

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 22, 2007**

AGENDA

- | | | |
|-------|-------------|--|
| 9:30 | Done | Presentations |
| 10:00 | Done | Presentation of the Don Smith Award |
| 10:15 | Done | Report on General Assembly Activities |
| 10:30 | Done | Presentation of the Recommendations of the Land-Use Information Accessibility Advisory Group |
| 10:45 | Done | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:45 | Done | Items Presented by the County Executive |

**ADMINISTRATIVE
ITEMS**

- | | | |
|---|-------------------------------|--|
| 1 | Approved | Streets into the Secondary System (Hunter Mill District) |
| 2 | Approved | Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Affordable Dwelling Units – Limits on Building Permits and Residential Use Permits |
| 3 | Approved | Extension of Review Periods for 2232 Review Applications (Dranesville, Mason, Mount Vernon, Providence, and Sully Districts) |
| 4 | Deferred to March 2007 | Authorization to Advertise a Public Hearing on a Proposed Agreement with the Commonwealth Transportation Commissioner Regarding Sign Removal in State Rights-of-Way |
| 5 | Approved | Referral of the Revised Code of Ethics (Addendum 2 to Chapter 16, Personnel Regulations) for Employees of Fairfax County |

ACTION ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Disclosure Agreement Related to the Issuance of Refunding Bonds by the Upper Occoquan Sewage Authority (Sully District) |
|---|-----------------|---|

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
JANUARY 22, 2007**

**ACTION ITEMS
(CONTINUED)**

- | | | |
|---|-----------------|--|
| 2 | Approved | Award of FY 2007 Federal HOME Program Community Housing Development Organization (CHDO) Funds to Three Fairfax County Nonprofit Affordable Housing Developers |
| 3 | Approved | Development of a Regional Water Supply Plan in Accordance with Virginia Water Supply Planning Regulations |
| 4 | Approved | Fairfax County Economic Development Authority Transportation Contract Revenue Bonds (Route 28 Project) Series 2007 |
| 5 | Approved | Approval of 1) the Repayment of Real Estate Taxes and 2) Submission of a Letter of Support to Virginia Housing Development Authority Pursuant to the Low Income Housing Tax Credit Program for Cedar Ridge Apartments (Hunter Mill District) |
| 6 | Approved | Approval of Public Sale for Roll-Over of Funding for Crescent Apartments |

INFORMATION ITEMS

- | | | |
|-------|--------------|---|
| 1 | Noted | Contract Award – Alps Drive Sanitary Sewer Extension and Improvement (Dranesville District) |
| 2 | Noted | SCC Final Order for Columbia Gas of Virginia Results in a \$2 Million Reduction in Customer Bills |
| 11:15 | Done | Matters Presented by Board Members |
| 12:05 | Done | Closed Session |

PUBLIC HEARINGS

- | | | |
|------|-----------------|--|
| 3:00 | Held | Annual Meeting of the Fairfax County Solid Waste Authority |
| 3:30 | Approved | Public Hearing on RZ 2003-SU-035 (Sully East L.C.), (Sully District) |
| 3:30 | Approved | Public Hearing on SE 2003-SU-023 (Sully East L.C.) (Sully District) |

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JANUARY 22, 2007**

**PUBLIC HEARINGS
(CONTINUED)**

3:30	Approved	Public Hearing on PCA 2002-HM-035 (Fairfax County School Board) (Hunter Mill District)
3:30	Public hearing deferred to 3/12/07 at 3:30 pm.	Public Hearing on PCA 2002-PR-008-02 (The Christopher Companies dba Christopher Management, Inc.) (Providence District)
3:30	Approved	Public Hearing on PCA 2000-SU-001 (Trustees of the Mount Olive Baptist Church) (Sully District)
3:30	Approved	Public Hearing on SEA 00-Y-004 (Trustees of the Mount Olive Baptist Church) (Sully District)
3:30	Approved	Public Hearing on AF 2006-SP-002 (George & Susan Schulz) (Springfield District)
4:00	Approved	Public Hearing on PCA 2000-MV-051 (NVR, Inc.) (Mount Vernon District)
4:00	Approved	Public Hearing on a Proposed Cut-Through Traffic Mitigation Plan for Memorial Street and Lenclair Street as Part of the Residential Traffic Administration Program (Lee District)
4:00	Approved	Public Hearing for the De-Creation/ Re-Creation of a Small Sanitary District for Refuse/Recycling, and Vacuum Leaf Collection Service (Mason District)
4:30	Approved	Public Hearing on RZ 2004-PR-044 (Tysons Corner Holdings LLC and Tysons Corner Property Holdings LLC) (Providence District)
4:30	Public hearing deferred to 2/26/07 at 5:00 pm.	Public Hearing on RZ 2004-SU-029 (NVP, Inc.) (Sully District)



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
January 22, 2007

9:30 a.m.

DEDICATION of a plaque in the accessible seating area of the Board Auditorium in honor of Louis V. Genuario Sr. for the role he played on the Fairfax Area Disability Services Board to bring about the modifications to benefit those with disabilities when attending an event in the auditorium. Requested by Supervisor Hyland.

PRESENTATIONS

1. CERTIFICATE – To recognize the Chantilly and Edison High School football teams for their successful seasons. Requested by Supervisors Frey, Kauffman and McConnell.
2. CERTIFICATE – To recognize Dale Rumberger, principal of South County Secondary School, for receiving a Washington Post Distinguished Educational Leadership Award. Requested by Supervisor Hyland.
3. CERTIFICATE – To recognize Bruce Butler, principal of South Lakes High School, for receiving the 2007 Outstanding First-Year Administrator Award from Fairfax County Public Schools. Requested by Supervisor Hudgins.
4. CERTIFICATE – To recognize the 2006 Bond Citizens Committee for its work. Requested by Chairman Connolly.
5. CERTIFICATE – To recognize the Community Emergency Response Team Program trainers and volunteers for their service to the community. Requested by Supervisor Smyth.

- more -

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6. PROCLAMATION – To designate February 2007 as African American History Month in Fairfax County. Requested by Chairman Connolly.

STAFF:

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

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10:00 a.m.

Presentation of Don Smith Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

Anita Baker, Chairperson, Employee Advisory Council

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10:15 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on January 22, 2007

PRESENTED BY:

Chairman Gerald E. Connolly, Chairman, Board of Supervisor's Legislative Committee
Anthony H. Griffin, County Executive

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10:30 a.m.

Presentation of the Recommendations of the Land-Use Information Accessibility
Advisory Group

ENCLOSED DOCUMENTS:

Land-Use Information Accessibility Report (Delivered under separate cover)

PRESENTED BY:

Walter Alcorn, Advisory Group Chairman and At-Large Member of the Planning
Commission

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Board Agenda Item
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10:45 a.m.

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

ENCLOSED DOCUMENTS:

Appointments to be Heard January 22, 2007

STAFF:

Nancy Vehrs, Clerk to the Board of Supervisors

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10:45 a.m.

Items Presented by the County Executive

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Board Agenda Item
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ADMINISTRATIVE – 1

Streets into the Secondary System (Hunter Mill District)

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.

Subdivision

District

Street

Cedar Chase

Hunter Mill

Reston Avenue (Route 7917)
(Additional ROW only)

Stuart Road (Route 680)
(Additional ROW only)

Sugarland Road (Route 604)
(Additional ROW only)

Leesburg Pike (Route 7)
(Additional ROW only)

Wellesley
(Public Improvement Plan)

Coppermine Road (Route 665)
(Additional ROW only)

River Birch Road

McNair Farms Drive

TIMING:

Routine.

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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: Form 1-2's showing the listed streets

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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

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ADMINISTRATIVE - 2

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment
Re: Affordable Dwelling Units – Limits on Building Permits and Residential Use Permits

ISSUE:

The proposed Zoning Ordinance amendment will revise Sect. 2-808 of the Zoning Ordinance regarding the limitations on the issuance of building permits and Residential Use Permits in developments containing Affordable Dwelling Units. The amendment will allow all building permits to be issued within the project, but will restrict Residential Use Permit issuance to 75 percent of the total number of units until such time as at least 75 percent of the Affordable Dwelling Units in the development have been issued Residential Use Permits for all types of developments, except for rental multiple family dwelling units.

RECOMMENDATION:

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

TIMING:

Board action is requested on January 22, 2007, to provide sufficient time to advertise the proposed Planning Commission public hearing on February 22, 2007, and proposed Board of Supervisors' public hearing on March 26, 2007, at 4:30 p.m.

BACKGROUND:

The Board has requested staff to review the provisions that limit the issuance of building permits and/or Residential Use Permits (RUPs) in Affordable Dwelling Unit (ADU) developments and to consider ways in which the provisions can be simplified, while still providing the County with the necessary leverage to ensure the delivery of the ADUs in a timely manner. The Board may recall that this issue came into the spotlight in the fall of 2006 with the East Market Street development in the Fair Lakes area, whereby multiple builders had not coordinated the sequencing of building permits and/or RUPs and certain builders' construction schedules were being impacted by the actions/inactions of other builders in the development.

The intent of the current provisions is to limit the development of market rate units until such time as the required ADUs are delivered. Upon development of the ADU Program, the provision was originally intended to prevent a developer from building all of the market rate units and closing out the development before any of the ADUs were developed. To date, the County has not had a development that has failed to provide the required ADUs.

