CF: Tysons

HUNTON & WILLIAMS

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FILE NO: 43645.7

December 31, 2009

BY HAND DELIVERY

Tysons Corner Committee
Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

Dolley Madison Apartments at Tysons

Dear Committee Member:

Enclosed is the updated conceptual booklet for Dolley Madison Apartments at Tysons I mentioned in my December 23rd letter. These plans and photos reflect the revised Straw Man II text provided with my letter, and they illustrate the tremendous potential for re-planning this strategic property as an integral part of a transformed Tysons.

My best wishes to you for a happy and healthy New Year.

With best regards,

John

John C. McGranahan, Jr.

Enclosure

HUNTON & WILLIAMS

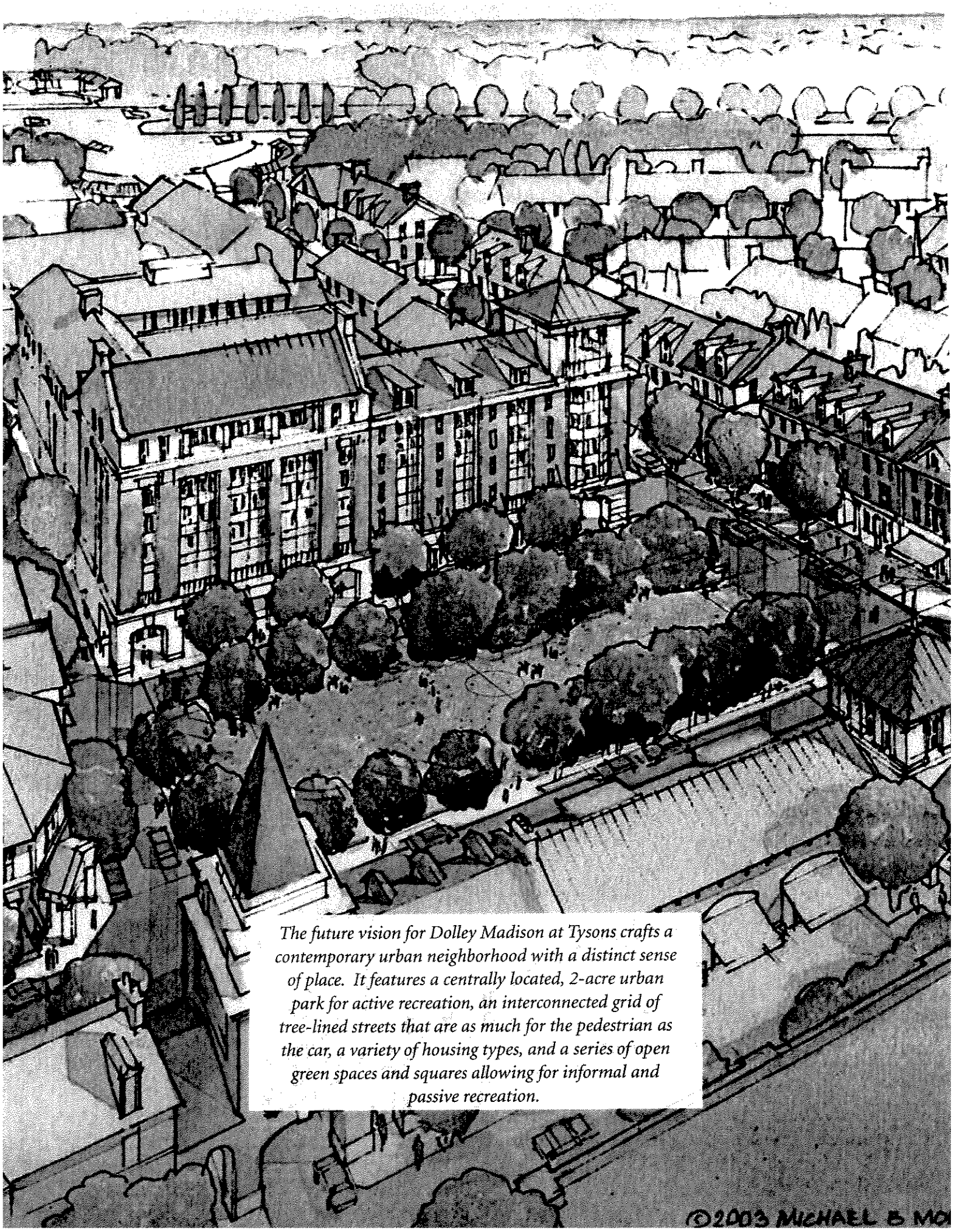
cc: The Honorable Suzanne F. Harsel (Commissioner, Braddock District)
The Honorable James R. Hart (Commissioner, At-Large)
The Honorable Timothy J. Sargeant (Commissioner, At-Large)
Ms. Barbara J. Lippa
Mr. James Zook
Mr. Fred R. Selden
Mr. Sterling R. Wheeler
Ms. Katherine Ichter
Mr. Daniel Rathbone
Mr. Leonard Wolfenstein
Mr. James L. Ritzenberg
Mr. Matthew J. McCulloch

FUTURE VISION

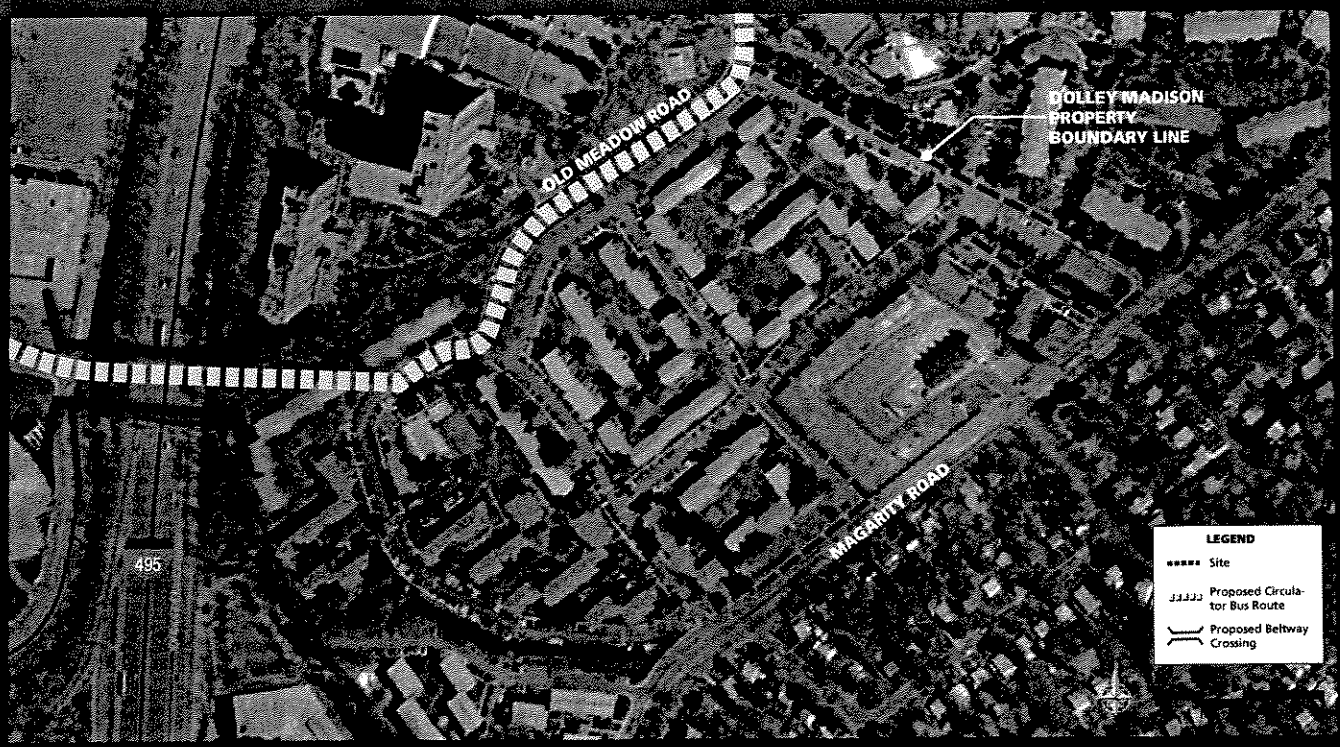
DOLLEY MADISON AT TYSONS

SR MANAGEMENT COMPANY
TORTI GALLAS AND PARTNERS

DECEMBER 23, 2009



The future vision for Dolley Madison at Tysons crafts a contemporary urban neighborhood with a distinct sense of place. It features a centrally located, 2-acre urban park for active recreation, an interconnected grid of tree-lined streets that are as much for the pedestrian as the car, a variety of housing types, and a series of open green spaces and squares allowing for informal and passive recreation.

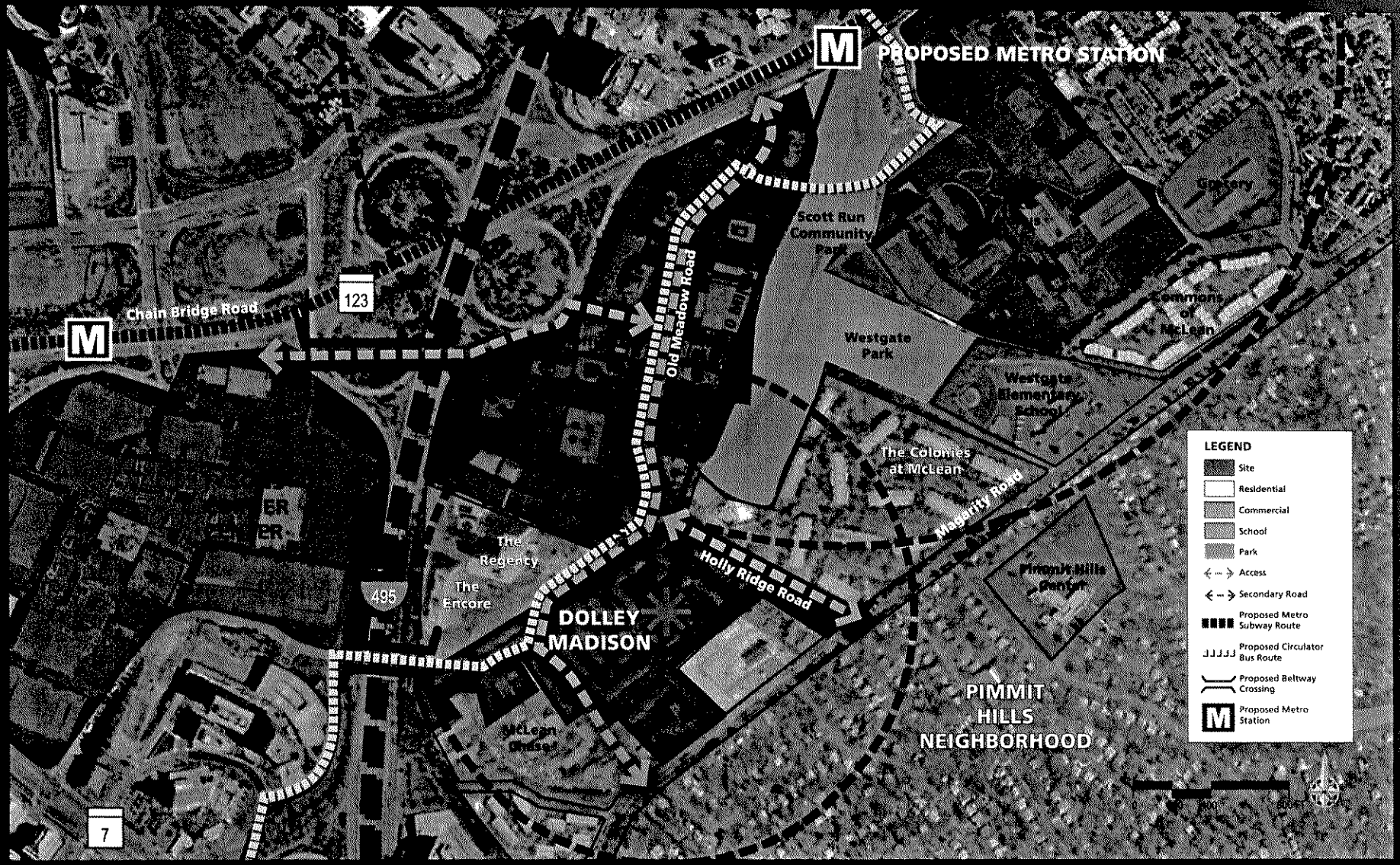


Existing Site Aerial

The Dolley Madison neighborhood is located between Old Meadow Road and Magarity Road.

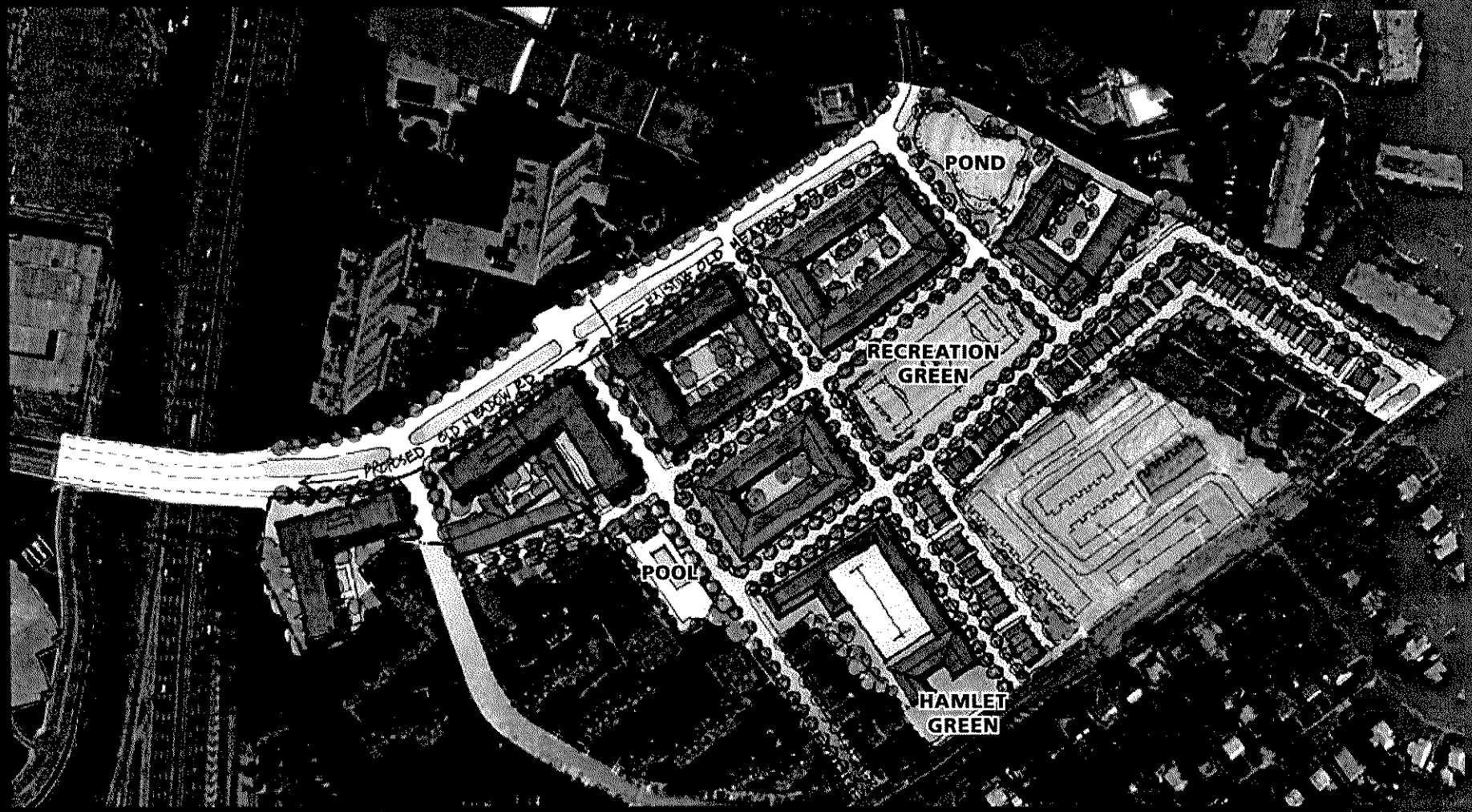
Existing Residences, built in the 1960s

Aerial and Existing Photos



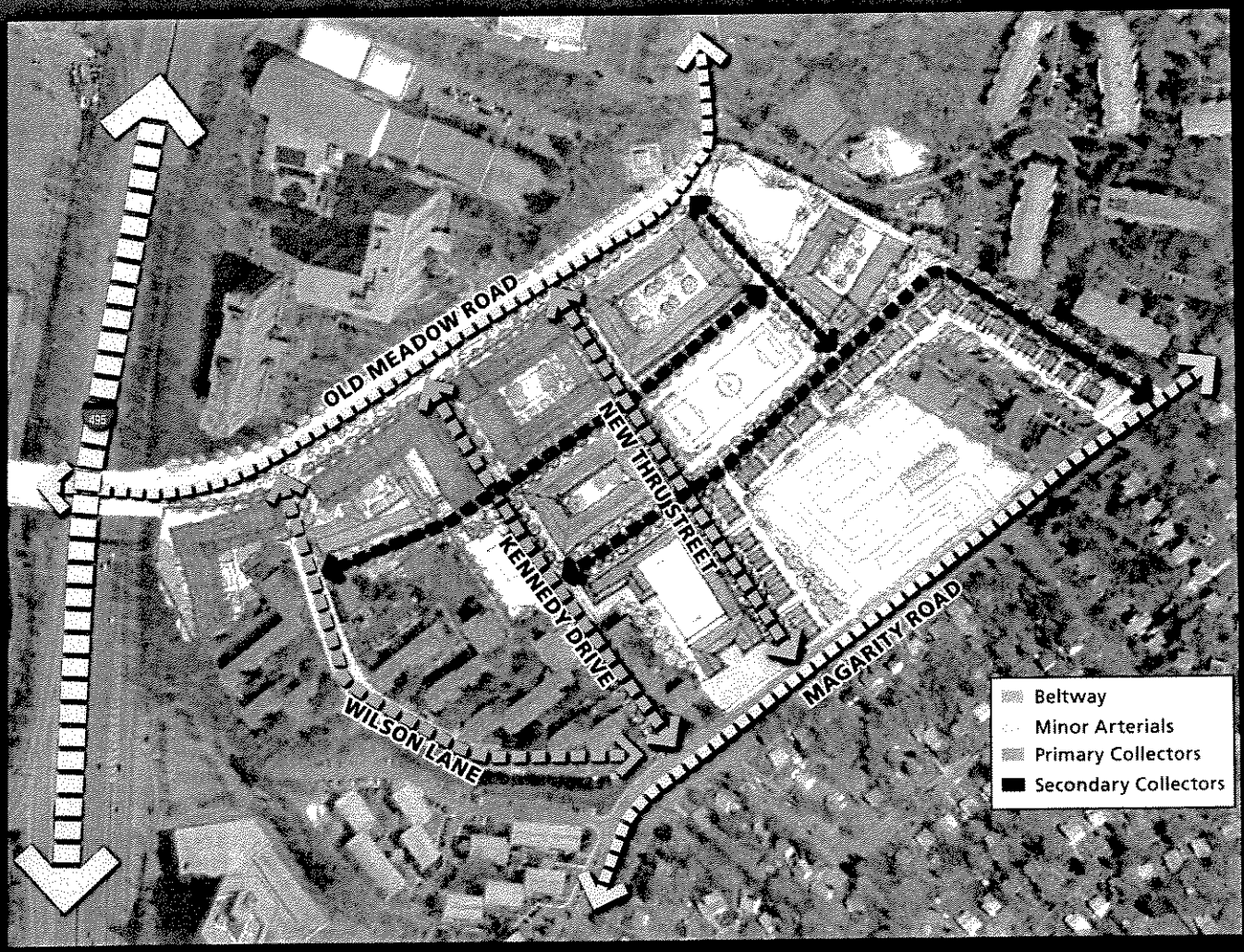
Location Map (Context Analysis)

