

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Gregory A. Riegler
Direct: 703.712.5360

McGUIREWOODS

griegler@mcguirewoods.com

April 18, 2008

M.L. Clark Tyler
Chairman, Tysons Task Force
c/o SAIC
GEO-Centers Operation
7327 Eldorado Street
McLean, VA

**RE: Property Located at Tax Map Reference 39-2 ((2)) Parcel 106;
39-2 ((2)) Parcel 114; 39-2 ((2)) 114A**

Dear Chairman Tyler:

This firm represents Lowe Enterprises ("Lowe") and Vornado/Charles E. Smith ("Vornado"). These companies either own or are partners in the development and management of the property referenced above. For further reference, the property is commonly known as Fairfax Square and includes the retail/office components of Fairfax Square, an office building at 1953 Gallows Road, and two (2) free standing restaurants currently branded as "Chilis" and "On The Border". We are writing in response to the so-called "Consultant Draft Preferred Concept" (the "Draft Preferred Concept") dated April 9, 2008.

As we have noted in prior correspondence (attached as Exhibit 1), positive change and evolution in Tysons Corner will only come if there are sufficient incentives in place for land owners to enter the entitlement process. The current Comprehensive Plan provides no such incentive. Simply stated, by recommending no change to the current plan, the Draft Preferred Concept only amplifies this problem.

It is our further understanding that the Draft Preferred Concept contemplates removing the so-called "Residential Multiplier" from the Comprehensive Plan. If true, this decision is further contrary to the stated goal of introducing well integrated residential mixed use projects so as to reduce automobile dependency and create a more vibrant live/work environment.

Careful examination of the existing development on the subject properties and other nearby similarly situated land shows that virtually all of existing development is generally at the maximum Floor Area Ratio (FAR) endorsed by the current Comprehensive Plan. In this context, retaining the current Comprehensive Plan recommendations "sentences" these properties to their existing condition and creates absolutely no opportunity to implement the objectives of the

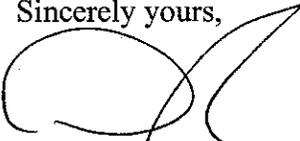
Tysons Task Force and replanning policies on some of the most strategic land in Tysons Corner. In fact, at Fairfax Square the current Plan would allow up 125,000 square feet of office use which is contrary to the goals of creating a more integrated mixed use environment.

At Route 7 and I-495, Fairfax Square is among the most visible property in Tysons Corner. It is contrary to well settled planning theory to discourage reasonable redevelopment at a principal gateway or entry point to Tysons Corner. The design and development commitments that can come from reasonable redevelopment could be pivotal to establishing an attractive and functional entry to Tysons. Similarly, it is equally unclear why the proposed routes of the so-called "Connector System" would ignore the well established retail and office uses at both Fairfax Square and the immediately adjacent complex to the east.

As we have noted in prior correspondence and at the various meetings and workshops that have been held, the Property Owner's goal has always been to encourage reasonable redevelopment, in a way that also provides proper transition to established development outside of Tysons Corner. All of our prior proposals are incremental in nature and aimed at simply encouraging a conversion of currently planned office and commercial space to residential uses that are consistent with the stated objectives of this planning exercise.

As the Task Force nears completion of its work, please give careful consideration to what seems to be an obvious problem with incentives and consider revising the Draft Preferred Concept to provide reasonable opportunities to integrate needed residential development at the Properties.

Thanks in advance for your consideration of these comments.

Sincerely yours,

Gregory A. Riegle

GAR/sw

Attachment

cc: Sterling Wheeler, Department of Planning and Zoning
J. David Sittler, Vornado/Charles E. Smith
Katya Naman, Lowe Enterprises
Bill Lecus, Fairfax Chamber
G.B. Arrington, PB Placemaking

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December 17, 2007

BY HAND DELIVERY

Clark Tyler
Chairman
Tysons Corner Land Use Task Force
c/o Tysons Corner Special Study
Department of Planning and Zoning
12055 Government Center Parkway
Suite 730
Fairfax, VA 22035

G.B. Arrington
PB Placemaking
c/o Tysons Corner Special Study
Department of Planning and Zoning
12055 Government Center Parkway
Suite 730
Fairfax, VA 22035

RE: Tax Map Reference 39-2((2)) 106; 39-2((2)) 114; 39-2((2)) 114A

Dear Chairman Tyler and Mr. Arrington:

This firm represents Lowe Enterprises ("Lowe") and Vornado/Charles E. Smith ("Vornado"). These companies either own or are partners in the development and management of the property referenced above. For further reference, the property is commonly known as Fairfax Square and includes the retail/office components of Fairfax Square, an office building at 1953 Gallows Road, and two (2) free standing restaurants currently branded as "Chilis" and "On The Border". A locator map showing the properties is attached for reference.

