.

FISCAL IMPACT:

The proposed amendment introduces a new Group 9 special permit to allow modifications to a required angle of bulk plane which would, as proposed, require an application fee of \$295. A slight increase in revenue may occur due to the addition of this new special permit.

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
Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

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ACTION - 1

Authorization to File Comments in Application of Virginia Telecommunications Industry Association for Authority to Eliminate the Current Requirement for a Three-Free Call Allowance for Local Directory Assistance Service, SCC Case No. PUC-2008-00046

ISSUE:

Board authorization to file comments in the application of the Virginia Telecommunications Industry Association to eliminate the current requirement to provide a three-free monthly call allowance for local directory assistance.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Department of Cable Communications and Consumer Protection (“DCCCP”) to file comments in response to the application of the Virginia Telecommunications Industry Association for authority to eliminate the current requirement to provide a three-free monthly call allowance for local directory assistance, SCC Case No. PUC-2008-00046.

TIMING:

The deadline for filing comments in this SCC case is Monday, September 22, 2008.

BACKGROUND:

On June 11, 2008, the Virginia Telecommunications Industry Association (VTIA) filed an application with the State Corporation Commission (SCC) on behalf of Virginia’s local exchange (telephone) carriers (LECs). In its application, VTIA requested that the SCC relieve LECs of their regulatory duty to provide customers with three free directory assistance (DA) calls per month. VTIA contends that competing free DA services are reducing DA call volume to such an extent that LECs are unable to recoup the costs of the free calls they provide. Most of these free DA services are available on-line. On August 27, 2008, the SCC requested public comment on VTIA’s requested relief.

As recently as December 2007, the SCC found it reasonable to require that Verizon continue offering the monthly three-call allowance. The SCC reasoned that the allowance would protect consumers from on-going and widespread problems with Verizon’s directories. Those directory problems continue. The SCC staff recently completed an audit of Verizon’s Northern Virginia directory, which includes Fairfax County, and concluded in its April 21, 2008 report that Verizon failed the audit.

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Staff has reviewed and analyzed VTIA's request and is recommending that the SCC deny the application. Given on-going problems in Verizon's printed directories, eliminating the monthly DA call allowance would penalize those Fairfax County customers who are unable to locate an accurate listing in the directory and must call Verizon's DA service. At this time there exists only a single alternative for a customer seeking a residential or governmental listing via the telephone. In the absence of a competitive market that addresses the needs of these customers, and given that printed directories continue to contain errors and omit listings, the monthly local DA call allowance remains a modest and reasonable consumer protection.

Comments in this case are due September 22, 2008. The SCC staff comments are due October 24, 2008. The VTIA may respond to both public comments and the staff report on November 7, 2008. There is no public hearing scheduled in this case.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Comments of County of Fairfax in SCC Case No. PUC-2008-00046.

STAFF:

David J. Molchany, Deputy County Executive

Michael S. Liberman, Director, Department of Cable Communications and Consumer Protection (DCCCP)

Steve Sinclair, Chief, Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, Utilities Branch, DCCCP

Board Agenda Item
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ACTION - 2

Endorsement of Guidelines for Temporary Traffic Management During Construction

ISSUE:

Board review and endorsement of proposed guidelines developed in conjunction with the Virginia Department of Transportation (VDOT) to mitigate traffic that is temporarily displaced as a result of major transportation construction projects.

RECOMMENDATION:

The County Executive recommends that the Board endorse the proposed Guidelines for Temporary Traffic Management During Construction (Attachment I).

TIMING:

The Board should take action on this matter as soon as possible to allow the VDOT to proceed with implementing temporary traffic management plans for ongoing major transportation construction projects.

BACKGROUND:

The proposed Guidelines for Temporary Traffic Management During Construction (Attachment I) were developed as a tool for large-scale transportation construction projects to manage overflow traffic on the local area street network. These guidelines were developed by staff in conjunction with VDOT in response to concerns expressed by the Board about effects on local roads as a result of the Capital Beltway High Occupancy Toll (HOT) lanes project, Base Realignment and Closure (BRAC) projects, and other future large-scale transportation projects. Using the proposed guidelines, project development staff will develop temporary traffic mitigation plans that will use various strategies depending on the type of project, functional classification of the street, length of construction, and other factors. Community support will be developed and assessed through community information meetings and coordination with the appropriate Board member(s), with no petition process.

Staff is currently reviewing the guidelines and procedures of the existing permanent traffic calming program to see what revisions can be made to streamline that process and reduce the project development timelines. Staff expects to return to the Board with a separate item in the near future with recommendations regarding the permanent program.

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FISCAL IMPACT:

Costs associated with temporary traffic management measures are expected to be a relatively minor part of large transportation projects.

ENCLOSED DOCUMENTS:

Attachment I: Guidelines for Temporary Traffic Management During Construction

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

Karyn L. Moreland, Chief, Capital Projects Section, FCDOT

William P. Harrell, Senior Transportation Planner, Traffic Operations Division, FCDOT



ACTION – 3

Endorsement of FY 2010 Virginia Department of Transportation's Enhancement Program Project Applications

ISSUE:

Board endorsement of proposed transportation enhancement projects to be submitted to the Commonwealth Transportation Board (CTB) for FY 2010 funding.

RECOMMENDATION:

The County Executive recommends the Board take the following actions:

1. Endorse the enhancement projects for which applicants have identified a source for the required minimum 20 percent match (Attachment I).
2. Direct the County Executive to execute a Project Endorsement Resolution for each project endorsed by the Board (Attachment II).

The Board should be aware that any approved funds will be distributed through the jurisdiction endorsing the project and that jurisdictions endorsing enhancement projects will be responsible for any cost overruns. Although the Project Endorsement Resolution indicates Fairfax County agrees to pay 20 percent of the total cost of a project, staff has advised each applicant that they alone will be completely responsible for the 20 percent match and any cost overruns.

TIMING:

Action should be taken on this item on September 22, 2008. Staff will notify each applicant of the Board's action, so applicants can complete the applications and submit them to VDOT before November 1, 2008.

BACKGROUND:

Transportation Enhancement Program grant applications can be submitted by a group or individual, but are subject to a public hearing and endorsement by the local jurisdiction. Up to 80 percent of a transportation enhancement project can be financed with Federal Surface Transportation Program (STP) funds. A minimum of 20 percent must come from other public or private sources.

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The Board held a public hearing and solicited proposals for FY 2010 transportation enhancement projects on August 4, 2008.

For the FY 2010 Enhancement Program, staff recommends that the Board endorse the following nine projects:

- Mason Neck Trail \$ 321,436
- Rochambeau 1781 Army Camp at Colchester Ferry \$ 47,000
- Oakton Community Park Roadway Frontage Improvement \$ 344,000
- Installation Pedestrian Improvements at Intersections in Reston near the future Wiehle Avenue Metrorail Station \$ 500,000
- Enhanced Bicycle Access to the future Wiehle Avenue Metrorail Station \$ 819,648
- Construction of New Sidewalks to Facilitate Pedestrian Access to the future Wiehle Avenue Metrorail Station \$ 460,260
- Sully District Civil War Cycle Tour Map and Markers \$ 120,000
- Lorton Arts Foundation-Cross-County Trail \$ 1,000,000
- Burke Centre Virginia Railway Express Pedestrian Bridge \$ 1,000,000

FISCAL IMPACT:

None at this time. The Board should note that all applicants will be required to provide the 20 percent local match.