Located within a 10-minute walk to the future Tysons East Metro Station, Dolley Madison is the largest residential tract in Tysons with 30 acres under single ownership. Built in the 1960s, Dolley Madison is poised for redevelopment. Dolley Madison faces the high-rise residential towers of the Encore and Regency to the north and transitions to the single family homes of Pimmit Hills to the south. Upon redevelopment, Dolley Madison's active recreation space will be easily accessible to its surrounding neighbors, providing a new amenity to the community.

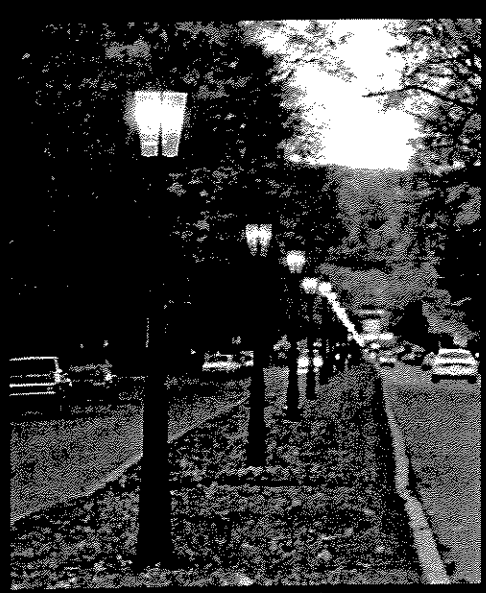


Concept Site Plan

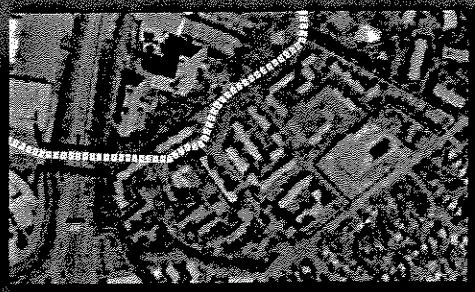
At the heart of the community will be a new, 2-acre Recreation Green that will allow for active recreation. This urban park will be linked to the surrounding neighborhoods via a new grid of tree-lined streets, which will provide essential access between Old Meadow Road and Magarity Road. Other open spaces and squares throughout the community will allow for passive recreation, and a Hamlet Green along Magarity Road will serve as a transition to Pimmit Hills. Residential building heights will be tallest along Old Meadow Road in the area adjacent to the Beltway, the neighboring high-rise residential buildings and the more intense uses planned in Tysons East. Heights will then decrease as one moves closer to the single-family homes on the other side of Magarity Road. At the northeast corner of Dolley Madison, a pond will be created for storm water management that will also be designed as a community amenity providing a link to the future Scotts Run Stream Valley Park.



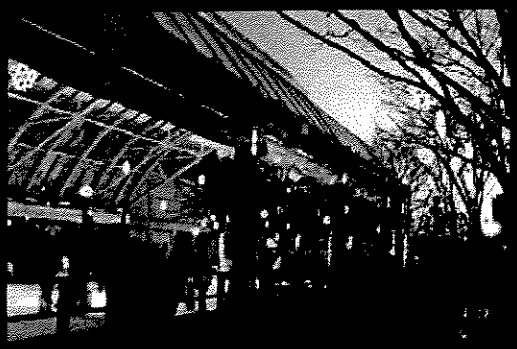
Connectivity Diagram

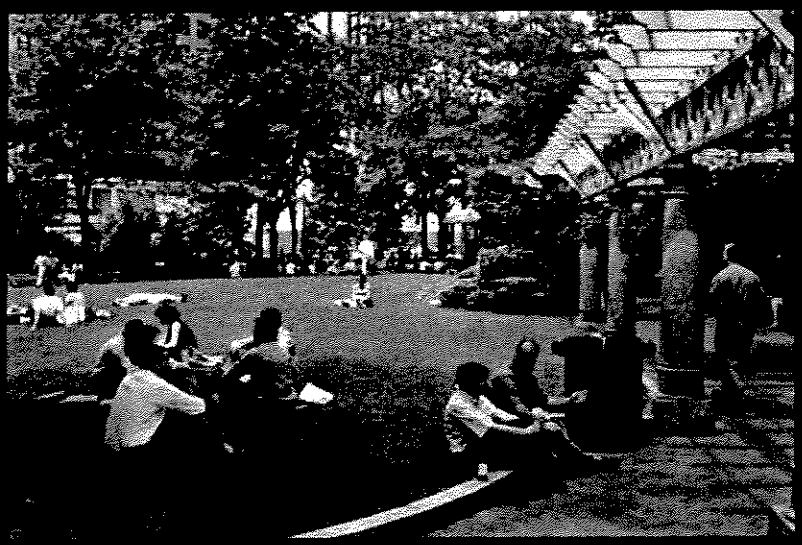


Example Images of Typical Street

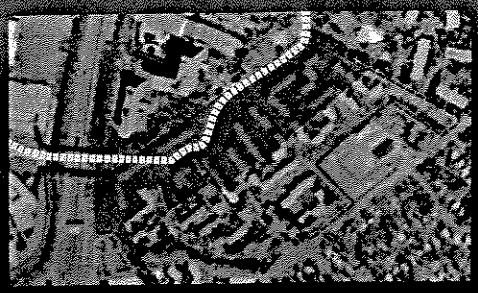


Key Plan

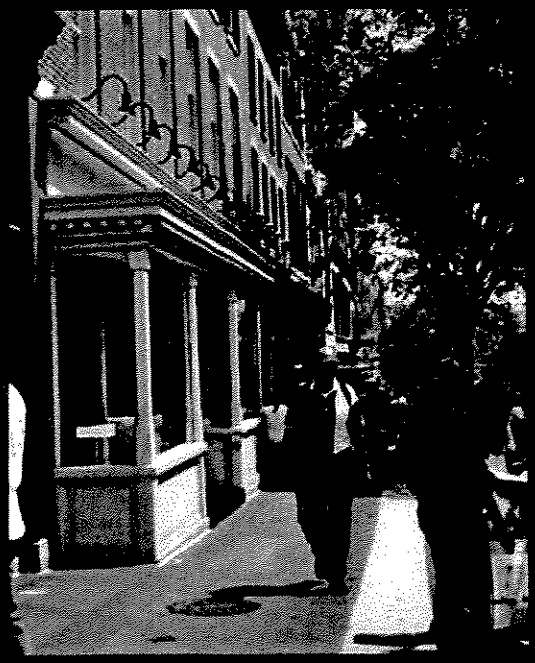


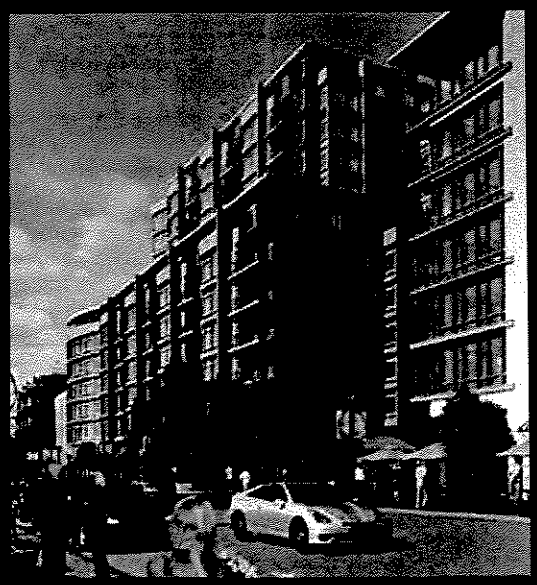


Images for Recreation Green

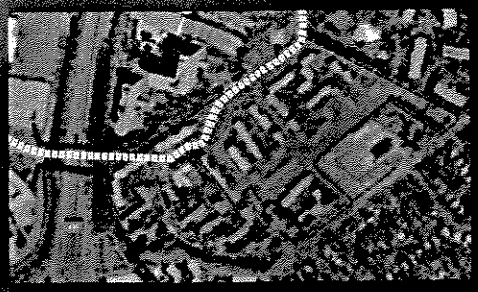


Key Plan

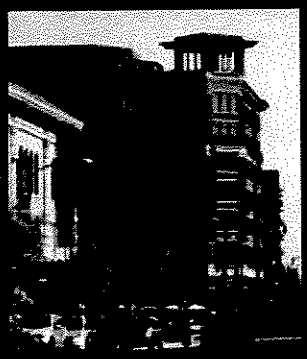




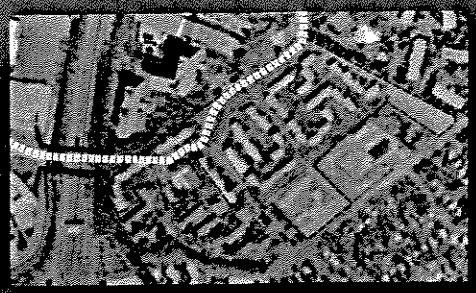
Images for Zone 1 - 400' from Old Meadow Road



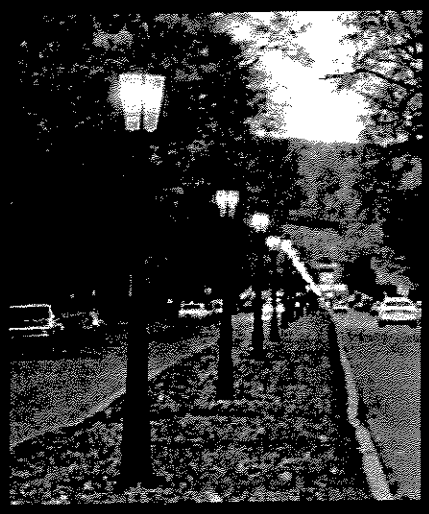
Key Plan



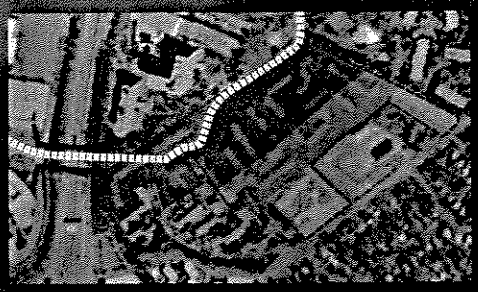
Images for Zone 2 - 400' - 600' from the Old Meadow Road



Key Plan



Images for Zone 3 - 600' and Beyond from Old Meadow Road



Key Plan showing all zones

Images for Open Green Space - Integrated in All Zones

Hand

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FILE NO: 43645.7

December 23, 2009

BY HAND DELIVERY

RECEIVED
DEC 23 2009
FAIRFAX COUNTY
PLANNING COMMISSION

Tysons Corner Committee
Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

Dolley Madison Apartments at Tysons

Dear Committee Member:

The Ritzenberg family, who developed and has owned the Dolley Madison Apartments at Tysons ("DMA") since the early 1960s, hopes to work with the County to create a new DMA that will serve as an integral part of a transformed Tysons. With almost 30 acres under single ownership, DMA is the largest residential tract in Tysons and is located within an easy, half-mile walk to the Tysons East Metro. DMA is poised to redevelop into the type of new, urban residential community envisioned for Tysons, with facilities like a two-acre urban park for active recreation. Despite this potential, Straw Man II completely ignores DMA, leaving it stranded with 1994 Tysons Plan language and with no incentive to redevelop. As a result, Straw Man II misses a tremendous planning opportunity.

DMA is also the only property that could offer a desperately needed grid of public streets connecting Old Meadow Road and Magarity Road. Currently, the public cuts through DMA's private parking lots and travel aisles for this purpose, creating a severe traffic problem that will only worsen when Metro opens. If DMA is redeveloped to include a grid of streets, this major traffic and safety problem could be remedied; alternatively, if DMA is left unchanged, the property will need to be gated, which would severely impede traffic circulation within Tysons East and East Side.

Enclosed is a black-lined version of the Straw Man II text (**Attachment 1**), which creates a new "Subarea 3" pertaining solely to the DMA parcels. Separating DMA within East Side is logical and appropriate. DMA is surrounded by nearly 1,000 individually-owned condominium units in gated communities that will not redevelop and cannot offer future community benefits. By contrast, DMA is ideally situated to evolve into a new urban neighborhood with additional residential units, which will further advance the County's effort to correct the current imbalance between employees and residents in Tysons. We also have enclosed a summary of the case for redeveloping DMA (**Attachment 2**). An updated conceptual booklet for DMA, which reflects

the enclosed revisions to the Straw Man II text, will be provided under separate cover. The enclosed text speaks to the many advantages of re-planning this strategic property and the urgent need to address a severe traffic problem.

Residential Planning Opportunity

As illustrated in the enclosed District text, the proposed redevelopment of DMA includes rigorous criteria to ensure that the County achieves both its housing objectives and numerous other planning goals. This proposal includes a phased residential development at a 1.5 floor area ratio; a two-acre urban park for active recreation; a grid of public streets; a transitioning of unit types and heights (from 140 feet closest to I-495 and Old Meadow Road, across from the neighboring 150-foot high-rise condominiums, to 45 feet on the two areas abutting Magarity Road); modern affordable units; structured parking; circulator right-of-way;[1] storm water management; and other community benefits.

Despite DMA's potential, Straw Man II maintains the same comprehensive plan text for DMA that has existed for decades. If left unchanged, DMA will remain an antiquated suburban relic with its 1960s-style units standing in stark contrast to the vibrant communities envisioned for Tysons. Further, this "plan" for DMA will ultimately create the type of isolated, affordable housing area that many of you spoke against at your December 3rd Committee meeting. The new Plan for Tysons should promote attractive, urban residential communities throughout Tysons. Not only could DMA become such a community, it would provide modern, affordable units and address the other public benefits that are necessary for transforming Tysons.

Severe Cut-Through Traffic at DMA /Future Circulation Issues in Tysons East and East Side

DMA is the only property that can provide a functional grid of public streets to connect Old Meadow Road with Magarity Road. Straw Man II acknowledges this need because no

[1] Straw Man II unrealistically assumes that the circulator route along DMA's property could also bisect the McLean Chase Condominiums (see "Option 5C" listed as Item 17 on the "Cost Table" distributed to the PCTC on October 28, 2009). This is not viable given the inherent difficulties in redeveloping condominium communities. Option 5C should be replaced with Option 5A, for which DMA could provide full right-of-way on the DMA property along an extension of Old Meadow Road.

public street access exists to connect these two key corridors.[2] As a result, DMA's existing private parking aisles have become busy thoroughfares for cut-through traffic. This increasingly hazardous situation, especially in a community with many families, will worsen dramatically once the Kiss and Ride at the Tysons East Metro Station opens and the land along Old Meadow Road towards Route 123 redevelops. Moreover, the newly released "Transit Development Plan" shows planned bus service making a U-turn and running through a DMA private parking lot, instead of circulating through this portion of the East Side District on a public street.

A grid of public streets through DMA is absolutely critical for the assumed traffic circulation and transit service in the Tysons East and East Side Districts. Thus far, the Ritzenberg family has resisted gating DMA, even as gated condominium communities have been established around them. Simple fairness and responsible long-range planning demand that the new Plan for Tysons provide meaningful incentives for the redevelopment of DMA so the grid of streets is provided and the growing cut-through traffic problem and future gridlock are avoided.

We urge you to reconsider Straw Man II's treatment of DMA. We also encourage each of you, as well as members of Staff, to visit DMA during the morning or evening peak hours to observe the cut-through traffic problems and to see first-hand the great potential for redeveloping DMA into a modern, urban residential neighborhood. If you would like to meet or if you have any questions, please feel free to call me.

