

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 21, 2007**

**AGENDA**

- |       |             |                                                                               |
|-------|-------------|-------------------------------------------------------------------------------|
| 9:00  | <b>Done</b> | Presentations                                                                 |
| 10:00 | <b>Done</b> | Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups |
| 10:00 | <b>Done</b> | Items Presented by the County Executive                                       |

**ADMINISTRATIVE ITEMS**

- |   |                 |                                                                                                                                                                                                                         |
|---|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider Amendments to Chapter 4 (Taxation and Finance) of the Fairfax County Code Relating to Courthouse Security Fees                                                  |
| 2 | <b>Approved</b> | Authorization to Advertise a Public Hearing Regarding the Conveyance of County-Owned Property to the Virginia Department of Transportation for Project 0123-029-F28-R201 (Mount Vernon District)                        |
| 3 | <b>Approved</b> | Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Mount Vernon, Springfield, and Sully Districts)                                                                                        |
| 4 | <b>Approved</b> | Additional Time to Commence Construction for Special Exception SE 2002-MA-019, Campbell & Ferrara Nurseries, Inc. (Mason District)                                                                                      |
| 5 | <b>Approved</b> | Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law                                           |
| 6 | <b>Approved</b> | Approval of a Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Springfield, Mount Vernon, and Dranesville Districts)                                            |
| 7 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3, Relating to Uniformed and Employees' Retirement Systems - Change in Social Security Offset to Service-Connected Disability Benefits |
| 8 | <b>Approved</b> | Streets Into the Secondary System (Dranesville, Hunter Mill, Mason, Providence and Sully Districts)                                                                                                                     |



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 21, 2007**

**INFORMATION ITEMS**

- |       |              |                                                                                                                                                                |
|-------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1     | <b>Noted</b> | For the 30 <sup>th</sup> Consecutive Year, Fairfax County's Comprehensive Annual Financial Report Has Been Awarded a Certificate of Achievement for Excellence |
| 2     | <b>Noted</b> | Contract Award – Consultant Services, Bus Operations Planning Support                                                                                          |
| 3     | <b>Noted</b> | Contract Award—Girls Probation House (Springfield District)                                                                                                    |
| 4     | <b>Noted</b> | Contract Award - Enhanced Nutrient Reduction Project at the Noman M. Cole, Jr. Pollution Control Plant (Mount Vernon District)                                 |
| 5     | <b>Noted</b> | Contract Award – Mount Vernon Stream Restoration (Mount Vernon District)                                                                                       |
| 6     | <b>Noted</b> | Amendment to the Transportation Enhancement Program Agreement for Chain Bridge Road Streetscape and Traffic Calming Project (Dranesville District)             |
| 7     | <b>Noted</b> | Contract Award – Fairfax County Incentive Fund                                                                                                                 |
| 8     | <b>Noted</b> | Contract Award—I-95 Landfill ATLL Unit-Phase IIIA Liner and Part 2 CAP, MSW Unit-Phase IVB CAP (Mount Vernon District)                                         |
| 9     | <b>Noted</b> | Contract Award – Hidden Oaks Nature Center Low Impact Development Parking Lot (Mason District)                                                                 |
| 10:30 | <b>Done</b>  | Matters Presented by Board Members                                                                                                                             |
| 11:20 | <b>Done</b>  | Closed Session                                                                                                                                                 |

**PUBLIC HEARINGS**

- |      |                 |                                                                                                                                   |
|------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 3:30 | <b>Approved</b> | Public Hearing on PCA 2003-MV-045 (Gunston Cove Homeowners Association, A Non-Stock Virginia Corporation) (Mount Vernon District) |
|------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------|

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
MAY 21, 2007**

**PUBLIC HEARINGS  
(CONTINUED)**

3:30	<b>Approved</b>	Public Hearing on PCA 1998-DR-049-04 (Hampstead Village LLC) (Dranesville District)
3:30	<b>Denied R-3/Approved R-2 Zoning</b>	Public Hearing on RZ 2006-PR-012 (CB Companies, LLC) (Providence District)
4:00	<b>Approved</b>	Public Hearing to Consider Proposed Amendment to Chapter 61 Article 1, Section 61-1-3 (d) (1) (A) 2 c: (Building Provisions) of <i>The Code of the County of Fairfax, Virginia</i>
4:00	<b>Decision only deferred to 6/4/07 at 3:00 p.m.</b>	Public Hearing to Consider Proposed Amendment to Chapter 61-1-2 Definition (Building Provisions) of <i>The Code of the County of Fairfax, Virginia</i>
4:00	<b>Approved</b>	Public Hearing on a Proposed Amendment to the Zoning Ordinance Re: Large Retail Sales Establishments
4:30	<b>Approved</b>	Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM) Related to Fire Hydrants, Sanitary Sewers, Sidewalks and an Editorial Change
4:30	<b>Approved</b>	Public Hearing on Proposed Amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of <i>The Code of the County of Fairfax, Virginia</i> RE: Consistency with the Chesapeake Bay Preservation Area Designation and Management Regulations



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

**Monday**  
**May 21, 2007**

---

9:00 a.m.

PRESENTATIONS

1. PROCLAMATION – To designate May 25, 2007, as Missing Children’s Day in Fairfax County. Requested by Supervisor Gross.
2. CERTIFICATE – To recognize Gary Hall, basketball coach of Herndon High School, for his years of service. Requested by Supervisor DuBois.
3. PROCLAMATION – To designate June 2-3, 2007, as Springfield Days in Fairfax County. Requested by Supervisors Kauffman and McConnell.
4. CERTIFICATE – To recognize the Centreville Historic Work Group for its work. Requested by Supervisor Frey.
5. PROCLAMATION – To designate May 2007 as Community Action Month in Fairfax County. Requested by Chairman Connolly.
6. PROCLAMATION – To designate May 20-26, 2007, as Public Works Week in Fairfax County. Requested by Chairman Connolly.

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007

10:00 a.m.

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

ENCLOSED DOCUMENTS:  
Appointments to be Heard May 21, 2007

STAFF:  
Nancy Vehrs, Clerk to the Board of Supervisors

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007

10:00 a.m.

Items Presented by the County Executive

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Consider Amendments to Chapter 4 (Taxation and Finance) of the Fairfax County Code Relating to Courthouse Security Fees

ISSUE:

Authorization to advertise a public hearing to consider amending and readopting Section 4-22-3 of the Fairfax County Code, relating to a fee increase from \$5.00 to \$10.00 in the courthouse security fee currently imposed on each criminal and traffic case in the Circuit and District Courts of the County.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing to consider adoption of the enclosed ordinance at 4:00 p.m. on Monday, June 18, 2007.

TIMING:

Board action is requested on May 21, 2007, in order to provide sufficient time to advertise the proposed public hearing as required by Virginia Code Section 15.2 – 1427(F).

BACKGROUND:

Since July 1, 2002, the County has imposed a fee of \$5.00 on each criminal or traffic case in its district or circuit courts in which the defendant is convicted of a violation of any statute or ordinance. Senate Bill 1082, signed into law on March 15, 2007, permits the Board to increase the fee from \$5.00 to \$10.00 effective July 1, 2007. The total assessment is intended to support the Office of Sheriff's costs associated with courthouse security personnel, as well as, equipment used in connection with providing courthouse security. There is no maintenance of effort clause, so the assessment can be used towards currently funded courthouse security efforts. The types of security currently provided by Sheriff Deputies include security within the courtroom itself, security in moving and overseeing prisoners within the court facility, and general security control for the lobbies and courthouse building perimeter.

FISCAL IMPACT:

Based on staff estimates, the \$5.00 increase in the courthouse security fee will generate

Board Agenda Item  
May 21, 2007

\$0.9 million annually. The fee, which is directed to courthouse security costs, would free up funding that could be redirected to other needs, such as recruitment and retention issues in the Sheriff's Department. Upon approval, an appropriate revenue adjustment will occur as part of the *FY 2007 Carryover Review*.

ENCLOSED DOCUMENTS:

Attachment I – Proposed Amendment to Chapter 4 of the *Code of the County of Fairfax, Virginia*

Attachment II – Authorizing Legislation

Attachment III - Advertisement to Amend Chapter 4

STAFF:

Anthony H. Griffin, County Executive

Edward L. Long, Jr., Deputy County Executive

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

Michael Long, Senior Assistant County Attorney

Marcia C. Wilds, Department of Management and Budget

Board Agenda Item  
May 21, 2007

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing Regarding the Conveyance of County-Owned Property to the Virginia Department of Transportation for Project 0123-029-F28-R201 (Mount Vernon District)

ISSUE:

Authorization to advertise a public hearing regarding the conveyance of County-owned property to the Virginia Department of Transportation (VDOT) for Project 0123-029-F28-R201.

RECOMMENDATION:

The County Executive recommends that the Board authorize a public hearing regarding the referenced conveyance.

TIMING:

Board action is requested for May 21, 2007, to provide sufficient time to advertise the proposed public hearing on July 9, 2007 at 4:00 p.m.

BACKGROUND:

The subject property, to be conveyed to the Commonwealth of Virginia, is a portion of Tax Map 106-4-01-parcels 0057 and 0058, and Tax Map 113-1-01 parcel 0015, and the entire parcel of Tax Map 112-2-01 parcel 0015. VDOT utilized a right-of-entry to the subject property in order to widen Ox Road (Route 123) from two lanes to four lanes. This project was completed in July 2006.

Staff, in coordination with VDOT, is currently taking the necessary actions to transfer the fee simple title of this area to VDOT. VDOT's offer of compensation for this area of right-of-way is \$158,244. The offer has been reviewed by staff and, based on the use of the property, the Facilities Management Department, the Land Acquisition Division, and the Department of Transportation concur.

Staff recommends that VDOT's offer of this monetary consideration be accepted and the funds be utilized to offset costs of transportation improvements at Laurel Hill. Pursuant to Section 15.2-1800 of the Code of Virginia, a public hearing is required for the Board to convey real property or real property interests.

Board Agenda Item  
May 21, 2007

FISCAL IMPACT:

Compensation of \$158,244 from VDOT may be used to offset costs associated with the Lorton Road design project. Currently Furnace Road and Silverbrook Road, both in the Laurel Hill area, are included in the FY 2007-2011 Adopted Capital Improvement Program (with Future Fiscal Years to 2016) and ranked as Priority 2 projects scheduled to begin within the next 2-3 years. Funding for these projects has not yet been identified.

ENCLOSED DOCUMENTS:

Attachment A – Public Notice

Attachment B – Tax Map No's. 106-4, 112-2, and 113-1

STAFF:

Edward L. Long, Deputy County Executive

Jose A. Comayagua, Director, Facilities Management Department

Katharine D. Ichter, Director, Department of Transportation

Board Agenda Item  
May 21, 2007

### ADMINISTRATIVE – 3

#### Extension of Review Periods for 2232 Review Applications (Braddock, Dranesville, Mount Vernon, Springfield, and Sully Districts)

##### ISSUE:

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

##### RECOMMENDATION:

The County Executive recommends that the Board extend the review periods for the following applications: application FS-S07-7 to July 23, 2007; application FSA-Y96-67-2 to July 26, 2007; application 2232-S07-4 to July 30, 2007; applications FS-B07-25 and FS-Y07-24 to September 24, 2007; and applications 2232-D06-21 and 2232-V07-7 to November 19, 2007.

##### TIMING:

Board action is required on May 21, 2007, to extend the review periods of the applications noted above before their expiration.

##### BACKGROUND:

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

The Board should extend the review periods for applications 2232-D06-21, 2232-V07-7, FS-Y07-24, and FS-B07-25, which were accepted for review by the Department of Planning and Zoning (DPZ) between November 27, 2006, and April 2, 2007. These applications are for public facilities and thus are not subject to the State Code provision for extending the review period by no more than sixty additional days.

Board Agenda Item  
May 21, 2007

The Board also should extend the review periods for applications 2232-S07-4, FS-S07-7, and FSA-Y96-67-2, which were accepted for review by DPZ between February 23, 2007, and March 2, 2007. These applications are for telecommunications facilities. Therefore, in accordance with State Code requirements, the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

The review periods for the following applications should be extended:

- |             |                                                                                                                                                                                               |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2232-D06-21 | Fairfax County Dept. of Public Works and Environmental Services<br>Addition to Dolley Madison Library<br>1244 Oak Ridge Avenue<br>Dranesville District                                        |
| 2232-S07-4  | T-Mobile Northeast LLC and Cingular Wireless<br>130-foot tall monopole<br>12700 Popes Head Road (electric substation)<br>Springfield District                                                 |
| 2232-V07-7  | Fairfax County Park Authority<br>Lighted multi-use fields, field house, playground, trails (Laurel Hill Sportsplex)<br>10000 Furnace Road<br>Mount Vernon District                            |
| FS-S07-7    | Fairfax County Dept. of Information Technology<br>Antenna colocation on approved monopole<br>4890 Alliance Drive (Public Safety and Transportation Operations Center)<br>Springfield District |
| FS-Y07-24   | Fairfax County Facilities Management Department<br>Wellness and Fitness Center (for Fire and Rescue Department)<br>14725 Flint Hill Road<br>Sully District                                    |
| FS-B07-25   | Fairfax County Public Schools<br>Sheet metal product fabrication and storage building<br>9515 Main Street (Woodson High School grounds)<br>Braddock District                                  |

Board Agenda Item  
May 21, 2007

FSA-Y96-67-2      Sprint PCS  
Additional rooftop equipment cabinet  
4050 Legato Road  
Sully 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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007

ADMINISTRATIVE - 4

Additional Time to Commence Construction for Special Exception SE 2002-MA-019,  
Campbell & Ferrara Nurseries, Inc. (Mason District)

ISSUE:

Board consideration of additional time to commence construction for SE 2002-MA-019, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

RECOMMENDATION:

The County Executive recommends that the Board approve twenty-four months additional time for SE 2002-MA-019 to November 24, 2008.