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Now that the program has been in effect for more than 16 years, staff believes that Sect. 2-808 should be amended to allow the construction of all of the units while limiting the percentage of RUPs issued to ensure delivery of the ADUs. As it has historically been a complaint of builders/developers that preventing receipt of building permits has significant negative impacts on their construction schedule, which is oftentimes further compounded by seasonal and weather condition delays, as well as creating financing issues, the proposed amendment will allow all developments to receive 100 percent of the building permits for all residential units within the development. In order to ensure delivery of the ADUs in a timely manner, the proposed amendment will limit the issuance of RUPs to 75 percent of the total number of units in the development until such time as 75 percent of the ADUs have received RUPs. This will enable the distribution of ADUs throughout the development, by allowing 25 percent of the ADUs to be located in the last 25 percent of the total number of units developed. The amendment proposes that this limitation apply to all development types, except for rental multiple family dwelling unit developments, which are not currently subject to any limitations on the issuance of building permits or RUPs.

A more detailed discussion of the proposed amendment is set forth in the attached Staff Report.

REGULATORY IMPACT:

The amendment will allow the issuance of all building permits in a development containing affordable dwelling units and will limit the total number of Residential Use Permits that can be issued to 75 percent of the total number of units until such time as at least 75 percent of the Affordable Dwelling Units have been issued Residential Use Permits.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive
James P. Zook, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
J. Chris King, Deputy Zoning Administrator for Ordinance Administration Branch, DPZ
Donna Pesto, Senior Assistant to the Zoning Administrator, DPZ

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ADMINISTRATIVE – 3

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

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-Y06-88 to March 25, 2007; application FS-P06-89 to March 26, 2007; applications FS-D06-90, FS-M06-91, FS-P06-92, FS-V06-93, FS-D06-94, FS-Y06-95, and FS-D06-98 to March 29, 2007; and application 2232-D06-21 to May 21, 2007.

TIMING:

Board action is required on January 22, 2007, to extend the review periods of the applications noted above before their expiration.

BACKGROUND:

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

The Board should extend the review period for application 2232-D06-21, which was accepted for review by the Department of Planning and Zoning (DPZ) on November 27, 2006. This application is for a public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

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The Board also should extend the review periods for applications FS-Y06-88, FS-P06-89, FS-D06-90, FS-M06-91, FS-P06-92, FS-V06-93, FS-D06-94, FS-Y06-95, and FS-D06-98, which were accepted for review by DPZ between October 26, 2006, and October 30, 2006. These applications are for telecommunications facilities. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

- | | |
|-------------|---|
| 2232-D06-21 | Fairfax County Department of Public Works and Environmental Services
Addition to Dolley Madison Library
1244 Oak Ridge Avenue
Dranesville District |
| FS-Y06-88 | Sprint-Nextel
Antenna colocation on existing monopole
5858 Old Centreville Road
Sully District |
| FS-P06-89 | Clearwire US LLC
Antenna colocation on existing radio broadcasting tower
7330 Ronald Street
Providence District |
| FS-D06-90 | Clearwire US LLC
Rooftop antennas
6251 Old Dominion Drive
Dranesville District |
| FS-M06-91 | Clearwire US LLC
Rooftop antennas
7409 Eastmoreland Road
Mason District |
| FS-P06-92 | Clearwire US LLC
Rooftop antennas
3211 Jermantown Road
Providence District |

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FS-V06-93	Clearwire US LLC Rooftop antennas 6038 Richmond Highway Mount Vernon District
FS-D06-94	Clearwire US LLC Rooftop antennas 1350 Beverly Road Dranesville District
FS-Y06-95	Sprint-Nextel Rooftop antennas 3700 Centreville Road Sully District
FS-D06-98	Clearwire US LLC Antenna colocation on existing tower 6300 Georgetown Pike Dranesville 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 (DPZ)
David B. Marshall, Planning Division, DPZ
David S. Jillson, Planning Division, DPZ

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on a Proposed Agreement with the Commonwealth Transportation Commissioner Regarding Sign Removal in State Rights-of-Way

ISSUE:

Board authorization of a public hearing to consider entering into the agreement set forth in Attachment 2, which would allow the Board to act as the agent of the Commonwealth Transportation Commissioner to remove certain signs located in state rights-of-way, and upon agreement execution to initiate a narrowly defined pilot sign enforcement effort in order to assess the feasibility and resource requirements of removing such signs and/or prosecuting those responsible for the signs.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed agreement by adopting the resolution set forth in Attachment 1.

TIMING:

Board action is requested on January 22, 2007, to provide sufficient time to advertise the proposed Board of Supervisors' public hearing on February 26, 2007, at 4:30 p.m.

BACKGROUND:

In August of 2000, the Board initiated the formation of a Countywide Sign Task Force (Sign Task Force) to address the proliferation of illegal signs in and along public rights-of-way in the County. On September 23, 2002, the Sign Task Force presented to the Board its final report on illegal signs in public rights-of-way. In this report, the Sign Task Force recommended that the Board enter into an agreement with the Commonwealth Transportation Commissioner (Commissioner) pursuant to Va. Code Ann. § 33.1-375.1 to allow the Board to enforce the provisions of Va. Code Ann. § 33.1-373, which prohibits the placement of advertisements in public rights-of-way. The Sign Task Force also recommended that, prior to entering into such an agreement, the Board request that the General Assembly amend Va. Code Ann. § 33.1-375.1 so that certain signs and advertisements would be exempt from any agreement entered into by the Board and the Commissioner. The exemptions provide that removal and enforcement of political signs and special event signs may not occur until three days after the election or the special event. The exemptions also provide that other signs that are erected for no more than

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three days would not be subject to the enforcement provisions. In addition, the Sign Task Force recommended that, after entering into such an agreement, the Board establish a program for the enforcement of Section 33.1-373, which would include not only the removal of signs from public rights-of-way but the prosecution of the owners of the signs illegally posted in the rights-of-way.

At the request of the Board, the General Assembly as part of the 2004 legislative session, amended Va. Code Ann. § 33.1-375.1 in accordance with the recommended exemptions set forth above. As a result, staff has drafted the agreement set forth in Attachment 2, which authorizes the Board to act as the Commissioner's agent in enforcing Va. Code Ann. § 33.1-373, subject to the exemptions set forth in Va. Code Ann. § 33.1-375.1(C). This agreement has been coordinated with and is acceptable to the Virginia Department of Transportation (VDOT), which is authorized to act on behalf of the Commissioner in this matter. Pursuant to Va. Code Ann. § 33.1-375.1(A), before entering into the agreement, the Board must hold a public hearing thereon.

Staff notes that if the agreement is executed, a considerable effort would be required to successfully undertake an enforcement program. Once the program is established it is anticipated that a large number of complaints would be filed. However, given the very labor intensive enforcement procedure that is required as a result of the legislation, sufficient resources do not currently exist for a countywide effort on a sustained basis. Additionally, staff is concerned that citizen expectations may be high with respect to the announcement of this program and such expectations may not be met. Accordingly, staff believes it would be prudent to first evaluate the impact an enforcement effort would have on current resources and enforcement responsibilities prior to beginning a full enforcement program. As a result, staff proposes to initiate a 6-to-12 month limited pilot sign removal enforcement program to focus on select areas and the most grievous and prolific signs in order to gather the information necessary to properly assess the impact and the cost/benefit of taking over a state enforcement responsibility. It is noted that while removal of signs from the VDOT rights-of-way is a state responsibility adequate funding is not available for the state to carryout this function. The pilot program would also enable staff to determine whether alternative programs may be a more responsive and effective means for sign removal. Currently, the Sheriff's Office and its Community Labor Force Program and the Adopt the Highway Program sponsored by VDOT have the authority to remove illegal signs from the public rights-of-way. It is envisioned that these programs would continue in tandem with the pilot program.

In order to maximize current available resources and to best evaluate the effectiveness of a pilot program it is recommended that the focus of the program be placed on those commercial signs that are the most grievous and that are chronic and habitual problems in the County, such as builder oriented signs and signs advertising various services

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such as “I Haul Junk”, and “Lose 30 Pounds in 30 Days”. It is proposed that the enforcement effort be confined to a specific geographic area identified within each District in coordination with the respective Supervisor’s office and that inspections be conducted on a limited fixed schedule. A more detailed description of the proposed pilot program is set forth in Attachment 3.

Unless otherwise directed, if the Board enters into an agreement with the Commissioner, staff will prepare for commencement in the spring of 2007 the focused pilot sign removal enforcement program as outlined in Attachment 3. Staff anticipates reporting back to the Board with an assessment of the pilot program and recommendations in the winter/spring timeframe of 2008.

REGULATORY IMPACT:

The proposed agreement, if approved, would permit the Board to act as the agent of the Commonwealth Transportation Commissioner in the enforcement of Va. Code Ann. § 33.1-373 as it relates to the removal of signs in state rights-of-way.

FISCAL IMPACT:

A pilot program is recommended to determine the fiscal impact of the program.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution

Attachment 2 – Proposed Agreement

Attachment 3 – Proposed Pilot Sign Removal Enforcement Program – January 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Eileen M. McLane, Zoning Administrator, DPZ

Michael R. Congleton, Senior Deputy Zoning Administrator DPZ

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ADMINISTRATIVE - 5

Referral of the Revised Code of Ethics (Addendum 2 to Chapter 16, Personnel Regulations) for Employees of Fairfax County

ISSUE:

The current Code of Ethics (Attachment 2) for County employees was adopted in January 1963. It is, however, not a well known or frequently referenced document. Through the efforts of an interdepartmental team, the Code of Ethics has been revised to reflect current terminology and to better support the County's Vision and Values.

