

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
APRIL 9, 2007**

AGENDA

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|-------|-------------|--|
| 9:00 | Done | Presentations |
| 10:00 | Done | Appointments to the Community Revitalization and Reinvestment Advisory Group |
| 10:00 | Done | Items Presented by the County Executive |

ADMINISTRATIVE ITEMS

- | | | |
|---|-----------------|---|
| 1 | Approved | Authorization for the Department of Housing and Community Development to Apply for an Allocation of Sponsoring Partnerships and Revitalizing Communities (SPARC) Mortgage Funds from the Virginia Housing Development Authority |
| 2 | Approved | Extension of Review Periods for 2232 Review Applications (Hunter Mill, Providence, and Sully Districts) |
| 3 | Approved | Streets into the Secondary System (Hunter Mill District) |
| 4 | Approved | Authorization to Advertise a Public Hearing to Establish the North Lake Village Community Parking District (Springfield District) |
| 5 | Approved | Authorization to Advertise a Public Hearing to Establish the Compton Village Community Parking District (Sully District) |
| 6 | Approved | Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Powhatan Street and Freedom Lane as Part of the Residential Traffic Administration Program (Dranesville District) |
| 7 | Approved | Authorization to Advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling, and/or Leaf Collection Service (Dranesville and Providence Districts) |
| 8 | Denied | Additional Time to Commence Construction for Special Exception SE 2004-LE-008, Motiva Enterprises, LLC D/B/A Shell Oil Company (Lee District) |

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**ADMINISTRATIVE ITEMS
(CONTINUED)**

- 9 **Approved** Additional Time to Commence Construction for Special Exception SE 94-D-025, David B. Noursi, Trustee for KJS Partnership (Dranesville District)
- 10 **Approved** Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Department of Homeland Security Urban Areas Security Initiative Through the District of Columbia, Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice

ACTION ITEMS

- 1 **Approved** Approval of Revisions to the Code of Ethics for Employees of Fairfax County (Addendum 2 to Chapter 16, Personnel Regulations)
- 2 **Approved** Authorization of Chantilly Crossing Regional Pond C-41 Pro Rata Share Reimbursement Agreement (Sully District)
- 3 **Approved** Additional Proposed Member to the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Health Service Delivery System for Consideration
- 4 **Approved** Authorization to Reallocate Funding Among Community Development Block Grant FY 2007 Consolidated Plan Activities, Authorization to Allocate from The Penny for Affordable Housing Fund, and Approval to Expand Scope of Eligible Activities Within Existing Funding for Woodley Hills Community Center Project
- 5 **Approved** Authorization to Make a Loan from The Penny for Affordable Housing Fund, to Coralain Apartments, L.P. for the Acquisition, Rehabilitation and Preservation of the Coralain Gardens Apartments (Mason District)
- 6 **Approved w/amendment** Appointment of Members to the Implementation Committee for the Plan to Prevent and End Homelessness

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**ACTION ITEMS
(CONTINUED)**

7	Approved	Authorization for the Department of Transportation to Apply for Two Virginia National Defense Industrial Authority (VNDIA) Grants Related to the Fort Belvoir Base Realignment and Closure (BRAC) Plan (Lee and Mount Vernon Districts)
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INFORMATION ITEMS

1	Noted	Planning Commission Action on Application 2232-P06-22, Fairfax County Park Authority (Providence District)
2	Noted	Contract Award – Athletic Field Lighting and Related Electrical Work at Lake Fairfax Park (Hunter Mill District)
3	Noted	Contract Award – Engineering Services for Flood Response, Monitoring, and Signalization System
4	Noted	Quarterly Status Report on the Board’s Four-Year Transportation Program and Other Selected Projects
10:30	Done	Matters Presented by Board Members
11:20	Done	Closed Session

PUBLIC HEARINGS

3:30	Public hearing held. Decision deferred. Record held open.	Public Hearing on the FY 2008 Effective Tax Rate Increase
3:30	Public hearing held. Decision deferred. Record held open.	Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees
3:30	Public hearing deferred to 4/30/07 at 3:00 p.m.	Public Hearing on PCA 1998-DR-049-04 (Hampstead Village LLC) (Dranesville District)
4:00	Approved	Public Hearing on SE 2006-MA-027 (Joanne Krause) (Mason District)
4:00	Public hearing deferred to 5/21/07 at 4:00 p.m.	Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Large Retail Sales Establishments

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**PUBLIC HEARINGS
(CONTINUED)**

4:30	Approved	Public Hearing to Establish the Little Rocky Run Community Parking District (Sully District)
4:30	Approved	Public Hearing to Establish the Lake Braddock Community Parking District (Braddock District)
4:30	Approved	Public Hearing to Expand the West Hampton Community Parking District (Lee District)
7:00	Public hearing continued to 4/10/07 at 6:00 p.m.	Public Hearing on the County Executive's Proposed FY 2008 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2008 - 2012 (CIP) (With Future Fiscal Years to 2017) and the Current Appropriation in the FY 2007 Revised Budget Plan



Fairfax County, Virginia
BOARD OF SUPERVISORS
AGENDA

Monday
April 9, 2007

9:00 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate April 2007 as Fairfax Pets On Wheels Month in Fairfax County. Requested by Chairman Connolly.
2. PROCLAMATION – To designate April 8-14, 2007, as Public Safety Telecommunications Week in Fairfax County. Requested by Supervisor Gross.
3. CERTIFICATE – To recognize Mike Kane for his years of service to Fairfax County. Requested by Supervisor Frey.
4. PROCLAMATION – To designate April 2007 as Donate Life Month in Fairfax County. Requested by Chairman Connolly.
5. PROCLAMATION – To designate April 2007 as Fair Housing Month in Fairfax County. Requested by Chairman Connolly.
6. PROCLAMATION – To designate April 21-28, 2007, as Affordable Housing Week in Fairfax County. Requested by Chairman Connolly.
7. PROCLAMATION – To designate April 9-15, 2007, as Community Development Week in Fairfax County. Requested by Chairman Connolly.
8. CERTIFICATE – To recognize the Middleridge Women's Club on the occasion of its 30th anniversary. Requested by Supervisor Bulova.

- more -

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9. RESOLUTION – To commend the Fairfax Symphony Orchestra on the occasion of its 50th anniversary. Requested by Supervisor Bulova.
10. PROCLAMATION – To designate April 22-28, 2007, as County Government Week in Fairfax County. Requested by Supervisor Gross.

STAFF:

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

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10:00 a.m.

Appointments to the Community Revitalization and Reinvestment Advisory Group

ENCLOSED DOCUMENTS:
Appointments to be Heard April 9, 2007

STAFF:
Nancy Vehrs, Clerk to the Board of Supervisors

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10:00 a.m.

Items Presented by the County Executive

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ADMINISTRATIVE - 1

Authorization for the Department of Housing and Community Development to Apply for an Allocation of Sponsoring Partnerships and Revitalizing Communities (SPARC) Mortgage Funds from the Virginia Housing Development Authority

ISSUE:

The Virginia Housing Development Authority (VHDA) is soliciting proposals for Round 6 of the Sponsoring Partnerships and Revitalizing Communities (SPARC) loan program. The deadline to apply is April 16, 2007. In the five previous rounds of funding (2002-2007), the Fairfax County Redevelopment and Housing Authority has been awarded a total of \$38.3 million which to date has provided low interest mortgages to 196 households in Fairfax County. Recently, the Board approved a special allocation of \$3.0 million of Flex-SPARC money for a pilot program for work force housing. This is the first allocation offered based on VHDA's new fiscal year funding cycle. VHDA will release the FY08 SPARC allocation in July 2007. If authorized by the Board of Supervisors, the Department of Housing and Community Development (HCD) will apply for an allocation of SPARC mortgage funds in an amount up to \$15 million.

RECOMMENDATION:

The County Executive recommends that HCD, on behalf of the FCRHA, apply for an allocation of up to \$15 million in SPARC mortgage funds from the Virginia Housing Development Authority.

TIMING:

Approval is requested at the April 9, 2007, Board Meeting in order to submit the application by the deadline date of April 16, 2007.

BACKGROUND:

The objective of Sponsoring Partnerships and Revitalizing Communities (SPARC) is to offer homeownership opportunities to first-time homebuyers and to households that are ready to move up to homeownership. SPARC funds are state-wide allocations of tax-exempt mortgage revenue bond monies that provide first-trust financing at an interest rate that is ½% or 1% below the VHDA first-time homebuyer rate (currently the VHDA rate is 5.5% as of March 16, 2007). SPARC will also provide more flexible and favorable terms than are generally available in the first-time homebuyer mortgage market.

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In January 2006, HCD received an allocation of \$10 million. Within five months all \$10 million had been reserved and HCD requested additional funds from VHDA. Two further allocations were provided, totaling \$8 Million. To date approximately \$3 million remains and is expected to be used by June 30, 2007. Funds have been marketed through HCD first-time homebuyer programs by lenders and Realtors.

SPARC Program partners include the Northern Virginia Association of Realtors, the Mortgage Bankers Association, various lenders and nonprofits that provide services to immigrant populations. These groups facilitate the VHDA homeownership education class for eligible borrowers. Eight local VHDA-designated lending institutions have actively participated and reserved loans under the recent allocation.

Approval is requested to apply for an allocation of up to \$15 million for Round 6 of SPARC funding. Purchasers would apply and receive first mortgage SPARC funds through designated VHDA lenders. The allocation for funding would be requested to meet the continuing objectives of the previous SPARC funding cycles:

- Increasing service to low and moderate-income households by targeting 50% of the SPARC funds to borrowers at 60% or less of the area median income and the remaining 50% toward borrowers at 80% or less of the area median income.
- Encouraging local revitalization efforts by directing the SPARC financing into the neighborhood revitalization that complements the economic growth in designated revitalization areas.
- May provide affordable financing options to low and moderate income first-time homebuyers purchasing moderately priced condominiums within condominium conversion projects throughout the County.
- Addressing deficiencies in housing stock affordable to low-income families (under 60% of the area median income) by providing purchasers with the opportunity to combine SPARC funding with the Home Improvement Loan Program to purchase older properties and rehabilitate them to make them more accessible.
- Increasing service to minorities, including African-Americans, and new immigrants by outreach to nonprofits through orientations and VHDA homeownership classes in Spanish, Korean and Vietnamese.

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- Increasing service to special-needs populations in need of accessibility improvements by providing purchasers with the opportunity to combine SPARC funding with other available resources (Home Repair for the Elderly Program, Home Improvement Loan Program, and various down payment initiatives).
- Reducing affordable housing gaps not met by traditional lenders by providing purchasers with the opportunity to combine SPARC with the Fairfax County Homebuyer Equity Loan Program, the VHDA Home Stride Program of Downpayment and Closing Costs, and American Dream Downpayment Initiative.

FISCAL IMPACT:

None. Mortgage lenders access these funds for eligible County borrowers directly from VHDA designated lenders, bringing new capital to first-time homebuyers who live or work in the County.

