FAIRFAX COUNTY PLANNING COMMISSION
TYSONS CORNER COMMITTEE
WEDNESDAY, JUNE 29, 2011

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

OTHER COMMISSIONERS PRESENT:
James R. Hart, At-Large
Timothy J. Sargeant, At-Large

FAIRFAX COUNTY STAFF PRESENT:
Rob Stalzer, Deputy County Executive, County Executive's Office
Fred R. Selden, Acting Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, Zoning Administration Division (ZAD), DPZ
Leslie Johnson, Assistant Zoning Administrator, ZAD, DPZ
Tracy Strunk, Senior Planner, Zoning Evaluation Division, DPZ
Matthew Ladd, Planner I, Planning Division, DPZ
James P. Zook, Consultant, DPZ
Thomas P. Biesiadny, Acting Director, Department of Transportation (FCDOT)
Leonard Wolfenstein, Chief, Transportation Planning Section (TPS), Transportation Planning Division (TPD), FCDOT
Kris M. Morley-Nikfar, TPS, TPD, FCDOT
Barbara A. Byron, Director, Office of Community Revitalization Reinvestment
Barbara J. Lippa, Executive Director, Planning Commission Office
Kara A. DeArrastia, Clerk to the Planning Commission

OTHERS PRESENT:
M. Jane Seeman, Mayor, Town of Vienna
Keith Turner, Chairman, Tysons Partnership Board of Directors
Lynne J. Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Elizabeth D. Baker, Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Shane Murphy, Esquire, Cooley LLP
Elaine Cox, Hunton & Williams LLP
Susan Yantis, Land Use Planner, Hunton & Williams LLP
Scott E. Adams, Esquire, McGuireWoods LLP
Robin Antonucci, Principal Associate, M. J. Wells & Associates, Inc.
Don Bowers, Senior Vice President of Development, Lincoln Property Company
Richard Rose, Vice President of Acquisitions & Development – Mid-Atlantic Region, Lincoln Property Company
John Clarkson, Vice President, Perseus Realty
Jim Policaro, Managing Director, Lerner Enterprises
Rob Jackson, President, McLean Citizens Association (MCA)

OTHERS PRESENT (Continued):

Mark Zetts, Co-Chairman, MCA's Planning and Zoning Committee
Roger Diedrich, Virginia Chapter – Sierra Club
Rob Whitfield, Dulles Corridor Users Group
Will Radle, Lee District resident
Benjamin Sarker, Annandale resident
Jonathan Sarker, Annandale resident
Tim Thompson, Vienna resident

ATTACHMENTS:

A. PowerPoint Presentation on Tysons Corner Interim Metro Parking
B. Letter dated June 28, 2011, from Martin D. Walsh, Esquire and Lynne J. Strobel, Esquire, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, responding to Staff Proposal Regarding Initial Development Level
C. Letter dated June 28, 2011, from Aaron J. Georgelas, The Georgelas Group, responding to Staff Proposal Regarding Initial Development Level
D. Initial Development Level: Preliminary Staff Recommendation - Revised

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Chairman Walter L. Alcorn called the meeting to order at 7:07 p.m., in Conference Rooms 2/3 of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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TYSONS CORNER INTERIM METRO PARKING STUDY

Thomas Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT), stated that the Board of Supervisors' Follow-On Motion #14 directed staff to explore options for providing commuter parking at Metrorail stations in Tysons Corner on an interim basis until Tysons development reached a level where such commuter parking was not practical or desirable.

Leonard Wolfenstein, Chief, Transportation Planning Section, Transportation Planning Division, FCDOT, delivered a presentation on Tysons Corner Interim Metro Parking, as shown in Attachment A.

Chairman Alcorn thanked Mr. Wolfenstein for his informative presentation.

In response to questions from Chairman Alcorn, Eileen McLane, Zoning Administrator, Zoning Administration Division, Department of Planning and Zoning (DPZ), explained that private owners of property zoned to one of the districts specified on the "Zoning for Interim Parking" slide would be required to obtain site plan approval and a Non-Residential Use Permit to construct interim commercial parking on their property. She noted that Article 11-102, General

Provisions, Zoning Ordinance, stated that excess parking spaces that were not fully utilized during weekdays could be used for an interim public commuter park-and-ride lot when such lot was established and operated in accordance with an agreement approved by the Board of Supervisors. Ms. McLane said the use of fewer than 50 available spaces for interim Metro commuter parking in an existing commercial parking garage would be allowed in the Planned Development Commercial District.

Responding to questions from Commissioner Hart, Ms. McLane explained that the provision of existing parking spaces for an interim public commuter park-and-ride lot only required an agreement between the County and the property owner, but if spaces needed to be created, the owner would also be required to submit a grading plan and possibly a new site plan. Barbara Byron, Director, Office of Community Revitalization Reinvestment, pointed out that if the property was subject to proffers or development conditions, staff would evaluate whether a Proffered Condition Amendment would be required to ensure that the agreement was in conformance with the proffers. She pointed out that the County would not pay for the interim public commuter park-and-ride lots in Tysons but might receive a portion of the parking fees per a given agreement.

Commissioner Lawrence suggested that some of the public commuter parking revenue be allocated to the Tysons Parking Management Plan through the Tysons Partnership. Commissioner Donahue agreed with this suggestion.

In reply to questions from Commissioner Donahue, Mr. Wolfenstein said all the 30 sites staff had visited were owned by private entities. He noted that sites with fewer than 50 available parking spaces might be considered for interim Metro parking outside of this analysis. He explained that FCDOT expected that such a limited amount of commuter parking available on an interim basis would lead to a rise in Metro ridership until the market in Tysons increased through office and residential development to supply that ridership.