RECOMMENDATION:

The County Executive recommends that the revised Code of Ethics (Attachment 1) be forwarded by the Human Resources Director to the Civil Service Commission for a public hearing. The revised Code of Ethics should also be forwarded to the Employees Advisory Council for review and comment.

TIMING:

Board action is requested on January 22, 2007, to permit adequate time for a public hearing by the Civil Service Commission, with this matter to return to the Board for action at its April 9, 2007, meeting.

BACKGROUND:

The Code of Ethics has been revised because the current version is outdated and has not been made as integral a part of the workplace as is desirable. A strong, relevant Code of Ethics should be tailored to the needs and values of an organization. This proposal reflects the County's Core Purpose and Vision Elements (Attachment 3). It was composed primarily by the County's first Master of Public Administration (MPA) Cohort at George Mason University and has been discussed by the Senior Management Team. While such a document can be endlessly wordsmithed, it is appropriate to forward the revised Code for a formal review.

To ensure that the Code of Ethics becomes an integral part of the county workplace and as such, a living document, the following actions are proposed to accompany its adoption:

- Incorporate the revised Code into orientation training for all new employees,
- Share a copy with all employees and members of Boards, Authorities, Commissions and elected officials,

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- Incorporate mandatory ethics training as part of the County's employee training and development program,
- Implement a review and oversight mechanism to be administratively supported by the Internal Auditor,
- Provide ongoing ethics advice through the "Courier" and the County's intranet, and
- Develop and maintain an ethics resource library.

Much of the background for this item is contained in the Cohort's report (Attachment 4).

FISCAL IMPACT:

The cost associated with implementation of the revised Code of Ethics will be minimal and will be absorbed within current appropriations.

REGULATORY IMPACT:

The revised Code of Ethics should support the positive behavior of County employees with benefit to the County at-large without cost in time or funding to the public.

ENCLOSED DOCUMENTS:

Attachment 1 – Revised Code of Ethics

Attachment 2 – Existing Code of Ethics

Attachment 3 – Core Purpose and Vision Elements

Attachment 4 – Report by County's 1st Cohort in GMU's MPA Program

STAFF:

Anthony H. Griffin, County Executive

Board Agenda Item
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ACTION - 1

Disclosure Agreement Related to the Issuance of Refunding Bonds by the Upper Occoquan Sewage Authority (Sully District)

ISSUE:

Board of Supervisors' approval of the proposed Disclosure Agreement related to the issuance of refunding bonds by the Upper Occoquan Sewage Authority (UOSA).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the attached Disclosure Agreement and authorize the Board Chairman to execute the Agreement on behalf of the Board in substantially the form presented.

TIMING:

Board action is requested on January 22, 2007, due to a planned issuance of bonds by UOSA on or about February 15, 2007.

BACKGROUND:

UOSA plans to issue Refunding Revenue Bonds (2007 Series) on or about February 15, 2007, to realize approximately \$2,500,000 in present value savings.

The Securities and Exchange Commission requires continuing disclosure of information related to municipal securities issued after July 3, 1995. Although UOSA is expected to provide the bulk of the information required, its member jurisdictions must provide updated information related to the financial and operating data of their respective sewer systems.

The attached Disclosure Agreement contains the agreement of the member jurisdictions to provide the required information. It is identical in substance to the Disclosure Agreement approved by this Board in 1995 in connection with the UOSA 1995 Series Bonds, the Disclosure Agreement approved by this Board in 2003 in connection with the UOSA 2003 Series Refunding Bonds, the Disclosure Agreement approved by this Board in 2004 in connection with the UOSA 2004 Series Refunding Bonds, and the Disclosure Agreement approved by this Board in 2005 in connection with the UOSA 2005 Series Refunding Bonds. The new Agreement is required for the bond refunding

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documentation. It does not impose any obligations on Fairfax County in addition to those existing under the 1995, 2003, 2004, and 2005 Disclosure Agreements.

FISCAL IMPACT:

None. Virtually all of the updated information required by the Agreement will be contained in the annual financial statements prepared for the Integrated Sewer System.

ENCLOSED DOCUMENTS:

Attachment 1: Letter dated December 20, 2006, from the UOSA Executive Director to the Member Jurisdictions transmitting the Disclosure Agreement

STAFF:

Anthony H. Griffin, County Executive

Board Agenda Item
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ACTION - 2

Award of FY 2007 Federal HOME Program Community Housing Development Organization (CHDO) Funds to Three Fairfax County Nonprofit Affordable Housing Developers

ISSUE:

Approval by the Board of CHDO awards, in the Amount of \$1,085,938, from Fund 145, HOME Investment Partnership Grant, to Good Shepherd Housing and Family Services, Inc. (Good Shepherd), Robert Pierre Johnson Housing Development Corporation (RPJ), and Reston Interfaith Housing Corporation (Reston Interfaith). The funds will be used for the acquisition and preservation of affordable housing, including housing for very low-income renters with special needs.

RECOMMENDATION:

The County Executive recommends that the Board approve the Selection Advisory Committee's (SAC) recommended award of:

- \$660,000 to Good Shepherd to purchase up to five 2-to-4-bedroom condominiums to be used as transitional rental housing for very low-income/ near-homeless related tenant households;
- \$312,610 to RPJ for the purchase of a property to be used as a single-room occupancy (SRO) group home for persons suffering from mental illness; and
- \$113,328 to Reston Interfaith for the acquisition of up to two townhouse units to lease to small, related tenant households. In addition to these funds, Reston Interfaith would also be permitted to retain its current \$73,042 balance remaining from a previous award for this new proposal.

TIMING:

Approval by the Board is requested in order to enable projects to proceed and to meet the CHDO funds reservation requirements of the HOME Program.

BACKGROUND:

Fairfax County receives funding each year from the U.S. Department of Housing and Urban Development (HUD) through the HOME Investment Partnerships Program. The HOME Program requires that 15% of each annual allocation be set aside for certified Community Housing Development Organizations (CHDOs). The Fairfax County Department of Housing and Community Development (HCD) issued a Request for

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Proposals (RFP) in October 2006, with responses due on October 31, 2006. Proposals from three certified Fairfax County CHDOs were received in response to this RFP; all three are recommended for funding as follows:

Good Shepherd Housing, Inc. (Good Shepherd)

Serving the community since 1974, Good Shepherd is a 501(c)(3), charitable agency that reduces homelessness, increases community support, and promotes the potential for self-sufficiency among the working poor, the disabled, and low-income elderly.

Good Shepherd's FY 2007 proposal is to acquire five rental housing units to be leased to low-income, near-homeless or homeless tenants. Supportive services will be made available to residents through Good Shepherd's A-B-C Program (Apartments, Budgeting, Counseling) to provide them with a pathway to self-sufficiency. The HOME units will be leased to households earning 50% of the Area Median Income (AMI), or below. HOME funding in the amount of \$660,000 is recommended to acquire the rental housing units.

Robert Pierre Johnson Housing Development Corporation (RPJ)

RPJ is an Arlington-based nonprofit affordable developer that was founded in 1978 by the National Capital Presbytery. During its more than 28 years of operation, RPJ Housing has been involved in the building, renovation, and/or management of over 2,450 units of low-income housing in the metro area.

RPJ's FY 2007 CHDO proposal is to acquire a six-bedroom single family unit to be used as a group home for persons suffering from chronic mental illness. The HCD CHDO SAC is recommending partial funding of \$312,610, and that the project be scaled back to the acquisition of a three-bedroom single family property. RPJ's proposal states that it will work in partnership with another nonprofit mental health services provider that will make various supportive services available to the tenants. The bedrooms will be leased as Single Room Occupancy (SRO) units to persons suffering from mental illness, and whose income is 30% of AMI or below. The HOME subsidy of \$312,610 provided under the FY 2007 RFP will help eliminate the need for debt service on the property, allowing RPJ to keep the rents affordable.

Reston Interfaith Housing Corporation (Reston Interfaith)

Reston Interfaith is a nonprofit organization serving Northern Virginia that promotes self-sufficiency through support and advocacy for those in need of food, shelter, affordable housing, quality childcare, and other services. Founded in 1970 to encourage the development of affordable housing for families and individuals in the area, the agency has since broadened its program scope and service area to address the most pressing social needs of our neighbors in Northern Virginia.

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Reston Interfaith's FY 2007 proposal is to purchase up to two single family, scattered site townhouse units, to be leased to households currently on the Fairfax County Housing Choice Voucher (HCV) waiting list, and that earn 50% of AMI or below. Professional case management services will be made available to the tenants to assist them in pursuing and achieving self sufficiency. HOME funding in the amount of \$113,328 is recommended in addition to \$73,042 already allocated to Reston Interfaith and available for this new proposal.

