FAIRFAX COUNTY PLANNING COMMISSION
TYSONS CORNER COMMITTEE
THURSDAY, JUNE 21, 2012

COMMITTEE MEMBERS PRESENT:
Walter L. Alcorn, At-Large, Chairman
Frank A. de la Fe, Hunter Mill District
Kenneth A. Lawrence, Providence District
James T. Migliaccio, Lee District

COMMITTEE MEMBERS ABSENT:
Jay P. Donahue, Dranesville District

OTHER COMMISSIONERS PRESENT:
James R. Hart, At-Large
Ellen J. Hurley, Braddock District
Timothy J. Sargeant, At-Large

FAIRFAX COUNTY STAFF PRESENT:
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Matthew Ladd, Planner III, Planning Division, DPZ
Thomas P. Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Daniel B. Rathbone, Chief, Transportation Planning Division, FCDOT
Charles Wu, Deputy Director, Office of Community Revitalization
Barbara J. Lippa, Executive Director, Planning Commission Office
Kara A. DeArrastia, Clerk to the Planning Commission

OTHERS PRESENT:
Bobbi Bowman, News Editor, McLean Patch
Bruce Bennett, Hunter Mill Defense League/Greater Tysons Corner Citizens Committee
Bruce Wright, Chairman, Fairfax Advocates for Better Bicycling
Charles Hall, Falls Church resident
Christian Deschauer, Director of Government Relations, Fairfax County Chamber of Commerce
Evan Pritchard, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Jane Seeman, Mayor, Town of Vienna
Janet Caldow, 2000 Chain Bridge Road LLC
John E. Harrison, Vice President for Development, Macerich
John Reiter, Greater Tysons Green Civic Association (GTGCA)
Juan R. Cardenas, Esquire, Rees Broome, PC
Kirk Abriola, GTGCA
Linda T. Nguyen, Asset Manager, Capital Automotive Real Estate Services, Inc.
Louis Freeman, McLean resident
Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Mark Quimby, Springfield resident
Mark Zetts, Falls Church resident

OTHERS PRESENT (Continued):

Michael Caplin, Executive Director, Tysons Partnership
Rob Whitfield, Dulles Corridor Users Group
Roger Diedrich, Fairfax resident
Russell Marks, Real Estate Investor/Developer, NVCommercial Inc.
Ruth U. Hoang, Director of Development, Home Properties Tysons LLC
Sally K. Horn, President, McLean Citizens Association
Shailendra Bhargava, Tyco Park Condominium unit owner
Shane M. Murphy, Esquire, Cooley LLP
Steve Ruckman, McLean resident
Thomas Cranmer, First Vice President, Fairfax County Taxpayers Alliance
Tom D. Fleury, Executive Vice President, Cityline Partners LLC
William M. Espinosa, Burke resident
William B. Lawson, Jr., Esquire, Lawson, Tarter & Charvet, PC
Yvonne Bhargava, Tyco Park Condominium unit owner

ATTACHMENT:

A. Strawman Document for Public Review and Comment: Planning Commission Tysons Committee Recommendations to the Board on Certain Tysons-related Activities, dated June 14, 2012

Chairman Walter L. Alcorn called the meeting to order at 7:06 p.m., in Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Chairman Alcorn noted that staff had prepared a draft "strawman" document, dated June 14, 2012, summarizing the Committee's deliberations to date related to certain issues associated with the redevelopment of Tysons and its recommendations to the Board of Supervisors on certain Tysons-related activities, as shown in Attachment A. He said the purpose of this meeting was to receive public input and comments on the strawman. Chairman Alcorn provided background information on the Committee's progress thus far on formulating recommendations for allocating responsibility for the Tysons-wide Table 7 transportation improvements and developing a working policy framework outlining potential revenue sources and funding for projects in each of the following categories: 1) Grid of Streets, 2) Neighborhood and Access Improvements, 3) Tysons-wide Road Improvements, and 4) Transit Improvements.

Chairman Alcorn called the first listed speaker and recited the rules for public testimony.

Janet Caldow, representing 2000 Chain Bridge Road LLC, 9978 Hidden Oaks Court, Vienna, noted that she was one of the family owners of 8610 Leesburg Pike, leased to the Koons Tysons vehicle dealership. She expressed the following concerns:

- The 2008 George Mason University's (GMU) High Forecast for Growth in Tysons failed to consider the impact of Federal debt over the next few decades and grossly overestimated projections of traffic, transportation costs, and taxes;

- The planned expansion of Boone Boulevard to 94 feet would be too wide for pedestrians to cross, non-walkable, and non-pedestrian-friendly, and might not connect anywhere if its extension to the Dulles Toll Road was not built;

- Additional links to the conceptual grid of streets for Tysons created unbuildable lots;

- Many parts of Tysons were not proposed for redevelopment and some of the pending rezoning applications in Tysons were speculative in nature; and

- The current list of proffer expectations was too burdensome, and requiring Tysons developers to make significant financial contributions would drastically reduce their investment in quality public art, exceptional architectural design, and innovative features.

Roger Diedrich, 3322 Prince William Drive, Fairfax, said he supported the concept of collecting revenue from a parking district (line 431, page 11 in strawman). He noted that he disagreed with the statements that that "the Commonwealth has a responsibility to provide significant contributions to the construction, operation, and maintenance of the transportation infrastructure in Tysons" (lines 63-65, page 3) and "it is appropriate for the Federal Government to assist in the provision of infrastructure in Tysons" (lines 72-73, page 3). He presented the following recommendations:

- Establish a contingency plan to address situations when the County did not acquire funding from State or Federal sources;

- Strengthen the transportation project phasing language (lines 152-156, page 5, and lines 318-320, page 9) by adding criteria initially considered for reviewing the Initial Development Level (IDL) regarding market development, forecasts, trip reduction, and planning within large approved developments to better inform the process and ensure that each major project was needed and timed right when it was approved; and

- Include all projects, including additional transit and other new projects needed by the year 2050, in the cost estimates.

Mr. Diedrich expressed concerns about the following projects in Table 7:

- Project Number 15: Widen Gallows Road from Route 7 to Prosperity Avenue should provide access for moving people via transit or bicycles;

- Project Number 4: Route 7 Widening from the Dulles Toll Road to Reston Avenue should be considered for a bus rapid transit route;

- Project Number 9: Dulles Toll Road Ramp to Boone Boulevard Extension should be delayed until all outstanding issues have been resolved;

- Project Number 12: Route 7 Widening between I-495 and I-66 should be considered for a dedicated bus transit route; and

- Project Numbers 1, 10, and 11: Route 7 Widening from Route 123 to I-495, Route 123 Widening from Route 7 to I-495, and Route 123 Widening from Old Courthouse Road to Route 7 should be safe for pedestrians.

Mr. Diedrich suggested that the transit and neighborhood access projects receive priority over the road projects at least in the early years. He also suggested that staff prepare an updated strawman integrating comments received. (A copy of Mr. Diedrich's written statement is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112roger_diedrich_comments.pdf.)

Tom Fleury, Executive Vice President, Cityline Partners LLC, 1651 Old Meadow Road, Suite 650, Tysons Corner, suggested the following edits to the strawman:

- Revise the language found on lines 111-114 on page 4 to read, "This would include the elements of the Grid that are located within and adjacent to development application areas, as well as the appropriate pro-rata share of off-site links that were determined to be necessary through the applicable VDOT 527 study, as determined necessary through the entitlement process. The financing of other off-site links should be covered by the contributions to the Tysons Road Club."

- Revise the language found on lines 149-150 on page 5 to clarify what measure would be used to escalate the construction costs, such as the Consumer Price Index or Engineering News Record Index.

- Revise the language found on lines 404-408 on page 11 to read, "The primary method for raising this revenue should be through a contribution of $5.63 per square foot of new non-residential development and $1,000 per new residential unit."

Mr. Fleury stated that Cityline strongly supported Recommendation Number 17 (lines 356-375, page 10) that half of the landowner/developer funding should be generated by a Tysons-wide tax district because the Tysons-wide road improvements would benefit all current and future residents and landowners within Tysons. He said Cityline also believed that the strawman provided an equitable financing plan for the necessary Tysons transportation infrastructure. He further encouraged the Committee to review the current list of expected proffers, financial and otherwise, for those who desire to redevelop in Tysons and to consider the removal of one or

several of these other financial obligations. (A copy of Mr. Fleury's letter, dated June 21, 2012, is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112cityline_comments_on_table_7.pdf.)

Honorable M. Jane Seeman, Mayor, Town of Vienna, recommended that:

- Following adoption of the Four-Year Transportation Funding Plan covering Fiscal Years 2013-2016, a timeline of when these projects would be funded and completed should be provided;

- Because Fairfax County would be the primary recipient of the benefits accruing from Tysons redevelopment, the County should have the initial responsibility for funding the transportation infrastructure in Tysons and not rely on the Commonwealth or the Federal Government to assist in the funding; and

- More definite funding solutions and timelines for the Tysons neighborhood spot/intersection improvements should be provided.