ENCLOSED DOCUMENTS:

Attachment I: List of Projects with Matching Funds Identified

Attachment II: Project Endorsement Resolutions

Attachment III: Enhancement Project Update Spreadsheet

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Tom Biesiadny, FCDOT

Carl Winstead, FCDOT

Jay Guy, FCDOT

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ACTION - 4

Adjustment to Fairfax Center Road Fund Contribution Rate and Authorization of Corresponding Rate Adjustments in the Centreville and Tysons Corner Fund Areas (Providence, Springfield, and Sully Districts)

ISSUE:

Adjustment of Fairfax Center Area Road Fund contribution rates and corresponding adjustments in the Centreville and Tysons Corner Fund areas. The proposed revisions to the Procedural Guidelines adopted by the Board of Supervisors in 1982 are necessary to reflect increases in highway construction costs.

RECOMMENDATION:

The County Executive recommends that the Board:

- a) Adopt the attached revised Procedural Guidelines for the Annual Review Process, including a 3.6% adjustment of the existing contribution rate in the Fairfax Center Area from \$5.07 to \$5.25 per gross square foot on non-residential building structures and from \$1,124.00 to \$1,164.00 per residential unit, with the new rate effective October 1, 2008.
- b) Increase the rates used in other areas of the County for similar purposes (e.g. Centreville and Tysons) by 3.6%; Centreville from \$5.45 to \$5.65 per gross square foot on non-residential building structures and from \$2,153.00 to \$2,230.00 per residential unit, and Tysons Corner from \$3.74 to \$3.87 per gross square foot on non-residential building structures and from \$830.00 to \$859.00 per residential unit, with these new rates to become effective October 1, 2008.

TIMING:

The Board should act on this item on September 22, 2008. The last time these rates were increased was September 24, 2007.

BACKGROUND:

One of the principles of the Comprehensive Plan for the Fairfax Center area is that development above the Baseline level established in the Plan may be approved if the developer contributes to a fund for the provision of off-site road improvements.

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The enclosed attachments (Attachments I and II) reflect the growth in highway construction costs and the 3.6% increase necessary to keep pace with inflationary increases. In January 2001, the Board authorized several projects to be funded with monies available in Fund 301. Work on these projects has been initiated. Attachment III lists those projects approved by the Board in January 2001.

FISCAL IMPACT:

Adoption of the revised rates will increase the funds contributed by developers to Subfund 301 by approximately 3.6% over previously anticipated amounts. However, the Procedural Guidelines for the Fairfax Center Area specifically stipulate that the contribution amount is determined by the effective rate at the time of development approval by the Board and that such amounts are fixed for site plans submitted for that approved development during a two-year period. Thus, the primary effects of this increase will be felt in future fiscal years.

ENCLOSED DOCUMENTS:

Attachment I – Calculation of Revised Contribution Rate – 2008

Attachment II – Procedural Guidelines for Annual Review Process; Fairfax Center Area

Attachment III – Projects Approved by the Board in January 2001

STAFF:

Robert A. Stalzer, Deputy County Executive

Katharine D. Ichter, P.E. Director, Department of Transportation

Tom Biesiadny, Department of Transportation

Carl Winstead, Department of Transportation

Board Agenda Item
September 20, 2008

ACTION - 5

Approval of the Fairfax-Falls Church Community Services Board State Performance Contract for 2009

ISSUE:

Board of Supervisors approval for the Fairfax-Falls Church Community Services Board's acceptance of funds and approval of the FY 2009 State Performance Contract with the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.

RECOMMENDATION:

The County Executive recommends that the Board approve the FY 2009 State Performance Contract between the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services and the associated acceptance of funds.

TIMING:

Immediate.

BACKGROUND:

By law, the Fairfax-Falls Church Community Services Board (CSB) must make its proposed State Performance Contract available for public viewing prior to its final recommendations and approval and prior to the CSB submitting the State Performance Contract for reviewing and approval by Fairfax County and the Cities of Fairfax and Falls Church.

The proposed FY 2009 State Performance Contract was available for thirty days for public review and comment. Copies of the FY 2009 State Performance Contract were disseminated to County Regional Libraries, two City Councils, the CSB outpatient treatment sites and Board of Supervisors District offices. Notices were sent to the CSB distribution list and posted on the CSB's Web page.

On June 25, 2008, the CSB Board approved FY 2009 State Performance Contract.

The contract transfers \$37,644,151 in state-controlled funds to the CSB, which is the total estimate of \$19,063,266 in State funds, \$4,470,296 in Federal funds, \$1,705,978 in

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Part C funds, \$10,672,365 in Medicaid State Plan Option funds and \$1,732,246 in MR Waiver funds.

FISCAL IMPACT:

This is the contractual mechanism used by the State to receive \$37,644,151 in state-controlled funds to the CSB. This is \$664,852 or 1.7% more than the revised amount of state-controlled funds in FY 2008 primarily attributable to minor adjustments in state general fund allocations and Medicaid estimates.

ENCLOSED DOCUMENTS:

Attachment A: FY 2009 Community Services Performance Contract
(This document can be found in the Office of the Clerk to the Board and online at <http://www.fairfaxcounty.gov/csb/performance/pc09/09pcontract.pdf>)

STAFF:

Verdia L. Haywood, Deputy County Executive for Human Services
James A. Thur, MPH, MSW, Executive Director

Board Agenda Item
September 22, 2008

INFORMATION – 1

Recognition of Comprehensive Annual Financial Reports and the Annual Budget by the Government Finance Officers Association; Performance Measurement Program by the International City/County Management Association; and Investment Policy by the Association of Public Treasurers

The Government Finance Officers Association of the U.S. and Canada (GFOA) has again recognized the superior quality of financial information Fairfax County makes available to the public. The County's Comprehensive Annual Financial Report (CAFR), the Integrated Sewer System's CAFR and the County's Annual Budget were recognized with GFOA's highest forms of recognition.

The County's CAFR was awarded the Certificate of Achievement for Excellence in Financial Reporting for the thirty-first consecutive year and the Integrated Sewer System received this Certificate for the fifth consecutive year.

For the past 23 years, Fairfax County has also submitted its annual budget for consideration for GFOA's Distinguished Budget Presentation Award and has earned that award in each of those years. In August, GFOA notified the County that the FY 2009 Annual Budget met the criteria for this award, which represents the highest form of recognition in governmental budgeting and reflects the commitment of the governing body and staff in meeting the highest principles of public budgeting. To receive this award, a budget must be judged proficient in each of four major categories: as a policy document, financial plan, operations guide and communications guide. In addition, for the second consecutive year, the FY 2009 Annual Budget received "Special Performance Measure Recognition" acknowledging the County's continuing efforts in this area.