At a recent subcommittee meeting of the Tysons Corner Land Use Task Force ("Task Force"), it was suggested by Mr. Arrington that upcoming modeling and analytical exercises could benefit from an awareness of proposals for land use changes contemplated by individual property owners. Both Lowe and Vornado have been active participants in the process since the inception of Land Use Task Force and have been diligently working to create a redevelopment proposal that is responsive to and reflects the objectives and guidance given by the Task Force to date.

At present, the assembled property benefits from its existing high quality and successful retail at Fairfax Square and office components on both parcels. While successful on many levels, the established development does not reflect the mixed use objectives that are needed to ultimately reduce traffic and create the "vitality" throughout the day that does not exist in this area of Tysons Corner. The focus of the redevelopment proposal for this property is to strategically consolidate two (2) tracts of land between Gallows Road and Leesburg Pike and capitalize on the strengths of the existing retail and office uses to create the recommended and needed mixed use neighborhood through the redevelopment of the two (2) free standing

restaurants and other adjacent underdeveloped land with additional residential and retail development.

An Exhibit detailing the proposed development and critical street connections is attached for reference. The proposed development will create a walkable "live/work" neighborhood offering many pedestrian amenities and usable open space areas that create a functional linkage between Gallows Road and Leesburg Pike as recommended by the most current circulation plans prepared for the Task Force. The Exhibit also shows what can be accomplished in terms of open space and amenity areas with incremental adjustments to currently planned building heights.

These objectives can be accomplished with a very incremental revision to the current Comprehensive Plan. At present, the property is planned for up to a 1.27 FAR under a very narrowly tailored option that would permit additional hotel and office uses on the property. Unfortunately, the property does not benefit from provisions in the current Comprehensive Plan that logically allow for the conversion of planned office to needed residential use in many areas of Tysons Corner. Simply allowing the landowners to convert the recommended office and hotel uses to residential, and in turn, applying the current Plan's "multiplier" – for non-residential to residential conversion, would yield the approximately 1.9 overall FAR reflected on the attached Exhibit and provide the incentives necessary to implement this proposal and in turn, achieve a number of the well established Task Force objectives.

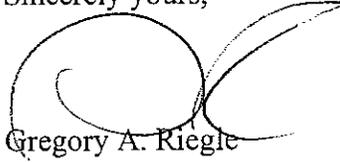
Needless to say, throughout Tysons Corner, positive change and evolution will only come if there are sufficient incentives in place for landowners to enter the entitlement process. The current Comprehensive Plan provides no such incentive. In this case, but for the very narrowly tailored hotel/office option referenced above, the existing Comprehensive Plan merely reflects the density and building height associated with the established development. Accordingly absent the incremental change recommended, there is simply no incentive or ability for the landowner to participate in the process. In this case, not providing reasonable incentives would foreclose an opportunity to place residential development in a very strategic location and, accomplish a number of functional and access objectives reflected in the most current planning documents.

We are concerned that much of the very recent discussion by the Task Force and its Committees regarding the potential assignment of density and uses has focused heavily at the station sites. While questions of use and density are important at the station sites, it is equally critical to examine similar issues in the many "neighborhoods" that exist throughout the 1,700 acres that comprise Tysons Corner. These neighborhoods, including the area of this property, provide crucial opportunities for housing diversity and are fundamental to creating proper pedestrian and vehicular circulation to, from and within Tysons Corner. In many cases, issues of use and density may require even more precise consideration in areas, such as this, that are adjacent to station sites to ensure incentives are present to encourage redevelopment with desired uses and at the proper scale.

Chairman Clark Tyler and G.B. Arrington
December 17, 2007
Page 3

Thanks in advance for your consideration. Upon receipt if you have any questions, please feel free to let me know.

Sincerely yours,

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by 'regory A. Riegler'. The signature is written over the printed name.