Answering questions from Commissioner de la Fe, Mr. Biesiadny commented that regardless of whether the County provided interim public commuter parking through an agreement with a private property owner, certain property owners were still interested in providing commercial commuter parking on an interim basis. He explained that it was beneficial for the County to enter into a public commuter park-and-ride lot agreement because it would include conditions regarding the operation of the temporary lot. Mr. Biesiadny said the property immediately adjacent to the Metro stations in Tysons was extremely valuable and in time the market would dictate when a better, higher intensity use should be developed. He noted that the removal of interim parking in the Metro station areas would provide greater incentive for a neighborhood feeder bus network to the stations. Mr. Biesiadny stated that FCDOT had not studied the possible effect the availability of interim commuter parking would have on the robustness of the initial feeder bus system in Tysons. He said the recommended number of 500 to 1,200 parking spaces would not have a dramatic effect on the success or failure of a particular bus route because of the expected number of Metro riders and their diverse origins of departure.

Responding to a question from Chairman Alcorn, Mr. Wolfenstein stated that FCDOT had not surveyed other parking options around the Metro stations in Tysons, noting that currently there was minimal on-street parking in proximity to the stations.

Chairman Alcorn pointed out that outside the one-quarter-mile radius of the Metro stations, there was currently on-street parking on the periphery of Tysons available for people commuting to work. He recommended that staff also consider the other existing parking options beyond the one-quarter-mile radius of the Metro stations. Mr. Biesiadny said he thought that most of the areas outside this radius were residential and would most likely develop a large number of residential permit parking districts to prohibit Metro parking.

Commissioner Lawrence said if convenient, easily accessible bus service was provided, a significant number of people would travel to Tysons by bus from places like Vienna.

Replying to questions from Commissioner Sargeant, Mr. Wolfenstein noted that FCDOT had conducted an analysis to determine the need for specific transportation programs and infrastructure for the 2030 level of development in Tysons. He said Metro parking tended to experience an early peak period in the morning before the Tysons morning peak period, although the evening peak period was more problematic since they both coincided. Mr. Wolfenstein explained that FCDOT would pursue specific sites for interim Metro parking that would help address challenges related to traffic congestion.

Commissioner Hart questioned whether the interim Metro parking issue was more political than planning-driven. He stressed the need to be careful not to over-emphasize the interim public commuter park-and-ride lot as commercial parking collector zones, noting that these lots should not be used as terminuses.

Commissioner Lawrence commented that commercial parking buildings could be a profitable enterprise in urban areas. He said as the Tysons Corner area redeveloped, he expected that commercial commuter parking would be provided in parking structures shared with other uses like office. He noted that a Tysons parking management entity was needed to coordinate shared parking efforts, enforce parking regulations, and address parking issues.

Commissioner Sargeant said he thought that as new underground parking facilities became operational, the large interim public commuter park-and-ride lots would be reduced in size accordingly.

Commissioner Donahue said he supported private commuter parking because it would eventually disappear as the market demanded a higher intensity use on the given property and be replaced by underground parking.

Chairman Alcorn expressed concern that the staff recommendation to pursue two or three sites, to accommodate approximately 500 to 1,200 parking spaces, with a commuter parking agreement, would encounter political difficulties when the lots were scheduled for termination. He, therefore, suggested that staff consider several smaller sites dispersed across the Tysons area.

Responding to a question from Commissioner Migliaccio, Mr. Wolfenstein explained that FCDOT had focused on potential commuter parking sites at the Tysons-Spring Hill Road and Tysons I & II Metro stations because they offered better possibilities than the Tysons Central and Tysons McLean Metro stations. He said that based on Chairman Alcorn's suggestion, staff would consider a greater number of smaller sites, including those in the other station areas.

Commissioner Lawrence said he believed it was the consensus of the Committee to recommend that staff:

1) Compare Arlington County's Zoning Ordinance provisions regulating Metro commuter parking and parking in Metro station areas to that of Fairfax County's Zoning Ordinance and research Arlington County's history of working with interim public commuter park-and-ride lots, and
2) Consider a fairly large number of smaller, dispersed sites for interim Metro parking.

Mr. Wolfenstein agreed with this recommendation.

Commissioner de la Fe commented that providing interim commuter parking at the Tysons I & II Metro station, which was located in the middle of Tysons, instead of at the other end of Tysons at the Tysons-McLean Metro station, did not represent good planning because it would cause an increase in traffic in the area. Mr. Wolfenstein pointed out that at this time, FCDOT had not identified any possibilities in the Tysons-McLean Metro station area.

Commissioner Sargeant recommended that staff determine whether a large number of smaller sites functioned better than a small number of larger sites in terms of traffic congestion management. Commissioner Donahue agreed with this recommendation. He also suggested that staff's research of Arlington County focus on its first years as the Metro stations and surrounding properties developed.

Chairman Alcorn commended Mr. Biesiadny and Mr. Wolfenstein for their outstanding work. Mr. Wolfenstein noted that he would incorporate the Commissioners' comments and suggestions in a more specific proposal that would be presented at a future meeting.

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DISCUSSION OF COMPREHENSIVE PLAN'S INITIAL DEVELOPMENT LEVEL

Chairman Alcorn thanked people who had provided written and verbal comments on staff's proposed method for counting the Comprehensive Plan's Initial Development Level (IDL). He indicated that a letter dated June 28, 2011, from Martin Walsh, Esquire and Lynne Strobel, Esquire, both with Walsh, Colucci, Lubeley, Emrich & Walsh, PC, as shown in Attachment B, stated, "There appears to be no need to rush to a policy decision on measuring the IDL. Rather, it would seem prudent to continue to work toward resolving the overall funding of transportation infrastructure that may in tum allow for a reconsideration of the recommended IDL." He noted that similarly, a letter dated June 28, 2011, from Aaron Georgelas, The Georgelas Group, as

shown in Attachment C, stated, "I urge the Tysons Committee to focus on developing a plan for the financing of transportation improvements. The Demonstration Project stands ready to participate in an appropriate financing plan and in fact has made a proposal for long-term financing in its draft proffers."

Fred Selden, Acting Director, DPZ, noted that staff maintained its recommendation that office development and other uses that generate more peak hour trips than hotels be counted toward the IDL upon approval of an Final Development Plan (FDP) for such use, provided that, with the rezoning of the property, there was a proffered commitment for additional County review at such time as FDP(s) were considered, as shown in Attachment D. He explained that the IDL represented a "pause" in the development planning and approval process to determine the progress achieved toward realization of the vision for Tysons, and funding arrangements for transportation improvements and programs was one of the key benchmarks of success in the essential strategy of maintaining a balance between land use and transportation. Mr. Selden said the development proposal should be counted against the IDL at the time of FDP approval rather than Conceptual Development Plan (CDP) approval because what was depicted on the CDP would not be constructed in the near-term.