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 Division, HCD

Barbara Silberzahn, Chief, Homeownership and Relocation Services Branch, Real Estate Finance and Grants Management Division, HCD

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ADMINISTRATIVE – 2

Extension of Review Periods for 2232 Review Applications (Hunter Mill, 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-H07-1 to June 14, 2007; application FS-P06-96 to June 24, 2007; application FS-Y06-118 to June 25, 2007; and application 2232-Y07-6 to September 10, 2007.

TIMING:

Board action is required on April 9, 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-Y07-6, which was accepted for review by the Department of Planning and Zoning (DPZ) on February 13, 2007. This application is for a public utility facility and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The Board also should extend the review periods for applications FS-H07-1, FS-P06-96, and FS-Y06-118, which were accepted for review by DPZ between January 15, 2007 and January 26, 2007. These applications are for telecommunications facilities. Therefore, in

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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-Y07-6 | Fairfax Water
1,650 feet of 24-inch water main
Centerview Drive
Sully District |
| FS-P06-96 | Sprint-Nextel
Rooftop antennas
3020 Hamaker Court
Providence District |
| FS-Y06-118 | Nextel Communications of the Mid-Atlantic, Inc.
Antenna colocation on existing transmission tower
15001 Lee Highway
Sully District |
| FS-H07-1 | Nextel Communications of the Mid-Atlantic, Inc.
Antenna colocation on existing transmission tower
Sunset Hills Road near Fannie Mae Drive
Hunter Mill 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 – 3

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.

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Cockerill Place	Hunter Mill	Cockerill Farm Lane
		West Ox Road (Route 608) (Additional Right-of-Way Only)

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Street Acceptance Form

STAFF:

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

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ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Establish the North Lake Village
Community Parking District (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 7, 2007, at 4:30 p.m. to consider adoption of a Fairfax County Code amendment to establish the North Lake Village CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on April 9, 2007, to provide sufficient time for advertisement of the public hearing on May 7, 2007, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Karyn L. Moreland, Chief, Traffic Operations Section, FCDOT
Bruce W. Taylor, Sr. Transportation Planner, Traffic Operations Section, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing to Establish the Compton Village
Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for May 7, 2007, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment to establish the Compton Village CPD in accordance with current CPD restrictions.

TIMING:

The Board should take action on April 9, 2007, to provide sufficient time for advertisement of the public hearing on May 7, 2007, at 4:00 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$700 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, Fairfax County Department of Transportation (FCDOT)
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Karyn L. Moreland, Chief, Traffic Operations Section, FCDOT
Bruce W. Taylor, Sr. Transportation Planner, Traffic Operations Section, FCDOT
Maria Turner, FCDOT

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Powhatan Street and Freedom Lane as Part of the Residential Traffic Administration Program (Dranesville District)

ISSUE:

Board authorization to advertise a public hearing to be held on Monday, April 30, 2007, 4:00 p.m., for the purpose of endorsing the following roads to be included in the Residential Traffic Administration Program (R-TAP) for a through truck traffic restriction:

- Powhatan Street between Kirby Road and the Arlington County Line
- Freedom Lane between Kirby Road and Powhatan Street

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing the above-referenced roads to be included in the R-TAP for a through truck traffic restriction.

TIMING:

The Board should take action on April 9, 2007, to provide sufficient time for advertisement of the proposed public hearing scheduled for April 30, 2007, 4:00 p.m.

BACKGROUND:

On July 12, 2006, Supervisor DuBois, on behalf of the Marlborough-Nantucket Citizens Association, requested the Virginia Department of Transportation (VDOT) to consider the referenced through truck restriction. The Supervisor and residents are concerned that general truck traffic, including construction-related traffic, are routinely cutting through the neighborhood. Staff has performed a preliminary review of Powhatan Street and Freedom Lane and determined that the roads would be eligible for further consideration of a through truck traffic restriction as part of the R-TAP. A possible alternate route is via Kirby Road to Westmoreland Street to Williamsburg Boulevard (Attachment III). Staff contacted personnel from the Arlington County Department of Environmental Services, Division of Transportation, concerning the proposed through truck restriction and proposed alternate route. They have stated that Powhatan Street on the Arlington County side would not qualify for a through truck restriction according to its criteria, and are concerned that a through truck restriction on the Fairfax County

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side would cause confusion in diverting only a small number of trucks to other routes.

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

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment I: Notice of Public Hearing for Powhatan Street and Freedom Lane

Attachment II: Proposed Resolution to Restrict Through Truck Traffic on Powhatan Street and Freedom Lane

Attachment III: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Karyn Moreland, Chief, Traffic Operations Section, FCDOT

Douglas W. Hansen, Senior Transportation Planner, FCDOT

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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/Recycling, and/or Leaf Collection Service (Dranesville and Providence Districts)

ISSUE:

Board authorization to advertise a Public Hearing for the Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts for Refuse/recycling and/or leaf collection service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing at 4:00 p.m. on Monday, April 30, 2007, to consider the following changes to small and local sanitary districts for refuse, recycling and/or leaf collection service in accordance with the Board's adopted criteria for the Creation/Enlargement/Withdrawal of Small or Local Sanitary Districts.

The actions listed below will result in a net increase of 57 leaf customers.

<u>Sanitary District</u>	<u>Action</u>	<u>Service</u>	<u>Recommendation</u>
Local District 1A6 Within Small District 1 Within Dranesville District (1868 Kirby Road)	Enlarge 1 Unit	Refuse & Recycling	Approve
Small District 7 Within Dranesville District (2124 Powhatan Street)	De-Create/ Re-Create 1 Unit	Refuse, Recycling & Leaf	Approve
Small District 2 Within Providence District (Pine Ridge)	Enlarge 55 Units	Leaf	Approve
Small District 2 Within Providence District (8956, 8958 and 8960 Colesbury Place)	Enlarge 3 Units	Leaf	Approve

TIMING:

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Board authorization to advertise on April 9, 2007, is required for a Public Hearing to be held on April 30, 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 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. Prior to any action by the Board on a proposed small or local sanitary district, certain relevant standards and criteria must be met in accordance with the Board's adopted criteria for the Creation/Enlargement/De-Creation/Re-Creation of Small and Local Sanitary Districts.

Residents within the proposed sanitary districts have been sent letters by the County outlining the sanitary district petition process. This communication is to insure that residents are aware that the process is ongoing while advising them of their rights and referring them to sources of information should they have any questions. The letter also provides residents within the proposed sanitary district area with details of the refuse, recyclables and/or leaf collection service that will be provided should the sanitary district be approved. If approved, all services will begin in July 2007.

The submitted petitions have been reviewed, and it has been determined that the petitions meet the Board's adopted criteria. Staff recommends that the authorization to advertise a public hearing for the Enlargement/De-Creation/Re-Creation of small and local sanitary districts for refuse, recycling and/or leaf collection areas be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Advertisement

Attachment 2: Summary Sheet

Attachment 3: Data Sheets with Proposed Resolutions and Maps

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Howard J. Guba, Deputy Director, DPWES

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ADMINISTRATIVE - 8

Additional Time to Commence Construction for Special Exception SE 2004-LE-008, Motiva Enterprises, LLC D/B/A Shell Oil Company (Lee District)

ISSUE:

Board consideration of additional time to commence construction for SE 2004-LE-008, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve six months of additional time for SE 2004-LE-008 to June 25, 2007.

TIMING:

Routine.

BACKGROUND:

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

On January 24, 2005, the Board approved Special Exception SE 2004-LE-008, subject to development conditions. The special exception application was filed in the name of Motiva Enterprises, LLC D/B/A Shell Oil Company, to permit a service station pursuant to Section 7-607 of the Fairfax County Zoning Ordinance on the property located at Tax Map 81-3 ((4)) 4A (see the Locator Map in Attachment 1). The development conditions for SE 2004-LE-008 are included as part of the Clerk to the Board's letter contained in Attachment 2. The special exception application was designed to resolve violations of the previous special permit related to the addition of storage trailers, construction of three building additions and the paving of a parking area. Two prior special exception applications had been approved by the Board in 1990 (SE 89-L-041) and in 1996 (SE 95-L-058) to permit expansion of the service station use on the property, but both were not implemented and expired. SE 2004-LE-008 was approved with a condition that the use be established or construction be commenced and diligently prosecuted within 18 months of the approval date, unless the Board grants additional time.

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On September 25, 2006, the Board of Supervisors approved three months additional time to commence construction for Motiva Enterprises, LLC, D/B/A Shell Oil Company, until December 25, 2006. A copy of the Clerk to the Board's letter regarding the approval of additional time is included as Attachment 3.

On December 1, 2006, the Department of Planning and Zoning (DPZ) received a letter dated November 27, 2006, from John Manganello, agent for the applicant, requesting twelve months of additional time to commence construction for SE 2004-LE-008. A supplement to the request was received on February 7, 2007. The letter of request and the supplement are included as Attachment 4. The letter of request states that Site Plan 8171-SP-003-1 was submitted on October 26, 2006, and that the first submission comments were received on January 4, 2007. The comments on the site plan, which was disapproved by DPWES on December 20, 2006, include inconsistencies between the site plan and the SE Plat; missing information; engineering issues regarding drainage and stormwater management; failure to provide a required travel lane and an interparcel access to Lot 5A; and, design problems with one of the site entrances, among others. Mr. Manganello states that the applicant is in the process of addressing the comments and is preparing to resubmit the site plan. He estimates that obtaining DPWES approval of the site plan and the necessary County and VDOT permits may take an additional twelve months. As of March 23, 2007, the applicant has not submitted a site plan revision.

Staff has reviewed Special Exception SE 2004-LE-008 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow development of a service station. The Comprehensive Plan recommendations for the property have not changed. Further, staff knows of no change in land use circumstances which affect the compliance of SE 2004-LE-008 with the special exception standards applicable to this use and which should cause the filing of a new special exception application and review through the public hearing process. Finally, the conditions associated with the Board's approval of SE 2004-LE-008 are still appropriate and remain in full force and effect. However, given the fact that the special exception application approved in January, 2005, which was to resolve zoning violations of the previous special permit, has not been implemented, these zoning violations continue to exist on the property. A site plan was not submitted by the applicant until October 26, 2006, to seek the engineering approvals required to implement the special exception. Also, only limited additional time was previously granted by the Board of Supervisors through December 25, 2006, to commence construction. As a result, staff recommends approval of only six months additional time to commence construction.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:

Attachment 1 - Locator Map

Attachment 2 - Letter dated February 2, 2003, to John L. McBride, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2004-LE-008

Attachment 3 – Letter from Nancy Vehrs, Clerk to the Board of Supervisors, stating the September 25, 2006, Board of Supervisors' approval of three months additional time.

Attachment 4 - Letters dated November 27, 2006, and February 7, 2007, from John Manganello, agent for the applicant, requesting additional time to commence construction

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

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

Pam Nee, Chief, Policy Plan and Development Branch, PD, DPZ

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 9

Additional Time to Commence Construction for Special Exception SE 94-D-025, David B. Noursi, Trustee for KJS Partnership (Dranesville District)

ISSUE:

Board consideration of additional time to commence construction for SE 94-D-025, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve thirty months additional time for SE 94-D-025 to January 23, 2010.

