

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
SEPTEMBER 8, 2008**

**AGENDA**

- |       |                 |   |
|-------|-----------------|---|
| 9:00  | <b>Done</b>     | Presentations   |
| 10:00 | <b>Approved</b> | Public Hearing on the County and Schools' <i>FY 2008 Carryover Review</i> to Amend the Appropriation Level in the FY 2009 Revised Budget Plan |
| 10:30 | <b>Done</b>     | Metropolitan Washington Council of Governments Draft Climate Change Report  |
| 11:00 | <b>Done</b>     | Items Presented by the County Executive   |

**ADMINISTRATIVE  
ITEMS**

- |   |                 |   |
|---|-----------------|---|
| 1 | <b>Approved</b> | Board of Supervisors' Meeting Schedule for Calendar Year 2009   |
| 2 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5397 Summit Drive (Springfield District)                                 |
| 3 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6834 Beulah Street (Lee District)  |
| 4 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5505 Clifton Road (Springfield District)                                 |
| 5 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 13430 Lee Highway (Sully District)                                       |
| 6 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7131 Alger Road (Mason District)   |
| 7 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 9534 Burning Branch Road (Springfield District)                          |
| 8 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5399 Summit Drive (Springfield District)                                 |
| 9 | <b>Approved</b> | Extension of Review Periods for 2232 Review Applications (Dranesville, Hunter Mill, Lee, Mason, Mount Vernon, Providence, Springfield, and Sully Districts) |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
SEPTEMBER 8, 2008**

**ADMINISTRATIVE  
ITEMS (continued)**

- |    |                                 |  |
|----|---------------------------------|--|
| 10 | <b>Approved</b>                 | Additional Time to Commence Construction for Special Exception SE 2004-SU-025, Stanford Hotels Corporation (Sully District)  |
| 11 | <b>Approved</b>                 | Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Office of Justice Programs/Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grants  |
| 12 | <b>Approved</b>                 | Streets into the Secondary System (Dranesville, Providence, and Sully Districts)   |
| 13 | <b>Approved</b>                 | Authorization to Advertise a 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)  |
| 14 | <b>Approved</b>                 | Authorization for Department of Housing and Community Development and Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the U.S. Department of Housing and Urban Development Through the Continuum of Care Homeless Assistance Program, and Authorization for Multiple Consolidated Plan Certifications |
| 15 | <b>Approved</b>                 | Supplemental Appropriation Resolution AS 09043 for the Fairfax County Public Library to Accept Grant Funding from the Institute of Museum and Library Services for An American Future: Library Service Opportunities for Immigrant Youth Under the 2008 Laura Bush 21 <sup>st</sup> Century Program                                      |
| 16 | <b>Approved</b>                 | Supplemental Appropriation Resolution AS 09019 for the Department of Transportation to Accept Grant Funding from the Virginia Department of Rail and Public Transportation for the RIDESOURCES Marketing and Ridesharing Program   |
| 17 | <b>Approved<br/>w/amendment</b> | Authorization to Advertise a Public Hearing RE: Proposed Amendments to the Public Facilities Manual (PFM) and <i>The Code of the County of Fairfax, Virginia</i> Related to the Conservation of Trees During the Land Development Process  |
| 18 | <b>Approved</b>                 | Authorization to File Comments in a Federal Communications Commission Rulemaking Relating to Local Zoning Authority Over Wireless Tower Siting (WT Docket No. 08-165)  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
SEPTEMBER 8, 2008**

**ACTION ITEMS**

- |   |                                 |  |
|---|---------------------------------|--|
| 1 | <b>Approved</b>                 | Authorization to File Comments in Application of Dominion Virginia Power for Approval of its Renewable Energy Tariff, SCC Case No. PUE-2008-00044  |
| 2 | <b>Approved<br/>w/amendment</b> | Authorization to Publish Delinquent Real Estate, Personal Property, and Business, Professional, and Occupational Licenses Delinquency List for Tax Year 2007 (FY 2008)                           |
| 3 | <b>Approved<br/>w/amendment</b> | Endorsement of County Staff Comments on the Environmental Assessment for Base Realignment and Closure (BRAC) Recommendation Number 133 (BRAC 133) (Mount Vernon, Lee, and Springfield Districts) |

**INFORMATION  
ITEMS**

- |       |              |   |
|-------|--------------|---|
| 1     | <b>Noted</b> | Implementation of Merrifield Streetscape Design Manual (Providence District)  |
| 2     | <b>Noted</b> | County Holiday Schedule – Calendar Year 2009  |
| 3     | <b>Noted</b> | Waste Delivery/Disposal Agreement with the District of Columbia   |
| 4     | <b>Noted</b> | Service Changes to FAIRFAX CONNECTOR Routes to be Implemented in Fall 2008 (Braddock, Hunter Mill, Lee, Mason, Mount Vernon, Providence, and Springfield Districts) |
| 5     | <b>Noted</b> | Notification of Requirements for Federal Transit Administration Grants  |
| 11:45 | <b>Done</b>  | Matters Presented by Board Members  |
| 12:00 |              | <b>9/11 Remembrance Ceremony<br/>The 9/11 Memorial Grove,<br/>Fairfax County Government Center</b>  |
| 12:30 | <b>Done</b>  | Closed Session  |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
SEPTEMBER 8, 2008**

**PUBLIC HEARINGS**

- |      |   |   |
|------|---|---|
| 3:30 | <b>Public hearing deferred to 10/20/08 at 3:00 p.m.</b> | Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) (Providence District)   |
| 3:30 | <b>Public hearing deferred to 10/20/08 at 3:00 p.m.</b> | Public Hearing on SE 2006-PR-005 (Washington Property Company, LLC) (Providence District)   |
| 3:30 | <b>Public hearing deferred to 10/20/08 at 3:00 p.m.</b> | Public Hearing on SE 2008-SU-001 (JAI Hotels, LLC) (Sully District)   |
| 3:30 | <b>Public hearing deferred to 10/20/08 at 3:00 p.m.</b> | Public Hearing on SE 2007-DR-018 (William P. Sloan) (Dranesville District)  |
| 3:30 | <b>Public hearing deferred to 10/20/08 at 3:00 p.m.</b> | Public Hearing on SEA 80-L-127-03 (Nextel Communications of the Mid-Atlantic, Inc./Franconia Volunteer Fire Dept Inc.) (Lee District)                       |
| 4:00 | <b>Approved</b>   | Public Hearing on Proposed Plan Amendment S08-III-P1, Located Along Ox Road, North of the Shoppes at Lorton Valley and South of the Crosspointe Subdivision |
| 4:00 | <b>Approved</b>   | Public Hearing to Consider Amendment to <i>The Code of the County of Fairfax, Virginia</i> – Chapter 5, Offenses  |
| 4:00 | <b>Approved</b>   | Public Hearing to Establish the Ashgrove Plantation Community Parking District (Providence District)  |
| 4:00 | <b>Approved</b>   | Public Hearing on a Proposal to Prohibit Through Truck Traffic on Randolph Drive as Part of the Residential Traffic Administration Program (Mason District) |
| 4:00 | <b>Approved</b>   | Public Hearing to Consider an Ordinance Amending County Code Relating to the Establishment of a Central Absentee Voter Precinct                             |
| 4:30 | <b>Approved</b>   | Public Hearing on the Power to Consider Petitions to Create Community Development Authorities   |
| 4:30 | <b>Public hearing deferred to 9/22/08 at 3:00 p.m.</b>  | Public Hearing on a Proposal to Abandon a Segment of Newbrook Drive (Sully District)  |



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

**Monday**  
**September 8, 2008**

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9:00 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate September 2008 as Emergency Preparedness Month. Requested by Chairman Connolly.
2. CERTIFICATE – To recognize residents and businesses that have made properties for training available to Fairfax County public safety workers. Requested by Chairman Connolly.
3. CERTIFICATE – To commend Fairfax County firefighters for the Fill the Boot campaign. Requested by Chairman Connolly.
4. RESOLUTION – To recognize MPO Tom Black for his years of service to the Fairfax County Police Department. Requested by Supervisors Smyth and Foust.
5. PROCLAMATION – To designate September 15-October 15, 2008, as Hispanic Heritage Month. Requested by Chairman Connolly.
6. RESOLUTION – To recognize Pat Diehl for her years of service to the Fairfax County Office for Children's School Age Child Care program. Requested by Supervisor Gross.

— more —

Board Agenda Item  
September 8, 2008

7. CERTIFICATE – To recognize the members of the Cool Hunter Mill District committee for their commitment to environmental awareness and support of Reston Association Earth Day activities. Requested by Supervisor Hudgins.

STAFF:

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

Board Agenda Item  
September 8, 2008

10:00 a.m.

Public Hearing on the County and Schools' FY 2008 Carryover Review to Amend the Appropriation Level in the FY 2009 Revised Budget Plan

ISSUE:

Public Hearing and Board action on the County and Schools' *FY 2008 Carryover Review*.

RECOMMENDATION:

The County Executive recommends that, after holding a public hearing, the Board approve staff recommendations including the County and Schools' *FY 2008 Carryover Review*.

TIMING:

The public hearing has been advertised for 10:00 a.m. on September 8, 2008. State law allows the Board to act on proposed amendments to the budget on the same day as the public hearing.

BACKGROUND:

On August 4, 2008, the Board of Supervisors authorized staff to advertise a public hearing scheduled to be held on September 8, 2008, regarding the County and Schools' Carryover Review. Section 15.2 - 2057 of the Code of Virginia requires that a public hearing be held prior to Board action. Board approval of an amendment to increase the FY 2009 appropriation level can occur immediately following the public hearing.

It should be noted that I am recommending a change to the *FY 2008 Carryover Review* package presented to the Board at the August 4, 2008 meeting to reflect FY 2009 state budget reductions of \$3.9 million. As the Board is aware, the 2008 Appropriation Act included a \$50 million reduction in state aid to local governments in both FY 2009 and FY 2010. Rather than showing this reduction in reduced revenues as currently included in the FY 2008 Carryover, I recommend that the County return this funding to the State in the form of a reimbursement payment.

As a result the following adjustments are recommended and should be considered by the Board when adopting the *FY 2008 Carryover Review*. The net change from the *FY 2008 Carryover Review* package presented on August 4, 2008 is \$0 however this adjustment will increase both County revenues and expenditures as follows:

Board Agenda Item  
September 8, 2008

General Fund Revenue	\$3,926,794
Agency 87, Expenditures - County Aid to the State	\$3,926,794
<b>Net Cost</b>	<b>\$0</b>

ENCLOSED DOCUMENTS:

Attachment A – August 26, 2008 updated Consideration Item memorandum to the Board of Supervisors from Susan W. Datta, Director, Department of Management and Budget

Attachment B – August 4, 2008 memorandum to the Board of Supervisors from Anthony H. Griffin, County Executive, with attachments, transmitting the *FY 2008 Carryover Review* with appropriation resolutions

Attachment C – Fairfax County School Board's FY 2008 Final Budget Review and Appropriation Resolutions

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

Board Agenda Item  
September 8, 2008

10:30 a.m.

Metropolitan Washington Council of Governments Draft Climate Change Report

ENCLOSED DOCUMENTS:  
Report Separate from package

PRESENTED BY:  
Stuart A. Freudberg, Director, Department of Environmental Programs, COG

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Board Agenda Item  
September 8, 2008

11:00 a.m.

Items Presented by the County Executive

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE – 1

Board of Supervisors' Meeting Schedule for Calendar Year 2009

ISSUE:

Board adoption of a meeting schedule for January through December, 2009.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the meeting schedule for January through December, 2009.

TIMING:

The Board should take action on September 8, 2008.

BACKGROUND:

The *Code of Virginia*, Section 15.2-1416, requires the governing body to establish the days, times and places of its regular meetings at the annual meeting, which is the first meeting of the year. Therefore, the schedule for the entire 2009 calendar is presented for Board approval. The section further states that "meetings shall be held on such days as may be prescribed by resolution of the governing body but in no event shall less than six meetings be held in each fiscal year."

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

At the first meeting of the Board of Supervisors in January, staff will bring the 2009 meeting calendar to the Board for formal adoption.

ENCLOSED DOCUMENTS:

January-December, 2009 Schedule for Board of Supervisors' Meetings

STAFF:

Catherine A. Chianese, Assistant County Executive

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5397 Summit Drive (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 5397 Summit Drive, Fairfax, VA 22030 (Tax Map No. 055-4-((02))-0036).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, September 8, 2008, and the public hearing should be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2008) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

Board Agenda Item  
September 8, 2008

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 5397 Summit Drive was referred to the Blight Abatement Program (BAP) on March 29, 2006. Located on the subject property is a vacant, two-story, split foyer dwelling with a full basement. The property also contains an in-ground swimming pool, hot tub, shed, low boy trailer, recreational vehicle, one inoperable van and a large pile of broken asphalt. The residential structure was constructed in 1964 according to Fairfax County Tax Records. The single family dwelling has been vacant since at least March 29, 2006, when the blight abatement program received its first complaint. County permit records show a demolition permit was approved on June 5, 2007. The dwelling has been gutted for demolition and all the utilities have been terminated. Due to the above information and the extreme lack of maintenance over the past couple of years this single family dwelling is not economically feasible to repair and needs to be demolished.

On July 20, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The notice was received by the owner and on August 8, 2006, BAP staff received a letter from Michael Koch of Patriot Design & Build, LLC who advised BAP staff that he was contracted by the owner to demolish the structure on the property. Mr. Koch further stated that he was working to obtain the permits for the demolition and this action would be accomplished in the next couple of weeks. To date the redevelopment of the property has not occurred and the blighted conditions remain.

All attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

Board Agenda Item  
September 8, 2008

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of July 23, 2008, is \$267,326. It is estimated that the cost of demolition of the structures will be approximately \$45,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs  
Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive  
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)  
John Payne, Deputy Director, Real Estate, HCD  
Cynthia Ianni, Director, Design, Development and Construction Division, HCD  
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD  
Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6834 Beulah Street (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6834 Beulah Street, Springfield, VA 22150 (Tax Map No. 091-1-((01))-0025.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, September 8, 2008, and the public hearing should be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2008) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement Program

Board Agenda Item  
September 8, 2008

using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 6834 Beulah Street was referred to the Blight Abatement Program (BAP) on December 20, 2006. Located on the subject property are the charred remains of a church that was extensively damaged by fire on December 20, 2004. The property also contains a large shed located in a small cemetery at the rear of the property. The shed was not damaged by fire and is in good condition. The original church was constructed in 1884 and was in continuous use until the fire in 2004. Due to the extensive fire damage the church cannot be repaired and needs to be demolished. The trustees of the church are pursuing rebuilding the church. They have requested an interpretation to reconstruct an existing church within the original building footprint with a slight increase in gross square feet on the second level while remaining under the permitted floor area ratio for the site. On July 28, 2008, this request was denied by Zoning Evaluation staff.

On July 2, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the trustees advising them of this determination. BAP staff has been in communication with several of the trustees on a regular basis. On April 17, and 18, 2008, the trustees of the church hired a contractor to remove some of the burned remains of the church in an effort to make the property more presentable. Even though this partial demolition was completed the property still remains blighted and the trustees are not in agreement as to the rebuilding effort.

After the (NETF) determination the church trustees informed BAP staff that they intended to take down the rest of the church structure to ground level leaving the basement floor. The basement was to be covered with a tarpaulin and the site secured with a chain link fence until redevelopment of the property was undertaken. This effort is to be completed by August 15, 2008.

BAP staff continues to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community.