TIMING:

Routine

BACKGROUND:

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

On May 24, 2004, the Board of Supervisors approved Special Exception SE 2002 MA-019, subject to development conditions. The special exception application was filed in the name of Campbell and Ferrara Nurseries, Inc. to allow a plant nursery, pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, on the property located at Tax Map 71-2 ((1)) 36 and 71-2 ((10)) 17A (see the Locator Map in Attachment 1). SE 2002-MA-019 was approved with a condition that the use be established or construction commenced and diligently prosecuted within thirty months of the approval date, unless the Board grants additional time. The development conditions are included as part of the Clerk to the Board's letter in Attachment 2.

On September 26, 2006, Department of Planning and Zoning (DPZ) received a letter dated September 22, 2006, from Stephen K. Fox, agent for the applicant, requesting eighteen months additional time to commence construction for this project (see Attachment 3). On October 12, 2006, Department of Planning and Zoning (DPZ) received a second letter dated

Board Agenda Item  
May 21, 2007

October 9, 2006, from Stephen K. Fox, revising the request for additional time to twenty-four months (see Attachment 4). Mr. Fox indicated that all conditions required by the special exception to bring the existing plant nursery into compliance with the Zoning Ordinance have been met but Phase II of the approval, which allowed the construction of new buildings and parking, has not yet commenced. Mr. Fox indicated that a delay was incurred in the implementation of the special exception by the owners' pursuit of a Comprehensive Plan Amendment on the property to increase the recommended residential density. The request was denied by the Planning Commission on September 20, 2006.

Staff has reviewed Special Exception SE 2002-MA-019 and has established that, as approved, it is still in conformance with all applicable provisions of the Fairfax County Zoning Ordinance to allow a plant nursery in the R-2 and HC Districts. Further, staff knows of no change in land use circumstances that affect the compliance of SE 2002-MA-019 with the special exception standards applicable to this use or which should cause the filing of a new special exception application and review through the public hearing process. The Comprehensive Plan recommendation for this site has not changed since the SE was approved. Finally, the conditions associated with the Board's approval of SE 2002-MA-019 are still appropriate and remain in full force and effect. Staff believes that approval for the request for twenty-four months additional time is in the public interest and recommends that it be approved.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Locator Map

Attachment 2: Letter dated June 24, 2004, to Stephen K. Fox, agent for the applicant, from Nancy Vehrs, Clerk to the Board of Supervisors, which sets forth the conditions for approval of SE 2002-MA-019

Attachment 3: Letter dated September 22, 2006, from Stephen K. Fox, agent for applicant requesting 18 months additional time

Attachment 4: Letter dated October 9, 2006, from Stephen K. Fox, agent for the applicant, revising the request to 24 months 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

Carrie Lee, Staff Coordinator, ZED, DPZ

Board Agenda Item  
May 21, 2007

ADMINISTRATIVE - 5

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law

ISSUE:

Board authorization to advertise amendments to Chapter 82, Motor Vehicles and Traffic. These amendments adopt actions of the 2007 General Assembly into Chapter 82 of the *Code of the County of Fairfax, Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing on the proposed amendments to Chapter 82.

TIMING:

Authorization to advertise the proposed amendments on May 21, 2007; Board of Supervisors' public hearing scheduled for June 18, 2007, at 4:00 p.m. The provisions of these amendments will become effective July 1, 2007.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2007 General Assembly. A summary of these changes, which become effective July 1, 2007, is provided in Attachment 2.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic  
Attachment 2 - Summary of 2007 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic

STAFF:

Robert A. Stalzer, Deputy County Executive  
Colonel David M. Rohrer, Chief of Police  
Robert M. Ross, Assistant County Attorney

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007

ADMINISTRATIVE - 6

Approval of a Multi-Way Stop and "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Springfield, Mount Vernon, and Dranesville Districts)

ISSUE:

Board endorsement of a multi-way stop and "Watch for Children" signs as part of the Residential Traffic Administration Program (R-TAP).

RECOMMENDATION:

The County Executive recommends that the Board:

Approve a multi-way stop at the following intersection:

- Sontag Way and Applecross Lane (Springfield District)

Approve a resolution (Attachment I) for "Watch for Children" signs on the following streets:

- Midday Lane (Mount Vernon District)
- Millwood Pond Drive (Dranesville District)

Finally, the County Executive recommends that the Virginia Department of Transportation (VDOT) be requested to install the approved measures as soon as possible.

TIMING:

Board action is requested on May 21, 2007.

BACKGROUND:

The R-TAP allows for installation of multi-way stops in local residential neighborhoods at intersections consisting of a through cross street connected to adjacent intersections. In addition, the following criteria must be met, as contained in the Virginia Department of Transportation (VDOT) "Policy on Multi-way Stops in Residential Communities":

- The street has 100% residential frontage on both sides and is classified as a local or collector street.
- The street has a posted legal speed limit of 25 mph.
- No potential safety problems would be created.
- The intersection geometrics and spacing to adjacent intersections have been determined to be acceptable.

Board Agenda Item  
May 21, 2007

- There would be minimal impact on traffic flow for neighboring streets.

Staff and VDOT have authorized the multi-way stop requested. On, February 12, 2007, the Department of Transportation received written verification from the appropriate local supervisor confirming community support.

The Board should be aware, however, of the potential negative impacts of multi-way stops. These include delay in travel time, reduced motorist compliance with regulatory signs, difficulty of police enforcement, parking restrictions within 30 feet of stop signs, and increased air and noise pollution.

The R-TAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of VDOT, signs alerting motorists that children may be at play nearby. VDOT reviews each request to ensure the proposed sign will be effectively located and will not be in conflict with any other traffic control devices. The Department of Transportation received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs on Millwood Pond Drive (April 26, 2007), and Midday Lane (January 16, 2007).

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution for "Watch for Children" Signs

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  
Steven K. Knudsen, Transportation Planner, FCDOT

Board Agenda Item  
May 21, 2007

ADMINISTRATIVE- 7

Authorization to Advertise a Public Hearing to Amend Articles 2 and 3 of Chapter 3, Relating to Uniformed and Employees' Retirement Systems - Change in Social Security Offset to Service-Connected Disability Benefits

ISSUE:

Authorization to advertise a public hearing to amend Articles 2 and 3 of Chapter 3, County Employees. These changes to the Uniformed and Employees' Retirement Systems revise service-connected disability retirement benefits by changing the reduction based on Social Security benefits from 64% to 40% of Social Security benefits.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing regarding amendments to the Uniformed and Employees' Retirement Systems for the purpose of changing the level of service-connected disability benefits.

TIMING:

Board action is requested on May 21, 2007, to provide sufficient time to advertise the proposed public hearing on June 18, 2007, at 4:00 p.m.

BACKGROUND:

The current service-connected disability benefit provisions for the Uniformed and Employees' Retirement Systems are summarized below.

For the Uniformed Retirement System: For those retired prior to December 9, 1996, the benefit level is two-thirds (66 2/3%) of salary. If retired after December 8, 1996, there are two possible levels of benefit. The standard benefit is 40% of salary and a severe service-connected disability benefit is 90% of salary.

All three levels of benefits are offset to some extent by Social Security benefits. There is a 64% offset of disability benefits provided by Social Security. This offset occurs regardless of age unless the Social Security benefit is based on a disability other than that for which the employee was retired. If the retiree is not eligible for Social Security disability benefits and is eligible to receive a Social Security benefit based on age, for those with a 66 2/3% or a 90% benefit, there is a 64% offset of the age-based Social

Board Agenda Item  
May 21, 2007

Security benefit that occurs at age 62, the first date of eligibility for Social Security benefits.

For the Employees' Retirement System: The service-connected disability benefit is two-thirds (66 2/3%) of salary. This benefit is reduced by 64% of Social Security disability benefits received at any age, or, at age 62, by 64% of the age-based Social Security benefit.

Benefits in both Systems are also offset by any workers' compensation benefits that are being received.

Proposed Revision: The proposed amendments would enhance service-connected disability retirement benefits by reducing the Social Security offsets from 64% of the Social Security benefit to 40%.

FISCAL IMPACT:

Reduction of the 64% offset provisions would result in a modest impact on the retirement cost of current and future service. A larger component of the cost is due to the unfunded liability created by applying new provisions to past years of service. Following established retirement funding policy the increase in unfunded liability would be amortized over 15 years. The impact on the employer contribution rates for FY 2008 is an increase of 0.32% for the Uniformed System and 0.04% for the Employees' System. Based on FY 2008 budgeted payroll levels, the first year General Fund impact of reducing the 64% offset to a 40% offset is estimated at \$444,782 for the Uniformed System and \$121,288 for the Employees' System. Funding has been included in the FY 2008 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

Attachment 1: Amendments to Chapter 3, Sections 3-2-36, 3-3-37 and 3-3-37.3  
Attachment 2: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated May 4, 2007  
Attachment 3: Advertisement

STAFF:

Edward L. Long, Deputy County Executive  
Lurnz A. Swartz, Executive Director to the Retirement Boards

Board Agenda Item  
May 21, 2007

ADMINISTRATIVE – 8

Streets Into the Secondary System (Dranesville, Hunter Mill, Mason, Providence and Sully Districts)

ISSUE:

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

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Deerfield Farm	Dranesville	Deerfield Farm Court Walker Road (Route 681) (Additional Right-of-Way Only) Arnon Chapel Road (Route 682) (Additional Right-of-Way Only)
Coppermine Crossing Land Bay A	Hunter Mill	Coppermine Road (Route 665) (Additional Right-of-Way Only)
Windy Hill Limited Partnership	Mason	Cherokee Avenue (Route 2246) (Additional Right-of-Way Only)
Church of the Holy Cross	Providence	Gallows Road (Route 650) (Additional Right-of-Way Only)
Edgemoore Section Three and Section Five		Gretna Place (Route 7743) Gretna Place (Route 7743) (Additional Right-of-Way Only)
Westvale Woods	Sully	Rocky Meadow Court (Route 10655) West Ox Road (Route 608) (Additional Right-of-Way Only)

Board Agenda Item  
May 21, 2007

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)  
James W. Patteson, Land Development Services, DPWES

Board Agenda Item  
May 21, 2007

ADMINISTRATIVE - 9

Authorization to Advertise a Public Hearing to Amend Article 7 of Chapter 3, County Employees Regarding Police Officers Retirement System – Change in Employee Contribution Rate and Maximum Service

ISSUE:

Authorization to advertise a public hearing to amend Article 7 of Chapter 3, County Employees. This change to the Police Officers Retirement System reduces the employee contribution rate from 12% to 11% and eliminates the thirty year cap on creditable service.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing regarding an amendment to the Police Officers Retirement System for the purpose of changing the employee contribution rate and eliminating the thirty year cap on maximum service.

TIMING:

Board action is requested on May 21, 2007, to provide sufficient time to advertise the proposed public hearing on June 18, 2007, at 4:00 p.m.

BACKGROUND:

The decrease in the employee contribution rate will reduce Police Officers' out-of-pocket costs and make the Police benefits package more competitive with surrounding jurisdictions. More specifically, the percentage of pay that Police Officers contribute to the retirement system is higher in Fairfax County than in several surrounding localities. Moreover, because Police Officers do not participate in Social Security nor receive Social Security benefits unless they qualify through other employment, Police officers' net income replacement ratio at retirement is lower than that of other County retirees who do participate in Social Security. Lowering the employee contribution rate will provide Police with a more equitable and competitive benefits package.

In addition, the maximum amount of creditable service that currently can be used in calculating a retirement benefit in the Police Officers System is thirty years. The Police Officers System is the only County retirement system that places a cap on the amount of service. Eliminating the cap on creditable service will help to retain experienced staff.

Board Agenda Item  
May 21, 2007

FISCAL IMPACT:

The reduction in the employee contribution rate and the elimination of the cap on creditable service requires an increase in the employer contribution rate. The FY 2008 Adopted Budget Plan includes funding of \$1,000,000 for the cost of the increase in the employer contribution rate resulting from the reduction in the employee rate. Since the adoption of the budget, further actuarial analysis has determined that the cost of the increase in the employer contribution rate resulting from both the reduction in the employee contribution rate and the elimination of the cap on creditable service is \$1,000,000. Therefore, the FY 2008 General Fund impact of both of these changes is fully funded in the FY 2008 Adopted Budget Plan.

ENCLOSED DOCUMENTS:

- Attachment 1: Amendments to Chapter 3, Article 7, Sections 3-7-24 and 3-7-27
- Attachment 2: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated March 21, 2007
- Attachment 3: Letter from Fiona Liston, Consulting Actuary, Cheiron, Inc. to Lurnz Swartz dated March 26, 2007
- Attachment 4: Advertisement

STAFF:

Edward L. Long, Deputy County Executive  
Lurnz A. Swartz, Executive Director to the Retirement Boards

Board Agenda Item  
May 21, 2007

ACTION- 1

Revisions to Chapters 1, 2, 5, 6, and 17 of the Personnel Regulations

ISSUE:

Board approval of revisions to Chapters 1, 2, 5, 6, and 17 of the Personnel Regulations updating language to reflect current terminology, clarify policy and procedures, and more accurately reflect current recruitment practice.

RECOMMENDATION:

The County Executive recommends that the Board approve the proposed revisions to Chapters 1, 2, 5, 6, and 17 of the Personnel Regulations. The proposed revisions were reviewed by the Board at the February 12, 2007, Personnel Committee meeting. The Employees' Advisory Council also reviewed and commented on the proposed revisions.