Chairman Alcorn pointed out that the IDL would not work without an established financing plan for the required transportation infrastructure beyond the year 2030. He suggested that a decision on the IDL be delayed to allow the Committee, staff, and other stakeholders to continue working toward resolving the overall funding of the transportation infrastructure concurrently with reconsidering the recommended IDL. He then presented the following observations:

1) Development in Tysons could not exceed what could be accommodated by the existing transportation infrastructure.
2) The necessary transportation infrastructure could not be constructed without a financing plan in place.

Answering a question from Chairman Alcorn, Mr. Selden said none of the currently submitted Tysons rezoning cases would be affected by a deferral of the IDL recommendation.

Chairman Alcorn noted that development proposals within one-quarter-mile radius of the Metro stations were not subject to a maximum intensity, which was another reason why the successful implementation of a financing plan was imperative to maintaining a balance between land use and transportation in Tysons.

Mr. Selden commented that if financing could not be attained, the more critical it was to establish a realistic phasing plan that tied future development to specific transportation improvements. He explained that staff had predicted a certain amount of development in Tysons based on the baseline recommendation of the Plan, the rail-related density was tied to the full funding grant agreement for Phase 1 of the Dulles Corridor Metrorail Project, and proposed rail-related developments were phased to the provision of Metrorail. He further emphasized the importance of tying future development to specific public improvements to ensure that transportation, other urban infrastructure, and public amenities would be in place as growth

occurred. Chairman Alcorn agreed, noting that the two biggest issues in Tysons continued to be phasing and financing. He reiterated the need for a financing mechanism to help facilitate the planning and project development process.

Commissioner Lawrence stated that the Tysons Comprehensive Plan envisioned an urban end state that could take 40 years or more to reach. He said the end state land use parameters for Tysons were unprecedented in Fairfax County, noting that the Plan allowed unlimited residential density and the highest commercial intensities ever, proximate to the Metro stations. He explained that the Plan envisioned these end state parameters as one side of an equation where land use was counterbalanced by public facilities, such as the Tysons transportation network, and that one side of this equation could not exist without the other. Commissioner Lawrence indicated that in rezoning applications proximate to the Metro stations, the high-end values of the Tysons urban land use parameters were being sought, although this represented the beginning, not the end, of Tysons redevelopment. He commented that a working approximation of the land use/transportation balance must be kept throughout the many years of the redevelopment process, so that Tysons could continue to function as an economic engine for the County. Commissioner Lawrence stated that people would ride the Metro if they were able to conveniently walk to and from the stations. He explained that staff could develop a working estimate of the number of Metro riders from a station to a proposed residential development to enable staff to create boarding rates needed to support the overall balance. In addition to the Comprehensive Plan provisions on balancing land use and transportation, Commissioner Lawrence stressed the need for a cooperative group of stakeholders dedicated to achieving both coordinated planning and coordinated redevelopment across property lines and site boundaries. He warned that if such a coordinated effort were to fail, the necessary infrastructure and public facilities would fail to keep pace with land development and its subsequent trip generation. He pointed out that any continued imbalance of this sort would most likely have a negative impact on land values in Tysons.

Commissioner Sargeant said he supported deferring action on the IDL recommendation and agreed with Chairman Alcorn that the top two priority issues were phasing and financing.

Replying to a question from Commissioner Sargeant, Chairman Alcorn explained that the Committee would meet on the following dates:

- Thursday, July 14, 7 p.m., Conference Rooms 9/10 – Staff briefing on a funding allocation process, considerations, and results; review a working process for going forward; and abbreviated listening session to receive input from the McLean Citizens Association regarding Tysons transportation funding.

- Wednesday, September 7, 7 p.m., Conference Rooms 9/10 – Public listening session to receive input from residents, Tysons Partnership members, developers, landowners, and other stakeholders on possible funding solutions and the process for arriving at a recommended solution.

Chairman Alcorn noted that the IDL would be incorporated into the discussions on funding. He outlined the next steps in the process:

1) Based on the data and information gathered from the listening sessions, staff would develop multiple financing options/approaches for funding transportation improvements;

2) These options/approaches would undergo a vetting process where stakeholders would have another opportunity to provide feedback;

3) This process would occur during meetings scheduled through the end of 2011; and

4) By early next year, one or more options/approaches would become solidified and subject to significant input by stakeholders.

Commissioner Sargeant suggested that this proposed process for the financing discussion be in writing and feedback be solicited from the stakeholders. He also suggested that the phasing, financing, and other issues be clearly defined as recommended by staff and an outline on the lessons learned and background information on the Rosslyn-Ballston Metro corridor and other transit-oriented development (TOD) programs be provided as helpful reference materials.

Commissioner Hart commented on the complexities involved in discussing the financing issue and reviewing input on a proposal, especially in consideration of when it needed to be forwarded to the Board of Supervisors. Chairman Alcorn replied that the timeline was probably driven more by the submitted rezoning applications than by the Board; therefore, he believed that by early next year, the Committee should be close to making a recommendation.

Responding to a question from Commissioner Hart, Chairman Alcorn said the implementation of a financing plan and funding mechanisms might cause the IDL to become irrelevant as an issue. He commented that the IDL was a very broad, long-term, "artificial" phase that represented a "pause" to assure long-term financing of the transportation infrastructure beyond the year 2030.

Commissioner Lawrence acknowledged the remarkable professionalism and dedication of staff. He said the question of phasing to performance must be addressed, which meant that performance standards must be met in order to reach the next phase of development. He suggested that a line of demarcation be made that prevented development beyond a certain number of square feet until the issue of the IDL and financing was settled. He pointed out that performance was the only way to be sure that solutions worked, which was in the interests of landowners and developers. Commissioner Lawrence emphasized the need to focus on how to specify valid measures of performances that ensured implementation of the necessary transportation improvements to keep in balance. He said he concurred with Chairman Alcorn's earlier statement that the IDL might become irrelevant once a financing mechanism and its method of operation were established. He pointed out, however, that this mechanism alone would still not solve the emerging problems, so performance measures were essential.