Board Agenda Item  
September 8, 2008

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the trustees to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the trustees fail to abate the blighted conditions within thirty days after notification to the trustees of the Board's action, HCD will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the trustees who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the trustees, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of July 23, 2008, is \$267,326. It is estimated that the cost of demolition of the structure will be approximately \$5,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the trustees. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs  
Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive  
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)  
John Payne, Deputy Director, Real Estate, HCD  
Cynthia Ianni, Director, Design, Development and Construction Division, HCD  
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD  
Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5505 Clifton Road (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 5505 Clifton Road, Clifton, VA 20124 (Tax Map No. 055-3-((04))-0021).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, October 20, 2008, at 5:30 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, September 8, 2008, and the public hearing should be held Monday, October 20, 2008, at 5:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2008) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement Program

Board Agenda Item  
September 8, 2008

using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 5505 Clifton Road was referred to the Blight Abatement Program (BAP) on July 7, 1998. Located on the subject property is a vacant, one-story, dwelling with no basement. The property also contains two accessory structures. The residential structure was constructed in 1952 according to Fairfax County Tax Records and has been vacant since at 1965 according to the owner. The dwelling has been utilized for many years for the storage of hoarded items and there is moisture intrusion and mold throughout the structure. Due to the extreme lack of maintenance this structure is not economically feasible to repair and needs to be demolished.

On July 20, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. The owner responded to the notice but to date has not taken any action to abate the blighted conditions of the property.

BAP staff continues to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the

Board Agenda Item  
September 8, 2008

cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of July 23, 2008, is \$267,326. It is estimated that the cost of demolition of the structures will be approximately \$20,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 13430 Lee Highway (Sully District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 13430 Lee Highway, Centreville, VA 20120 (Tax Map No. 055-3-((01))-0003.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, October 20, 2008, at 5:30 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, September 8, 2008, and the public hearing should be held Monday, October 20, 2008, at 5:30 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2008) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement Program

Board Agenda Item  
September 8, 2008

using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 13430 Lee Highway was referred to the Blight Abatement Program (BAP) on July 7, 1998. Located on the subject property is a vacant, dilapidated, two-story, single family dwelling with standing seam metal roof and full basement. The residential structure was constructed in 1930, according to Fairfax County Tax Records. The structure has been vacant and not maintained for useful occupancy for at least eleven years. Records dating back to March 1997, show the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. Additionally property maintenance staff determined that the rear wall of the structure was buckled and the foundation compromised. Due to the extreme dilapidation the dwelling is not economically feasible to repair and needs to be demolished. On numerous occasions BAP staff have spoken with the owners of record and tried to compel them to abate the blighted conditions of the property but to date they have not taken any significant action to do so.

On February 27, 2003, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owners advising them of this determination. All attempts by BAP staff to achieve voluntary compliance from the owners have been unsuccessful.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the owners of the Board's action, HCD will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement,

Board Agenda Item  
September 8, 2008

within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owners, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structure. The balance in this project as of July 23, 2008, is \$267,326. It is estimated that the cost of demolition of the structure will be approximately \$25,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs  
Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive  
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)  
John Payne, Deputy Director, Real Estate, HCD  
Cynthia Ianni, Director, Design, Development and Construction Division, HCD  
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD  
Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7131 Alger Road (Mason District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7131 Alger Road, Falls Church, VA 22042 (Tax Map No. 050-3-((04))-0131.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, September 8, 2008, and the public hearing should be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2008) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement Program

Board Agenda Item  
September 8, 2008

using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7131 Alger Road was referred to the Blight Abatement Program (BAP) on January 23, 2008. Located on the subject property is a vacant, one-story dwelling with no basement. The property also contains a detached garage and one inoperable vehicle. The residential structure was constructed in 1951 according to Fairfax County Tax Records. The single family dwelling has been vacant since March 29, 2007, when the dwelling caught fire. The fire report estimated the damage at approximately \$200,000 dollars. On October 31, 2007, the dwelling was placarded unfit and its use or occupancy prohibited by the Fairfax County Property Maintenance Code Official. Due to the extensive fire damage the single family dwelling is not economically feasible to repair and needs to be demolished.

On July 2, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The letter was signed for by someone other than the owner and BAP staff has not been able to reach the owner to find out what his plan is for the property. To date the owner has not taken any action to abate the blighted conditions of the property.

BAP staff continues to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community. All attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as

Board Agenda Item  
September 8, 2008

authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of July 23, 2008, is \$267,326. It is estimated that the cost of demolition of the structures will be approximately \$20,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 9534 Burning Branch Road (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 9534 Burning Branch Road, Burke, VA 22015 (Tax Map No. 078-3-((08))-0002.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, September 8, 2008, and the public hearing should be held Monday, October 20, 2008 at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2008) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement Program

Board Agenda Item  
September 8, 2008

using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 9534 Burning Branch Road was referred to the Blight Abatement Program (BAP) on March 28, 2006. Located on the subject property is a vacant, split foyer, single family dwelling. The property also contains an in-ground swimming pool along with numerous household items and construction debris strewn about the property. The residential structure was constructed in 1978 according to Fairfax County Tax Records. The single family dwelling has been vacant since February 14, 2006, when the dwelling caught fire. The fire report estimated the damage at approximately \$150,000 dollars. Due to the extensive fire damage the single family dwelling is not economically feasible to repair and needs to be demolished. Additionally the in-ground swimming pool is not secured and is a potential hazard to the community. BAP staff is recommending that the pool be filled in as part of the demolition effort to mitigate this hazard.

On July 2, 2008, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising her of this determination. On June 16, 2007, the owner hired a contractor to start the interior demolition work and the interior of the structure was gutted. The owner was in communication with BAP staff as to her plans but approximately one month later the repair work stopped and to date the owner has not taken any additional action to clean up the debris on the property, secure the pool or finish the repair of the fire damaged structure. BAP staff has left numerous messages trying to reach the owner to get her to attend to the above matters to no avail. The blighted conditions remain.

BAP staff continues to receive multiple complaints regarding this property and the negative visual impact it has on the adjacent properties and the surrounding community.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance.

Board Agenda Item  
September 8, 2008

State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of July 23, 2008, is \$267,326. It is estimated that the cost of demolition of the structures will be approximately \$60,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive

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

John Payne, Deputy Director, Real Estate, HCD

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

Patricio J. Montiel, Chief, Housing Rehabilitation, HCD

Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 5399 Summit Drive (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 5399 Summit Drive, Fairfax, VA 22030 (Tax Map No. 055-4-((02))-0037).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing to be held Monday, October 20, 2008, at 5:00 p.m.

TIMING:

Board authorization to advertise the public hearing is requested for Monday, September 8, 2008, and the public hearing should be held Monday, October 20, 2008, at 5:00 p.m.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (Supp. 2008) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2003) or Va. Code Ann. § 15.2-1115 (Supp. 2007) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permit the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (Supp. 2008) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement Program

Board Agenda Item  
September 8, 2008

using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (Supp. 2008) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 5399 Summit Drive was referred to the Blight Abatement Program (BAP) on March 27, 2006. Located on the subject property is a vacant, two-story, split foyer dwelling with a full basement. The property also contains a 30 yard dumpster filled with construction debris. In addition the property contains an open unsecured well, a large pile of broken bricks and several large storage piles of dirt.

The residential structure was constructed in 1964 according to Fairfax County Tax Records. The single family dwelling has been vacant since at least March 27, 2006, when the blight abatement program received its first complaint. County permit records show a demolition permit was approved on June 5, 2007. The dwelling has been gutted for demolition and all the utilities have been terminated. Due to the above information and the extreme lack of maintenance over the past couple of years this single family dwelling is not economically feasible to repair and needs to be demolished.

On July 20, 2006, the Neighborhood Enhancement Task Force (NETF) found that the subject property met the blighted property guidelines, and the property received a preliminary blight determination. Certified notice was sent to the owner advising him of this determination. The notice was received by the owner and on August 8, 2006, BAP staff received a letter from Michael Koch of Patriot Design & Build, LLC who advised BAP staff that he was contracted by the owner to demolish the structure on the property. Mr. Koch further stated that he was working to obtain the permits for the demolition and this action would be accomplished in the next couple of weeks. To date the redevelopment of the property has not occurred and the blighted conditions remain.

All attempts by BAP staff to achieve voluntary compliance from the property owner have been unsuccessful.

Although the Department of Housing and Community Development (HCD) will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance.

Board Agenda Item  
September 8, 2008

State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, HCD will also request authorization to contract for demolition of the blighted structures on the site pursuant to Va. Code Ann. §15.2-1115 (Supp. 2007) as authorized under the Spot Blight Abatement Statute. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, HCD will proceed with the demolition process for the structures. The County will incur the cost, expending funds that are available in Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, HCD will use monies from Project 014048, Revitalization Spot Blight Abatement, within Fund 340, Housing Assistance Program, to demolish the structures. The balance in this project as of July 23, 2008, is \$267,326. It is estimated that the cost of demolition of the structures will be approximately \$40,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs  
Attachment 2: Public Hearing Advertisement

STAFF:

Verdia L. Haywood, Deputy County Executive  
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)  
John Payne, Deputy Director, Real Estate, HCD  
Cynthia Ianni, Director, Design, Development and Construction Division, HCD  
Patricio J. Montiel, Chief, Housing Rehabilitation, HCD  
Christina M. Sadar, Blight Abatement Program Coordinator, HCD  
Lt. Col. Paul Maltagliati, Operations Chief, Code Enforcement Vacant, Nuisance and Blighted Properties Unit

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE – 9

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-MD08-34 to November 7, 2008; applications FS-M08-40, FS-L08-42, FS-Y08-44, FS-V08-45, FS-V08-46, FS-L08-47, and FS-S08-48 to November 9, 2008; applications FS-Y08-41 and FS-D08-43 to November 14, 2008; and applications 2232-D08-8 and FS-S08-37 to November 20, 2008.

TIMING:

Board action is required on September 8, 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-D08-8, FS-MD08-34, FS-S08-37, FS-M08-40, FS-Y08-41, FS-L08-42, FS-D08-43, FS-Y08-44, FS-V08-45, FS-V08-46, FS-L08-47, and FS-S08-48 described below, which were accepted for review by the Department of Planning and Zoning between June 10 and June 23, 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:

Board Agenda Item  
September 8, 2008

- 2232-D08-8      NewPath Networks, LLC and New Cingular Wireless PCS, LLC  
Additional nodes for Distributed Antenna System  
Georgetown Pike  
Dranesville District
- FS-MD08-34      NewPath Networks, LLC and New Cingular Wireless PCS, LLC  
Additional equipment boxes for Distributed Antenna System  
Hunter Mill Road, Lawyers Road, Trott Avenue, Vale Road  
Hunter Mill, Providence, and Sully Districts
- FS-S08-37      Sprint-Nextel  
Antenna colocation on existing transmission pole  
11451 Braddock Road  
Springfield District
- FS-M08-40      Cricket Communications  
Antenna colocation on existing monopole  
3601 Firehouse Lane (Baileys Crossroads VFD Station)  
Mason District
- FS-Y08-41      Cricket Communications  
Antenna colocation on existing monopole  
7400T Ordway Road (Bull Run Regional Park)  
Sully District
- FS-L08-42      Cricket Communications  
Antenna colocation on existing tower  
3900 San Leandro Place  
Lee District
- FS-D08-43      Cricket Communications  
Antenna colocation on existing tower  
6312 Georgetown Pike  
Dranesville District
- FS-Y08-44      Cricket Communications  
Antenna colocation on existing monopole  
4511 Daly Drive  
Sully District
- FS-V08-45      Cricket Communications  
Antenna colocation on existing tower  
10112 Furnace Road  
Mount Vernon District

Board Agenda Item  
September 8, 2008

- FS-V08-46            Cricket Communications  
                          Antenna colocation on existing tower  
                          9128 Belvoir Court  
                          Mount Vernon District
- FS-L08-47            Cricket Communications  
                          Antenna colocation on existing monopole  
                          6700 Springfield Center Drive  
                          Lee District
- FS-S08-48            Cricket Communications  
                          Antenna colocation on existing tower  
                          6199 Old Arrington Lane  
                          Springfield District

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

STAFF:

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

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 10

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

ISSUE:

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

RECOMMENDATION:

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

On August 6, 2007, the Board of Supervisors approved twelve months additional time to commence construction to July 24, 2008. A copy of the Clerk to the Board's letter is

Board Agenda Item  
September 8, 2008

included as Attachment 3. The applicant stated that additional time was needed to complete the building permit approval process. Site Plan #5611-SP-026-2 had been approved on January 13, 2006, and revisions to the site plan to address compliance with stormwater management regulations were approved on March 21, 2007.

On June 27, 2008, Department of Planning and Zoning (DPZ) received a letter dated June 26, 2008, from Sheri Hoy, agent for the applicant, requesting six months additional time to commence construction for the project (see Attachment 4). 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. The letter states that additional time is needed for the applicant to finalize its construction contracts, mobilize, and complete sufficient work to have "commenced construction." The letter states that the approval process was delayed as a result of the need to coordinate certain issues regarding possible trails with the Virginia Department of Transportation (VDOT) and other landowners. The letter further states, and staff has verified, that the site plan has been approved, all required bonds have been posted, and the appropriate building permits have been obtained.

Staff has reviewed Special Exception SE 2004-SU-025 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to permit an increase in building height for the construction of a hotel in the C-8, HC and AN Districts. Further, staff knows of no change in land use circumstances that affect the compliance of SE 2004-SU-025 with the special exception standards applicable to this use or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2004-SU-025 are still appropriate and remain in full force and effect. Staff believes that approval of the request for six months additional time is in the public interest and recommends that it be approved. This additional time would begin from the prior specified expiration date and would result in a new expiration date of January 24, 2009.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated February 7, 2005, to Gregory A. Riegler, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors

Attachment 3: Letter dated August 6, 2007 from Nancy Vehrs, Clerk to the Board of Supervisors, to Gregory Riegler

Attachment 4: Letter dated June 26, 2008, from Sheri Hoy, agent for the applicant

Board Agenda Item  
September 8, 2008

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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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 11

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Office of Justice Programs/Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grants

ISSUE:

Board approval for the Fairfax County Police Department to apply for and accept funding, if received, from the Office of Justice Programs/Bureau of Justice Assistance (OJP/BJA) Edward Byrne Memorial Justice Assistance Grant in the amount of \$35,581. Funding in the amount of \$35,581 will provide financial assistance to enhance record storage capacity at the Criminal Justice Academy through the purchase of scanning equipment and a filing rack system to store active files. No Local Cash Match or in-kind match will be required. The grant period for the FY 2008 grant award is approximately October 1, 2008 through September 30, 2011. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fairfax County Police Department to apply for and accept funding, if received, from the OJP/BJA Edward Byrne Justice Assistance Grant. Funding in the amount of \$35,581 will be used by the Police Department for the records management upgrade of the Criminal Justice Academy through the purchase of an Imagex document management system and scanner and TrackSlider wall filing system.

TIMING:

Due to a July 8, 2008 submission deadline, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The OJP/BJA informed the Police Department that it is eligible to receive an award of \$35,581 under the Fiscal Year 2008 Edward Byrne Justice Assistance Grant Program. Of the seven purpose areas eligible for grant funding, the Police Department has determined that the technology improvement to the Criminal Justice Academy's records management system best meets the award criteria and the needs of the department. In addition, in accordance with the special conditions of the OJP/BJA Byrne Memorial Justice Assistance

Board Agenda Item  
September 8, 2008

Grant program, the grant application must be made available for review to the governing body of the unit of local government for approval at a meeting open to the public.

The Fairfax County Criminal Justice Academy is mandated by the Department of Criminal Justice Services to maintain the training records of all law enforcement officers who receive training at its facility. In addition to the personnel training records, the Academy also maintains records associated with testing of all new recruits, along with lesson plans for each Academy session and records for the satellite training facilities such as the Driving Track, Shooting Range and Emergency Operator Training (911 Operator). According to the Library of Virginia, all employee training files must be kept for a period of 50 years from the date the training class began.