(A copy of Mayor Seeman's statement is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112janeseeman.pdf.)

Michael Caplin, Executive Director, Tysons Partnership, 1600 Tysons Boulevard, Suite 856, Tysons Corner, noted that the Tysons Partnership Board of Directors would meet to review the strawman proposal and would submit additional written comments. He explained that the Tysons Partnership Board had voted 12-5-2 to recommend to the Planning Commission that one-half of the Table 7 infrastructure costs (and related financing and inflation costs) be funded by a Tysons-wide service district tax, and the remaining half be funded by new Tysons development, including all current and future applicants, contingent upon the following:

1) No additional transportation infrastructure projects were added to the Table 7 inventory of infrastructure improvements;

2) Various financing options should be made available to current and future applicants, including an option to make payments over the 40-year development horizon;

3) The Tysons Partnership was given the opportunity to thoroughly review and provide input on the Tysons-wide service district financial analysis before a rate was determined to ensure that funding plans and service district tax rates were consistent with development phasing schedules; and

4) The current list of proffer expectations should be reviewed for possible reduction of scope and with the reduction of the tax rate.

(A copy of Mr. Caplin's letter, dated June 14, 2012, is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/061212tysonspartnershipletter.pdf.)

Replying to a question from Commissioner Hart, Mr. Caplin indicated that the most consistently voiced concern among Tysons developers was the required commitment to construct or provide funding for 20 new athletic fields within Tysons by the year 2050. He said Tysons rezoning applicants have expressed concern that the totality of such proffers imposed a significant financial burden, but he could not specify which should be modified or eliminated to help reduce the financial burden as it varied by applicant.

Russell Marks, Real Estate Investor/Developer, NVCommercial Inc., 8230 Leesburg Pike, Suite 620, Vienna, noted that NVCommercial currently had a joint development application (RZ 2011-PR-005) with Clyde's Real Estate Group, Inc. for the rezoning of approximately 5.80 acres located near the future Greensboro Park Metrorail Station. He expressed support for Recommendation Number 17 (lines 356-375, page 10) that half of the landowner/developer funding should be generated by a Tysons-wide tax district because the road improvements would benefit all current and future residents and landowners in Tysons Corner. Mr. Marks also indicated his support for the Tysons Road Club payment option of "$5.63 per square foot of new non-residential development and $1,000 per new residential unit" (lines 406-408, page 11). He then made the following suggestions:

- Add language to the strawman allowing the Tysons Road Club payment to be made over a period of years to ease the financial burden on future development; and

- Revise the list of expected proffers to help reduce the financial burden on future development.

(A letter from Stephen M. Cumbie, President, NVCommercial Inc., dated June 21, 2012, is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112nvcommercial_letter.pdf.)

Bruce Bennett, Hunter Mill Defense League's representative to the Greater Tysons Corner Citizens Committee, 1459 Hunter View Farms, Vienna, requested that the following information be published:

- Specific total cost and percentage amounts regarding the complete financial aspect of the Tysons-related infrastructure activities;

- Fixed capped amounts to be provided by all funding participants toward the Tysons Corner infrastructure projects;

- Specific funding source, timing of the delivery of funds, and percentage in the case of each cost and its associated overruns; and

- All items to be included in the Tysons infrastructure costs:
    - Planning for new and enlarged systems;
    - Any road improvements required but not listed or not otherwise accounted for;
    - Bus, jitney, or other personal transportation services;
    - Required utilities expansions (water, sewer, electricity, communications, etc.);
    - Maintenance facilities not otherwise accounted for; and
    - Additional construction of direct support facilities not otherwise accounted for.

Mr. Bennett expressed concern that if there were only fixed dollar caps for the Tysons landowners and developers, County taxpayers would be forced to make up the difference if costs increased, similar to what had occurred for the Dulles Metrorail Project. (Copies of Mr. Bennett's written statement and attachments are in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112bruce_bennett.pdf, http://www.fairfaxcounty.gov/planning/tysons_docs/062112cost_estimates_continue_rising.pdf, http://www.fairfaxcounty.gov/planning/tysons_docs/062112latest_rail_plan_promises.pdf, and http://www.fairfaxcounty.gov/planning/tysons_docs/062112coleman_to_connolly_contract.pdf.)

Rob Whitfield, representing Dulles Corridor Users Group, 7 Loudoun Street Southeast, Leesburg, strongly recommended that staff perform sensitivity and fiscal impact analyses to assess the potential consequences of a lower rate of economic and employment growth in Fairfax County and Tysons Corner during the next decade than projected by the 2008 GMU study. He further recommended that the Committee consider the following guiding principles:

- The County should not allow caps on spending by Tysons landowners because their costs must be tied to benefits received;

- The County must set specific schedule and conditions for providing funds, preferably based on a six-year Capital Improvement Program;

- Stringent caps on taxpayer spending must be tied to overall County economic and financial conditions;

- Taxpayer funding share of Tysons costs should be no more than 25 percent of overall infrastructure costs within Tysons;

- Approval of all Tysons spending should be subject to annual public hearings;

- Annual County taxpayer funding for Tysons infrastructure improvements must be limited to $50 million (plus an annual inflation adjustment factor), and greater funding must be subject to approval by Countywide referendum; and

- The rate of annual infrastructure funding should be tied to annual square footage of building completions and construction starts for new commercial and residential development in Tysons Corner.

Mr. Whitfield pointed out that the projected costs for the expanded Tysons transit system for the period 2030 to 2050 have not been published and the Tysons Circulator Study was scheduled for completion in July 2012. He said the public should have the opportunity to comment on this study before the strawman proposal was adopted by the Planning Commission. He also expressed opposition to the concept of providing free transit service in Tysons at taxpayers' expense. (A copy of Mr. Whitfield's statement is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112rob_whitfield_comments.pdf.)

John Harrison, Vice President for Development at Macerich and representing Tysons Corner Center, 1961 Chain Bridge Road, Tysons Corner, indicated that Tysons Corner Center was the largest taxpayer in Tysons and would therefore shoulder a significant portion of funding the Tysons-wide road improvements. He commented that by understanding the scale and urgency of present transportation needs in Tysons, an affordable and appropriate list of immediate Tysons regional transportation improvements could be identified, funded, and constructed to benefit all residents, employees, and visitors in Tysons. He therefore suggested that this four-year list of projects be fully funded by the Tysons-wide service district with the remaining Table 7 projects funded by direct developer investment (i.e., proffered improvement, small tax district, Tysons Road Fund, etc.). Mr. Harrison reported that to date, the Tysons Corner Center has contributed more than $17 million to the Phase I Dulles Rail Tax District and $5.8 million in Commercial and Industrial (C&I) taxes. (A copy of Mr. Harrison's letter, dated June 26, 2012, is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112tax_district_letter.pdf.)

Answering questions from Commissioner Lawrence, Mr. Harrison explained that the proposed list would identify the Tysons regional transportation projects to be financed and completed in the next four years for the benefit of the service district participants regardless of whether additional development moved forward. He said this funding solution would ensure that the top priority projects with the broadest range of benefit were completed earlier in the process and had accurate cost estimates.

In reply to a question from Commissioner Hart, Mr. Harrison noted that the list of immediate Tysons regional transportation improvements could be derived from the Four-Year Transportation Funding Plan, as cited in Recommendation Number 13 (lines 310-312, page 9).

Chairman Alcorn pointed out that the strawman called for the development of a Four-Year Transportation Funding Plan that programmed current and projected revenues for Countywide projects and began to address long-term needs in transportation infrastructure (lines 175- 181, page 5). (*Note: The Board of Supervisors adopted the Four-Year Plan, covering Fiscal Years 2013-2016, on July 10, 2012*.)

Sally Horn, President, McLean Citizens Association (MCA), PO Box 273, McLean, requested that language in the strawman be sharpened to better inform County taxpayers about the magnitude of the financial obligations and risks of redevelopment in Tysons and better protect them against uncertain financial obligations for infrastructure. She also recommended that staff

host a series of public meetings at convenient locations throughout the County prior to adoption of the financial plan, and widely publicize these meetings to encourage maximum public participation. She then described ten specific MCA recommendations to strengthen the protections for County taxpayers and ensure a fair and equitable sharing of Tysons costs and benefits:

1) Provide estimates, expressed in 2012 and 2050 dollars, of the expected financial burden imposed on County taxpayers, and the kind of tax increases they might face. This should include a best and worst case cost estimate, over the next five years, ten years, and planning horizon, including an estimate assuming the availability of only County funding sources to cover the proposed public sector costs.

2) Ensure that the County portion of the public share for the Tysons-related transportation infrastructure was fair and equitable by limiting the contributions of County taxpayers to no more than 25 percent of the total cost.

3) Revise the language found in Recommendation Number 16 (lines 327-328, page 9) to read, "County funding sources should not be used as the source of last resort for Tysons-wide Road improvements that are properly and historically a state or federal responsibility."