Answering a question from Commissioner Hart, Chairman Alcorn commented that the Tysons Corner Comprehensive Plan was a guide that included multiple mechanisms for achieving the IDL. He suggested that addressing the financing issue first would help facilitate resolution of the other outstanding issues. Commissioner de la Fe agreed with this statement.

Commissioner Sargeant recommended that staff, Commissioners, developers, and other stakeholders first agree on definitions of the following elements in order to build consensus:

- Appropriate transportation performance measures;
- Desirable performance of the transportation system;
- Appropriate measure of success for the phasing of development;
- Appropriate measure of success for financing;
- Boundaries and scope of the financing plan (i.e., entire Tysons Corner area or Metro station areas); and
- Timeframe of the financing plan.

Chairman Alcorn said he concurred with Commissioner Sargeant's recommendations, noting that the financing plan would be for the entire Tysons area, which would be divided into long-term and short-term issues. Commissioner Sargeant said the short-term financing issues might focus on certain existing high-development areas. Chairman Alcorn explained that information and guidance could be derived from similar efforts in other jurisdictions, Comprehensive Plan language, work of the Tysons Partnership, and knowledge of the Committee meeting participants and other stakeholders.

In response to questions from Will Radle, Lee District resident, Chairman Alcorn stated that Table 7 in the Transportation section of the Tysons Plan identified and prioritized specific transportation infrastructure, programs, and services needed to accommodate development as Tysons grew over time. Ms. Byron indicated that transportation costs to the year 2030 were estimated to total almost $1.7 billion. Chairman Alcorn explained that 45 million total square feet of office uses have not been approved through the zoning process at this time, and the purpose of this discussion was to generate a reliable mechanism for funding transportation improvements needed beyond the year 2030 so that the IDL could be increased through a Tysons-wide or area-specific Plan Amendment.

Mr. Radle suggested that a Request for Proposal (RFP) process be implemented allowing developers to submit their Tysons development proposals by a specified deadline, which would then be ranked in order of preference as in a typical RFP process. Chairman Alcorn replied that the development review process was explicitly prescribed in State law so the County was not allowed much flexibility in using the RFP process. He stated that landowners were given the right to petition for rezonings and the Board of Supervisors were given responsibility to approve or disapprove such rezonings.

Commissioner Lawrence recommended that people read the following two books: *Internet Alley: High Technology in Tysons Corner, 1945-2005* (2008) by Paul E. Ceruzzi, and *The Fight for Fairfax: A Struggle for a Great American County* (2009) by Russ Banham.

Rob Whitfield, representing the Dulles Corridor Users Group, strongly recommended that the mistakes made during the financing process for Phase 1 of the Dulles Corridor Metrorail Project not be repeated during this financing process. He emphasized the importance of establishing a defined financial plan based on a feasible financial structure, conducting public hearings to enable the public to understand the proposal, and involving Metropolitan Washington Airports Authority representatives early in this process.

Chairman Alcorn said he appreciated everyone's comments and suggestions provided this evening.

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The meeting was adjourned at 8:41 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: September 7, 2011