The more traditional file cabinets are too full to accommodate any more active files and all inactive files are now stored in bankers boxes. The Department of Criminal Justice Service requires that the Academy keep the inactive files as accurate and available as those that are active. The TrakSlider system was purchased by the Academy several years ago and installed in the file room. This filing system has been very practical as it requires considerably less space than traditional file cabinets and is also user friendly. Grant funding in the amount of \$25,000 will be used to obtain additional TrakSlider shelving for the Academy Filing Room. It is anticipated that this expansion will allow enough room for the next five to seven years.

Additional grant funding of \$9,000 will be used to purchase the Imagex Document Management System and scanner to reduce storage space for inactive and active files and enable records retrieval to be more efficient. This new system and equipment will be able to scan Academy records to the digital document recorder's hard drive and write document images to a recordable CD. This process will give the Academy the ability to handle all phases of document management and significantly reduce storage space requirements.

FISCAL IMPACT:

Grant funding in the amount of \$35,581 has been requested from the OJP Edward Byrne Memorial Justice Assistance Grant. These funds will be used to enhance the records management and storage capability and capacity of the department's Criminal Justice Academy with documents management system and scanner, along with enhancements to the filing system. No Local Cash Match is required. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2009. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created through this grant award.

Board Agenda Item  
September 8, 2008

ENCLOSED DOCUMENTS:

Attachment 1 – Excerpt of Grant Application

Attachment 2 – The Library of Virginia General Schedule 29

STAFF:

Robert A. Stalzer, Deputy County Executive

Colonel David M. Rohrer, Chief of Police

Robert M. Ross, Assistant County Attorney

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Board Agenda Item  
September 8, 2008

ADMINISTRATIVE – 12

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

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Second Addition-Bryn Mawr Lot 54	Dranesville	Laughlin Avenue (Route 1801) (Additional Right of Way (ROW) Only)  Chain Bridge Road (Route 3547) (Additional ROW Only)
Colvin Manor	Dranesville	Colvin Manor Court
Our Lady Good Counsel Church	Providence	Wolf Trap Road (Route 696) (Additional ROW Only)
MP Centreville Venture Parcels A1 & A2	Sully	Upperridge Drive (Route 8349)  Upperridge Drive (Route 8349) (Additional ROW Only)
5D Business Associates	Sully	Lee Jackson Memorial Highway (Rte 50) (Additional ROW Only)  Lee Jackson Memorial Highway (Rte 50) (Additional ROW Only)

Board Agenda Item  
September 8, 2008

TIMING:  
Routine.

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

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
Attachment 1: Street Acceptance Form

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

Board Agenda Item  
September 8, 2008



ADMINISTRATIVE - 13

Authorization to Advertise a 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:

Authorization to advertise a 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 authorize a public hearing.

TIMING:

Board action is requested for September 8, 2008, to provide sufficient time to advertise the proposed public hearing 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. The Temporary Construction Easement will terminate when the construction of the aforesaid project is completed. VDOT agreed to construct a trail across the north side of Willard Road approaching Route 28 in conjunction with the interchange project 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.

Board Agenda Item  
September 8, 2008

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 A – Tax Map No. 44-1

STAFF:

Edward L. Long, Deputy County Executive

Rob Stalzer, Deputy County Executive

Jose A. Comayagua, Director, Facilities Management Department

Katharine Ichter, Director, Fairfax County Department of Transportation



ADMINISTRATIVE – 14

Authorization for Department of Housing and Community Development and Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the U.S. Department of Housing and Urban Development Through the Continuum of Care Homeless Assistance Program, and Authorization for Multiple Consolidated Plan Certifications

ISSUE:

Board authorization and endorsement of multiple grant applications totaling \$5,684,178 in funding from the U.S. Department of Housing and Urban Development (HUD) through the Continuum of Care Homeless Assistance Program, with an additional \$1,748,831 in other funds, for a total of \$7,433,009. The specific actions are as follows:

- Authorization for the Department of Housing and Community Development (HCD), in partnership with Pathway Homes, to apply and accept funding, if awarded, for four renewal Shelter Plus Care grants.
- Authorization for the Fairfax-Falls Church Community Services Board (CSB) to apply and accept funding, if awarded, for one renewal grant for an existing transitional housing and treatment program for homeless single individuals.
- Endorsement of two new project applications and 17 renewal applications by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act.
- In addition, the Department of Family Services (DFS) will apply and accept funding, if awarded, for two renewal grants for existing transitional housing programs for families. These grants are anticipated for FY 2009 in Fund 102, Federal/State Grant Fund.

Of the \$7,433,009 total, \$5,684,178 is HUD funding and \$1,748,831 is matching funds. The HUD funding being requested consists of \$4,764,692 for renewal grants and \$919,486 for two new grant proposals. Total matching funds consist of \$553,175 in county Local Cash Match, \$445,136 in State pass-through funds, and \$750,520 in private match. The Board should be aware that all of the renewal applications are for only one year in accordance with HUD guidelines for renewal of existing programs. An appropriation for the CSB award will be included in the FY 2010 budget request and, if necessary, adjusted at a future quarterly review.

RECOMMENDATION:

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

- Authorize HCD, in partnership with Pathway Homes, to apply and accept funding, if awarded, for four renewal Shelter Plus Care grants totaling \$1,179,264. No Local Cash Match is required for these applications.
- Authorize the Fairfax-Falls Church Community Services Board (CSB) to apply and accept renewal funding, if awarded, for \$305,670, including match, for an existing transitional housing and treatment program for homeless single individuals. Of the total, \$253,332 is HUD funding and \$52,338 is required Local Cash Match.
- Endorse the submission of a new project application by New Hope Housing, in partnership with Shelter House, Reston Interfaith, and Homestretch, to obtain funding for a rapid re-housing demonstration program to serve an estimated 30 to 36 families over three years. This is a new funding opportunity this year, and the grant details are being developed. Estimated total budget will be \$657,424, including \$613,596 in HUD funds and \$43,828 in private match if the project is awarded. No county match is required.
- Endorse the submission of one new project application by FACETS to serve nine chronically homeless individuals for two years in leased units with services provided utilizing a housing first approach. This project totals \$331,493 for two years, of which \$305,890 is HUD funds and \$25,603 is private match funds.
- Endorse 17 renewal grant applications totaling \$3,539,750, including all matching funds, by nonprofit organizations through the Continuum of Care Homeless Assistance Program, and authorized by the McKinney-Vento Act. Of the total, \$2,467,110 is HUD funding, \$445,136 is State pass-through funds, and \$627,504 is private match. Local Cash Match is not required for these applications; however, three applications by Christian Relief Services for a total of \$644,241 in HUD funds, one application by Pathway Homes, Inc., for a total of \$157,788 in HUD funds, and one application by PRS, Inc., for a total of \$168,450 in HUD funds require a combined cash match of \$445,136 for a one-year period. This match will be supported with State pass-through funds to the CSB. The remaining 12 nonprofit renewal applications totaling \$1,496,631 in HUD funds require no Local Cash Match; however, private match of \$627,504 is included and committed by the applicants to support these applications.
- Authorize the Department of Family Services to apply and accept funding, if awarded, for two renewal grants. This funding includes \$560,856, including \$67,000 in Local Cash Match and \$53,585 in private funds, for the RISE Supportive Housing Grant; and \$858,552, including \$433,837 in Local Cash Match, for the Community Housing Resource Program – Award Three.

Board Agenda Item  
September 8, 2008

An appropriation for the CSB award will be included in the FY 2010 budget request and, if necessary, adjusted at a future quarterly review.

TIMING:

Board action is needed on September 8, 2008, since the HUD application deadline is September 26, 2008.

BACKGROUND:

The Fairfax community has been very successful over the past decade in leveraging county, private, and State funds to secure HUD Continuum of Care funds. These funds have contributed to the development of a core continuum of services to enable homeless families and individuals with disabilities to move toward stable housing. Over the past four years, new projects have been awarded that utilize a housing first approach for chronically homeless single individuals. With the adoption by the Board of the Implementation Plan to Prevent and End Homelessness, transitional housing providers are beginning the process of examining programs to align them with the housing first approach for families.

On July 10, 2008, HUD published a Notice of Funding Availability (NOFA) in the Federal Register for the 2008 Continuum of Care Targeted Housing and Homeless Assistance Programs. Approximately \$1.4 billion is available through the national competition for Continuum of Care Homeless Assistance Programs. The purpose of these funds is to assist homeless persons to move toward self-sufficiency and into permanent housing. The application process is approximately three months later than in prior years due to HUD implementing a new electronic application system that is being used for the Continuum of Care applications for the first time.

As in prior years, the community planning process addressed renewal applications for any existing homeless assistance grant programs that will expire during the next calendar year (2009). There are 24 Continuum of Care grants that are eligible for renewal in the 2008 application cycle, including 22 projects that were renewed for one year in the 2007 cycle, one additional Shelter Plus Care project that is eligible to be renewed for the first time, and one Supportive Housing Program that is being renewed for the first time. All projects submitted in 2007 were funded. There will also be two new project applications, one to house chronically homeless single individuals, and one to develop a rapid re-housing program for homeless families with dependent children.

The rapid re-housing program is a new component added by the U.S. Congress this year. It will be a highly competitive process for a three-year demonstration program. Only \$23.75 million is available for awards nationally. However, rapid re-housing for families who become homeless is a key element of the Implementation Plan to Prevent and End Homelessness. Homeless providers and the Community Council on Homelessness believe that this program provides an opportunity to develop the thinking and approach that will help

Board Agenda Item  
September 8, 2008

move toward the Plan's objective of moving families quickly from shelter into housing, even if the funding is not received. The Council decided to place this proposal at the top of the list. A collaborative planning group has been formed to develop the application. Since the focus of the demonstration program is on rapidly moving families from shelter, all of the shelter providers are involved. New Hope Housing has agreed to be the applicant and administer the grant, with Shelter House, Reston Interfaith, and Homestretch involved as key partners to provide case management and other services and facilitate access to housing. County staff and other nonprofits are also supporting the application in a consulting role, making this truly a collaborative, community application. HUD funding for this program is in addition to the amount needed to fund the renewal projects.

The second new project is a housing first initiative submitted by FACETS to house nine chronically homeless single individuals for two years in leased apartment units. The program will target individuals who cannot live successfully in group living situations, and will provide case management and access to individualized services by engaging persons through building trust and effective relationships. This project meets the criteria for the HUD Samaritan Initiative project, which, if awarded, will receive additional funding above the amount needed for the renewal projects.

The community planning process this year has been guided by the Community Council on Homelessness working in concert with homeless service providers and programs that participate in the Community Planning Collaborative on Homelessness (CPCH). Through the CPCH standing committees and the Council, a process and tools were developed, approved by the Council, and implemented to review all of the renewal projects through an ongoing process conducted between October 2007 and August 2008. Proposals for a new Samaritan Initiative project were solicited and discussed, and there was a discussion and consensus on developing the rapid re-housing application. The Council met on August 4, 2008, to hear presentations on the new project proposals and decide on the sequence for listing the projects, including the renewal applications, as required by HUD, using the adopted criteria. All 26 applications being prepared for submission to HUD have been endorsed by the Community Council on Homelessness.

The attached chart summarizes the proposals in sequential order as established by the Council. It should be noted that many of the program grantees are reviewing programs in light of the strategic objectives of the Plan to Prevent and End Homelessness, and may develop adjustments to better align with the housing first approach in the Plan and more effectively use limited resources to achieve the goal of ending homelessness. The chart presents the grants in their current status. The Shelter Plus Care renewals are funded from separate sources from other renewals and are listed sequentially at the end of the chart.

HUD regulations require that each of the project applications contain a certification of consistency with the county's Consolidated Plan, and county policy requires that the Board be informed when such certifications are sent to HUD. Homeless persons, both families and individuals, are a high priority in the county's Five-Year Consolidated Plan approved by

Board Agenda Item  
September 8, 2008

the Board on April 25, 2005, and these applications are consistent with that priority. Upon Board authorization for submission of the applications, the County Executive will sign the certification to be included in each application.

If awarded, the grants will provide the following, subject to possible adjustment to align with the Plan to Prevent and End Homelessness:

- Funding for a new project to provide rapid re-housing leasing assistance and services for up to 36 families over a period of three years.
- Funding for a new project to provide supportive housing for nine chronically homeless single individuals.
- One year of continued funding of permanent supportive housing through the Shelter Plus Care program for 98 adults with disabilities;
- One year of continued funding for 17 units of permanent supportive housing for 70 homeless individuals with serious mental illness or dual diagnosis;
- One year of continued funding for a Safe Haven that provides housing and support services for eight vulnerable homeless individuals with serious mental illness;
- One year of continued funding for four units of permanent supportive housing for five families with an adult who has mental illness or cognitive disabilities;
- One year of continued funding for 126 units of transitional housing serving 126 homeless families, and one year of continued funding for six units of transitional housing serving 13 homeless individuals;
- One year of continued funding for 16 beds of transitional housing and treatment services serving 32 homeless individuals with alcohol and drug treatment and continued supportive service needs.

FISCAL IMPACT:

The total amount of funding for these grants is estimated to be \$7,433,009, including \$5,684,178 from HUD and total matching funds of \$1,748,831. The matching funds include \$553,175 in County Local Cash Match, \$445,136 in State pass-through funds, and \$750,520 in private match. Two grants for the Department of Family Services are anticipated for FY 2009 in Fund 102, Federal/State Grant Fund, consisting of \$864,986 in HUD funding and \$500,837 in Local Cash Match, with an additional \$53,585 in private funding. Local Cash Match of \$52,338 for one grant to the CSB will be met by applying existing Alcohol and Drug Services (ADS) contract dollars to leverage the resources needed

Board Agenda Item  
September 8, 2008

to provide these ADS residential treatment services. The private match comes from the nonprofit organizations.

Three renewal grant applications for permanent supportive housing for homeless persons with mental illness submitted by Christian Relief Services, one submitted by Pathway Homes, Inc., and one submitted by PRS, Inc., require a combined total match of \$445,136 over a one-year period. This amount is from State pass-through funds. State pass-through funding in the amount of \$376,011 is currently included in the approved FY 2009 budget within Fund 106, Fairfax-Falls Church Community Services Board (CSB) for match requirements in the current grant period. For the remaining \$69,125 of State pass-through funds, the CSB will secure funding through the Regional Discharge Assistance and Diversion program.

There is no HUD requirement that the County continue these programs after the grants expire. HUD does require that any properties that have been purchased through these grants be maintained as affordable housing for homeless persons for 20 years.

CREATION OF POSITIONS:

No new positions are created through these grants. Two existing grant positions (2/2.0 SYE) are continued in the Department of Family Services and one existing grant position (1/1.0 SYE) is continued in the CSB through the grant funds. The County is not obligated to continue these positions after the grants expire.

ENCLOSED DOCUMENTS:

Attachment I - Chart of HUD 2008 Continuum of Care Applications  
Attachment II - Sample Consolidated Plan Certification

STAFF:

Verdia L. Haywood, Deputy County Executive  
Paula C. Sampson, Director, Department of Housing and Community Development  
James A. Thur, Executive Director, Fairfax-Falls Church Community Services Board  
Dana Paige, Director, Department of Family Services  
Kenneth P. Disselkoen, Director, Department of Systems Management for Human Services  
William Macmillan, Service Integration Manager, DSMHS

Board Agenda Item  
September 8, 2008

ADMINISTRATIVE - 15

Supplemental Appropriation Resolution AS 09043 for the Fairfax County Public Library to Accept Grant Funding from the Institute of Museum and Library Services for An American Future: Library Service Opportunities for Immigrant Youth Under the 2008 Laura Bush 21<sup>st</sup> Century Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09043 for the Fairfax County Public Library to accept funding from the Institute of Museum and Library Services for An American Future: Library Service Opportunities for Immigrant Youth under the 2008 Laura Bush 21<sup>st</sup> Century Program in the amount of \$265,258. This funding will support library interns for three years beginning July 1, 2008. This grant will provide stipends for 90 disadvantaged immigrant interns ages 16 to 21 to work for 10 week periods to encourage future library careers and to promote understanding of the American public library system. This grant will provide additional support for Liberty's Promise, the partner 501 (c)(3) organization, to screen, monitor, and coordinate student placements for the program from July 1, 2008 through June 30, 2011. Local Cash Match will not be required.