These proposals were reviewed by an HCD SAC and based on this review the SAC recommends the following allocations of HOME CHDO funds for acquisition and preservation of affordable rental housing units:

Good Shepherd/Transitional	\$ 660,000
RPJ/Group Home	\$ 312,610
Reston Interfaith/Transitional	<u>\$ 113,328</u>
Total Recommended Funding	\$1,085,938

The Board approved the allocation of \$441,308 in HOME funds for the FY 2007 Community Housing Development Corporation (CHDO) set-aside as a part of the FY 2007 Annual Action Plan of the Consolidated Plan submitted to HUD. In addition to this amount, on December 4, 2006, the Board also approved the reallocation of \$612,302 from the following balances to be included as a part of the FY 2007 CHDO set-aside:

- \$245,772 from Project 014040, Herndon Harbor II (located in Herndon, Virginia);
- \$41,384 from Project 014127, Magnet Housing (Countywide);
- \$237,706 from Project 014116, AHPP Tier III; and
- \$87,440 from Project 014129, Senior Disabled Housing Development.

HCD also requests a reallocation of \$32,328 from Project 013919, Homestretch CHDO, to Project 013954, CHDO Undesignated, to be awarded as a part of this RFP. These reallocation amounts sum to a total of \$644,630, which, when added to the originally approved CHDO set-aside of \$441,308, equals a final CHDO set-aside amount of \$1,085,938 to be allocated under this 2007 CHDO RFP.

The FCRHA is authorized to expend funds approved by the Board and HUD for the purpose of undertaking HOME eligible activities that involve capital costs, or where a loan, deferred trust, or other restricting conditions need to be imposed. Final terms of the loans to Good Shepherd, RPJ and Reston Interfaith and project adjustments will be subject to the approval of the HCD Loan Underwriting Committee LUC). Terms will be in compliance with the requirements of the HOME Program. In order to assure compliance with the HOME requirements, a deed of trust will placed on each assisted property ensuring that these properties are used for the purpose of providing affordable

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housing. The affordability period imposed under each deed of trust shall be at least the minimum period required under the HOME Program, and up to a 30-year term (or longer, as determined by the LUC) as part of the County's preservation initiative and consistent with the required affordability period imposed under the County's ordinance for affordable dwelling units.

FISCAL IMPACT:

Fund 145, HOME Investment Partnership Grant, currently has \$1,053,610 in available funding in Project 013954, CHDO Undesignated. A reallocation of an additional \$32,328 currently budgeted under Project 013919, Homestretch CHDO to Project 013954, CHDO Undesignated, is needed. The Homestretch funds are the unused remainder of an award that was allocated from Federal FY 2004 funds, and for which a new Homestretch activity has not been identified. The total CHDO Undesignated amount of \$1,085,938 is to be allocated as follows:

- \$660,000 to Good Shepherd to purchase up to five 2-to-4-bedroom condominiums to be used as transitional rental housing for very low-income/ near-homeless related tenant households.
- \$312,610 to RPJ for the purchase of a property to be used as a single-room occupancy (SRO) group home for persons suffering from mental illness.
- \$113,328 to Reston Interfaith for the acquisition of up to two townhouse units to lease to small, related tenant households. In addition to these funds, Reston Interfaith would also be permitted to retain its current \$73,042 balance remaining from a previous award for this new proposal.

ENCLOSED DOCUMENTS:

None

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing and Community Development (HCD)
Harry Swanson, Deputy Director, Revitalization and Real Estate, HCD
Aseem Nigam, Director, Real Estate Finance and Grants Management (REF&GM), HCD
Audrey Spencer-Horsley, Associate Director, REF&GM, HCD
Douglass Lynott, Senior Program Manager, GM, HCD

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ACTION - 3

Development of a Regional Water Supply Plan in Accordance with Virginia Water Supply Planning Regulations

ISSUE:

Board authorization to develop a Regional Water Supply Plan pursuant to the Virginia Water Supply Planning Regulations 9 VAC 25-780-10.

RECOMMENDATION:

The County Executive recommends that the Board:

1. Enter into a Memorandum of Agreement (MOA) among Northern Virginia Regional Commission (NVRC), the County, and other Northern Virginia jurisdictions to designate the NVRC as the lead agency for the development of a Regional Water Supply Plan for the participating Northern Virginia jurisdictions.
2. Designate Fairfax Water as the County's agent responsible for representing the County in the development of the Regional Water Supply Plan, and direct the County Executive to appoint an Advisory Committee comprised of appropriate County staff and lead by the County's Environmental Coordinator. This committee will assist Fairfax Water in data collection and other County activities that may be required for the development of the County's portion of the regional plan.
3. Authorize the County Executive to execute the final MOA mentioned in #1 above.

TIMING:

Board action is requested on January 22, 2007, to allow NVRC to start the process on developing the Regional Water Supply Plan.

BACKGROUND:

In November 2005, the Commonwealth enacted the Local and Regional Water Supply Planning (WSP) Regulation (9 VAC 25-780-10). The WSP regulation was developed largely as a result of the droughts experienced in 1999 and 2002. Its purpose is to: (i) ensure that adequate and safe drinking water is available to all citizens of the Commonwealth; (ii) encourage, promote, and protect all other beneficial uses of the Commonwealth's water resources; and (iii) encourage, promote, and develop incentives for alternative water sources, including but not limited to desalinization.

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On May 15, 2006, the Board approved an Action Item to designate Fairfax Water as the County's agent responsible for the development of the required WSP for the County. For reference, that Action Item without enclosed documents is provided. As noted in May 15, 2006, Action Item, staff recommended pursuing the development of a Regional Water Supply Plan with the Towns of Herndon and Clifton, and the City of Alexandria. Staff also recommended inquiries be made of the City of Fairfax, the City of Falls Church, and the Town of Vienna to determine their interest in participating in a Regional Water Supply Plan.

Subsequently, at a meeting of Chief Administrative Officers, it was determined that it would be to the advantage of all the Northern Virginia jurisdictions to collaborate in development of a Regional Water Supply Plan for the greater Northern Virginia jurisdictions through the NVRC. To facilitate development of such a regional plan, a MOA was drafted among the NVRC and the following Northern Virginia jurisdictions: the Towns of Clifton, Dumfries, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Middleburg, Occoquan, Purcellville, Quantico, Round Hill, Vienna, the Cities of Alexandria, Fairfax, Falls Church, Manassas, Manassas Park, the Counties of Arlington, Fairfax, Loudoun and Prince William. The draft MOA has been reviewed by appropriate Fairfax County staff and comments have been provided to the NVRC.

FISCAL IMPACT:

The County's share of the costs incurred by NVRC for managing the project, preparing the Regional Water Supply Plan, and engaging consultant services is \$50,000. This project will be funded within the Office of the County Executive's budget.

ENCLOSED DOCUMENTS:

Attachment 1: Action Item dated May 15, 2006, without enclosed documents

Attachment 2: Draft of a Memorandum of Agreement among the NVRC and Northern Virginia Jurisdictions

STAFF:

Robert A. Stalzer, Deputy County Executive

Gloria Addo-Ayensu, M.D., Director, Health Department

Jim Zook, Director, Department of Planning and Zoning

Kambiz Agazi, Fairfax County Environmental Coordinator

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

Howard J. Guba, Deputy Director, DPWES

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ACTION – 4

Fairfax County Economic Development Authority Transportation Contract Revenue Bonds (Route 28 Project) Series 2007

ISSUE:

Approval of necessary documents required for the issuance of Fairfax County Economic Development Authority (EDA) Transportation Contract Revenue Bonds (Route 28 Project) Series 2007 in accordance with the plan of financing for the Route 28 project approved by the Route 28 District Commission, the Commonwealth Transportation Board, the Fairfax County EDA, and Fairfax and Loudoun Counties in October 2006.

RECOMMENDATION:

The County Executive recommends approval of the attached resolution relating to the issuance of the EDA Transportation Contract Revenue Bonds (Route 28 Project) which authorizes the following actions:

- (1) Requests the EDA to issue the new money bonds;
- (2) Approves the form of the Third Supplemental Trust Agreement;
- (3) Approves the form of the Preliminary Official Statement and the Notice of Sale;
- (4) Approves the form of the Continuing Disclosure Agreement; and
- (5) Authorizes the execution and delivery of the documents and authorizes the Chairman, Vice Chairman, the County Executive or the Deputy County Executive/Chief Financial Officer to determine certain details of the transaction.

TIMING:

Board action is requested on January 22, 2007.

BACKGROUND:

The Route 28 District (the "District") is a special tax district formed in partnership with Loudoun County to provide improvements to State Route 28 on December 21, 1987. Under the terms of the agreement with the State, the District will fund 75 percent of defined Phase I and Phase II improvements and the State will fund 25 percent from funds received through the State Primary Road Fund allocation formula. Improvements completed for Phase I included widening the existing road from two to six lanes and upgrading three major intersections. Phase II improvements include ten grade separated interchanges and widening from six lanes to eight. Six of the interchanges are complete or in the final stages of construction to further ease traffic congestion.

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In August 2002, Virginia Department of Transportation (VDOT) and the two Counties executed agreements to finance a Public Private Transportation Act (PPTA) construction contract for completion of six interchanges. In March 2006, the Route 28 District Commission was briefed as to an opportunity to extend the PPTA contract to complete the final four interchanges. The availability of the Governor's Transportation Partnership Opportunity Fund (TPOF) program, a new financing program administered by the Governor, coupled with extraordinary growth in the District Tax Revenues since 2002 created the financial conditions that would permit the proposed financing of the final four interchanges. This proposal represents an acceleration of these planned District improvements by at least five years from the original estimates.