We greatly appreciate your time and consideration.

With best regards,

John C. McGranahan, Jr.

Enclosures

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[2] In Table 8 on page 77, Straw Man II identifies DMA's private travel aisles and parking lots as "collector roadways" widened to standard public street sections. Moreover, it is not realistic to assume the School Board and Park Authority will give up land for a future east-west road connection through Westgate Elementary School and Park, nor is it likely that a bridge will be constructed across the Scotts Run stream valley, as proposed on page 52 of Straw Man II.

HUNTON & WILLIAMS

cc: The Honorable Suzanne F. Harsel (Commissioner, Braddock District)
The Honorable James R. Hart (Commissioner, At-Large)
The Honorable Timothy J. Sargeant (Commissioner, At-Large)
Ms. Barbara J. Lippa
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Mr. Fred R. Selden
Mr. Sterling R. Wheeler
Ms. Katherine Ichter
Mr. Daniel Rathbone
Mr. Leonard Wolfenstein
Mr. James L. Ritzenberg
Mr. Matthew J. McCulloch

DECEMBER 23, 2009
PROPERTY OWNER'S SUGGESTED REVISIONS
(See Shaded Text)

SOUTH MAGARITY SUBDISTRICT

Magarity South Neighborhoods are developed with residential use, except for the northernmost portion, which is the location of an elementary school and park.

Subarea 1: Westgate School and Park

This is developed and planned for public school and park uses. These facilities are Westgate Elementary School, Westgate Park and a portion of Scotts Run Park. Scotts Run Park is envisioned to become an open space amenity with improved access from the planned grid of streets and the provision of connecting sidewalks and trails (See the discussion of Parks and Open Space in the Areawide Environmental Stewardship Recommendations). Westgate Park should be redesigned to include an additional athletic field to meet the recreational needs of residents in the East Side District. This subarea could also be the location for one of the new school sites that will be required to serve new residential development at Tysons.

Subarea 2: South Residential Condominium Neighborhoods

This subarea is comprised of about ~~100~~ **70** acres ~~and is~~ located south of West Park School between Magarity Road and the Beltway **(excluding the Dolley Madison Apartments at Tysons rental apartments described in Subarea 3 below). This area includes the gated condominium communities of The Regency, The Encore, The Colonies, as well as McLean Chase Condominiums and McLean Place Condominiums**.

Base Plan

This subarea is planned for and developed with low-rise multifamily use up to 20 dwelling units per acre, except for the Regency and Encore high-rise apartments which are planned for and developed with multifamily use up to 30 dwelling units per acre.

Redevelopment Option

As an option, the low-rise multifamily uses are appropriate for redevelopment to single-family attached residential use at 8-12 dwelling units per acre or multifamily residential use at 20-30 dwelling units per acre. Redevelopment should include logical and substantial parcel consolidation that ensures well-designed projects that function efficiently and integrates with and facilitates the redevelopment of other parcels in conformance with the Plan.

Residential projects should provide for recreational and other amenities as well as support retail and service uses for the residents. Proposed redevelopment should be accompanied by the dedication of public or publicly accessible park land, and by the construction of recreational facilities, which include one or two athletic fields. In addition, creative approaches should be used to ensure provision of adequate recreational facilities. This may include indoor and rooftop facilities or those located above underground stormwater management facilities.

Development proposals should address the Areawide Recommendations, which ~~includes~~ **include** the provision of affordable/workforce housing and should provide for the following:

- A compatible transition to the Pimmit Hills single-family neighborhood across Magarity Road, by screening, landscape buffering and/or through building design.

- For redevelopment near the Beltway, noise attenuation measures should be provided ~~as determined appropriate by the~~ **in conformance with** County **policies and regulations**.

- Vehicular connections from Old Meadow Road to Magarity Road as well as other streets that create urban blocks consistent with guidance in the Urban Design and Transportation chapters of the Areawide Recommendations.

- Building heights in this subarea ~~ranges~~ **range** from 45 feet to 150 feet, depending upon location, as shown on the building height map in the Areawide Urban Design Recommendations. The lowest building height is adjacent to Magarity Road which has a maximum height of 45 feet. Height increases with distance from Magarity Road, with this area's maximum height of 150 feet limited to the existing Regency and Encore residential buildings, which are adjacent to the Capital Beltway. (See also the building height guidelines in the Areawide Urban Design Recommendations.)

A potential circulator alignment is shown on Old Meadow Road and extends across the Beltway (as described in the Transportation section of Area-wide ~~recommendation~~ **Recommendations**). In addition to the above guidance for this area,

redevelopment proposals along the circulator route should provide right-of-way or otherwise accommodate the circulator and make appropriate contributions toward its construction cost. See the Intensity section of the Areawide Land Use Recommendations.

Subarea 3: Dolley Madison Apartments at Tysons

This subarea consists of approximately 30 acres (Tax Map Parcels 39-2 ((1)) 67, 67C, 67E, 67F, 67G and 72) currently under single ownership and located one-half mile from the future Tysons East Metro Station, on the south side of Old Meadow Road between Westgate Industrial Park and the Capital Beltway. This subarea currently is zoned R-20 and is developed with 581 rental, garden apartments built in the early 1960s. The gated Regency and Encore high-rise multifamily residential condominiums abut this subarea to the northwest and multifamily condominiums and townhouses abut this subarea to the south and east.

Base Plan

This subarea is planned for low-rise multifamily residential uses at 20-30 dwelling units per acre and/or single-family attached residential uses at 8-12 dwelling units per acre.

Redevelopment Option

Given its size, its proximity to the Tysons East Metro Station and the critical need in this location to replace the existing private parking lots and travel aisles with a functioning grid of public streets, this subarea should be encouraged to redevelop with residential uses that do not exceed 1.5 FAR (excluding possible bonus density) prior to operation of circulator service, contingent upon the following:

- **Consolidation of the entire 30-acre subarea into a high-quality, urban neighborhood in a pedestrian-oriented and bicycle-friendly environment with tree-lined public streets and sidewalks, as set forth in the Areawide Recommendations.**

- **Reconstruction of the existing private parking lots and travel aisles into a grid of public streets (with on-street parallel parking) as generally depicted on Map 7 to establish safe and convenient public street connections between Old Meadow and Magarity Roads (including upgrades of Holly Ridge Drive and Kennedy Drive as listed on Table 8) and to permit efficient public bus service within this portion of the East Side District.**

- **Creation of a two-acre public (or publicly-accessible) urban park for active recreation. In addition, a swimming pool and bathhouse facility will be provided for the private use of the subarea and the McLean Chase condominiums in accordance with an existing agreement.**

- **Provision of affordable and workforce housing units in accordance with the policy for Tysons Corner set forth in the Areawide Land Use and Environmental Stewardship Recommendations. To the extent practicable, construction of new residential units should be phased in order to preserve some portion of the existing rental apartment units while the initial new residential buildings are under construction.**

- **Maximum building heights ranging from 45 feet to 140 feet depending upon location, with new multifamily residential buildings up to 140 feet in height adjacent to the Capital Beltway and along Old Meadow Road on the northwestern portion of the subarea, and transitioning down to mid- and low-rise multifamily and single-family townhouse residential uses up to 45 feet in height on the southeastern portion of the subarea closest to Magarity Road.**

- **If the circulator route serving this subarea depicted as Option 5A is approved on an adopted amendment to the Comprehensive Plan, redevelopment will dedicate or reserve, at the time of rezoning, right-of-way for such future circulator route along the northern boundary of the subarea between the terminus of Old Meadow Road and the Capital Beltway, including right-of-way to accommodate a future Beltway bridge crossing. Redevelopment at residential intensities greater than 1.5 FAR in the portion of the subarea within 600 feet of such circulator right-of-way should be permitted once a circulator serving this subarea becomes operational.**

- **A strong commitment to TDM strategies, including reduced parking and participation on a pro rata basis in private shuttle service within this area of Tysons Corner in cooperation with other landowners and until such time as a circulator serves this neighborhood.**

- **Contribution on a pro rata basis with other landowners in the area toward improvements to Scotts Run Stream Valley Park, including creation of a trail system linking this subarea to the Tysons East Metro Station.**

- **For redevelopment near the Beltway, noise attenuation measures should be provided in conformance with County policies and regulations.**

- **Provision of opportunities for ground-floor, neighborhood-supporting retail limited to the northwestern half of the subarea.**

- **Construction of structured underground and/or above-grade parking "wrapped" with residential buildings on all sides, except along a service street, to ensure attractive facades and streetscapes.**

- **A compatible transition to the Pimmit Hills single-family neighborhood located east of Magarity Road through the use of screening, landscaping, open space and/or building orientation and design.**

View from future urban neighborhood in the South Magarity Subdistrict

BELTWAY/ROUTE 7 SUBDISTRICT

The only portion of the East Side District that is developed with commercial use is the north and south quadrants of the Beltway/Route 7 Subdistrict. The North quadrant is entirely developed with office use and the South quadrant is developed with office use and a hotel.

The North quadrant is planned for and developed with office, support retail and service uses up to .85 FAR. As an option, the office building on parcel 39-2((1))62B may be appropriate for an expansion up to .90 FAR, if a development proposal provides for the following:

- Any expansion or alteration should maintain the existing buffer area and screening to avoid any visual impacts on the adjacent housing;
- Any additional structures on the subject property should be designed to be architecturally compatible with the existing office buildings;

- A transportation analysis should be performed in conjunction with any development application, and commitments for any improvements identified as needed to mitigate transportation impacts directly related to site generated traffic should be provided;

- Any cellar space included in the expansion will not be used for office space or other peak hour traffic generating purposes.

- Building height does not exceed 125 feet (also, see Building Height Guidelines).

The South quadrant is to retain its existing character which provides a transition inscale to the neighborhood east of Tysons Corner. The office buildings and hotel adjacent to the Capital Beltway are planned and developed up to 1.0 FAR, and the office uses adjacent to George C. Marshall High School are planned and developed up to .50 FAR. Building heights range from 75 to 105 feet, depending upon location (see Building Heights Map and Building Height Guidelines in the Areawide Urban Design Recommendations).

DOLLEY MADISON APARTMENTS AT TYSONS

A Compelling Redevelopment Opportunity

- Approximately 30 acres under single ownership - the largest residential property and 5th largest of all properties in Tysons
- Within an easy and convenient half-mile walk to the Tysons East Metro Station and the existing and future office buildings along Old Meadow Road
- Could provide a two-acre urban park for active recreation
- Only property through which a functional grid of streets could be created to connect Old Meadow Road with Magarity Road - no other option for public street access between these two roads
- Surrounded by privately-owned, gated condominiums which will not provide community benefits through redevelopment
- Could replace 1960s suburban-style garden apartments with an attractive, pedestrian-oriented urban neighborhood, providing additional new residential units to advance the County's efforts to address the imbalance between employees and residents in Tysons
- Could phase new construction to preserve some existing affordable units while initial new residential units are built
- Instead of an isolated pocket of obsolete, almost 50-year old garden apartments, could provide modern, affordable and workforce housing units in accordance with the Areawide Recommendations for Tysons
- Could provide appropriate transition from the Beltway, the adjacent 150-foot high rise condominiums and the office buildings along Old Meadow Road to the "edge" along Magarity Road and the Pimmit Hills community
- Could provide the right-of-way for future circulator service along an on-site extension of Old Meadow Road, including right-of-way to accommodate a potential bridge crossing of the Beltway

CF: Tysons

TRULIE INVESTMENT CORPORATION
1830 CRAIG PARK COURT, SUITE 101
ST. LOUIS, MO 63146
TEL: (314) 878-5545 FAX: (314) 878-8118

RECEIVED
JAN 04 2009
FAIRFAX COUNTY
PLANNING COMMISSION

December 23, 2009

Via E-Mail and U.S. Mail

Walter L. Alcorn
Chairman, Tysons Committee
Fairfax County Planning Commission
!2000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

Re: Straw Man II Comments
Trulie Investment Corp. et al
Tax Map 29-3 ((1)) 32

Dear Chairman Alcorn:

Trulie Investment Corp. et al owns property identified as Tax Map 29-3 ((1)) 32. This 14.2 acre site is located in the Tysons Central 7 South Subdistrict. The entrance to the Metro station is located directly adjacent to our site. I have reviewed the Straw Man II document dated September 16, 2009 as it specifically applies to the property and ask you to consider revising the draft to address the following comments.

Mix of Uses

The Conceptual Land Use pattern map on page 24 shows our property as planned for a number of land uses including Office Mixed-Use, Mixed-Use, Park and Open Space and Civic/Public Facility. Staff revised the definitions of various land use categories in their publication of Straw Man II. It is my understanding that the Mixed-Use category has been eliminated and staff intends to re-designate areas previously classified Mixed-Use to some other use category. However, staff has not yet provided an updated Land Use Map so it is not clear how these areas will be re-designated. It seems likely that a portion will be designated Office Mixed-Use and a portion designated Residential Mixed-Use. Straw Man II includes revised descriptions for both of these categories. While the new Office Mixed-Use description seems reasonable, the requirement for 25% non-residential uses in the residential Mixed-Use description is not realistic. A minimum non-residential component should be on the order of 5% to 10%.

Civic Commons and Civic Buildings

The site specific plan text calls for the South Subdistrict to be *"a civic center with a great public space and a significant new public building or buildings"* (page 142). It further states:

> *The signature focal point of the Tysons Central 7 District is the civic center's great public space, the "Civic Commons" which should be about three to four acres. This public space will be a critical element for creating the area's new identity and will provide the setting for community events and celebrations within this portion of Tysons. The space should consist of both hardscape and open lawn areas and should feature urban park amenities that will draw people in, such as interactive artwork or a unique water feature. As the signature civic open space in Tysons Corner, the Civic Commons should include elements that interpret the history of Tysons Corner from country crossroads to suburban office park to vibrant urban center. With easy access to transit, the Civic Commons could be the primary location within Tysons for staging major public events such as outdoor concerts or public markets.*
>
> *Abutting the Civic Commons should be a new public building or buildings, which have a significant architectural design and provide government services, such as a public library, community center, and/or arts center. These public uses will bring a civic presence, and shape positive urban spaces brought to life by the interaction of employment, residential and retail uses, and outdoor events and street life. (pages 144-145)*

This plan text places unrealistic expectations on our property and plans it for multiple public uses. The majority of the large Civic Commons as well as smaller parks and the identified civic/public facility use is depicted on our site. Coupled with the proposed street layout of the current plan, less than fifty percent of our property would be available for redevelopment. We object to the suggested transformation of our retail property to predominantly public uses, as the plan puts an unreasonable burden on our property to the extent that a redevelopment is not feasible at this point.

Urban parks are desirable and necessary. They provide opportunities for outdoor interactions and offer a visual relief from the more intense built environment. However, they need to be sized appropriately. Existing park and open space areas in well known urban settings provide good examples of what works best. In downtown Washington, D.C., Farragut Square is two acres in size. The Rockefeller Center ice rink and

adjacent areas are one acre, as is the Reston Town Center plaza and ice rink. A one acre urban park is large enough to accommodate the desired public events such as concerts, art shows and outdoor markets but not so large as to preclude inclusion of a good, vibrant mix of uses adjacent to Metro. A three to four acre park in this location within ⅛ mile from a Metro station entrance is not consistent with good planning principles.

Similarly, the vision of a major civic area with one or multiple public buildings is overly ambitious. We do not object to civic uses, we all benefit from well designed and well located public services, but we object to making them the primary focus of our property.

Intensity

Portions of our property are located within the ⅛ mile intensity tier and the ⅛ to ¼ mile intensity tier. The recommended intensity for areas within ⅛ mile of the station is 4.75 FAR. For areas located between ⅛ and ¼ mile from the station, the recommended intensity is 2.75 FAR. The decrease in FAR from 4.75 to 2.75 FAR as you move away from the Metro station appears disproportionate. Areas within ¼ mile of the station are very accessible to rail and are deserving of higher intensity than 2.75 FAR. Most transit-oriented plans recognize ¼ mile as the standard highest intensity district. An intensity in the range of 3.25 to 3.75 FAR would be more appropriate this close-in intensity ring. It would still provide a significant decrease from the ⅛ mile area, and a good transition to the intensity of 2.0 FAR in the ¼ to ½ mile area.

Street Sections

Boone Boulevard Extended is planned through the site. While we welcome this new transportation facility, we are concerned that the proposed sections are not in keeping with vision for walkable streets. Boone Boulevard Extended is classified as an "Avenue". One of the street sections in Straw Man II shows an "Avenue" with a landscaped median and a 92 foot minimum curb to curb section. An alternate "Avenue" section does not include a median and results in a cross section of 77 feet curb to curb. Both of these sections seem excessive and should be revised to reduce the overall width.

On page 144, an artist rendering illustrates another proposed street running through the property. This street does not appear to be Boone Boulevard Extended but rather a perpendicular street running between Boone Boulevard and the Tysons Central 7 Metro station. This section also appears excessive with four travel lanes, two parking lanes and a wide median and is not consistent with the TOD principles that the Fairfax County Planning Commission has emphasized. It is requested that this image be removed or revised so that there is not an expectation of a major thoroughfare in this location.

Consolidation

The redevelopment option for our property calls for consolidation for coordinated proffered development plans to include a minimum of 20 acres. This 20 acre requirement is the largest consolidation requirement of any area in Tysons and would necessitate that we join in with one or more of our neighboring properties to rezone under the redevelopment option. While we have worked with our neighbors over the past three years to coordinate our future plans, each of the owners has specific constraints with regard to leases and business obligations that are likely to prevent a consolidation of 20 acres in the next several years. However, we believe our site with more than 14 acres is large enough to accomplish many of the objectives of the Tysons vision and we are willing to coordinate our plans as best we are able with the plans of our neighbors. To preclude redevelopment of a 14 acre site directly at the Metro station is not in the best interest of creating a new Tysons. We ask that the consolidation requirement be reduced significantly or eliminated in its entirety.