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

Tysons Corner Interim Metro Parking

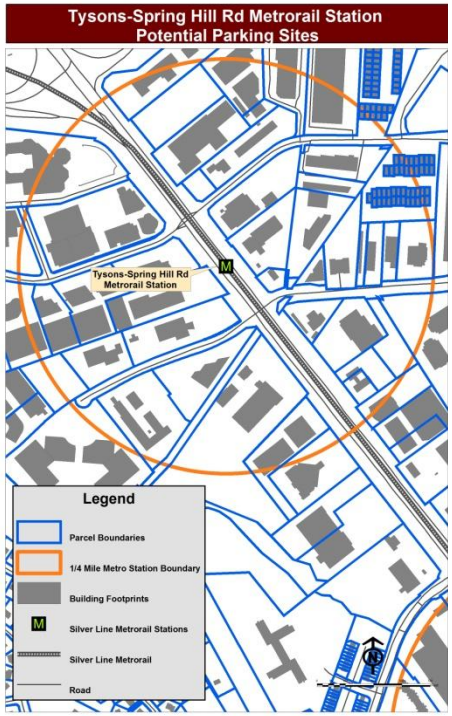
Planning Commission Tysons Committee

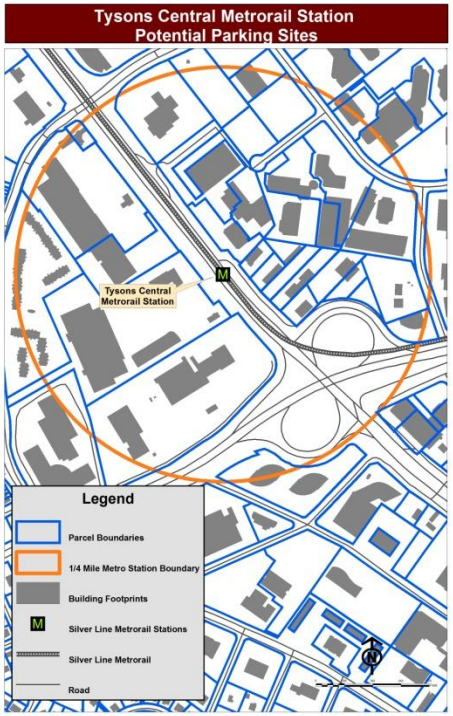
June 29, 2011

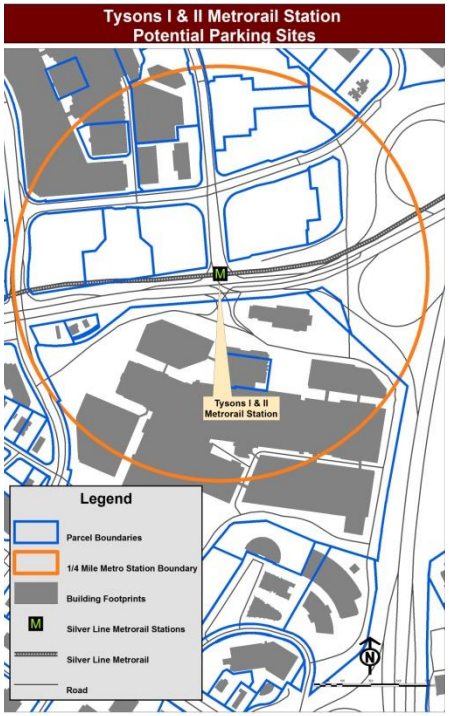
Background

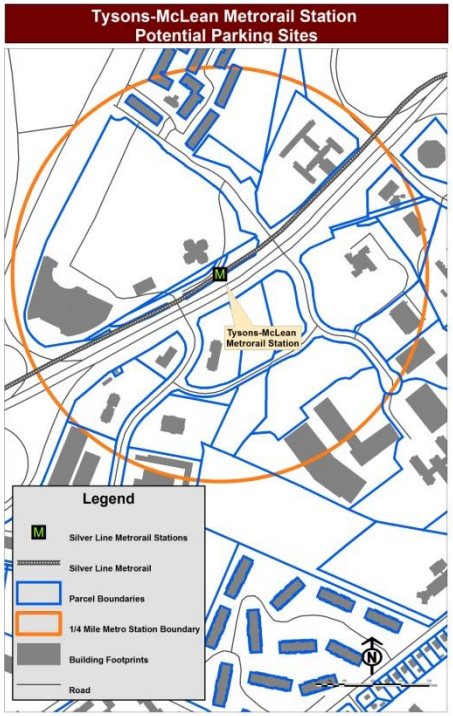
In its June 22, 2010 approval of the Tysons Comprehensive Plan amendment, the Board of Supervisors approved a number of Follow-On motions. Interim commuter parking at the four new Metrorail Stations in Tysons is addressed in Motion 14 which states “The Board directs staff to explore options for providing **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.”

¼ Mile Boundary Around Each Metrorail Station









Criteria for Identifying Potential Sites

- Used GIS and aerial photography to identify parking lots, parking garages and vacant parcels located within ¼ mile of a Metrorail Station.
- Potential lots and garages were identified based on the number of empty spaces observed during the site visit. If 50 or more spaces were vacant during the site visit, the lot, garage or parcel was noted as being a potential site for interim Metrorail parking. Vacant parcels were identified based on the amount of undeveloped land as well as the topography of a site.

(Sites with fewer than 50 available parking spaces may be considered for interim Metrorail parking outside of this analysis.)

30 Sites Visited
25 Potential Lots, Garages or Parcels

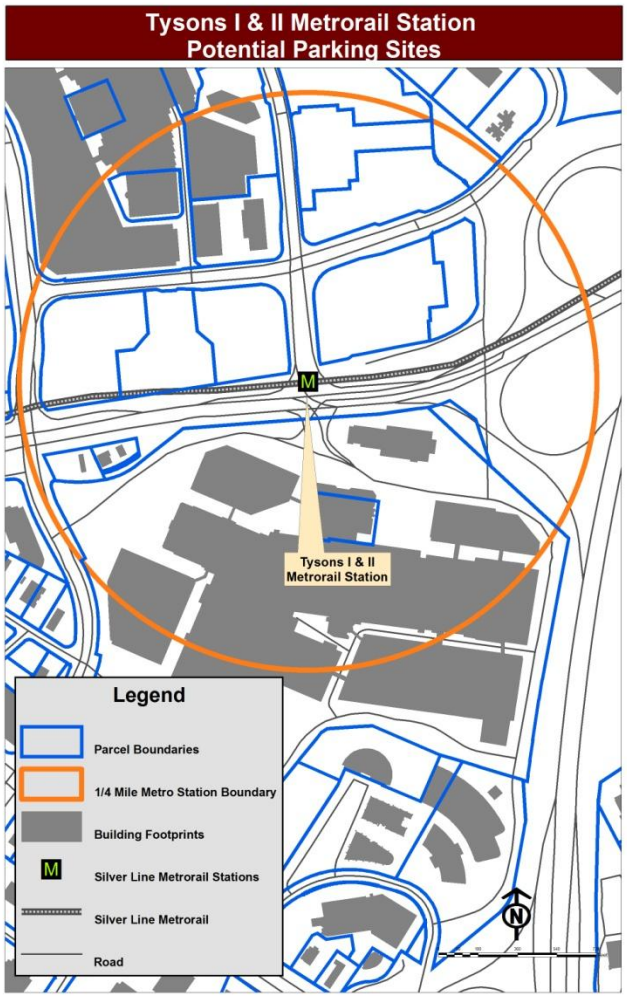
Tysons-Spring Hill Road Metrorail Station: 3 Sites

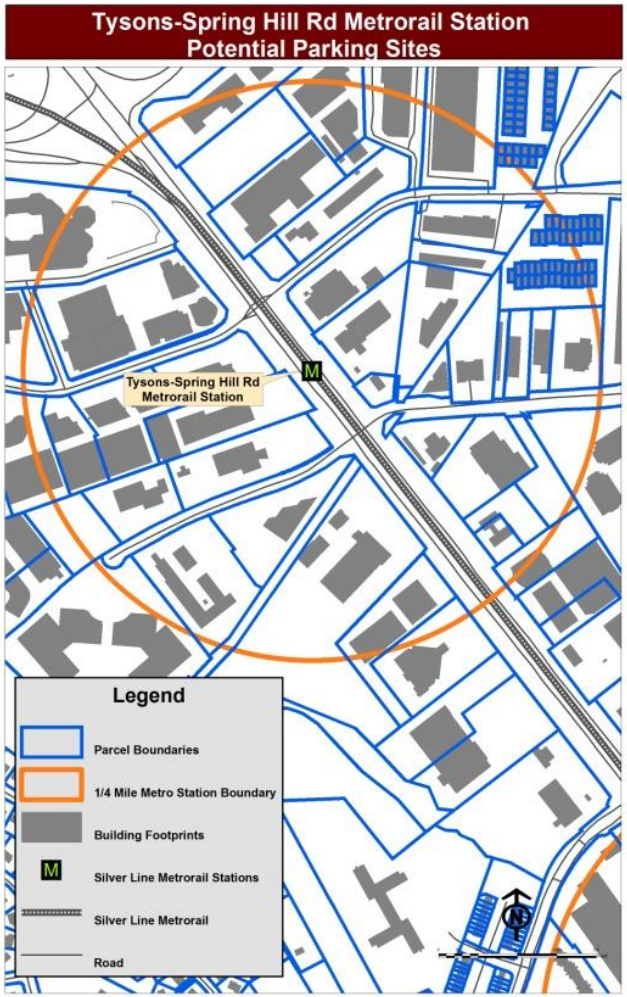
Tysons Central Metrorail Station: 6 Sites