Gregory A. Riegler

GAR/ksg

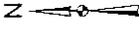
Attachments

cc: Sterling Wheeler, Department of Planning and Zoning
J. David Sittler, Vornado/Charles E. Smith
Katya Naman, Lowe Enterprises

V4919961.3



A Historic County, "Original Parkville"



Scale: 1" = 100'

1" = 100'

1" = 100'

1" = 100'

GENERAL NOTES

1. The zoning map is a general guide and does not constitute a contract or warranty of any kind.

2. The zoning map is subject to change without notice.

3. The zoning map is subject to the provisions of the City of Parkville Zoning Ordinance.

4. The zoning map is subject to the provisions of the City of Parkville Comprehensive Zoning Ordinance.

5. The zoning map is subject to the provisions of the City of Parkville Zoning Ordinance.

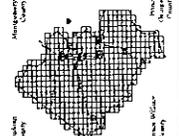
6. The zoning map is subject to the provisions of the City of Parkville Comprehensive Zoning Ordinance.

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ADMINISTRATIVE INDEX

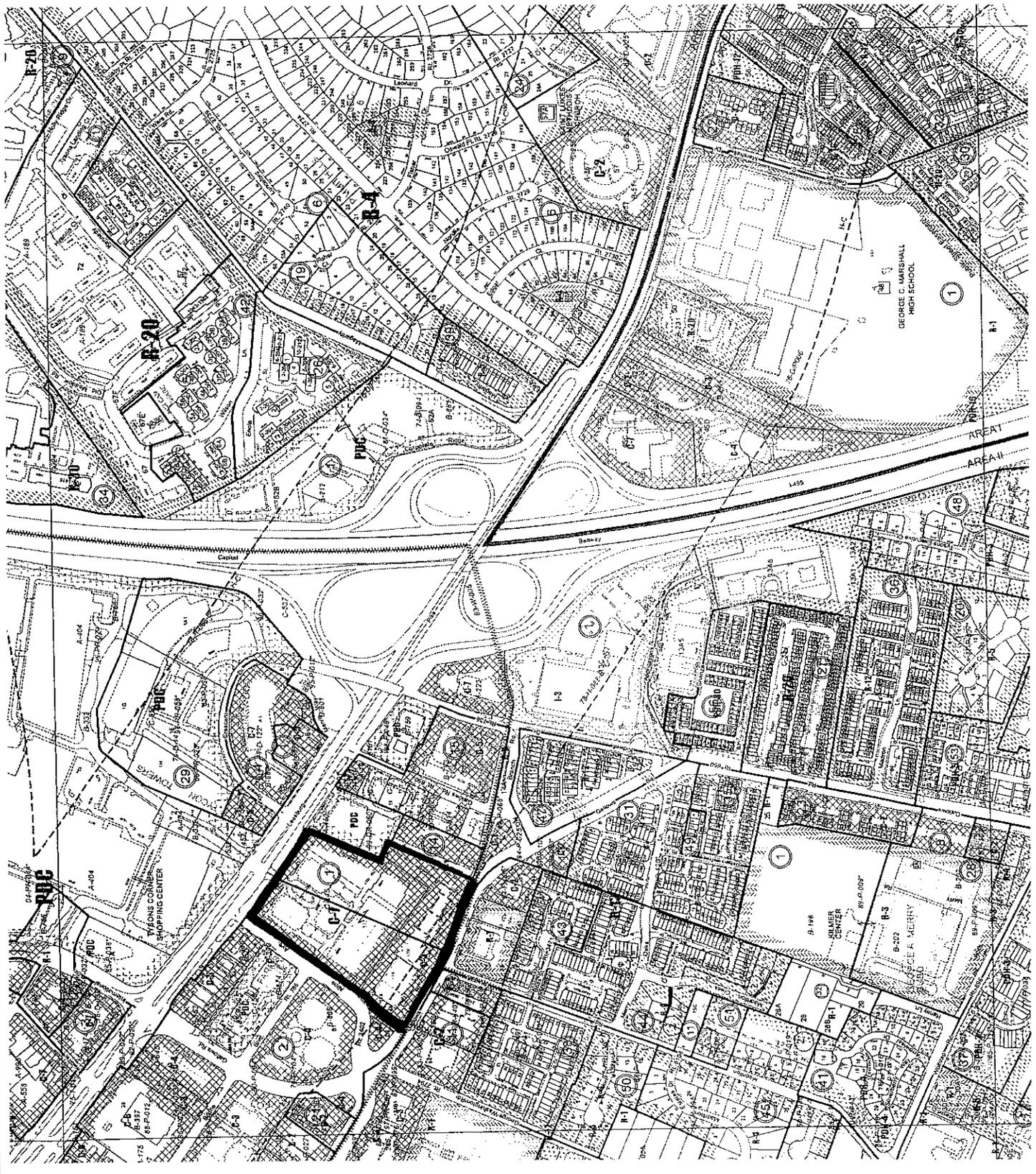
29-3	29-4	30-3
39-1	40-1	
39-3	39-4	40-3