Thank you for your attention to these issues. If you should have any questions, please feel free to give me a call.

Sincerely,

Matthias D. Renner
Trulie Investment Corp.

cc: James R. Zook, Director, DPZ
Sterling R. Wheeler, Branch Chief, Planning Division, DPZ
Barbara Lippa, Executive Director, Planning Commission
Elizabeth D. Baker
Martin D. Walsh

DWECK PROPERTIES, LTD.
1730 M Street, NW Washington, D.C. 20036 202-296-0360 FAX: 202-296-0363

COMMENTS ON STRAW MAN II

B. GENERAL

1. RENDERINGS: In several locations, renderings are included which show streetscapes, buildings and road sections that are very unlikely to be built and in at least a couple of locations, not desirable. Specifically, two locations in areas which I am very familiar with, and which impact our property:

    a. Page 173 shows a view of Old Meadow Road with a much widened street and buildings at heights which do not reflect either our Master Plan or best use of 7allowable FAR and heights. Please see my comments re: Tysons East regarding the size of Old Meadow.

    b. Page 144 shows a view originating on the South side of Route 7 looking towards the Metro station. Again, I believe that the size of the road is both much wider than anyone foresees in this location, and too wide to encourage the kind of pedestrian interaction and activity described by the "vision".

My concern with the use of these renderings in the Plan is that they do not reflect the actual wording of the plan, nor the likely street sections and land uses. A picture like this, mentioning specific streets and views, will lead to misunderstanding and confusion down the road. I would suggest that these be excluded from the new Plan

2. In these comments for both areas, I have, as a general rule, not repeated the issues being raised elsewhere, i.e. from the Design Review Committee, like heights.

C. TYSONS CENTRAL 7

1. Under "Redevelopment Option" it states that the area is expected to continue to "have the highest concentrations of office space….which has made this cluster of business activity a desired address…." And "envisioned to become a vibrant 24-hour mixed use area…" At the risk of repeating myself, I think it is important to maintain the correct size street widths in order to accomplish this. Between Goldsboro and Route 7, none of the new streets should be wider than 2 lanes in each direction – with the curb lane being wide enough for cars/bikes; the circulator during rush hour and street parking during off peak. Wider streets than that are not appropriate and will impact the ability of developers to provide the best layouts on their sites while also DIScouraging pedestrian activity.

2. In the section listing those items that should be “provided” by development proposals – second bullet: “should result in well designed projects that function efficiently on their own”. The meaning of this phrase is unclear. What “functions” are we talking about specifically? This kind of generalized statement can lead to misunderstanding and sometimes unintended negative consequences and should be omitted.

3. Bullet 4; same section: This refers to a new “circulation” improvement – a street running parallel to, but only one block north of, Route 7 from Westpark ..”potentially extending to International Drive”. The street does show on both the county plan as well as the Master Plan submitted by our group of landowners. However, the likelihood of the street continuing past Pinnacle is slim and the street should not be viewed as a major thoroughfare. This street as well as the one leading from Route 7 to Greensboro are important to creating an integrated neighborhood, but should not be wider than 2 lanes in each direction as described earlier. The kind of compact, energized, busy, downtown “urban” neighborhood envisioned should not have so many “boulevard” or wide “avenue” type streets. Even a street of 4 lanes (as we show) will have the desired effect of lessening the traffic on both Goldsboro and Route 7, but cutting this essentially small area by additional wide streets will be counterproductive.

4. See Draft Review Comments regarding heights and circulator alignment issues. We agree with those.

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Martin D. Walsh
(703) 528-4700 x5422
mwalsh@arl.thelandlawyers.com

Via Email and U.S. Mail

December 22, 2009

Walter L. Alcorn and Members of the Tyson's Committee
Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

Re: Archstone Tyson's Corner Apartments
1731 Gosnell Road, Tax Map No. 29-3-1-0035 (the "Property")

Dear Chairman Alcorn:

On behalf of Archstone, the owner of the above-referenced Property on Gosnell Road, please consider the following thoughts as you finalize the proposed Tyson's Corner Plan language that will shortly be submitted to the Planning Commission.

While everyone agrees that affordable/workforce housing is key to Tyson's Corner's success, there is still some disagreement as to how best to provide for it. Straw Man II envisions a system that is largely modeled on Fairfax County's current ADU Ordinance and Workforce Housing Policy. However, given the unique opportunity now before you to innovate and lead in this field, creative alternatives to that system should be considered. One such alternative has been eloquently set forth by Robert Seldin of Archstone in the enclosed Affordable Housing Proposal document. The Proposal explains how a 10% affordable housing tax credit could help create a larger pool of affordable housing that could include existing housing stock rather than relying solely on new development to meet this critical need.

Another issue that I and others have raised is the fact that Straw Man II imposes unreasonable parcel consolidation requirements on landowners who wish to redevelop. In the case of the Property, the requirement is that an applicant assemble 20 acres in order to submit a redevelopment proposal—a supremely difficult task, as you are no doubt aware, in an already developed and expensive area such as Tyson's. Such a requirement will constrain redevelopment in Tyson's and ensure that underutilized parcels remain unchanged for the foreseeable future. Furthermore, the requirement could give rise to perverse disincentives for cooperation by allowing one landowner to literally hold another hostage for payment in order to gain its "buy in" for a particular development plan. I therefore urge you to remove such a requirement from the Plan text that will be submitted to the Planning Commission.

Finally, I encourage you to bear in mind that Tyson's future success will not flow from proscriptive Comprehensive Plan language and zoning regulations. Providing for a system that "micromanages" every aspect of development will not yield the Tyson's everyone wants. Instead, it will inordinately increase the costs of development and thereby ensure that Tyson's will remain basically as it is today. Tyson's dynamic economy and entrepreneurial potential can only be realized if it is allowed to flourish on its own under a reasonable system of performance-based transportation criteria and environmental objectives. Such an approach that enables the market to play its appropriate role will foster competition and design innovations that in turn give rise to the type of investment that will be critical to achieving a new vision for Tyson's. The end result will be a high-quality built environment that can be achieved at a cost and within a timeframe that will be within reach of everyone who wishes to join the Tyson's community.

I appreciate the opportunity to provide these comments. If you have any questions or need further information, please let me know.

Sincerely,

WALSH COLUCCI LUBELEY EMRICH & WALSH, P.C.

Martin D. Walsh

Enclosure

cc: James P. Zook
Sterling R. Wheeler
Barbara Lippa
Robert M. Seldin
Elizabeth D. Baker
G. Evan Pritchard

Winning the Future – An Affordable Housing Proposal for Fairfax County

Fairfax County has a unique opportunity to achieve both regional and national thought leadership on the critical issue of affordable housing. The strategy outlined herein forms the armature for a truly progressive and pro-growth affordable housing strategy that is simple to create, simple to understand, simple to implement, simple to enforce and fair.

What's Wrong With The Way Things Have Always Been Done?

1) While affordable housing legislation would logically seek to address "today's" shortage of affordable housing, conventional affordability legislation focuses almost exclusively upon tomorrow's supply; projects that may never even be constructed.

2) While affordable demand is spread across the entire spectrum of income strata, conventional "affordable housing legislation" limits affordable supply to preselected income groups and in fixed quantities ("the lucky winners") whether or not these populations are the most underserved or in the most demand.

3) While the lack of housing affordability is a direct reflection of the exhaustive political barriers that currently exist to creating housing in the region, conventional affordable housing legislation actually increases these barriers, thereby increasing the cost of housing to all consumers.

What Then Should Be Done?

To achieve lasting and meaningful success, an affordable housing program needs to address both the current and future demand for affordable housing while insuring the availability of affordable supply in quantities that are adaptable to the ever changing needs of the market. Therefore:

A successful affordable housing program would:

1) Be open and available to all existing rental apartments in the county today; thereby mitigating today's affordable need with today's housing stock.

2) Provide true revenue neutrality for property owners thereby removing any reason for their non-participation.

3) Provide property owners with an incentive to lease otherwise vacant units to an expanded pool of potential residents at lower price points.

4) Increase the pool of residents who can benefit from housing cost assistance thereby increasing the total pool of potential apartment residents available to maximize occupancy in all apartment communities.

5) Provide adequate housing across the entire spectrum of price need in quantities that are adaptable to best meet the current and future market demands of each price niche.

6) Help direct investment capital to Fairfax County rather than to its competing jurisdictions.

7) Be simple to establish, implement and enforce.

8) Be able to succeed in any market environment and under all market conditions.

9) Work for any type of construction.

Amazingly, each of the above stated objectives can be realized simply and elegantly through the adoption of a 10% affordable housing property tax credit.

How Would A Program Like This Work?

For any prospective resident earning less than 80% of the area median income, a property owner would be permitted to reduce the annual market rent of any apartment to an amount equal to 32% of the prospective resident's annual gross income (the "qualified rent"). In exchange for every dollar of reduced market rent, the property owner would receive a dollar for dollar property tax credit, up to 10% of their annual property tax bill. All currently existing and proposed apartment properties in the county would qualify.

Why A Tax Credit?

As apartment are valued based upon their Net Operating Income (NOI = total income minus total expenses), by supplementing reduced rental income with reduced property taxes, a property's NOI would remain unchanged (thereby preserving the overall asset value) while expanding the pool of potential residents to increase overall market occupancy.

What Are The Benefits?

1) By allowing all existing and future properties to participate, Fairfax County would no longer be relying solely upon prospective (and hard to create) new construction to meet their affordable housing demand.

2) Through true revenue neutrality, apartment owners would be incentivized to provide lower cost housing, as the expanded pool of potential residents would actually increase their overall occupancy levels and by extension, their NOI.

3) As the demand for housing exists across all income levels in fluctuating amounts, no single income group would be the primary beneficiary of this benefit. Through the rationality of market efficiency, affordable units would be immediately available to residents in all income strata and in quantities proportionate to their demand.

4) As the underlying economics of any proposed apartment investment would be undiluted by the addition of the affordable units, housing investment dollars would be disproportionately directed towards Fairfax County and away from competing local jurisdictions that use "Inclusionary Zoning" to further inhibit housing supply. Therefore, in a world of decreased investment opportunity, Fairfax County would obtain a strategic advantage in attracting new and expanding businesses to the County.

In summation, the lack of affordable housing is an immediate and ongoing problem with no end in sight. Addressing this immediate problem with conventional thinking would result in:

- **no change in the supply of affordable housing today**
- **a reduction of affordable supply tomorrow**
- **increased difficulty in attracting and retaining local employers**

Affordable housing tax credits are the most logical, elegant and practical solution to the question of affordable housing and their adoption requires your assistance. Should you have any questions as to how you can contribute to bringing about lasting and meaningful change, please contact:

Robert M Seldin, Senior Vice President
Archstone
2345 Crystal Drive, Suite 1100
Arlington, VA 22202
(703) 536-2756
rseldin@archstonemail.com

Now is the time for Fairfax to win the future with vision, intelligence and compassion.

AvalonBay COMMUNITIES, INC.

Eisenhower Avenue, Suite 300 · Alexandria, VA 22314 · Tel (703) 329-6300 · Fax (703) 329-9130

December 22, 2009

James P. Zook
Director, Department of Planning & Zoning
12055 Government Center Parkway, Suite 755
Fairfax, Virginia 22035

Re: Comments regarding Draft Recommendations of Straw Man II
Tax Map 29-1 ((1)) 11, 18 and 22A (the "Subject Properties")

Dear Mr. Zook:

Tysons West LLC (Avalon Bay Communities, Inc.) is the owner of property in the Tysons West District identified as Tax Map 29-1((1)) 22A; Tyco Road Limited Partnership, LLP owns the adjacent parcel to the east identified as Tax Map 29-1((1)) 18; and TMS Limited Partnership owns the adjacent property to the west, Tax Map 29-1 ((1)) 11. The three parcels are located between the Dulles Toll Road (DTR) and Tyco Road and together total 15.5 acres (see attached aerial photographs). The three owners have worked together over the past four years to coordinate the future rezoning and redevelopment of our properties. We have also participated in joint street grid planning efforts with other property owners in the Tysons West North Subdistrict. We have reviewed the recommendations of Straw Man II and are writing to share our comments, concerns and suggestions.

Our primary concerns focus on the areas of building heights, intensity tiers, land use definitions and designations, affordable housing, DTR ramp configurations, and the proposed Tysons West North street grid. However, we also have comments on the proposed policies regarding green building, parks and open space, stormwater management, street sections, and consolidation. Specifically:

1. Building Heights. The draft building height map in Straw Man II recommends for the Subject properties building height Tier 2 (150-200 feet) in the first block, Tier 4 (75-125 feet) for the second block and Tier 5 (25-75 feet) for the third block (staff's plan skips Tier 3 altogether). We understand that the Planning Staff recently modified their recommended Tier definitions such that Tier 2 is 175-225 feet, Tier 3 is 125-175 feet, Tier 4 is 75- 125 feet and Tier 5 is 50-75 feet. Based upon these modified Tiers, **we believe that the current recommendations are too restrictive and, alternatively, propose the following building height tier adjustments for the Subject Properties:**

Subject Property Blocks	Modified Staff Proposal	Owners' Proposal
Block 1 (w/in ¼ mile)	Tier 2 (225')	Tier 2 (225')
Block 2 (w/in ⅓ mile)	Tier 4 (125')	Tier 3 (175')
Block 3 (w/in ⅓ mile & adjacent to DTR)	Tier 5 (75')	Tier 3 (with 140' limit)

Attached is a Tysons West North building height section for your reference - it illustrates the building heights recommended by Straw Man II as well as the heights propose above.

The owners' proposed height limits are based on the following positions:

- The entirety of the 15.5-acre site is within a ⅓ mile of the Metro station and, as such, represents a prime TOD redevelopment opportunity. Arbitrarily limiting building height, and therefore intensity, of an area only four blocks from a Metro station is inconsistent with the fundamental principles of transit-oriented development and dilutes a terrific opportunity for smart growth.

- The nature of this particular Tysons "edge" is unique due to the lack of directly adjacent residential properties and the presence of an extensive buffer provided by the DTR. As the attached section illustrates, the distance from the face of the nearest single-family home north of the DTR to the required DTR commercial building setback of 75 feet is +/- 700 feet (over 1/10th of a mile).

- Other Tysons "edges" include Tier 4 areas that are closer than 700 feet to their nearest residential neighborhoods - specifically, the Tysons West South subdistrict and the Tysons East Anderson and Colshire Subdistricts, in which Tier 4 areas are separated from existing single family neighborhoods only by narrow Tier 5/6 bands (as compared to the significant Tysons West North buffer provided by the DTR). The DTR and associated setbacks are, in effect, a 700' wide (or 1.5 block) Tier 6 buffer zone for the Tysons West North subdistrict.

- The neighborhood across the DTR from Tysons West North includes a church and only a handful of single-family homes. The nature of this neighborhood is markedly different and distinct from other more densely populated residential neighborhoods further west, such as McLean Hamlet.

- To achieve the Straw Man II suggested 2.0 FAR on the portions of the properties within staff's proposed 75 feet height limit, all parking would be forced below grade. Doing so is not economically feasible in this location. Even projects directly adjacent to the Metro stations are being planned with above grade parking due to the same economic realities. Under these conditions, therefore, this TOD site would likely either a) be redeveloped at lower, more suburban FAR's less than 2.0, or b) not be redeveloped in the near future, instead remaining storage and warehouse space just four blocks from the Metro station.

In summary, the owners are in agreement with staff's recommended Tier 2 designation but the approach of skipping Tier 3 and, thereby, limiting density within the Tysons West North TOD. **We also recommend that the maximum height limit in each Tier be defined as a single number as opposed to a range.**

2. Intensity Recommendations. According to Straw Man II, the portion of the Subject Properties closest to Tyco Road is located within the 1/8 to 1/4 mile intensity ring with a proposed FAR of 2.75 prior to the application of any bonuses. The remainder of the Subject Properties closer to the DTR fall within the ¼ to ½ mile radius and is proposed for an FAR of 2.0. We believe the 2.75 FAR is too low given its proximity to the proposed Metro station and the fact that properties up to ⅛ mile are planned for a much higher intensity of 4.75 FAR. The area currently recommended for a 2.0 FAR is within 1/3 of a mile of the planned Tysons West station, well within comfortable walking distance. Limiting residential development to a 2.0 or 2.75 FAR ignores the opportunities provided by proximity to mass transit and is inconsistent with the stated goal of increasing residential development in Tysons Corner. A 2.0 FAR will limit development options just five blocks from the Metro station to four story wood frame residential projects and make it

difficult to generate an adequate return on the significant public infrastructure investment required in Tysons. **We suggest that the FAR in the ⅛ to ¼ mile radius be increased from 2.75 to 3.5 and that the FAR within the ¼ to ½ mile be increased to 2.5.** This will result in a more appropriate tiering of intensity within the TOD's, while focusing development within a walkable ½ mile radius.

3. Land Use Definitions and Designations. The Conceptual Land Use Pattern Map on page 24 indicates that the portion of the Subject Properties adjacent to the Dulles Toll Road is planned for Office Mixed-Use with the remainder of the Subject Properties planned for Residential Mixed-Use and Park/Open Space.

   We request that the Office Mixed-Use designation on the Subject Properties be reclassified to Office use. As currently written, the Office Mixed-Use category would require residential component on the order of 20% or more. Due to the proximity to the DTR, residential is not an appropriate use in this area. In fact, Zoning Ordinance Section 2-414 requires a 200-foot setback from the DTR for residential use, greatly restricting the development options in the block adjacent to the DTR. The Office land use category would ensure that this area is planned almost exclusively for office uses with supporting retail and service uses. We believe Office is the most appropriate land use designation for property adjacent to the DTR. This change would be consistent with the designation of other properties abutting the DTR to the east of Spring Hill Road/International Drive.