4) Stipulate that, in the absence of alternative options to make up for any potential funding shortfalls, the pace of development must be adjusted. Therefore, add the following language to the end of Recommendation Number 16: "To the extent that funding from state and/or federal sources is not available to meet these responsibilities and the private sector is unwilling or unable to help Fairfax County cover the shortfall, development must be adjusted so that, as called for in the Comprehensive Plan, development keeps pace with – and does not outpace – the acquisition of the transportation infrastructure required to make Tysons urbanization work and to ensure that the massive increases in density permitted in the plan do not overwhelm the transportation network."

5) Identify offsets so that the public sector funding burden was not increased by the proposal in Recommendation Number 19 (lines 390-398, pages 10-11) to allocate 10 percent of the Tysons-wide service district funding to projects that more properly were considered neighborhood and access improvements. This would ensure that sufficient funds were available to cover the private sector's share of the Tysons-wide road improvements.

6) Add language that stated that both the private and public sectors would be expected to cover the entire cost (or their share, in the case of shared projects) of the projects listed in Table 7. This would include, but was not limited to debt servicing, cost overruns, and increases due to inflation. Furthermore, if caps were to be set, they should apply to both the developers/landowners and County taxpayers so that funding sources were treated equitably.

7) Allow additions to the Table 7 inventory of required transportation infrastructure projects because County staff had already identified additional transportation projects that would be required to realize the commitment made to reduce traffic congestion – or at least not to make it worse. Maintain the current list of proffer expectations because follow-through on the proffers would fulfill the pledges related to quality of life and traffic reduction made to the surrounding communities and help offset non-transportation-related capital costs for basic services required by the increased density. Otherwise, development must be scaled back.

8) Establish parameters to govern the exercise of County bonding authorities to advance funds to the developer/landowner community for a portion of its transportation contribution.

9) Make Recommendation Number 1 (lines 78-81, page 3) actionable by identifying the projects that all stakeholders in Tysons should engage in a proactive and concerted effort to lobby and secure funds.

10) The County needed to work more aggressively with the private sector to find interim parking solutions at one or more of the new Metrorail stations at Tysons Corner.

Ms. Horn asked that the Committee incorporate the MCA recommendations into its submission to the Planning Commission and Board of Supervisors. (Copies of Ms. Horn's remarks and detailed written statement are in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112sally_horn_comments.pdf and http://www.fairfaxcounty.gov/planning/tysons_docs/062112mcastatement.pdf.)

Ruth Hoang, Director of Development, Home Properties Tysons LLC, 8229 Boone Boulevard, Suite 500, Vienna, noted that Home Properties Tysons LLC was a publically traded multi-family real estate investment trust with over 42,000 rental apartment homes, and approximately 4,500 apartment homes in Fairfax County. She also indicated that her company was a contract purchaser and co-applicant to Cityline Partner's Arbor Row development application (RZ 2010-PR-023), for approximately 750,000 square feet of multi-family rental development, or approximately 670 units on Block A. Ms. Hoang explained that Home Properties Tysons LLC supported most of the recommendations in the strawman, but suggested the following changes:

- Revise the language found on lines 111-114 on page 4 to read, "This would include the elements of the Grid that are located within and adjacent to development application areas, as well as the appropriate pro-rata share of off-site links that were determined to be necessary through the applicable VDOT 527 study, as determined necessary through the entitlement process. The financing of other off-site links should be covered by the contributions to the Tysons Road Club."

- Revise the language found on lines 404-408 on page 11 to read, "The primary method for raising this revenue should be through a contribution of $5.63 per square foot of new non-residential development and $1,000 per new residential unit."

Ms. Hoang also strongly encouraged the Committee to review the current list of expected proffers for Tysons applicants, and to consider the removal of one or several of these other financial obligations to help reduce the overall financial burden. (A copy of Ms. Hoang's letter, dated June 21, 2012, is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112home_properties.pdf.)

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, noted that her law firm represented a number of applicants and stakeholders in the Tysons Corner area. She suggested that:

- Add language to Recommendation Number 2 (lines 109-114, page 4), indicating that applicants should receive a credit against the Tysons Road Fund contributions of the off-site Grid link improvements;

- Permit the provision of commercial commuter parking at Metrorail station(s) in Tysons on an interim basis for the benefit of Metrorail riders and allow it to be driven by the market rather than a complicated interim parking agreement with Fairfax County; and

- Remove the current IDL of 45 million square feet of office use from the Tysons Corner Comprehensive Plan.

Christian Deschauer, Director of Government Relations, Fairfax County Chamber of Commerce, 8230 Old Courthouse Road, Suite 350, Tysons Corner, noted that his organization represented over 600 Fairfax County businesses, hundreds of which were located directly in Tysons Corner. He said the Chamber would continue to work over the next few months to obtain feedback on the strawman proposal from the entire Tysons business community that would be shared with the Planning Commission and Board of Supervisors. Mr. Deschauer made the following recommendations on behalf of the Chamber and entire business community:

- Revise the beginning of Recommendation Number 1 (lines 78-79, page 3) to read, "All stakeholders in Tysons, including the County, residents, landowners, businesses, and developers engage together…."

- Set a hard cap on the Table 7 inventory of infrastructure improvements to provide developers and landowners with predictability as they transform Tysons.

- Review the current list of proffer expectations and reconsider some for possible reduction of scope. For example, the athletic field requirements could be reviewed to determine whether there were more cost-effective ways to provide fields for future Tysons residents.

- Relax the requirement that every athletic field had to be built within Tysons to help reduce costs without changing the vision set forth in the Comprehensive Plan. Thoughtful reductions in selected areas could be re-invested in priority transportation improvements to ensure the success of Tysons.

Mr. Deschauer pointed out that for the past few years, the Tysons business community had been paying 20 percent of the C&I taxes collected in the County and almost all of that money had been spent in areas other than Tysons. He also stressed the importance of remembering the contributions of the Tysons business community toward the transportation infrastructure in the entire County over the past few decades. (A copy of Mr. Deschauer's written statement is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112christian_deschauer_comments.pdf.)

John Reiter, representing Greater Tysons Green Civic Association (GTGCA), 8728 Higdon Drive, Vienna, noted that his association represented a number of homeowners associations located between Route 7 and the Town of Vienna. He spoke in opposition to a Dulles Toll Road Ramp connection running through the Old Courthouse Spring Branch Stream Valley Park, which was located within a Resource Protection Area (RPA) and Environmental Quality Corridor (EQC), because:

- This area provided a necessary buffer between his community and the planned density in Tysons, served as a natural filter for stormwater runoff, and provided a wildlife habitat and thriving ecosystem that should be preserved for future residents;

- Residents' property values and quality of life would be adversely impacted; and

- The historic significance of the nearby Ashgrove Plantation and Civil War fortifications would be compromised.

Mr. Reiter requested that the strawman reflect his community's desire to protect this parkland.

Chairman Alcorn pointed out to Mr. Reiter that Commissioner de la Fe was aware of the potential impacts of constructing a Dulles Toll Road Ramp connection through the Old Courthouse Spring Branch EQC/RPA.

Kirk Abriola, representing GTGCA, 8726 Higdon Drive, Vienna, expressed opposition to any planned Dulles Toll Road Ramp connection that would cause adverse environmental impacts to the Old Courthouse Spring Branch EQC/RPA and adjacent residential community. He said a study should be conducted on the archaeological and natural resources in the area. He also asked that alternate locations be considered. Mr. Abriola said he believed that such a road connection would not benefit any of the area residents, preserve the vision for Tysons, or meet the environmental sustainability goals in the Tysons Corner Comprehensive Plan. He specifically cited the first sentence in the second paragraph under the Natural Resources Management section on page 74 of the Tysons Plan:

> "Contributions from development in Tysons towards stream restoration and stabilization in the Scotts Run, Old Courthouse Spring Branch, Rocky Run, and Pimmit Run watersheds should be encouraged as part of a comprehensive strategy to restore the water quality and ecological health of Tysons' streams."

Chairman Alcorn pointed out to Mr. Abriola that public meetings to discuss the recommendations of the Dulles Toll Road Ramp study were ongoing.

Steve Ruckman, 8340 Greensboro Drive, Unit 426, McLean, noted that he lived in the Rotonda Condominium community. He indicated his strong objection to the proposed Tysons-wide service district that would impose new taxes on existing residential property owners in Tysons.

William B. Lawson, Jr., Esquire, Lawson, Tarter & Charvet, PC, representing The Rotonda Condominium Unit Owners Association, Inc. (RCUOA), said he was also speaking on behalf of Michael Bogasky, President, RCUOA, whom had submitted a letter dated June 21, 2012. He stated that the Rotonda residents were opposed to a Tysons-wide service district that would include residential property owners in Tysons. He explained that 25 percent of the Rotonda residents were over the age of 65 and some of them were on fixed incomes; therefore, they would not be able to afford an additional tax burden. (A copy of Mr. Bogasky's letter is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112rotonda_letter_to_pc.pdf.)