Fairfax County's performance measurement efforts were also recognized again by the International City/County Management Association (ICMA) with its Certificate of Distinction, for continuing efforts in measuring and improving performance. This is the higher of ICMA's two levels of recognition and acknowledges the County's efforts to incorporate performance data into decision-making, sustain the program through training and process improvement, and share its successes by networking with others. Only 23 of approximately 220 jurisdictions participating in ICMA's Center for Performance Measurement earned the Certificate of Distinction this year. Presentation of this award took place September 21, 2008, at the ICMA Annual Conference in Richmond, Virginia.

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In August 2008, the Association of Public Treasurers (APT) presented to Fairfax County its Certificate of Excellence for the County's achievement in developing an investment policy that demonstrates conformity with principles of sound investment management, careful public stewardship, and adoption of the profession's best practices. This is the eleventh consecutive year that the APT peer-review process led to award of the Association's certification.

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long, Jr., Deputy County Executive

Victor Garcia, Acting Director, Department of Finance

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

INFORMATION - 2

Report on Implementation of the First Large Area Community Parking District

On March 10, 2008, the Board of Supervisors approved amendments to Fairfax County Code Section 82-5B to allow for a new process to permit the creation of a large area Community Parking District (CPD) without a petition or fee. Under this new process, the resulting CPD has limited or no signage designating the restricted area unless the Board requires it when the CPD is approved. Following the establishment of this process, the Board approved the Mount Vernon CPD for the entire Mount Vernon Magisterial District without posted signs. At that time, staff was directed to report back to the Board within six months on the status of this first large area CPD.

Overall, the Mount Vernon CPD has been successful. From all accounts, the first six months of enforcing the Mount Vernon CPD have gone well, due in large part to the procedures developed and diligence of the police officers involved in following up on vehicles previously warned to move.

Prior to enforcing the restrictions for this new CPD, various steps were taken to alert the public. The Fairfax County Department of Transportation (FDCOT) added links from its web page to the public hearing documents and a map depicting the new CPD area. Informational flyers were produced for use by the Fairfax County Police Department (FCPD) that provided graphics, text, and a web link to more information. The Office of Public Affairs also released detailed information.

The newly-established Mount Vernon CPD provided enforcement challenges for FCPD as it spanned portions of three separate police districts -- Mount Vernon, Franconia and West Springfield -- with the Police Traffic Division coordinating the effort. Procedures were therefore developed and implemented specifically for this CPD process. During April, warnings along with the informational flyer were attached to vehicles that were in violation of the new CPD. On May 1, 2008, Traffic Enforcement Officers (TEOs) in the Traffic Division and the TEOs in each of the three police districts began ticketing vehicles parked in violation of the new CPD. Initially, a "tow tag," a warning ticket, and the informational flyer were attached to the offending vehicle. The owner was given 48 hours to move the vehicle. If the vehicle remained in the CPD after the initial 48-hour period, a parking ticket was issued with an additional 48 hours to move the vehicle. If the vehicle was not removed from the CPD following the second 48 hours, it was towed. Since April 1, 2008, 207 warnings and 57 tickets have been issued and six vehicles have been impounded, with the majority of violations located in the Mount Vernon Police District.

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As the officers continued through the enforcement process, there was initially concern that violators might be moving the restricted vehicles to their lawn areas, resulting in Zoning Ordinance violations. However, the Department of Planning and Zoning has indicated that there has not been a measurable increase in reporting this violation.

Resident reaction has been mixed, ranging from gratification at having the area cleaned up of undesirable vehicles to various complaints or requests to change certain aspects of the large area CPD and/or CPD restrictions in general including:

- Desire to have other types of commercial or large vehicles that are not restricted under the CPD weight limit or vehicles with commercial lettering that are still allowed to park on the street
- Restrictions on roadway segments within the large area CPD that do not have addresses/residences fronting on them
- Having a vehicle/trailer restricted from parking that is a resident's livelihood and/or transportation to work
- Paying taxes on a vehicle but not being able to park it on the street
- Having to sell a boat as a result of the CPD restrictions
- Desire by some to allow residents to park their CPD-restricted vehicles/boats on the street but not non-residents
- Not being informed of the program's implementation
- Owners moving vehicles a short distance to circumvent the 48-hour window

Lee District noted a large influx of vehicles when enforcement commenced, the majority having Virginia tags. Other areas have not reported significant spillover effects. The number of violations appears to be decreasing as residents and others have adjusted to the CPD restrictions. Six months into the program, relatively few calls, questions, or comments are being received.

In summary, the large area CPD as implemented for the Mount Vernon District has been a successful pilot for that district that other areas may wish to consider.

ENCLOSED DOCUMENTS:

None.

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
Robert Otten, Traffic Enforcement Supervisor, Fairfax County Police Department
Maria Turner, Traffic Operations Section, FCDOT

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INFORMATION - 3

Local Comment Letter to the Virginia Housing Development Authority on Carlyn Hill Apartments (Mason District)

The Virginia Housing Development Authority (VHDA) has requested a letter of comment (local support letter) from the County concerning an application for federal housing tax credits. The application was submitted by:

Carlyn Hill Development LLC for Carlyn Hill Apartments
3407 Carlyn Hill Drive, Falls Church, VA 22041

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

Project Name	Construction	Development Type	Total Units	Affordable Units	Tenant Population
Carlyn Hill Apts.	Rehab	Garden Apartments	74 (73 + 1 office)	73	Family

This project will contribute toward meeting the County's goal of preserving affordable housing. As described in Attachment 3, VHDA accepts letters in support of proposed projects applying for tax credits. A local support letter in the form of Attachment 1 will qualify the proposed project for 50 points in VHDA's scoring of the application. If a letter reflecting neutrality or no comment is submitted to VHDA, the proposed project application receives 25 points. If a letter of opposition is submitted, the project application receives 0 points. County policy requires that the Board be informed of Consolidated Plan certifications and similar letters of comment.

Unless directed otherwise by the Board, the County Executive will sign the attached letter of support for Carlyn Hill Apartments and forward it to VHDA for consideration with the tax credit application.

ENCLOSED DOCUMENTS:

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

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STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, for Real Estate, HCD

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

Louise Milder, Associate Director, Real Estate Finance and Grants Management
Division, HCD

Derek DuBard, Real Estate Finance Officer, Real Estate Finance and Grants
Management Division, HCD

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INFORMATION - 4

Contract Award—Columbia Pike Walkway (Mason District)

Five sealed bids were received and opened on Tuesday, September 9, 2008, for the construction of the Columbia Pike Walkway, Project No. 4YP201, Pedestrian Task Force Recommendations, in Fund 304, Transportation Improvements. This contract award will provide for the construction of a concrete sidewalk and retaining wall along the south side of Columbia Pike from the entrance to the Mason District Government Center eastward to Downing Street. This project is included in the FY 2009 - FY 2013 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Ashburn Contracting Corporation. Their bid of \$326,145.00 is \$31,505.00 or 8.81% lower than the Engineer's Estimate of \$357,650.00. The apparent second lowest bidder was non-responsive. The next lowest responsive bid of \$444,955.00 is \$118,810.00 or 36.43% above the low bid. The highest bid of \$633,595.00 is \$307,450.00 or 94.26% above the low bid.