   The Residential Mixed-Use category currently stipulates that residential use will comprise 75% of total development, requiring 25% for commercial uses. We believe that a 25% requirement for commercial uses is too significant and would be difficult to achieve both physically and economically. As an example, an eight story residential building would have a floor plate equal to approximately 12% of the building's total floor area,, therefore ground level retail alone would be significantly below the currently proposed minimum requirement. Furthermore, it is not realistic to expect that all residential buildings in Tysons West North could support ground floor retail and services. **We suggest that the definition for Residential Mixed-Use allow the residential component to be *75% or more* of total development.** This approach encourages mixed-use while providing property owners the flexibility to make decisions on retail uses based on market conditions and avoids forcing uses for which there may not be demand.

   The Conceptual Land Use Pattern Map indicates Parks & Open Space on a significant portion of the Subject Properties. In the absence of clarifying language, this sets an unfair expectation for landowners whose properties have been arbitrarily designated for open space, an expectation they will be forced to overcome with staff. **Please add text clearly indicating that Park and Open Space designations are representative only.**

4. Affordable Housing. The recommendation that all residential developments provide 20% of units as affordable and/or workforce housing is an onerous requirement. While it may be a laudable goal, the imposition of such a requirement would pose severe economic hardships on residential developers. Of particular concern is the requirement to make a portion of the units affordable to households earning below 60 and 70% of the average median income (AMI). Although a 20% bonus is offered, many projects will not be able to make use of the bonus density due to height limitations in the Comprehensive Plan or due to building code height restrictions. A wood frame project, for example, would be forced to a more expensive noncombustible (steel or concrete) construction type in order to take advantage of any potential bonus, and this is simply not

economically viable in most locations in Tysons. This will be an issue anywhere residential FAR limits are 2.0 or less, as the most likely redevelopment options in those areas is wood-frame.

Montgomery County is often cited for their successful and forward-thinking affordable and workforce housing policies. The current policy in Montgomery County requires 12.5% moderately priced dwelling units (MPDU) targeted at households earning 65 to 70% AMI. For sites in Metro Station Policy Areas, an additional 10% of the non-MPDU units are required as workforce dwelling units targeting households with 80 to 120% AMI. However, since the adoption of the workforce policy in 2006, the County has seen residential development stagnate. The development industry in Montgomery County has continually voiced concerns that the combined MPDU and workforce requirements make many projects infeasible. Recognizing that the policy is too burdensome on developers, the County Council's subcommittee on Planning, Housing, and Economic Development (PHED), recently voted to recommend that County Council repeal the mandatory workforce housing requirement.

We believe that the imposition of a 20% affordable/workforce requirement in Tysons Corner, with the income limitations proposed by Staff and the Tysons Committee, would generate the same result, severely curtailing residential development plans and thwarting the overall goal of increasing the number of residential dwelling units in Tysons. **We strongly recommend that such significant modification of the affordable/workforce policy deserves substantive review and analysis by the development industry, as occurred when the ADU ordinance was originally adopted, before being included in the new Tysons plan**.

5. Dulles Toll Road Ramp Configuration. Map 7 on page 52 of Straw Man II shows a conceptual road network for Tysons. A new ramp is shown along the northern portion of the Subject Properties providing access from westbound Route 7 onto eastbound DTR. This ramp alignment did not appear in the original Straw Man document. We question the need for this ramp alignment particularly given the fact that an existing cloverleaf ramp provides easy access to westbound DTR. Replacing an existing functional ramp with a costly new one does not make economic sense. Furthermore, the proposed ramp appears to require right-of-way from the Subject Properties as well as a fourth owner, and would severely impact the development potential of these sites. **Consistent with the plans presented by the Georgelas Demonstration Project, we believe that Greensboro Drive should be extended and connected to the DTR via a new ramp across/over the Virginia Power Substation on Tyco Road and that the existing on ramp from westbound Route 7 be maintained.**

6. Street Grid. For the past four years, we have worked with our fellow property owners in the Tysons West North Subdistrict to plan a grid of streets that meets the County's desire for a fine grid of interconnected streets while also honoring critical feasibility issues such as property boundaries, locations of existing buildings, etc. This proposed grid has been provided to the County Staff on various occasions but is not reflected in the conceptual road network. **We ask that the Tysons West North property owner's proposed grid, consistent with the one presented by the Georgelas Demonstration Project, be adopted as the planned grid for this subdistrict.**

7. Green Building. Straw Man II recommends that all development be required to obtain Silver LEED certification – this is very challenging for residential development, particularly wood-frame buildings. This is due in part to the fact that the U.S. Green Building Council's (USGBC) LEED program was originally developed for commercial office buildings and is much easier and less expensive to achieve in office buildings than residential buildings. In response to this issue,

the USGBC developed the LEED-Homes mid-rise program to target four to six story multifamily projects. This program is in the PILOT stage and is still unproven. In fact, to date, no market-rate project with more than 100 units has been certified under the LEED-Homes mid-rise program. As such, it is too early to mandate Silver certification for residential projects. The minimum residential requirement should be Certified which, although still quite challenging for a wood-frame multifamily project, is at least more feasible.

Although the Straw Man II text theoretically allows for other programs by requiring LEED Silver "or its equivalent", the requirement is clearly built around the LEED system. This is fine for office, but not for residential because of the aforementioned points. Other programs exist that are more residentially-oriented and should be mentioned as alternatives in the text – specifically the National Green Building Standard, developed by the International Code Council and the National Association of Homebuilders.

We ask that the green building requirement for residential buildings be established at the LEED Certified level (or equivalent) and that alternative programs to LEED be specifically included in the text. Certification at the Silver or higher levels should be encouraged through bonus intensity.

8. Parks and Open Space. **The requirement to provide 1.5-acres of "publicly accessible urban park space" per 1,000 residents seems excessive.** The text states that, for a 330-unit apartment project, this would translate into a requirement to provide one acre of publicly accessible urban park space. A wood-frame residential community of 330 apartments built at a 2.0 FAR could typically be built on approximately 3.75 acres. In this scenario, if the project chooses to handle the park space requirement on site, another full acre would be required for dedication as "publicly accessible urban park space". So, one acre of a 4.75-acre site would be required as public park space – this equates to 21% of the total site.

   As important, **residential projects should be entitled to offsetting credit for any on-site recreational facilities provided to residents** – such as courtyards, fitness centers, pools, etc. These facilities are sized to adequately serve the needs of a project's new residents and developers should not be required to meet those needs twice.

   The Tysons West North Subdistrict text suggests that minimum park sizes be ½ acre to one acre in size allow for "open air activities" and "musical performances". Some of the most celebrated residential neighborhoods in the country – Beacon Hill, Back Bay, Savannah, Charleston, etc. – feature parks that are much smaller than ½ acre and serve their residential bases well. **This minimum park size threshold is unnecessarily limiting and should be deleted.** Also, as requested in the Land Use Definitions and Designations comments above, we believe that it is also necessary to **clarify on the Conceptual Park and Open Space Map on page 85 that parks/open space locations are representative only and that no specific areas have been designated**.

9. Stormwater Management. The requirement to have post development runoff mimic runoff characteristics under "good forested conditions" is likely to result in extensive underground faults, constructed at considerable cost. While we understand the position that current stormwater management (SWM) requirements may need to be adjusted for Tysons, the proposed good forested requirement may not be reasonable. **More analysis is needed to determine the costs versus benefits of the Straw Man II SWM recommendations and to identify other alternatives.**

10. Street Sections. There appear to be errors on Map 7 - Conceptual Road Network. Tyco Road is currently shown as a "Local Street", but should be identified as an "Avenue". The proposed street running parallel to and north of Tyco Road is currently shown as an "Avenue" and we believe it should be a "Local Street".

11. Consolidation Requirement. While the Subject Properties total more than 15 acres, we believe the requirement to consolidate a minimum of 15 acres in order to submit a rezoning application is excessive. We understand that the Planning Staff is suggesting large consolidations in order to ensure construction of the grid of streets, provision of parks and other public facilities, and to allow for phasing. However, if property owners with less than 15 acres can submit a plan that is consistent with the goals and objectives of the Comprehensive Plan, why should they be required to partner with others? Large projects are inherently more risky and more difficult to finance. A project of ten, five or fewer acres could well result in a worthy transit oriented development and provide important community benefits. The effect of requiring an arbitrary 15 acre minimum will be to delay redevelopment, not encourage it, and in the process forgo many worthy projects and infrastructure improvements. **The 15 acre minimum consolidation requirement will delay redevelopment unnecessarily and should be reduced or eliminated.**

Thank you for your attention to our extensive comments. We appreciate all of the hard work that staff has dedicated to this challenging process and commend you for your progress to date. We are excited about the future of Tysons and the extension of rail, and share Staff's vision for Tysons West as a walkable, livable, mixed use, transit oriented center. We believe that these proposed revisions will help to encourage the appropriate type, and timing, of development necessary to achieve that vision.

Sincerely,

AvalonBay Communities Inc.

By: _____

Name: Jonathan B. Cox

TMS Limited Partnership

By: TMS Management LLC, General Partner

Name: Elizabeth Marchant, MM
ELIZABETH MARCHANT

Tyco Road Limited Partnership II, LLP

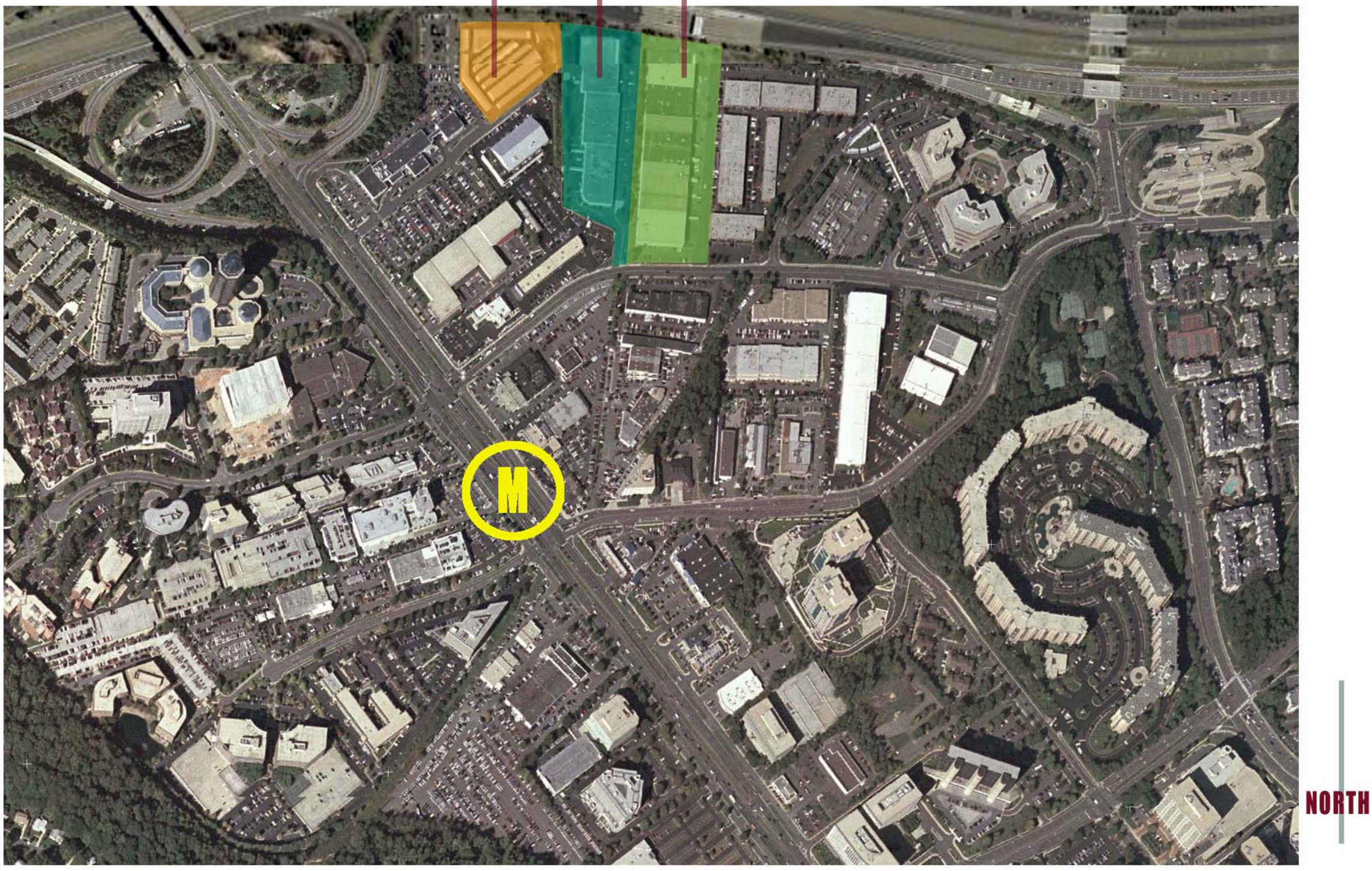
By: _____ - Trustee / Gen. Partner

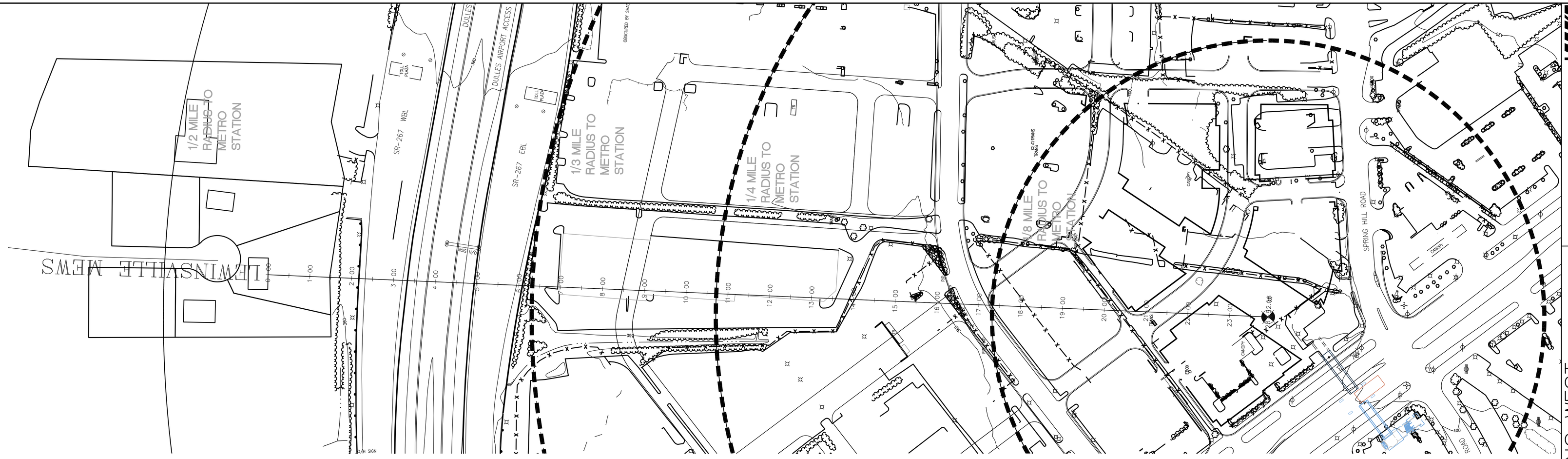
Name: DON C. McILVAINE

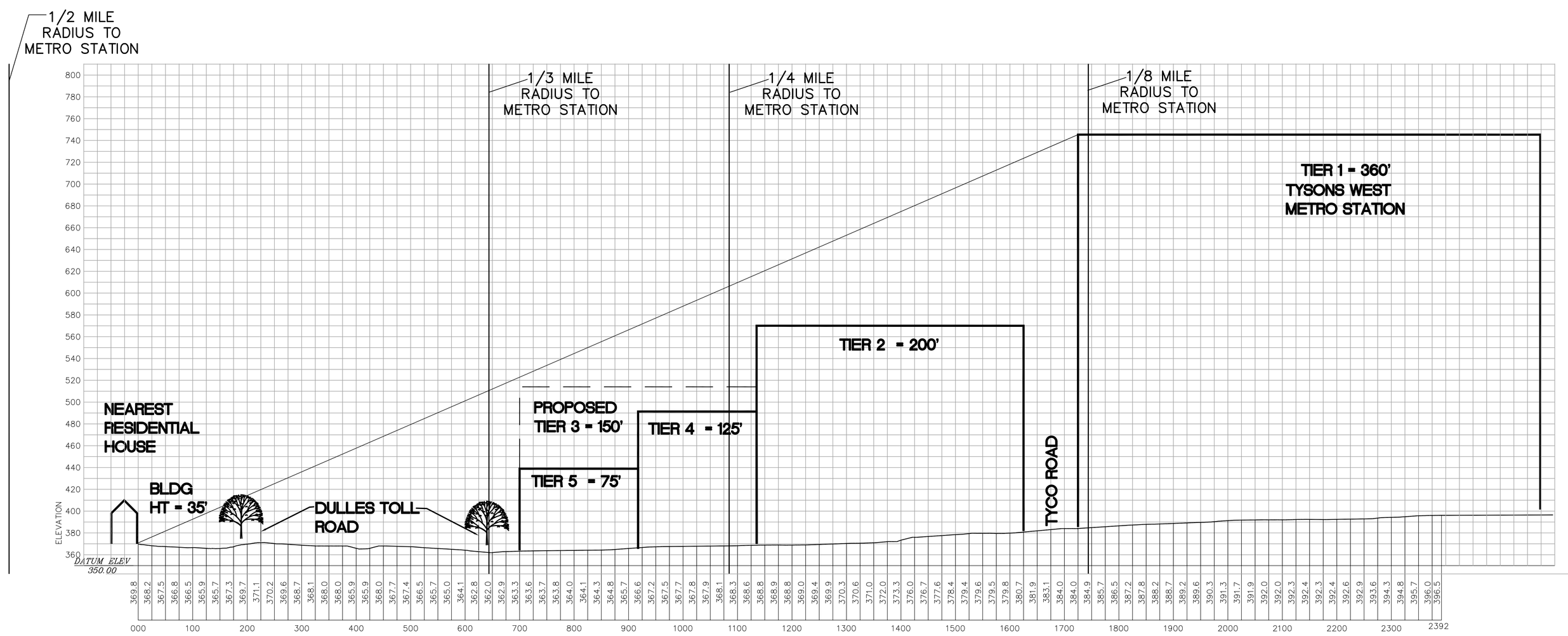
Attachments: Aerial Photographs Highlighting Subject Properties
Building Height Section – Tysons West North

cc: Walter Alcorn
Frank de la Fe
Jay Donohue
Ken Lawrence
Rodney Lusk
George Barker
Clark Tyler
Sterling Wheeler
Art Walsh
Elizabeth Baker

267
Dulles Airport Access Road
Tyco Road
International Drive
Jones Branch Drive
I-66 Connection
To Maryland
To Wash. DC
Interstate 495
Sheraton Premiere
Westwood Center Dr
Spring Hill Rd
Westpark Drive
Tysons West Metrorail Station
Route 7 Leesburg Pike
Greensboro Drive
Galleria At Tysons II Shopping Mall
Tysons Central 123 Metrorail Station
495
Dolly Madison Blvd
Tysons East Metrorail Station
Route 123
Tysons Central 7 Metrorail Station
Tysons Corner Center Shopping Mall
Capital Beltway
Chain Bridge Road
7
123
Route 7 Leesburg Pike
Future Metrorail


Marchant
AvalonBay
McIlvaine
M
NORTH





NOTES:

1. THE AERIAL TOPOGRAPHY SHOWN HEREON WAS COMPILED FROM PHOTOGRAPGHY DATED: 3/2002 AND WAS PREPARED BY: AERO-METRIC AND DOES NOT REPRESENT A FIELD RUN SURVEY. THE HORIZONTAL DATUM REFERENCED HEREON IS NAD 1983 AND THE VERTICAL DATUM REFERENCED HEREON IS NAVD 1988.