Juan R. Cardenas, Esquire, Rees Broome, PC, said he was speaking on behalf of the Tyco Park Condominium Association Board of Directors and the members who owned the 79 units within the Tyco Park Commercial Condominium development located on Tyco Road in Vienna. He indicated that the Tyco Park units were built in the 1980s and were owned or used by small business owners, many of whom have been in Tysons for three decades and paying taxes during that time. He explained that the Tyco Park owners supported the concept of petitioning the Board of Supervisors to establish a transportation improvement district (TID) to generate the revenue for the needed improvements instead of recommending that the Board establish a service district for the same purpose. Mr. Cardenas said the establishment of a TID would allow the Tyco Park owners to participate directly in the process. He questioned why the Tysons Partnership believed that the majority of the land ownership in Tysons would not support the formation of a TID and asked that County staff examine the possible reasons. He pointed out that a Tysons-wide service district would make it more difficult for the Tyco Park businesses to continue to operate in Tysons, create competitive disadvantages, and not provide any direct benefits. (A copy of Mr. Cardenas' letter, dated June 26, 2012, is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112tyco_park_condo.pdf.)

Answering questions from Chairman Alcorn, Mr. Cardenas said he believed that there were well over 100 Tyco Park owners. He noted that although he was unsure of the exact number of owners who were in favor of the TID proposal, he pointed out that the Tyco Park Condominium Association Board of Directors had not received support from any of the owners for the Tysons-wide service district proposal.

Mark Quimby, 6820 Spur Road, Springfield, questioned the justification for requiring developers to contribute $500 million for subsidized housing in Tysons, especially for residents earning $70,000 to $120,000 per year, when the County had $1.6 billion in unfunded Tysons transportation requirements by the year 2050. He said Tysons' transportation needs were certainly greater than a requirement for subsidized housing and must be addressed to keep Tysons viable and to grow the County's tax base. Mr. Quimby therefore urged the County to take the $500 million from the housing subsidy and shift it to meet Tysons' unfunded transportation needs. He also recommended that the Board of Supervisors implement a plan to extricate gradually the County's tax dollars from subsidized housing, except for residents in real need. (A copy of Mr. Quimby's written statement is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112markquimbyletter.pdf.)

Linda Nguyen, Asset Manager, Capital Automotive Real Estate Services, 8270 Greensboro Drive, Suite 950, McLean, indicated that her company owned approximately 20 acres of vehicle dealership properties located on the south side of Route 7 near the planned Spring Hill Metrorail Station. She spoke in support of the 50 percent Tysons-wide service district tax/50 percent new Tysons development funding split as recommended by the Tysons Partnership. She stated that developers should receive a credit against their contributions toward the Tysons Road Club for building off-site Grid link improvements.

Mark Zetts, 6640 Kirby Court, Falls Church, presented the following recommendations:

- The draft financing recommendations should retain the cost estimates in 2012 dollars, but provide a sidebar that projected the cost to the year 2050 using three and four percent inflation rates and assuming the growth rates in the Tysons Corner Comprehensive Plan.

- The post-2030 transit costs should be provided because the Tysons Plan was premised on this Phase 2 transit system generating very high mode splits in Tysons and was a critical piece in the overall transportation network in Tysons.

- No caps on costs should be identified for the private or public sectors because they should be project-based rather than cost-based.

- The tax rate needed to generate the private sector revenue stream should be sufficient to retire the debt in 40 years.

- The need for a superstreet intersection on Route 123 to accommodate the projected traffic volumes on this critical facility, as identified in the Consolidated Transportation Impact Analysis (CTIA) for the East portion of Tysons, should be added to Table 7. The draft recommendation text on lines 467- 470 on page 12 appropriately recognized the need for such additions.

- Recommendation Number 23 (lines 510-512, page 13) should clarify that if no one responded to the formal Tysons Corner Interim Parking Request for Interest (RFI), the ability for landowners around the Metrorail stations to submit interim parking proposals should remain open until development occurs.

- The beginning of Recommendation Number 21 (lines 476- 477, page 13) should be changed to read, "The Planning Commission review and comment on the construction schedule…" and language should be added to indicate that the Planning Commission would forward its comments to the Board of Supervisors for its review.

- Recommendation Number 26 (lines 594-599, page 26) to increase or remove the current IDL of 45 million square feet of office use should be deleted because of insufficient justification and uncertainty of the office market in Tysons. In addition, only Final Development Plan (FDP) approved office space should be tallied when computing net new office space towards the IDL threshold. The IDL should be revisited following significant, demonstrable progress made in each of the transit-oriented development (TOD) areas and Plan guidance could be validated.

(A copy of Mr. Zetts' written statement is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112zetts_testimony.pdf.)

Louis Freeman, 6800 Fleetwood Road, Apt. 1107, McLean, suggested that the following issues be addressed to assure a fair deal for County taxpayers:

- The Grid assignment of "primary" responsibility in lines 98 and 105 on pages 3-4 was too vague, since it could mean 51 percent was private and the rest public. The undefined word "primary" should be removed because the private sector should be responsible for the Grid of Streets.

- The defined "primary" responsibility of 90 percent of the cost associated with the Tysons-wide road improvements that occur outside of Tysons allocated to public funding sources was unfair because only about 44 percent of traffic through road improvements outside Tysons was attributed to Tysons traffic and the costs of these improvements were significantly larger than inside Tysons. Therefore, the public/private funding breakdown should be based on trips generated by Tysons versus through trips.

- Recommendation Number 4 (lines 190-195, page 6) regarding the primary funding responsibilities for neighborhood and access improvements assigned an undefined "primary" responsibility to taxpayers for intersection improvements despite a significant portion of future traffic coming from Tysons.

- In reference to lines 454-460 in the Transportation Funding Monitoring and Review section on page 12, any funds fronted by taxpayers for private sources early in the construction schedule should be treated as a loan with an agreed-to repayment schedule.

- The language, "and using the County funding sources as the source of last resort for Tysons-wide Road Improvements," found on lines 327-328 on page 9 should be removed because the interpretation of this language could be abused.

- There should be no caps on private responsibility for needed improvements, in either what projects were needed or their cost, to avoid unfairness. If money was short, development could be limited until funds become available.

- The statement in Recommendation Number 6 that public "funding sources have traditionally paid for the capital and operating costs of transit improvements not associated with a particular development" (lines 219-221, page 6) conflicted with the planning idea that Tysons should be developed as a unit.

- His suggestion to examine the possibility of a private jitney service, perhaps starting with shared taxis, as presented to the Committee on September 7, 2011, with follow-up emails on September 16 and December 11, should be examined now, not after the year 2030.

- It was not yet appropriate to recommend an increase or removal of the IDL, as depicted in Recommendation Number 26 (lines 597-599, page 16), because all of the currently identified transportation improvements would not be completed by the year 2050 (contrary to lines 587-588 on page 15). In addition, progress toward the vision for Tysons would be violated by increasing the imbalance between office and residential land use, which was already front-loaded toward office use.

(A copy of Mr. Freeman's written statement is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112louis_freeman_comments.pdf.)

Evan Pritchard, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, noted that his law firm represented a number of rezoning applicants in the Tysons Corner area. He said developers who proffer in-kind construction of specific transportation improvements should receive a credit against their contribution toward the Tysons Road Fund for those amounts. He also suggested changing "Tysons Road Club" to "Tysons Street Grid Fund."

Shane Murphy, Esquire, Cooley LLP, said he was speaking on behalf of Capital One Bank, which had filed applications, RZ/FDP 2010-PR-021 and PCA 92-P-001-08, to redevelop the Capital One campus. He pointed out that that the infrastructure costs associated with new development in Tysons Corner have escalated substantially. He explained that Capital One supported the position adopted by the Tysons Partnership because:

- It represented a compromise for Table 7 costs between the positions of landowners who are seeking rezoning approvals and those who have no plans to rezone their property; and

- It reflected the belief that a portion of the road improvements necessary to ease the current congestion in Tysons and support new development under the Tysons Plan should be borne by all landowners equally.

My Murphy explained that under the proposed solution, Capital One would likely contribute in two distinct ways to help finance these road improvements: 1) through a tax district levied equally on all Tysons landowners based on the value of its real estate, and 2) through a substantial cash contribution for all new development on its property. He indicated that Capital One also supported the Tysons Partnership's additional requests that:

- No additional projects be added to the current list of Table 7 improvements;

- The substantial cash contributions for road improvements have the option to be paid incrementally or otherwise financed;

- Tysons developers have the opportunity to provide input on any tax district before it was implemented; and

- The County should engage in a thorough discussion with the Tysons Partnership to ensure that expected proffer amounts were sustainable and affordable.

Mr. Murphy also noted that rezoning applicants should have the flexibility to be granted credit for substantial dedications of property and/or construction of facilities directly related to a transportation improvement listed on Table 7. (A copy of Mr. Murphy's letter, dated June 21, 2012, is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112cooley_letter.pdf.)