On September 1, 2006, the Route 28 District Commission received notification of an award of a \$5.0 million TPOF grant and an interest free loan not to exceed \$20.0 million to finance construction activities associated with the final four interchange improvements along the Route 28 Corridor in Fairfax and Loudoun Counties. Utilization of \$25.0 million of TPOF grant and loan funds, plus approximately \$86.1 million from the sale of Fairfax County Economic Development Authority Route 28 Tax District revenue bonds and expected contributions from available project completion funds will fund the total project cost of \$111.1 million. This plan of finance will allow for the completion of the final four interchanges: Willard Road (including sidewalks/trails); Nokes Boulevard (including sidewalks/trails and replacement of the W&OD trail parking lot); Frying Pan Road; and CIT/Innovation Drive. After completion of the final four interchanges, only the widening of a portion of Route 28 to 8 lanes will remain to be completed under the original approved scope of the improvements.

On October 23, 2006, the Board approved and authorized staff to execute documents for a Route 28 Tax District Contract Amendment related to the acceptance of a \$5.0 million grant and a \$20 million interest free loan from the State Transportation Partnership Opportunity Fund (TPOF) and authorization to seek Economic Development Authority (EDA) bond financing to construct the final four interchanges of the Route 28 Highway Improvement Project.

Review and approval of the various documents will be necessary by the Fairfax County EDA and Loudoun County. Attachment 2 provides the calendar of events. The Loudoun County Board of Supervisors meets on January 16, 2007, and the Fairfax County EDA will meet on January 30, 2007. The current sale schedule contemplates a sale on or about February 13, 2007.

FISCAL IMPACT:

Two separate bond issues are anticipated to fund approximately \$86,100,000 of project costs associated with the final four interchanges: Willard Road (including sidewalks/trails); Nokes Boulevard (including sidewalks/trails and replacement of the W&OD trail parking lot); Frying Pan Road; and CIT/Innovation Drive. The EDA bonds will be in two series of approximately \$40.0 million and \$46.0 million respectively. The documents will provide for issuance of both

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series with the timing of the second to be determined by the two Counties when necessary to meet project cash flow requirements.

The total anticipated debt service requirement for the two bond issues is approximately \$180.0 million through 2036 assuming an average interest rate of approximately 5.0 percent. It is anticipated that the debt service for the two bond issues will be “wrapped” around the existing debt service for the Route 28 project. The “wrap” structure smoothes out the overall debt service for the Route 28 project. The maximum annual debt service for the two new bond issues is expected to be approximately \$19.0 million. The financing plan is currently undergoing review by the rating agencies. Typically the bond rating for payments subject to annual appropriation will be lower than the general obligation bond rating for the participating jurisdictions. Bond insurance will be obtained if cost effective.

Revenue projections at an average of 3.0 percent growth, as required by the District Contract, are anticipated to be adequate to meet all District debt obligations. All current and future bond issues and loan repayments are anticipated to be fully supported by District tax revenue. The grant and loan will be separate financings between TPOF and the State Route 28 Highway Transportation Improvement District Commission and the loan from TPOF will be on a subordinate basis to the existing and future debt issued by the EDA on behalf of the Commission for the Route 28 Corridor Improvements. It should be noted that the \$5.0 million grant will be counted towards the State’s 25 percent equity share of the project.

Attachments 2 through 5 may be subject to minor changes to satisfy final legal review. Any material changes will be noted and forwarded to the Board of Supervisors for approval on January 22, 2007.

ENCLOSED DOCUMENTS:

- Attachment 1: Board Resolution
- Attachment 2: Critical Path Events
- Attachment 3: EDA Supplemental Trust Agreement
- Attachment 4: Continuing Disclosure Agreement
- Attachment 5: Preliminary Official Statement (Available for Board Members only, a copy is also available in the Office of the Clerk to the Board)
- Attachment 6: Notice of Sale

STAFF:

- Anthony H. Griffin, County Executive
- Edward L. Long, Jr., Deputy County Executive
- Robert A. Stalzer, Deputy County Executive
- Kathy Ichter, Director, Department of Transportation
- Leonard Wales, County Debt Manager
- James McGettrick, Assistant County Attorney

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ACTION - 5

Approval of 1) the Repayment of Real Estate Taxes and 2) Submission of a Letter of Support to Virginia Housing Development Authority Pursuant to the Low Income Housing Tax Credit Program for Cedar Ridge Apartments (Hunter Mill District)

ISSUE:

Approval by the Board to 1) repay real estate taxes for Cedar Ridge Apartments and 2) submit a letter of support to Virginia Housing Development Authority (VHDA).

RECOMMENDATION:

The County Executive recommends that the Board approve:

- 1) the repayment of real estate taxes for Cedar Ridge Apartments for a minimum of the tax credit compliance period of 15 years; and
- 2) the submission of a letter of support to VHDA for Cedar Ridge Apartments in connection with an application for Low Income Housing Tax Credits

TIMING:

Approval by the Board is requested on January 22, 2007, in order to close on the financing in February 2007.

BACKGROUND:

On July 31, 2006, the Board approved the formation by the Fairfax County Redevelopment and Housing Authority (FCRHA) of a limited liability company to be known as FCRHA Cedar Ridge LLC for the acquisition and rehabilitation of Cedar Ridge Apartments. Subsequently, the FCRHA was advised that the proposed LLC ownership structure would prevent Fairfax County from continuing to provide property and liability insurance coverage on the property under its master insurance policies. Obtaining separate insurance coverage for the Cedar Ridge property would significantly increase the insurance costs and negatively impact debt service coverage requirements relating to the new financing. Therefore, on September 21, 2006, the FCRHA authorized, subject to the approval of the Board, the formation of a Virginia limited partnership to be known as FCRHA Cedar Ridge LP and entering into a purchase and sale agreement with FCRHA Cedar Ridge LP for the acquisition and rehabilitation of Cedar Ridge Apartments. The Board subsequently approved the formation of the LP.

The purpose of forming FCRHA Cedar Ridge LP and transferring ownership to the LP was so that the FCRHA could apply for low income housing tax credits for Cedar Ridge

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Apartments to pay for the extensive rehabilitation of this aging property. Property developed and owned by the FCRHA is, by law, tax exempt. The transfer of ownership of the property to the LP was necessary to obtain private investment, but has resulted in the loss of tax exempt status, requiring the payment of real estate taxes. Because the ownership by the LP is a result of the type of financing and does not alter the public purpose of the project, it is recommended that the Board authorize the reimbursement to the project of an amount each year equal to the real estate taxes that are due for a minimum of the tax credit compliance period of 15 years. Previously, the Board has approved such reimbursements for all similar FCRHA tax credit properties.

As part of its allocation process, VHDA accepts letters in support of proposed projects applying for tax credits.

Pursuant to Board authorization of this item, the County Executive will sign the attached letter of support for the Cedar Ridge project and forward it to VHDA for consideration with the tax credit application.

The FCRHA intends to close on the financing for Cedar Ridge Apartments in February 2007. The FCRHA will issue tax-exempt Multifamily Housing Revenue Bonds (Cedar Ridge Project) Series 2007.

FISCAL IMPACT:

Similar to other FCRHA tax credit properties, funding will be provided to the agency's General Fund budget, Agency 38, for the reimbursement of real estate taxes to the project for a minimum of the tax credit compliance period of 15 years. The current estimated real estate taxes are \$146,000. Since the property is currently owned by the FCRHA, no property taxes are paid.

ENCLOSED DOCUMENTS:

Attachment 1: Draft Letter to the Virginia Housing Development Authority
Attachment 2: Certification of Consistency with the Consolidated Plan

STAFF:

Verdia L. Haywood, Deputy County Executive
Paula C. Sampson, Director, Department of Housing & Community Development, HCD
Harry Swanson, Deputy Director, Revitalization and Real Estate, HCD
Aseem K. Nigam, Director, Real Estate Finance & Grants Management Division, HCD
Louise Milder, Associate Director, REFGM Division, HCD

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ACTION - 6

Approval of Public Sale for Roll-Over of Funding for Crescent Apartments

ISSUE:

Approval by the Board of a resolution (Attachment 1) to authorize a Public Sale for Roll-Over of Funding for Crescent Apartments.

RECOMMENDATION:

The County Executive recommends approval of the attached resolution (Attachment 1) relating to the issuance of a Fairfax County Redevelopment and Housing Authority (FCRHA) Bond Anticipation Note (Affordable Housing Acquisition) which authorizes the following actions:

1. Requests FCRHA to issue a bond anticipation note;
2. Approves the form of a payment agreement between FCRHA and the Board;
3. Approves the form of the lease agreement;
4. Approves the form of the Preliminary Official Statement and the Notice of Sale;
5. Approves the form of the note;
6. Approves the form of the Continuing Disclosure Agreement; and
7. Authorizes the execution and delivery of the payment agreement, lease agreement, the note and continuing disclosure agreement and authorizes the Chairman, Vice Chairman, County Executive or Deputy County Executive/Chief Financial Officer to determine certain details of the transaction.

TIMING:

Approval by the Board is requested on January 22, 2007.

BACKGROUND:

Fairfax County purchased the Crescent Apartments complex, a 16.5 acre site with 180 units located at 1527 Cameron Crescent Drive in Reston, Virginia on February 16, 2006. This property is adjacent to the Lake Anne Revitalization District.