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

SECTION 1

VIKA REVISIO

DATE: OCTOBER 2(

DES. FEJ | DWN. FE

SCALE: H: 1"=100' V: 1"=50'

PROJECT/FILE NO 7096

SHEET NO. 1 OF 1

RP/SP:

7

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Martin D. Walsh
(703) 528-4700 x5422
mwalsh@arl.thelandlawyers.com

Via Email and U.S. Mail

December 18, 2009

Walter L. Alcorn and Members of the Tysons Committee
Fairfax County Planning Commission
!2000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

Re: 8598 and 8604 Leesburg Pike
029-3 ((01)) 0055, 029-1 ((01)) 0017, -0017B, and -0017C (the "Property")

Dear Chairman Alcorn:

On behalf of Templeton & Templeton, LC, the owner of the Property, I am writing to thank you for your hard work in helping to craft new Comprehensive Plan language for Tysons. However, given our mutual interests in seeing Tysons continue to grow and prosper, I must share two primary concerns I have with the Straw Man II Plan text recommendations: (1) the recommended intensity level for "Tier 2" is too low and (2) the 15-acre consolidation requirement will stymie redevelopment efforts.

The majority of the Property is located between 1/8 and ¼ mile from the Tysons West Metro Station. Straw Man II recommends a maximum FAR of 2.75 for such "Tier 2" properties. I urge you to consider a higher intensity level for Tier 2. The precipitous drop from the 4.75 FAR recommended for Tier 1 properties within 1/8 mile of the stations to the 2.75 FAR recommended for Tier 2 has no rational basis. This is so because studies have shown that most people are willing to walk up to a ¼ mile to Metro and that transit-oriented development is only successful when there is a critical mass of residents and employees concentrated in a given area. Therefore, if sufficient intensity in Tier 2 is not provided to spur redevelopment and attract future residents and employees, the vision for Tysons as a successful TOD community will never be realized.

I also ask that you *strongly* reconsider the 15-acre consolidation requirement that affects the Property and many others throughout Tysons. As I am sure you have heard from others, this requirement is unreasonable both in its scope and in the undesirable effect it will have in retarding redevelopment. Fifteen acres represents a huge amount of land in Tysons for all but a few property owners. Getting the cooperation of neighbors to consolidate their properties, or even agree to coordinated development plans, will be difficult to say the least. In some instances, it will be downright impossible. This requirement will no doubt prevent currently underutilized properties from redeveloping in many instances where neighboring properties are not ready or interested in redeveloping.

I appreciate the opportunity to provide these comments. If you have any questions or need further information, please let me know.

Sincerely,

WALSH COLUCCI LUBELEY EMRICH & WALSH, P.C.

Martin D. Walsh

cc: James P. Zook
Sterling R. Wheeler
Barbara Lippa
Elizabeth D. Baker
G. Evan Pritchard

DWECK PROPERTIES, LTD.
1730 M Street, NW Washington, D.C. 20036 202-296-0360 FAX: 202-296-0363

COMMENTS ON STRAW MAN II

A. OLD MEADOW AND ANDERSON SUBDISTRICT (pages 173-176)

1. On page 175 under the first bullet – it refers to "a new street adjacent to Scott's Run. This new road should be located to avoid impacting significant……" **We do not believe that a street/road as described is appropriate in this location** for several reasons

- **a.** There should be a dynamic and integral connection between the new, and existing, residential development on Old Meadow and the revitalized parkland along Scott's Run. Adding a road would deter this kind of pedestrian connection. There will have to be vehicle access for fire safety purposes, but this could, and should be, a "green" access, of minimum width, with porous pavers and with a visual connection to the "park". We would be destroying a vision we hope to create.

- **b.** This access path should not be posed as an "alternate" to Old Meadow for traffic purposes since it is merely a "loop" and ultimately returns to Old Meadow on both ends.

- **c.** Realistically speaking, creating a "new street" plus "new parkland" will narrow the developable land on a good deal of eastern Old Meadow to the point where no development can occur. We will end up with more asphalt and fewer residences – which is not the intent of the plan.

- **d.** There should be the option here, and for other streets created as part of the new grid, to be "private" rather than requiring provision of right-of-way – as long as the proposed streets follow the guidelines of the plan.

2. Page 175 – second bullet regarding Scotts run:

- **a.** It is unclear what is intended by the wording "resource based active urban park". The contours of the land adjacent to parts of Scotts Run along Old Meadow, especially on the southern section, lend themselves to more passive uses including open areas, picnics spaces and the like. An organic connection should occur between the new developments and Scotts Run park and stream.

b. Contributions to stream and riparian buffer restoration are important. However, consideration must given to the fact that intensity drops significantly as one moves further from the station, and contributions must also vary accordingly. In lieu of separate "contributions" tied to specific, single developments, we should consider the establishment of a coordinated committee of landowners in the neighborhood or District who would work with the county on an ongoing basis to develop and implement a plan for upgrading the stream and its surroundings, since this would be an amenity for at least the entire district, if not the whole of Tysons. Funding and phasing should also be considered beyond single landowners.

3. Page 176 – Assuming height map corrections for lower Old Meadow now being in Tier 3 rather than Tier 4.

4. Circulator: As I have indicated on several occasions, I believe that the notion of a circulator always traveling on a dedicated lane should not preempt the contextual needs of differing land uses and neighborhoods, i.e. on streets like Old Meadow, which want to be "smaller" (see comment below), the circulator can travel in a dedicated curb lane during rush hour and *in* traffic at other times. The circulator is crucial in this proposed residential neighborhood, as is the circulator density, but requiring a 6 lane road would be counterproductive. In addition, it should not be the burden of only those landowners along the circulator route to contribute to the costs. This is an areawide need and benefit.

B. AREAWIDE RECOMMENDATIONS RE: STREET TYPES – page53…..

1. Old Meadow Road is shown on the maps as an Avenue. The street section for an Avenue shows 2 lanes of traffic in each direction, plus a parking lane and a bicycle lane. This equates to a 77' minimum curb to curb distance. This is considerably wider than the current street and **is inconsistent with the nature of the desired neighborhood along this route. Old Meadow should NOT be widened except to add a bicycle lane.** This is intended to be a residential neighborhood and not a major transportation venue. Street types need to be flexible enough to reflect the surrounding context.

   In addition, widening Old Meadow to that extent would not be feasible for several other reasons:

   -the properties on both sides of the street, already on fairly narrow swatches of land, would be squeezed even further, making it difficult to design and build appropriate developments.

   -Some of the properties along the road would not be developing for quite some time (there are a couple of relatively new buildings) and requiring this kind of widening of the street would not be realistic.

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

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(703) 528-4700 x5422
mwalsh@arl.thelandlawyers.com

December 11, 2009

Via Email and U.S. Mail

Walter L. Alcorn and Members of the Tysons Committee
Fairfax County Planning Commission
!2000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

Re: The Commons
Tax Map 30-3 ((28)) 1, 5, 6, 8, B4 and B5 (the "Property")

Dear Chairman Alcorn:

As a representative of the owner of The Commons, I am writing to share several concerns the owner has with the Straw Man II Plan text. The Commons is a 33.23 acre property located along both sides of Anderson Road north of the new Safeway center, and on the west side of Anderson Road south of the Safeway center. See enclosed map. It is an existing multi-family rental community with 577 units.

There are four major issues I would like to address:

1. District Boundaries – In Straw Man II, portions of The Commons are located in both the Tysons East and East Side Districts. The southern portion is in the East Side District which is understandable since it is at the edge of the Tysons Urban Center. The portion north of the Safeway is located within the ⅛ - ¼ and ¼ - ½ mile radii from the proposed Tysons East Metro Station. The northern portion west of Anderson Road is in the Tysons East District. The portion of The Commons east of Anderson Road appears to be in the East Side District, but we believe it should be in the transit oriented Tysons East District. This area is well within ½ mile of the station, with much of it within ⅓ mile. **It is requested that the Tysons East District boundary be modified slightly so the portion of The Commons east of Anderson Road is in the Tysons East District and planned for an intensity of 2.0 FAR.**

2. Mix of Uses – The Land Use Concept Map on page 24 indicates The Commons will be planned for Residential Mixed-Use. The definition of Residential Mixed-use changed significantly between Straw Man I and Straw Man II as highlighted below:

Straw Man I definition:

> *Residential Mixed-Use – includes primarily residential uses with a mix of other uses, including office, hotel, arts/ civic, and supporting retail and services. These complementary uses should provide for the residents' daily needs such as basic shopping and services, recreation, schools and community interaction.* ***The residential component should be 75% to 95% of total development.***

Straw Man II definition:

> *Residential Mixed-Use: These areas are planned for primarily residential uses with a mix of other uses, including office, hotel, arts/civic, and supporting retail and services. These complementary uses should provide for the residents' daily needs, such as basic shopping and services, recreation, schools and community interaction.* ***It is anticipated that the residential component will comprise approximately 75% of total development.***

The concern focuses on the approximate 75% residential component in the Straw Man II definition, suggesting that 25% of total development would be non-residential uses. This is a large proportion of commercial uses that is not likely to occur. It is particularly unrealistic in this situation, as a new community serving retail center including a Safeway grocery store was recently constructed adjacent to The Commons providing many of the services that might have been incorporated into a redevelopment of The Commons.

The Residential Mixed-Use description in the original Straw Man draft proposing between 5% and 25% non-residential uses is more flexible and can be adapted based on the specific circumstance of a property. **It is requested that the original definition for Residential Mixed-Use be adopted in lieu of the Straw Man II definition.** This would benefit all properties planned Residential Mixed-Use in Tysons by providing a more flexible and realistic development mix.

3. Preserving Affordability – "Staff Notes" have been included in the district text which suggest that units at The Commons should be preserved. Specifically, on page 176 it states:

> *"Staff Note: The Anderson Subdistrict contains market-rate rental housing that is affordable to households earning less than the Area Median Income. Consideration should be given to identifying incentives that might preserve the affordability of these units."*

On page 204, it also states:

> *"Staff note: The McLean Commons subarea contains market-rate rental housing that is affordable to households earning less than the Area Median Income. Consideration should be given to identifying incentives that might preserve the affordability of these units."*

The Commons is the only housing in the Anderson Subdistrict and the only rental housing in the McLean Commons subarea so the intent of the two notes is quite clear. To my knowledge, no other property in the Tysons area has been identified with a similar notation, even though there

are other multi-family developments throughout Tysons that are similar to The Commons in market rental rates. The long-term preservation of The Commons is not the intention of the property owner. Nor should it be the intention of the County given the vision for significantly increasing the number of residential units in Tysons. To preserve a residential community at 20 dwelling units per acre within ⅛ - ½ mile of a transit station is not in keeping with the tenets of transit-oriented development and will not result in the development of a grid of streets, or the provision of needed parks and facilities. If preserving existing multi-family housing for "affordability" considerations is an objective of the Tysons plan, it should be so stated in the guiding principles and applied throughout the Tysons eight districts, not focused on one property. The owners of The Commons would be willing to consider participating in an incentive based program that preserved affordable housing throughout the Tysons area. **It is requested that there be no Plan text calling for the potential preservation of The Commons or for the affordability of units at The Commons.**

4. Open Space Amenities – The Straw Man II text on page 175 states:

> *"In the Anderson Subdistrict, there are several opportunities to provide notable open space amenities. Redevelopment proposals should be designed in a manner to provide these open space amenities and/or contribute to improvements to open space elsewhere within the District or the abutting East Side District. A four acre recreation-focused urban park should be provided between Anderson Road and the Hunting Ridge neighborhood to serve the recreation and leisure needs of future residents and workers. Facilities should include one or two athletic fields as well as sport courts, playground features, skate parks, splash pads, or other small-footprint facilities."*

It is clear from the above text and the Conceptual Parks and Open Space Network map on page 85 that the proposed four acre park cited above is on The Commons property. While the property owner has been incorporating this area as open space/public parkland, in its preliminary plans, a four acre park cannot accommodate athletic fields and the other listed facilities that are suggested *should* be provided. The shape of this property in particular makes the inclusion of athletic fields very problematic. **It is requested this text be modified** to read:

> *"In the Anderson Subdistrict, there are several opportunities to provide notable open space amenities. Redevelopment proposals should be designed in a manner to provide these open space amenities and/or contribute to improvements to open space elsewhere within the District ~~or the abutting East Side District~~. A four acre recreation-focused urban park should be provided between Anderson Road and the Hunting Ridge neighborhood to serve the recreation and leisure needs of future residents and workers. Facilities should include ~~one or two athletic fields as well as sport courts, playground features, skate parks, splash pads, or other small-footprint facilities~~ both active and passive facilities."*

In addition, if The Commons redevelopment is to provide a four acre park, **it is requested that the additional square shaped planned park, shown on page 85, be relocated to another property** in the Tysons East District, so as to not overburden The Commons with a six acre park requirement.

I appreciate the opportunity to provide these comments. If you have any questions or need further information, please let me know.

Sincerely,

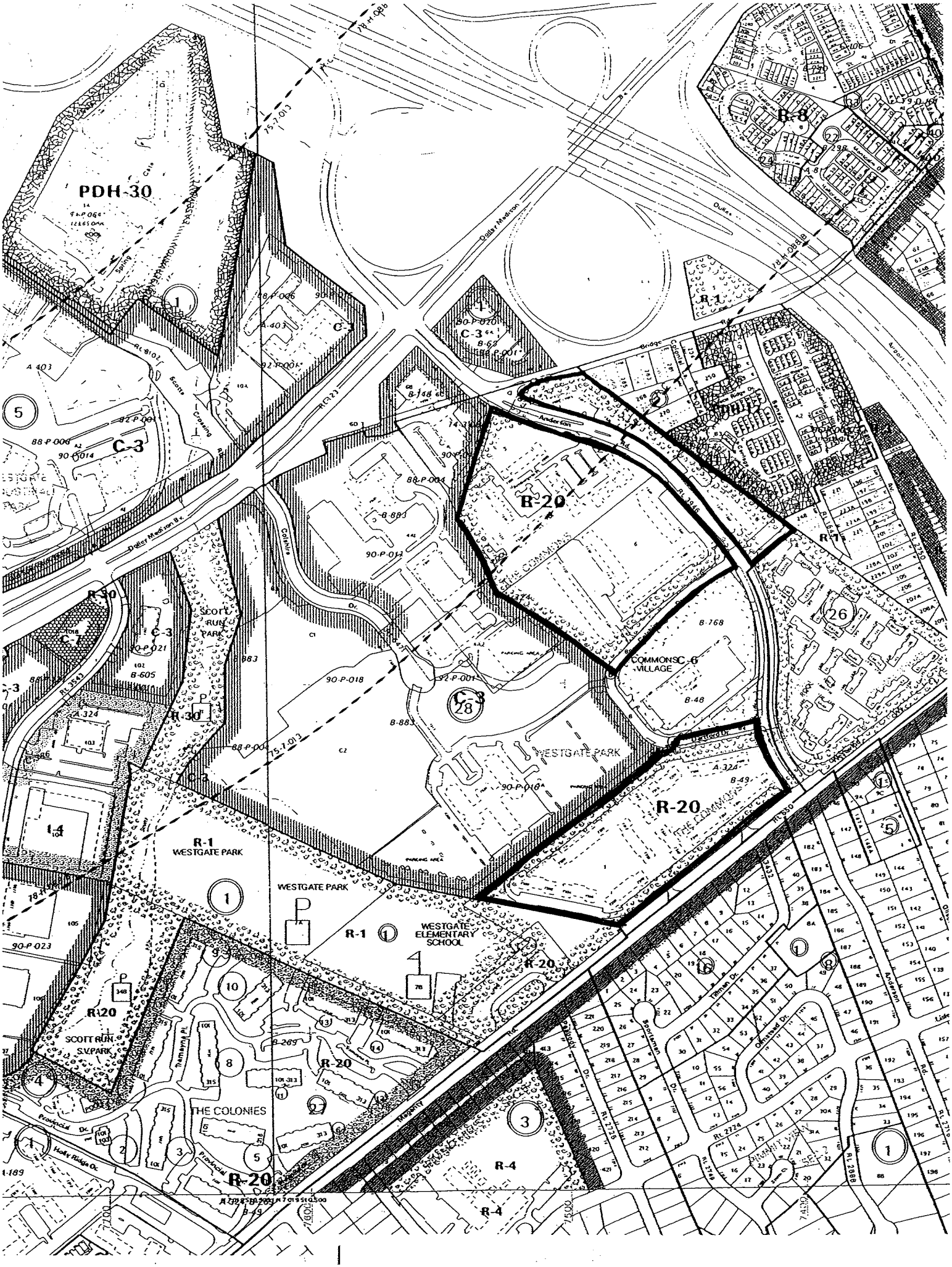
WALSH COLUCCI LUBELEY EMRICH & WALSH, P.C.