RECOMMENDATION:

The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 09043 for the Fairfax County Public Library to accept funding from the Institute of Museum and Library Services in the amount of \$265,258 for An American Future: Library Service Opportunities for Immigrant Youth under the 2008 Laura Bush 21<sup>st</sup> Century Program. This grant will support the Laura Bush 21<sup>st</sup> Century Librarian program by providing internship opportunities to 90 students. No Local Cash Match will be required.

TIMING:

Board action is requested on September 8, 2008.

BACKGROUND:

The Laura Bush 21<sup>st</sup> Century Librarian program is a continuing program designed to stem the looming shortage of professional librarians in the United States. Under this award, the Fairfax County Public Library and its partner, Liberty's Promise, will collaborate to develop "An American Future: Library Service Opportunities for Immigrant

Board Agenda Item  
September 8, 2008

Youth.” This three-year project will recruit 90 low-income, immigrant youth for paid internships in the library. The internships will provide support for these youth while introducing them to the vital role of the public library in American civic life. In turn, the interns will provide the library with a bridge to their communities, needed language skills, and fresh perspectives on how the library might serve the entire community. It is anticipated that following their time with the library, some of the interns will wish to pursue careers as librarians, while all will hopefully become advocates for public libraries.

The Fairfax County Public Library has worked with Liberty’s Promise in the past. Currently, Liberty’s Promise operates in the Maryland and Virginia suburbs of Washington, D.C. In the past two and one half years, it has provided internships for over 135 youths --- refugees, immigrants, and children of immigrants--- from five continents and 38 countries. Each participant is provided with a stipend, varying according to internship and class requirements. The organization’s goal is making the immigrant experience an affirmative one for American ideals and re-affirming fundamental egalitarianism and democratic traditions for future generations.

Continuation of the program will depend on successful future private funding.

FISCAL IMPACT:

The 2008 Laura Bush 21<sup>st</sup> Century Librarian Grant of \$265,258 will fund intern stipends, administrative support from Liberty’s Promise, and all related costs of the program from July 1, 2008 through June 30, 2011. This action does not increase the expenditure level of Fund 102, Federal/State Grants Fund, as funds are held in reserve for unanticipated grant awards in FY 2009. The grant allows the recovery of indirect costs.

CREATION OF POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Institute of Museum of Library Services Statement of Grant Award  
Attachment 2 – Supplemental Appropriation Resolution AS 09043

STAFF:

David J. Molchany, Deputy County Executive  
Edwin S. Clay, III, Director of Libraries



ADMINISTRATIVE - 16

Supplemental Appropriation Resolution AS 09019 for the Department of Transportation to Accept Grant Funding from the Virginia Department of Rail and Public Transportation for the RIDESOURCES Marketing and Ridesharing Program

ISSUE:

Board approval of Supplemental Appropriation Resolution AS 09019 in the amount of \$700,000 for the RIDESOURCES Marketing and Ridesharing Program to continue ridesharing and transit marketing activities in FY 2009. Of the total grant award, \$560,000 is state funding from the Virginia Department of Rail and Public Transportation (VDRPT) and the remaining \$140,000 is the required 20 percent Local Cash Match. The grant period runs from July 1, 2008 through June 30, 2009.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Approve Supplemental Appropriation Resolution AS 09019 in the amount of \$700,000, which includes \$560,000 in state funds from VDRPT and \$140,000 in Local Cash Match for the FY 2009 RIDESOURCES Marketing and Ridesharing Program. Funds will continue support for the 7.25 SYE grant positions.
2. Authorize the Director of the Department of Transportation to sign the necessary grant documents to execute this grant.

TIMING:

Board action is requested on September 8, 2008, in order to implement the FY 2009 RIDESOURCES Marketing and Ridesharing Program. The Commonwealth Transportation Board approved funds on June 19, 2008.

BACKGROUND:

The RIDESOURCES Marketing and Ridesharing Program has received state grant support every year since 1984. This grant program provides funding to promote the use of High Occupancy Vehicle lanes, park and ride facilities, and commuter alternatives throughout Fairfax County including ridematching, carpooling, teleworking, vanpooling, Guaranteed Ride Home (GRH), and use of FAIRFAX CONNECTOR, Metrobus, Metrorail, Virginia Railway Express (VRE), and other HOV/transit options. It also promotes cooperative events/marketing campaigns such as transportation fairs, County expos, marketing campaigns with other jurisdictions and the Washington Metropolitan Area Transit Authority (WMATA). In addition, funds are used to support FCDOT's Transportation Demand Management (TDM) activities

Board Agenda Item  
September 8, 2008

including proffer review, participation in Congestion Mitigation Programs, and coordination with other entities to reduce vehicle miles traveled; provide support to Transportation Management Associations (TMAs) and coordinate a TMA Council comprised of TMAs in Fairfax County; promote specific marketing campaigns in targeted areas; support desktop publishing and production and distribution of various marketing materials, such as maps, timetables, brochures, flyers, and posters; support the County's participation in the Metropolitan Washington Council of Governments' COMMUTER CONNECTIONS network; and provide ridematching assistance to commuters Countywide. The RIDESOURCES Program provides free ridematching services to County residents and to employees who work at employment sites within the County.

The Commonwealth Transportation Board (CTB) approved funding for the County's RIDESOURCES Marketing and Ridesharing Program on June 19, 2008.

FISCAL IMPACT:

Funding of \$700,000 for the RIDESOURCES Marketing and Ridesharing Program is available to continue ridesharing and transit marketing activities in FY 2009. Of the total grant award, \$560,000 is state funding from the Virginia Department of Rail and Public Transportation (VDRPT) and the remaining \$140,000 is the required 20 percent Local Cash Match. The grant period runs from July 1, 2008 through June 30, 2009. Indirect cost recovery in the amount of \$57,120 is anticipated for this grant. Acceptance of this funding will not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards. Funding for the Local Cash Match is available from the FY 2009 Reserve for Anticipated Local Cash Match in Fund 102, Federal/State Grant Fund.

CREATION OF NEW POSITIONS:

There are no new position associated with this grant. Funds will continue to support 7.25 SYE grant positions, including .25 SYE Transportation Planner IV, 2 SYE Transportation Planner III, 1 SYE Transportation Planner II, 1 SYE Graphics Artist III, 2 SYE grant Administrative Assistant II, and 1 SYE Transportation Planning Technician I. The County has no obligation to continue funding the grant positions when the grant period ends.

ENCLOSED DOCUMENTS:

Attachment 1 - Project Agreement (Commonwealth Transportation Funds Fiscal Year 2009)  
Attachment 2 - Supplemental Appropriation Resolution AS 09019

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Rollo Axton, Chief, Transit Services Division, FCDOT  
Beth Francis, Chief, Transportation Marketing Section, FCDOT  
Walter E. Daniel, Jr., Transportation Marketing Section, FCDOT

Board Agenda Item  
September 8, 2008



ADMINISTRATIVE – 17

Authorization to Advertise a Public Hearing RE: Proposed Amendments to the Public Facilities Manual (PFM) and *The Code of the County of Fairfax, Virginia* Related to the Conservation of Trees During the Land Development Process

ISSUE:

Board authorization to advertise public hearings on proposed amendments to the Public Facilities Manual (PFM) and the *Code of the County of Fairfax, Virginia* (County Code) to add new Chapter 122 (Tree Conservation Ordinance) and revise Chapters 101 (Subdivision Provisions), 104 (Erosion and Sedimentation Control Ordinance), 112 (Zoning Ordinance) and 120 (Tree Conservation Ordinance) related to the conservation of trees during the land development process.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendments as set forth in the staff report dated September 8, 2008, by adopting the resolution in Attachment II. The proposed amendments consist of amendments to the PFM and Chapters 101 (Subdivision Ordinance), 104 (Erosion and Sedimentation Control Ordinance (E&S)), 112 (Zoning Ordinance) and 120 (Tree Conservation Ordinance) of the County Code. In addition, pursuant to the authority and mandates of Va. Code Ann. § 15.2-961.1, a new chapter of the County Code, Chapter 122 (Tree Conservation Ordinance) is being proposed.

The proposed amendments have been prepared by DPWES Land Development Services and coordinated with the Department of Public Works and Environmental Services, the Department of Planning and Zoning and the Office of the County Attorney. The proposed amendments to the PFM have been recommended for approval by the Engineering Standards Review Committee.

TIMING:

The Board is requested to take action on September 8, 2008, to provide sufficient time to advertise public hearings on September 24, 2008, before the Planning Commission and on October 20, 2008, at 4:00 p.m. before the Board. These amendments shall become effective at 12:01 a.m. on January 1, 2009. The following shall be grandfathered: 1) proffered conditions, approved development plans, special exception plats, and special permit plats approved prior to 12:01 a.m., January 1, 2009; and 2) Subdivision Plans (excluding Preliminary Plats), Site Plans, Public Improvement Plans

Board Agenda Item  
September 8, 2008

and Grading Plans submitted prior to 12:01 a.m., January 1, 2009, provided that such plan obtains final approval no later than close of business July 1, 2009.

**BACKGROUND:**

The proposed amendments originate from Fairfax County's legislative efforts to acquire state enabling authority to preserve forest resources during the land development process. Starting in 2002, the Board included either a legislative proposal or a position supporting proposed amendments to Va. Code Ann. §15.2-961 related to tree conservation in the County's annual legislative program. These efforts culminated in the enactment of a new section, § 15.2-961.1, to the Code of Virginia, effective July 1, 2008, that allows localities within Planning District 8 and classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, to adopt local ordinances providing for the conservation of trees during the land development process. The new state enabling authority allows the County to shift its regulatory focus from tree replacement to tree preservation. In addition to the new authority for tree preservation, localities in Planning District 8, such as Fairfax County, that had adopted local tree canopy ordinances prior to July 1, 1990, based on the enabling authority of Va. Code Ann. § 15.2-961, are allowed to adopt tree conservation provisions under the enabling authority of Va. Code Ann. § 15.2-961.1 based on the 10-year tree canopy as opposed to the 20-year tree canopy that would result in less tree conservation. Fairfax County adopted tree cover requirements based on the 10-year tree canopy on April 16, 1990, effective June 30, 1990.

The enabling authority stems from two bills [House Bill 1437 (Bulova) and Senate Bill 710 (Ticer)] that were passed by the 2008 Virginia Legislative Assembly. A copy of the adopted legislation is included as Attachment A. The language of these bills was developed by a committee that was formed as a result of a conference sponsored by the Northern Virginia Urban Forest Roundtable. The committee included the Legislative Patrons plus representatives of the Northern Virginia Building Industry Association, the Fairfax County Tree Commission, the Virginia Department of Forestry Board, and the Fairfax County Urban Forest Management Division. The language and underlying concepts of the proposed amendments and adopted legislation honor the work of these stakeholders. In addition, various technical components of the proposed amendments were prepared with assistance from various local environmental groups such as the Virginia Native Plant Society and from local arborists that are affiliated with the Mid-Atlantic Chapter of the International Society of Arboriculture and Society of Municipal Arborists.

The proposed amendments include a new Chapter of the County Code, Chapter 122 (Tree Conservation Ordinance). The purpose and intent of this chapter is to provide for the conservation of trees during the land development process. The conservation (i.e.

Board Agenda Item  
September 8, 2008

preservation and planting) of trees during the land development process will protect, sustain, and enhance the County's urban forest resources. These forest resources provide important aesthetic, social, and economic benefits and are indispensable to the conservation and management of vital atmospheric, water, soil, and ecological resources. The proposed amendments directly support the goals and objectives of the following initiatives and programs:

- The Board's Environmental Vision, *Environmental Excellence for Fairfax County: A 20-Year Vision*, 2004
- The Board's Environmental Agenda, 2004
- The Tree Action Plan (Core Recommendation #7), 2006
- Fairfax County's 30-year Tree Canopy Goal of 45%
- Fairfax County Legislative Program, 2008 Virginia General Assembly

The proposed ordinance, Chapter 122 (Tree Conservation Ordinance), has been prepared in response to a directive from the Board at the June 18, 2007, Board meeting. The proposed Ordinance and related amendments to the PFM and County Code incorporate the full authority granted to localities in the Code of Virginia and will be administered by the Director of the Department of Public Works and Environmental Services. Because existing requirements for tree conservation located in the Erosion and Sedimentation Control Ordinance, Subdivision Ordinance, and Zoning Ordinance will now be centralized in the new Tree Conservation Ordinance, amendments to those ordinances and the PFM are necessary to delete the current requirements and implement the requirements of the new ordinance. A summary of the proposed Ordinance and amendments to the PFM and County Code is provided below.

#### PROPOSED AMENDMENTS:

The proposed amendments include a new chapter of the County Code, Chapter 122 (Tree Conservation Ordinance), providing for the conservation of trees to protect, sustain and enhance the County's forest resources. In addition, revisions to the PFM and Chapters 101 (Subdivision Ordinance), 104 (E & S), 112 (Zoning Ordinance) and 120 (Tree Conservation Ordinance) (to be renamed) of the County Code are being proposed to align them with the proposed tree conservation provisions set forth in new Chapter 122 (Tree Conservation Ordinance) as further described below.

#### ***Comparison Table (refer to Attachment B)***

The attached comparison table outlines the major features of the proposed tree conservation amendments and compares the proposed requirements to the current County Code and PFM regulations.

Board Agenda Item  
September 8, 2008

***New Chapter 122 (Tree Conservation Ordinance)***

The proposed amendments include a new Chapter to the County Code, Chapter 122, entitled Tree Conservation Ordinance. The purpose and intent of this Chapter is to provide for the conservation of trees during the land development process. The conservation (i.e. preservation and planting) of trees during the land development process will protect, sustain, and enhance the County's urban forest resources. These forest resources provide important aesthetic, social, and economic benefits and are indispensable to the conservation and management of vital atmospheric, water, soil, and ecological resources.

A copy of proposed Chapter 122 is included as Attachment C.

***Amendments to Chapter 112 (Zoning Ordinance)***

The proposed Zoning Ordinance amendments support the core recommendations of the Tree Action Plan and relocates the current tree cover requirements from the Zoning Ordinance to the proposed Chapter 122 (Tree Conservation Ordinance). Specifically the Zoning Ordinance amendment does the following:

- Amends the tree cover provisions, including the ten year tree cover requirement, because these requirements are being moved to the proposed Chapter 122 (Tree Conservation Ordinance) and the PFM, the amendment revises the landscaping and screening purpose and intent statement in Sect. 13-101 to no longer require a specified percentage of tree cover in ten years.
- Amends Sect. 13-106 to clarify the long-term requirements for property owners to maintain and replace required landscaping.
- Adds a new peripheral and interior parking lot landscaping purpose and intent statement in a new Sect. 13-201. The new statement emphasizes the linkage between parking lot landscaping and efforts to improve air and water quality.
- Adds a new transitional screening and barrier requirement purpose and intent statement in a new Sect. 13-301. The purpose and intent of the transitional screening and barrier requirements, among other things, is to lessen the visual and noise impacts of a more intensive use on nearby properties.
- Amends the transitional screening requirements in Sect. 13-303 to reduce the density of plant materials required in order to improve the long-term screening effectiveness of screening yards and the ability of the trees and shrubs used for screening to resist outbreaks of infectious plant diseases and infestations of insects.