Ashburn Contracting Corporation has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Ashburn Contracting Corporation has the appropriate Fairfax County Business, Professional and Occupational License (BPOL). Ashburn Contracting Corporation is a small minority owned business.

This bid may be withdrawn after October 23, 2008.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Ashburn Contracting Corporation in the amount of \$326,145.00.

FISCAL IMPACT:

Funding in the amount of \$432,202.75 is necessary to award this contract and to fund the associated contingency and other costs including design, utility relocation, contract administration, inspection, testing, permits, and fees. Funds are currently available in the amount of \$11,916,590 in Project 4YP201, Pedestrian Task Force Recommendations, Fund 304, Transportation Improvements. The remaining balance in the project will be retained to complete other pedestrian task force recommendation projects.

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ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

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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INFORMATION - 5

Planning Commission Action on Application 2232-D08-8, NewPath Networks, LLC and New Cingular Wireless PCS, LLC by AT&T Mobility Corporation Its: Manager (Dranesville District)

On Thursday, September 11, 2008, the Planning Commission voted unanimously (Commissioners Flanagan and Sargeant absent from the meeting) to approve 2232-D08-8.

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

Application 2232-D08-8 sought approval to construct two additional nodes for the already-approved Distributed Antenna System in the 8700 and 8800 blocks of Georgetown Pike (nodes 21 and 22, respectively) to provide in-building and in-vehicle coverage for motorists and residents within reach of the AT&T signals in the subject portion of Great Falls. The additional nodes will be located on portions of public rights-of-way on Tax Maps 13-4 and 14-3.

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 9/11/08 Commission meeting

Attachment 2: Vicinity map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lipka, Executive Director, Planning Commission Office

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11:30 a.m.

Matters Presented by Board Members

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12:20 p.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Henry Penn v. Fairfax County*, Case No. 08-1405 (U. S. Ct. App. 4th Cir.)
 - 2. *Louise Root v. County of Fairfax, et al.*, Case No. CL-2008-0005303 (Fx. Co. Cir. Ct.)
 - 3. *Eugenia B. White v. Fairfax County Government*, Court No. 1:07cv696 (E.D. Va.)
 - 4. *Jameela Taraky, by GEICO, Subrogee v. Vito Luangkhot and Fairfax County Housing and Community Development Corp.*, Court No. GV-08-020308 (Fx. Co. Gen. Dist. Ct.)
 - 5. *John Alexander v. John Catron, Fairfax County, Fairfax County Police Department, and Mendota Insurance Co.*, Case No. CL-2008-0007057 (Fx. Co. Cir. Ct.)
 - 6. *County of Fairfax, Virginia, on Behalf of Richard J. Curro v. Robert W. Barfield, Jr.*, Case No. CL-2008-0004639 (Fx. Co. Cir. Ct.)
 - 7. *Michael L. Orem v. Richard Perl and Masoud Azadfroz*, Case No. CL-2008-0010186 (Fx. Co. Cir. Ct.)

8. *Geoff Livingston, et al. v. County of Fairfax and Virginia Department of Transportation*, Case No. CL-2008-0008875 (Fx. Co. Cir. Ct.)
9. *Costco Wholesale Corp. v. Board of Supervisors, et al.*, Case No. CL-2008-0008198 (Fx. Co. Cir. Ct.) (Springfield and Sully Districts)
10. *Target Corp. v. Board of Supervisors, et al.*, Case No. CL-2008-0008198 (Fx. Co. Cir. Ct.) (Countywide)
11. *Fairfax County Redevelopment and Housing Authority v. Zareen Hudson, Juan Zayas, and Cristian Hernandez, et al.*, Case No. CL-2007-0005458 (Fx. Co. Cir. Ct.) (Lee District)
12. *ARPA Enterprises, Inc. v. Fairfax County Zoning Administrator, et al.*, Case No. CL-2008-0002106 (Fx. Co. Cir. Ct.) (Providence District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu and M. Linnea Chiu*, Case No. CL-2008-0006051 (Fx. Co. Cir. Ct.) (Mason District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Richard H. Chiu*, Case No. CL-2008-0006278 (Fx. Co. Cir. Ct.) (Providence District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Micaela Valencia*, Case No. CL-2007-0000211 (Fx. Co. Cir. Ct.) (Providence District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. 7610 Lee Highway, LLC, d/b/a Park's Auto Service*, Case No. CL-2008-0003570 (Fx. Co. Cir. Ct.) (Providence District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yongping Hu and Qin Wan*, Case No. CL-2008-0009033 (Fx. Co. Cir. Ct.) (Braddock District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Barbara Brasher and Larnell Brasher*, Case No. CL-2008-0004427 (Fx. Co. Cir. Ct.) (Lee District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Rodriguez and Doris Garcia Cordova*, Case No. CL-2007-0012673 (Fx. Co. Cir. Ct.) (Lee District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Otis Perry and Elcetia L. Perry*, Case No. CL-2008-0005923 (Fx. Co. Cir. Ct.) (Providence District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Issmail Alchaleh, Mazen I. Alchaleh, and M & I Auto Sales, Inc.*, Case No. CL-2008-0009928 (Fx. Co. Cir. Ct.) (Providence District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sylvia Brookover*, Case No. CL-2008-0004633 (Fx. Co. Cir. Ct.) (Hunter Mill District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Velasquez and Halley Ruis Falcone*, Case No. CL-2008-0008038 (Fx. Co. Cir. Ct.) (Mason District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pedro Otero and Blanca Rose Otero*, Case No. CL-2008-0010922 (Fx. Co. Cir. Ct.) (Dranesville District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Crystal Dodge Sims*, Case No. CL-2008-0011405 (Fx. Co. Cir. Ct.) (Lee District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shirley A. Guernsey*, Case No. CL-2008-0011520 (Fx. Co. Cir. Ct.) (Mount Vernon District)
27. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Cesia C. Rivera*, Case No. CL-2008-0011521 (Fx. Co. Cir. Ct.) (Lee District)
28. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jose Osmin Alvarado and Edgardo Osmin Alvarado*, Case No. CL-2008-0011676 (Fx. Co. Cir. Ct.) (Lee District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Seville Homes, LLC*, Case No. CL-2008-0011675 (Fx. Co. Cir. Ct.) (Providence District)

30. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Huntington National Bank*, Case No. CL-2008-0011750 (Fx. Co. Cir. Ct.) (Springfield District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Green Door Investments, LLC, Little Count, LLC, Little Eye, LLC, and A.K. Foods, Inc.*, Case No. CL-2008-0011749 (Fx. Co. Cir. Ct.) (Providence District)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cesia C. Rivera*, Case No. 08-24757 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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3:00 p.m.