TIMING:

Routine.

BACKGROUND:

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

On January 23, 1995, the Board of Supervisors approved Special Exception SE 94-D-025, subject to development conditions. The special exception application was filed in the name of David B. Noursi, Trustee for KJS Partnership, to permit an increase in building height pursuant to Section 9-607 of the Fairfax County Zoning Ordinance, for the property described as Tax Map 15-2 ((1)) 16 (see the Locator Map in Attachment 1). The special exception was approved concurrently with Rezoning RZ 84-D-036, which was approved subject to proffers, and rezoned 4.16 acres from the R-1 District to the C-3 District. The development conditions for SE 94-D-025 and the proffers for RZ 85-D-036 are included with the Clerk to the Board's letters in Attachment 2. The development conditions specified that the Special Exception Amendment would expire, without notice, thirty months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted, or unless the Board granted

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additional time. On June 9, 1997, the Board approved thirty months additional time to commence construction for SE 94-D-025 until January 23, 2000. On November 15, 1999, the Board approved thirty months additional time to commence construction for SE 94-D-025 until July 23, 2002. On April 8, 2002, the Board approved thirty months additional time for SE 94-D-025 until January 23, 2005. On December 6, 2004, the Board approved thirty months additional time for SE 94-D-025 until July 23, 2007. Copies of the Clerk to the Board's letters stating the Board's approval of additional time are contained in Attachment 3.

On January 12, 2007, the Department of Planning and Zoning (DPZ) received a letter dated January 12, 2007, from Richard R. G. Hobson, agent for the applicant, requesting thirty months additional time to commence construction for this project (Attachment 4). According to the letter, market conditions have not permitted the construction of the building. Current market conditions were not foreseen at the time of the original approval. Recent transportation improvements in the Route 28 corridor indicate improved confidence in the market conditions for this corridor. The letter also notes that private and public efforts are underway to extend rail transit out the Dulles Corridor with a station planned near the subject property which, Mr. Hobson asserts, will provide a strong increase in market conditions.

Staff has reviewed Special Exception SE 94-D-025 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow an increase in building height for an office building in the C-3 District. Further, staff knows of no change in land use circumstances that affect the compliance of SE 94-D-025 with the special exception standards applicable to this use and which would cause the filing of a new special exception application and review through the public hearing process to be necessary. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. The conditions associated with the Board's approval of SE 94-D-025 are still appropriate. Staff recommends approval of thirty months additional time.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Locator Map

Attachment 2: Letter dated March 2, 1995, to Richard R.G. Hobson, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 94-D-025. Letter dated February 1, 1995, to Richard R.G. Hobson, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the Board's approval of RZ 85-D-036, subject to the attached proffered conditions.

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Attachment 3: Letters dated June 18, 1997; December 1, 1999; April 11, 2002; and, December 10, 2004, to Richard R.G. Hobson, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, stating the Board's approvals of thirty months additional time to commence construction.

Attachment 4: Letter dated January 12, 2007, from Richard R.G. Hobson, agent for the applicant, to Barbara Byron, Director, Zoning Evaluation Division, Department of Planning and Zoning, requesting additional time.

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Barbara A. Byron, Director, Zoning Evaluation Division (ZED), DPZ

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

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

Mary Ann Godfrey, Senior Staff Coordinator, ZED, DPZ

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ADMINISTRATIVE - 10

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Department of Homeland Security Urban Areas Security Initiative Through the District of Columbia, Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice

ISSUE:

Board approval for the Fairfax County Police Department to apply for and accept funding, if received, from the Department of Homeland Security (DHS) FY 2006 Urban Areas Security Initiative (UASI) through the District of Columbia, Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice in the amount of \$304,000. These funds are made available by DHS through the District of Columbia (DC), which is serving as National Capital Region's (NCR) State Administrative Agency (SAA). Funding in the amount of \$304,000 will provide financial assistance to enhance the capability and capacity of the Regional Intelligence Center to prevent, respond to, and recover from acts of terrorism. Grant funds will be used to provide support of information and intelligence sharing through the use of contracted intelligence analysts. Funds will cover the contracted salaries of two intelligence analysts, along with communications equipment costs to include personal computers, software and peripherals: cell phone service; and other communications devices as needed and approved by the project manager. No Local Cash Match or in-kind match will be required. The grant period for the FY 2006 sub-grant award is retroactive from April 1, 2007 through March 31, 2008. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Fairfax County Police Department to apply for and accept funding, if received, from the DHS FY 2006 UASI through the DC Executive Office of the Mayor, Office of the Deputy Mayor for Public Safety and Justice. Funding in the amount of \$304,000 will be used by the Police Department to enhance security and overall preparedness through continuation of the project summarized in Attachment 1. The project will be implemented in accordance with the grant program guidance documents.

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TIMING:

Because of an April 1, 2007, submission deadline, the application was submitted pending Board approval. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

UASI provides Homeland Security Grant Program (HSGP) funds from DHS as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that currently comprise the NCR as defined in the HSGP guidelines.

Grant awards are made to the identified urban area authorities through State Administrative Agencies (SAA). The SAA for the NCR is the DC Office of the Deputy Mayor for Public Safety and Justice. The NCR process for allocation of the UASI funds includes the development of concept papers that are vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOG) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESFs, prioritization of proposals by the CAOs and ultimately the development of funding recommendations by the CAOs. The Senior Policy Group (SPG) then reviews recommended proposals and forwards selected proposals to the SAA for awards.

Funded projects are typically regional in nature with benefits to multiple jurisdictions. To effectively implement these projects, a single jurisdiction is identified to act as a recipient of a sub-grant award to handle all of the financial management, audit, procurement and payment provisions of the sub-award and grant program. If the application is successful, the Police Department will continue its Regional Intelligence Center project through this sub-grant. It is expected that funding in the same amount as was received through the FY 2005 sub-grant award, \$304,000, will be available for an additional year of this project.

FISCAL IMPACT:

Grant funding in the amount of \$304,000 is available in DHS UASI grant funds through the District of Columbia. These funds will be used to enhance the capability and capacity of the Regional Intelligence Center in preparing for and responding to

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emergencies arising out of terrorist or other mass casualty events for the NCR. No Local Cash Match is required. This action does not increase the expenditure level in Fund 102, Federal/State Grant Fund, as funds are held in reserve for anticipated grant awards in FY 2007. This grant does not allow the recovery of indirect costs.

CREATION OF NEW POSITIONS:

No positions will be created through this grant award.

ENCLOSED DOCUMENTS:

Attachment 1 – Grant Application Excerpt

STAFF:

Robert A. Stalzer, Deputy County Executive

Colonel David M. Rohrer, Chief of Police

C. Douglas Bass, Emergency Management Coordinator, Office of Emergency Management

Diane M. Hansen, Grants Administrator, Office of Emergency Management

Robert M. Ross, Assistant County Attorney

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ACTION - 1

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

ISSUE:

Board approval of revisions to the Personnel Regulations updating the Code of Ethics for County Employees (Addendum 2 to Chapter 16, Personnel Regulations).

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed revisions to the Code of Ethics (attachment 1).

TIMING:

Routine

BACKGROUND:

The Code of Ethics has been revised because the current version (adopted in January 1963 and included as attachment 3) 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, which was presented initially to the Board at the January 22, 2007 meeting, reflects the County's Core Purpose and Vision Elements (attachment 4). 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. Additionally, in accordance with the Merit System Ordinance, the Civil Service Commission conducted a public hearing on March 19, 2007, and their comments are included as attachment 2.

To ensure that the Code of Ethics becomes an integral part of the county workplace, 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 5).

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment 1- Revised Code of Ethics

Attachment 2 - Comments from the Civil Service Commission

Attachment 3 - Current Code of Ethics

Attachment 4 - Core Purpose and Vision Elements

Attachment 5 – Report by County's 1st Cohort in GMU's MPA Program

STAFF:

Anthony H. Griffin, County Executive

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ACTION - 2

Authorization of Chantilly Crossing Regional Pond C-41 Pro Rata Share Reimbursement Agreement (Sully District)

ISSUE:

Authorization to execute an agreement to reimburse Starwood Ceruzzi, LLC from pro rata share collections (Fund 316), for the engineering, design, and construction of the Chantilly Crossing Regional Stormwater Management Pond within the Chantilly Crossing Development.

RECOMMENDATION:

The County Executive recommends that the Board authorize the execution of the attached agreement.

TIMING:

Routine. Board action is requested on April 9, 2007.

BACKGROUND:

A regional stormwater management pond is strongly recommended for this location because of the advantages it offers both economically and in its ability to control stormwater runoff and improve water quality for approximately 92 acres of upstream watershed. The Chantilly Crossing Regional Pond is designed as a wet pond.

Implementation Procedures for the Regional Stormwater Management Plan were approved by the Board on August 5, 1991. The procedures provide that a landowner/developer, whose property contains the site of a planned regional stormwater pond, may be requested to grant necessary easements, dedicate land, prepare the design, and/or construct the pond. The implementation procedures further provide for reimbursement agreements for developers to recover costs in excess of their normal stormwater management requirements as contained in the Public Facilities Manual. The reimbursements are funded through existing and future pro rata share collections as well as other developer contributions such as proffers.

The Chantilly Crossing developer, Starwood Ceruzzi, LLC, has agreed to implement a regional stormwater management pond and wishes to enter into a reimbursement agreement to recover costs in excess of normal stormwater management

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requirements. Execution of this agreement establishes the terms and conditions for reimbursement by the County to the developer.

FISCAL IMPACT:

In accordance with the Reimbursement Agreement, the cost for reimbursement purposes is limited to a maximum of \$728,090.00. Funding for reimbursement payment is provided by existing pro rata share collections as stipulated in the agreement. The funding needed to accommodate this agreement is available from Cub Run Pro Rata Share revenues, which has been appropriated to Project CU0041, Regional Pond C-41, Fund 316, Pro Rata Share Drainage Construction. Reimbursement payments to the developer will be processed through Project CU0041.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map
Attachment 2 - Agreement

STAFF:

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

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ACTION – 3

Additional Proposed Member to the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Health Service Delivery System for Consideration

ISSUE:

The Board established the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Health Service Delivery System, approved the Charter and General Work Plan for the Commission, and recommended members to the Commission at the October 23, 2006, Board Meeting. One additional member for consideration is recommended.

RECOMMENDATION:

The County Executive recommends that the Board designate Mattie Palmore as an additional member of the Josiah H. Beeman Commission on the Fairfax-Falls Church Mental Health Service Delivery System.

TIMING:

Routine. Board action requested to confirm the additional proposed member.

BACKGROUND:

On June 5, 2006, the Board took initial action to establish a blue ribbon panel on the Fairfax-Falls Church mental health service delivery system. The Fairfax-Falls Church Community Services Board subsequently requested that the panel be named the Josiah H. Beeman Commission in honor of the late CSB Board Chairman.

On October 23, 2006, the Board took action to adopt the Charter and General Work Plan that will govern the Commission's work and confirmed the appointment of 15 members to serve on the Commission.