Board Agenda Item  
September 8, 2008

- Replaces the tree cover requirements with a reference to the tree cover requirements contained in the new Chapter 122 (Tree Conservation Ordinance) and the PFM.
- Makes other minor editorial changes to reflect changes in tree conservation ordinance terminology and to provide appropriate cross references.

The proposed amendments to the Zoning Ordinance are included as Attachment D.

***Amendments to Chapter 101 (Subdivision Provisions)***

The proposed amendments revise Chapter 101 (Subdivision Provisions) to implement and adopt the new tree conservation provisions set forth in Chapter 122 (Tree Conservation Ordinance) of the County Code and the PFM. Specifically, the Subdivision Ordinance amendments do the following:

- The current tree cover requirement standards set forth in paragraph 21 of § 101-2-2 (Minimum Tree Cover Requirement Standards) are being eliminated and replaced with the new tree conservation provisions emphasizing the preservation of existing trees by incorporating, by reference, new Chapter 122 and the PFM.
- In addition, paragraph 13 of §101-2-3 (Preliminary subdivision plat) related to preliminary subdivision plats and the cluster subdivision provision of §101-2-8 (Subdivision Cluster Provisions) are being revised to incorporate, by reference, the new tree conservation provisions, add requirements for preliminary subdivision plats to address tree canopy requirements, and update the name of the Urban Forestry Division to Urban Forest Management Division.

The proposed amendments to the Subdivision Ordinance are included as Attachment E.

***Editorial Amendments to Chapters 104 (E & S) and 120 (Tree Conservation)***

The proposed changes to Chapters 104 (E & S) and 120 (Tree Conservation) are editorial in nature and include adding references to new Chapter 122 and the PFM. In addition, Chapter 120, currently referred to as the “Tree Conservation Ordinance”, is being renamed to the “Heritage, Specimen, Memorial, and Street Tree Ordinance” to align with the Chapter’s stated purpose and intent related to regulating the preservation and removal of heritage, specimen, memorial, and street trees and to avoid conflict with the name of new Chapter 122, entitled “Tree Conservation”.

The proposed amendments to Chapters 104 and 120 are included as Attachments F and G, respectively.

***Amendments to the Public Facilities Manual***

The proposed amendments to the PFM incorporate plan submission requirements, technical standards and specifications, and onsite practices that support the conservation of trees and minimize the extent of land disturbance to onsite and offsite trees and forested areas and includes the following:

- Increased 10-year tree canopy requirements (from 20 to 25 percent) for R-3, R-4, PDH-3, and PDH-4 zoning districts
- Increased 10-year tree canopy requirements (from 20 to 30 percent) for R-A, R-P, R-C, R-E, R-1, R-2, PDH-1, and PDH-2 zoning districts and low-density areas of a PRC District
- A new “tree preservation target” provision that identifies specific levels of tree preservation that are expected to be achieved on development sites, along with a built-in modification/review process which can be used to justify deviations from the preservation target when:
  1. meeting the target would prevent the development of uses and densities allowed by the Zoning Ordinance, and
  2. development sites contain existing vegetation that does not meet standards for health and structural condition, and
  3. construction activities are expected to impact existing trees so they are not likely to survive in a healthy and sound manner
- New health and condition standards for trees and forested areas that will improve the long-term health and safety of trees and forested areas
- New tree inventory and condition analysis provisions that will help to reveal which trees are most suitable for preservation and which trees should be removed to maximize the safety of tree preservation areas
- New incentives for preserving existing tree canopy in the following categories:
  1. for preservation of rare, endangered or valuable forest communities, and
  2. for the preservation of trees proposed for official designation as heritage, specimen, memorial or street trees
- New or increased incentives to plant trees for:
  1. energy conservation benefits
  2. air quality benefits

Board Agenda Item  
September 8, 2008

3. water quality benefits, and
  4. wildlife benefits
- New incentives to plant native tree species and improved cultivars of species that can withstand harsh urban conditions
  - New provisions allowing the use of tree seedlings, woody shrubs, and woody seed mix in meeting 10-year tree canopy requirements
  - New provisions for developers to provide canopy requirements off-site through the use of tree banking and/or contribution to a tree fund
  - Amendments to the 10-year tree canopy requirement modification process that includes a reduction to the maximum level that tree canopy requirements can be modified
  - New provisions requiring the management of hazardous conditions and invasive plants that may occur within forested areas
  - New language that underscores the need to preserve and manage understory plants and soil conditions in tree preservation areas
  - Incorporate new tables as follows:
    - Table 12.4: 10-Year Tree Canopy Requirements, (currently in ZO 13-401.1 with revised requirements consistent with the State enabling legislation)
    - Table 12.5: Endangered or Unique Forest Communities
    - Table 12.6: Multipliers for Heritage, Specimen, Memorial and Street Trees
    - Table 12.9: Species for Air Quality Improvement
    - Table 12.10: Native and Wildlife Benefit Species (new table and reiterates information included in proposed Table 12.19 in the Tree Uses column and provides information on species not included in Table 12.19)
  - Update plates 1-12(1M-12) thru 9-12(9M-12)
  - Editorial revisions to chapters 2, 6 and 11 related to updating section references, adding references to new Chapter 122 (Tree Conservation Ordinance) and updating the name of the Urban Forest Management Division.

The proposed amendments to the PFM are included as Attachment H and include amendments to Chapters 2, 6, 11 and 12, and plates #1-12(1M-12) thru 9-12(9M-12).

Board Agenda Item  
September 8, 2008

FISCAL IMPACT:

None. Current staffing levels are sufficient to implement the proposed amendments.

REGULATORY IMPACT:

The proposed amendments to the County Code and PFM will potentially impact those entities that submit engineering plans and plats to the Department of Public Works and Environmental Services. The proposed amendments emphasize tree conservation during land development by requiring submission of a tree conservation plan and narrative for plans of development that require tree preservation. If adopted by the Board, the proposed amendments would encourage developers to conserve trees during land development by incorporating into the PFM and County Code plan submission requirements, technical standards and specifications, and onsite practices that support tree preservation and minimize the extent of land disturbance to onsite and offsite trees and forested areas.

ENCLOSED DOCUMENTS:

Attachment I-Staff Report  
Attachment II-Resolution

STAFF:

Robert A. Stalzer, Deputy County Executive  
Jimmie D. Jenkins, Director, Dept Public Works and Environmental Services (DPWES)  
Howard Guba, Deputy Director, DPWES  
James Patteson, Director, Land Development Services, DPWES  
Eileen McLane, Zoning Administrator, Department of Planning and Zoning

Board Agenda Item  
September 8, 2008

ADMINISTRATIVE – 18

Authorization to File Comments in a Federal Communications Commission Rulemaking Relating to Local Zoning Authority Over Wireless Tower Siting (WT Docket No. 08-165)

ISSUE:

Authorization for staff to file comments with the Federal Communications Commission (“FCC”) supporting the preservation of existing local zoning authority over the placement, construction, and modification of personal wireless services facilities.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to file comments with the FCC that support the County’s existing zoning authority over personal wireless services facilities and that oppose a proposal by the wireless industry to impose new federal restrictions on the County’s zoning authority over such facilities.

TIMING:

Board action is requested on September 8, 2008, because initial comments in this rulemaking must be filed with the FCC by September 15, 2008. Reply comments must be filed by September 30, 2008.

BACKGROUND:

On July 11, 2008, an industry group named CTIA-The Wireless Association® (“CTIA”) filed a Petition asking the FCC to issue a ruling interpreting certain provisions of the Communications Act of 1934, as amended, (the “Act”) that govern state and local review of wireless facility siting applications. On August 14, 2008, the FCC released a Public Notice soliciting comment on CTIA’s petition and establishing deadlines by which such comments must be filed.

Section 332 of the Act governs regulatory treatment of private mobile services. Section 332(c) explicitly preserves the authority of state and local governments over decisions regarding the placement, construction, and modification of personal wireless service facilities, but it also imposes limitations on that authority. Among the limitations is that such entities must “act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed ... taking into account the nature and scope of such request.” Any person

Board Agenda Item  
September 8, 2008

who is adversely affected by any final action or failure to act has a statutory right to sue within 30 days, and the courts must hear and decide such cases on an expedited basis.

Additionally, Section 253 of the Act bans state and local laws and requirements that “prohibit or have the effect of prohibiting” the ability of any entity to provide any telecommunications service. Section 253 explicitly authorizes the FCC to preempt laws and requirements that violate that ban.

CTIA’s petition asks the FCC to take four actions:

- Create a “shot clock” by which a state or locality must act on wireless facility siting requests. Specifically, CTIA asks the FCC to issue a declaratory ruling that (1) if a state or a local zoning authority has not taken final action within 45 days after an application is submitted on a wireless facility siting application that only involves collocation, it has failed to act; and (2) if a state or a local zoning authority has not taken final action within 75 days after an application is submitted on any other wireless facility siting application, it has failed to act.
- Find that, in the event a state or a local zoning authority has failed to act as described above, then the application should be deemed granted. In the alternative, CTIA asks the FCC to establish a presumption that in the event of a failure to act, a wireless carrier is entitled to an injunction ordering the state or local zoning authority to grant the siting application unless it can justify the delay.
- Rule that a zoning decision violates Section 332 if it prohibits a particular applicant from providing wireless service in a given geographic area, even if that area is already served by another provider.
- Preempt local ordinances and state laws that subject wireless siting applications to unique, burdensome requirements, such as those treating all wireless siting requests as requiring a variance.

Since 1992 Fairfax County has worked closely with the wireless telecommunications industry to develop and periodically revise a set of Comprehensive Plan policies and Zoning Ordinance regulations which provide significant opportunities for establishing the network of support facilities under a process which is fair and responsive. In light of the allegations made by CTIA in their petition to initiate the rulemaking, staff thinks that it is important that the FCC receive information related to the efficiency of the County’s review process and the specific points raised in the petition filed by the CTIA. The County’s comments would be limited to the following points:

Board Agenda Item  
September 8, 2008

- State law already establishes strict timelines for reviewing applications for wireless telecommunication facilities. Va. Code Ann. § 15.2-2232 requires that the Planning Commission act on such an application within 90 days of submission unless the time period has been extended by the governing body for one additional 60 day period. Therefore, Planning Commission action must be provided within a 150 day period unless the applicant agrees to a further extension. The processing of all applications submitted to the County strictly adheres to this Code provision. Over the past five years, the Planning Commission has acted favorably on 359 applications for telecommunication uses with an average processing time 79.8 days and a median processing time of 45.4 days.
- Establishing a shorter processing time for applications would be onerous to the County and significantly undermine the current process which is based on transparency and community input. Telecommunication structures are currently permitted by right in commercial and industrial zoning districts and on publicly owned properties. Since most new structures are being requested in residential settings, community involvement is paramount. The time limits requested in the petition would leave little time for community contact and involvement and the opportunity to evaluate impacts through visual studies such as balloon tests.
- The timely processing of applications is reliant on a cooperative relationship between staff and industry which is responsive to issues and questions raised during the review process. Current processing times are greatly influenced by many issues that are identified after an application has been submitted. Unless such issues are resolved, approval or construction of the facility would be impossible. Examples of such issues include environmental features like resource protection areas and wetlands, historic district impacts, zoning conditions or proffers which limit the proposed use, leasing approvals, yard and other zoning requirements, and visual compatibility. While such issues are not evident on all applications, they are frequently encountered and would be difficult to satisfactorily address under the time limits suggested by the petition.
- The petition is unclear as to whether Fairfax County could continue to require certain telecommunication installations to obtain special exception approval as the petition requests that local ordinances be preempted from making laws that subject wireless applications to unique, burdensome requirements, such as those requiring a variance. As was noted above, the siting of telecommunication facilities in residential neighborhoods can have adverse impacts on adjacent properties and Fairfax County currently requires that certain installations receive special exception approval by the Board. In other instances, such as on publicly controlled lands and in commercial and industrial districts, such installations are

Board Agenda Item  
September 8, 2008

permitted by right subject to certain standards. It is believed appropriate to allow telecommunication facilities by right in certain areas and to subject those that potentially have the greatest adverse impact on nearby properties to the special exception public hearing process.

Upon approval of the Board, staff will draft and submit to the FCC on or before September 15, 2008, comments on the petition which detail the preceding points. Thereafter, staff will monitor comments filed in response to CTIA's petition and will file reply comments emphasizing the same points as described above if appropriate. Staff will provide copies of all such filings to the Board.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I - FCC Public Notice dated August 14, 2008, "Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling by CTIA-the Wireless Association to Clarify Provisions of Section 332(C)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireless Siting Proposals as Requiring a Variance."

STAFF:

Robert A. Stalzer, Deputy County Executive  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
David B. Marshall, Chief, Facilities Planning Branch, Planning Division, DPZ  
Erin C. Ward, Assistant County Attorney, Office of the County Attorney

Board Agenda Item  
September 8, 2008

ACTION – 1

Authorization to File Comments in Application of Dominion Virginia Power for Approval of its Renewable Energy Tariff, SCC Case No. PUE-2008-00044

ISSUE:

Board authorization to file comments in the application of Dominion Virginia Power for approval of its renewable energy tariff.

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 Dominion Virginia Power for approval of its renewable energy tariff, SCC Case No. PUE-2008-00044.

TIMING:

The deadline for filing comments in this SCC case is Tuesday, September 9, 2008.

BACKGROUND:

On May 29, 2008, Virginia Electric and Power Company (Dominion Virginia Power or Dominion) filed an application with the State Corporation Commission (SCC) for approval of a proposed tariff, “Rider G,” that provides customers with two options for purchasing renewable power. Dominion requests that its tariff be approved effective January 1, 2009.

Proposed Rider G provides two options for a customer, through Dominion, to purchase renewable energy credits (“RECs”) to account for all or part of the customer’s electricity consumption. One option corresponds to a customer’s monthly kilowatt consumption; the other is simply a fixed monthly contribution, selected by the customer in \$2.00 increments. According to Dominion, if its Rider G is approved, then customer choice for renewable energy provided by licensed competitive service providers (“CSPs”) terminates, pursuant to 2007 amendments to the Virginia Code. Dominion therefore includes in its application a request for waivers of certain SCC rules governing retail access.

Customers who purchase RECs encourage the production of renewable energy by purchasing the environmental attributes of that energy. Other customers, however, may prefer to support renewable energy more directly, by purchasing only electric energy

Board Agenda Item  
September 8, 2008

that has been generated from non-polluting renewable resources, like the wind or sun; these customers also avoid the fuel charges associated with conventionally-generated electricity. Should the SCC agree with Dominion's interpretation of the 2007 Code amendments, these customers would no longer be permitted to purchase electricity from a licensed CSP that has been generated entirely from clean, renewable resources. Instead, they would be required to purchase Dominion's conventionally-generated electricity, with its associated carbon emissions and/or other pollutants. The option to purchase "green" electricity could arise at some future date, but only if Dominion agreed to offer it.

Staff has reviewed and analyzed Dominion's request and is recommending that the SCC: (1) approve Dominion's proposed Rider G, subject to certain minor modifications regarding reporting; (2) affirm the continuing right of licensed CSPs to offer electric energy provided 100 percent from renewable energy to customers in Dominion's service territory; and (3) deny Dominion's requested waivers of the SCC's rules.

Comments in this case are due September 9, 2008. The SCC staff will file its report on September 30, 2008. Dominion may respond to both public comments and the staff report on October 14, 2008. There is no public hearing scheduled in this case.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 – Comments on Application of Dominion Virginia Power For Approval of its Renewable Energy Tariff, SCC Case No. PUE-2008-0004

STAFF:

David J. Molchany, Deputy County Executive

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

Dennis R. Bates, Senior Assistant County Attorney

Steve Sinclair, Chief, Utilities Branch, DCCCP

Susan Hafeli, Utility Analyst, Utilities Branch, DCCCP

Board Agenda Item  
September 8, 2008

ACTION - 2

Authorization to Publish Delinquent Real Estate, Personal Property, and Business, Professional, and Occupational Licenses Delinquency List for Tax Year 2007 (FY 2008)

ISSUE:

Board authorization to publish lists of delinquent real estate, personal property and business, professional and occupational license taxes and to continue to collect the delinquent taxes until the expiration of the applicable statute of limitations; and, credit for uncollected "small tax amounts."