Martin D. Walsh

Enclosure

cc: James P. Zook
Sterling R. Wheeler
Douglas Krueger
Timothy Smith
Douglas MacQueen
Elizabeth D. Baker

{A0181980.DOC / 1 Letter to Alcorn et al re Straw Man II 005210 000003}


PDH-30
C-3
R-20
R-1
R-8
R-7
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R-4
I-4
WESTGATE PARK
WESTGATE ELEMENTARY SCHOOL
SCOTT RUN S.V. PARK
THE COLONIES
COMMONS VILLAGE
THE COMMONS
Dolley Madison Blvd
Colonial Dr.
Anderson
Magnolia
Provincial Dr.
Holly Ridge Dr.
Tamarya Pl.
Scotts Crossing Rd.
Spring
Dukes
Bridge
Trinity Dr.
Sportsman Dr.
Oakstead Dr.
Rt. 123
Rt. 3943
Rt. 2124
Rt. 2228
Rt. 2748
Rt. 2886
Rt. 2750
Rt. 2750
Rt. 2750

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December 10, 2009

VIA HAND DELIVERY

The Honorable Walter L. Alcorn, Chairman and Members
Planning Commission Tysons Corner Committee
12000 Government Center Parkway
Suite 300
Fairfax, VA 22035

RE: Tysons Corner Strawman II Height Recommendations

Dear Chairman Alcorn and Committee Members:

This firm represents Lowe Enterprises ("Lowe") and Vornado/Charles E. Smith ("Vornado"). These companies are owners or partners in the development and management of property at Tax Map Reference 39-2((2)), Parcels 106, 114 and 114A (the "Property"). The Property is commonly known as Fairfax Square and 1951 Gallows Road. The purpose of this letter is to request your support of the attached proposed changes to Strawman II, which will provide flexibility in building heights while protecting the edges of Tysons.

As you discussed at the Planning Commission's Tysons Corner Committee ("PCTC") meeting on November 12, there is a need for flexibility in building heights within Tysons. Currently, Strawman II provides density bonuses for affordable/workforce housing, green buildings, and the provision of major public facilities. In addition, density credit is provided for the dedication of parks and roads. However, no comparable flexibility is provided for building heights. Without some flexibility on building heights, the proposed density bonuses will not effectively achieve the goals for future development of Tysons.

Staff has recognized this need for flexibility during our individual meetings and at the PCTC meeting on November 12. In response, staff has proposed height bonuses for the provision of affordable/workforce housing and public and quasi-public uses. The DRC has further proposed flexible height limits for the dedication of parks and open space. In addition, staff has recognized the need for height flexibility on infill development sites where existing buildings are being preserved and new construction is planned. This is especially true on sites that are currently developed at or above the recommended building heights. On these sites, additional height for residential development is necessary to provide adequate light, air, and views for new buildings. Without additional height, residential infill buildings will not be a viable option and any incentive to develop residential rather than additional office buildings on

infill sites will disappear. This is contrary to the goals for Tysons, which support a balance between residential and office uses.

We firmly believe that without adequate flexibility in building heights the vision for Tysons cannot be accomplished. This flexibility in height is needed to achieve the GFA necessary for the economic realities of redevelopment. This is especially true on sites with numerous constraints, or where infill development is anticipated. For example, at Fairfax Square, the plan recommends a park, an extension of Boone Boulevard and a potential Circulator. Without some flexibility on building heights, there is very limited incentive to redevelop because any additional density obtained will be difficult to achieve under the recommended height.

The need for flexibility is further exemplified by an analysis of the existing buildings in the Northeast and Northwest Subdistricts of the Old Courthouse District. As the attached table shows, many of the buildings in these subdistricts are already built at or above the recommended plan height. If buildings in these subdistricts continue to develop as proposed in Strawman II, the result will be monolithic blocks of buildings with no height variation. This is already the development pattern in this area and is the antithesis of the vibrant and varied skyline anticipated in Tysons. Further, on sites with existing buildings at or near the height limit, new residential infill buildings will not be able to achieve the air, light, and viewsheds necessary to achieve market viability.

In response to the need for flexibility and at staff's suggestion, we have attached to this letter proposed changes to Strawman II, which we believe will provide flexibility with regard to building heights while still protecting the edges of Tysons. The primary change is to allow height bonuses in conjunction with Strawman II's proposed intensity bonuses. The recommendations include height bonuses for the provision of affordable/workforce housing, the construction of green buildings, architectural excellence, the construction of public facilities, the construction of infill buildings, and the dedication of open space/parks. These height bonuses work with the proposed density bonuses and density credits to make redevelopment in Tysons align with the economic realities of the market.

In addition, the recommendations include a cap on the total height bonuses that may be achieved. The cap sets a maximum bonus of 30% of Strawman II's recommended height. We feel this is the best method for placing additional height in appropriate locations throughout Tysons. For example, under the recommended 30% maximum height bonus, a building planned for 400 feet in Tier 1 would be able to obtain an additional 120 feet of height. By comparison, a building planned for 35 feet in Tier 6 would be limited to just over 10 feet in additional height. This will help ensure that the edges of Tysons are protected from significant height increases in adjacent areas.

Thank you in advance for your consideration of these remarks. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

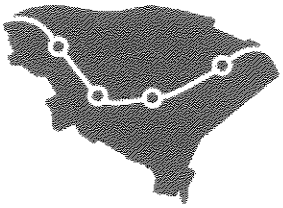
Gregory A. Riegle

cc: Dave Sittler, Sittler Development Associates LLC
Lisa Marier, Vornado/Charles E. Smith
Katya Naman, Lowe Enterprises
Scott Adams, McGuireWoods
Fred Seldon, Fairfax County Department of Planning and Zoning
Sterling Wheeler, Fairfax County Department of Planning and Zoning

Recommended Changes to Strawman II Plan Text
McGuireWoods LLP
12/10/2009

Transforming Tysons

Tysons Corner Urban Center
Areawide and District Recommendations
DRAFT "Straw Man II" Plan Text



Prepared for the
Planning Commission's
Tysons Corner Committee

Fairfax County
Department of Planning and Zoning
Department of Transportation

September 16, 2009

* Proposed additions are underlined in blue text.

TIERED INTENSITY

A key ingredient for transforming Tysons is to strategically use intensity to maximize the benefits of Metrorail and transit and create sustainable, walkable urban environments. This is consistent with the County's policy on transit-oriented developments. Intensity can also be an important economic tool by allowing sufficient incentive to encourage the redevelopment of auto-dependent uses, thereby strengthening Tysons' status as Fairfax County's Urban Center.

The land use concept for Tysons links intensity to transit accessibility based on how far most people are willing to walk to and from transit. Expressed as floor area ratio (FAR), the proposed levels of intensity are primarily based on distance from Metrorail stations. Development is planned to be most intense in the areas nearest the stations and least intense at the edges. Map 4 indicates conceptually where the various levels of intensity are designated in Tysons.

Additional intensity in the form of bonuses is provided to encourage the provision of affordable/workforce housing and the construction of green buildings. The purpose of these bonuses is to achieve the overarching goals for Tysons of a mix of housing types and opportunities and enhanced environmental stewardship through green building practices.

In addition to intensity credit given for dedicating land for parks and roads, bonus intensity could be allowed in limited circumstances for the construction of major public facilities, such as a school, a conference center, or facilities associated with a large urban park. In order to achieve this bonus, the facility provided should significantly advance securing the necessary improvements identified in the Public Facilities section and the District Recommendations.

Staff Note: The recommendation to allow bonus intensity for major public facilities is an aspect of the Plan that will be informed by the demonstration project and input from the Planning Commission's Tysons Committee, the Draft Review Committee, and the community.

Intensity bonuses should be applied to the recommended FAR, and multiple bonuses should not be compounded. For example, a housing development that meets the affordable housing objective (20% bonus) and attains LEED Platinum certification (10% bonus) would receive a total bonus of 30%, not 32%. Intensity bonuses should be applied in conjunction with the height bonuses described in the Building Height section.

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.

Tysons Land Use Task Force Draft Review Committee Comment

The committee supports the Metro-related intensities recommended by the Task Force in September 2008, as shown below. This table does not include the potential for bonus intensity. The committee's recommendations on bonuses are shown in the sections on Affordable and Workforce Housing and Green Buildings.

Allowable Floor Area Ratios by Distance Category

Distance from Metro	Non-Residential FAR (before bonuses)	Residential FAR (before bonuses)
0 – 1/8 mile	6.0	6.0
1/8 – 1/4 mile	4.5	4.5
1/4 – 1/3 mile	2.0	3.0
1/3 – 1/2 mile	1.75	2.75

Note: For mixed-use development, the allowable intensity will blend the residential and nonresidential FARs proportionally.

Circulator Intensity

A detailed study of the circulator transit system proposed in the Transportation section should be completed to determine the appropriate routes and operational characteristics. The routes and expected ridership will be used to determine the degree to which additional intensity and/or height is warranted for areas located along the circulator routes. Once the study is complete, the Comprehensive Plan should be amended to reflect its recommendations on routes and intensity.

Tysons Land Use Task Force Draft Review Committee Comment

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Intensity bonuses should be revisited periodically to gauge effectiveness and adjust for changes in market conditions and rating systems.

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Staff Note: State enabling legislation may be required to grant tax credits or abatements for green building certification.

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These guidelines should be considered along with the general Environmental Stewardship recommendations above, in evaluating development proposals at Tysons.

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Map 9 provides a conceptual plan for a wide-ranging and well-distributed park and open space network in Tysons. It is essential that there be a balanced park system that will support social and recreational needs. Social gathering places and pleasant outdoor spaces will comprise a greater proportion of urban parks in Tysons and can be more easily integrated within developments as an amenity. However, there should be a distinction between urban parks that provide a public benefit aligning with the typology below, and elements such as streetscape areas, sidewalk cafes, commercial entertainment venues and retail browsing areas. It will be more difficult, but no less important, to provide park land in Tysons that will support active recreation facilities such as athletic fields for use by Tysons' residents, community leagues and corporate teams. There will be a great need for these facilities in Tysons and they should be well distributed to serve each district.

The provision of land should be proportionate to the impact of the proposed development on park and recreation service levels. An urban park land standard of 1.5 acres per 1,000 residents and 1 acre per 10,000 employees will be applied. For example, a new development with 330 dwelling units or 3,000,000 square feet of office space would generate a need for about 1 acre of publicly accessible urban park space.

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Proposed development in Tysons should be accompanied by the dedication of public or publicly accessible parkland, and by the construction of recreational facilities, such as athletic fields. Provision of park land and facilities on-site is preferred. In conjunction with the intensity credit granted for the dedication of parks, height bonus of up to 20% of the recommended height are allowed. If on-site dedication and facility provision are not possible, an equivalent off-site dedication and facility construction within the same district should be sought as a substitution. Where it is not possible to locate facilities within the district, locations that serve Tysons may be substituted. As a last alternative, as for smaller sites, an equivalent monetary contribution to fund local public parks within Tysons may be substituted.

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- Maximum building height can only be achieved when structured parking is placed under buildings (either below or above grade) and not within free standing parking structures. Where above grade parking is provided, a development's overall parking ratio should generally be lower than the maximum standards set in the Transportation section.

- Parcels that are split by two height designations should have the flexibility to utilize the range of heights permitted by the taller designation when development proposals provide height transitions similar to those on the Building Height Map and provide a site design that is supportive of other urban design objectives.

- In areas along the Dulles Toll Road, building heights and massing should respond to context, intended uses, and vision for specific locations. Buildings in this corridor may be oriented to maximize their view potential, but should not be in direct conflict with uses in the immediate context, nor block the views to or from adjacent and surrounding buildings.

- The tallest buildings of any development should be located towards wider rightsof-way, where the street section can absorb the additional building height better than narrower streets. This is particularly applicable for buildings that incorporate a tower component.

- Additional height in the form of bonuses is provided to encourage the provision of affordable/workforce housing, the construction of green buildings, architectural excellence, the construction of public facilities, the construction of infill buildings, and the dedication of open space, parks, and right-of-way. The purpose of these bonuses is to achieve the overarching goals for Tysons of a mix of housing types, opportunities for enhanced environmental stewardship through green building practices, and the provision of public facilities, civic uses, parks, and infrastructure. In addition to the height bonuses described in other sections, the following height bonuses are allowed:

    - Buildings achieving architectural excellence are allowed a height bonus up to 20% of the recommended building height.

- Buildings or properties dedicating significant public facilities are allowed a height bonus up to 20% of the recommended building height.

- A height bonus of 20% is allowed for Infill development of residential buildings.

- Under no circumstances shall any combination of height bonuses exceed 30% of the recommended height. In addition, height bonuses shall not adversely impact stable residential neighborhoods adjacent to Tysons.

Draft Straw Man II by County staff prepared for Planning Commission Tysons Corner Committee

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MATAN

December 9, 2009

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

Re: 1750 Old Meadow Road

Dear Chairman Alcorn:

BP Tysons LLC owns a four acre site in the Tysons East District of Tysons Corner. The property is situated on the west side of Old Meadow Road approximately 850 feet south of Route 123. It is identified as Tax Map 29-4 ((6)) 100A and is outlined on the enclosed map. The property is zoned I-4 Medium Industrial District and is currently developed with a six story, 143,000 square foot office building often referred to as the Spacenet Building.

I have reviewed the Straw Man II Plan text and its recommendations for this site and I would like you to consider the following points:

- Straw Man II recommends that redevelopment proposals for properties in the Tysons East District include approximately 15 acres. However, this requirement will frustrate our ability to redevelop our property, and thereby limit our ability to help achieve a new vision for Tysons, if we do not receive cooperation from adjacent landowners. Such cooperation is particularly unlikely to come from our neighbor to the south, whose property is improved with a five story office building that is only about ten years old.

- Straw Man II recommends the property for Residential Mixed Use. While we understand the benefits of residential developments, we believe this property is not well suited to residential use. Its location, directly on the ramp from the Capital Beltway, compromises its environment for residential use but enhances its location for office and employment uses. This location's suitability for office use is reflected in the fact that the property is currently improved with an office building and is surrounded by office buildings to the north and south. Residential use is more appropriate for the quieter, east side of Old Meadow where residents will have views of the park where possible, not the Beltway. Its proximity to the future Tysons East station, approximately ¼ mile walk away, offers additional benefits to office uses. We ask that the property be reclassified to Office Mixed Use.

- The Building Height Concept Map recommends a maximum building height of 75 to 125 feet for our property (Tier 4). It is my understanding that Staff now supports a maximum

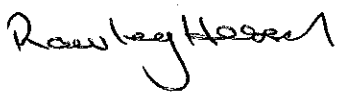
4600 Wedgewood Boulevard, Suite A • Frederick, Maryland 21703 • Tel 301.694.9200 • Fax 301.694.9214

height for our property of 125 to 175 feet. While I am encouraged by this new recommendation, I note that the property's proximity to the Beltway and ramp suggest that a more appropriate height range would be 150 to 200 feet, consistent with the Draft Review Committee's recommendations and the height recommendations for other properties in the larger I-495/Route 123 interchange area.

- The Intensity Map indicates that the property would be appropriate for a 2.0 FAR. We believe intensity Level 2 at the 4.0 FAR recommended by the Draft Review Committee is more appropriate for this site. Reviewing the Intensity Map for Tysons East, the Level 2 designation extends further east and south of the station than it does to the west. Applying the same distance standard to the entire station area would result in our property being designated Level 2. Furthermore, the additional FAR is necessary to make redevelopment of the property financially feasible, given the contributions for public amenities that are recommended in Straw Man II for transportation improvements, parks, and other amenities, and the recently proposed $3 per square foot affordable housing contribution for non-residential development. To justify redeveloping our property from its current office use to a more transit-oriented design with support retail and service uses would require at a minimum a 4.0 FAR.