Interim financing was obtained through a competitive private placement bidding process; with Wachovia Bank being the lowest responsive bidder. A total of \$40.6 million was financed. The note, principal of \$40.6 million and interest in the amount of \$2,019,768 is due February 15, 2007. The interest rate was fixed at a taxable rate of

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4.92%. The original note was taxable pending completion of a due diligence process concerning the rental income of the existing tenants and revisions to the rental income guidelines by the FCRHA. During this past year, staff of the Department of Housing and Community Development (HCD) ensured the project would be income eligible for tax-exempt bonds by issuing income guidelines for the property such that at least 20% of the units will be occupied by low income households with income not exceeding 60% of the area median income (AMI) and the remaining 80% of the units will be occupied by moderate income households with income not exceeding 100% AMI. Over-income tenants were given 120-day notice letters informing them of the income restrictions and were put on month-to-month leases to give them an opportunity to find other housing. FCRHA now has sufficient documentation to demonstrate that low to moderate income families reside at the complex such that issuing a tax exempt note is now possible to finance costs related to the complex. The County's financial advisor, Public Financial Management (PFM), recommends a competitive public sale in order to ensure the best interest rate and terms for the note.

To maximize the affordable housing development at this site, HCD is negotiating contracts for preliminary architectural and engineering services in addition to real estate development services for the purpose of planning several compatible redevelopment scenarios. The FCRHA, at its meeting on October 26, 2006, approved the reallocation of up to \$300,000 within Fund 946, Revolving Development Fund, to Project 014257, Crescent Redevelopment Project for this purpose. The analysis will provide for the redevelopment of a portion of the site as well as an analysis of the entire site, including the existing buildings. Detailed pre-development work will include researching the economic feasibility, an architectural and engineering analysis of the site to determine the mix of uses, the density, the type of housing units that may be appropriate, road improvements, and architectural renderings of the buildings and site. Services may also include the design and submittal of a development plan amendment to establish an approved density for the site. This density would be used as a baseline for future redevelopment. The feasibility will also address if the site should be subdivided to provide both market rate and affordable housing on the property. To ensure that the public and community vision for the redevelopment of the site is implemented, HCD will work with the community and the Lake Anne Guidelines to be established by the Lake Anne Technical Advisory Panel.

FISCAL IMPACT:

The existing note that funded the purchase of the property has a taxable interest rate which is higher than what can now be achieved in a tax exempt issue. It is anticipated that the combination of conducting a competitive public sale for the note and the ability of the note to be issued on a tax exempt basis will generate a lower cost of funds. Estimates indicate that a savings of approximately \$300,000 in annual interest

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payments is possible through a competitive public sale to roll-over the existing note on this property. The interest and all costs related to the issuance of the note for this sale are being paid for from the Penny for Affordable Housing Fund. The FCRHA has reserved \$2.0 million in funding from Project # 014239, Crescent Apartments, in Fund 319, the Penny for Affordable Housing Fund for the cost of the interest payment and the roll-over of this note.

It is anticipated that the sale will occur on or around February 6, 2007, in order to meet the February 15, 2007, payment deadline for the note with Wachovia Bank.

ENCLOSED DOCUMENTS:

Attachment 1 – Board Resolution

Attachment 2 – Critical Path Events

Attachment 3 – Notice of Sale

Attachment 4 – Preliminary Official Statement (Copies for Board Members only and a copy is available in the Office of the Clerk to the Board)

Attachment 5 – Payment Agreement

Attachment 6 – Lease Agreement

Attachment 7 – Continuing Disclosure Agreement

Attachment 8 – Form of Note

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

Verdia L. Haywood, Deputy County Executive

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

Leonard P. Wales, County Debt Manager

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

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INFORMATION - 1

Contract Award – Alps Drive Sanitary Sewer Extension and Improvement (Dranesville District)

Thirteen sealed bids were received and opened on Tuesday, December 19, 2006, for the construction of the Alps Drive Sanitary Sewer Extension and Improvement, Project No. X00826, Extension Projects in Fund 402, Sewer Construction Improvements. This contract award will provide for the construction of a gravity flow sanitary sewer system which will make public sewer available to eleven existing properties located on Alps Drive in the Dranesville District of Fairfax County. This project is included in the FY 2007 - FY 2011 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Martin & Gass, Incorporated. Their bid of \$323,738 is \$35,967 or 10.0% below the Engineer's Estimate of \$359,705. The second lowest bid of \$331,186.76 is \$7,448.76 or 2.3% above the low bidder, and the highest bid of \$680,264 is \$356,526 or 110.1% above the low bid.

Martin & Gass, Incorporated has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Martin & Gass, Incorporated has the appropriate Fairfax County Business, Professional & Occupational License.

This bid may be withdrawn after February 1, 2007.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Martin & Gass, Incorporated in the amount of \$323,738.

FISCAL IMPACT:

Funding in the amount of \$434,203 is necessary to award this contract and to fund the associated contingency and other project costs including design, utility relocation, contract administration, testing and inspection. Funds are currently available in Project X00826, Extension Projects in Fund 402, Sewer Construction Improvements, in the amount of \$7,101,850. The balance of funding in Project X00826, Sewer Extension Projects will be retained to complete other Sewer System Renovation and Replacement Projects.

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ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders

Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

INFORMATION - 2

SCC Final Order for Columbia Gas of Virginia Results in a \$2 Million Reduction in Customer Bills

On September 11, 2006, the Board authorized staff of the Consumer Protection Division and the County Attorney's office to file testimony in Columbia Gas of Virginia's ("the Company") Rate Proceedings at the State Corporation Commission (SCC), SCC Case No. PUE 2005-00098 and PUE 2005-00100. The Company had requested approval of a Performance Based Regulatory Plan (PBR), and a five year rate freeze, at the same time that it appeared that the Company may have been over-earning from \$4.9 million to \$8.5 million per year.

Staff's testimony addressed three key issues in this proceeding: (1) Columbia's failure to satisfy the five statutory criteria that are prerequisites for approval of a PBR Plan; (2) the appropriate capital structure to use in determining Columbia's cost of capital; and (3) the appropriate rate of return to use in determining Columbia's revenue requirement.

The public hearing in the proceeding was scheduled for November 29, 2006. However, during the course of the proceeding a proposed settlement on the provisions of the case was agreed upon by the parties to the case. Besides Fairfax County, the parties in the case included: the SCC staff, the Attorney General, three interstate pipeline companies, two industrial customers, and the Virginia Industrial Gas Users' Association.

The SCC Final Order adopted the provisions of the settlement. Rates charged to customers of Columbia Gas of Virginia for delivery service will be frozen for four years under a performance-based rate (PBR) plan authorized by the SCC. The new rate plan takes effect January 1, 2007. It includes a \$2 million credit back to residential and commercial customers in 2007 and again in 2008.

The major elements of Columbia's PBR plan include:

- No changes to the current non-gas charges for distribution service through December 31, 2010.
- Reductions to customer bills in 2007 and 2008 of \$2 million paid in the form of an annual non-gas rate credit. The credit will be reflected as an adjustment to customer bills, based on the amount of gas used by customers.
- A sharing of any annual earnings during the term of the PBR plan that exceed a 10.5 percent return on equity, whereby customers receive 75 percent of such earnings and the company retains 25 percent. This provision may have the

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effect of reducing costs to customers even further than the \$2 million savings authorized in 2007 and 2008.

- A commitment by the Company to invest in additional pipeline capacity that will assist in providing greater service reliability to customers, and to construct additional facilities to serve high growth areas including Northern Virginia, Hampton Roads, and Central Virginia.

Columbia serves 230,000 customers in Virginia, over 15,000 of which are in Fairfax County. As a result of the SCC's Final Order in this proceeding, Fairfax County customers of Columbia Gas will not only save more than \$260,000 over the term of the PBR plan, but will also be assured of their base rates being frozen through 2010.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Final Order in SCC Case No. PUE-2005-00098 and PUE-2005-00100.

STAFF:

David J. Molchany, Deputy County Executive
Gail J. Condrick, Director, DCCCP
Dennis R. Bates, Senior Assistant County Attorney
Steve Sinclair, Chief, Utilities Branch, DCCCP
Susan Hafeli, Research Analyst, DCCCP

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11:15 a.m.

Matters Presented by Board Members

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12:05 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. *Trust Communities, Inc. v. Virginia Department of Health and the Fairfax County Department of Health*, In Chancery No. CH-2005-0005494 (Fx. Co. Cir. Ct.) (Sully District)
 - 2. *Trust Communities, Inc. v. Fairfax County Board of Supervisors and the Fairfax County Health Department*, In Chancery No. CH-2005-0004664 (Fx. Co. Cir. Ct.) (Sully District)
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Chin Van Nguyen*, Case No. CL-2006-0012507 (Fx. Co. Cir. Ct.) (Mason District)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Edward E. Ankers, Jr., et al.*, Case No. CL-2006-0010511 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 - 5. *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Lucy Noemi Escalier and Jose D. Batres*, Case No. CL-2006-0010553 (Fx. Co. Cir. Ct.) (Providence District)
 - 6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer Centeno and Leda Centeno*, Case No. CL-2006-0008036 (Fx. Co. Cir. Ct.) (Providence District)

7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wilver Galindo*, Case No. CL-2006-0008832 (Fx. Co. Cir. Ct.) (Braddock District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Pilar C. Cortes, et al.*, Case No. CL-2006-0014146 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Patricio Castro, et al.*, Case No. CL-2007-0000395 (Fx. Co. Cir. Ct.) (Lee District)
10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Lamarra and Lisa Lamarra*, Case No. CL-2007-0000210 (Fx. Co. Cir. Ct.) (Lee District)
11. *Eileen M. McLane, Fairfax County Zoning Administrator v. Micaela Valencia*, Case No. CL-2007-0000211 (Fx. Co. Cir. Ct.) (Providence District)
12. *Board of Supervisors v. Jade Dunn Loring Metro, L.L.C., et al.*, Case No. CL-2005-0007838 (Fx. Co. Cir. Ct.) (Providence District)
13. *Board of Supervisors v. Ford Leasing Development Company, et al.*, Case No. CL-2005-0002133 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Board of Supervisors of Fairfax County, Virginia v. Mar-Chek II, Inc., et al.*, Case No. CL-2005-0004213 (Fx. Co. Cir. Ct.) (Mount Vernon District)
15. *Board of Supervisors v. McDonald's Corporation, et al.*, Case No. CL-2007-0000123 (Fx. Co. Cir. Ct.) (Sully District)

Board Agenda Item
January 22, 2007

3:00 p.m.