Bill Espinosa, 10707 Burr Oak Way, Burke, commented that he was dismayed to see such significant increases in the cost projections especially during an economic crisis, yet taxpayers were being asked to pay more in corporate and property taxes to make up significant deficits in the funding plan. He then presented the following recommendations:

- Pare down projects to only what was necessary to achieve the vision for Tysons;

- Eliminate the subsidized housing requirement in Tysons, especially considering that 75 percent of all units in the program would go to residents earning between $70,000 and $120,000 per year at the expense of both corporate and property taxpayers, many of whom did not earn that much;

- Apply the $500 million pledged by developers toward subsidized housing to the unfunded transportation needs in Tysons; and

- Re-examine the Tysons Plan and consider eliminating any other unnecessary, expensive elements, and focus developer contributions on the County's priorities.

Thomas Cranmer, First Vice President, Fairfax County Taxpayers Alliance, 221 Donmore Drive Great Falls, remarked that the strawman exercise failed to meet any common sense or international standards of planning. He explained that staff had also failed to analyze any of the competitive costs of office space or residential housing in the neighboring jurisdictions (e.g., Loudoun, Prince William, Montgomery Counties), noting that Jones Lang LaSalle had reported that the existing 17.5 million square feet of vacant office space would not be absorbed until the year 2035. Mr. Cranmer also pointed out the lack of timing of the expenditures and associated funding sources over a 50-year period. He said he did not support affordable housing for residents earning incomes as high as $120,000 per year. He commented that the Tysons funding plan represented the wrong project at the wrong time.

Bruce Wright, Chairman, Fairfax Advocates for Better Bicycling, 2079 Cobblestone Lane, Reston, suggested that:

- Break down the bicycle access, pedestrian access, and neighborhood spot/intersection improvements in Table 7 so that the estimated cost for each item was known.

- Ensure that the larger roads that provide key connections into Tysons, such as Chain Bridge Road and Dolley Madison Boulevard, have bicycle access.

- Maintain bicycle and pedestrian connections as a critical part of the Tysons Plan;

- Pursue the Boone Boulevard/Greensboro Drive extension projects, but ensure that the Dulles Toll Road ramps have fewer impacts on the parkland;

- Consider modifying the existing Route 7 exit ramp to add a connection to Ashgrove Lane to provide a cut-through for exiting traffic just after the tollbooth, behind the Sheraton Premiere Hotel; and

- Do not provide interim commuter parking because it was contrary to the spirit of the Tysons Plan and basic TOD principles.

(A copy of Mr. Wright's written statement is in the date file and available online at http://www.fairfaxcounty.gov/planning/tysons_docs/062112bruce_wright_comments.pdf.)

Commissioner Lawrence pointed out to Mr. Wright that staff's work on incorporating bicycle-friendly design into future roadway and transit projects in Tysons was ongoing. Mr. Wright replied that Phase I of the Fairfax County Bicycle Master Plan for Tysons Corner had been completed in May 2011 and he anticipated that it would be presented to the Committee soon.

Charles Hall, 2417 Claremont Drive, Falls Church, said he wholly endorsed the MCA's position and recommendations as presented earlier by Ms. Horn. He expressed support specifically for the recommendation to hold public meetings throughout the County to brief residents on the

proposed financing approach. He commented that long-term projects were inherently ambiguous and expressed concern about the instability of public-private partnerships. Mr. Hall also asked:

- How would the County address the situation when the public sector was unable to fulfill its obligations?
- How would the County know the amount and timing of Federal and State funds?
- What were the post-2030 transit projects and associated costs?

Mr. Hall explained that discussions on funding Tyson's transportation infrastructure should be comprehensive, open, and transparent because it would affect County taxpayers into the future.

There being no more speakers, Chairman Alcorn thanked everyone for providing feedback. He announced that the Committee would next meet on Tuesday, June 26, 2012, at 7 p.m., in the Conference Rooms 2/3, to discuss the stakeholder input received on the strawman proposal. He also encouraged Commissioners, residents, developers, and other stakeholders to submit comments, concerns, and suggestions to Tysons@fairfaxcounty.gov.

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The meeting was adjourned at 9:03 p.m.
Walter L. Alcorn, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Kara A. DeArrastia

Approved on: September 6, 2012

_____
Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission

The document that follows is a "strawman" prepared by the Planning Commission Tysons Committee ("the Committee") that summarizes 14 months of deliberations related to certain issues associated with the redevelopment of Tysons. This document is a draft that has been prepared for the purpose of receiving public comment and input on the work to date of the Committee.

The Committee will be holding a public input session on **June 21st** at **7 p.m.** in the **Board Auditorium in the Government Center** (12000 Government Center Parkway, Fairfax, VA 22035). Verbal input on the strawman will be received by the Committee at that time. Written input on the strawman document can be sent to Tysons@fairfaxcounty.gov

The Committee will follow the public input session with a Committee mark-up of the strawman on **June 26th** on **7 p.m.** in **Rooms 9/10 in the Government Center** (12000 Government Center Parkway, Fairfax, VA 22035).

Strawman Document for Public Review and Comment
June 13, 2012

Planning Commission Tysons Committee
Recommendations to the Board on Certain Tysons-related Activities

At its meeting on March 29, 2011, the Board of Supervisors ("the Board") requested that the Planning Commission, working with staff, develop an inclusive process to address Tysons Follow-On Motion #1, related to financing infrastructure; Follow-On Motion #14, related to options for providing commuter parking at Metrorail stations on an interim basis; Follow-On Motion #17 related to affordable housing contributions from non-residential developments and refinement of the County policy on walking distances in Transit Oriented Developments (TODs); and the Initial Development Level (IDL) set forth in the Comprehensive Plan ("the Plan"), given the number of rezoning applications that have been submitted.

To address these issues, the Planning Commission reconstituted its Tysons Committee ("the Committee"), which is chaired by At-Large Commissioner Walter Alcorn. The Committee adopted an inclusive process, which included 22 meetings over a period of fourteen months. During its deliberations, the Committee sought information and input from all stakeholders. Based upon that, the Committee developed recommendations regarding the issues identified by the Board; these recommendations were then approved by the Planning Commission on XXX, 2012, by a vote of XXX and forwarded to the Board of Supervisors for their consideration.

The Planning Commission is pleased to forward this report of its recommendations to the Board.

Follow on Motion #1 – Financing Infrastructure.

The Plan links development to the timely provision of the infrastructure needed to support it, and provides general strategies for phasing developments in order to achieve a sustainable balance with infrastructure and public facilities throughout Tysons. Prior to investigating potential transportation infrastructure financing options, the Committee undertook a discussion among Committee members, staff, and members of the community attending Committee meetings that confirmed that the transportation improvements contained in Table 7 of the Plan (Attachment 1) are still valid for planning purposes. The Committee then affirmed via a working consensus that the Plan's recommendations for the provision of the necessary transportation improvements and for transit operating costs should rely on multiple funding sources, including those from the public and private sectors; that the overall funding plan should be reliable, timely, bondable as appropriate, and sufficient; and, that each element of the funding plan should be legally sustainable.

While the staff had provided an initial proposal to fund 20 years of transportation improvements, by the time that the Tysons Committee began its deliberations, the County had received development proposals that exceeded the projected 2030 level of development, based upon the 2008 George Mason University estimates of growth. As a result, the Committee felt it was important to extend the funding and transportation improvements horizon from 2030 to 2050. This horizon year change also addresses concerns associated with the Initial Development Level element of the Plan, as discussed below, by looking at funding and improvements beyond 2030.

The Planning Commission's recommendations set forth below are based upon a goal of developing a comprehensive solution for funding the set of infrastructure improvements in the Plan identified to support 113 million square feet of development anticipated to occur by 2050; the need for a funding plan that allows for flexibility in funding options and sources, as well as for adjustments to be made based upon pace of development; and, the need to provide a reliable funding mechanism that implements the visionary plan.

The Planning Commission's recommendations are set forth below:

State, Federal, and Regional Funding Responsibility

The majority of the existing and future roads in Tysons will be public streets. The Virginia Department of Transportation (VDOT) is responsible for maintaining

public streets in most counties of the Commonwealth. The Planning Commission strongly believes that the Commonwealth has a responsibility to provide significant contributions to the construction, operation, and maintenance of the transportation infrastructure in Tysons.

Furthermore, the Planning Commission believes that the economic benefits of Tysons to Virginia should be recognized and that Virginia should strengthen its investment in Tysons, based on the economic benefits of Tysons to the Commonwealth.

The Planning Commission also believes that it is appropriate for the Federal Government to assist in the provision of infrastructure in Tysons.

RECOMMENDATION:
The Planning Commission recommends:

1) All stakeholders in Tysons, including the County, residents, landowners, and developers, engage together in a proactive and concerted effort to lobby and secure funds for Tysons from the state and federal governments, and any regional entities.