One of the appointed members, Dr. Russell Jones of VPISU is unable to serve. The membership for the Commission is drawing from national, state, regional, and local mental health leaders; mental health consumers, consumer advocates, and/or family members of consumers; recognized experts in mental health law and the criminal justice system; experts in workforce development; experts in mental health quality and accountability, and recognized experts in specific mental health populations. At this time, Ms. Mattie Palmore is recommended for appointment to serve on the Commission.

This individual has demonstrated interest in and a willingness to serve on the Commission. Her résumé is attached.

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For any future changes to the membership of the Josiah H. Beeman Commission, the County Executive will inform the Board via Memorandum.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Additional Member: Josiah H. Beeman Commission on the Fairfax-Fall Church Mental Health Service Delivery System (Separate from package for Board Members only)

STAFF:

Verdia L. Haywood, Deputy County Executive

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ACTION - 4

Authorization to Reallocate Funding Among Community Development Block Grant FY 2007 Consolidated Plan Activities, Authorization to Allocate from The Penny for Affordable Housing Fund, and Approval to Expand Scope of Eligible Activities Within Existing Funding for Woodley Hills Community Center Project

ISSUE:

Board authorization to reallocate Community Development Block Grant (CDBG) funds up to the amount of \$2,500,000, to be used in combination with other funds that may include The Penny for Affordable Housing Fund, the Housing Trust Fund, and the HOME Investment Partnership Program (HOME) funds to finance the acquisition of thirteen units for the Fairfax County Rental Program at ParcReston; to reallocate up to \$180,000 in CDBG funds for the rehabilitation of ten units at Madison Ridge; and to reallocate \$126,150 in CDBG funds for the future acquisition or rehabilitation of affordable housing units that become available or are in need of improvement under the Fairfax County Rental Program. The proposed reallocations of CDBG funds and allocation of The Penny for Affordable Housing Fund funds are as follows:

Amount:	From:	To:
Up to \$1,909,155	Revitalization: Investing in Communities Program (ICP), Project 014152	Fairfax County Rental Program (FCRP), Project 003800
Up to \$400,000	Home Improvement Loan Program (HILP), Project 003813	Fairfax County Rental Program (FCRP), Project 003800
Up to \$190,845	Home Repair for the Elderly (HRE) Program, Project 003864	Fairfax County Rental Program (FCRP), Project 003800
Up to \$180,000	Home Improvement Loan Program (HILP), Project 003813	Madison Ridge Rehabilitation
\$126,150	Cedar Ridge Affordable Housing Relocation Costs, Project 013914	Fairfax County Rental Program (FCRP), Project 003800
Up to \$396,000	The Penny for Affordable Housing Fund, Fund 319, Project 014196	Fairfax County Rental Program (FCRP), Project 003800

In addition to the reallocations, the Board is requested to approve expansion of the Woodley Hills activity. The activity is currently funded with \$100,000 of CDBG funds and

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allows for some limited improvements to the community center and park site, as well as, study and design of further improvements. This activity is proposed to be expanded to include the removal and disposal of four existing aged and deteriorated manufactured homes, purchase and resale to qualified purchasers of new manufactured homes, site improvements, and design services. The project site is located near the intersection of Richmond Highway and Lockheed Boulevard in Alexandria, Virginia.

RECOMMENDATION:

The County Executive recommends that the Board authorizes and directs the County Executive or his designee to (i) facilitate the reallocation of CDBG funds as outlined above, (ii) facilitate the removal and disposal of existing aged and deteriorated manufactured homes, purchase of new manufactured homes, site improvements, and design services at Woodley Hills, and (iii) execute contracts, notes, and other required documents involved with this reallocation and expansion of activity.

TIMING:

Board action is requested on April 9, 2007, in order to ensure timely expenditure of CDBG funds, which will provide for preservation, rehabilitation and acquisition of affordable housing for low income persons.

AFFORDABLE HOUSING PRESERVATION:

As of March 31, 2007, a total of 1,361 units of affordable housing had been preserved as a result of the Board's Affordable Housing Preservation Initiative. Fund 319, the Penny for Affordable Housing Fund, has played an instrumental role in this effort. The 13 units proposed for acquisition by the FCRHA at ParcReston will be added to the inventory of preserved units once closing on the units has taken place.

BACKGROUND:

For substantive amendments to the Consolidated Plan, in accordance with the County's Citizen Participation Plan, public notice is to be given before the Board of Supervisors takes action on such reallocations described above. The amendments were publicly advertised 30 days prior to consideration of this Item by the Board to allow time for public comment. The notice for the proposed reallocation of Community Development Block Grant funds was published on March 2, 2007, in the Examiner newspaper.

Regarding CDBG, the funds involved in these transfers are being reallocated to projects that are currently ready for implementation and use of funds. The reallocations are consistent with goals, objectives and priorities that have been identified in the

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Consolidated Plan and necessary to maintain timely expenditure levels in the CDBG program.

FCRP Acquisitions

The FCRP includes all rental property owned by the FCRHA and developed with funds other than Public Housing funds. This program includes housing for families, single persons, seniors, and supportive housing for special populations. There are over 1,700 units under management.

The acquisition of up to 13 condominium units at ParcReston presents both an opportunity to preserve additional units for affordable housing and expend the CDBG funds immediately. ParcReston is located in Reston, Virginia. The FCRHA has already purchased ten units at this site in April 2006 at a cost of \$2.0 million for acquisition, \$25,000 for closing costs, and \$175,000 for accessibility modifications. Pursuant to the proposed Proffer Statement of Athena/Renaissance Reston LLC (Developer) for a rezoning action that was approved March 26, 2007, a total of 13 additional residential condominium units within the existing ParcReston Condominium development will be offered for purchase to the FCRHA.

The 13 units that are proposed to be purchased will be at a total price of \$2,830,000.00, which is \$1,883,000 less than the market price for the units. All federal rules regarding relocation requirements will be followed if these units are acquired. These costs would be a part of the \$2.5 million that would be reallocated. Total acquisition costs are projected to be approximately \$2,896,000 (\$2,830,000 for purchase, \$26,000 for closing costs, and \$40,000 for relocation costs). Nine units may be eligible for some type of relocation assistance under the Uniform Relocation Act. The FCRHA entered into a letter of intent with the Developer, subject to approval of financing by the Board, to close on the Property in two phases. The reason for the bifurcated closings is that under the proffers in the Developer's rezoning application, which the Board approved on March 26, 2007 (Rezoning), the 13 discounted units were not going to be offered to the FCRHA until after approval by the Board of a Planned Residential Community Plan (RCP) for the land covered by the Rezoning.

In order to take advantage of currently available CDBG funds, which should be disbursed by April 30, the FCRHA desires to purchase some of the units. The agreement that the FCRHA reached with the Developer provides that the first closing on eight of the 13 units shall be concluded on or before Monday, April 30, 2007, which will be after the expiration of the 30-day appeal period related to the Developer's Rezoning. The FCRHA will pay \$2,470,000.00 at the first closing at which time the Developer will convey eight units selected by the FCRHA. The \$2,470,000.00 is the amount of currently available CDBG funds. At the first closing, in addition to paying the Developer \$2,470,000.00, the FCRHA will put in escrow with the FCRHA's settlement agent, Escrow One, Ltd., funds in the amount of up to \$396,000.00 which will be held until the second closing on the remaining five units, which will be on or before the date that is 45 days following approval of the

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RCP. If approval of a RPC is never granted, the escrowed funds will be returned to the FCRHA.

The targeted income range in the units to be purchased will serve persons earning 50% of Area Median Income or below. Funds will come from the ICP Fund. Alternative funding sources have been identified for ICP projects in the pipeline. Should the FCRHA be unable to complete the ParcReston transaction as proposed, the CDBG funds being allocated would be used to purchase alternative units for the FCRP program, for first-time homebuyers, or the preservation of affordable housing.

Madison Ridge

Madison Ridge is a 216-unit property located in Centreville, Virginia. On July 13, 2005, Wesley Madison Ridge Corporation (Wesley) purchased Madison Ridge Apartments. Wesley subdivided the property into 98 rental units and 118 for-sale condominiums. At the time of the closing of the transaction in July 2005, the FCRHA provided a total of \$7.5 million in loan to Wesley, \$5.0 million of which was essentially rehabilitation and acquisition financing and \$2.5 million of which was advanced as mezzanine financing. The funds came from Fund 319, The Penny for Affordable Housing Fund. The \$2.5 million portion of the loan was provided to Wesley with the agreement that the FCRHA would take title to ten rehabilitated condominiums in lieu of cash repayment. The agreed upon unit type distribution was five 1-bedroom and five 2-bedroom units, all of which would become part of the Fairfax County Rental Program.

On December 29, 2006, the ten condominium units were deeded to FCRHA to facilitate the second stage of financing the project, but the rehabilitation of the ten units was not complete. To meet FCRHA standards and to incorporate universal design to the extent feasible, the FCRHA determined at its March 8, 2007, meeting to rehabilitate the units. Wesley has agreed to repay FCRHA for rehabilitation costs within the scope of work for Wesley's other units after remaining unsold condominiums have been sold.

Approximately \$180,000 is anticipated to be used for rehabilitation of the ten units. The rehabilitation work will include new kitchen cabinets, new interior doors, upgraded pads for the carpet, new kitchen flooring, universal design levered hardware for doors, faucets and showers, and window replacement of a door to the exterior balcony in the 2-bedroom units as a safety precaution. The Fairfax County Department of Housing and Community Development will rehabilitate the units for the FCRHA. Reallocation of the \$180,000 in CDBG funds is proposed to come from the Home Improvement Loan Program (HILP). After the reallocation, the remaining HILP funds have been determined to be adequate for continued operation of the Home Improvement Loan Program at this time. Reallocating the funds will also assist with the FCRHA's goal of expending CDBG funds in a timely manner.

Woodley Hills

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In addition to the reallocations, the Board is requested to approve expansion of the Woodley Hills Community Center activity. The activity currently allows for some limited improvements to the community center and park site, as well as study and design of further improvements. This activity is proposed to be expanded to include the removal and disposal of four existing aged and deteriorated manufactured homes, purchase and resale to qualified purchasers of new replacement homes, site improvements, and design services. Woodley Hills Estate is a 115 unit mobile home park owned by the FCRHA and is located near the intersection of Richmond Highway and Lockheed Boulevard in Alexandria, Virginia. Project expansion can be absorbed within the current project balance of \$100,000 already designated for Woodley.

Cedar Ridge

The amount of \$126,150 for Cedar Ridge Affordable Housing Relocation costs was proposed to be used to implement a Housing Assistance Plan to assist households at Cedar Ridge, a 198-unit property located in Reston, Virginia. Due to a change in the financing plans for the project, relocation dollars are not needed for the project.

Currently, the planned use for these funds is for acquisition or rehabilitation of affordable housing units that become available or are in need of improvement under the Fairfax County Rental Program.