Annual Meeting of the Fairfax County Solid Waste Authority

ISSUE:

Fairfax County Solid Waste Authority annual meeting.

RECOMMENDATION:

The County Executive recommends that the Fairfax County Solid Waste Authority hold its annual meeting in accordance with the Bylaws for the Authority; appoint officers, approve the minutes of the January 23, 2006, meeting and approve the financial statements.

TIMING:

Immediate. The Bylaws of the Fairfax County Solid Waste Authority require the annual meeting to coincide with the time for the last regular meeting of the Board of Supervisors set in January.

BACKGROUND:

According to the Bylaws of the Fairfax County Solid Waste Authority, the regular annual meeting of the Authority shall coincide with the time for the last regular meeting of the Board of Supervisors set in January. The proposed agenda of the Authority meeting is included as Attachment I. The Bylaws further require a review and approval of the minutes of the previous year's meeting (Attachment II) and that officers of the authority be elected to serve for a one-year term.

During FY 2006, the I-95 Energy/Resource Recovery Facility (E/RRF) processed 1,050,012 tons of municipal solid waste, 12.8% above the Guaranteed Annual Tonnage (GAT) of 930,750 tons required by the Service Agreement with Covanta Fairfax, Inc. (Covanta), operator of the facility. This is the first year that the entire GAT tons were composed of waste from Fairfax County only. This supports the County's efforts to increase the recycling of materials.

The stack test in June 2006, documented emissions from the E/RRF that were well below regulatory and permit limits established by the U.S. Environmental Protection Agency (EPA) and the Virginia Department of Environmental Quality. Emission equipment installed in the facility as part of the Clean Air Act initiatives continued to

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significantly reduce the potential pollutants emitted from the facility. The dolomitic lime system continued to condition and stabilize the ash so the metals and other constituents of concern remain chemically bound in the ash when it is placed in a landfill.

Covanta is current in paying the construction bonds. Other financial information is contained in the Financial Statements (Attachment III).

A cooperative arrangement is being developed between Fairfax Water and the County to use the E/RRF to provide supplemental power to the Griffith Water Treatment plant and the Noman M. Cole Wastewater Treatment plant in the event electricity is lost in an emergency. This arrangement, as currently envisioned, would most likely be accomplished through an Amendment to the Service Agreement with Covanta.

County staff is also meeting with Covanta to craft a revised/amended Service Agreement that will be presented to the Board of Supervisors and Authority for review and approval when complete. The revised agreement would implement one element of the County-adopted Solid Waste Management Plan, to extend use of the E/RRF through the 20-year planning period.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I – Fairfax County Solid Waste Authority Meeting Agenda, January 22, 2007
Attachment II – Minutes of the January 23, 2006, Solid Waste Authority Meeting
Attachment III – Financial Statements and Supplemental Information

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery

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January 22, 2007

3:30 p.m.

Public Hearing on RZ 2003-SU-035 (Sully East L.C.), to Rezone from I-3, I-5, HD and WS to PDC, PDH-16, HD and WS to Permit Mixed Use Development and Approval of the Conceptual and Final Development Plans with an Overall Floor Area Ratio of 0.25 for the PDC Portion and 15.6 Dwelling Units Per Acre for the PDH portion (including ADUs) Located on Approximately 77.74 Acres, Sully District

and

Public Hearing on SE 2003-SU-023 (Sully East L.C.) to Permit an Increase in Building Height in the Sully Historic District From 35 Feet up to a Maximum of 60 feet, Located on Approximately 21.76 Acres Zoned I-5, HD and WS, Sully District

The application property is located north and south of Barnsfield Road., west of Centreville Road and east of Sully Road at 13790 and 13900 Barnsfield Road. Tax Map 34-2 ((1)) 2pt., 3A pt., 10A pt. and 27 pt. and Tax Map 34-2 ((1)) 1A, 2, 3A, 10A, 27, 33 pt., and 35 and a portion of Barnsfield Rd. public right-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Barnsfield Rd. to proceed under Section 15.2-2272 (2) and/or Section 33.1-151 of the Code of Virginia.)

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 10, 2007, the Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to defer decision on the above-noted applications until Thursday, January 18, 2007. Recommendations will be forwarded to the Board of Supervisors at that time.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

David J. Moss, Staff Coordinator, Zoning Evaluation Division, DPZ

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3:30 p.m.

Public Hearing on PCA 2002-HM-035 (Fairfax County School Board) to Amend the Proffers for RZ 2002-HM-035 Previously Approved for a Public School and Related Facilities to Permit Site Modifications with an Approved Density of 11.32 Dwelling Units Per Acre for the Overall Development, Located on Approximately 14.38 Acres Zoned PDH-12. Hunter Mill District

The application property is located on the west side of River Birch Road approximately 200 feet north of Coppermine Road. Tax Map 15-4 ((1)) 35A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 10, 2007, the Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors approval of PCA 2002-HM-035, subject to the execution of proffers consistent with those dated January 5, 2007. (Note: The Commission also requested that a CDP condition be added to provide to the adjacent homeowners association a school contact name should any problems arise from use of the ballfields.)

The Commission also voted unanimously (Commissioner Alcorn absent from the meeting) to approve FDPA 2002-HM-035, subject to the development conditions dated January 9, 2007 and Board approval of PCA 2002-HM-035.

Finally, the Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors a modification of the transitional screening yard requirement and waiver of the barrier requirement in lieu of that shown on the CDPA/FDPA and as conditioned.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
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3:30 p.m.

Public Hearing on PCA 2002-PR-008-02 (The Christopher Companies dba Christopher Management, Inc.) to Amend the Proffers for RZ 2002-PR-008 Previously Approved for Residential Development to Permit Changes to Approved Proffers at a Density of 4.48 Dwelling Units Per Acre, Located on Approximately 1.39 Acres Zoned PDH-5, Providence District

Public Hearing on PCA 2002-PR-008-02 is to be deferred to February 5, 2007, at 4:00 p.m.

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Board Agenda Item
January 22, 2007

3:30 p.m.

Public Hearing on PCA 2000-SU-001 (Trustees of the Mount Olive Baptist Church) to Amend RZ 2000-SU-001 Previously Approved for a Church and Child Care Center with an Overall Floor Area Ratio of 0.17 to Permit a Change in Development Conditions and Site Modifications, Located on Approximately 12.16 Acres Zoned R-2 and WS, Sully District

And

Public Hearing on SEA 00-Y-004 (Trustees of the Mount Olive Baptist Church) to Amend SE 00-Y-004 Previously Approved for a Church and Child Care Center to Permit a Church and Child Care Center/Nursery School, Change in Development Conditions and Modifications to Site Design Including an Increase in Seating, Located on Approximately 12.16 Acres Zoned R-2 and WS, Sully District

The application property is located in the southwest quadrant of the intersection of Centreville Road and Old Mill Road at 6600 and 6608 Old Centreville Road, 14501 Mount Olive Road and 14511 Old Mill Road, Tax Map 65-1 ((1)) 34, 35 and 45; 65-3 ((1)) 8 and 8A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 10, 2007, the Planning Commission voted unanimously (Commissioner Alcorn absent from the meeting) to recommend to the Board of Supervisors that PCA 2000-SU-001 be approved, subject to the execution of proffers dated January 4, 2007.

The Commission further voted unanimously (Commissioner Alcorn absent from the meeting) to approve SEA 00-Y-004, subject to the development conditions dated December 20, 2006, with the deletion of Condition #15.

Finally, the Commission voted unanimously (Commissioner Alcorn absent from the meeting) to recommend that the Board of Supervisors modify the transitional screening requirements and waive the barrier requirements along all property boundaries, in favor of that shown on the GDP/SE plat, and as conditioned.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

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

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Board Agenda Item
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3:30 p.m.

Public Hearing on AF 2006-SP-002 (George & Susan Schulz) Local A&F District Appl. Authorized by Chapter 115 (County Code), Effective June 30, 1983, Located on Approximately 23.02 Acres Zoned R-C and WS, Springfield District

The application property is located at 8142 and 8146 Rondelay Lane, Tax Map 96-3 ((1)) 7A and 8; 96-3 ((2)) 10 and 11.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission is scheduled to hold its public hearing on AF 2006-SP-002 on Thursday, January 18, 2007. A recommendation will be forwarded to the Board of Supervisors at that time.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Jonathan Papp, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
January 22, 2007

4:00 p.m.

