



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

**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

March 11, 2010

Walter L. Alcorn, Chairman  
Tysons Review Committee  
Fairfax County Planning Commission  
12000 Government Center Parkway, Suite 330  
Fairfax, Virginia 22035

Re: Tysons Corner Urban Center, Draft, January 14, 2010

Dear Mr. Alcorn:

I have been following the proposals for affordable and workforce housing in the Tysons Corner Urban Center. I appreciate this opportunity to identify concerns associated with the proposed text in the draft dated January 14, 2010.

The objective of providing affordable housing in Tysons Corner is a worthy one, and no one would dispute that affordable housing should be located in proximity to employment centers and mass transit. Unfortunately, the recommendations associated with providing affordable and workforce housing will not encourage the construction of housing in Tysons Corner to meet this objective. In fact, I believe that the recommendations will result in making construction of housing outside of Tysons Corner more appealing. The following factors must be considered when establishing the policies for affordable and workforce housing in Tysons Corner:

- Even in today's market, land costs are extremely high;
- Land is primarily developed with existing income producing uses. There must be a monetary incentive to redevelop property or else redevelopment will not occur;
- The provision of affordable and workforce housing, when added to established contributions to parks, transportation funds, schools, and implementation of urban design guidelines, may make many projects economically infeasible.
- Numerous developments have been approved in accordance with the adopted Workforce Housing Policy, but few, if any, have been constructed, so the economic impact is unknown. Montgomery County, which is often cited as a model for housing by Fairfax County, has recently recommended that its workforce housing program be eliminated completely. It was concluded that the workforce housing requirement, that was imposed on top of MPDUs, resulted in making high-rise projects economically infeasible.

PHONE 703 528 4700 ■ FAX 703 525 3197 ■ WWW.THELANDLAWYERS.COM  
COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

I would recommend that the requirements for affordable and workforce housing in Tysons Corner Urban Center be consistent with the Affordable Dwelling Unit Ordinance and the Workforce Housing Policy previously adopted by the Board of Supervisors, or a combined total of 12%. Otherwise, a greater financial burden will be placed on developers in Tysons Corner than in other parts of Fairfax County. With regard to the specific text on pages 31 and 32 of the draft, I would offer the following comments:

- Table 2 should be eliminated and the provision of affordable and workforce housing should be consistent with existing ordinances and policies that require a total of 12%.
- The current recommendations in the draft do not account for the financial differences between stick-built and high-rise construction, nor the differences between rental and sale units.
- The increase allowed for achieving the affordable and workforce housing objectives should not be restricted to residential purposes. This is inconsistent with the current workforce housing policy.
- Workforce units being price controlled in perpetuity diminishes any value associated with those units, and is inconsistent with current workforce housing policy.
- A required replacement for redevelopment of market rate affordable housing on a one-for-one basis is discriminatory to those owners who currently provide reasonably priced housing. Such a requirement eliminates any incentive for redevelopment.
- The lack of a cash contribution in lieu of providing workforce units is shortsighted. Cash contributions have been successfully implemented in other jurisdictions, such as Arlington County.
- Any required contribution by non-residential developers should be imposed County wide, otherwise it is discriminatory. Further, the contribution amount should be more reasonable, such as \$1.50 and \$1.75 per non-residential square foot, and limited to the square footage increase associated with redevelopment.

Affordable housing is an important objective in Fairfax County, but has always been based in revenue neutrality. The proposed text states that, regardless of whether or not the developer elects to utilize the available bonus density, the percentages in the guidelines are applied. This criteria eliminates revenue neutrality and is inconsistent with the very premise of the Affordable Dwelling Unit Ordinance. Even with the density bonus described in the draft, residential developers will lose a significant amount of money when providing affordable and workforce housing. One of my clients analyzed residential wood frame construction of 300 units

March 11, 2010

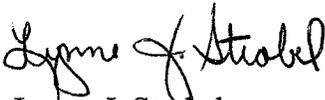
Page 3

on 3.2 acres, that results in a 2.15 FAR. The proposed policy reduces land value by approximately \$8,000.00 per unit. No bonus density is assumed because in most situations additional units would require going to a more expensive construction type. With a proposed development of 300 wood frame units, the total cost of affordable and workforce housing equates to \$2,400,000.00. For high-rise development, construction of 315 units on 1.5 acres that results in a 3.6 FAR was analyzed. The proposed policy reduces land value by approximately \$12,000.00 per unit, or a cost of approximately \$4,000,000.00, which makes the proposed redevelopment economically infeasible.

I would appreciate your consideration of my remarks and reasonable adjustments to the proposed Comprehensive Plan Text that will encourage the construction of housing with an affordable component.

Very truly yours,

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



Lynne J. Strobel

LJS/kae