Transportation Infrastructure Improvements

The Planning Commission has categorized the infrastructure improvements needed to serve Tysons into four categories: Grid of Streets; Neighborhood Improvements; Tysons-wide Improvements; and Transit. Each component is addressed separately below.

Grid of Streets

The urban street network described within the Plan is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of "complete streets". The Grid of Streets ("the Grid") is comprised generally of Collector, Local, and Service streets that provide site access and circulation within Tysons.

The Plan recommends that the private sector be primarily responsible for on-site improvements, including the Grid and for contributions to the Tysons Road Fund to support the construction of the Grid.

RECOMMENDATION:

The Planning Commission recommends the cost for construction of the Grid be primarily the responsibility of the Tysons' landowners/developers. The Planning Commission recommends that the Grid be implemented through two mechanisms:

2) In-Kind Construction: Landowners/developers who seek to redevelop their properties should construct those portions of the Grid needed to support their development applications. This would include the elements of the Grid that are located within and adjacent to development application areas, as well as off-site links, as determined necessary through the entitlement process.

   Staff estimates that the value of these improvements is $561,000,000 (in 2012 dollars).

3) Tysons Road Club: There will be important sections of the Grid which are not anticipated to be provided through development applications. Nevertheless, these sections of the Grid are essential to the continuous functioning of Tysons in order to maintain an acceptable level of traffic flow, as well as bus routes, and bicycle and pedestrian connectivity. These sections may be at locations where development most likely will not take place at all, or may not occur in a timely manner. These links are referred to as the "missing links".

   Staff estimates that the value of these improvements is $304,000,000 (in 2012 dollars).

   To fund construction of the "missing links", the Planning Commission recommends that the Board adopt the following changes to the existing Tysons Road Club:

   a. Designate the primary purpose of the Tysons Road Club as funding the construction of the "missing links";

   b. Modify the Tysons Road Club rates to an amount necessary to fund the anticipated cost of the "missing links" in the planned 2050 Grid.

      Based on the anticipated need and the anticipated level of development, the Planning Commission recommends that

the revised Tysons Road Club rates be set at $1,000 per new dwelling unit and $6.44 per square foot of new non-residential development;

c. Escalate the Tysons Road Club rates annually with construction cost inflation;

d. Prioritize projects periodically; and,

e. Evaluate the Tysons Road Club on a periodic basis to ensure that the funding contribution levels are sufficient and that the funding available is being allocated efficiently.

Neighborhood and Access Improvements

There is a need now and in the future to make intersection improvements within Tysons and in the communities adjacent to Tysons. These intersections either currently experience traffic flow problems, or are expected to reach traffic flow problem levels if left unaddressed over the next five to ten years.

The Tysons Metrorail Station Access Management Study (TMSAMS), approved by the Board on May 22, 2012, identified a number of projects necessary in the near term to enhance multimodal access to and from the four new Tysons Metrorail stations and to improve the safety of pedestrian and bicycle access within Tysons. These pedestrian and intersection projects include improvements to sidewalks and walkways, bicycle facilities, trails in the vicinity of Tysons, and crosswalks at specific intersections.

The Fairfax County Department of Transportation (FCDOT) has developed a Four-Year Plan, covering the Fiscal Years 2013-2016 (Four-Year Plan) that programs current and projected revenues for countywide projects and begins to address long term needs in transportation infrastructure. The plan includes federal funding for a portion of the TMSAMS recommendations. The Board is expected to consider adoption of the Four-Year Plan on July 10, 2012.

Staff estimates the value of these improvements is $77,000,000 (in 2012 dollars).

RECOMMENDATION:
The Planning Commission recommends:

4) The primary funding responsibilities for these improvements come from state, federal, regional and County funding sources. These funding sources have traditionally paid for sidewalk, trail, and spot intersection improvements not associated with a particular development. In addition, these funding sources are more likely to be able to be timed to the needed improvements.

Transit

To leverage the investment in the Silver Line Metrorail expansion into Tysons and beyond, to implement the Fairfax County Transit Development Plan, and to create the environment for the type of transit-oriented development envisioned for Tysons, public transportation must serve an increasingly higher percentage of trips to, from, and within Tysons.

FCDOT is implementing plans to expand the Metrobus and Fairfax Connector service within Tyson to increase transit access, and is studying implementation of a circulator system within Tysons to aid movement within Tysons, as recommended in the Plan.

Staff estimates the value of this at $408,000,000 (in 2012 dollars).

RECOMMENDATION:
The Planning Commission recommends:

5) The funding plan address the expanded transit system through 2030, as the system post 2030 is still under study and may change with new technological developments.

6) The primary responsibility for funding this expanded service come from state, federal, regional, and County funding sources. These funding sources have traditionally paid for the capital and operating costs of transit improvements not associated with a particular development. In addition, these funding sources are more likely to be able to be timed to the needed improvements. Funding for new service hour operations related to the Fairfax Connector Silver Line routes will be included in the FY2014 Fairfax Connector budget and the Four-Year Plan will address additional transit requirements for Tysons.

7) There may be some elements of the transit system, including operating costs, transit stop facilities, and right-of-way area for future transit systems that should be the responsibility of the private sector. These elements should be funded primarily through proffers associated with redevelopment.

8) For the transit service expected to occur after 2030, the Planning Commission recommends that increased participation from the private sector and new funding sources be explored. For example, owning and operating private jitney services may prove to be economically feasible for the private sector at some point in the future.

Tysons-wide Road Improvements

A number of physical improvements to the roadway and transportation infrastructure are necessary to achieve critical access and egress to Tysons. These improvements are identified in Table 7 of the Plan under the Tysons-wide Road Improvements heading. These projects include new access points from the Dulles Toll Road to Tysons, expanded capacity on select primary and minor arterial roads, and the creation of new minor arterial roads to support the Grid.

The Plan recommends that these necessary transportation improvements will need to rely upon public and private sources of funding and makes recommendations as to the types of funding mechanisms that may be appropriate.

The Committee spent a significant portion of its deliberations on the issues related to the Tysons-wide Road Improvements. The deliberations involved understanding each of the specific improvements listed in Table 7, investigating all of the potential funding mechanisms that are currently available under existing legislation, and understanding the relationship between the transportation improvements and the potential funding mechanisms.

The Four-Year Plan includes a number of projects pertinent to Tysons. Studies include: Tysons Corner connections to the Dulles Toll Road; conceptual engineering and design for Boone Boulevard and Greensboro Drive extensions, and the Grid; the Tysons Corner Circulator Feasibility Study; and the Tysons Corner Transportation and Urban Design Study.

Table 7 roadway projects entirely or partially funded under the Four-Year Plan include: the extension of Jones Branch Drive to inside I-495 (connecting Jones Branch to Route 123); the Route 7 widening from Route 123 to I-495; and the partial acquisition of right-of-way for the Route 7 widening from the Dulles Toll Road to Reston Avenue.

Staff estimates the value of the Tysons-wide Road Improvements at $1,207,000,000 (in 2012 dollars).

RECOMMENDATION:
The Planning Commission recommends:

9) All of the Tysons-wide Road Improvements included in Table 7 should be addressed in the funding plan, as all are needed to support future growth;

10) The Tysons-wide Road Improvements should be separated into two categories - those that occur outside of Tysons and those that occur inside of the Tysons. The Planning Commission believes that splitting these projects into two groups based on their location allows the projects to be primarily funded by the groups receiving the greatest benefit of the improvements.

    The Planning Commission recognizes that there may be situations where the landowners/developers may be responsible for an improvement outside the boundaries of Tysons. Conversely, there are instances where state, federal, regional, or County funding sources may be responsible for projects inside the boundary of Tysons. As such, the Planning Commission determined that, for the purposes of this recommendation, “primary responsibility” means 90% of the cost associated with the improvements;

11) The Tysons-wide Road Improvements that occur outside of Tysons, should be funded primarily by state, federal, regional, and County funding sources, since the majority of the trips do not result from the redevelopment of Tysons;

12) The Tysons-wide Road Improvements that occur inside of Tysons should be funded primarily from private sector sources, as the majority of the impacts result from the Tysons development and redevelopment;

13) The Board should continue to build upon the Four-Year Transportation Funding Flan, which includes initial funding for the Tysons-wide Road Improvements;

14) The Board should direct staff to develop a Tysons Transportation Funding Plan to determine initial priorities for the Tysons-wide Road Improvements;

15) The Board should develop a preliminary schedule of construction for the Tysons-wide Road Improvements, based upon the recommendations in Table 7;

16) The Board should direct staff to continue to maximize outside revenue sources to place the responsibility of transportation funding where it more appropriately resides, i.e. with our state and federal funding partners and that FCDOT should continue its current process of acquiring funding from outside sources wherever possible and using the County funding sources as the source of last resort for Tysons-wide Road Improvements.

    FCDOT staff routinely reviews federal, state and other funding opportunities to determine which County transportation projects best fit these programs. The planned Tysons-wide Road Improvements are currently included in this evaluation process.

Based upon the foregoing, $701,000,000 (in 2012 dollars) should be provided from state, federal, regional, and County funding sources and $506,000,000 from the private sector.