FISCAL IMPACT:

Reallocation of CDBG funds (Fund 142) and allocation of The Penny for Affordable Housing Fund funds (Fund 319) as follows:

Funds in the amount of \$2,500,000 will be available within Fund 142, Community Development Block Grant. A portion of the project cost, up to \$1,909,155 (the project balance as of March 23, 2007) will be reallocated from Project 014152, Revitalization: Investing in Communities Program; up to \$400,000 will be reallocated from Project 003813, Home Improvement Loan Program (HILP) (the project balance as of March 23, 2007 was \$973,124); and up to \$190,845 will be funded by a reallocation from Home Repair for the Elderly (HRE), Project 003864 (the project balance as of March 23, 2007 was \$469,922). Funding has been determined to be adequate for undertaking HILP and HRE programs at this time.

The reallocation of funding from the ICP to other projects is requested to avert the loss of federal funding related to timeliness of expenditure. The ICP, which was established in 2004 but has been largely unused, has not proven to be an effective tool for leveraging other funding for revitalization, primarily due to the program constraints imposed by HUD, which private business objected to as excessive paperwork and burdensome federal rules. It should be noted that the FCRHA at its meeting on March 8, 2007 expressed support for continued funding of revitalization through the CDBG but approved reallocation of this funding at this time to avoid loss of funding. Funds from CDBG, Fund

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142, The Penny for Affordable Housing Fund, Fund 319; Housing Trust Fund, Fund 144; and HOME Investment Partnerships Program (HOME), Fund 145, may also be used to make up any balance remaining for the acquisition.

Transfer of up to \$396,000 from The Penny for Affordable Housing Fund, (Fund 319), Project 014196, to the Fairfax County Rental Program acquisitions, Project 003800.

Transfer of up to \$180,000 from Home Improvement Loan Program, Project 003813, to Madison Ridge. The total project cost, up to \$180,000, will be funded by a reallocation from Project 003813, Home Improvement Loan Program (HILP), which has a balance of \$973,124 as of March 23, 2007, to Madison Ridge.

Transfer of \$126,150 from Cedar Ridge Affordable Housing Relocation, Project 013914, to acquisition or rehabilitation of affordable housing units under the Fairfax County Rental Program, Project 003800 as units become available or are in need of improvement.

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

Audrey Spencer-Horsley, Associate Director, Grants Management, HCD

Stephen E. Knippler, Senior Program Manager, HCD

Richard V. Dunn, Housing Community Developer, HCD

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ACTION - 5

Authorization to Make a Loan from The Penny for Affordable Housing Fund, to Coralain Apartments, L.P. for the Acquisition, Rehabilitation and Preservation of the Coralain Gardens Apartments (Mason District)

ISSUE:

Approval by the Board to make a loan in an amount not to exceed \$5,300,000 in conjunction with the proposed acquisition, rehabilitation and preservation of the 106-unit Coralain Gardens Apartments by Coralain Apartments, L.P.

RECOMMENDATION:

The County Executive recommends that the Board award up to \$5,300,000 from Fund 319, The Penny for Affordable Housing Fund, to Coralain Apartments, L.P. as part of the financing plan for the acquisition, rehabilitation and preservation of Coralain Gardens Apartments.

TIMING:

Coralain Apartments, L.P. is applying for Low Income Housing Tax Credits as part of the Northern Virginia non-competitive pool. In order to receive this allocation, they are required to have a commitment of funds from the local jurisdiction.

AFFORDABLE HOUSING PRESERVATION:

As of March 31, 2007, a total of 1,361 units of affordable housing had been preserved as a result of the Board's Affordable Housing Preservation Initiative. Fund 319, the Penny for Affordable Housing Fund, has played an instrumental role in this effort. The 106 units proposed for acquisition by Coralain Gardens Apartments, L.P. will be added to the inventory of preserved units once closing on the property has taken place.

BACKGROUND:

RST Development LLC (RST) has created a limited partnership, Coralain Apartments, L.P., (the Owner) to be the owner of the property. RST was founded in 1996 by Robert, Scott and Todd Copeland. RST has extensive experience in developing affordable communities with a portfolio of 6,900 units of which 6,500 utilize low income housing tax credits. They own and operate properties in Virginia, Maryland, Washington D.C.,

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Pennsylvania, North Carolina and Georgia. RST owns and operates 21 properties in Virginia. This will be their first property in Fairfax County.

Seller Information

Coralain Apartments, L.P. intends to purchase Coralain Gardens Apartments (the Property) from Coralain Associates LLC. RST has a 45-day due diligence period. The transaction is expected to close 45 days after the completion of the due diligence period.

The purchase price of the Property is \$14,850,000 (\$140,094 per unit). The appraisal commissioned by RST indicates that the "As Is" Value of the property is \$14,850,000 and the renovated value would be \$17,000,000. The current assessed value of the Property is \$2,138,040.

Project Description

The purchase and rehabilitation of the 106-unit Coralain Gardens Apartments which was built in 1962 located at 7435 Arlington Blvd. Falls Church, Fairfax County, Virginia. The Property currently has a 98% occupancy rate.

Potential Benefits

Preservation of the project will result in the following benefits:

1. Current rents are affordable at 53% to 57% of Area Median Income (AMI) but there are no rent restrictions on the property. This transaction provides the opportunity to reduce rents for a portion of the units and to keep all rents affordable for a period of 50 years.
2. The FCRHA will have a right of first refusal after the initial tax credit compliance period. The purchase price in connection with that right of first refusal is still being negotiated.
3. The Owner would maintain 20% of the units at or below 50% of AMI and the rest at 60% of AMI for 50 years.

Rehabilitation

The rehabilitation is anticipated to cost \$2,836,000 or \$26,750 per unit and will take approximately 8 months. The rehabilitation of Coralain Gardens will be performed by RST Development's wholly owned subsidiary, Triangle Construction.

Planned rehabilitation of the property will include the following:

- Upgrade kitchens with new appliances, cabinets and countertops
- Add dishwashers to one and two bedroom units
- Upgrade bathrooms including new vanities, accessories, water efficient toilets and shower heads

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- Refurbish unit interiors including drywall repair, paint and new carpet
- Replace existing windows and sliding glass doors
- Replace all unit entry and interior doors
- Repair existing balconies and site railings
- New building and unit identification package
- Upgrade and refurbish landscaping
- Upgrade and repair HVAC units
- Create five (5) ADA compliant units

RST has walked most of the units and is comfortable with the scope of work outlined above. The rehabilitation will be accomplished with the tenants in place. Only the ADA units will have to be vacated during rehabilitation.

Accessibility

Five units will be rehabilitated to be fully ADA compliant.

Affordability

Unit Size	# of Units	Proposed Rent	Utility * Allowance	Gross Rent	% Median
Efficiency	4	\$714	\$76	\$790	50%
1 BR	9	\$747	\$99	\$846	50%
2 BR	9	\$894	\$122	\$1,016	50%
Efficiency	13	\$872	\$79	\$948	60%
1 BR	34	\$916	\$99	\$1,016	60%
2 BR	37	\$1,097	\$122	\$1,220	60%
Total Units	106	*The Owner will pay for hot water and water and sewer following rehabilitation.			

The Property will be managed by Hercules Real Estate Services (Hercules), a wholly owned subsidiary of RST Development with extensive tax credit property management experience. Hercules manages only RST properties which consist of 6,900 units of which 6,500 are tax credit units.

Relocation

Since the property will be rehabilitated with the tenants in place there is expected to be limited relocation. At this time RST does not know what the permanent relocation requirements will be. RST will be able to assess the relocation needs during the due diligence period. RST will prepare a detailed relocation plan to the satisfaction of HCD. During the due diligence period, RST will be reviewing tenant files and will obtain a better understanding of the tenant profile.

Financing

The proposed financing for the acquisition and rehabilitation of the Property would have the following sources:

Sources	Amount
VHDA Loan	\$4,800,000
VHDA Loan – SPARC	2,000,000
LIHTC Equity	7,813,960
AHPP Loan	5,300,000
Deferred Developer Fee	1,153,827
Total Sources	\$21,067,787
Uses	
Acquisition	\$14,850,000
Rehabilitation	2,836,236
Developer's Fee	2,002,151
Soft Costs	1,279,400
Relocation	100,000
Total Uses	\$21,067,787

The first and second Deed of Trust loans will be provided by VHDA. The first priority loan is a VHDA loan for 35 years at an estimated 7.5% interest rate. The second priority loan is a VHDA loan for 35 years at an estimated 2.25% interest rate. Both VHDA loans are “must pay” debt service loans. As presently structured, the total amount of the VHDA’S loans is \$6,800,000; however, the borrower anticipates requesting additional funding through VHDA under VHDA programs that provide a lower interest rate. This additional debt would be part of the current VHDA financing and would be permitted so long as the debt service ratio on the Property remains above 1.10.

The Owner is deferring approximately 58% of its developer fee. The current cash flow projections indicate that it will be paid in year 12 (2018) of the Owner’s ownership of the Property.

The AHPP loan of \$5,300,000 (\$50,000 per affordable unit) would have the following terms:

- 35 year term or otherwise to be co-terminus with the VHDA loans.
- Interest rate will be a minimum of 2% simple interest with a maximum rate equal to the Applicable Federal Rate (AFR)
- Secured by a Third Deed of Trust behind the two VHDA loans
- Payment on the loan will begin after the deferred developer fee has been paid.
- Simple interest will accrue during the term of the loan, payments are deferred.

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Closing

The transaction is anticipated to close July 2007.

Requirements for closing include, but are not limited to, the following items being completed:

1. Appraisal accepted and approved by the FCRHA
2. Environmental reviews accepted and approved by the FCRHA. The environmental report has been received, but not reviewed.
3. Physical Needs Assessment acceptable and approved by FCRHA.
4. Market Study accepted and approved by the FCRHA. The market study has been received and is under review.
5. Relocation Plan reviewed and approved by HCD Staff
6. Review of the tax credit application
7. Other requirements or documents as deemed necessary or appropriate by the FCRHA Assistant Secretary as the negotiator for the FCRHA to protect the interest of the FCRHA and Fairfax County

Risks and Concerns

1. RST is applying for tax credits from the Northern Virginia non-competitive pool. Should they not receive an allocation; the transaction will not go forward.
2. The developer fee is projected to be paid in year 12 of the partnership. It is required to be paid off by year 15.
3. If the equity pricing changes and there is a need for additional financing, the developer will be responsible for finding additional sources. Equity prices have been on a downward trend.
4. The extent of permanent relocation is not known at this time; however, the developer will be responsible for covering any relocation expenses.

FISCAL IMPACT:

Reallocation within Fund 319, The Penny for Affordable Housing as follows:

FY 2007

<u>From</u>	<u>To</u>	<u>Amount</u>
Project 014196 Affordable/Workforce Housing	Project 014262 Coralain Gardens Apartments	\$366,030
Project 014239 Crescent Apartments		\$900,000

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Savings in debt service costs in FY 07, available balance \$920,324

Project 014250 \$654,970
Legato Corner
Projected completed; available balance of \$654,970

FY 2008
Subject to Appropriations

<u>From</u>	<u>To</u>	<u>Amount</u>
Project 014196 Affordable/Workforce Housing	Project 014262 Coralain Gardens Apartments	\$3,379,000

In addition, it should be noted that this financing proposal has been reviewed by the County's financial advisor.