TIMING:

Routine.

BACKGROUND:

In response to suggestions for improvement and requests for clarification, staff prepared the attached package of proposed revisions to the Personnel Regulations (attachment 1). Attachment 2 provides a summary of the revisions proposed to update language to reflect current terminology, clarify policy and procedures, and more accurately reflect current recruitment practice.

In accordance with the Merit System Ordinance, the proposed revisions were forwarded to the Civil Service Commission for public hearing. The public hearing was held on April 25, 2007. The Commission's comments are included as attachment 3. In response to comments from the Commission and speakers at the public hearing, several of the revisions have been edited to address concerns.

FISCAL IMPACT:

None

Board Agenda Item  
May 21, 2007

ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Chapters 1, 2, 5, 6, and 17 of the Personnel Regulations

Attachment 2: Summary of Proposed Revisions

Attachment 3: Memorandum from the Civil Service Commission

STAFF:

Edward L. Long, Jr., Deputy County Executive

Peter J. Schroth, Director, Department of Human Resources

Edward Rose, Jr., Senior Assistant County Attorney

Board Agenda Item  
May 21, 2007



ACTION - 2

Approval of Memorandum of Understanding Between Fairfax County Board of Supervisors and Lake Barcroft Watershed Improvement District

ISSUE:

The Memorandum of Understanding is an agreement between the Lake Barcroft Water Improvement District (LBWID) and Fairfax County to share the cost of installing flow monitoring and reporting equipment at the Lake Barcroft Dam.

RECOMMENDATION:

The County Executive recommends that the Board authorize execution of the Memorandum of Understanding.

TIMING:

Board Action is requested on May 21, 2007.

BACKGROUND:

The installation of the monitoring equipment will allow the county to remotely monitor flows at the Lake Barcroft Dam on a continuous and real time basis. This information will be used to predict the potential for flooding downstream, and provide an early warning for potential flood events. Approximately one quarter of the Cameron Run watershed flows through Lake Barcroft. Therefore, monitoring flows at the dam site will provide the county the potential to predict flows and water surface elevations downstream approximately 30 to 45 minutes before the flows reach the Huntington Community. The data collected from this station will be integrated into the stormwater signalization project that was approved by the Board on April 9, 2007.

Staff has worked with the LBWID and the City of Alexandria on this partnership. The county is paying for one third of the project cost and the City and LBWID are sharing the remaining two thirds of the project costs under a separate agreement.

FISCAL IMPACT:

The Memorandum of Understanding obligates the county to contribute one third of the total cost, not to exceed \$40,000. Funds are available in Fund 318, Stormwater Management, Project FX4000, Dam Safety.

Board Agenda Item  
May 21, 2007

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Understanding

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Board Agenda Item  
May 21, 2007



ACTION – 3

Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund, for the Acquisition and Preservation of Units at Bryson at Woodland Park by the Fairfax County Redevelopment and Housing Authority (Hunter Mill District)

ISSUE:

Authorization is requested to reallocate up to \$108,000 from The Penny for Affordable Housing (One Penny) Fund to be used as a portion of the permanent financing of the four units at Bryson at Woodland Park.

RECOMMENDATION:

The County Executive recommends that the Board approve the reallocation of \$108,000 from Fund 319, The Penny for Affordable Housing Funds to be used as a portion of the permanent financing.

TIMING:

Approval by the Board is requested on May 21, 2007, in order to purchase the units at completion of construction which is anticipated to be the summer of 2007.

AFFORDABLE HOUSING PRESERVATION:

As of May 15, 2007, a total of 1,372 units of affordable housing have been preserved as a result of the Board's Affordable Housing Preservation Initiative. The four (4) units proposed for preservation at Bryson at Woodland Park will be added to the inventory of preserved units once closing on the proposed financing for the property has taken place

BACKGROUND:

At its meeting on May 3, 2007, the Fairfax County Redevelopment and Housing Authority (FCRHA) approved: 1) the purchase up to four affordable dwelling units at Bryson at Woodland Park Condominiums Development; 2) subject to the approval of the Board, reallocation and disbursement of up to \$108,000 from Fund 319, The Penny For Affordable Housing Fund, for a portion of the permanent financing; and 3) expenditure of up to \$400,000 from Fund 946, Fairfax County Redevelopment and Housing Authority Revolving Development Fund, for the interim financing for the proposed acquisitions.

Board Agenda Item  
May 21, 2007

Pursuant to Section 2-810 (2) of the Fairfax County Zoning Ordinance (Ordinance), the FCRHA has an option to purchase up to one-third of the Affordable Dwelling Units (ADUs) offered in any one development for 90 days after a Sales Offering Agreement for the ADUs has been executed by the FCRHA. The Bryson at Woodland Park project, located between Monroe Street and Sunrise Valley Drive is being developed by a single developer, Fairfield Woodland Park, L.P. The developer is in the process of preparing a Sales Offering Agreement for the Bryson at Woodland Park Condominiums ADUs.

This project will consist of twelve buildings with a total of 584 multi-family units. Seven units will be offered to the First-Time Homebuyers program. Four units will be placed into the FCRHA rental program. The unit size for the units to be purchased are one one-bedroom unit, two two-bedroom units and one three-bedroom unit.

The proposed unit-mix and sales prices for the acquisition of the four units by the FCRHA in the Bryson at Woodland Park is as follows:

<b>Unit Type</b>	<b>Number of Units</b>	<b>Sales Price per Unit</b>
1 bedroom	1	\$ 80,192
2 bedroom	2	\$ 94,602
3 bedroom	1	\$103,695

The following chart outlines the rents and affordable income levels by bedroom size. The utility allowances are calculated using the latest Housing Choice Voucher Utility Allowance Schedule prepared by HCD Staff. The rents will be affordable to households at 50% AMI.

<b>Unit Size</b>	<b>Gross Rent</b>	<b>Utility Allowance</b>	<b>Net Rent</b>	<b>Affordability as % Area Median Income</b>
1 Bedroom	\$ 886	\$150	\$736	50%
2 Bedroom	\$1,063	\$189	\$874	50%
3 Bedroom	\$1,228	\$231	\$997	50%

A financing plan has been developed for the purchase of the four units at the Bryson at Woodland Park Condominiums. The total sale price for four units is \$373,091. The estimated total acquisition cost, including condominium fees to be paid at closing, working capital, closing costs, a contingency of approximately 2% of the sales price, and carrying costs for two months until the units are rented, is \$395,989. It should be noted that the developer pays up to 3% of the sales price for closing costs and other up front fees as provided in the regulations of the ADU Program.

The preliminary financial analysis for the four units using the underwriting criteria agreed to with United Bank determined that the project can carry \$298,473 in permanent

Board Agenda Item  
May 21, 2007

financing based on the United Bank Line of Credit tax-exempt interest rate of 6.31% as of April 2007. In the event the units are not ready for purchase for several months, the analysis also looked at the case where the interest rate increased to 8%. In that case, the project would only carry \$288,102 in permanent debt and would need \$108,000 from One Penny as the equity portion to purchase four ADU units in the Bryson at Woodland Park development.

Under the proposed financing plan, the County is requested to pay the estimated annual condominium fees of \$12,395 for the four units.

FISCAL IMPACT:

Funding in the amount of \$108,000 will be reallocated within Fund 319, The Penny for Affordable Housing Fund, from Project 014196, Affordable Workforce Housing to Project 014263, Bryson at Woodland Park in FY 2008.

Under the proposed financing plan, the County will pay the estimated condominium fees of \$12,395 for the four units. A funding request in the amount of \$12,395 will be submitted to the Board of Supervisors as part of the General Fund FY 2007 budget carryover process.

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 and Grants Management Division, HCD  
Cynthia Ianni, Acting Director, Design, Development and Construction Division, HCD  
Louise Milder, Associate Director, Real Estate Finance and Grants Management Division, HCD  
Derek DuBard, Real Estate Finance Officer, Real Estate Finance and Grants Management Division, HCD

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007



ACTION – 4

Authorization to Reallocate and Disburse Funds from The Penny For Affordable Housing Fund, for the Acquisition and Preservation of Units at Fair Oaks Landing by the Fairfax County Redevelopment and Housing Authority (Springfield District)

ISSUE:

Authorization is requested to reallocate up to \$188,000 from Fund 319, The Penny for Affordable Housing Fund (One Penny) to be used as part of the permanent financing for the three units at Fair Oaks Landing.

RECOMMENDATION:

The County Executive recommends that the Board approve the reallocation of \$188,000 from Fund 319, The Penny for Affordable Housing Fund, to be used as a portion of the permanent financing.

TIMING:

Approval by the Board is requested on May 21, 2007, in order to purchase the units at completion of construction which is anticipated to be the summer of 2007.

AFFORDABLE HOUSING PRESERVATION:

As of May 15, 2007, a total of 1,372 units of affordable housing have been preserved as a result of the Board's Affordable Housing Preservation Initiative. The three (3) units proposed for preservation at Fair Oaks Landing will be added to the inventory of preserved units once closing on the proposed financing for the property has taken place.

BACKGROUND:

At its meeting on May 3, 2007, the Fairfax County Redevelopment and Housing Authority (FCRHA) approved: 1) the purchase of up to three affordable dwelling units at the Fair Oaks Landing townhouse development; 2) subject to the approval of the Board, reallocation and disbursement of up to \$188,000 from Fund 319, The Penny For Affordable Housing Fund, for a portion of the permanent financing; and 3) expenditure of up to \$451,000 from Fund 946, Fairfax County Redevelopment and Housing Authority Revolving Development Fund, for the interim financing for the proposed acquisitions.

Board Agenda Item  
May 21, 2007

Pursuant to Section 2-810 (2) of the Fairfax County Zoning Ordinance (Ordinance), the FCRHA has an option to purchase up to one-third of the Affordable Dwelling Units (ADUs) offered in any one development for 90 days after a Sales Offering Agreement for the ADUs has been executed by the FCRHA. The Fair Oaks Landing project, located at Post Forest Drive and Legato Road is being developed by a single developer, Stanley Martin Development. The developer is in the process of preparing a Sales Offering Agreement for the Fair Oaks Landing ADUs.

This project will consist of 73 townhouse units, nine of which will be ADUs. Six units will be offered to the First-Time Homebuyers program and three units under FCRHA rental program. All the ADUs will be three-bedroom units. The FCRHA will make two of these units available under its Magnet Housing Program to employees of Fire & Rescue, Police, Fairfax County Public Schools and other County agencies and other partners in the Magnet Housing Program and one unit will be available through the Fairfax County Rental Program. The sales price for the three ADUs being considered for purchase by the FCRHA is \$145,059 for each unit.

The following chart outlines the rents and affordable income levels by bedroom size. The utility allowances are calculated using the latest Housing Choice Voucher Utility Allowance Schedule prepared by HCD Staff. The income limits for households occupying the units will be at 70% of the Area Median Income (AMI), but the rents will be affordable to households at 50% AMI.

<b>Unit Size</b>	<b>Gross Rent</b>	<b>Utility Allowance</b>	<b>Net Rent</b>	<b>Rent Affordability</b>	<b>Maximum Income (AMI)</b>
3 Bedroom	\$1,228	\$231	\$997	50% AMI	70% Magnet 80% FCRP

A financing plan has been developed for the purchase of the three ADUs. The total sale price for three units is \$435,177. The estimated total acquisition cost, including working capital, closing costs, a contingency of approximately 2% of the sales price, and carrying costs for two months until the units are rented, is \$450,452. It should be noted that the developer pays up to 3% of the sales price for closing costs and other up front fees as provided in the regulations of the ADU Program.

The preliminary financial analysis for the three units using the underwriting criteria agreed to with United Bank determined that the project can carry \$305,849 in permanent financing based on the United Bank Line of Credit tax-exempt interest rate of 6.31% as of April 2007. In the event the units are not completed and ready to be purchased for several months, the analysis also looked at the case where the interest rate increased to 8%. In that case, the project would only carry \$262,880 in permanent

Board Agenda Item  
May 21, 2007

debt and would need up to \$188,000 from One Penny as the equity portion to purchase four ADU units in the Fair Oaks Landing development.

Under the proposed financing plan, the County is requested to pay the estimated homeowners association fees of \$3,600 annually for the three units.

FISCAL IMPACT:

Funding in the amount of \$188,000 is proposed to be reallocated within Fund 319, The Penny for Affordable Housing Fund, from Project 014196, Affordable/Workforce Housing to Project 014264, Fair Oaks Landing in FY 2008.

Under the proposed financing plan, the County pays the estimated homeowners association fees for the three units. A funding request in the amount of \$3,600 will be submitted to the Board of Supervisors as part of the General Fund FY 2007 budget carryover process.

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 and Grants Management Division, HCD

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

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

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007



**ACTION – 5**

Authorization to Submit Proposed Grant Applications Under the Fiscal Year 2007 U.S. Department of Housing and Urban Development's Super Notice of Funding Availability

**ISSUE:**

Board authorization for Fairfax County Redevelopment and Housing Authority (FCRHA) to apply for the renewal of and accept funding from grants announced under the U.S. Department of Housing and Urban Development's (HUD) Super Notice of Funding Availability (SuperNOFA). The Department of Housing and Community Development (HCD) has prepared two grant applications for which it is requesting approval to apply for renewal.

**RECOMMENDATION:**

The County Executive recommends that the Board authorize the FCRHA to apply for and accept renewal funding totaling \$131,000, if awarded, for the Housing Choice Voucher Family Self-Sufficiency Program Coordinator and the Public Housing Family Self-Sufficiency Program Coordinator.