RECOMMENDATION:

The County Executive recommends that the list in Attachment A be made available for public review in the Fairfax County Public Libraries. As in prior years, unless directed otherwise, staff will make this list available for public reference in the Fairfax County Libraries. Meanwhile, the Department of Tax Administration (DTA) will continue the collection of taxes as provided by law, except the "small tax amounts" in Attachments B and C for which credit is given.

TIMING:

Routine.

BACKGROUND:

Pursuant to Section 58.1-3924 of the Code of Virginia the Board may authorize the publication of the full list or parts thereof as deemed advisable. In the past, the Board of Supervisors decided to make the lists of delinquent local taxes available for public reference in Fairfax County Public Libraries. As required by Virginia law, the report being presented to the Board is a 'snapshot' as of June 30, 2008. This includes delinquent taxpayers who may be on a payment plan with DTA, and includes delinquencies that are currently tied up in bankruptcy. Bankruptcy accounts and accounts that have been paid since June 30th will be stripped from the report prior to placement in the libraries.

Staff will continue collection efforts on all accounts still within the statute of limitations, in accordance with Sections 58.1-3933 and 58.1-3940 of the Code of Virginia. Presented below is a summary of delinquent taxes still outstanding for Tax Year 2007. The actual list is presented in Attachment A:

Board Agenda Item  
September 8, 2008

Tax year 2007 (FY 2008)  
(First Year Delinquent)  
As of June 30, 2008

	<u>Number of Accounts</u>	<u>Local Tax Amount</u>
Real Estate	4,158	\$ 9,704,653
Personal Property – Vehicles	38,854	\$ 4,899,230
Business Personal Property	2,309	\$ 1,616,371
Public Service Corp. Properties	2	\$ 3,445
BPOL	1,870	\$ 946,272
Total	47,193	\$ 17,169,971

For perspective, the total amount of all unpaid current year taxes, or \$17.16 million represents less than 1% of the levy for Tax Year 2007 (FY 2008). This is consistent with prior year percentages. Of the \$4,899,230 in delinquent vehicle taxes, \$1,456,503 million is from business owned and used vehicles, and \$3,442,727 million is from the personal property taxes on personally owned and used vehicles.

Staff will continue collection efforts on all delinquent taxes as authorized by law. DTA continually pursues an aggressive discovery and collection campaign to locate delinquent taxpayers. Staff uses a broad array of collection tools including computer-generated letters, telephone calls, statutory summons authority, and payment plans. Additionally, delinquent payments were collected from more than 27,577 statutory seizure actions, including bank liens, wage liens, third party liens and income tax 'Set-Off-Debt' collections.

Under authority of Virginia law, and with outstanding support from the Sheriff's Office, the Police Department and the County Attorney's Office, DTA utilizes booting or towing of vehicles, seizure of equipment and cash "till taps" to collect more difficult tax accounts. The Sheriff's Office handled 1,595 vehicle 'boot' orders in FY 2008, and the County Attorney's Office pursued collection on current and prior year taxes for more than 2,351 open delinquency cases. These accounts may be subject to legal action, or may already have judgments docketed. The Police Department also assists the collection effort in towing vehicles as necessary.

During FY 2008, DTA again continued a program of broadcasting the names of certain delinquent taxpayers on cable TV's Channel 16. Each taxpayer is sent a letter *before* their name is aired in order to give them another opportunity to pay or correct an account as may be applicable and avoid the cable presentation. This program accounted for FY 2008 collections totaling \$714,216.

Board Agenda Item  
September 8, 2008

In accordance with Virginia law, DTA also has an agreement with the Department of Motor Vehicles (DMV) whereby vehicle registrations are withheld from citizens who have delinquent personal property taxes. In FY 2008, \$6,813,168 was collected from nearly 41,247 DMV holds. DTA also places a significant number of delinquent tax accounts with its private tax collection agency, Nationwide Credit Corporation.

Thanks to these combined efforts, staff collected \$25,165,177 in net delinquent taxes in FY 2008 for all prior tax years. Furthermore, the positive results of these collection efforts are also reflected in the strong current year collection rates. For example, pending completion of the year-end audit, the collection rates achieved in FY 2008 are shown below:

	<u>FY 2008</u>
Real Estate	99.61 %
Personal Property (local share)	98.00 %
BPOL	98.13 %

The Real Estate collection rate is particularly significant given the economic stress in the housing market over the past year. The Personal Property collection rate is also noteworthy inasmuch as FY 2008 marks the second year since the Board eliminated the requirement to purchase and display vehicle decals. Initially, there was concern that this may negatively impact the local collection rate. This has not been the case.

In addition to the collection of taxes, a total of \$2,619,734 was collected in Parking Ticket revenue in FY 2008. Of the seizure actions previously referenced, DTA issued over 5,300 wage and bank liens for parking tickets, along with 475 boot orders in FY 2008. Additionally, 'holds' were placed on more than 3,400 vehicle registrations in FY 2008 for parking tickets, resulting in more than 1,500 payments thus far.

As of the end of FY 2008, the current amount of tickets remaining to be collected was \$1,676,310 from 25,687 tickets. This excludes tickets still pending a match to DMV. A significant amount of the uncollected revenue is from single issue tickets and \$653,617 is from violators outside of Fairfax County. DTA continues to use the resources of its private ticket collection agent, Citation Management. This has been a productive relationship and their annual report is provided in Attachment D.

In addition to the delinquent list in Attachment A, Sections 58.1-3921 and 58.1-3924 of the Code of Virginia state that the Department of Tax Administration, upon submission of a list of small tax amounts for which no bills were sent, and small uncollected balances of previously billed taxes, shall be given credit for these uncollected taxes (Attachments B and C). The total value of taxes in Attachments B and C is shown below and averages about \$1.37 per account:

Board Agenda Item  
September 8, 2008

	<u>Number of Accounts</u>	<u>Dollars</u>
Real Estate	9,283	\$ 3,292
Personal Property	<u>53,079</u>	<u>\$ 82,424</u>
TOTAL	62,362	\$ 85,716

In reference to “small tax amounts”, the Virginia Code speaks to accounts that are “less than twenty dollars each.” The County’s lists however are for accounts that are under five dollars, to reflect DTA’s actual billing practice.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment A - Delinquent Tax Year 2007 (FY 2008) Taxpayers\*

Attachment B - Tax Year 2007 accounts valued less than five dollars that were not billed\*

Attachment C - Tax Year 2007 ‘balance due’ accounts of less than five dollars\*

\*Attachments A-C listed above are computer printouts which will be made available in the Board of Supervisors’ Conference Room on September 8, 2008, from 9:00 A.M. until 4:30 P.M.)

Attachment D – Citation Management’s Annual Report dated July 22, 2008

Attachment E – Statistical Profile of Unpaid Tickets

STAFF:

Edward L. Long, Jr., Deputy County Executive

Kevin C. Greenlief, Director, Department of Tax Administration

Board Agenda Item  
September 8, 2008

ACTION – 3

Endorsement of County Staff Comments on the Environmental Assessment for Base Realignment and Closure (BRAC) Recommendation Number 133 (BRAC 133) (Mount Vernon, Lee, and Springfield Districts)

ISSUE:

The Department of the Army issued a Final Environmental Assessment (EA) and Draft Finding of No Significant Impact for implementation (FNSI) of 2005 Base Realignment and Closure (BRAC) Recommendation Number 133 to relocated approximately 6,409 personnel to Fort Belvoir, Virginia. The EA and FNSI were made available on July 14, 2008, for review and comment for a period of 30 days ending August 13, 2008.

RECOMMENDATION:

The County Executive recommends that the Board approve the cover letter and comments prepared by staff (see attachment 1 and 2) and authorize the transmittal of these materials to Fort Belvoir.

TIMING:

Board action is requested on September 8, 2008, which is the first available Board date after the comment period ended for endorsement of the County Staff comments.

BACKGROUND:

In June 2007, the Army published its Final Environmental Impact Statement (FEIS) for implementation of the 2005 Base Realignment and Closure (BRAC) Recommendations and Related Army Actions at Fort Belvoir, Virginia. On August 7, 2007, the Army issued a Record of Decision (ROD) that deferred decision-making on the disposition of BRAC Recommendation Number 133 (BRAC 133), the relocation of approximately 6,400 personnel of miscellaneous Department of Defense (DoD) organizations currently located in leased facilities within the National Capital Region to Fort Belvoir, Virginia.

The EA conducted by the Department of the Army evaluated the environmental and socioeconomic impacts of BRAC 133 in accordance with the National Environmental Policy Act of 1969 (NEPA) and implementing regulations issued by the President's Council on Environmental Quality (CEQ) and the Army. The EA evaluated 3 sites along with the "no action" alternative. The sites evaluated were the Government Services Administration (GSA) Warehouse site in Springfield, Victory Center in the City of

Board Agenda Item  
September 8, 2008

Alexandria, and Mark Center in the City of Alexandria.

Staff reviewed and provided comments by the due date on the EA upon its release through collective efforts involving a number of County agencies. Staff has returned to the Board to seek endorsement of the staff comments and will forward any additional comments the Board may have on the EA to the Army.

Staff comments were consistent with previous positions taken by the Board reflected in the BRAC Draft EIS comments and the July 24, 2007, letter to the Secretary of the Army, Pete Geren, on the FEIS which discussed the benefits of the GSA Warehouse site along with issues concerning transportation, re-designation of land use categories, and schools.

FISCAL IMPACTS:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Draft letter from the Board of Supervisors to Secretary of the Army, Pete Geren, endorsing staff comments on the Final Environmental Assessment for BRAC 133  
Attachment 2: Copy of staff Final Environmental Assessment for BRAC 133 comments.

STAFF:

Robert A. Stalzer, Deputy County Executive  
James P. Zook, Director, Department of Planning and Zoning (DPZ)  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Mark G. Canale, Fairfax County BRAC Coordinator, FCDOT  
Fred Selden, DPZ

Board Agenda Item  
September 8, 2008

## INFORMATION - 1

### Implementation of Merrifield Streetscape Design Manual (Providence District)

In June 2008, Lardner/Klein Landscape Architects, P.C. completed the Merrifield Streetscape Design Manual under a contract with the Department of Public Works and Environmental Services in coordination with the Office of Community Revitalization and Reinvestment (OCRR), the Department of Planning and Zoning (DPZ), and the Greater Merrifield Business Association (GMBA). The purpose of the project was to develop options for implementing the streetscape standards contained in the Comprehensive Plan for the Merrifield Suburban Area, particularly in situations when the physical challenges of the site conflict with achieving these standards. The manual provides a catalog of recommended streetscape designs and material choices and applies to properties within the Merrifield Commercial Revitalization Area. It is intended to serve as a companion document to the Comprehensive Plan and to function as an implementation tool for the streetscape standards.

The Comprehensive Plan establishes streetscape standards in the Merrifield Suburban Area for four Road Hierarchies: Boulevard, Ring, Main, and Cross Roads. The streetscape design manual further articulates the intent and performance specifications with representative examples of materials for each of the four Road Hierarchies. In addition, a fifth hierarchy, Pedestrian Enhancements, offers possible options when the constraints of the site prevent the streetscape standards from being implemented as recommended in the Comprehensive Plan. The overall intention is to achieve a coherent, yet distinctive pedestrian environment.

Properties going through the site plan and zoning processes are encouraged to conform to the Comprehensive Plan's streetscape standards. The Merrifield Streetscape Design Manual will serve as a reference tool for applicants when incorporating streetscape elements into the proposal and for staff, the community, the Planning Commission and the Board of Supervisors when reviewing and approving, as applicable, the submissions. In addition, any streetscape improvements proposed within the right-of-way are subject to Virginia Department of Transportation approval and are considered on a case by case basis.

Unless otherwise directed, staff will implement the Merrifield Streetscape Design Manual to provide interested parties the manual as a reference for meeting the Comprehensive Plan's streetscape standards for Merrifield.

Board Agenda Item  
September 8, 2008

FISCAL IMPACT:

Implementation of the design manual will have no fiscal impact.

ENCLOSED DOCUMENTS:

Attachment 1: Merrifield Streetscape Design Manual

STAFF:

Anthony H. Griffin, County Executive

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment (OCRR)

Angela Allen, Revitalization Program Manager, OCRR

Board Agenda Item  
September 8, 2008

INFORMATION – 2

County Holiday Schedule – Calendar Year 2009

A proposed calendar year 2009 Holiday Schedule for Fairfax County Government has been prepared. County employees are authorized 11 ½ holidays in each calendar year (12 ½ every fourth year for Inauguration Day.)

The proposed holiday schedule for 2009 lists the Federal Government holidays as well as those of the Commonwealth of Virginia and the Fairfax County Public Schools. State employees and the Courts observe the Commonwealth of Virginia designated holidays.

Unless otherwise directed by the Board of Supervisors, the enclosed will be adopted as the holiday schedule for calendar year 2009.

ENCLOSED DOCUMENTS:

Attachment 1 – Proposed Holiday Schedule – 2009

STAFF:

Edward L. Long, Deputy County Executive  
Susan Woodruff, Acting Director, Human Resources

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Board Agenda Item  
September 8, 2008

## INFORMATION - 3

### Waste Delivery/Disposal Agreement with the District of Columbia

The County and the District of Columbia have a long history of cooperation in solid waste disposal programs. In the past, District waste has been disposed at the I-95 Energy/Resource Recovery Facility through various agreements. A new multi-year agreement would be required to maximize the potential benefit of this relationship for both parties.

The I-95 Energy/Resource Recovery Facility continues to have excess capacity available at various times during the year. The proposed agreement with the District is flexible in that it allows acceptance of up to 125,000 tons per year of waste. This will allow the County to continue to utilize all available capacity in the Facility resulting in a lower average cost for processing waste at the Facility. The pricing structure in the agreement allows for full recovery of costs associated with disposal of District waste at the Facility. The agreement would be for five years.

Unless otherwise directed by the Board, the County Executive will proceed with execution of the agreement with the District which will be substantially in the form of the attached draft agreement.

#### FISCAL IMPACT:

All revenue and associated expenditures are included within Fund 112, Resource Recovery, and there are no General Fund issues associated with this Agreement. This revenue, expected to be between \$3 and 4 million in the initial year, will be utilized to pay the associated costs for waste accepted and managed under the agreement.

#### ENCLOSED DOCUMENTS:

Attachment 1: Form of Waste Delivery/Disposal Agreement, Fairfax County, Virginia and the District of Columbia

#### STAFF:

Robert A. Stalzer, Deputy County Executive  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
Howard J. Guba, Deputy Director, DPWES  
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery  
Jeffrey M. Smithberger, Director, Division of Solid Waste Collection and Recycling

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Board Agenda Item  
September 8, 2008



#### INFORMATION – 4

### Service Changes to FAIRFAX CONNECTOR Routes to be Implemented in Fall 2008 (Braddock, Hunter Mill, Lee, Mason, Mount Vernon, Providence, and Springfield Districts)

This is to advise the Board that the Transit Services Division (TSD) of the Fairfax County Department of Transportation intends to change the schedules and/or routings of several FAIRFAX CONNECTOR bus routes in Fall 2008 as outlined below.

The affected routes are 101, 109, 151, 152, 171, 401, and 556. These changes are necessary to address on-time performance on certain routes, due to increased passenger boardings and traffic congestion. TSD has determined that the problems are persistent and require intervention to address them.