Tysons I & II Metrorail Station: 11 Sites

Tysons McLean Metrorail Station: 5 Sites

Currently Focusing On





Zoning for Interim Parking

- Commercial Parking Lot
  - By Right in C-4 thru C-8
  - By SE in C-3; I-2 thru I-6
  - PDC, PRM, PTC when shown on approved DP or by SE
  - All Regulatory Approvals Needed

- Public Commuter Park & Ride Lot Agreement with County
  - Agreement can include any conditions agreed to by both parties

(Preferred Option)

Recommendation

- Pursue two or three sites, to accommodate approximately 500 to 1,200 parking spaces, with a commuter parking agreement

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Martin D. Walsh
(703) 528-4700 Ext. 5422
mwalsh@arl.thelandlawyers.com

Lynne J. Strobel
(703) 528-4700 Ext. 5418
lstrobel@arl.thelandlawyers.com

June 28, 2011

Via E-Mail

Walter L. Alcorn, Chair
Planning Commission Tysons Corner Committee
12000 Government Center Parkway, Suite 300
Fairfax, Virginia 22035

Fred R. Selden
Fairfax County Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035

Re: Staff Proposal Regarding Initial Development Level

Dear Planning Commissioner Alcorn and Mr. Selden:

At the Planning Commission Tysons Corner Committee meeting that was held on June 22, 2011, staff presented a proposal regarding specific amendments to the recently adopted Tysons Corner Comprehensive Plan (the "Plan"). The most significant topic of discussion included modifications to the initial development level (IDL) for office and high trip generating uses in Tysons Corner. The Plan sets the IDL at 45 million square feet, and the Fairfax County staff proposes a policy regarding when the office and high trip generating uses will be counted against the IDL. The staff proposes that a development proposal including office or other high trip generating uses will be counted against the IDL at time of FDP approval instead of at time of CDP approval. This proposal is inconsistent with prior discussions as well as state law regarding vesting.

Rezonings in Fairfax County are granted conditionally based on the submission and acceptance of proffers by the applicant. The process suggested by staff would defer a vesting of development rights until approval of an FDP. This is inconsistent with legislation adopted by the Commonwealth regarding vesting and further is contrary to current practices and policies for the remainder of Fairfax County. A failure to vest development rights at the time of zoning will negatively impact how a lender evaluates potential acquisition loans. In addition, the issuance of zoning compliance letters by Fairfax County staff, and zoning opinion letters by legal counsel,

would become meaningless. Further, staff is recommending that the submission of an FDP will require an amendment to the previously approved CDP. The result is a probable renegotiation of proffers, and potentially the mix of uses, subsequent to the zoning approval.

The Fairfax County staff will have more than adequate information submitted with the CDP during the rezoning process to analyze impacts associated with proposed development. The submission requirements for a CDP include a delineation of square footage, use classifications, building locations, building height, on-site vehicular and pedestrian circulation systems, open space, parking, road improvements, stormwater management facilities, phasing, shadow impacts, pedestrian views, landscaping, access and other significant details. In addition, the rezoning requires approval of a traffic impact analysis with individual applications, as well as a consolidated traffic impact analysis for each planning district. In accordance with this level of detail, the applicant is expected to submit proffers for all aspects of the proposed development including, among other things, transportation improvements, phasing of development, workforce and affordable dwelling units, streetscape and landscaping, community amenities, public facilities, building locations and heights, noise mitigation, stormwater management, monetary contributions, and numerous other mitigation measures. The FDP will add details to a particular building or group of buildings, but does not increase approved overall density/intensity nor modify the mix of uses. As such, a renegotiation of proffers at the time of FDP submission is unprecedented and inappropriate.

The only criteria for approval of an FDP has always been and should continue to be conformance with the original CDP and the negotiated proffers. Staff has the opportunity to impose development conditions that are reasonably related to the FDP proposal, but should not have the authority to require the applicant to rewrite proffers with the processing of an FDP. In addition, counting the development against the IDL at time of FDP approval creates a situation where the FDP could be denied simply for exceeding the IDL, thereby precluding the landowner from implementing the previously approved zoning and CDP approval. The applicant will have potentially constructed and implemented a number of proffered improvements without the benefit of constructing the allowable square footage associated with those proffers.

This firm represents a number of landowners in Tysons Corner that cannot support a calculation of allowable square footage against the IDL at time of the FDP in a manner that would preclude FDP approval or result in the renegotiation of proffers with a CDPA. Staff should continue to evaluate each development proposal as submitted and processed by the Zoning Evaluation Division and calculate office and other high trip generating uses against the IDL at time of rezoning and CDP approval. During the evaluation process, proffers may be submitted to address the phasing of construction to improvements. It may also be appropriate to re-evaluate the text of the Plan to preclude a circumstance whereby restrictions are placed on development, that is critical to the success of Tysons Corner, due to approved but unbuilt density/intensity.

Furthermore, the IDL was included in the Plan as a "planning tool," and is based on the need to balance development with transportation infrastructure and programs. There appears to be no need to rush to a policy decision on measuring the IDL. Rather, it would seem prudent to

continue to work toward resolving the overall funding of transportation infrastructure that may in turn allow for a reconsideration of the recommended IDL.