**TIMING:**

Board approval is requested on May 21, 2007, as the first grant application was due on May 18, 2007. Authorization to apply for these grants was approved by the FCRHA at its May 3, 2007 meeting. The grant proposal was submitted for a due date of May 18, 2007. Should approval not be granted, the proposal will be immediately withdrawn. The grant award period begins in calendar year 2008, depending on the timing of HUD's announcements of the grant awards.

**BACKGROUND:**

On March 13, 2007, HUD issued a SuperNOFA containing funding for 38 different programs. HCD analyzed the programs and selected categories where funding would provide needed assistance in resident services and self-sufficiency. These programs are summarized in the following chart:

<b>Grant Name</b>	<b>Purpose</b>	<b>Maximum Grant Award</b>	<b>Deadline</b>
Housing Choice Voucher Family Self-Sufficiency Coordinator	To provide funds to retain the services of a coordinator to increase the number of Housing Choice Voucher families	\$65,500	May 18, 2007

Board Agenda Item  
May 21, 2007

<b>Grant Name</b>	<b>Purpose</b>	<b>Maximum Grant Award</b>	<b>Deadline</b>
Program (Renewal Grant)	participating in the Family Self-Sufficiency program.		
Public and Indian Housing Family Self-Sufficiency Program Coordinator (Renewal Grant)	To provide funds to retain services of a coordinator to improve efforts at helping Public Housing families achieve greater level of self-sufficiency.	\$65,500	June 6, 2007

**FISCAL IMPACT:**

No cash match from the FCRHA or County will be required. If awarded, the FCRHA will be the recipient of the \$131,000 of SuperNOFA funds. The Housing Choice Voucher Family Self-Sufficiency Program Coordinator funding will be placed in Fund 966, Section 8 Annual Contribution and the Public Housing Family Self-Sufficiency Program Coordinator funding will be placed in Fund 965, Housing Grants.

**STAFF IMPACT:**

No new positions will be created. The Public Housing and Housing Choice Voucher Family Self-Sufficiency grants are renewals of grants that fund 2/2.0 SYE two existing grant-funded positions. The County has no obligation to continue the grant positions when the grant period ends.

**ENCLOSED DOCUMENTS:**

Attachment 1: Executive Summary of Housing Choice Voucher Family Self-Sufficiency Program Coordinator

Attachment 2: Executive Summary of Public Housing Family Self-Sufficiency Program Coordinator

**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

John L. Payne, Director, Revitalization and Real Estate Planning, HCE

Carol Erhard, Director, Rental Services Division, Office of Housing Management, HCD

Christina L. White, Director, Property Management Division, Office of Housing Management, HCD

Elisa L. Johnson, Grants Coordinator, HCD

Board Agenda Item  
May 21, 2007



**ACTION - 6**

Authorization for the Fairfax County Redevelopment and Housing Authority to Issue Tax-Exempt and Taxable Bonds, Authorization for the Board to Submit a Letter of Support for the Reston Glen Apartments to Virginia Small Business Financing Authority Pursuant to the Application for Private Activity Bonds, and Make an AHPP Loan (Hunter Mill District)

**ISSUE:**

Approval by the Board of the following actions in conjunction with the proposed acquisition refinancing, rehabilitation, and preservation of 40 units at the 200-unit Reston Glen Apartments (the Property) located at 12265 Laurel Glade Court in Reston by Fairfield Laurel Glade LLC.

**RECOMMENDATION:**

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

1. Tax-exempt and taxable bonds (the Bonds) to be issued by the Fairfax County Redevelopment and Housing Authority (FCRHA) in an amount not to exceed \$35,000,000.
2. Submission of a letter of support to Virginia Small Business Financing Authority for Reston Glen Apartments in connection with an application for Private Activity Bonds.
3. An Affordable Housing Partnership Program loan (AHPP Loan) to be made by the FCRHA of up to \$2,375,000 from Fund 319, The Penny for Affordable Housing Fund, to Fairfield Laurel Glade LLC to refinance the acquisition, and provide funds for the rehabilitation and preservation of 40 units at Reston Glen Apartments.

**TIMING:**

Approval by the Board is requested on May 21, 2007, in order to allow the FCRHA to issue the bonds and complete the proposed transaction by the end of June.

**AFFORDABLE HOUSING PRESERVATION:**

As of May 15, 2007, a total of 1,372 units of affordable housing have been preserved as a result of the Board's Affordable Housing Preservation Initiative. The 40 units proposed for preservation at Reston Glen will be added to the inventory of preserved units once closing on the proposed refinancing for the property has taken place.

BACKGROUND:

Fairfield is one of the nation's largest multifamily developers, builders, acquisition, redevelopment and management companies and has been redeveloping luxury market-rate housing since 1985 having built or redeveloped over 20,000 apartment homes. Since 1997, Fairfield has been acquiring and rehabilitating affordable housing projects. Fairfield has nearly 1,400 affordable housing units in the Washington D.C. Metro area.

Potential Benefits

The proposed financing of the Property will result in the following benefits:

1. If the FCRHA does not assist to preserve the 40 units, Fairfield has indicated they will operate the entire property as a market-rate property. Although the street rents are affordable to persons with incomes between 64% and 68% of Area Median Income (AMI), the rents in the general market area have been increasing; increases are also highly likely for the subject property in the near future given its prime location.
2. Forty (40) units at the Property (which are currently market rate units) will be operated and maintained as affordable and will serve very-low income households (50% AMI and below).
3. The 40 units will remain affordable for the Bond compliance period of up to 35 years. Should the Bonds be redeemed the Bond affordability period will end. However, the AHPP Loan affordability period is for a minimum 30 years or for as long as 35 years should the AHPP Loan continue to be outstanding.
4. Rehabilitation of this Property, which was built in 1974, will extend the life of the Property.

Project Ownership Information

Fairfield created a limited liability company, Fairfield Laurel Glade LLC, (the Owner) which purchased the Property on January 12, 2007, from KSI with interim financing of \$17,000,000 from Greystone Servicing Corporation, Inc. and \$13,375,000 equity from a 1031 exchange with, Fairfield Kearny Mesa, L.P., an affiliate of Fairfield. This interim financing is expected to be refinanced with the issuance of the Bonds and the AHPP Loan.

The purchase price of the Property was \$30,375,000 (\$151,875 per unit). The appraisal commissioned by Fairfield indicates that the as-is value of the Property is \$30,900,000. The current assessed value of the Property for real estate tax purposes is \$17,198,000.

Board Agenda Item  
May 21, 2007

Project Description

The Property consists of 160 market rate and 40 affordable units. The Property was built in 1974 and is located at 12265 Laurel Glade Court, Reston, Virginia. The Property includes the following amenities:

- Business Center
- Fitness Center
- Laundry Facilities
- Picnic Areas
- Playground

The Property is currently zoned PRC (Planned Residential Community) District. The Property is fully developed.

Rehabilitation

The rehabilitation is anticipated to cost approximately \$3,465,000 or \$17,325 per unit and will take approximately 15 months with a 3-month start-up, for a total of 18 months, to complete. The rehabilitation of Reston Glen will be performed by Fairfield's Construction Division as General Contractor.

Accessibility

None of the units will be rehabilitated to be fully handicapped accessible. For all units in the Property entry requires either going up or down stairs. Unfortunately, the configuration of the buildings does not make the use of ramps financially feasible.

Affordability

The Property (which is currently a market rate property) consists of 200 units with the following mix and proposed rents:

**Proposed Unit Rents**

Unit Size	# of Units	Proposed Rent	Utility * Allowance	Gross Rent	% Median
1 BR	29	\$1,150		\$1,150	Market
2 BR	75	\$1,320		\$1,320	Market
3 BR	56	\$1,460		\$1,460	Market
1 BR	7	\$ 846		\$ 846	50% AMI or less
2 BR	19	\$1,016		\$1,016	50% AMI or less
3 BR	14	\$1,173		\$1,173	50% AMI or less
Total Units	200	*Utilities for affordable units will be paid by the			

Board Agenda Item  
 May 21, 2007

		Owner; for market rate units the expenses will be passed to the residents.
--	--	----------------------------------------------------------------------------

The 40 affordable units will be maintained at 50% of AMI or less for the Bond affordability compliance period. In the future, should there be redevelopment of the site, the compliance period will be suspended during the construction phase and once the units are rented to qualified tenants following construction the compliance period will recommence and continue until such time as the Property will have been in compliance for up to 35 years if the Bonds or the AHPP Loan remain outstanding. Should the AHPP Loan be paid in full prior to maturity, the AHPP Loan affordability compliance period will nonetheless continue for a total of 30 years. Should there be a default resulting in foreclosure under the bonds and redemption of the Bonds, the Bond affordability requirement would be lost.

The Property will be managed by Fairfield's Management Company which in 2006 managed 58,348 units. Fairfield has nearly 1,400 affordable housing units in the Washington D.C. Metro Area and 78 in Fairfax County.

Financing

Anticipated financing for the acquisition and rehabilitation of the Property is as follows:

<b>Sources</b>	<b>Amount</b>
Tax-Exempt Bonds	\$28,000,000
Borrower Bonds	6,000,000
Fairfield Equity	84,609
AHPP Loan	2,375,000
<b>Total Sources</b>	<b>\$36,459,609</b>
<b>Uses</b>	
Acquisition	\$30,375,000
Rehabilitation	3,465,000
Financing	1,954,228
Interest Reserve	492,881
Soft Cost Contingency	172,500
<b>Total Uses</b>	<b>\$36,459,609</b>

The Owner is requesting that the FCRHA issue approximately \$34,000,000 in tax-exempt bonds consisting of \$28,000,000 in Senior Bonds and \$6,000,000 in subordinate Borrower Bonds. Of the \$28,000,000 in Senior Bonds, \$20,000,000 will be issued as tax-exempt Bonds on the closing date and \$8,000,000 will be issued as taxable Bonds. The bond documentation will permit the \$8,000,000 taxable Bonds and the \$6,000,000 Borrower Bonds to convert to tax-exempt Bonds to the extent that additional volume cap allocation is subsequently awarded, as further described below. Bonds in an amount not to exceed

Board Agenda Item  
May 21, 2007

\$35,000,000 are being requested to allow for some flexibility should there be increases in cost. None of the Bonds will be rated or credit enhanced at closing. The Owner or an affiliate will purchase the \$6,000,000 subordinate Borrower Bonds at the closing. As long as the Borrower Bonds are held by the Owner or an affiliate, the interest on the Borrower Bonds will be taxable to the Owner or such affiliate; however, once the Borrower Bonds are converted to tax-exempt bonds, the interest on the Bonds is otherwise tax-exempt. The Owner currently anticipates selling the Property approximately five (5) years following the closing. It is likely that the Borrower Bonds will be converted to Senior Bonds on or before the date the Property is sold. Not being a long-term owner of the Property is consistent with the business model of the Owner's parent company, Fairfield Residential LLC (Fairfield), which often purchases a property such as Reston Glen, renovates it and then sells it after stabilization.

The Bonds are expected to be issued in an aggregate principal amount not to exceed \$35,000,000 to be structured as follows:

- \$20,000,000 in tax-exempt bonds
- \$8,000,000 in taxable bonds with a conversion feature to tax-exempt. The taxable bonds are expected to be converted at the time additional allocation to the project is received from the Virginia Small Business Finance Agency (VSBFA), which is expected to be on or about July 1, 2007, but no later than January 1, 2008.
- \$6,000,000 in taxable subordinate Borrower Bonds to be purchased and held by the Owner or an affiliate, until such time as the Property generates sufficient cash flow to support a conversion of the taxable Borrower Bonds to tax-exempt Senior Bonds. At that time, the then tax-exempt Borrower Bonds are expected to be privately placed with a sophisticated investor that is a Qualified Institutional Buyer (QIB).

The VSBFA has a \$20,000,000 bond allocation cap per project until June 30, 2007. If there is bond allocation remaining after July 1, 2007, an additional allocation can be made to a project that has already received an allocation. The plan is to apply for an additional allocation of tax-exempt bonds immediately after July 1, 2007. If there is not sufficient allocation available at that time, an application for additional allocation will be made on January 2, 2008. In the past few years, the VSBFA has not used all of its volume cap allocation. VSBFA 2007 housing bond allocation is \$90,950,320. It is likely there will be sufficient allocation remaining as there are currently two transactions for \$33,200,000 which leaves a balance of \$57,750,320. The 2006 housing bond allocation was \$84,755,608. At the end of 2006, there was an unused balance of \$58,235,608.

The bonds will be privately placed. The bonds will be interest only for a term of 35 years. The County's financial Advisor, Public Financial Management (PFM), has reviewed this financing structure and endorses it as a pilot for the FCRHA. The FCRHA will have approval rights should the property be sold.

Board Agenda Item  
May 21, 2007

Given the high cost of housing in Fairfax County, and given the fact that the FCRHA's and the County's financial resources are limited in funding affordable housing projects, the FCRHA determined that it would issue the Bonds utilizing a new interest-only structure which has not been previously used by the FCRHA, on a pilot basis and only for this project. The structure has been thoroughly reviewed by the County's Financial Advisor.