The proposed changes can be implemented within existing fleet resources. Major enhancements (High Priority service) will require fleet expansion through procurement of additional buses.

The changes proposed are service improvements that will not adversely affect current customers. Customers will be informed through notifications via a press release, and postings on the Fairfax Connector web site and at appropriate transit stations, and on the buses themselves.

The changes proposed for each route are as follows:

Route 101 (Lee and Mount Vernon Districts): Interline (utilize same buses) Route 101 with Route 109, resulting in a more efficient use of resources while adding one trip in both the AM and PM peak periods.

Route 109 (Braddock, Lee and Springfield Districts): Interline with Route 101 which will help relieve excessively tight Route 109 schedules, as well as enhance weekday service with four additional trips in the AM and two additional trips in the PM peak periods.

Routes 151 and 152 (Lee and Springfield Districts): Three short trips operating to and from the Huntington Metrorail Station and the intersection of Sacramento Drive and Richmond Highway would be added to Route 151 in the PM peak period, and five short trips added to Route 152 in the AM peak period to relieve run time delays, due to increased passenger boardings and traffic congestion.

Route 171 (Lee and Springfield Districts): Additional short trips operating to and from the Huntington Metrorail Station and the Lorton Shoppers Market would be added to create a 30-minute headway during the weekday midday and evening time periods. Saturday and

Board Agenda Item  
September 8, 2008

Sunday service levels would also operate on a 30-minute headway. On weekdays, four additional short trips would be added in the AM and ten short trips added in the PM peak periods to relieve run time delays, due to increased passenger boardings and traffic congestion along Richmond Highway for a total of fourteen weekday trips. On weekends, 38 short trips would be added to Saturday service and 36 short trips would be added to Sunday service to relieve heavy passenger loads.

Route 401 (Lee, Mason, Braddock and Providence Districts): On weekdays, three short northbound trips operating from Backlick Road/Hechinger Drive to Tysons Corner Center would be added during the AM peak period, one short southbound trip from Fairfax Hospital to Franconia/Springfield Metrorail Station would be added during the PM peak period, and one trip from Tysons Corner Center to the Franconia/Springfield Metrorail Station would be added during the evening schedule. These trips have been added to relieve overcrowding and accommodate heavy passenger loads.

Route 556 (Hunter Mill District): Route 556 would be split from Route 505, so that a small bus can be assigned to route 556 instead of a large bus. This operational change will make a large bus available for use on routes that are nearing capacity, as the passenger loads on Route 556 do not justify a large bus. In addition, the start times for Route 556 in the AM peak period have been shifted back by five minutes, and the start times for the PM peak period trips have been shifted forward by five minutes to provide adequate transfer time to/from Route 505 at Reston Town Center Transit Station.

Unless otherwise directed by the Board of Supervisors, TSD will proceed to implement these service changes in early October of 2008.

FISCAL IMPACT:

The fiscal impact associated with the increase in bus service is estimated at \$1.61 million annually. The proposed changes would increase bus service by 15,500 revenue hours and 184,600 revenue miles annually. The cost for the increased bus service will be funded through the Commercial and Industrial Real Estate Tax revenues for transportation. This funding is currently available in the Reserve Project of Fund 124, County and Regional Transportation Projects. In order to reflect all expenditures of the Fairfax Connector system under one budget, an adjustment will be made as part of the *FY 2009 Third Quarter Review* to transfer the necessary support to Fund 100, County Transit Systems. It is noted that on May 5, 2008, the Board of Supervisors approved up to \$21.4 million in operating costs from Commercial and Industrial Real Estate Tax revenues for the FY 2009 – FY 2011 period for service expansion on crowded priority routes.

ENCLOSED DOCUMENTS:

None.

Board Agenda Item  
September 8, 2008

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Rollo Axton, Chief, Transit Services Division, FCDOT

Thomas N. Black, Fairfax Connector, FCDOT

Christy Wegener, Transportation Planner, FCDOT

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Board Agenda Item  
September 8, 2008

INFORMATION - 5

Notification of Requirements for Federal Transit Administration Grants

On August 4, 2008, the Board approved the County's grant applications to the Federal Transit Administration (FTA) and authorized staff to comply with all FTA regulations and requirements. In order to comply with FTA requirements for all grant funding, the County is required to execute FTA's Certifications and Assurances for all grant recipients (Attachment I) on an annual basis. Both documents have previously been approved by the Board as part of prior federal grant submissions. At the Board's direction, staff executed these documents for federal fiscal year 2008 on August 4, 2008. These documents are being provided for Board information.

As part of the August 4, 2008, approval, the Board also asked the Fairfax County Economic Development Authority (EDA) commission to approve an amendment to the Fairfax County and EDA agreement for federal 13 (c) labor protection. At its August 19, 2008 meeting, the EDA commission approved the amendment.

ENCLOSED DOCUMENTS:

Attachment I: FY 2008 Certifications and Assurances for FTA Assistance Programs

STAFF:

Robert A. Stalzer, Deputy County Executive  
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Ellen F. M. Posner, Assistant County Attorney  
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT  
Jay Guy, Coordination & Funding Division, FCDOT

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Board Agenda Item  
September 8, 2008

11:45 a.m.

Matters Presented by Board Members

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Board Agenda Item  
September 8, 2008

12:30 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. *Application of Elantic Telecom, Inc.*, Case Nos. PST-2004-0046; PST-2005-0029; PST-2007-00021 (Virginia State Corporation Commission) (Hunter Mill, Providence, and Dranesville Districts)
  - 2. *James D. Clark v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0010142 (Fx. Co. Cir. Ct.) (Providence District)
  - 3. *Salvatore J. Culosi, et al. v. Fairfax County, Virginia, et al.*, Case No. 1:07CV266 (E.D. Va.)
  - 4. *Eugenia B. White v. Fairfax County Government*, Case No. 1:07CV696 (E.D. Va.)
  - 5. *Helen Brazell v. Fairfax County Department of Family Services*, Record No. 1347-06-4 (Va. Ct. App.)
  - 6. *Jameela Taraky, by GEICO, Subrogee v. Vito Luangkhot and Fairfax County Housing and Community Development Corp.*, Case No. GV-08-020308 (Fx. Co. Gen. Dist. Ct.)

7. *Carrie J. Wojtyna v. Christopher Douglas Sigmon*; Case No. GV-07-0030401; *Carrie J. Wojtyna and Joseph Wojtyna v. Christopher Douglas Sigmon*; Case No. GV-07-0033892 (Fx. Co. Gen. Dist. Ct.) (Springfield/Mount Vernon Districts)
8. *The Grievance Appeal of Edward Padgett*, Case No. 0805 (Fx. Co. Civil Service Com.)
9. *Claim of David L. Warner*
10. Claim of George Weaver
11. *Carrhomes, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2008-0009776 (Fx. Co. Cir. Ct.) (Mount Vernon District)
12. *County Zoning Administrator v. Board of Zoning Appeals of Fairfax County, Virginia, and Hermilio Machicao*, Case No. CL-2008-0010800 (Fx. Co. Cir. Ct.) (Lee District)
13. *Virginia Equity Solutions, LLC v. Board of Zoning Appeals of Fairfax County, Virginia*, Case No. CL-2005-0006316 (Fx. Co. Cir. Ct.); *Eileen M. McLane, Fairfax County Zoning Administrator v. Virginia Equity Solutions, LLC*, Case No. CH-2005-0005279 (Fx. Co. Cir. Ct.) (Providence District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jacinto Alcocer and Claudina Montano*, Case No. CL-2007-0011739 (Fx. Co. Cir. Ct.) (Springfield District) (Strike Team Case)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Angela Rivas*, Case No. CL-2007-0008621 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2006-0000793 (Fx. Co. Cir. Ct.) (Mason District)
17. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Rafael Antonio Carbajal and Maria Delmi Carbajal*, Case No. CL-2008-0000293 (Fx. Co. Cir. Ct.) (Mount Vernon District)
18. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Dorothy E. Young and Leon A. Young*, Case No. CL-2007-0010490 (Fx. Co. Cir. Ct.) (Mount Vernon District)

19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene Sorto*, Case No. CL-2006-0014416 (Fx. Co. Cir. Ct.) (Lee District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Emily H. Lu*, Case No. CL-2008-0005924 (Fx. Co. Cir. Ct.) (Mount Vernon District)
21. *Board of Supervisors v. McLean Veterinary Associates, LLC, and Erie Insurance Company*, Case No. CL-2008-0002534 (Fx. Co. Cir. Ct.) (Dranesville District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor R. Fernandez, Lilian R. Rioja, Mario A. Cobarrubias, and Norca T. Cobarrubias*, Case No. CL-2008-0008081 (Fx. Co. Cir. Ct.) (Braddock District) (Strike Team Case)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shahbaz H. Shaw*, Case No. CL-2008-0002099 (Fx. Co. Cir. Ct.) (Mount Vernon District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ana M. Deras De Alvarado and Roberto Carlos Enrique Del Cid*, Case No. CL-2008-0007169 (Fx. Co. Cir. Ct.) (Providence District)
25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roman Vallejos and Maria Paredo*, Case No. CL-2008-0007167 (Fx. Co. Cir. Ct.) (Providence District)
26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Hearthstone Multi-Asset Entity B, L.P.*, Case No. CL-2007-0010980 (Fx. Co. Cir. Ct.) (Providence District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator v. MacArthur Weston*, Case No. CL-2008-0005012 (Fx. Co. Cir. Ct.) (Springfield District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Olivero Leiva Mercado, Jacqueline Del Socorro Gomez, and Esterlina Zeledon*, Case No. CL-2008-0008255 (Fx. Co. Cir. Ct.) (Braddock District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. 9400 Gunston Cove Road, LLC, and Toro's Truck Center, Inc.*, Case No. CL-2008-0006880 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Meo K. Khoun,* Case No. CL-2008-0006900 (Fx. Co. Cir. Ct.) (Braddock District)
31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marina Flores and Domingo Flores*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
32. *Eileen M. McLane, Fairfax County Zoning Administrator v. Luz Lourdes Vargas*, Case No. CL-2008-0005011 (Fx. Co. Cir. Ct.) (Lee District)
33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mery Raquel Vilcapoma Inga*, Case No. CL-2008-0006906 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Maldonado*, Case No. CL-2008-0001698 (Fx. Co. Cir. Ct.) (Lee District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Ronald L. Mastin, Fairfax County Fire Marshal v. Marco A. Comacho*, Case No. CL-2008-0007391 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florence M. Ellington*, Case No. CL-2008-0006693 (Fx. Co. Cir. Ct.) (Sully District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tariq Ahmad and Ata Ul Qayyum*, Case No. CL-2007-0012973 (Fx. Co. Cir. Ct.) (Lee District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eduardo M. Crespo*, Case No. CL-2008-0006980 (Fx. Co. Cir. Ct.) (Lee District)
39. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khosrow Taher and Azam Taher*, Case No. CL-2008-0006052 (Fx. Co. Cir. Ct.) (Mount Vernon District)

40. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wells Fargo Bank, National Association*, Case No. CL-2008-0007451 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Daniel F. Sturdivant, II*, Case No. CL-2008-0006954 (Fx. Co. Cir. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mariam Del Carmen Machado and Lucio Machado*, Case No. CL-2008-0006050 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Esteban Maldonado*, Case No. CL-2007-0015031 (Fx. Co. Cir. Ct.) (Lee District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Armando Uriona*, Case No. CL-2008-0007966 (Fx. Co. Cir. Ct.) (Mason District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rene S. Austin*, Case No. 08-0019342 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alan Mandelblat*, Case No. 08-0019344 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
47. *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)
48. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohamad J. Al-Khalaf and Manal M. Fahmy*, Case No. CL-2008-0010091 (Fx. Co. Cir. Ct.) (Providence District)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gloria M. Salazar and Wilian F. Salazar*, Case No. CL-2008-0010089 (Fx. Co. Cir. Ct.) (Mount Vernon District)
50. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricia B. Hutchison*, Case No. CL-2008-0010090 (Fx. Co. Cir. Ct.) (Braddock District)

51. *Eileen M. McLane, Fairfax County Zoning Administrator v. Victor Veizaga and Soto Yovannia*, Case No. CL-2008-0010149 (Fx. Co. Cir. Ct.) (Lee District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Benjamin Yavari*, Case No. CL-2008-0010092 (Fx. Co. Cir. Ct.) (Lee District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator v. Aleida O. Torres* Case No. CL-2008-0010049 (Fx. Co. Cir. Ct.) (Braddock District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christopher L. Harrop, Luong K. Harrop, and Hieu Hoang Lee*, Case No. CL-2008-0010148 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Consuelo A. Goldie and John V. Medrano*, Case No. CL-2008-0010163 (Fx. Co. Cir. Ct.) (Lee District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Edward L. Miller and Virginia P. Miller*, Case No. CL-2008-0010203 (Fx. Co. Cir. Ct.) (Lee District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. Frank A. Passarelli*, Case No. CL-2008-0010202 (Fx. Co. Cir. Ct.) (Sully District)
58. *Eileen M. McLane, Fairfax County Zoning Administrator v. John N. Withrow*, Case No. CL-2008-0010681 (Fx. Co. Cir. Ct.) (Mount Vernon District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. John J. Curry*, Case No. CL-2008-0010740 (Fx. Co. Cir. Ct.) (Lee District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Christobal Avelar*, Case No. CL-2008-0010793 (Fx. Co. Cir. Ct.) (Lee District)
61. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. 9140 Backlick, LLC*, Case No. CL-2008-0010724 (Fx. Co. Cir. Ct.) (Mount Vernon District)

62. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ola M. Coalson*, Case No. CL-2008-0010794 (Fx. Co. Cir. Ct.) (Lee District)
63. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Ramos Pinto and Marisol Pinto*, Case No. CL-2008-0010799 (Fx. Co. Cir. Ct.) (Providence District)
64. *Eileen M. McLane, Fairfax County Zoning Administrator v. George Tsentas, Androulla G. Tsentas, and Gregory Kozakos*, Case No. CL-2008-0010798 (Fx. Co. Cir. Ct.) (Lee District)
65. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Fares Abi-Najm*, Case No. CL-2008-0010478 (Fx. Co. Cir. Ct.) (Mason District)

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Board Agenda Item  
August 4, 2008

3:30 p.m.

Public Hearing on RZ 2006-PR-013 (Washington Property Company, LLC) to Rezone from C-3, C-6, C-8 and HC to C-6 and HC to Permit Commercial Development with an Overall Floor Area Ratio of 0.04, Located on Approximately 13.52 Acres, Providence District

and

Pubic Hearing on SE 2006-PR-005 (Washington Property Company, LLC) to Permit a Drive-In Financial Institution and a Drive-In Pharmacy, Located on Approximately 3.68 Acres Zoned C-6 and HC, Providence District

The application property is located in the southwest quadrant of the intersection of Lee Highway and Nutley Street and the northwest quadrant of the intersection of Arlington Boulevard and Nutley Street at 9200 Arlington Blvd Tax Map 48-4 ((1)) 12.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, June 25, 2008, the Planning Commission voted 8-0-3 (Commissioners de la Fe, Murphy, and Sargeant abstaining; Commissioner Hall absent from the meeting) to recommend that the Board of Supervisors deny RZ 2006-PR-013 and SE 2006-PR-005 for the reasons set forth in the verbatim excerpts.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
September 8, 2008

3:30 p.m.

Public Hearing on SE 2008-SU-001 (JAI Hotels, LLC) to Permit a Hotel, Located on  
Approximately 5.20 Acres Zoned I-3 and WS, Sully District

The application property is located at 14530 Lee Road, Tax Map 34-3 ((1)) 22.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 10, 2008, the Planning Commission voted unanimously (Commissioner Lusk absent from the meeting) to recommend that the Board of Supervisors approve SE 2008-SU-001, subject to the Development Conditions dated July 7, 2008.