Public Hearing on a Proposal to Abandon a Segment of Newbrook Drive (Sully District)

ISSUE:

Public hearing to consider the abandonment of a segment of Newbrook Drive.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors consider adoption of the attached order (Attachment III) to abandon this portion of the roadway.

TIMING:

The Board previously took action on July 21, 2008, to authorize a public hearing for September 8, 2008. The public hearing was deferred on September 8 to September 22, 2008, at 3:00 p.m. in order to allow necessary agreements to be completed.

BACKGROUND:

The applicant, Commonwealth Centre Investors, LLC, represented by Ms. Jill Switkin of the legal firm of Cooley Godward, Kronish, LLP, has requested the abandonment of a segment of Newbrook Drive located north of Westfields Boulevard. The subject right-of-way was previously dedicated for public street purposes however a subsequent development proposal favored abandonment of the public way to leave a private street.

This development, submitted under RZ 2006-SU-025 and PCA 78-5-063-5, was approved by the Board of Supervisors in October 2007. A proffer to privatize the roadway was included in the approved rezoning. If approved, the subject proposal would fulfill this proffered commitment.

Easement needs have been resolved.

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

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FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Letter of Justification

Attachment II: Vicinity map (Tax Map 44-1)

Attachment III: Order of Abandonment

Attachment IV: Notice of Intent to Abandon (separate from package)

Attachment V: Abandonment Plat (separate from package)

Attachment VI: Metes and Bounds Description (separate from package)

STAFF:

Katharine D. Ichter, Director, Department of Transportation

Angela Kadar Rodeheaver, Department of Transportation

Michael A. Davis, Department of Transportation

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3:30 p.m.

Public Hearing on SE 2008-SP-015 (Suntrust Bank, Inc.) to Permit a Drive-In Financial Institution, Located on Approximately 23,043 Square Feet Zoned C-6, HC and WS, Springfield District

The application property is located at 13035 B Lee Jackson Memorial Highway, Tax Map 45-1 ((1)) 10C pt.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, September 11, 2008, the Planning Commission voted unanimously (Commissioners Flanagan and Sargeant absent from the meeting) to recommend the following actions to the Board of Supervisors pertinent to SE 2008-SP-015:

- 1) approval of SE 2008-SP-015, subject to the proposed development conditions in Appendix 1 of the staff report;
- 2) waiver of the loading space requirement (Commissioner Harsel opposed);
- 3) waiver of the on-road bike lane requirement on Route 50;
- 4) modification of the trail requirement on Route 50;
- 5) waiver of the barrier requirement, in favor of that shown on the SE plat;
- 6) modification of the transitional screening requirement, in favor of that shown on the SE plat.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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3:30 p.m.

Public Hearing on PCA-C-696-07 (Dulles Development, LLC) to Amend RZ C-696
Previously Approved for Mixed Use Development to Permit Modifications to Proffers with an
Overall Floor Area Ratio of 0.99, Located on Approximately 35.94 Acres Zoned PDC,
Hunter Mill District

and

Public Hearing on SE 2008-HM-018 (Dulles Development, LLC) to Permit Fast Food
Restaurants in Residential Buildings, Located on Approximately 20.25 Acres Zoned PDC,
Hunter Mill District

The application property is located south of Sunrise Valley Dr. on both sides of Dulles Station Blvd. and Sayward Blvd. at 2320, 2323, 2330 and 2333 Dulles Station Blvd. Tax Map 15-4 ((5)) 2A, 2B, 3A, 5A, 7A1, 7A2 and 8A; 16-1 ((25)) 1A, 1B and 6A.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on these applications will be held on Thursday, September 18, 2008. The Commission's recommendation will be subsequently forwarded to the Board of Supervisors.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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3:30 p.m.

Public Hearing on SEA 2002-HM-046 (CTD, Arrowbrook Centre, LLC) to Amend SE 2002-HM-046 Previously Approved for Uses in a Floodplain to Permit Fast Food Restaurants and Associated Modifications to Site Design and Development Conditions, Located on Approximately 9.18 Acres Zoned PDC, Hunter Mill District

The application property is located in the southwest quadrant of the intersection of the Dulles Airport Access Road and Centreville Road, Tax Map 16-3 ((1)) 39A2.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearing on SEA 2002-HM-046 will be held on Thursday, September 18, 2008. The Commission's recommendation will be subsequently forwarded to the Board of Supervisors.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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4:00 p.m.

Public Hearing on Proposed Amendments to the Map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of The Code of the County of Fairfax, Virginia, Re: Resource Protection Area Boundaries on Map Pages No. 47-2 (Providence District) and 110-1 (Mount Vernon District)

ISSUE:

Board adoption of proposed amendments to the map of Chesapeake Bay Preservation Areas, Chapter 118 (Chesapeake Bay Preservation Ordinance) of *The Code of the County of Fairfax, Virginia* (Fairfax County Code). The proposed amendments revise the Resource Protection Area boundaries on the adopted map of Chesapeake Bay Preservation Areas for map pages no. 47-2 and 110-1.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission decision-only on the proposed amendments has been deferred again until Thursday, September 18, 2008. The Commission's recommendation will be subsequently provided to the Board of Supervisors.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to the map of Chesapeake Bay Preservation Areas as set forth in the Staff Report dated June 30, 2008.

TIMING:

Board action is requested on September 22, 2008. On June 30, 2008, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on July 24, 2008 and deferred the decision until September 11, 2008. The effective date for this amendment will be 12:01 a.m. on September 23, 2008.

BACKGROUND:

Section 118-1-9(a) of the Chesapeake Bay Preservation Ordinance requires that there be a map of Chesapeake Bay Preservation Areas adopted by the Board. Chesapeake Bay Preservation Areas include both Resource Protection Areas (RPAs) and Resource Management Areas (RMAs). RPAs are required to be designated around all water bodies with perennial flow. Because Section 118-1-7(c) of the Chesapeake Bay

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Preservation Ordinance as adopted, requires that a stream be both perennial and depicted on the map as perennial to be subject to regulation as a water body with perennial flow, newly identified perennial streams must be added to the map to have RPAs designated around them.

On July 23, 2007, the Board directed staff to assess the stream associated with project DF92130 in the Difficult Run Watershed Management Plan, adopted by the Board in February, 2007, to determine if the stream should be classified as perennial. The stream in question was not evaluated during the perennial stream assessment project of 2002-2003 because of lack of access to the property through which the upper portion of the stream runs. Access is no longer an issue after receiving permission from the homeowners to assess the stream. However, because of the severe drought that occurred during the summer and fall of 2007, the assessment could not be performed until December 19, 2007. Based on the results of the field assessment, the stream in question has been classified as perennial. Results of the study are included as Attachment A. The proposed amendment to tax map page no. 47-2 is the result of this study.