The Affordable Housing Partnership Program loan (AHPP Loan) of \$2,375,000 (\$59,375 per affordable unit) will have, among others, the following terms:

- 35-year term or co-terminus with the tax-exempt bonds and a 30-year amortization period.
- In years 1 and 2, simple interest-only payments are due. The interest rate for this period is 2.35%
- In years 3 to 5, simple interest-only payments are due. The interest rate for this period is 4.35%.
- For the remaining 30 year period, principal and interest payments will be based on an agreed upon 30 year amortization schedule with an interest rate of 5.41%.
- All payments are to be made from 75% of the available cash flow and if there is not sufficient cash flow to make debt service on the payments on the loan, interest will accrue but not compound. The available cash flow would be reduced at the time the Borrower Bonds are no longer held by the Owner or an affiliate.
- Secured by a Third Deed of Trust
- The AHPP Loan will require 40 units to be affordable to households at 50% AMI and rented to persons and households who, at the time of initial occupancy, have a household income that does not exceed 50% AMI, for a period of at least 30 years and, for so long as the AHPP Loan is outstanding, up to 35 years.
- Should the loan be paid in full prior to maturity, there will be an affordability monitoring fee of \$5,000 per annum for the remaining portion of the 30 year affordability period.
- The AHPP Loan may be prepaid at anytime, in whole or in part, without premium or penalty.
- The Loan will be due and payable at the time of sale or transfer of the Property. At the time of sale or transfer of the Property to a bonafide purchaser, the seller may request and the FCRHA, with the Board approval, will have the option to permit the AHPP Loan to be assumed by the new purchaser. Conveyance by the Owner of partnership interests or of the Property to another entity related to Fairfield will not cause the AHPP Loan to become due and payable. If the request to keep the AHPP Loan in place is not approved, the new purchaser may request that the FCRHA issue additional interest-only tax-exempt bonds not to exceed \$2,750,000 subject to the FCRHA underwriting requirements at the time. The new bonds would be co-terminus with the outstanding Bonds.

Board Agenda Item  
May 21, 2007

- Should the Property be sold during the term of the AHPP Loan, FCRHA will have approval rights of the sale, which approval will not be unreasonably withheld.
- Source of funds is Fund 319, The Penny for Affordable Housing Fund.

STAFF IMPACT:

None. Existing staff will be used to complete this transaction.

FISCAL IMPACT:

Funding in the amount of \$2,375,000 will be reallocated within Fund 319, The Penny for Affordable Housing from Project 014196, Affordable/Workforce Housing Projects to Project 014261, Reston Glen Apartments. Project 014196 has a balance of \$2,606,538 in fiscal year 2007 as of May 9, 2007. The annual affordability monitoring fee will be \$5,000 should the AHPP loan be prepaid during the affordability period.

The Owner paid an initial \$5,000 application fee collected in connection with this request for bond financing. Upon issuance of bonds, the FCRHA shall receive an issuer fee of approximately \$168,000. In addition, there will be an annual issuer monitoring fee estimated at this time to be approximately \$29,300 per annum. In addition, FCRHA will receive interest payments on the AHPP Loan to the extent there is cash flow from the Property to pay the debt service or at the time the AHPP Loan is paid in full. Fees generated for bond financing, bond issuance, and monitoring will be revenue deposited to Fund 940, FCRHA General Operating.

ENCLOSED DOCUMENTS:

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

STAFF:

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

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007

INFORMATION – 1

For the 30<sup>th</sup> Consecutive Year, Fairfax County's Comprehensive Annual Financial Report Has Been Awarded a Certificate of Achievement for Excellence

Once again, Fairfax County's Comprehensive Annual Financial Report (CAFR) has been recognized by the Government Finance Officers Association (GFOA) for excellence in financial reporting.

The fiscal year that ended June 30, 2006, marked the 30<sup>th</sup> consecutive year Fairfax County has received GFOA's Certificate of Achievement for Excellence in Financial Reporting for the countywide CAFR. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by Fairfax County. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized comprehensive annual financial report. The report must satisfy generally accepted accounting principles and applicable legal requirements. Fairfax County's CAFR for FY 2006 was judged by an impartial panel to meet the high standards of GFOA's program, which include demonstrating a constructive "spirit of full disclosure" that clearly communicates the financial story and motivates potential users to read the CAFR.

With approximately 16,000 members in the United States and Canada, GFOA has been dedicated to sound government financial management since 1906.

ENCLOSED DOCUMENTS:

None

STAFF:

Edward L. Long, Jr., Deputy County Executive  
Robert L. Mears, Director, Department of Finance

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007



## INFORMATION – 2

### Contract Award – Consultant Services, Bus Operations Planning Support

On November 15, 2006, the Department of Purchasing and Supply Management issued Request for Proposal RFP07-888864-11, soliciting offers from qualified sources to provide Consultant Services for Bus Operations Planning Support.

Services provided under this contract will include bus operations and services needs assessment, evaluation of the County's bus operations service design and scheduling procedures, and development of bus operations training programs. The contract will also provide for additional related bus operations planning support services on a task order basis at an established hourly rate for services.

RFP07-860414-10 was publicly advertised and notice was directly sent to seven hundred forty eight (748) potential offerors. Three (3) firms submitted proposals. A Selection Advisory Committee (SAC) was formed and comprised of representatives from the County's Departments of Transportation and Purchasing & Supply Management. The SAC evaluated the proposals in accordance with the criteria and procedures established in the RFP.

Upon completion of final evaluation and negotiations with the top rated offeror, the SAC recommended award of the contract to TranSystems Corporation.

The Fairfax County Department of Tax Administration has verified that TranSystems Corporation does not require a Fairfax County Business, Professional & Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to TranSystem Corporation to provide Consultant Services for Bus Operations Planning Support.

#### FISCAL IMPACT:

The amount for the contract for specified deliverables is \$220,658. Funding is available for this contract from existing appropriations for bus contract services in Fund 100, County Transit. Additional related bus operations planning support services will be accomplished on a task order basis at contracted hourly rates for services, and funded within existing appropriations.

Board Agenda Item  
May 21, 2007

ENCLOSED DOCUMENTS:

Attachment-1: List of Offerors for RFP07-860414-10

STAFF:

Robert A. Stalzer, Deputy County Executive

Cathy A. Muse, Director, Department of Purchasing and Supply Management

Katherine D. Ichter, Director, Department of Transportation

Board Agenda Item  
May 21, 2007

## INFORMATION - 3

### Contract Award—Girls Probation House (Springfield District)

Four sealed bids were received and opened on Thursday, April 19, 2007, for the construction of Project 04A001, Girls Probation House, in Fund 311, County Bond Construction. This contract award will provide for the demolition of the existing facility and the construction of a new 11,500 square foot facility with staff offices, classrooms, meeting/multipurpose rooms and recreation, kitchen, and housing facilities for 12 residents. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Falls Church Construction Corporation. Their bid of \$3,251,000 is \$505,402 or 13.5% below the Engineer's Estimate of \$3,756,402. The second lowest bid of \$3,548,000 is \$297,000 or 9.1% above the low bid, and the highest bid of \$4,210,000 is \$959,000 or 29.5% above the low bid. The contractor's experience in this type of work and a competitive bidding environment are reflected in the lowest responsive and responsible bid.

Falls Church Construction Corporation was one of 11 contractors pre-qualified to bid on the project. The Department of Tax Administration has verified that Falls Church Construction Corporation has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after June 3, 2007.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Falls Church Construction Corporation in the amount of \$3,251,000.

#### FISCAL IMPACT:

Funding in the amount of \$5,797,158 is necessary to award this contract and to fund the associated contingency and other project costs. Funding in the amount of \$5,797,158 is available in Project 04A001, Girls Probation House in Fund 311, County Bond Construction.

#### ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders  
Attachment 2 – Vicinity Map

Board Agenda Item  
May 21, 2007

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Board Agenda Item  
May 21, 2007



#### INFORMATION - 4

#### Contract Award - Enhanced Nutrient Reduction Project at the Noman M. Cole, Jr. Pollution Control Plant (Mount Vernon District)

Engineering design and construction management services are needed to implement the Enhanced Nutrient Reduction (ENR) Project, Project N00322, Noman M. Cole, Jr. Pollution Control Plant Construction, in Fund 408, Sewer Bond Construction. The implementation of the ENR project is required to comply with the State of Virginia newly adopted regulations for nutrient dischargers to the Chesapeake Bay (9 VAC 25-40, 9 VAC 25-720 and 9 VAC 25-820). These regulations set specific limits on the amount of nitrogen and phosphorus that can be discharged from wastewater treatment plants, including the Noman M. Cole, Jr. Pollution Control Plant. The regulations stipulate that compliance shall be achieved as soon as possible, but no later than January 1, 2011, subject to adjustment in an approved compliance plan. Upon completion of the ENR, the Noman M. Cole Pollution Control Plant will be capable of meeting the nitrogen and phosphorus discharge limits on a sustained basis. This project is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

In accordance with the Fairfax County Purchasing Resolution, the engineering firm of Greeley and Hansen LLC (G&H) was selected based on the firm's technical expertise and relevant experience in the wastewater treatment design and technology for the ENR Project. The Department of Tax Administration has verified that G&H is located in Fairfax County and has the required Fairfax County Business, Professional and Occupational License.

The contract between G&H and the County will provide the engineering design services required to prepare the design plans and specifications for the construction of new facilities and the modification of some existing facilities in order to meet the heightened nutrient control. The engineering services will include preliminary design, final design, and bid assistance for the following activities:

1. New Moving Bed Biofilm Reactors, and associated New Methanol Storage and Feed Facility
2. Fine Screen Improvements
3. Gravity Thickener Improvements
4. Activated Sludge Tank Modifications
5. Monomedia Filter Rehabilitations
6. Retention/Equalization Basin Improvements
7. ASE Pumping Modifications
8. Water Ruse Facility
9. Associated Site Improvements

Board Agenda Item  
May 21, 2007

G&H will also assist the County by providing construction management services during construction. Ultimately, the County anticipates that the elements of the ENR project enumerated above will be grouped into four separate construction packages. The reason for breaking up the project into smaller construction contracts is to position the County for an optimal outcome, i.e., increase the number of qualified contractors that can bid on the projects, obtain optimum construction schedule, etc.

It is anticipated that the above proposed Noman M. Cole, Jr. Pollution Control Plant improvements will qualify for a Water Quality Improvements Fund grant. Currently, staff is working to finalize a reimbursement agreement with the Department of Environmental Quality. Once the agreement is approved, the County would qualify for reimbursement up to 35% of the project cost of all eligible improvements.

The engineering design services and the construction management services contract cost is \$14,331,400.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Greeley and Hansen, LLC, in the amount of \$14,331,400.

FISCAL IMPACT:

Funding in the amount of \$14,331,400 is necessary to award this contract and to fund the associated contingencies and other project costs. Funding of \$11 million is currently available in Project N00322, Noman M. Cole, Jr. Pollution Control Plant, Fund 408, Sewer Bond Construction, to award this contract and fund associated contingency and other project costs. This is a multi-year contract and additional funding for the project will be provided using anticipated receipts from an upcoming bond sale or Letter of Credit in early FY 2008 and other funding sources as necessary in future fiscal years.

ENCLOSED DOCUMENTS:

Attachment 1 – List of Awardee and Other Firm Interviewed  
(Copy of contract available in the Office of the Clerk to the Board)

STAFF:

Robert A. Stalzer, Deputy County Executive  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services

Board Agenda Item  
May 21, 2007



## INFORMATION - 5

### Contract Award – Mount Vernon Stream Restoration (Mount Vernon District)

Three sealed bid were received and opened on Tuesday, April 17, 2007, for the construction of Project LH8000, Mount Vernon Stream Restoration Project, in Fund 318, Stormwater Management Program. The goal of this project is to eliminate severe stream erosion and restoring the stream corridor in an environmentally sensitive manner. This project was designed using bio-engineering techniques that will improve water quality, enhance in-stream habitat, and reestablish the stream buffer. In FY2007, the Board allocated the value of one penny of the real estate tax to be used for Stormwater Management, to include stream restoration projects. This project is part of that overall Stormwater Management Program which is included in the FY 2008 - FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Environmental Quality Resources, L.L.C. Its bid of \$341,454 is \$34,882.87 or 11.4% above the Engineer's Estimate of \$306,571.13. The second lowest bid of \$454,537.19 is \$113,083.19 or 33.1% above the low bidder, and the highest bid of \$491,460.29 is \$150,006.29 or 43.9% above the low bidder.

The Department of Public Works and Environmental Services have analyzed the bids received on the referenced project. The item that varied the most with the Engineer's Estimate was Traffic Control (\$41,741 more than the Engineer's Estimate). The higher cost of this item is due to the restriction of commercial vehicles and trucks on George Washington Parkway in accordance to the Special Use Permit, issued by the United States Department of the Interior and National Park Services.

Environmental Quality Resources, L.L.C. has satisfactorily completed several County projects and is considered a responsible contractor. The Department of Tax Administration has verified that Environmental Quality Resources, L.L.C. has the appropriate Fairfax County Business, Professional & Occupational License.

This bid may be withdrawn after June 1, 2007.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Environmental Quality Resources, L.L.C. in the amount of \$341,454.00.

Board Agenda Item  
May 21, 2007

FISCAL IMPACT:

Funding in the amount of \$440,408 is necessary to award this contract and to fund the associated contingency and other project costs. Funds are currently available in Project LH8000, Little Hunting Creek Watershed Projects, in Fund 318, Stormwater Management Program, to award this contract.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders  
Attachment 2 – Vicinity Map

STAFF:

Robert A. Stalzer, Deputy County Executive  
Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services



INFORMATION - 6

Amendment to the Transportation Enhancement Program Agreement for Chain Bridge Road Streetscape and Traffic Calming Project (Dranesville District)

The Chain Bridge Road Streetscape and Traffic Calming project includes brick paver sidewalks and crosswalks, bus shelters, streetlights, landscaping and other streetscape enhancements between Westmoreland Street and Old Chain Bridge Road. There have been seven separate allocations from the Virginia Department of Transportation's (VDOT) Transportation Enhancement Program. The Transportation Enhancement Program allocations for this project are as follows:

Chain Bridge Road Streetscape and Traffic Calming Project  
Transportation Enhancement Program Allocations

Year	VDOT Enhancement Allocation	Fairfax County Share	Total Funding
1998	\$160,000	\$40,000	\$200,000
1999	\$100,000	\$25,000	\$125,000
2000	\$36,000	\$9,000	\$45,000
2001	\$150,000	\$37,500	\$187,500
2003	\$250,000	\$62,500	\$312,500
2004	\$661,000	\$165,250	\$826,250
2005	\$287,000	\$71,750	\$358,750
TOTAL	\$1,644,000	\$411,000	\$2,055,000

On April 5, 1999, the Board approved the execution of an Administration Agreement with VDOT for the 1998 grant. Subsequently, the Board approved the execution of three agreement amendments with VDOT for the 1999 through 2004 grant allocations. Local match funding for the previous allocations has been provided by Fairfax County from the Commercial Revitalization Program bond funds, Fund 315, Project 008912, McLean Streetscape, in the amount of \$174,000, and by the McLean Revitalization Corporation in the form of cash proffers and in-kind services in the amount of \$165,250. Local match funding for the 2005 allocation, in the amount of \$71,750, is provided by the McLean Revitalization Corporation in the form of cash proffers and in-kind services.