The Commission then voted 10-0-1 (Commissioner Harsel abstaining; Commissioner Lusk absent from the meeting) to recommend that the Board waive Sect. 9-512 of the Zoning Ordinance to allow the development as currently proposed.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
September 8, 2008

3:30 p.m.

Public Hearing on SE 2007-DR-018 (William P. Sloan) to Permit a Waiver of the Minimum Lot Width Requirement, Located on Approximately 1.0 Acre Zoned R-2, Dranesville District

The application property is located at 1942 Virginia Avenue, Tax Map 41-1 ((9)) 1A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 10, 2008, the Planning Commission voted unanimously (Commissioner Hart recused from the vote; Commissioner Lusk absent from the meeting) to recommend that the Board of Supervisors approve SE 2007-DR-018, subject to the Development Conditions dated July 10, 2008.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Regina Coyle, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)  
Cathy Lewis, Branch Chief, Zoning Evaluation Division, DPZ

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Board Agenda Item  
September 8, 2008

3:30 p.m.

Public Hearing on SEA 80-L-127-03 Nextel Communications of the Mid-Atlantic, Inc./Franconia Volunteer Fire Dept Inc. to Amend SE 80-L-127 Previously Approved for a Public Benefit Association to Permit a Telecommunications Facility and Associated Modifications to Site Design, Located on Approximately 2.76 Acres Zoned R-3 and HC, Lee District

The application property is located at 6304 Beulah Street, Tax Map 81-3 ((5)) 20 and 20A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 31, 2008, the Planning Commission voted unanimously (Commissioners Donahue and Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SEA 80-L-127-03, subject to the Development Conditions dated July 17, 2008;
- Waiver of the transitional screening requirements along the northern and eastern property lines; and
- Waiver of the barrier requirement along the eastern property line.

In a related action, the Planning Commission voted unanimously (Commissioners Donahue and Hall absent from the meeting) to approve 2232-L07-02 (Nextel Communications & Franconia Volunteer Fire Department) for the installation of a 107-foot tall tree monopole on the site of the Franconia Volunteer Fire Department at 6304 Beulah Street. The Commission determined that the application satisfied the criteria of location, character and extent, as set forth in Sect. 15.2-2232 of the *Code of Virginia* and was in substantial accordance with the provisions of the Comprehensive Plan

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

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Board Agenda Item  
September 8, 2008

4:00 p.m.

Public Hearing on Proposed Plan Amendment S08-III-P1, Located Along Ox Road,  
North of the Shoppes at Lorton Valley and South of the Crosspointe Subdivision

ISSUE:

Plan Amendment (PA) S08-IV-P1 involves Tax Map Parcel 106-2 ((1)) 8, located within the Dominion Community Planning Sector in the Pohick Planning District. The property is currently planned for residential use at a density of 0.5-1 dwelling units per acre (du/ac) and zoned R-1. The proposed Plan amendment would add an option for an assisted living facility. The design would incorporate green building techniques, complement the surrounding uses, and preserve the neighboring viewsheds. A concurrent rezoning and special exception (RZ 2008-MV-005/SE 2008-MV-012) application requests the approval of an 80-unit assisted-living facility on the subject property.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, July 10, 2008, the Planning Commission voted unanimously (Commissioner Lusk absent from the meeting) to recommend that the Board of Supervisors adopt the staff recommendation on Plan Amendment S08-III-P1.

RECOMMENDATION:

The County Executive recommends that the Board adopt the staff recommendation as shown on Pages 8-9 of Attachment 1. The recommendation would add text to an option for an assisted living facility not to exceed 80 units with conditions.

TIMING:

Planning Commission public hearing– July 10, 2008  
Board of Supervisors' public hearing – September 8, 2008

BACKGROUND:

On February 11, 2008, the Board of Supervisors authorized PA S08-III-P1 for Tax Map Parcel 106-2 ((1)) 8 (8911 Ox Road, Lorton, Va.). The subject property is located within the Dominion Community Planning Sector in the Pohick Planning District. The property is currently planned for residential use at a density of 0.5-1 dwelling units per acre (du/ac) and zoned R-1. The proposed Plan amendment would add an option for an assisted living facility. The design would incorporate green building techniques, complement the surrounding uses, and preserve the neighboring viewsheds. A

Board Agenda Item  
September 8, 2008

concurrent rezoning and special exception (RZ 2008-MV-005/SE 2008-MV-012) application requests the approval of an 80-unit assisted-living facility on the subject property. The proposed Plan text shown in the Staff Report, dated June 12, 2008, would allow an option for an assisted living facility not to exceed 80 units on tax map parcel 106-2 ((1)) 8. The conditions for the proposed use relate to open space dedication, LEED certification, circulation, limitations to building height, and building design and layout recommendations.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report for Proposed Plan Amendment S08-III-P1  
Attachment 2 – Planning Commission Recommendation and Verbatim

STAFF:

James Zook, Director, Department of Planning and Zoning (DPZ)  
Fred Selden, Director, Planning Division (PD), DPZ  
Marianne Gardner, Chief, Policy and Plan Development Branch, PD, DPZ  
Meghan Van Dam, Planner III, Policy and Plan Development Branch, PD, DPZ

Board Agenda Item  
September 8, 2008

4:00 p.m.

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

ISSUE:

To provide a public hearing to consider amendment to *The Code of the County of Fairfax*, Chapter 5, Offenses.

RECOMMENDATIONS:

The County Executive recommends that the Board authorize the amendment to *The Code of the County of Fairfax*, Chapter 5, Offenses.

TIMING:

On July 21, 2008, the Board authorized holding a public hearing on September 8, 2008, to consider amendment to Chapter 5, Offenses.

BACKGROUND:

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

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report of Proposed Reference Change

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

Attachment 3 – Notice of Public Hearing

Board Agenda Item  
September 8, 2008

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
Howard J. Guba, Deputy Director, DPWES  
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery DPWES

Board Agenda Item  
September 8, 2008

4:00 p.m.

Public Hearing to Establish the Ashgrove Plantation Community Parking District  
(Providence District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on August 4, 2008, for September 8, 2008, at 4:00 p.m.

BACKGROUND:

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

Board Agenda Item  
September 8, 2008

petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each block of the proposed district, (2) the proposed district includes an area in which 75 percent of each block within the proposed district is zoned, planned or developed as a residential area, and (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed district.

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item  
September 8, 2008

4:00 p.m.

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Randolph Drive as Part of the Residential Traffic Administration Program (Mason District)

ISSUE:

Public hearing for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Randolph Drive between Little River Turnpike and the Braddock Road

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution endorsing this road to be included in the RTAP for a through truck traffic restriction.

TIMING:

On August 4, 2008, the Board authorized advertisement of a public hearing scheduled for September 8, 2008, 4:00 p.m.

BACKGROUND:

In a memorandum dated June 12, 2008, Supervisor Gross requested staff to work with the Virginia Department of Transportation (VDOT) to implement through truck traffic restrictions on Randolph Drive due to continuing safety concerns of residents regarding through trucks utilizing Randolph Drive as a shortcut between Little River Turnpike and Braddock Road. The increased truck traffic has exacerbated concerns for pedestrian safety for the neighborhood residents and students from Thomas Jefferson High School for Science and Technology. A possible alternate route is via Little River Turnpike to Braddock Road, from the intersection of Little River Turnpike and Randolph Drive to the intersection of Braddock Road and Randolph Drive (Attachment II).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on these roads (Attachment I) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

Board Agenda Item  
September 8, 2008

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic on Randolph Drive

Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

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

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

William P. Harrell, Transportation Planner, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item  
September 8, 2008

4:00 p.m.

Public Hearing to Consider an Ordinance Amending County Code Relating to the Establishment of a Central Absentee Voter Precinct

ISSUE:

An ordinance that proposes to amend and readopt (1) the title of Article 1 of Chapter 7 to make it consistent with Virginia Code, (2) Section 7.1.1 of Article 1 to provide for the establishment of a Central Absentee Voter Precinct for use in all elections that are held within Fairfax County including the town elections, (3) Section 7.1.2 to update the address of the Central Absentee Voter Precinct location and (4) Section 7.1.3 to designate the General Registrar as the election official who has the responsibility for ballot security.

RECOMMENDATION:

The County Executive recommends adoption of the proposed ordinance.

TIMING:

The Board authorized this public hearing on August 4, 2008. Board action on September 8, 2008, requested to provide sufficient time to complete the federal preclearance process in advance of the 2009 election in the Town of Vienna.

BACKGROUND:

Virginia Code permits the governing body of each county and city to establish by ordinance one or more central absentee precincts for the purpose of receiving, counting and recording absentee ballots. The Code further requires the governing body to state in its ordinance the location of the central absentee precinct and the elections for which a central absentee precinct shall be used.

The Office of Elections requests that the Board create a Central Absentee Voting Precinct (CAP) for the towns of Clifton, Herndon, and Vienna, when town elections are held. This action was requested by the Fairfax County Electoral Board which administers elections for the three towns. Creating a CAP will speed up the processing of absentee votes without impacting any other aspect of town elections.

Historically, both in-person and by-mail absentee voters in town elections cast their votes on a paper ballot. These paper absentee ballots were delivered to the town precincts, counted by the town officers of election and added to their precinct results after the polls closed.

Board Agenda Item  
September 8, 2008

In 2007, however, the General Assembly passed legislation requiring the use of at least one accessible voting device at each polling place which also includes the polling place used for in-person absentee voting in the Office of Elections. For the May 2008 town elections, the Office of Elections was required to provide one touch screen machine for in-person absentee voting for each of the three towns. These absentee machines along with the mailed-in paper absentee ballots were delivered to each of the town precincts on Election Day. After the polls closed, the town officers of election had to tally the absentee paper ballots and the absentee machine and then add these results to their precinct totals. This process added both extra time and complexity for the town officers of election to ascertain their election results.

After hearing concerns about this process from many jurisdictions and towns around the commonwealth, the State Board of Elections recommended to the local electoral boards that they ask their governing body to establish a CAP for their town elections. At their meeting on May 7, 2008, following this year's town elections, the Fairfax County Electoral Board voted to ask the Board of Supervisors to amend the county ordinance to provide for the establishment of a CAP for town elections. The proposed change will allow the towns' absentees to be counted at the Government Center and remove the necessity of delivering absentee machines and paper ballots to the town precincts on Election Day.

The Office of Elections believes that utilizing a CAP for the town elections will speed up the counting of the absentee ballots and simplify the polls closing process and the paperwork for the election officers serving in the town precincts. The CAP election officers will phone their results to the town election officers and the unofficial results will be announced in the town precincts and given to the town Public Information Officers, as always. Both time and money will be saved by phoning the absentee returns to the towns instead of physically transporting the absentee machines and ballots to the town precincts.

By memorandum from the General Registrar, the Mayors and Town Council Members of the Towns of Clifton, Herndon and Vienna were advised of this CAP proposal and the date and time of the public hearing.

Specifically, the following changes to County Code are requested:

- (1) The title of Article 1 of Chapter 7 currently reads "Central Absentee Voter Election District." The proposed change is "Central Absentee Voter Precinct" which will make the title consistent with Va. Code Section 24.2-712.
- (2) Section 7.1.1 of Article 1 currently establishes a Central Absentee Precinct (CAP) for use in all Countywide elections and in those elections where "more than two polling places" are used to conduct any election. The proposed change will delete the requirement for more than two polling places. This change will permit the establishment of a CAP for town elections which are conducted in only one polling place in each town.

Board Agenda Item  
September 8, 2008

(3) Section 7.1.2 currently designates the location for a CAP as the “offices of the General Registrar and the Electoral Board in the Fairfax County Government Center at 12000 Government Center Parkway, Suite 323, Fairfax, Virginia.” The proposed change would delete the reference to a specific office and suite in the Government Center. The proposed change will permit the CAP to operate in one or more of the Government Center’s conference rooms when the extra space is needed for counting absentees during the high-turnout elections.

(4) Section 7.1.3 currently designates the Secretary of the Electoral Board as the official responsible for the security and the accounting of the unvoted and voted ballots. Since the General Registrar is the designated Agency Head for the Office of Elections and since the Secretary of the Electoral Board is no longer a fulltime position within the County workforce, the proposed change would replace the references to the “Secretary of the Electoral Board” with “General Registrar.”

FISCAL IMPACT:

None. Although the cost of town elections is paid for by the towns, this change is not expected to increase their costs.

ENCLOSED DOCUMENTS:

Attachment 1 - Virginia Code Pertaining to Town Elections, Accessible Voting Devices and a Central Absentee Voter Precinct  
Attachment 2 - Proposed Ordinance

STAFF:

Rokey W. Suleman II, General Registrar  
Michael Long, Senior Assistant County Attorney

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Board Agenda Item  
September 8, 2008

4:30 p.m.

Public Hearing on the Power to Consider Petitions to Create Community Development Authorities

ISSUE:

Public hearing to consider the adoption of an ordinance which would permit Fairfax County to assume the power to consider petitions for the creation of community development authorities.

RECOMMENDATION:

The County Executive recommends that the Board consider adoption of the proposed ordinance.

TIMING:

The Board took action on August 4, 2008, to authorize a public hearing for September 8, 2008 at 4:30 p.m.

BACKGROUND:

On July 21, 2008, the Board of Supervisors adopted 16 Principles for Public Investment in Support of Commercial Redevelopment ("Principles") in order to provide policy guidance related to requests for public investment in designated redevelopment, revitalization and other strategic areas of the County.

The County has various funding methods available that can be used to assist commercial investment. One mechanism by which public investment may be requested is through the establishment of a Community Development Authority (CDA). A CDA is established by petition to the Board from the owners of at least 51% of the land area or assessed value of land within a proposed area, and is governed by appointees of the Board of Supervisors. A CDA can cover a variety of areas ranging from a single shopping mall to a mixed use development to a downtown redevelopment area. The land within a CDA may be owned by a single entity or by multiple owners. A CDA is a flexible tool that can be used to address a broad range of infrastructure needs, as well as services. It is funded by ad valorem special taxes or special assessments, as negotiated with the petitioners. No general fund or debt impact is intended, unless the CDA is coupled with tax increment financing.

Board Agenda Item  
September 8, 2008

Prior to considering any petition for the creation of a CDA, Article 6 of Title 15.2 of the Code of Virginia requires that the County elect to assume the power to consider such petitions by adopting an ordinance to that effect. The relevant portion of Section 15.2-5152 states:

§ 15.2-5152. Localities may consider petitions for creation of authority.

\*\*\*

C. Any county may by ordinance elect to assume the power to consider petitions for the creation of community development authorities in accordance with this article. A public hearing shall be held on such ordinance.

Once the County has elected to assume this power, it can consider a petition to establish a CDA. Evaluation of such requests will be based upon the Principles, and, as required by the Code of Virginia, shall be the subject of a separate public hearing.

FISCAL IMPACT:

Adoption of the ordinance will have no fiscal impact. Any Community Development Authority established pursuant to this authority likely would have fiscal implications. However, any such future requests would be the subject of separate Board actions.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Ordinance

STAFF:

Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment  
Leonard P. Wales, County Debt Manager, Department of Management and Budget

Board Agenda Item  
September 8, 2008

4:30 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 consider adoption of the attached order (Attachment III) to abandon this portion of the roadway.

TIMING:

The Board took action on July 21, 2008, to authorize a public hearing for September 8, 2008, at 4:30 p.m.

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.

Board Agenda Item  
September 8, 2008

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Letter of Justification  
Attachment II: Notice of Intent to Abandon  
Attachment III: Order of Abandonment  
Attachment IV: Abandonment Plat  
Attachment V: Metes and Bounds Description  
Attachment VI: Vicinity maps (Tax Map 44-1)

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)  
Angela Kadar Rodeheaver, FCDOT  
Michael A. Davis, FCDOT