The proposed amendment to tax map page no. 110-1 corrects the location of a stream segment near the intersection of Adrienne Drive and Old Mill Road that is piped for approximately 450 feet where it crosses Adrienne Drive and the location of the pipe's outfall. The proposed amendment removes the RPA from over the top of the piped segment of the stream.

PROPOSED AMENDMENTS:
Tax Map Page No. 47-2:

A reach of stream was assessed below a wet pond at 2816 Hunter Mill Road (tax map page no. 47-2((12)) parcel 1). The pond and downstream channel are located in a residential area of single family houses and mowed yards. The origination of flow is from the wet pond and continues to the south/west to a confluence with another first order stream. The groundwater table was found to be very high. The investigators observed several indicators of perenniality, including several springs along the length of the stream (an old spring house structure is sited immediately adjacent to the outfall of the pond). The homeowner, Bruce Scott, indicated that the stream and springs flow all year and continued flowing even during the pronounced drought of 2007. Sustained streamflow during drought conditions is conclusive evidence of a perennial stream.

Additional indicators, such as caddisfly larvae (*Hydropsychidae*) were found to be plentiful on submerged substrate throughout the reach and crayfish chimneys were

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found along the streambed. Both are good biotic indicators of perennial flow conditions. The stream channel displayed moderate to strong geomorphic characteristics indicative of the presence of perennial streamflow. During the site visit, the Fairfax County perennial stream assessment protocol was applied and a datasheet was completed. The reach surveyed was assessed a score of 25.5. Generally, a score of 25 or higher indicates perennial flow. Perennial streams that have been impacted by urban environments may score lower than 25. The investigation concluded that the stream below the wet pond is perennial. The map of Chesapeake Bay Preservation Areas is being amended to add the stream and pond with their associated RPAs.

Tax Map Page No. 110-1:

A perennial stream on tax map page no. 110-1 identified during the 2002-2003 stream assessment project, runs generally parallel to and east of Adrienne Drive for approximately 1200 feet before entering into an underground pipe. The existing map of Chesapeake Bay Preservation Areas shows a pipe that terminates at Adrienne Drive with the stream flowing down the east side of the road until its intersection with Old Mill Road. At the intersection of Adrienne Drive and Old Mill Road, the existing map shows the stream entering a second pipe that crosses under Adrienne Drive. The stream is then depicted as flowing along the north side of Old Mill Road until it outfalls into a major tributary of Dogue Creek. Based on a recent field review, this flow path is incorrect. The first underground pipe is actually much longer, approximately 450 feet, and crosses Adrienne Drive approximately 200 feet north of Old Mill Road. After crossing Adrienne Drive, the pipe outfalls into a major tributary of Dogue Creek. The map of Chesapeake Bay Preservation Areas is being amended to reflect the correct flow path and revised RPA boundary. Because the RPA is not mapped around perennial streams that are piped for longer than 200 feet, the proposed amendment results in a reduction of the RPA area. The stream layer in the County's Geographic Information System is also being updated to reflect this new information.

REGULATORY IMPACT:

The proposed amendments will facilitate administration of the Chesapeake Bay Preservation Ordinance by providing a more accurate depiction of the extent of RPAs in Fairfax County. Properties along a stream that has been reclassified as perennial will be subject to additional regulatory requirements associated with RPAs that may limit development opportunities. The affected properties on tax map page no. 47-2 are zoned residential and are not subject to any approved rezonings, special exceptions, special permits, or variances. At this time there are no pending zoning applications, construction plans, or Building Permit applications that would be affected by the amended RPA designation. There are no potential impacts to the properties affected by the changes to tax map page no. 110-1 because RPA area is being removed. At the

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time of adoption of prior amendments to the map of Chesapeake Bay Preservation Areas, the Board adopted policies for the treatment of approved and pending plans of development with respect to said amendments to be administered by the Director of DPWES. Because there are no active plans or permits that would be affected by the new RPA designation, staff is not recommending that the Board provide similar consideration for the treatment of approved and pending plans of development affected by the proposed revisions to tax map page no. 47-2 at this time. However, staff will have a policy available for the Board's consideration at the time of the public hearing if this situation changes. In addition to the standard legal advertisements, a separate notice of the public hearings will be mailed to all property owners affected by the proposed amendments.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report dated June 30, 2008

STAFF:

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
Randolph W. Bartlett, Director, Stormwater Management, DPWES

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4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of the South Kings Highway/Harrison Lane Intersection Improvements Project (Lee District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Project 4YP012, South Kings Highway/Harrison Lane Intersection Improvements, Fund 304, Transportation Improvements.

RECOMMENDATION:

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

TIMING:

On August 4, 2008, the Board authorized advertisement of a public hearing to be held on September 22, 2008, commencing at 4:00 p.m.

BACKGROUND:

This project consists of the installation of a turn lane on South Kings Highway eastbound from South Benson Drive to Harrison Lane, being approximately 400 linear feet, and westbound from Queens Road to Harrison Lane, being approximately 300 linear feet, including some re-grading of existing yards, driveways, installation of a new storm drainage system and one new traffic control signal at the intersection of South Kings Highway and Harrison Lane.

The construction of this project requires the acquisition of 7 deeds of dedication, 2 storm drainage easements, 1 traffic signal equipment easement, 12 grading agreement and temporary construction easements, 10 Verizon Virginia, Inc. easements, 10 Dominion Virginia Power easements and 4 letters of permission in the Lee District. Although the Land Acquisition Division (LAD) has been negotiating to acquire these land rights since July 21, 2008, as of this date, land rights on 3 of the 14 properties have been secured. LAD has been unable to reach resolution on the remaining 11 properties due to property owner concerns about the project. Repeated deferrals to move forward on the project have meant increases in project costs. Thus, condemnation is necessary.

In order to commence construction of this project on schedule, it is necessary for the

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Board to utilize quick-take eminent domain powers. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1904 and 15.2-1905 (2008). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding in the amount of \$2,589,482 is currently appropriated in Project 4YP012, South Kings Highway/Harrison Lane, Fund 304, Transportation Improvements. This amount is sufficient for land acquisition and future construction costs. No additional funding is requested from the Board for land acquisition.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

Attachment B – Resolution with Fact Sheet on each affected parcel with plat showing interests to be acquired (Attachments 1 through 14C).

STAFF:

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

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4:00 p.m.

Public Hearing on Proposed Amendments to the Code, Section 84.1, Public Transportation, Including Those Pertaining to Taxicab Rates, Taxicab Fuel Efficiency, and Other Regulatory Requirements

ISSUE:

Board approval of proposed amendments to Section 84.1 of the Fairfax County Code, including those pertaining to taxicab rates, taxicab fuel efficiency, and other regulatory requirements.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to Section 84.1 of the Fairfax County Code (see Attachment 1), including those pertaining to taxicab rates, taxicab fuel efficiency, and other regulatory requirements.

TIMING:

Board adoption of the proposed amendments to Section 84.1 is requested on September 22, 2008, effective October 15, 2008. At its August 4, 2008 meeting, the Board authorized the advertisement of a public hearing on September 22, 2008, for a permanent increase in taxicab fares and other revisions to the Code pertaining to taxicab regulation.