Board Agenda Item  
May 21, 2007

The Agreement Amendment must be executed prior to the additional funds from the 2005 allocation being expended.

By executing the Agreement Amendment, the terms and conditions of the original Administration Agreement dated October 18, 1999, and as amended to date, will continue in effect except for modification of the project completion time limit and funding allocations.

Unless otherwise directed by the Board of Supervisors, the County Executive will proceed to execute the Agreement Amendment with VDOT for the Chain Bridge Road Streetscape and Traffic Calming Project.

FISCAL IMPACT:

Local match funding in the amount of \$71,750 is provided by the McLean Revitalization Corporation in the form of cash proffers, private donations and in-kind services.

ENCLOSED DOCUMENT:

Attachment I – Copy of Proposed Agreement Amendment

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Howard J. Guba, Deputy Director, DPWES

INFORMATION - 7

Contract Award – Fairfax County Incentive Fund

On January 12, 2007, the Department of Purchasing and Supply Management issued Request for Proposal RFP07-898669-31, soliciting applications for the development of new and creative solutions that provide and/or expand successful services to un-served or underserved seniors and/or adults (18 years and over) with disabilities. “Un-served” populations include those residents currently not receiving services due to a special circumstance for which existing programs/services cannot accommodate their needs. “Underserved” populations include those residents who may be receiving services, but may not be receiving the correct services or enough services for their circumstance.

RFP07-898669-31 was publicly advertised and notice was directly sent to approximately one hundred twenty five potential offerors. Sixteen organizations submitted proposals totaling \$1,489,749 in total funding requests. A Selection Advisory Committee (SAC) appointed by the County Executive, was comprised of representatives from the various human services departments and Purchasing & Supply Management. The SAC evaluated the proposals in accordance with the criteria and procedures established in the RFP.

Upon completion of final evaluation and negotiations with the top rated offerors, the SAC recommended award of the contract to five non profit organizations referenced in Table A listed below.

Unless otherwise directed by the Board of Supervisors, the County Purchasing Agent will proceed to award this contract to the organizations listed in Table A to provide services for the un-served and underserved seniors and/or adults with disabilities.

**TABLE A**

**PROPOSAL RECOMMENDATIONS FOR FAIRFAX COUNTY INCENTIVE FUND**

Project Title	Organization	Year 1 Recommended Award	Year 2 Recommended Award	Year 3 Recommended Award	TOTAL 3-YEAR Recommended Award
Project Independence – Program to transition five Individuals with serious mental illness into independent living.	PRS, Inc. 500 W. Annandale Rd. Falls Church, VA 22046	\$24,000	\$19,600	\$9,800	\$53,400
disAbilityNavigator – Web-based resource directory for persons with disabilities and their caregivers to connect them to information and services available in Fairfax County, when they need them, and at a level of intensity appropriate to their situation.	SeniorNavigator 600 E. Main St. Suite 360 Richmond, VA 23219	\$66,452	\$0	\$0	\$66,452

Board Agenda Item  
May 21, 2007

Project Title	Organization	Year 1 Recommended Award	Year 2 Recommended Award	Year 3 Recommended Award	TOTAL 3-YEAR Recommended Award
Multi-Ethnic Health Access – Comprehensive bilingual Personal Care Aides (PCA) training programs that assist in the job placement of PCA with providers or directly with individuals.	KCSC 8526 Amanda Pl. Vienna, VA 22180	\$52,495	\$41,585	\$9,575	\$103,655
Disability Resource Mapping System for Northern Virginia – A centralized website where individuals with disabilities, their families, and professionals can visit and find all needed information.	The ARC of No. VA 98 N. Washington St. Falls Church, VA 22046	\$32,349	\$0	\$0	\$32,349
Stimulus Funding – Program using the clubhouse model to increase life skills and participation in the community for individuals with severe physical and/or developmental disabilities isolated at home or without appropriate services.	Specially Adapted Resource Clubs (SPARC) 5081 Queens Wood Dr. Burke, VA 22015	\$44,144	\$0	\$0	\$44,144
	<b>Totals:</b>	<b>\$219,440</b>	<b>\$61,185</b>	<b>\$19,375</b>	<b>\$300,000</b>

**FISCAL IMPACT:**

Funding of \$300,000 for this contract in Project 009498, Fairfax County Incentive Fund within Fund 303, County Construction, to be spent over a period of three years by the awarded community-based non-profit organizations. The funding will promote the development of long term self-sustaining initiatives to expand services in the community.

**ENCLOSED DOCUMENTS:**

Attachment 1: List of offerors for RFP07-898669-31

**STAFF:**

Edward L. Long, Jr., Deputy County Executive  
Verdia Haywood, Deputy County Executive  
Cathy A. Muse, Director, Department of Purchasing and Supply Management  
Dr. Gloria Addo-Ayensu, M.D., Director, Health Department

Board Agenda Item  
May 21, 2007



INFORMATION – 8

Contract Award—I-95 Landfill ATLL Unit-Phase IIIA Liner and Part 2 CAP, MSW Unit-Phase IVB CAP (Mount Vernon District)

Four sealed bids were received and opened on Tuesday, April 11, 2007, for the construction of the I-95 Landfill ATLL Unit-Phase IIIA Liner and Part 2 CAP, MSW Unit-Phase IVB CAP, Project No. 186435, in Fund 114, I-95 Refuse Disposal. This contract award will provide for the installation of a multi-layered soil and geosynthetic liner system over approximately 45 acres as a part of a comprehensive stormwater management system that controls run-on and run-off from the entire landfill site. This project is included in the FY 2008 – FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Glover Construction Company, Inc. Its bid of \$6,484,199 is \$918,457 or 12.4% lower than the Independent Engineer's Estimate of \$7,402,656. This is due to competitive bidding among the general contractors and Glover Construction Company, Inc.'s familiarity with the site conditions and the nature of the work. The second lowest bid of \$6,747,977 is \$263,778 or 4.1% above the low bid. The highest bid of \$7,104,814 is \$620,615 or 9.6% above the low bid.

It is noted that the apparent low bidder, Sargent Corporation, was determined to be a non-responsible bidder for this solicitation and the bid was, therefore, rejected. The second bidder, Glover Construction Company, Inc. was determined to be the lowest responsive and responsible bidder.

Glover Construction Company, Inc. has satisfactorily completed several County projects including two similar projects at the I-95 Landfill site and is considered a responsible contractor. The Department of Tax Administration has verified that Glover Construction Company, Inc. has the appropriate Fairfax County Business, Professional and Occupational License.

This bid may be withdrawn after June 14, 2007.

Unless otherwise directed by the Board of Supervisors, the Department of Public Works and Environmental Services will proceed to award this contract to Glover Construction Company, Inc. in the amount of \$6,484,199.

Board Agenda Item  
May 21, 2007

FISCAL IMPACT:

Funding in the amount of \$7,570,313 is necessary to award this contract and to fund the associated contingency and other costs including design, utility relocation, contract administration, inspection, testing, permits, and fees. Funds are currently available in Fund 114, I-95 Refuse Disposal, Project 186435, I-95 Area 3 Lined Landfill Construction Phase IIIA, in the amount of \$3,297,196 and in Project 186650, I-95 Landfill Closure, in the amount of \$18,567,866 to award this construction contract and to fund the associated contingency and related construction costs. The remaining funding will stay within these projects to fund the other scheduled Lined Landfill and Closure projects.

ENCLOSED DOCUMENTS:

Attachment 1 – Order of Bidders  
Attachment 2 – Vicinity Map

STAFF:

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

Board Agenda Item  
May 21, 2007



INFORMATION - 9

Contract Award – Hidden Oaks Nature Center Low Impact Development Parking Lot (Mason District)

Ten sealed bids were received and opened on Wednesday, March 28, 2007, for the Hidden Oaks Nature Center Low Impact Development (LID) Parking Lot in Project 474404, Infrastructure Renovation and Project 475004, Natural Cultural Resources, both in Fund 370, Park Authority Bond Construction. The project includes the demolition of an existing (4) space parking lot, construction of a new 20 – space LID parking lot, sidewalk, and landscaping. This project is included in the FY 2008 – FY 2012 Adopted Capital Improvement Program.

The lowest responsive and responsible bidder is Arthur Construction. Their bid of \$211,000 is \$54,000, or 20% below the Park Authority's pre-bid construction estimate of \$265,000. The second lowest bid of \$248,325 is \$37,325 or 17.7% above the low bid, and the highest bid of \$459,239 is \$248,239 or 117.6% above the low bid.

Based on their financial capability and construction experience, Arthur Construction is considered to be a responsible contractor and holds a Virginia Class A Contractor's license.

The Department of Tax Administration has verified that Arthur Construction has the appropriate Fairfax County Business, Professional, and Occupational License (BPOL).

On May 9, 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 Arthur Construction in the amount of \$211,000.

**FISCAL IMPACT:**

Based on the post-bid update, funding in the amount of \$264,760 is necessary to award this contract and to fund the associated contingency, administrative costs and other project-related costs. Funds are currently appropriated in the amount of \$260,179 in Project 474404, Infrastructure Renovation, and in the amount of \$4,581 in Project 475004, Natural and Cultural Resources, both in Fund 370, Park Authority Bond Construction to award this contract and to fund the associated contingency, administrative costs and other project-related costs.

**ENCLOSED DOCUMENT:**

Attachment 1 – Bid Results

Board Agenda Item  
May 21, 2007

Attachment 2 – Scope of Work  
Attachment 3 – Cost Estimate

STAFF:

Robert A. Stalzer, Deputy County Executive  
Timothy K. White, Acting Director, Park Authority

Board Agenda Item  
May 21, 2007

10:30 a.m.

Matters Presented by Board Members

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 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. *Request to Petition the General District Court for a Subpoena Duces Tecum on Behalf of the Human Rights Commission for Records Needed for the Investigation of Marvelous Market*
  - 2. *Concerned Citizens of Hollin Hall Village, et al. v. County of Fairfax Board of Zoning Appeals, et al.*, Record No. 070058 (Sup. Ct. Va.) (Mount Vernon District)
  - 3. *Robert Lepelletier, Jr. v. Robert L. Mears, Director of the Department of Finance*, Case No. GV07008814-00 (Fx. Co. Gen. Dist. Ct.)
  - 4. *Board of Zoning Appeals of Fairfax County, Virginia v. Board of Supervisors of Fairfax County, Virginia*, Case No. 2006-0011777 (Fx. Co. Cir. Ct.)
  - 5. *Phillip Luther Moore, II v. Fairfax County, Virginia, Officer Ivancic, Officer Smuck, Officer Shugart, Officer Ankers, and David M. Rohrer, Chief of Police*, Case No. L06CV3220 (U.S.D.C. Dist. Md.)
  - 6. *Salvatore J. Culosi, et al. v. Fairfax County, Virginia, et al.*; Case No. 1:07CV266 (E.D. Va.)

7. *McLean Bible Church v. Eileen M. McLane, Zoning Administrator, and Board of Zoning Appeals of Fairfax County, Virginia*, At Law No. CL-2006-0008305 (Fx. Co. Cir. Ct.) (Dranesville District)
8. *Fairfax County Redevelopment and Housing Authority v. Zareen Hudson, Juan Zayas, and Cristian Hernandez*, Case No. CL-2007-0005458 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *Youn Soo Kim v. Arthur Lee Milam, Jr., and the County of Fairfax, Virginia*, Case No. CL-2006-0012648 (Fx. Co. Cir. Ct.)
10. *Henry Penn v. Fairfax County*, Case No. 1:06CV1449 (E.D. Va.)
11. *In Re the Grievance of Patricia Johnson* (Fairfax County Civil Service Commission)
12. *Courtesy Copy of Complaint Received in Michael C. Judge and Doris Y. Judge v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2007-0003562 (Fx. Co. Cir. Ct.) (Sully District)
13. *Richard William Horner and Margaret Draffin Horner v. Board of Zoning Appeals of Fairfax County, Virginia, et al.*, Case No. CL-2006-0007696 (Fx. Co. Cir. Ct.) (Dranesville District)
14. *Eileen M. McLane, Fairfax County Zoning Administrator v. Adolfo Guillen, et al.*, Case No. CL-2006-0010659 (Fx. Co. Cir. Ct.) (Mason District)
15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marta A. Cortez*, Case No. CL-2007-0002905 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rodney J. Spratley and Jenifer L. Spratley*, Case No. CL-2007-0005021 (Fx. Co. Cir. Ct.) (Providence District)
17. *Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services v. Marta A. Cortez*, Case No. CL 2006-0015092 (Fx. Co. Cir. Ct.) (Lee District)
18. *Board of Supervisors v. G & M Homes, LLC, Number Three, and Gulf Insurance Company and its Successor in Interest, The Travelers Indemnity Company*, Case No. CL-2006-0012212 (Fx. Co. Cir. Ct.) (Providence District)

Board Agenda Item  
May 21, 2007

3:30 p.m.