The Tysons-wide road improvements will benefit all residents and landowners who live, work, play and shop within Tysons, whether they are new office workers or long-time residents. Therefore, a portion of the cost of the improvements should be borne by all Tysons landowners.

While the roads will serve everyone accessing Tysons, the Plan includes redevelopment options for certain areas within Tysons that call for substantial additional development value, and thus these redevelopment options add to the need for the Table 7 Tysons-wide improvements. Therefore, a portion of the Tysons-wide road projects should be borne by the applicants for proposed new developments, in that they have a Plan development potential that will be enabled by the Tysons-wide road improvements.

RECOMMENDATION:
The Planning Commission recommends that the funding within the landowner/developer share be allocated in the following manner:

17) Half of the funding ($253,000,000 in 2012 dollars) should be generated by a Tysons-wide tax district, whose boundary would be the same as the Tysons Corner Urban Center. The Tysons-wide Road Improvements will be contained within this boundary and will serve to benefit the entire community within Tysons.

    The Planning Commission strongly encouraged landowners within Tysons to gain the requisite number of signatures to petition the Board to establish a transportation improvement district (TID) to generate the recommended level of revenue for the needed improvements by approximately 2050. The TID revenue mechanism was used to establish the Dulles Phase I Tax District, currently providing funding for Phase I of the Silver Line Metro Extension.

    The landowners within Tysons, as represented by the Tysons Partnership, do not believe they are able provide such a petition to the Board to establish a TID. Therefore, the Planning Commission recommends that the Board establish a Service District for the same purpose.

18) The service district should be established effective January 1, 2013, to allow for a full year of tax revenue to be raised in 2013.

Establishment of a Service District including all landowners within the Tysons Corner Urban Center would by law also include residential property owners. These residential property owners are currently exempt from the Dulles Phase I Rail District taxation, but would be subject to this service district. As of January 1, 2012, residential property owners make up approximately 10% of the total assessed value of properties in Tysons.

RECOMMENDATION:
The Planning Commission recommends:

19) The Board set a policy to spend approximately 10% of the Service District funding on transportation projects that have an immediate benefit of the residential landowners in Tysons. These may include

capital infrastructure such as improved sidewalks and trails, and that such funding should be accelerated to the earlier phases of the construction schedule to best serve existing residents. This funding may also provide support for increased and improved transit services that might be of a particular benefit to the existing residents.

20) The remaining half of the funding ($253,000,000 in 2012 dollars) should be funded through those properties seeking redevelopment within Tysons.

The primary method for raising this revenue should either be through a contribution of $6.48 per square foot of new non-residential development; or through a contribution of $5.63 per square foot of new non-residential development and $1,000 per new residential unit.

The Tysons Road Club purpose could be expanded to include the construction of the Tysons-wide Road Improvements or an additional funding pool could be established to administer this contribution.

Alternative funding mechanisms, or a combination thereof, could be enacted, as long as they could be applied equitably and reasonably be expected to provide the recommended funding level in a timely manner. Alternative funding mechanisms which could be suitable include;

- Proffered in-kind construction of specific transportation improvements;
- Proffered financial contributions to funding specific transportation improvements;
- A second, smaller tax district, such as a Transportation Improvement District, if such is determined to be legally sustainable; and/or
- Revenue from paid parking fees, or a parking district, in which a certain amount of money per space per day is used to fund the transportation improvements.

On June 11, 2012, the Tysons Partnership endorsed this two pronged financing approach with certain caveats (Attachment 2).

Transportation Funding Monitoring and Review

As previously discussed, the Planning Commission recommends the Tysons Transportation Funding Plan include all of the projects anticipated in the Plan to be needed for 113 million square feet of development, as projected by the George Mason University 2008 study, through 2050. This extended planning horizon contains a number of assumptions that will need to be monitored over time to ensure that the assumptions made today remain valid in the future.

The project cost estimates and funding levels determined to support construction of the needed improvements will also need to be flexible to provide for changes in future construction costs and address any funding overruns or shortfalls identified in the future.

The Planning Commission's recommended funding plan assumes that resources will come from a number of sources, as discussed above. These funding mechanisms vary in the amount of funds that they can raise, bonding capacity, total revenue generated, and timing of the delivery of funds. In general, it is expected that the state, federal, regional, and County funding sources will provide the majority of funding for projects early in the construction schedule, due primarily to the bonding and revenue capacity of those sources. The landowner/developer revenue sources are expected to provide funding later in the redevelopment time span to allow those revenue sources to accrue sufficient revenue for "pay as you go" funding, or to build up reserves to leverage other funding options when needed.

Consolidated Transportation Impact Analyses (CTIAs) for the East, Central, and West portions of Tysons have been conducted by the County to determine the combined impact of the current redevelopment proposals and the potential development on parcels with redevelopment options available under the Plan. The CTIA analyses resulted in the identification of several additional transportation projects in the Tysons East area beyond those listed in Table 7, and may result in additional transportation projects in the Tysons Central and Tysons West areas beyond those include in Table 7.

RECOMMENDATION:
The Planning Commission recommends:

21) The Board review the construction schedule and the funding mechanisms on a periodic basis to ensure that the estimated funding levels are coordinated with the anticipated construction spending and that the funding is being spent in an appropriate and efficient manner. This review should include members of the community and the Tysons Partnership; and,

22) The level of development tested by the CTIAs exceeds the level of development anticipated, by the George Mason University 2008 study, to occur by 2050. Any additions to Table 7 should be funded by the development that exceeds the 2050 threshold projected by George Mason University in 2008.

Follow on Motion #14 – Interim Commuter Parking

Follow-On Motion #14 directed staff to explore options for providing commuter parking at Metrorail station(s) in Tysons Corner on an interim basis until Tysons development reaches a level where such commuter parking is not practical or desirable.

To complete this task, FCDOT produced an inventory of potential sites that could accommodate such parking. Subsequent to developing the inventory, staff contacted the owners of these sites to gauge interest in providing interim parking and investigated the zoning regulations governing the provision of commercial parking. In most cases, a commuter parking agreement, approved by the Board, would be required to allow commercial parking. Such an agreement can contain any terms the Board deems appropriate and is agreed to by all parties.

Although a handful of property owners expressed initial interest when contacted, staff ultimately exhausted all identified possibilities with no property owners willing to move forward.

RECOMMENDATION:
The Planning Commission recommends:

23) A formal Tysons Corner Interim Parking Request for Interest (RFI) be issued and sent to all property owners proximate to the Metro stations;

24) The RFI include the target requirements and necessary steps for property owners to obtain interim parking agreements with Fairfax County and be released no later than 12 months before the scheduled opening of the Metro stations; and,

25) If an interim parking location is identified, that signage is posted at the location clearly indicating the interim status of the parking.

Follow on Motion #17a – Affordable Housing Policy.

This motion asked that the Planning Commission examine modifying the Policy Plan to incorporate a policy supporting a non-residential contribution to affordable housing similar to the recommendation in the Tysons Plan. Since this proposed policy will be applicable countywide, the effort will take more time and require extensive public outreach before a recommendation can be made by the Planning Commission.

Follow on Motion #17b – TOD Walking Distance Policy

Under separate cover, the Planning Commission will forward to the Board a proposed revision to the Policy Plan that would amend the County's Guidelines for Transit-Oriented Development (TOD) and request that the amendment be authorized for public hearing. To reflect elements of the Tysons Plan, this proposed amendment would refine the description of walking distance, as it relates to transit proximity.

Board Motion –Initial Development Level (IDL)

The Plan recommends that an IDL of 45 million square feet of total office development built and approved within Tysons should not be exceeded in order to implement the first 20 year increment of growth. Office uses were the trigger for the IDL due to their being the majority of existing uses and having high peak period vehicle trip generation characteristics.

The list below reflects the current and proposed amount of total office development within Tysons, as of March 25, 2012 for existing and approved/proposed Conceptual Development Plans (CDP) and Final Development Plans (FDP);

Existing Built Office Gross Floor Area (GFA)	**26,812,000 sq.ft.**
Unbuilt Office GFA Approved through Rezoning Process	**6,418,089 sq.ft. (CDP)** 6,110,689 sq.ft. (FDP)
Proposed Net New Office GFA Under Review	**15,191,648 sq.ft. (CDP)** 797,347 sq.ft. (FDP)
Total Built Office GFA and Approvals/Submissions	**48,421,737 sq.ft. (CDP)** 33,720,036 sq.ft. (FDP)

If all of the current applications under review were approved with their current entitlement requests and the IDL were calculated using the development levels shown on the Conceptual Development Plans (CDP), the Plan IDL level of 45 million square feet of total office development would be exceeded by approximately 3.4 million square feet. However, based on the development levels shown on the Final Development Plans (FDP) that have been approved or submitted, there would be over 11 million square feet of office development remaining before IDL is reached.