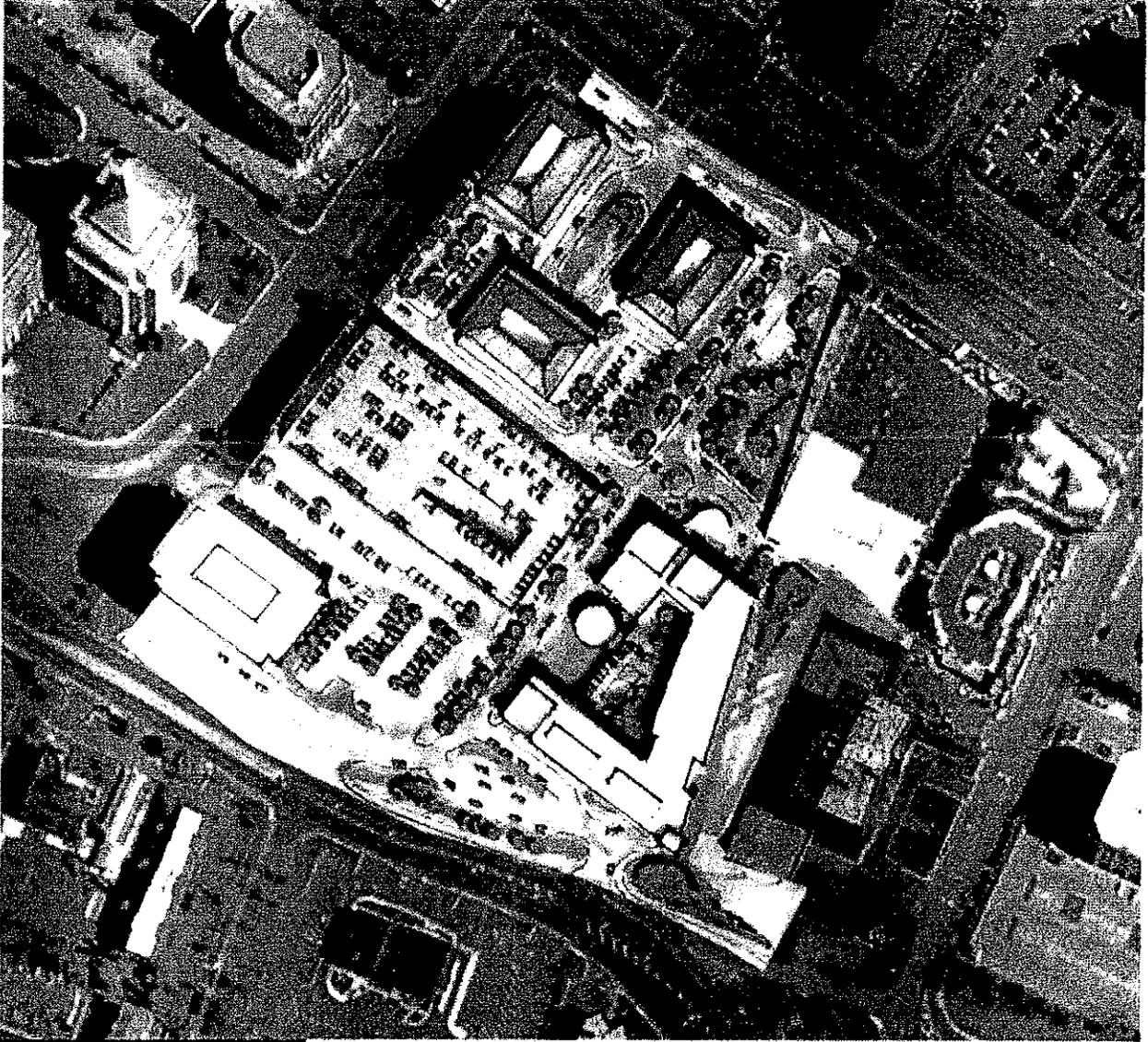
PROPERTY MAP ZONING 39-2

Revised to: 11-26-2007

City of Parkville
Department of Urban Planning & Development
1000 North Center Street, Suite 111
Parkville, MO 64151
417-771-1111
417-771-1112

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Map 39-2, 11/26/07





SITE PLAN