Public Hearing on PCA 2003-MV-045 (Gunston Cove Homeowners Association, A Non-Stock Virginia Corporation) to Amend the Proffers for RZ 2003-MV-045 Previously Approved for Residential Development at a Density of 3.86 Dwelling Units Per Acre to Permit Modifications to Approved Proffers and Relocation of Previously Approved Noise Wall, Located on Approximately 1.48 Acres Zoned PDH-5, Mount Vernon District

The application property is between Richmond Highway and Cranford Street, south of the intersection of Richmond Highway and Gunston Cove Road, Tax Map 113-2 ((9)) A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 4, 2007, the Planning Commission voted unanimously to recommend the following actions to the Board of Supervisors:

- Approval of PCA 2003-MV-045, subject to the execution of proffers consistent with those dated March 29, 2007, and
- Waiver of the limitation on fence height to permit the proposed noise wall along the eastern boundary of the site to have a maximum height of 15 feet.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 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

The application property is located on the S. side of Addington Dr. and E. of Evans Farm Dr. Tax Map 30-1 ((30)) 8A and 9A.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 19, 2007, the Planning Commission voted unanimously (Commissioners Harsel, Koch, and Murphy absent from the meeting) to recommend that the Board of Supervisors approve PCA 1998-DR-049-04, subject to the executed proffers dated April 3, 2007.

The Commission then voted unanimously (Commissioners Harsel, Koch, and Murphy absent from the meeting) to approve FDPA 1998-DR-049-04, subject to Board approval of PCA 1998-DR-049-04 and subject also to the executed proffers dated April 3, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

John M. Thompson, Staff Coordinator, Zoning Evaluation Division, DPZ

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007

3:30 p.m.

Public Hearing on RZ 2006-PR-012 (CB Companies, LLC) to Rezone from R-1 to R-3 to Permit Residential Development at a Density of 2.0 Dwelling Units Per Acre, Located on Approximately 1.00 Acre, Providence District

The application property is located in the southeast quadrant of the intersection of Providence Street and Helena Drive, Tax Map 39-4 ((1)) 219.

PLANNING COMMISSION RECOMMENDATION:

On March 15, 2007, the Planning Commission voted unanimously (Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Denial of the request to rezone the property to the R-3 District; and
- Approval of the revised request to rezone the property to the R-2 District, subject to execution of proffers consistent with those dated March 15, 2007.

ENCLOSED DOCUMENTS:

None. Staff Report previously furnished.

STAFF:

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

Carrie Lee, Staff Coordinator, Zoning Evaluation Division, DPZ

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007



4:00 p.m.

Public Hearing to Consider Proposed Amendment to Chapter 61 Article 1, Section 61-1-3 (d) (1) (A) 2 c: (Building Provisions) of *The Code of the County of Fairfax, Virginia*

ISSUE:

Board of Supervisors' public hearing to consider proposed amendment to Chapter 61, Article 1, Section 61-1-3 (d) (1) (A) 2 c: (Building Provision) of *The Code of the County of Fairfax, Virginia* that allows for \$0.00 fee for permits for restoration work necessitated by a declared catastrophic event.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendment.

TIMING:

The Board should take action on May 21, 2007. If approved, this amendment shall become effective at 12:01 a.m. on May 22, 2007.

BACKGROUND:

The proposed amendment will provide for a \$0.00 fee for permits to repair, replace, or otherwise re-construct a residential, commercial, or industrial structure damaged as the result of a catastrophic event. Current provisions establish permit fees based on estimated value of construction or equipment replaced as the result of damage that must be paid prior to issuance of a permit. Under current legal requirements, there is no provision for the waiver of a fee in the event of declared catastrophic damage. The current fee structure is not conducive to damage recovery efforts as it often strains resources of property owners at a time when they can least afford to incur additional financial burdens. A detailed discussion of the amendment is set forth in the attached staff report.

FISCAL IMPACT:

As our fee structure is designed to recover a portion of the costs associated with issuing permits and conducting inspections, a \$0.00 fee for damage repair for declared catastrophic events will have some impact on revenue. However, forecasting the scope of that impact is difficult, as the degree will be affected by the scope of the event and

Board Agenda Item  
May 21, 2007

the ability of the locality to obtain federal and state assistance in offsetting the costs associated with the event.

REGULATORY IMPACT:

The proposed amendment grants the county authority to reduce permit fees following declared catastrophic events to allow for expedited permit issuance and repairs by establishing a published fee of \$0.00 under appropriate circumstances.

ENCLOSED DOCUMENTS:

Attachment I - Staff Report

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
James W. Patteson, Director, Land Development Services, DPWES

Board Agenda Item  
May 21, 2007

Regulatory  
Review



4:00 p.m.

Public Hearing to Consider Proposed Amendment to Chapter 61-1-2 Definition (Building Provisions) of *The Code of the County of Fairfax, Virginia*

ISSUE:

Board of Supervisors' public hearing to consider proposed amendment to Chapter 61-1-2 (Building Provisions) of *The Code of the County of Fairfax, Virginia* that introduces a definition of "Addition".

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendment.

TIMING:

The Board is requested to take action on May 21, 2007. If approved, these amendments shall become effective at 12:01 a.m. on May 22, 2007.

BACKGROUND:

The County is receiving on average three permit applications a week for additions to single family detached houses which are actually an entirely new house constructed on an existing foundation; most or all of the existing house is usually demolished, and a new house is erected in its stead. Unlike a new house on a vacant lot, however, this "new house on existing foundation" typically will be built on an old foundation system and tied to existing utility connections (power, water, and sewer) which may or may not be adequate for the new structure. The proposed amendment will add the term "addition" to Chapter 61 of the County Code. The proposed definition will limit the amount and type of demolition and/or new construction that is allowed without being subject to the inspection and permitting requirements for new construction.

Specifically, the proposed definition will be defined as any new construction that neither exceeds a percentage (a range of 75% through 150% will be considered) of the existing gross floor area of the above grade finished area nor results in the demolition of more than a percentage (a range of 25% through 50% will be considered) of the existing above grade gross floor area as defined by the ANSI Z765-2003 standard. The proposed amendment further provides that construction that exceeds either of these percentages shall be deemed construction of a new house, shall be subject to all

Board Agenda Item  
May 21, 2007

applicable codes and ordinances required for a new house, including utilities, and shall require the issuance of a new Residential Use Permit.

The proposed amendment will provide a clear distinction in County Code between very large house improvement projects that more closely resemble new house construction and legitimate additions to existing properties. The new definition is designed to meet the needs of county citizens in the current renovation and remodeling climate yet still address important health and safety issues such as code compliance and enforcement. Furthermore, for those properties that will later be resold, the additional oversight provided by the new amendment will afford the buyer a product that more closely resembles "a new house,"...which is how it is typically marketed. A detailed discussion of the amendment is set forth in the attached staff report.

FISCAL IMPACT:

None.

REGULATORY IMPACT:

The proposed amendment enables the County to better address a variety of code deficiencies that surface when what is essentially new house construction is characterized as a simple renovation project and provides the County with additional enforcement authority in such situations.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive

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

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

Board Agenda Item  
May 21, 2007



4:00 p.m.

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

ISSUE:

The proposed amendment addresses large retail sales establishments by imposing a size limitation under which such uses may be permitted either by right or by special exception approval.

PLANNING COMMISSION RECOMMENDATION:

On May 2, 2007, the Planning Commission voted unanimously (Commissioners Alcorn and Harsel not present for the votes; Commissioner Hall absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Adoption of the proposed Large Retail Sales Establishment Zoning Ordinance Amendment as contained in staff's memorandum dated April 26, 2007, with an effective date of 12:01 a.m. on the day following adoption, with the following two changes:
  - On the last page of the memorandum, under the Grandfather Provisions, in the fourth line under the first bullet, insert the word "to" between the words "equal" and "or";
  - In the second line of the second bullet, make the same change (insert the word "to" between the words "equal" and "or").
- Direct staff to review the threshold figure of 80,000 square feet for any appropriate recommendations, three years after adoption.

RECOMMENDATION:

The County Executive concurs with the Planning Commission's recommendations.

TIMING:

Board of Supervisors authorization to advertise on January 8, 2007; Planning Commission public hearing on March 29, 2007; Deferred Planning Commission decision on May 2, 2007; Board of Supervisors' public hearing on May 21, 2007, at 4:00 p.m.

BACKGROUND:

The proposed amendment is in response to a Board request asking staff to review regulations that would mitigate the negative impacts that may occur when large retail sales establishments are built within local communities under by right circumstances. At issue are the impacts of increased traffic, noise and the site development that has been found to be out of character with surrounding properties and neighborhoods.

Under current Zoning Ordinance regulations, distinctions are not made between retail sales establishments on the basis of size. There is no distinction made between retail sales establishments that cater to local neighborhoods and those that are designed to serve a larger, regional, customer base. Retail sales establishments are currently permitted by right in the C-5 through C-9 Commercial Districts and they are also allowed as a permitted secondary use in certain planned districts. Under current regulations both small and very large retail sales establishments are subject to the same regulations, irrespective of the potential community impact that might occur.

Large retail sales establishments are most notably distinguished from neighborhood retail stores by virtue of their characteristic large footprints. General merchandise big-box retail stores typically contain between 90,000 and 150,000 square feet of gross floor area (GFA). Big-box specialized product (home improvement or home electronics) stores can range in size from 60,000 to 120,000 square feet of GFA. By contrast, a typical neighborhood retail store may contain between 1,000 and 5,000 square feet of GFA, and a typical grocery store ranges between 60,000 and 65,000 square feet of GFA.

Because large retail stores draw upon a regional customer base they can cause great stress on the local transportation infrastructure. Large retail stores contain a great amount of mass that typically may not be compatible with surrounding properties, particularly when such large mass is presented in poor aesthetic form. Large retail stores often contain large areas of outdoor storage and display that is typically not screened from the view of adjacent properties. When not screened, which is often the case, such storage and display can contribute to visual clutter that can detract from and degrade a neighborhood.

In an attempt to mitigate the negative impacts indicated above, the proposed amendment provides a retail sales establishment-large definition that establishes a size limit by which retail sales establishments can be developed either by right or by special exception approval. Under the proposed definition, large retail sales establishments containing 80,000 square feet or more of GFA [advertised range is 80,000 to 120,000 square feet of gross floor area] would be allowed by right in the PDC and PRC Districts when depicted on an approved development plan and in the C-6, C-7, C-8 and C-9 Districts when such use is located within a building that

Board Agenda Item  
May 21, 2007

contains a minimum of 1,000,000 square feet of GFA [advertised range is 500,000 to 1,000,000] with at least six principal uses within a continuous building structure.

Large retail sales establishments that do not meet the above limitations may be allowed in the C-6, C-7, C-8, C-9, PDC and PRC Districts with special exception approval, subject to the following advertised additional standards: (a) The Board shall determine that such use will be compatible with and not adversely impact adjacent properties and the local area road system; (b) The Board shall determine that parking is provided and designed in such a manner as to minimize impacts on adjacent properties; (c) Such use shall be designed so that pedestrian circulation is coordinated on-site and on adjacent properties, (d) Such use shall be designed to provide safe and convenient access and to minimize any potential conflicts between service and delivery vehicles, passenger vehicles and pedestrian traffic, and to minimize noise and outdoor lighting impacts from the use on adjacent properties; (e) Structures shall be designed to protect the character of the neighborhood through the use of architectural and site design methods; (f) All outdoor service, storage and display, with the exception of outdoor seating, shall be fully screened with solid fences, walls, berms, evergreen hedges or a fence, wall, berm and/or landscaping combination; and (g) All signs shall be in scale and harmony with the development and shall be located and sized so as to ensure convenience to the visitor, user or occupant while not adding to street clutter or detracting from the character of the surrounding properties.

The proposed regulations are intended to provide appropriate safeguards against the negative impacts that are known to be associated with large retail sales establishment development. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 1.

On February 27, 2007 and March 7, 2007, public meetings were held at which staff provided an overview of the proposed amendment. These meetings provided an opportunity for the public to raise various issues and questions. Primary issues of concern included square footage thresholds and the ability to re-tenant, remodel and/or replace existing retail stores. As a result of comments made at these meetings, staff recommended a revision to the amendment that would allow up to 250 square feet of outdoor display area that would not be required to be screened. In addition, staff broadened its proposed grandfather provisions to allow a retail sales establishment, which was established by right and which now would require special exception as a result of this amendment, to be reconstructed in the event of casualty, as long as the reconstruction does not result in an increase in total floor area ratio or a change in the building footprint that existed prior to the casualty. Staff's revised recommendations dated March 23, 2007 were transmitted to the Planning Commission and are enclosed as Attachment 2.