The Plan recommends that the following criteria be considered when determining an increase in the IDL for office uses:

a) Progress achieved toward the realization of the vision for Tysons;

b) Market demand for office space, as demonstrated by new building construction, vacancy rates, and revised forecasts;

c) Balance between land use and transportation, including provision of infrastructure and achievement of vehicle trip reduction levels identified for the year 2030 and TDM performance that exceeds the targets outlined in Table 5 in the Transportation section; and

d) Funding arrangements for transportation improvements and progress, so that timely completion of improvements for the period beyond 2030 can confidently be expected.

To address this issue, the Commission has proposed a funding recommendation that, if implemented, would provide for the timely completion of all of the currently identified transportation improvements for the 2050 time period. Implementing the proposed funding solution would result in a circumstance where limiting office development to the

2030 level, or determining if the IDL should be linked to the amount of office use approved at the CDP or FDP, would no longer be necessary.

RECOMMENDATION:

As the Planning Commission's recommendations for financing infrastructure (identified above) addresses the increment beyond 2030, the Planning Commission recommends:

26) The Board direct staff to incorporate within the next Tysons-wide plan amendment text to increase or remove the current IDL of 45 million square feet of office use.

Attachments:

1 - Table 7 Improvements

2 – Tysons Partnership Letter to Tysons Committee, June 11, 2012
http://www.fairfaxcounty.gov/planning/tysons_docs/061212tysonspartnershipletter.pdf

3 – Web link to 2011 Planning Commission Tysons Committee Minutes;
http://www.fairfaxcounty.gov/planning/2011tysonspresentations.htm

4 – Web link to 2012 Planning Commission Tysons Committee Minutes
http://www.fairfaxcounty.gov/planning/2012tysonspresentations.htm

Tysons Transportation Costs: 2012-2030 (January 19, 2012 Estimate)					
		Previous Estimate (2009 $s)		New Estimate (2012 $s)	
Project #	**Cost Items**	**Cost**	**Total Cost**	**Cost**	**Total Cost**
	A. Tysons-Wide Road Projects (excluding grid)				
1	Rt.7 Widening from Rt.123 to I-495	$29,000,000		$22,000,000	
2	Boone Blvd Extension west from Rt.123 to Ashgrove Lane	$99,000,000		$126,000,000	
3	Extension of Jones Branch Connection to inside I-495 (Jones Branch Connector to Route 123)	$20,000,000		$22,000,000	
4	Rt.7 Widening from the Dulles Toll Road to Reston Avenue	$160,000,000		$300,000,000	
5	Greensboro Drive Extension west from Spring Hill Road to Rt.7	$46,000,000		$58,000,000	
6	Dulles Toll Road Ramp to Greensboro Drive Extension	$24,000,000		$28,000,000	
7	Dulles Toll Road Westbound Collector Distributor	$105,000,000		$124,000,000	
8	Dulles Toll Road Eastbound Collector Distributor	$53,000,000		$62,000,000	
9	Dulles Toll Road Ramp to Boone Blvd Extension	$59,000,000		$79,000,000	
10	Rt.123 Widening from Rt.7 to I-495	$27,000,000		$20,000,000	
11	Rt.123 Widening from Old Courthouse Road to Rt.7	$21,000,000		$8,000,000	
12	Rt.7 Widening between I-495 and I-66	$43,000,000		$71,000,000	
13	Widen Magarity Road from Lisle/Rt.7 to Great Falls Street	$40,000,000		$63,000,000	
14	I-495 Overpass at Tysons Corner Center	$16,000,000		$18,000,000	
15	Widen Gallows Road from Rt.7 to Prosperity Ave.	$68,000,000		$94,000,000	
	Total for road projects (excluding grid)	**$810,000,000**	**$810,000,000**	**$1,095,000,000**	**$1,095,000,000**
	B. Road Projects: grid of streets (cost represents 60% of the completed grid)		**$444,000,000**		**$519,000,000**
	C. Transit Projects (new services, excluding existing services, excluding Metrorail costs)				
	Operating cost starting in year 2013)	$306,000,000		$334,000,000	
	Capital cost 2013-2021 (initial purchase and one replacement)	$68,000,000		$74,000,000	
	Total Transit Projects	**$374,000,000**	**$374,000,000**	**$408,000,000**	**$408,000,000**
	D. Tysons Neighborhood Spot Improvements, Bicycle and Pedestrian Access Improvements		**$70,000,000**		**$77,000,000**
	Grand Total		**$1,698,000,000**		**$2,099,000,000**

Notes:
1. Costs shown in this table are for planning purposes only. Actual project costs at the time of construction may vary.
2. Roadway maintenance and operational costs have not been included since this is the primary responsibility of the state and is taken "off the top" of state allocations.
3. Tysons Wide Road Projects and Grid of Streets were mainly adjusted by applying latest VDOT unit construction costs, latest right-of-way-cost and a 3% annual inflation rate.
4. Tysons Neighborhood Spot Improvements, Bicycle and Pedestrian Access Improvements and Transit Projects were adjusted by applying a 3% annual inflation rate.
5. These costs will still need to be grown to year of expenditure.
6. Total costs for project 4 are based on an updated VDOT cost estimate for this project.

Tysons Transportation Costs: 2030-2050 (January 19, 2012 Estimate)

		Previous Estimate (2009 $s)		New Estimate (2012 $s)	
Project #	**Cost Items**	**Cost**	**Total Cost**	**Cost**	**Total Cost**
	A. Tysons-Wide Road Projects (excluding grid)				
16	I-495 Additional Lane (Outer Loop between Rt. 7 and I-66)	$63,000,000		$74,000,000	
17	Ramps Connecting Dulles Toll Road to Jones Branch Drive	$33,000,000		$38,000,000	
	Total for road projects, excluding grid	**$96,000,000**	**$96,000,000**	**$112,000,000**	**$112,000,000**
	B. Road Projects: grid of streets (cost represents 40% of the completed grid)	**$204,000,000**	**$204,000,000**	**$346,000,000**	**$346,000,000**
	C. Transit Projects (new services, excluding existing services, excluding Metrorail costs)				
	Continuation of new 2012-2030 Tysons Transit Service. Operating cost*	$306,000,000		$334,000,000	
	Continuation of new 2012-2030 Tysons Transit Service. Capital Cost (based on two replacement cycles)*	$68,000,000		$74,000,000	
	Additional Transit Projects Beyond Current Comprehensive Plan				
	Neighborhood Bus Service Capital Cost	$6,000,000		$7,000,000	
	Neighborhood Bus Service Operating Cost (2030-2050)	$60,000,000		$66,000,000	
	Total for Transit Projects	**$440,000,000**	**$440,000,000**	**$481,000,000**	**$481,000,000**
	Grand Total		**$740,000,000**		**$939,000,000**

Other Countywide Transit Projects Also Affecting Tysons Beyond 2030:
Express Bus/BRT Transit Routes
Feeder Bus Service to Rail Stations outside Tysons
Additional Urban Transit Corridor
Orange Line Metrorail Extension (from Vienna to Centreville)
2 Park and Ride Garages
* At some point beyond 2030 a guideway system might replace the bus circulator included in these costs. The associated capital, operating cost could be approximately $870,000,000.

Notes:

1. Costs shown in this table are for planning purposes only. Actual project costs at time of construction may vary.
2. Roadway maintenance, operational costs are not included since this is the primary responsibility of the state and is taken "off the top" of state allocations.
3. Tysons Wide Road Projects and Grid of Streets were mainly adjusted by applying latest VDOT unit construction costs, latest right-of-way-cost and a 3% annual inflation rate.
4. Tysons Transit Projects were adjusted by applying a 3% annual inflation rate.
5. These costs will still need to be grown to year of expenditure.

ATTACHMENT 2

Tysons PARTNERSHIP
Building America's Next Great City

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Wells & Associates
Terrance J. Miller
Tysons Partnership
Michael A. Caplin

To: Walter Alcorn, Chair, Fairfax County Planning Commission Tysons Committee
Re: Funding strategies for Table 7 infrastructure costs
Dt: June 12, 2012

The Tysons Partnership Board of Directors met on June 11, 2012, to consider and recommend funding strategies for $507,000,000 in "Table 7" transportation infrastructure costs.

The Tysons Partnership Board agreed to recommend to the Planning Commission that:

One-half of the $507,000,000 Table 7 infrastructure costs (and related financing and inflation costs) should be funded by a Tysons-wide service district tax, and one-half of that sum should be funded by new Tysons development, including all current and future applicants, provided that:

a. No additional transportation infrastructure projects are added to the $507,000,000 Table 7 inventory of infrastructure improvements;

b. Various financing options are made available to current and future applicants, among which they can choose to pay their portion, including the option to make payments over the 40-year development horizon;

c. The Tysons Partnership is allowed the opportunity to thoroughly review and provide input on the Tysons-wide Service District financial analysis before a rate is determined; and

d. The current list of proffer requirements is reviewed and reconsidered for possible reduction of scope.

Respectfully submitted,

Michael Caplin
Executive Director

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