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June 26, 2012

FIRST CLASS MAIL

Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035-0042

Re: Tyco Park Condominium

Dear Planning Commission Members:

This letter is on behalf of the Board of Directors and the commercial condominium membership that owns the 79 units within the Tyco Park Condominium.

This Condominium is located on Tyco Road, a location that is within the "ground zero" of Tysons Corner.

The units were built in the 1980's and are owned or used by small business owners, many of whom have been in Tysons for 3 decades and paying taxes all during that time. These small businesses compete with other small businesses that are located all around the metropolitan area.

The ownership is not happy with the proposed plans for another surtax, and they're not happy with the process. They believe their interests are being sacrificed in favor of the well-heeled groups that have obtained or are seeking the rights from Fairfax County to transform Tysons Corner for their financial benefit.

They ask now that you listen to them.

Please remember that the Tyco Park owners are already subject to a surtax for the funding of the first phase of the Silver Line Metro. As they compete for business against other businesses located around the area, this surtax is already one strike against them because it increases the costs of their operation. They didn't get a chance to vote on that surtax.

Now, there is a proposal for a second surtax, a surtax that is apparently not going to be submitted to the Tyco Park owners for vote either.

This is one of the objections of the Tyco Park Board. It wants a vote, a say in the process.

As all of you know, that's the way these Transportation Improvement Districts are designed to work. The Board of Supervisors forms them after a majority of the land ownership in the special district submits a petition to the County for their creation. Your own Strawman Report says that this process is your Committee's preference: the landowners decide what they want from the government and what they are willing to pay for it, and all material terms and conditions are written down in a resolution approved by a majority of the affected landowners.

But this is reportedly not going to happen. Why?

According to the Strawman Report, the Commission and Tysons Partnership believe that the majority of the land ownership in the area would not support a surtax.

The Tyco Park Board says if that's the case, the County's public servants should examine why that is so.

Clearly, another surtax will make it more difficult for the small businesses of Tyco Park Condominium to operate in Tysons. Paying more taxes than businesses located in other parts of the County creates competitive disadvantages for businesses trying to operate in a recession and in what has been, is now, and will continue to be for some time a construction zone.

For the present landowners and small business proprietors located in Tyco Park, the present surtax and the proposed surtax are negative factors forced on them by others who stand to gain the most by all of the changes planned for Tysons Corner. Please remember: these are not the people who have asked for the transformation of Tysons Corner. For these small business owners, the changes planned for Tysons Corner promise only illusory and indirect benefits that have been requested and designed for others, not them.

The Tyco Park community consists of business men and business women. They understand costs and benefits very well. Right now, the costs of a surtax do not promise them like-kind benefits. They request that you either abandon this surcharge concept or refine it because it ensnares too many landowners and small business proprietors who have been shut out of the process and are not part of the small group that stands to make huge profits. The costs of transforming Tysons should be either paid by all of the development groups that have re-zoned

or will re-zone property in Tysons or it should be paid by all of the taxpayers of Fairfax County in general.

And, finally, please take note that no one from the County or the Tysons Partnership has ever contacted the Tyco Park Board to ask them for input about this process. Frankly, they find this remarkable. They've been in Tysons Corner for 30 years, dutifully paying taxes, and no one from the County asks them: what can we do to help you as we go about surcharging you and completely changing the environment around you?

So, if the County is not going to reach out to the Tyco Park ownership, then please listen now. The landowners and small business proprietors in Tyco Park do not support another surcharge.

If your Commission is absolutely wedded to recommending a surcharge, then the least you can do is to support their right to participate in the formation of a Transportation Improvement District which would allow them to participate directly in the process because they are directly affected. This was your original position, and your own Strawman Report does not explain why your Commission moved away from it, except to state that the affected owners would probably not support it. This is hardly a justification for imposing another tax upon them against their will.

Sincerely,

REES BROOME, PC

By: Juan R. Cardenas
Juan R. Cardenas

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