ENCLOSED DOCUMENTS:

Attachment 1 - Vicinity Map
Attachment 2 - Property Cash Flow Analysis
Attachment 3 - AHPP Term Sheet

STAFF:

Verdia 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 K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD
Louise Milder, Associate Director, Real Estate Finance and Grants Management Division, HCD
Molly Norris, Senior Real Estate Finance Officer, Real Estate Finance and Grants Management Division, HCD

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ACTION – 6

Appointment of Members to the Implementation Committee for the Plan to Prevent and End Homelessness

ISSUE:

Board action to confirm appointments of an Implementation Committee to develop a plan to implement the *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community*.

RECOMMENDATION:

The County Executive recommends that the Board confirm the appointment of the proposed members to serve on an Implementation Committee to develop a plan to implement the *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community*. The charge to the Implementation Committee is directed by the Charter and General Work Plan adopted by the Board on February 26, 2007.

TIMING:

Routine. Board action to confirm the appointment of the Implementation Committee is necessary for this group to move forward the work to end homelessness in ten years.

BACKGROUND:

On February 26, 2007, the Board endorsed the *Blueprint for Success: Strategic Directions for the Plan to Prevent and End Homelessness in the Fairfax-Falls Church Community*, and adopted the Charter and General Work Plan that outlines the process to develop an implementation plan for the *Strategic Directions* in order to achieve to goal of ending homelessness in the county in ten years.

The *Strategic Directions* include four major strategies, each with several key strategic objectives: Prevention, Housing Options, Support Services, and a Management and Accountability System. The Implementation Committee structure includes three work groups to address the Prevention, Housing Options, and Support Services strategies. These work groups will develop action steps, identify roles and responsibilities, including resources, and develop a monitoring and evaluation process for each set of strategic objectives. An Executive Committee will provide leadership, facilitate the integration of the recommendations from the work groups into an implementation plan, and be responsible for development of the implementation plan for the fourth strategy, the

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Management and Accountability System.

Fairfax County has successfully used a collaborative inclusive public/private process to develop the *Strategic Directions* to end homelessness. In order to be successful in implementation, achieving the mission and ending homelessness in ten years, it is critical to fully engage all parties in a learning, participatory process so that consensus regarding action steps can be built through the collective work of the community. Proposed membership for each of these work groups represents key stakeholders including housing developers, business and financial institutions, health, mental health, and other treatment professionals, faith communities, employment services, public agencies and nonprofit service providers.

The work of the Implementation Committee, as directed by the adopted Charter and General Work Plan, is scheduled to begin in May 2007, with a goal of completing the overall implementation plan for presentation to the Board in July 2007. The County Executive will identify existing resources to support the Implementation Committee process, including an interagency staff team to oversee the work and appropriate meeting space.

For any future changes to the membership of the Implementation Committee, the County Executive will inform the Board via Memorandum.

FISCAL IMPACT:

It is projected that there will be some professional services costs for the charrette implementation process in the range of \$75,000 to \$115,000. This cost will be absorbed within the 2007 human services delivery system budget.

ENCLOSED DOCUMENTS:

Attachment 1: Adopted Charter and General Work Plan

Attachment 2: Proposed Members for the Implementation Committee (separate from package for Board Members only)

STAFF:

Verdia L. Haywood, Deputy County Executive

Kenneth P. Disselkoen, Acting Director, Department of Systems Management for Human Services

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ACTION - 7

Authorization for the Department of Transportation to Apply for Two Virginia National Defense Industrial Authority (VNDIA) Grants Related to the Fort Belvoir Base Realignment and Closure (BRAC) Plan (Lee and Mount Vernon Districts)

ISSUE:

Board authorization for the Department of Transportation to apply for two Virginia Military Strategic Response Fund (VMSRF) grants administered by the VNDIA, for projects related to the Fort Belvoir BRAC plan.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution, authorizing the Department of Transportation to submit applications to the VNDIA for the following projects:

- Spot transportation improvements and a Transportation Demand Management (TDM) program in the Fort Belvoir area of Fairfax County.
- Telegraph Road widening project from Beulah Street to South Kings Highway.

TIMING:

Board approval is requested on April 9, 2007, so that the Department of Transportation can submit the applications by the April 30, 2007, deadline.

BACKGROUND:

On October 13, 2006, Governor Kaine announced the availability of \$5 million in state grants for each of the next two years to support communities impacted by the 2005 BRAC recommendations. The VMSRF will be administered by the VNDIA, a 16-member authority created by the General Assembly. The Authority works as an advocate for military communities as they implement BRAC recommendations and plan for future military expansions and other opportunities.

Grants will be made available to eligible organizations on a competitive basis to support local efforts involved in the implementation of BRAC recommendations. Grant decisions will be based on the merits of the request, degree of local support, regional impact, and overall feasibility of the project.

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The Board authorized the Department of Transportation to submit applications for the first year of VMSRF funding on October 23, 2006. In November 2006, staff submitted applications for VMSRF funds. FCDOT was notified in January 2007, that it received \$2,500,000 combined, for two applications. Staff will return to the Board at a future meeting to seek Board authorization for the execution of the grant agreements and appropriation of the local cash match.

At this time, the VNDIA is seeking applications for the second round of VMRSF funds. Staff is seeking Board authorization to submit applications for the second round of VMSRF funding. Upon approval, staff will submit applications for additional funding for the two projects that were successful in obtaining funding during the first round of the VMSRF program.

The first application was for spot transportation improvements and a TDM program in the Fort Belvoir area of Fairfax County. The second application was for the design and advanced land acquisition for the Telegraph Road project between Beulah Street and South Kings Highway. Both of these applications consist of projects that have been identified by the Fort Belvoir Transportation Resolution Team in 2004, Governor Mark R. Warner's Northern Virginia Base Realignment and Closure (BRAC) Working Group in 2005, the Army's Transportation Master Plan, the Fairfax County Department of Transportation and the Virginia Department of Transportation, as needed transportation improvements for the Fort Belvoir BRAC plan. These funds, if approved, will aid the design and construction of transportation improvements in the Fort Belvoir area of Fairfax County. The following is a list of needed improvements to be funded with these applications, to the extent possible depending on the amount of the awards, in priority order:

Application #1 - Spot transportation improvements and a TDM program in the Fort Belvoir area of Fairfax County

- South Kings Highway at Harrison Street – \$3,000,000
This project will add a left turn lane on westbound King's Highway, a right turn lane on eastbound King's Highway, and a second left turn lane on northbound Harrison Street. This project also constructs a second receiving lane on westbound King's Highway for 500 feet to receive dual left turns.
- Transportation Demand Management (TDM) Program – \$750,000
This project will be implemented on Fort Belvoir for all agencies to use. It includes shuttle bus service on base and from the Franconia-Springfield and Huntington Metrorail stations, and the Lorton Virginia Railway Express (VRE) station to the base.
- Richmond Highway at Pohick Road (Tulley Gate) – \$525,000

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Increase northbound Richmond Highway right turn lane radius and add an additional northbound right turn lane.

- Richmond Highway at Sacramento Drive – \$350,000
Extend northbound Route 1 left turn lane.
- Richmond Highway at Frye Road – \$350,000
Add dedicated eastbound right turn lane on Frye Road and dedicated southbound right turn lane on Route 1.
- Richmond Highway at Lockheed Boulevard – \$350,000
Add eastbound right turn lane on Lockheed.
- John J. Kingman Road at Fairfax County Parkway – \$175,000
Add second right turn lane on Kingman Road.

The spot intersection improvements are necessary to reduce delays and congestion along the Richmond Highway corridor and within Fort Belvoir at the Fairfax County Parkway and John J. Kingman Road.

The TDM program is needed to reduce trips by single-occupant vehicles through increased transportation choices and mode shifts that will capitalize on the use of existing bus service, VRE stations and Metrorail stations in the area. By encouraging and expanding mobility options, demands on the roadway infrastructure can be reduced and environmental gains, such as improved air quality, can be enhanced.

Application #2 – Telegraph Road project from Beulah Street to South Kings Highway

Telegraph Road serves as the northern boundary of the Fort Belvoir Military Reservation and as such is one of the principal roadways linking Fort Belvoir to other major regional roadways such as the Capital Beltway, South Van Dorn Street, Hayfield Road, Beulah Street, the Fairfax County Parkway, and Richmond Highway. Telegraph Road was recently widened to four lanes from Richmond Highway northward to the Fairfax County Parkway and from the Parkway northward to Beulah Street.

The events of September 11, 2001, triggered an increase in security measures at Army installations across the United States. Locally, this resulted in the immediate closure of public roads through Fort Belvoir as a force protection measure, including Woodlawn Road and Beulah Street that extend through Fort Belvoir's North Post. In response to public pressure and to ease this traffic situation, Congress included specific language in the FY 2003 National Defense Authorization Act for a preliminary engineering study and environmental analysis of the feasibility of establishing a connector road between Richmond Highway and Telegraph Road. The proposed project is for a four-lane facility

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running from Richmond Highway to Telegraph Road, intersecting Telegraph Road north of the existing Telegraph Road/Beulah Street intersection. As part of this proposed new east-west connector road linking Telegraph Road to Route 1, a short segment of Telegraph Road between Beulah Street and South Kings Highway will be improved at the point where the new roadway intersects Telegraph Road.

With the prior improvements to Telegraph Road to the south, this will leave a short segment from Beulah Street to just south of the new connector roadway and a second segment from just north of the new connector roadway to South Van Dorn Street and South Kings Highway as only two lanes. Beulah Street, South Van Dorn Street, and South Kings Highway are all important east-west arteries delivering traffic to Telegraph Road and the Fort. The VNDIA grant funds are to complete design plans to widen these remaining two lane segments to four lanes between Beulah Street and South Kings Highway. Upon completion of the design, any remaining funds will be used to proceed with land acquisition for the project.

This project, which has been in the Fairfax County Transportation Plan for many years, is essential to accommodate traffic volume on this Fort Belvoir feeder road. With the large traffic increases anticipated with the BRAC relocation at Fort Belvoir, Telegraph Road is an essential missing link in the network.

FISCAL IMPACT:

There is no fiscal impact at this time. The Board endorsed submitting the first round of VNDIA grant applications on October 23, 2006. The Department of Transportation will return to the board for authorization to execute the grant agreement(s) and appropriate the local cash match upon notification of receiving an award.

CREATION OF POSITIONS:

No positions will be created by this grant.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution to Submit VMSRF Applications to the VNDIA

STAFF:

Robert A. Stalzer, Deputy County Executive
Katharine D. Ichter, Director, FCDOT
Tom Biesiadny, Chief, Coordination and Funding Division, FCDOT
Ellen Gallagher, Chief, Capital Projects and Operations Division, FCDOT
Dale Castellow, Chief, Capital Projects Section, FCDOT
Jay Guy, FCDOT

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INFORMATION - 1

Planning Commission Action on Application 2232-P06-22, Fairfax County Park Authority
(Providence District)

On Wednesday, March 21, 2007, the Planning Commission voted unanimously (Commissioner Lusk not present for the vote; Commissioner Hall absent from the meeting) to approve 2232-P06-22.