Public Hearing on PCA 2000-MV-051 (NVR, Inc.) to Amend the Proffers for RZ 2000-MV-051 Previously Approved for Residential Development to Permit Modification to the Proffers Including Changes to the Design of the Units at a Density of 13.14 Dwelling Units Per Acre, Located on Approximately 12,528 Square Feet Zoned PDH-16 and HC, Mount Vernon District

The application property is located approximately 300 feet east of Sky View Drive in the southeast quadrant of the intersection of Hallie Rose Street and Hallie Rose Place, Tax Map 101-3 ((34)) B.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, November 16, 2006, the Planning Commission voted 8-0-1 (Commissioner Hall abstaining; Commissioners Byers, Hopkins and Murphy absent from the meeting) to recommend that the Board of Supervisors approve PCA 2000-MV-051, subject to the executed proffers dated September 28, 2006.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

John Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
January 22, 2007

4:00 p.m.

Public Hearing on a Proposed Cut-Through Traffic Mitigation Plan for Memorial Street and Lenclair Street as Part of the Residential Traffic Administration Program (Lee District)

ISSUE:

Public hearing on a proposed cut-through traffic mitigation plan for Memorial Street and Lenclair Street as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends the Board endorse Memorial Street, between Richmond Highway and South Kings Highway, and Lenclair Street, between Memorial Street and South Kings Highway, for a cut-through traffic mitigation plan as part of the R-TAP. The proposed plan consists of the following traffic calming measures:

- Speed hump, speed table and raised crosswalk on Memorial Street
- Speed hump on Lenclair Street

TIMING:

On December 4, 2006, the Board authorized advertisement of a public hearing scheduled for January 22, 2007, 4:00 p.m.

BACKGROUND:

In October 2001, the Groveton Civic Association requested traffic calming measures on Memorial Street. An initial engineering review revealed traffic counts in excess of 4,000 vehicles per day, which necessitated a comprehensive cut-through study. The study found that Memorial Street qualified for cut-through measures due to 89-95% of peak hour traffic having an origin or destination outside the study area. At the request of the community, Lenclair Street was included in the cut-through mitigation plan because it is part of the same cut-through route and could receive displaced traffic if cut-through measures were installed on Memorial Street.

On September 12, 2005, the Board approved a resolution requesting the Virginia Department of Transportation (VDOT) to consider cut-through or traffic calming measures for Memorial Street and Lenclair Street. Subsequently, a community task force was formed, which developed a cut-through mitigation plan consisting of four traffic calming devices (Attachment I).

In order for the plan to be implemented as part of the R-TAP for cut-through traffic

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January 22, 2007

mitigation, a public hearing must be held pursuant to the policies and procedures adopted by the Commonwealth Transportation Board contained in the "Policy and Procedures, Control of Residential Cut-Through Traffic" dated May 9, 1996. In addition, a resolution (Attachment II) must be forwarded to VDOT requesting such measures.

FISCAL IMPACT:

The estimated cost of \$26,000 for the traffic calming measures is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Cut-Through Traffic Mitigation Plan for Memorial Street and Lenclair Street

Attachment II: Proposed Resolution on Cut-Through Traffic Mitigation for Memorial Street and Lenclair Street

STAFF:

Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Bruce W. Taylor, Acting Chief, Traffic Operations Section, FCDOT
Douglas W. Hansen, Senior Transportation Planner, FCDOT
Michael Jollon, Transportation Planner, FCDOT

Board Agenda Item
January 22, 2007

4:00 p.m.

Public Hearing for the De-Creation/ Re-Creation of a Small Sanitary District for Refuse/Recycling, and Vacuum Leaf Collection Service (Mason District)

ISSUE:

Board approval of the De-Creation/Re-Creation of a Small Sanitary District for refuse/recycling and vacuum leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed petition within Mason District.

The action listed below will result in a net decrease of 108 leaf customers.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Small District 1 Within Mason District (Chateaux Condominiums)	DeCreate/ ReCreate 108 Units	Leaf	Approve

TIMING:

On November 20, 2006, the Board authorized a public hearing on January 22, 2007, at 4:00 p.m.

BACKGROUND:

The administrative responsibility for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts in the County of Fairfax for refuse/recycling and/or vacuum leaf collection is with the Department of Public Works and Environmental Services. The establishment of sanitary districts is accomplished through the action of the Board at public hearings.

The submitted petition has been reviewed, and it is recommended that the submitted petition be approved.

FISCAL IMPACT:

None

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ENCLOSED DOCUMENTS:

Attachment 1: Summary Sheet

Attachment 2: Data Sheet with Resolution and Map

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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4:30 p.m.

Public Hearing on RZ 2004-PR-044 (Tysons Corner Holdings LLC and Tysons Corner Property Holdings LLC) to Rezone from C-4, C-7, HC and SC to PDC, HC and SC to Permit Mixed Use Development with an Overall Floor Area Ratio of 1.77, Located on Approximately 78.65 Acres, Providence District

The application property is located in the southeast quadrant of the intersection of International Drive and Chain Bridge Road, Tax Map 29-4 ((1)) 35A and 35C; 39-2 ((1)) 2, 4 and 5.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 7, 2006, Planning Commission voted 9-0-1 (Commissioner de la Fe abstaining; Commissioners Hall and Murphy absent from the meeting) to recommend that the Board of Supervisors approve RZ 2004-PR-044, subject to the execution of proffers consistent with draft proffers dated November 22, 2006, as contained in the staff report addendum and approval of the conceptual development plans for both options. However, residential buildings, office buildings, and plazas located within the areas depicted as phases 3 and 4 as shown on sheets 32-47, sheet 52, and sheet 54 of the development with rail, part 1 of 2, shall be considered illustrative only in accordance with proffer number 6.

The Commission also voted 9-0-1 (Commissioner de la Fe abstaining; Commissioners Hall and Murphy absent from the meeting) to recommend that the Board of Supervisors approve the following waivers and/or modifications:

- waiver of the service drive requirement on Leesburg Pike, Route 7, and Chain Bridge Road, Route 123.
- waiver of the barrier requirement along the eastern boundary, adjacent to the Capital Beltway.
- modification of the transitional screening yard requirements along the eastern boundary and that's adjacent to the Capital Beltway.
- modification of the peripheral parking lot landscaping requirement for the parking structures located adjacent to Chain Bridge Road.
- waiver of the transitional screening yard and barrier requirements internal to the project.

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- waiver of the interior parking lot for landscaping requirements for the existing parking structures identified as parking terrace b, parking terrace c, and parking terrace e.
- waiver to allow the use of underground stormwater management facilities with residential development pursuant to paragraph 6-0303.8 of the Public Facilities Manual (PFM).
- modification to allow a commercial building within 75 feet of the right-of-way of an interstate highway, I-495.
- modification to allow pedestrian pathways shown on the CDP/FDP, the 25 foot wide sidewalk within the bus plaza and an internal loop trail, to meet the requirement for a trail along Chain Bridge Road west of Tysons Boulevard.
- waiver of the trail requirements both the on road bike trail and the trail along the property along Chain Bridge Road between site entrance opposite Tysons Boulevard and the ramp for the Capital Beltway.
- modification of the trail along Leesburg Pike to allow combined sidewalk and trail that is consistent with the streetscape recommendations for the Tysons Corner urban center.
- waiver of the trail requirement within the right-of-way of the Capital Beltway.
- modification of the trail requirement along international drive to allow the temporary trail to be constructed with phase 1 to meet the requirement.
- modification of the recommended on-road bike trail at shop Tysons Boulevard to allow a ten foot wide off-road bike trail.
- modification of the number of loading spaces required on site.

On a vote of 8-0-2 (Commissioners de la Fe and Harsel abstaining; Commissioners Hall and Murphy absent from the meeting), the Planning Commission recommended to the Board of Supervisors modification of the minimum 8-foot planting width to trees per Section 12-0702(2) of the PFM to allow planting areas that are less than 8 feet wide.

The Commission also voted 9-0-1 (Commissioner de la Fe abstaining; Commissioners Hall and Murphy absent from the meeting) to defer the decision only on FDP 2004-PR-044 to a date certain of January 11, 2007 with the record remaining open for comment.

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On Thursday, January 11, 2007, the Planning Commission voted 6-0-5 (Commissioners de la Fe, Flanagan, Hall, Murphy, and Sargeant abstaining) to approve FDP 2004-PR-044 with regard to the construction of the buildings, plazas, and associated improvements for the development prior to the rail option (Part 2 of 2), and for Phases 1 and 2 of the development with the rail option (Part 1 of 2), as shown on Sheets 1-31, 48-51, 53 and 55-61, subject to the Board of Supervisors' approval of RZ 2004-PR-044 and its associated CDP.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

Barbara A. Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)

Peter Braham, Senior Staff Coordinator, Zoning Evaluation Division, DPZ

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Board Agenda Item
January 22, 2007

4:30 p.m.

Public Hearing on RZ 2004-SU-029 (NVP, Inc.) to Rezone from R-1 and WS to R-3 and WS to Permit Residential Development at a Density of 2.45 dwelling Units Per Acre, Located on Approximately 3.68 Acres, Sully District

Public Hearing on RZ 2004-SU-029 is to be deferred to February 26, 2007, at 5:00 p.m.

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