Should you have any questions regarding this response, or require additional information, please do not hesitate to give me a call. I appreciate your consideration.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Martin D. Walsh

Martin D. Walsh

Lynne J. Strobel

Lynne J. Strobel

cc: Barbara Lippa
Jim Zook
Barbara Byron

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Georgelas Group

June 28, 2011

To: Fred R. Selden
Fairfax County Department of Planning & Zoning - Planning Division
12055 Government Center Parkway, #730
Fairfax, VA 22035

From: Aaron Georgelas
The Georgelas Group
8405 Greensboro Dr. P130
Mclean, VA 22102

Dear Fred:

At last weeks' meeting of the Planning Commission Tysons Committee, Planning Staff made recommendations with regard to implementation of the recommended initial development level ("IDL"). The IDL is an element of the Plan that seeks to balance proposed development in Tysons against the provision of transportation improvements and programs. The Plan recommends the IDL for office and high trip generating uses at 45 million square feet. Staff recommended that proposed office and high trip generating uses be measured against the IDL with the approval of FDPs whereas it had been previously been assumed to be measured at the time of CDP approval. On behalf of the Demonstration Project, I want to voice our deep concern over this staff proposal.

As you may be aware, the Georgelas Group (Demonstration Project) has included in its draft proffers numerous commitments with regard to transportation infrastructure, parks and recreational facilities and other public facilities including the provision of a new fire station. The Demonstration Project has in a sense "front-loaded" its proffers with its initial phases of development in order to provide the County with its desired public facilities in a timely fashion. As I understand it, the proposal by staff would jeopardize, or at a minimum, add significant uncertainty as to the development of office and high trip generating uses within the Demonstration Project. With 17 proposed new buildings in the Demonstration Project, it is not feasible or reasonable to assume that all FDPs should be approved with the initial

rezoning and CDP approval. The Georgelas Group needs, as does any developer, certainty with regard to its entitlements in order to make the expected proffer commitments. Furthermore, the proposal by staff appears to be inconsistent with state adopted policy with regard to development vesting. We believe this potential new policy could have detrimental impact on our ability to gain the necessary financing to move our project forward. Thus, we are opposed to the concept of counting development against the IDL at the time of FDP.

As a part of staff's recommendation, it is proposed that FDPs not granted with the initial CDP approval be required to seek a CDPA with the FDP application. This would be required even if the FDP would otherwise be judged to be in conformance with the approved CDP. This could potentially result in a revision to the approved mix of uses, site design and proffered commitments. This proposal does not seem to relate to staff's proposal to measure the IDL at FDP yet it adds to the uncertainty in the entitlement process. The Demonstration Project is not in favor of this proposal.

It is my understanding that the IDL was included in the Comprehensive Plan to help ensure that transportation infrastructure and development are coordinated and balanced. For the redevelopment of Tysons to proceed in keeping with the vision of the Plan, it is necessary that the appropriate transportation financing mechanism be in place. I urge the Tysons Committee to focus on developing a plan for the financing of transportation improvements. The Demonstration Project stands ready to participate in an appropriate financing plan and in fact has made a proposal for long-term financing in its draft proffers. I believe if County staff, the development community and the Planning Commission can focus on resolving this financing issue, it would alleviate the concern with regard to the IDL.

As always, I appreciate your consideration of our views.

Sincerely,

THE GEORGELAS GROUP

Aaron J. Georgelas

cc: Elizabeth Baker, Art Walsh
Walter L. Alcorn, Chair
Jim Zook
Tracy Strunk

Planning Commission Tysons Committee
June 29, 2011

Initial Development Level: Preliminary Staff Recommendation

1. It is recommended that office uses and other uses that generate more peak hour trips than hotels be counted toward the Initial Development Level (IDL) upon approval of a FDP for such use, provided that, with the rezoning of the property, there is a proffered commitment for additional county review of the development at such time as FDP(s) filed subsequent to the initial re-zoning of the property are considered.

2. Approval of such a Final Development Plan (FDP) or Amendment thereto (FDPA) would be by the Planning Commission and the Board of Supervisors through the public hearing process.

3. The County's review of the FDP/FDPA would be based, among other things, on an analysis of the Comprehensive Plan recommendations in effect at the time of the FDP; how well the developed portions of the property are achieving proffered TDM goals; and proposed mitigation measures that address such things as transportation improvements, trails and transportation demand management. Scoping and submission of an updated traffic analysis evaluating the impact of the development may also be necessary.

4. The number of phases, how the gross floor area will be allocated, the mix of uses and the layout and design, among other things, would be reviewed as part of the review and approval of the FDP/FDPA.

5. The amount of gross floor area for the property subject to the rezoning is not intended to be reduced below the amount approved with the rezoning, unless a lesser amount is requested by the Applicant.

6. Residential uses and ground floor neighborhood-serving retail uses located within a residential, hotel or office building would not be counted toward the Initial Development Level. These uses would follow the processes for the review and approval of a FDP as set forth in the Zoning Ordinance.

to a station. Each Metro station in Tysons has two primary entrances, one on either side of Route 7 or Route 123. The point of measurement from an entrance should generally be the base of the escalator, as established during the initial construction of the station.

In order to achieve the recommended intensity, the walk to and from the closest station entrance to all of the buildings within a development proposal should be convenient, safe, and pleasant. As used here, *convenient* means direct, easy, and not overly long. *Safe* means protected from motorized traffic, well lit, and activated by the presence of other people. *Pleasant* means the walking experience is in an interesting, high quality environment.

Projects that include areas of different intensity recommendations should have an overall intensity that is based on the proportion of land area associated with each intensity recommendation. The resulting development pattern should generally conform to the goal of locating the highest intensities closest to transit. In addition, proposed intensities should be consistent with the urban scale and character that is envisioned for the area.

To encourage public-private partnerships, when building space is provided for a public facility, the floor area of the facility should not be counted toward a development's allowable FAR.

Intensity alone will not create a livable, vibrant Tysons; a mix of land uses, public facilities, civic uses, parks, and infrastructure must also be in place. The recommended intensities are conditional and contingent upon these livability factors being provided in a manner that is phased appropriately with development. These components of a healthy community will help attract new residents to Tysons and enhance the quality of life for residents. The provision of this civic infrastructure will be the responsibility of both the private and public sectors. Specific needs for Tysons are addressed in the sections on Transportation, Environmental Stewardship, Public Facilities, and Urban Design, as well as the District Recommendations.