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

Application 2232-P06-22 sought approval to develop South Railroad Street Park, on approximately 2.04 acres, to provide both active and passive recreational opportunities for a wide-range of users of all ages. The park will include a playground, half-size multi-purpose court, picnic area, and trail. (Tax Map 39-4 ((29)) B; 39-4((52)) B, C1, C2, C3, D; 39-4 ((50)) B, C, D, E).

ENCLOSED DOCUMENTS:

Attachment 1: Verbatim excerpts from 3/21/07 Commission meeting

Attachment 2: Vicinity maps

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Barbara J. Lippa, Executive Director, Planning Commission Office

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INFORMATION – 2

Contract Award – Athletic Field Lighting and Related Electrical Work at Lake Fairfax Park (Hunter Mill District)

Two sealed bids were received and opened on Thursday, March 1, 2007, for the installation of athletic field lighting and related electrical work for Project 474106, Athletic Fields/Synthetic Turf, in Fund 370, Park Authority Bond Construction. This project includes installation of athletic field lighting and related electrical work on rectangular fields #1 and #4 at Lake Fairfax Park as shown on Attachment 2.

The lowest responsible bidder is Lighting Maintenance, Inc. Their bid of \$271,451 is \$178,549 or 39.7% below the Park Authority's pre-bid estimate of \$450,000. The second lowest bid of \$359,183 is \$87,732 or 32.3% above the lowest bid.

Based on the financial capability and the construction experience, Lighting Maintenance, Inc. is considered to be a responsible contractor.

The work is to be completed within 90 calendar days of Notice-to-Proceed. Lighting Maintenance, Inc. holds an active Virginia Class A Contractor's License. The Department of Tax Administration has verified that Lighting Maintenance, Inc. has the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

On March 28, 2007, the Fairfax County Park Authority Board approved the Contract Award.

Unless otherwise directed by the Board of Supervisors, the Park Authority will proceed to award this contract to Lighting Maintenance, Inc., in the amount of \$271,451.

FISCAL IMPACT:

Based on the post-bid update, funding in the amount of \$342,029 is necessary to award this contract and to fund the associated contingency, administrative costs, and related construction costs. Funds are appropriated in the amount of \$342,029 in Project 474106, Athletic Fields/Synthetic Turf, in Fund 370, Park Authority Bond Construction, to award this contract and to fund the associated contingency, administrative costs and related construction costs.

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ENCLOSED DOCUMENTS:

Attachment 1 – Bid Results
Attachment 2 – Scope of Work
Attachment 3 – Cost Estimate

STAFF:

Robert A. Stalzer, Deputy County Executive
Michael A. Kane, Director, Park Authority

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INFORMATION - 3

Contract Award – Engineering Services for Flood Response, Monitoring, and Signalization System

Engineering services are required for the design of a flood response, monitoring, and signalization system that will enhance emergency preparedness and response for areas in Fairfax County with the potential for extensive flooding and associated property damage.

In accordance with the Fairfax County Purchasing Resolution, the engineering firm of HDR Engineering, Inc. (HDR) was selected to perform this work. HDR has extensive technical expertise, experience, and knowledge in flood response, monitoring, and signalization. The Department of Tax Administration has verified that HDR is not required to have a Fairfax County Business, Professional and Occupational License.

This project includes the detailed design and specifications for site specific gages and sensors at nine areas within Fairfax County that may be subject to extensive flooding: including the six high hazard Public Law 566 lakes, Reservoir 2A (Fairview Lake), and two other locations in the county, Huntington and Belle View. This project also provides for the design of a data monitoring and collection system that is automated to detect risk levels and notify appropriate county staff as potential flooding events are developing. The system will be scalable to allow for the installation of gages and other enhanced predictive capabilities at other areas of concern in the future.

As part of the system design, a site specific flood response plan will be developed for each location. The flood response plan will be coordinated with and incorporated into existing Emergency Action Plans. Effectiveness will be validated through emergency response exercises.

The acquisition of a scalable signalization system is recommended for Fairfax County to proactively address response activities prior to and during flooding events in the areas of the county with the potential for extensive flooding and associated property damage.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award a contract to HDR ENGINEERING INC. in the amount of \$390,000. This contract will remain open for a period not to exceed 5 years and may be amended to allow for additional sites and services.

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FISCAL IMPACT:

Funding for this contract is available in Fund 318 Stormwater Management, Project FX4000, Dam Safety.

ENCLOSED DOCUMENTS:

Attachment 1: List of Other Firms Considered
(Contract available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)
Howard J. Guba, Deputy Director, DPWES
Randy Bartlett, Director, Stormwater Management Program, DPWES

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INFORMATION - 4

Quarterly Status Report on the Board's Four-Year Transportation Program and Other Selected Projects

On February 9, 2004, the Board unanimously endorsed the Chairman's Four-Year Transportation Program. This significant transportation initiative includes a \$215 million commitment of capital funds for major highway and transit improvement projects, spot capacity and safety intersection improvements, and pedestrian improvements throughout the County as well as improvement strategies in the areas of pedestrian safety and access, incident management, signalization and intersection traffic flow, context engineering, expedited project delivery, teleworking, and transportation funding. Funding for the capital program is a combination of \$50 million in federal Regional Surface Transportation Program (RSTP) and Congestion Management and Air Quality (CMAQ) funds anticipated to be received by the County as well as \$165 million in County General Obligation (G.O.) bonds approved by the voters on November 2, 2004.

Enclosed is the quarterly status report on the Board's Four-Year Transportation Program and other selected projects. This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES) and the Virginia Department of Transportation (VDOT) Northern Virginia District.

The information provided in the attached March 2007 report is an update to the December 2006 status report which was provided to the Board on February 5, 2007.

Staff provides a full status update on the capital projects every quarter. For the non-capital program improvement strategies, a summary of activities is provided each quarter with a full status update annually.

ENCLOSED DOCUMENTS:

Attachment 1: March 2007 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program and Other Selected Projects for FY 2005 Through FY 2008

STAFF:

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

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April 9, 2007

10:30 a.m.

Matters Presented by Board Members

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April 9, 2007

11:20 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Citizens to Preserve and Expand Fitness Facilities, Seymour Schneider, Truett Degeare, Kevin Ritter, Joseph Stewart, Sidney Sachs, Glen Dixon, Suzanne Ritter, and Robert Cook v. Fairfax County Park Authority, Fairfax County Department of Public Works and Environmental Services, and Fairfax County Board of Supervisors*, Case No. CL-2007-0003492 (Fx. Co. Cir. Ct.) (Springfield District)
 - 2. *Fairfax County Park Authority v. The McCue and McCue Limited Partnership*, Case No. CL-2006-0003350 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 3. *Eileen M. McLane, Fairfax County Zoning Administrator v. Carmen J. Trummer, a.k.a. Carmen J. Armour*, Case No. CL-2007-0000871 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 4. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose Luis Choque*, Case No. CL-2006-0015975 (Fx. Co. Cir. Ct.) (Providence District)
 - 5. *Eileen M. McLane, Fairfax County Zoning Administrator v. Micaela Valencia*, Case No. CL-2007-0000211 (Fx. Co. Cir. Ct.) (Providence District)

6. *Eileen M. McLane, Fairfax County Zoning Administrator v. Woo Dong Han and Young Nam Han*, Case No. CL-2007-0003552 (Fx. Co. Cir. Ct.) (Braddock District)
7. *Eileen M. McLane, Fairfax County Zoning Administrator v. Roy Faircloth*, Case No. CL-2007-0003748 (Fx. Co. Cir. Ct.) (Springfield District)
8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kenneth J. Nies*, Case No. CL-2007-0003480 (Fx. Co. Cir. Ct.) (Mason District)
9. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)
10. *Board of Supervisors of Fairfax County, Virginia v. Chantilly Amusements, L.L.C., et al.*, Case No. CL-2006-0001640 (Fx. Co. Cir. Ct.) (Sully District)

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3:30 p.m.

Public Hearing on the FY 2008 Effective Tax Rate Increase

ISSUE:

Because the assessed value of existing property has increased by one percent or more, Virginia Code Section 58.1-3321 requires the Board to hold a public hearing on the real estate tax rate.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors maintain the real estate tax rate at the FY 2007 level of \$0.89 per \$100 of assessed value. Action on the tax rate is recommended to take place on April 30, 2007 as part of the annual adoption of the tax rate resolution, after the public hearings on the *FY 2008 Advertised Budget Plan* on April 9, 10 and 11, 2007 and the Board markup on April 23, 2007.

TIMING:

On March 12, 2007, the Board authorized advertisement of a public hearing to be held on April 9, 2007, at 3:30 p.m.

BACKGROUND:

The *FY 2008 Advertised Budget Plan* is based on a real estate tax rate of \$0.89 per \$100 of assessed value. The tax rate being proposed remains the same as FY 2007. Although no numerical change in the Real Estate tax rate is being proposed; the total assessed value of existing property has increased by more than one percent. Under such circumstances, Virginia Code Section 58.1-3321 requires that the Board advertise a public hearing and take action to adopt the proposed FY 2008 rate rather than the rate computed by the statutory formula. It should be noted that the total increase in assessed value of existing properties is expected to be 2.47 percent including a decrease of 0.33 percent for residential real property and an increase of 13.57 percent for non-residential real property as a result most non-residential property owners will experience an increase in their real estate tax bill and most residential property owners will experience no change or a decrease in their real estate tax bill

The following language, based on Virginia Code, describes the effective tax increase due to appreciation and a constant tax rate.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's

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total assessed value of real property by 2.47 percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.8686 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: Fairfax County, Virginia, proposes to adopt a tax rate of \$0.89 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.0214 per \$100, or 2.47 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Fairfax County, Virginia, will exceed last year's by 2.88 percent. The total budget increase is based on all revenues received by the General Fund of Fairfax County. Projected FY 2008 disbursements reflect an increase of 1.34 percent over the FY 2007 level.

FISCAL IMPACT:

The FY 2008 real estate tax rate of \$0.89 per \$100 of assessed value results in the revenue projections outlined in the *FY 2008 Advertised Budget Plan*. If the tax rate is lowered to a rate of \$0.8686 per \$100 of assessed value described by Virginia Code Section 58.1-3321, then the revenue projection set forth in the *FY 2008 Advertised Budget Plan* would decrease by \$48,605,692.

ENCLOSED DOCUMENT:

Attachment 1 – Virginia Code Section 58.1-3321

STAFF:

Anthony H. Griffin, County Executive
Edward L. Long, Jr., Deputy County Executive
Susan W. Datta, Director, Department of Management of Budget
Kevin Greenlief, Director, Department of Tax Administration
Michael Long, Senior Assistant County Attorney

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April 9, 2007

3:30 p.m.