BACKGROUND:

This report contains recommendations regarding amendments to Chapter 84.1 (Public Transportation) of the Code of Fairfax County (Code). These recommendations include among others: proposed changes in permanent rates, initiation of minimum taxicab vehicle fuel efficiency standards, provisions addressing the use of credit and debit cards, drivers' use of cell phones, and wheelchair accessibility (see Attachment 2). To ensure adequate implementation time, staff recommends an effective date of October 15, 2008.

Recommended Fare Increase

Permanent taxicab fare rates were last increased in June 2005, based in part on average regular-grade gasoline prices in March 2005 of \$2.13 a gallon. Retail gasoline prices have experienced significant price swings upward since then, resulting in the periodic approval of emergency and temporary fuel surcharges. Surcharges totaling \$2.00 are currently in effect, but will expire in October 2008. With fuel prices unlikely to return to their March 2005 levels, staff proposes that Chapter 84.1 of the County Code be revised to permanently increase the taxicab rates codified therein.

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Section 84.1-6-2(e) provides a formula, referred to as the Fairfax County taxicab industry price index, for determining, in part, whether a rate change is justified, and for setting a rate recommendation. This formula measures changes to various elements of the consumer price index, relating to factors affecting costs to the taxicab industry. Recommendations on changes in rates are made based on the results of this analysis, plus or minus two percent.

According to staff's analysis, provided in Attachment 2 (Schedule 2), this index has increased 21.2 percent since March 2005, supporting a rate increase within the range of 19.2 to 23.2 percent. In accordance with this formula, staff's rate proposal would establish taxicab rates that increase the fare for a five-mile trip by 19.7 percent.

Staff's proposal would amend Section 84.1-6-3, regarding taxicab rates, fares, and charges, by increasing the two components of a taxi fare. First, the initial, or "drop," charge, which includes the passenger's first 1/5th mile, would increase from \$2.75 to \$3.75. This increase effectively incorporates into base rates the temporary \$1.00 per trip fuel surcharge that has been in effect since June 2007. Second, the rate for each succeeding 1/5th mile increment would increase from \$0.35 to \$0.40, increasing the per-mile charge from \$1.75 to \$2.00. The fuel surcharges currently in effect would be superseded, by these rate changes.

Transportation General Inc. (TGI), the owners of Red Top and Fairfax Yellow taxicab companies, proposed a fare change that would increase the incremental mileage charge from \$0.35 to \$0.40, but retain the current drop charge of \$2.75. TGI expressed concern that an increase in the drop charge, in addition to an increase in the mileage charge, would adversely affect ridership. Staff does not recommend TGI's proposed fare change, since the resulting rates would increase the fare for a five-mile trip by just 10.8 percent, significantly below the range of 19.2 percent to 23.2 percent indicated by the Fairfax County taxicab industry price index formula specified in the Code.

Establishment of Fuel Efficiency Standards

Staff recommends that effective July 1, 2010, all vehicles added to the County's taxicab fleet, other than those that are wheelchair-accessible, be required to have an Environmental Protection Agency (EPA) minimum average combined city/highway miles per gallon (mpg) rating of at least 25 miles per gallon (mpg). The 25 mpg standard would improve the fuel efficiency of the average replacement taxicab by 34 percent over the current fleet average fuel efficiency.

Staff also recommends that the minimum average fuel efficiency should be increased to 30 mpg effective July 1, 2012. The 30 mpg standard would improve the fuel efficiency of the average replacement taxicab by 60 percent over the current fleet average fuel efficiency.

In recognition of the industry's reliance on used vehicles, these standards fall slightly below current and future federal passenger-vehicle fuel economy requirements. A focus on mileage, rather than technology, ensures a wider availability of vehicles that meet both the standards and the special needs of the industry.

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Transportation General Inc. recommended a proposal be adopted that would set lower mileage standards and would exempt from those standards vehicles that operate “primarily” on alternate fuels. TGI’s proposed changes would: 1) increase fuel efficiency standards incrementally, with a 21 mpg standard effective July 1, 2010, a 23 mpg standard effective July 1, 2012, and a 25 mpg standard effective July 1, 2014; and 2) exempt from the fuel efficiency standards those vehicles primarily using an approved clean special fuel, such as Liquefied Petroleum Gas (LPG, or propane).

Staff does not recommend that the Board adopt TGI’s proposed fuel mileage standards. The lower mileage standards fall below that which appears reasonably achievable over the next several years. Further, the lower standards will be less effective than staff’s recommended mileage standards to reduce emissions and to restrain future rate increases. Staff also does not recommend that the Board adopt TGI’s proposed clean special fuels exemption for vehicles dual powered by gasoline and LPG. Staff notes that Virginia law requires that a vehicle be operated exclusively by a clean special fuel in order to qualify for a clean fuel license plate. According to the Virginia Department of Motor Vehicles, a flexible-fuel vehicle engine that operates primarily on a clean special fuel does not qualify as a clean fuel vehicle.

Other Changes to the Code

In addition to these Code revisions regarding rates and fuel efficiency, staff recommends that the Board adopt other proposed revisions to the Code pertaining to taxicab regulation, including:

- *Licensing.* Conviction of certain driving offenses, such as a hit-and-run or driving while intoxicated, would be grounds to deny an applicant a taxicab operator’s license. Grounds to suspend or revoke that license would also include repeated passenger complaints, and the driver’s unjustified failure to pick up a person when requested to do so by the certificated taxicab company.
- *Credit and debit cards.* In recognition of the public’s increasing reliance on cashless transactions, taxis would be required to post clear statements regarding check use and credit and/or debit card acceptance, including logo signs if applicable.
- *Cell phone use.* Taxicab drivers would be prohibited from using a cell phone or playing a sound system when transporting a passenger when the passenger requests that the driver not do so.
- *Wheelchair accessible taxicabs.* The revisions would supplement current incentives to operate wheelchair accessible taxicabs by permitting older vehicles to be placed in service. The revisions would permit a wheelchair accessible taxicab up to four years old to be placed in service, so long as its mileage is below 125,000 miles.

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Descriptions of other proposed changes to the Code, which are primarily technical, are contained in Attachment 2 Section III.

On September 9, 2008 the Consumer Protection Commission (CPC) held a public hearing on staff's proposed revisions to Chapter 84.1 of the County Code. A verbatim of the meeting is Attachment 4.

The CPC received comments from two public witnesses: Transportation General, Inc. (TGI), and the County's Department of Transportation, Seniors-on-the-Go program. TGI expressed its disagreement with staff proposals regarding rates and fuel efficiency and offered alternative proposals. During the hearing, TGI noted that the staff Report does not adequately convey that its recommended mileage standards would apply on a fleet-average basis. Thus, rather than each new vehicle achieving certain EPA fuel efficiency standards, TGI would propose instead that EPA fuel efficiency standards be averaged among all new vehicles added to the fleet.