Board Agenda Item  
May 21, 2007

At the Planning Commission public hearing on March 29, 2007, there was discussion on a variety of issues and the square footage thresholds and the ability to re-tenant, remodel and/or replace existing retail sales establishments continued to be a topic of concern. In order to allow more time to address the issues raised at the public hearing, the Planning Commission decision was deferred. Further meetings were held in an effort to resolve the outstanding issues. Such meetings included a public meeting on April 19, 2007 and a meeting between staff and industry representatives on April 25, 2007. As a result of these meetings, staff proposed the following revised grandfathering provisions:

- A special exception, special permit, conceptual development plan, final development plan, development plan, or proffered generalized development plan approved prior to [the effective date of this amendment] that allows a retail sales establishment that is equal **to** or greater than 80,000 square feet of gross floor area; provided that such retail sales establishment is in substantial conformance with the approved plan, proffers and/or conditions; and
- A site plan approved prior to the [effective date of the amendment] that allows a retail sales establishment that is equal **to** or greater than 80,000 square feet of gross floor area, provided that such site plan is diligently being prosecuted.
- For the purpose of this amendment, the words “replacement” and “enlargement”, as used in Par. 2 of Sect. 15-101, shall not be deemed to include any interior or exterior alteration, demolition and/or reconstruction, either completely or in part, of a building or use existing as of [effective date of ZOA], provided such changes:
  1. Do not result in an increase in gross floor area (GFA) of more than 2.5 percent of the GFA existing as of [effective date of ZOA];
  2. Are within the building footprint existing as of [effective date of ZOA], and/or are within an expanded footprint not to exceed 2.5 percent of the area of the footprint existing as of [effective date of ZOA]; and
  3. Do not result in an increase in the building height existing as of [effective date of ZOA] other than that resulting from a roof replacement and/or roof redesign.

The revised grandfathering provisions were transmitted to the Planning Commission in a revised staff recommendation dated April 26, 2007 which is enclosed as Attachment 3. On May 2, 2007, the Planning Commission voted to recommend that the proposed Large Retail Sales Establishment Zoning Ordinance Amendment be adopted as contained in staff’s memorandum dated April 26, 2007, with two minor editorial

Board Agenda Item  
May 21, 2007

revisions to the grandfathering provisions, which inserted the word “to” in the first and second bullets as shown above in bold italics.

REGULATORY IMPACT:

The proposed amendment adds a new definition for large retail sales establishments and provides additional standards under which such a use may be established by special exception approval in certain planned districts and commercial districts and when such a use may be permitted by right.

FISCAL IMPACT:

The proposed amendment establishes a new Category 5 special exception use with an application fee of \$5,295 which is the same application fee as all other Category 5 special exception uses.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report

Attachment 2 – March 23, 2007 Staff Proposed Amendment

Attachment 3 – April 26, 2007 Staff Proposed Amendment

Attachment 4 - Planning Commission Recommendation

STAFF:

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

Eileen M. McLane, Zoning Administrator, DPZ

Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

**THIS PAGE INTENTIONALLY LEFT BLANK**

Board Agenda Item  
May 21, 2007



4:30 p.m.

Public Hearing on Proposed Amendments to the Public Facilities Manual (PFM) Related to Fire Hydrants, Sanitary Sewers, Sidewalks and an Editorial Change

ISSUE:

Board of Supervisors' public hearing to consider proposed amendments to the Public Facilities Manual (PFM) related to fire hydrants, sanitary sewers, sidewalks and an editorial change.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 26, 2007, the Planning Commission unanimously voted to recommend that the Board of Supervisors adopt the proposed amendments to the Public Facilities Manual as set forth in the staff report dated March 26, 2007.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the proposed amendments as recommended by the Planning Commission. The proposed PFM amendments have been recommended for approval by the Engineering Standards Review Committee.

TIMING:

The Board is requested to take action on May 21, 2007. If approved, these amendments shall become effective at 12:01 a.m. on May 22, 2007.

BACKGROUND:

The proposed amendments are miscellaneous and pertain to fire hydrants, sanitary sewers and sidewalks. In addition, an editorial change is being proposed related to updating a fire code reference. The amendment related to fire hydrants revises the PFM to incorporate the American Association of State Highway and Transportation Official's minimum clear zone width for urban roadways. The amendment related to fire codes revises references in the PFM to align with the Fairfax County Fire Prevention Code. The amendment related to sanitary sewers revises the PFM to eliminate the end cap for inside sanitary sewer drop connections for safety reasons. In the past, there have been incidents where the end cap has broken loose and fallen into the manhole,

Board Agenda Item  
May 21, 2007

blocking the manhole invert and resulting in a backup of sewage and overflowing manhole.

The amendment related to sidewalks revises the PFM to incorporate the Planning Commission's recommended changes to the sidewalk provisions that were adopted by the Board on November 21, 2005. For the most part, the recommended changes support the development of a more continuous network of neighborhood sidewalks and give residents more of an opportunity to walk within their subdivision and to nearby public facilities such as libraries, parks and recreation centers. More specifically, the proposed amendment, if adopted by the Board, would increase the threshold for requiring a sidewalk on both sides of the street. The current PFM requires a sidewalk on both sides of the street in subdivisions with lots averaging less than 18,000 sq. ft. The Planning Commission recommended that 18,000 sq. ft. be changed to 25,001 sq. ft.; thus, impacting subdivisions zoned R-2, and lots in the R-1 District that are developed under the cluster provisions and having a minimum lot size of less than 25,001 sq. ft. Under the proposed amendment, a sidewalk would be required on both sides of the streets instead of one side of the street in these subdivisions. In addition, the proposed sidewalk amendment eliminates the exemption for cul de sac streets serving less than 6 lots. Under the proposed amendment, a sidewalk would be required on both sides of the cul de sac street instead of one side of the street. A detailed discussion of each amendment is set forth in the attached staff report.

FISCAL IMPACT:

None

REGULATORY IMPACT:

The proposed amendment related to fire hydrants complies with AASHTO's standards. The proposed editorial change complies with the Fairfax County Fire Prevention Code.

ENCLOSED DOCUMENTS:

Attachment 1 - Staff Report Dated March 26, 2007

Attachment 2 – Planning Commission Verbatim

STAFF:

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

Board Agenda Item  
May 21, 2007



4:30 p.m.

Public Hearing on Proposed Amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of *The Code of the County of Fairfax, Virginia* RE: Consistency with the Chesapeake Bay Preservation Area Designation and Management Regulations

ISSUE:

Board adoption of proposed amendments to Chapter 118 (Chesapeake Bay Preservation Ordinance) of *The Code of the County of Fairfax, Virginia*. The proposed amendments address issues related to consistency with the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20 et seq.).

PLANNING COMMISSION RECOMMENDATION:

On Thursday, April 19, 2007, the Planning Commission voted unanimously (Commissioners Harsel, Koch, and Murphy absent from the meeting) to recommend that the Board adopt the proposed amendments to the Chesapeake Bay Preservation Ordinance as set forth in the Staff Report dated March 12, 2007.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments to the Chesapeake Bay Preservation Ordinance as set forth in the Staff Report dated March 12, 2007.

TIMING:

Board action is requested on May 21, 2007. On March 12, 2007, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on April 19, 2007.

BACKGROUND:

In 2005–2006, the Virginia Department of Conservation and Recreation, Division of Chesapeake Bay Local Assistance (DCR-DCBLA), conducted a compliance evaluation of Fairfax County's local program for consistency with the Chesapeake Bay Preservation Act (§ 10.1 – 2100 et seq.) and the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10 – 20 et seq.) [Regulations]. On September 26, 2006, the Chesapeake Bay Local Assistance Board (CBLAB) adopted a resolution reflecting the action taken on the compliance evaluation (attached). In the resolution, CBLAB commended Fairfax County for "its extremely comprehensive

Board Agenda Item  
May 21, 2007

program” but also noted some minor inconsistencies between the language in the county’s ordinance and the language in the Regulations that need to be addressed for the county’s ordinance to be fully consistent with the Regulations. These minor inconsistencies were missed when CBLAB last formally reviewed the county’s ordinance in 2004 and found it to be consistent with the Regulations. The county has until September 30, 2007, to make the necessary changes to the language in the ordinance to address these inconsistencies. The required changes were presented to the Board at the Board’s Environmental Committee meeting on December 11, 2006. In addition, two housekeeping amendments, related to the submission and processing of Water Quality Impact Assessments and exception requests, are included in the proposed amendments.

**PROPOSED AMENDMENTS:**

The proposed amendments include the following provisions:

1. Incorporate subsection 4 of § 9 VAC 10-20-130.1.d of the Regulations in § 118-2-1(d).

118-2-1(d) Roads and driveways not exempted under Article 5 of this Chapter provided that:

(1) . . .

(2) . . .

(3) . . .

(4) The plan for the road or driveway proposed in or across the Resource Protection Area is reviewed in conjunction with a site plan, subdivision plan, or other plan of development approval.

Staff Comment: Under Article 5, only roads that qualify as “public roads” are exempt. The roads and driveways to which this provision applies are “private” roads and driveways such as those constructed in townhome subdivisions. Because other County ordinances already establish requirements for plan submissions in connection with development activities and because the Water Quality Impact Assessment itself includes a plan, all of which would qualify as “plans of development,” the added language does not expand existing requirements for plan submissions.

2. For consistency with § 9 VAC 10-20-130.1.a of the Regulations, amend § 118-3-3(a) and § 118-4-2 to list land disturbance in an RPA as an activity requiring a Water Quality Impact Assessment.

Board Agenda Item  
May 21, 2007

- 118-3-3(a) A Water Quality Impact Assessment shall be required for any proposed land disturbance, development, or redevelopment within an RPA that is not exempt . . .
- 118-4-2 A Water Quality Impact Assessment shall be required for any land disturbance, development, or redevelopment within an RPA unless exempt under Article 5 or unless waived by the Director in accordance with the provisions of Section 118-6-5. . .

Staff Comment: The current definitions of development and redevelopment in the county's ordinance include the term substantial alteration which is separately defined as: ". . . expansion or modification of a structure or development that would result in disturbance of any land within a Resource Protection Area . . ." Therefore, the added language does not change existing requirements.

3. For consistency with § 9 VAC 10-20-150.B.1 of the Regulations, amend § 118-5-2(a) to list all of the required conditions for public utilities, railroads, public roads, and facilities exemptions.

118-5-2(a) The construction, installation, operation and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with:

(1) The Erosion and Sediment Control Law (Section 10.1-560 et seq. of the Code of Virginia) and with Chapter 104 of the Fairfax County Code and with the Stormwater Management Act (Section 10.1-603.1 et seq. of the Code of Virginia);

(2) An erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of Conservation and Recreation; or

(3) Local water quality protection criteria at least as stringent as the above state requirements will be deemed to constitute compliance with this chapter.

The exemption of public roads is further conditioned on the optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment in the Resource Protection Area and adverse effects on water quality.

Staff comment: The requirement for companies operating electric, natural gas, fiber-optic, and telephone transmission lines, and railroads to file an annual erosion and sediment control plan and a stormwater management plan with the Virginia Department of Conservation and Recreation (DCR) is a duplication of existing

Board Agenda Item  
May 21, 2007

requirements in the Erosion and Sediment Control Law and the Stormwater Management Act. These activities are regulated at the state level rather than at the county level. Therefore, the addition of this language does not place any new requirements on these companies. With respect to public roads and their appurtenant structures, all public roads constructed in conjunction with site and subdivision plans are subject to the water quality protection requirements of the Public Facilities Manual (PFM). PFM requirements meet or exceed the State's water quality protection requirements. The optimization of road alignment with respect to RPA encroachments is already performed during the review of site and subdivision plans and does not represent a change to current practice.

4. For consistency with § 9 VAC 10-20-150.B.2 of the Regulations, amend § 118-5-2(b) to delete storm sewers from the list of exempt facilities.

118-5-2(b) The construction, installation, and maintenance of water lines, sanitary sewer lines including pumping stations, natural gas lines, underground telecommunications and cable television lines and appurtenant structures owned, permitted, or both by Fairfax County or a regional service authority and subject to the following, as determined by the director:

(1) . . .

Staff Comment: Section 9 VAC 10-20-150.B.2 of the Regulations does not distinguish between storm and sanitary sewer lines. The Regulations use the term "sewer lines." DCR-DCBLA staff is of the opinion that the term "sewer lines," as used in the Regulations, refers only to sanitary sewers. Under the Regulations, storm sewer outfalls are classified as water-dependent development and are permitted in RPAs. DPWES is currently treating storm sewer outfalls in RPAs as water-dependent development. Therefore, this amended language does not change our current practice.

5. For consistency with § 9 VAC 10-20-150.C of the Regulations, amend § 118-6-9 to require that exceptions granted under § 118-6-9 meet the required findings of § 118-6-6.

118-6-9 Exceptions to the criteria and requirements of this Chapter to permit encroachment into the RPA that do not qualify for review under Section 118-6-7 or Section 118-6-8 may be granted provided that the exception meets the required findings listed in Section 118-6-6 and subject to the additional finding that the water quality benefits resulting from the proposed facility or improvement exceed the associated water quality detriments. . .

Board Agenda Item  
May 21, 2007

Staff Comment: Section 9 VAC 10-20-150.C of the Regulations lists the minimum required findings for the granting of exceptions. In the County's ordinance, these minimum required findings are listed in § 118-6-6. The added language adds a cross-reference in § 118-6-9 to the minimum required findings in § 118-6-6.

6. The first housekeeping amendment aligns § 118-4-4 with current practice by explicitly permitting Water Quality Impact Assessments for allowed uses such as storm sewer outfalls to be submitted as part of site plans, subdivision plans, and grading plans. The second housekeeping amendment to § 118-6-5 increases the required number of plats to be submitted with exception requests requiring a public hearing from 10 to 14. The increase reflects the current size of the exception review committee, 10 members, and provides plats for staff use and records.

REGULATORY IMPACT:

The proposed amendments are being required by the state for consistency with language in the Chesapeake Bay Preservation Area Designation and Management Regulations (9 VAC 10-20 et seq.). There is no significant regulatory impact.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1- Staff Report Dated March 12, 2007

Attachment 2 – Planning Commission Verbatim

STAFF:

Jimmie D. Jenkins, Director, Department of Public Works and Environmental Services (DPWES)  
James W. Patteson, Director, Land Development Services, DPWES

**THIS PAGE INTENTIONALLY LEFT BLANK**