Rezoning applications seeking a redevelopment option will be evaluated for conformance with all of the guidance provided in the Comprehensive Plan, including the Major Elements of the Plan. These elements are listed in the Vision for Tysons section, and detailed guidance on each element are located in the Areawide Recommendations.

Initial Development Level

To implement the first 20 year increment of the ultimate vision for Tysons, the total amount of office uses built and approved in the entire urban center should not exceed an initial development level of 45 million square feet. This amount is the office component of the high forecast for the year 2030 prepared for Fairfax County in 2008 by George Mason University's Center for Regional Analysis. Office floor area that should be counted toward the initial development level includes all existing office buildings and any office development that is approved through a proffered rezoning, a special exception, or a by-right site plan. Office floor area reserved for public facility bonuses should also be counted toward the initial development level.

The initial development level focuses on office uses because they represent the majority of existing uses and have high peak period vehicle trip generation characteristics. New uses other than offices that have a significant impact on peak period trips should also be managed carefully and may be counted toward the initial office development level.

To encourage new housing development in Tysons, residential uses may be rezoned at levels above the 2030 forecast for housing. Uses such as neighborhood retail, hotels, and arts/civic space may also be rezoned at levels above the 2030 forecast if they do not have a significant impact on peak period vehicle trips.

The Land Use and Transportation sections of the Areawide Recommendations provide guidance on monitoring activities that will be necessary to track development performance. Monitoring will also be essential to future planning efforts. A particular condition to be monitored is the achievement of transportation improvements needed to mitigate the impacts of new development. If a reliable mechanism for funding these improvements needed beyond the year 2030 is established, then the initial development level of 45 million square feet of office uses may be increased through a Tysons-wide or area-specific Plan amendment.

The following criteria should be considered when determining an increase in the initial development level for office uses:

- Progress achieved toward the realization of the vision for Tysons;
- Market demand for office space, as demonstrated by new building construction, vacancy rates, and revised forecasts;
- Balance between land use and transportation, including the 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
- Funding arrangements for transportation improvements and programs, so that timely completion of improvements identified for the period beyond 2030 can confidently be expected.

A Tysons-wide summary of existing and approved development based on information provided by the County should be included with all rezoning applications in Tysons.

TOD District Intensity

The highest intensities in Tysons should be built in areas closest to the Metro station entrance. Intensities should decrease as the walking distance from the stations increases. This reflects evidence from other urban areas that transit ridership is correlated with walking distance to rail stations. Following this pattern, the intensity of redevelopment projects within 1/4 mile of the Metro stations should be determined through the rezoning process; in other words, no individual site within these areas should be subject to a maximum FAR.

To manage growth in Tysons effectively and encourage complete developments, a portion of the intensity proposed for a project within 1/4 mile of a Metro station may be approved through a special exception (SE). The SE will apply mostly to office uses, which have a high degree of peak period vehicle trips. In areas within 1/4 mile of the Metro stations, non-office uses that generate similar or fewer peak period trips than hotels, such as housing and neighborhood-serving retail, may be approved through a rezoning without an SE.

Offices and uses that generate more trips than hotels may be approved through a rezoning up to an intensity of 2.5 FAR. Intensity above 2.5 FAR for these uses may be approved with an SE that accompanies a rezoning. For example, a 6.0 FAR project that is 50% office and 50% residential could have 5.5 FAR approved by rezoning (2.5 FAR office plus 3.0 FAR residential) and an additional 0.5 FAR office approved by SE.

Summary of Built, Approved, and Proposed Office Development in Tysons
Prepared by the Department of Planning and Zoning for the Planning Commission Tysons Committee
June 22, 2011

Built Office Gross Floor Area (GFA) in Tysons: 26,594,202 sq. ft.

Unbuilt Office GFA Approved Through Rezoning Process

Project Name	Developer	District	Unbuilt Office GFA (sq. ft.)	
			CDP/GDP	FDP/GDP
Tysons Corner Center	Macerich	Tysons Central 123	1,379,438	1,072,038
Tysons II	Lerner	Tysons Central 123	3,407,781	3,407,781
Capital One	Capital One	Tysons East	596,000	596,000
WestGate (now Scotts Run Station)	WestGroup	Tysons East	300,000	300,000
MITRE	MITRE	Tysons East	157,351	157,351
MRP Tysons	Mid-Atlantic Realty	North Central	537,519	537,519
TOTAL			**6,378,089**	**6,070,689**

Proposed Net New Office GFA (Rezoning Submissions as of June 2011)

Project Name	Developer	District	Net New Office GFA (sq. ft.)	
			CDP	FDP
Spring Hill Station	Georgelas	Tysons West	2,467,241	557,000
Dominion Square	CARS DB1	Tysons West	2,140,000	0
Solutions Plaza	SAIC/Dittmar	Tysons Central 7	1,671,000	0
Tysons Central	NV Commerical/Clyde's	Tysons Central 7	510,000	0
WestPark	Cityline Partners	Tysons Central 123	650,785	0
Scotts Run Station (North and South)	Cityline Partners	Tysons East	4,089,528	0
Capital One	Capital One	Tysons East	2,088,080	0
The Commons	LCOR	Tysons East	0	0
MITRE	MITRE	Tysons East	334,311	334,311
TOTAL			**13,950,945**	**891,311**

Sum of Built Office GFA and CDP/GDP Approvals and Submissions: 46,923,236

Sum of Built Office GFA and FDP/GDP Approvals and Submissions: 33,556,202

Notes:
1) GFA estimates are based on County tax records and rezoning applications.
2) "Net New Office GFA" is the maximum office GFA proposed in Rezoning Submissions minus all existing and previously approved office on the site.
3) Nearly all of the Rezoning Submissions include a mix of uses with significant residential components, as recommended by the Comprehensive Plan. The only exception is MITRE, which proposes and is planned for office use. Some of the Rezoning Submissions have multiple land use options that would result in less office development than shown above.
4) Based on pre-application meetings with land owners, staff anticipates that 2-3 additional rezoning applications with office components will be submitted in the near future.