After taking comment from and questioning these representatives, the CPC adopted recommendations regarding the following issues: (1) what permanent rate increase should be adopted; (2) taxicab fuel efficiency standards; and (3) other Code revisions pertaining to taxicab regulation.

On the first question, the CPC rejected (on a tie vote) the adoption of staff's proposed rate increase, which would increase both the initial, or "drop," charge to from \$2.75 to \$3.75, and the charge per one-fifth mile from \$0.35 to \$0.40. Instead, on a 5-3 vote, the CPC approved a motion to recommend adoption of TGI's alternative proposal that would keep the drop charge at \$2.75. The CPC approved the increased rate for each one-fifth mile increment from \$0.35 to \$0.40, thereby increasing the per-mile charge from \$1.75 to \$2.00. As provided in the Code, fuel surcharges currently in effect would be superseded.

On the second question, the CPC did not adopt staff's proposed taxicab fuel efficiency standards, which would have required each new vehicle added to the fleet to achieve an EPA combined city/highway rating of 25 miles per gallon (mpg) by July 1, 2010 and 30 mpg by July 1, 2012. Subsequently, the CPC approved a motion to adopt an amended version of TGI's alternative proposal, which recommends the implementation of a minimum fuel efficiency standard such that new vehicles placed into service in a certificate holder's fleet achieve the following EPA combined city/highway mileage standards: 21 mpg by July 1, 2010; 23 mpg by July 1, 2012; and 25 mpg by July 1, 2014; and approved a recommendation that urges the taxicab industry to achieve a 30 mpg rating as soon as possible. The CPC's recommendation is not clear whether these alternative fuel efficiency benchmarks would be applied to each new vehicle added to the fleet, or would apply to an average of the new fleet's fuel efficiency.

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On the third question, the CPC unanimously approved a motion recommending adoption of staff's proposed revisions to Chapter 84.1, other than those addressing rates and taxicab fuel efficiency.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Chapter 84.1

Attachment 2 – Staff Report on Proposed Code Revisions

Attachment 3 – Notice of Public Hearing

Attachment 4 - Verbatim

STAFF:

Michael S. Liberman, Director, Department of Cable Communications and Consumer Protection (DCCCP)

Dave Reidenbach, Chief, Regulatory and Licensing Branch, DCCCP

Steve Sinclair, Chief, Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, DCCCP

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4:00 p.m.

Public Hearing to Grant a Perpetual Street Easement and a Temporary Construction Easement to the Virginia Department of Transportation for the Willard Road Interchange Project (Sully District)

ISSUE:

Public hearing to grant a Perpetual Street Easement and a Temporary Construction Easement to the Virginia Department of Transportation for the Willard Road Interchange Project. The Route 28/Willard Road Interchange project is included in the Board of Supervisors' Second Four-Year Transportation Program approved on October 15, 2007.

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached Resolution to grant a Perpetual Street Easement and a Temporary Construction Easement to the Virginia Department of Transportation for the Willard Road Interchange Project.

TIMING:

On September 8, 2008, the Board authorized the advertisement of a public hearing to be held on September 22, 2008, at 4:00 pm.

BACKGROUND:

The Board of Supervisors is the owner of a property identified as Tax Map No 44-1-01-0001-D and commonly known as the Criminal Justice Academy. The subject property is located at the northeast corner of the intersection of Willard Road and Lee Road.

The Virginia Department of Transportation (VDOT) requested a Perpetual Street Easement of approximately 0.136 acres and a Temporary Construction Easement of approximately 0.195 acres for the construction of the Willard Road /Route 28 Interchange Project. VDOT agreed to construct a trail across the north side of Willard Road approaching Route 28 in conjunction with the interchange project and at the project's expense. In light of VDOT's financial commitment to the construction of a trail on County-owned property, staff recommends that the required land rights are granted to VDOT at no cost. The Temporary Construction Easement will terminate when the construction of the aforesaid project is completed.

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Pursuant to Section 15.2-1800 of the Code of Virginia, a public hearing is required for the Board to convey real property or real property interests.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution

Attachment 2 – Tax Map No. 44-1

STAFF:

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

Katharine Ichter, Director, Department of Transportation

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4:30 p.m.

Public Hearing on Proposed Plan Amendment S07-CW-6CP to Add Guidance Encouraging Universal Design in the Development of Housing and Communities

ISSUE:

Proposed Plan Amendment S07-CW-6CP considers changes to the Land Use and Housing Sections of the Policy Plan to add guidance encouraging Universal Design in the development of housing, including affordable housing, and communities. In addition, a definition of Universal Design is proposed to be added to the Glossary of the Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 31, 2008, the Planning Commission voted unanimously (Commissioners Donahue and Hall absent from the meeting) to recommend to the Board of Supervisors approval of S07-CW-6CP, as shown on pages 3 and 4 of the Staff Report dated July 17, 2008.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the Planning Commission recommendation for proposed Plan Amendment S07-CW-6CP with one minor change to the proposed definition. The revised definition was developed by staff to add clarity as requested by several Planning Commissioners at the Planning Commission public hearing and is shown in Attachment III.

TIMING:

Planning Commission public hearing – July 31, 2008
Board of Supervisors' public hearing – September 22, 2008

BACKGROUND:

The Board of Supervisors (Board) directed staff on December 3, 2007, to review the Policy Plan to ensure the language in the Comprehensive Plan “supports a ‘livable community for all ages’ and supports the Board’s commitment to an even more aging friendly Fairfax.” At the time of the motion, two staff groups in the County had been established to evaluate how to make communities in the County more livable through Universal Design. Staff from the Department of Planning and Zoning concluded that

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amending the Policy Plan to encourage Universal Design would be an appropriate first step in moving toward addressing the issue of livable communities as well as other actions detailed the Board-adopted plan entitled *Anticipating the Future: Fairfax 50+ Action Plan*.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Staff Report for proposed Plan Amendment S07-CW-6CP

Attachment II: Planning Commission verbatim and recommendation

Attachment III: Revised Glossary definition of Universal Design

STAFF:

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

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

Heidi T. Merkel, Senior Planner, PD, DPZ

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September 22, 2008

4:30 p.m.

Public Hearing on RZ 2008-PR-011 (The Mitre Corporation) to Rezone from C-3 and HC to C-3 and HC with New Proffers and to Permit an Additional Office Building Which Would Result in an FAR of 1.0 Within the Application Property, Located on Approximately 19.61 Acres, Providence District

and

Public Hearing on PCA 92-P-001-05 (The Mitre Corporation) to Delete 19.61 Acres of Land from RZ 92-P-001 Previously Approved for Commercial Development and the Proffers Associated with that Approval, Located on Approximately 19.61 Acres Zoned C-3 and HC, Providence District

The application property is located at the south terminus of Colshire Drive, south of Dolley Madison Boulevard and west of Anderson Road, Tax Map 30-3 ((28)) 3A1 and 4A3.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission public hearings on these applications is scheduled for Thursday, September 18, 2008. The Commission's recommendation will be subsequently provided to the Board of Supervisors.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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