Public Hearing for a Sewer Ordinance Amendment to Revise the Sewer Service Charges and the Availability Fees

ISSUE:

Board of Supervisors' adoption of a proposed sewer ordinance amendment is being requested to revise Sewer Service Charge and Availability Fee rates to be consistent with the Wastewater Management Program's revised five-year financial forecast (the Rate Study) for the Sewer System, prepared in cooperation with its consultant, Public Resources Management Group, Inc. (PRMG). The effects of these sewer rate revisions are as follows:

1. To establish the Sewer Service rates for FY 2007 through FY 2011.
2. To revise the previously adopted Sewer Service rates for FY 2009 and FY 2010 due to new Chesapeake Bay requirements.
3. To establish the Availability Fee rates for FY 2007 through FY 2011.
4. To maintain a 5-year (FY 2007 - FY 2011) sewer rate schedule; outdated FY 2006 rates will be deleted, and new FY 2011 rates will be added.

Although the sewer rate schedule in the sewer ordinance is multi-year, all sewer rates are reviewed, adjusted as necessary, and adopted annually to ensure sewer rates are accurately priced.

The revised, 5-year rate schedule for the Sewer Service Charge per 1,000 gallons, with previously adopted rates in parentheses, is as follows:

PROPOSED SEWER SERVICE CHARGE RATE SCHEDULE				
<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
\$3.50	\$3.74 (\$3.74)	\$4.10 (\$3.99)	\$4.50 (\$4.26)	\$4.94

The FY 2009 and FY 2010 sewer service charge rates are being increased to cover debt and capital expenses anticipated for the construction of additional treatment facilities to meet more stringent nitrogen removal requirements imposed by the State as a result of "Chesapeake 2000" Agreement. Signatories to the agreement besides the State of Virginia include the States of Maryland and Pennsylvania, the District of Columbia, the United States Environmental Protection Agency (USEPA), and the Chesapeake Bay Commission.

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The revised, 5-year rate schedule for the Availability Fees for a single-family residence, with previously adopted rates in parentheses, is as follows:

PROPOSED AVAILABILITY FEE RATE SCHEDULE				
<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
\$6,138	\$6,506 (\$6,506)	\$6,896 (\$6,896)	\$7,310 (\$7,310)	\$7,750

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed sewer ordinance amendment as set forth in Attachment I.

TIMING:

Public Notices of the sewer rate revisions were advertised on March 1, 2007, and March 8, 2007, in the Washington Times (see attachment). The public hearing is scheduled for 3:30 p.m. on April 9, 2007. Decision on the sewer rate revisions will coincide with the markup and adoption of the FY 2008 Advertised Budget Plan. FY 2008 sewer rates will become effective on July 1, 2007.

BACKGROUND:

In February 2007, the Wastewater Management Program and PRMG completed the Rate Study, which indicated the existing rate increases were not adequate to maintain minimum fund balances (see the proposed notices for rate revisions). Minimum fund balances or "reserves" are maintained to comply with bond requirements and to fund major capital expenditures such as the addition of nitrification (ammonia nitrogen removal) facilities at wastewater treatment plants. It is anticipated that desired reserve levels can be maintained under the proposed ordinance amendment (Attachment I).

A forecasted, 4-year rate schedule (FY 2008 - FY 2011) is recommended for the County's Sewer Service Charge (See Staff Report). The Sewer Service Charge is based on the volume of water used by a sewer customer and is billed quarterly to offset the operations, maintenance, debt, and capital costs allocated to "existing customers." Last year, 6.75 percent annual rate increases were adopted for FY 2007 through FY 2010. This year's proposed rate increases will remain the same for FY 2008 (6.75%), however 9.75 percent annual rate increases are being recommended for FY 2009 through FY 2011. The recommended rate increases will provide for inflation and the cost of constructing nitrogen removal facilities at wastewater treatment plants to comply with new discharge requirements imposed by the state and the Chesapeake Bay Program. These rate increases are consistent with this year's Rate Study recommendations.

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The County's Sewer Service Charge remains very competitive on a local basis (see attached).

Similarly, with regard to Availability Fees and commercial fixture unit rates, a four-year rate schedule is proposed. Availability Fees are one-time "tap fees" paid by sewer customers to connect to the system. The revenue from Availability Fees is used to offset the costs of expanding major treatment facilities. The FY 2007 rate is being indexed 4.5 percent, while the FY 2008 through FY 2011 rates are being indexed 6.0 percent in anticipation of rising borrowing costs. Indexing recognizes the time value of money being used now to construct capacity for future customers.

FISCAL IMPACT:

In FY 2008, assuming a typical water usage per household of 19,000 gallons/quarter (or 76,000 gallons/year), the average homeowner's sewer bill will be approximately \$284 per year, which is an increase of \$18.24 over the FY 2007 sewer bill. The annual cost impact of the FY 2009 to FY 2011 rate increases for a typical homeowner will be approximately an additional \$27 to \$33 a year as follows, because of the new nitrogen removal requirements.

Fiscal Year	Service Charge (\$/1,000 gallons)	Annual Bill (\$)	Increase, \$ (% Increase)
2007	\$3.50	\$266.00	\$16.72 (6.75%)
2008	\$3.74	\$284.24	\$18.24 (6.75%)
2009	\$4.10 (Revised)	\$311.60	\$27.36 (9.75%)
2010	\$4.50 (Revised)	\$342.00	\$30.40 (9.75%)
2011	\$4.94 (New)	\$375.44	\$33.44 (9.75%)

The cost impact of the new Total Nitrogen (TN) removal requirements began in FY 2007. The cost impact of the additional nitrogen removal costs to a typical homeowner will be approximately \$70 per year by FY 2011.

Fiscal Year	Annual Bill, \$ (% Increase) w/o TN Cost Effects in rates	Annual Bill, \$ (% Increase) w/TN Cost Effects in rates	Increase, \$
2007	\$258 (3.6%)	\$266 (6.75%)	\$8
2008	\$271 (5.0%)	\$284 (6.75%)	\$13
2009	\$282 (4.0%)	\$312 (9.75%)	\$30
2010	\$293 (4.0%)	\$342 (9.75%)	\$49
2010	\$305 (4.0%)	\$375 (9.75%)	\$70

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Approximately \$1.5 million in additional Availability Fee revenue will be generated annually with the 6.0 percent rate increases in availability fees.

Revenues from the collection of Sewer Service Charges and Availability fees are recorded in Fund 400, Sewer Revenue Fund.

ENCLOSED DOCUMENTS:

Attachment I - The Proposed Amendment to Article 67.1-10 (Charges) of the Code of the County of Fairfax

Attachment II - Public Hearing Advertisements

Attachment III - Staff report prepared by the Department of Public Works and Environmental Services

Attachment IV – Table - Comparison of Area Water and Sewer Charges
(Copies of PRMG's "Five-year Financial Forecast" are available upon request)

STAFF:

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

Howard J. Guba, Deputy Director, DPWES

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

Board Agenda Item
April 9, 2007

3:30 p.m.

Public Hearing on PCA 1998-DR-049-04 (Hampstead Village LLC) to Amend the Proffers for RZ 1998-DR-049 Previously Approved for Residential Development at a Density of 5.92 Dwelling Units Per Acre to Permit the Resubdivision of a Single Lot Into 2 Lots (Lots 8A and 9A) as Originally Approved Pursuant to RZ 1998-DR-049 Resulting in an Overall Density of 5.96 Dwelling Units Per Acre, Located on Approximately 15,648 Square Feet, Zoned PDH-5, Dranesville District

Public Hearing on PCA 1998-DR-049-04 (Hampstead Village LLC) is to be deferred to April 30, 2007 at 3:00 p.m.

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4:00 p.m.

Public Hearing on SE 2006-MA-027 (Joanne Krause) to Permit Uses in a Floodplain,
Located on Approximately 23,825 Square Feet Zoned R-2, Mason District

The application property is located at 8106 Accotink Drive, Tax Map 59-4 ((2)) 45.

Water Quality Encroachment Request #6843-WRPA-005-1 and Water Quality Impact Assessment (WQIA) 6843-WQ-001-1, application for an exception to re-construct a single family dwelling within a Resource Protection Area (RPA), under the provisions of CBPO Section 118-6-7.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, February 28, 2007, the Planning Commission voted 10-1-1 (Commissioner Hart opposed; Commissioner Harsel abstaining) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2006-MA-027, subject to the Development Conditions listed in Appendix 1 of the staff report;
- Approval of 6843-WRPA-005-1, subject to the conditions found in Attachment A of Appendix 6 of the staff report.

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
April 9, 2007

4:00 p.m.

Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Large Retail Sales Establishments

Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Large Retail Sales Establishments is to be deferred

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Board Agenda Item
April 9, 2007

4:30 p.m.

Public Hearing to Establish the Little Rocky Run Community Parking District (Sully District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on March 12, 2007, for April 9, 2007, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix M (CPD Restrictions)
Attachment II: Area Map of Proposed Little Rocky Run CPD Establishment

STAFF:

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

Board Agenda Item
April 9, 2007

4:30 p.m.

Public Hearing to Establish the Lake Braddock Community Parking District (Braddock District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on March 12, 2007, for April 9, 2007, at 4:30 p.m.

BACKGROUND:

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

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

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

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

FISCAL IMPACT:

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

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
April 9, 2007

4:30 p.m.

Public Hearing to Expand the West Hampton Community Parking District (Lee District)

ISSUE:

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

RECOMMENDATION:

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

TIMING:

The public hearing was authorized on March 12, 2007, for April 9, 2007, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to expand a CPD for the purpose of prohibiting or restricting the parking of watercraft; boat trailers; motor homes; camping trailers and any other trailer or semi-trailer; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers, including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 on the streets in the district. No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. Pursuant to Fairfax County Code Section 82-5B-3, the Board may expand a CPD if: (1) the Board receives a petition requesting such an expansion and such petition contains the names and signatures of petitioners who represent at least 60 percent of the addresses or other real property within the proposed district, and represent more than 50 percent of the eligible addresses on each

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

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

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

FISCAL IMPACT:

The cost of sign installation is estimated at \$150 to be paid out of Fairfax County Department of Transportation (FCDOT) funds. This assumes a one-time installation of CPD signs. No funding exists for future maintenance of the signs.

ENCLOSED DOCUMENTS:

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

STAFF:

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

Board Agenda Item
April 9, 2007

7:00 p.m.

Public Hearing on the County Executive's Proposed FY 2008 Advertised Budget Plan, the Advertised Capital Improvement Program for Fiscal Years 2008 - 2012 (CIP) (With Future Fiscal Years to 2017) and the Current Appropriation in the FY 2007 Revised Budget Plan

ENCLOSED DOCUMENTS:

None. Board Members will receive the Planning Commission's recommendations on the Advertised Capital Improvement Program for Fiscal Years 2008 – 2012 (With Future Fiscal Years to 2017) prior to the April 9, 2007, public hearing.

Board Members are requested to bring to the meeting the following documents previously forwarded to them:

1. *FY 2007 Third Quarter Review*
2. FY 2008 Advertised Budget Plan, Volumes 1 & 2 and the Budget Overview
3. Advertised Capital Improvement Program for Fiscal Years 2008 – 2012 (With Future Fiscal Years to 2017)

STAFF:

Anthony H. Griffin, County Executive
Edward L. Long, Jr., Deputy County Executive
Susan W. Datta, Director, Department of Management of Budget

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