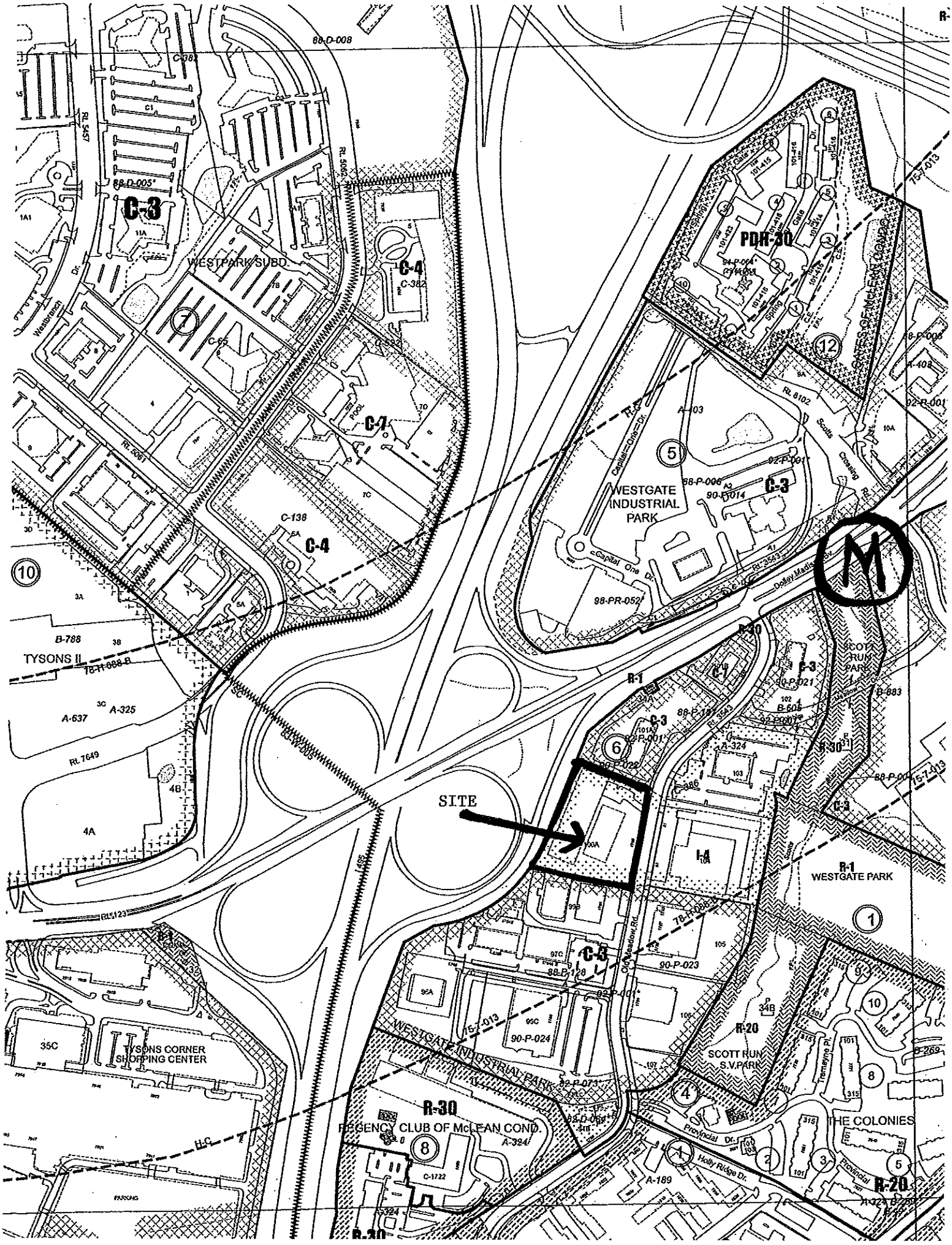
I thank you for your efforts in preparing a new plan for Tysons and trust you will take our comments into consideration.

Very truly yours,



Rawley Hessick
The Matan Companies

Enclosure


SITE
C-3
WESTPARK SUBD.
C-4
C-1
PDH-30
WESTGATE INDUSTRIAL PARK
C-3
C-4
TYSONS II
R-1
C-3
R-30
R-1
WESTGATE PARK
I-4
C-3
R-20
SCOTT RUN S.V.PARK
TYSONS CORNER SHOPPING CENTER
WESTGATE INDUSTRIAL PARK
R-30
REGENCY CLUB OF McLEAN COND.
THE COLONIES
R-20
R-20

12

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McGUIREWOODS

griegle@mcguirewoods.com
Direct Fax: 703.712.5218

November 20, 2009

VIA FEDEX

The Honorable Walter L. Alcorn, Chairman
Tysons Corner Planning Commission Subcommittee
12000 Government Center Parkway
Suite 300
Fairfax, VA 22035

RE: Tysons Corner Strawman II Height Recommendations

Dear Walter,

As you know, this firm represents Lowe Enterprises ("Lowe") and Vornado/Charles E. Smith ("Vornado"). These companies are owners or partners in the development and management of property at Tax Map Reference 39-2((2)), Parcels 106, 114 and 114A (the "Property"). The Property is commonly known as Fairfax Square and 1951 Gallows Road. The purpose of this letter is to provide you with proposed changes to Strawman II, which will provide flexibility in building heights while protecting the edges of Tysons.

As you discussed at the Planning Commission's Tysons Corner Committee meeting on November 12, there is a need for flexibility in building heights within Tysons. Currently, Strawman II provides density bonuses for affordable/workforce housing, green buildings, and the provision of major public facilities. In addition, density credit is provided for the dedication of parks and roads. However, no comparable flexibility is provided for building heights. Without some flexibility on building heights, the proposed density bonuses will not effectively achieve the goals for future development of Tysons.

Recognizing this need for flexibility, staff has proposed height bonuses for the provision of affordable/workforce housing and public and quasi-public uses. The DRC has further proposed flexible height limits for the dedication of parks and open space. In addition, staff has recognized the need for height flexibility on infill development sites where existing buildings are being preserved and new construction is planned. This is especially true on sites that are currently developed at or above the recommended building heights. On these sites, additional height, especially for residential development, is necessary to provide adequate light and air for new buildings.

We firmly believe that without adequate flexibility in building heights the vision for Tysons cannot be accomplished. This flexibility in height is needed to achieve the GFA necessary for the economic realities of redevelopment. This is especially true on sites with numerous constraints, or where infill development is anticipated. For example, at Fairfax Square, the plan recommends a park, an extension of Boone Boulevard and a potential Circulator. Without some flexibility on building heights, there is very limited incentive to redevelop because any additional density obtained will be difficult to achieve under the recommended height.

In response to the need for flexibility, we have attached to this letter proposed changes to Strawman II, which we believe will provide flexibility with regard to building heights while still protecting the edges of Tysons. The primary change is to allow height bonuses in conjunction with Strawman II's proposed intensity bonuses. The recommendations include height bonuses for the provision of affordable/workforce housing, the construction of green buildings, architectural excellence, the construction of public facilities, the construction of infill buildings, and the dedication of open space/parks. These height bonuses work with the proposed density bonuses and density credits to make redevelopment in Tysons align with the economic realities of the market.

In addition, the recommendations include a cap on the total height bonuses that may be achieved. The cap sets a maximum bonus of 30% of Strawman II's recommended height. We feel this is the best method for placing additional height in appropriate locations throughout Tysons. For example, under the recommended 30% maximum height bonus, a building planned for 400 feet in Tier 1 would be able to obtain an additional 120 feet of height. By comparison, a building planned for 35 feet in Tier 6 would be limited to just over 10 feet in additional height. This will help ensure that the edges of Tysons are protected from significant height increases in adjacent areas.

I would enjoy the chance to discuss our proposed changes in more detail. Thank you in advance for your consideration of these remarks. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Gregory A. Riegle

cc: Dave Sittler, Sittler Development Associates LLC
Lisa Marier, Vornado/Charles E. Smith
Katya Naman, Lowe Enterprises
Scott Adams, McGuireWoods
Fred Seldon, Fairfax County Department of Planning and Zoning
Sterling Wheeler, Fairfax County Department of Planning and Zoning

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Recommended Changes to Strawman II Plan Text
McGuireWoods LLP
11/20/2009

Transforming Tysons

Prepared for the
Planning Commission's
Tysons Corner Committee

Fairfax County
Department of Planning and Zoning
Department of Transportation

September 16, 2009

* Proposed additions are underlined in blue text.

TIERED INTENSITY

A key ingredient for transforming Tysons is to strategically use intensity to maximize the benefits of Metrorail and transit and create sustainable, walkable urban environments. This is consistent with the County's policy on transit-oriented developments. Intensity can also be an important economic tool by allowing sufficient incentive to encourage the redevelopment of auto-dependent uses, thereby strengthening Tysons' status as Fairfax County's Urban Center.

The land use concept for Tysons links intensity to transit accessibility based on how far most people are willing to walk to and from transit. Expressed as floor area ratio (FAR), the proposed levels of intensity are primarily based on distance from Metrorail stations. Development is planned to be most intense in the areas nearest the stations and least intense at the edges. Map 4 indicates conceptually where the various levels of intensity are designated in Tysons.

Additional intensity in the form of bonuses is provided to encourage the provision of affordable/workforce housing and the construction of green buildings. The purpose of these bonuses is to achieve the overarching goals for Tysons of a mix of housing types and opportunities and enhanced environmental stewardship through green building practices.

In addition to intensity credit given for dedicating land for parks and roads, bonus intensity could be allowed in limited circumstances for the construction of major public facilities, such as a school, a conference center, or facilities associated with a large urban park. In order to achieve this bonus, the facility provided should significantly advance securing the necessary improvements identified in the Public Facilities section and the District Recommendations.

Staff Note: The recommendation to allow bonus intensity for major public facilities is an aspect of the Plan that will be informed by the demonstration project and input from the Planning Commission's Tysons Committee, the Draft Review Committee, and the community.

Intensity bonuses should be applied to the recommended FAR, and multiple bonuses should not be compounded. For example, a housing development that meets the affordable housing objective (20% bonus) and attains LEED Platinum certification (10% bonus) would receive a total bonus of 30%, not 32%. Intensity bonuses should be applied in conjunction with the height bonuses described in the Building Height section.

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.

Tysons Land Use Task Force Draft Review Committee Comment

The committee supports the Metro-related intensities recommended by the Task Force in September 2008, as shown below. This table does not include the potential for bonus intensity. The committee's recommendations on bonuses are shown in the sections on Affordable and Workforce Housing and Green Buildings.

Allowable Floor Area Ratios by Distance Category

Distance from Metro	Non-Residential FAR (before bonuses)	Residential FAR (before bonuses)
0 – 1/8 mile	6.0	6.0
1/8 – 1/4 mile	4.5	4.5
1/4 – 1/3 mile	2.0	3.0
1/3 – 1/2 mile	1.75	2.75

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- Maximum building height can only be achieved when structured parking is placed under buildings (either below or above grade) and not within free standing parking structures. Where above grade parking is provided, a development's overall parking ratio should generally be lower than the maximum standards set in the Transportation section.

- Parcels that are split by two height designations should have the flexibility to utilize the range of heights permitted by the taller designation when development proposals provide height transitions similar to those on the Building Height Map and provide a site design that is supportive of other urban design objectives.

- In areas along the Dulles Toll Road, building heights and massing should respond to context, intended uses, and vision for specific locations. Buildings in this corridor may be oriented to maximize their view potential, but should not be in direct conflict with uses in the immediate context, nor block the views to or from adjacent and surrounding buildings.

- The tallest buildings of any development should be located towards wider rightsof-way, where the street section can absorb the additional building height better than narrower streets. This is particularly applicable for buildings that incorporate a tower component.

- <u>Additional height in the form of bonuses is provided to encourage the provision of affordable/workforce housing, the construction of green buildings, architectural excellence, the construction of public facilities, the construction of infill buildings, and the dedication of open space, parks, and right-of-way. The purpose of these bonuses is to achieve the overarching goals for Tysons of a mix of housing types, opportunities for enhanced environmental stewardship through green building practices, and the provision of public facilities, civic uses, parks, and infrastructure. In addition to the height bonuses described in other sections, the following height bonuses are allowed:</u>

  - <u>Buildings achieving architectural excellence are allowed a height bonus up to 20% of the recommended building height.</u>

- Buildings or properties dedicating significant public facilities are allowed a height bonus up to 20% of the recommended building height.

- A height bonus of 20% is allowed for Infill development of residential buildings.

- Under no circumstances shall any combination of height bonuses exceed 30% of the recommended height.

13

NVCommercial

November 17, 2009

RECEIVED
NOV 19 2009
FAIRFAX COUNTY
PLANNING COMMISSION

State Senator George L. Barker
Task Force Draft Review Committee
7606 Tiffany Court
Clifton, VA 20124

Mr. Walter L. Alcorn
Chairman, Tysons Committee
Fairfax County Planning Commission
2000 Government Center Parkway, Suite 330
Fairfax, Virginia 22030

RE: Impact of Straw Man II Consolidation Requirements on NVCommercial's Property Near Tysons Central 7 Metro Station

Dear Senator Barker and Mr. Alcorn,

On behalf of NVCommercial, Incorporated I wanted to express to you our concerns over the parcel consolidation requirements that are proposed in Straw Man II for properties near the Metro stations. We are assembling approximately three to five acres immediately to the north and east of the Tysons Central 7 Metro Station that represent a prime redevelopment opportunity for the Tysons Central 7 TOD District. However, that opportunity might take decades to realize because Straw Man II requires either (1) a minimum parcel size of twenty (20) acres for this area or (2) "...full consolidation or coordinated development..."(see p. 149). The language is unclear as to whether one or both requirements apply to our area. At a recent meeting with County staff, I believe that Sterling Wheeler indicated that the 20-acre requirement did not apply to our area; but if so, the language needs to be revised to make that clear.

Our property is comprised of numerous small parcels that are currently improved with only one and two-story retail and service buildings. These types of uses are completely antithetical to the TOD concept and are hardly what should be greeting people upon arrival at the Metro station. Thus, NVCommercial's property is precisely the type of property that should be encouraged to redevelop into a vibrant, transit-oriented destination. However, even at a size of less than 20 acres, the failure of one small property owner in this area to join into a parcel consolidation or coordinated development could cause a worthwhile redevelopment to fail.

The primary justification given for consolidation for our area is "...to address circulation and access needs..." As long as that objective can be met, we believe the plan amendment should allow flexibility in regard to consolidation.

8230 LEESBURG PIKE · SUITE 500 · VIENNA, VIRGINIA 22182
(703) 734-9839 · Telefax: (703) 734-0410

With specific reference to Straw Man II we suggest the following revisions to the language on page 149, in a section titled "Redevelopment Option" for Area II:

1. Add the following to the last full paragraph on page 149 (the first sub-bullet). "Flexibility for redevelopment may be allowed where full consolidation or coordinated development cannot be achieved so long as circulation objectives have been met."

2. Add to the second to last line of page 149 (in the last sub-bullet) after the word "station" the phrase: "to the west." We believe this will clarify that the 20-acre minimum does not apply to the parcels we are assembling.

Please consider these suggestions as Straw Man II is shaped into actual Plan language in the coming months. If you have any questions, I would be happy to discuss this issue with you further at any time.

Sincerely,

Stephen M. Cumbie
President and CEO

cc Sterling Wheeler
Art Walsh
Linda Hollis

Capital One Services, LLC
1680 Capital One Drive
McLean, VA 22102

14 Tysons CF/ Members

November 16, 2009

The Honorable Sharon Bulova
Chair, Fairfax County Board of Supervisors
12000 Government Center Parkway
Fairfax, VA 22035

RECEIVED
NOV 18 2009
FAIRFAX COUNTY
PLANNING COMMISSION

RE: Tysons Corner Planning Efforts

Dear Chairman Bulova:

The Tysons Corner of 1969 bears very little resemblance to the Tysons Corner of 2009. In only four short decades, Tysons has transformed from a sleepy rural crossroads into the main economic engine of the Commonwealth of Virginia. Tysons holds so much promise that elected officials at all levels of government have been able to agree on the need to construct a Metrorail line to serve the area, and to transform Tysons into a walkable urban community centered around mass transit rather than the automobile.

Like other Fortune 500 companies that have chosen to call Fairfax County home, Capital One shares the excitement over the potential transformation of Tysons from a traffic-choked suburb into a dynamic urban center. Capital One's own campus is located adjacent to the proposed Tysons East Metro Station, and the property is ripe to become the sort of development planners have envisioned for Tysons – a premier mix of office, residential, retail and civic uses that does not rely solely on the automobile as the primary mode of transportation. In fact, proximity to the proposed Tysons East rail station was a primary consideration in Capital One's decision to move to Tysons Corner.

You may also be aware that Capital One has been at the forefront of efforts to reduce traffic congestion on its property. We encourage telecommuting and flexible work hours for our headquarters staff, provide bus service between our Virginia offices, and employ a robust transportation demand management program. Our own internal surveys reveal that the program has been so successful that Capital One's traffic generation is well below that of surrounding properties.

As a company that is proud to call Fairfax County home, Capital One nonetheless has significant concerns about the timing and process surrounding amendments to the Comprehensive Plan for Tysons. As drafted, the most recent "Straw Man II" produced by Fairfax County Planning Staff would seriously impede redevelopment in Tysons, which is necessary to transform the area from a series of disconnected commercial strips into a vibrant urban community.

For over four years, the 36 members of the Tysons Corner Land Use Task Force held over 100 meetings, sought input and advice from multiple experts, and completed a summary report that numbered well over 100 pages. Regrettably, rather than transforming the valuable work of the Task Force into more detailed recommendations, Fairfax County Planning Staff chose to largely rewrite the Task Force's consensus vision for Tysons Corner, replacing it with suburban planning notions that jeopardize the very future of Tysons as an urban center.

Although we recognize that the Staff draft will be the subject of a healthy and extensive debate, we nonetheless recognize the necessity of registering our concerns about the choice to disregard extensive input from County residents in formulating the most recent Staff draft. Our concern does not merely stop at the details contained within the Straw Man II. Rather, the most recent document calls into question the process itself, and raises serious concern within the business community that the vision for Tysons can ever be fully realized. I have summarized some of our most serious reservations about the most recent draft.

Density and Required Public Improvements

Capital One's property is located immediately adjacent to the Tysons East Metro Station, leaving it partially within the 1/8 mile radius that can achieve a maximum of 4.75 FAR under the proposal in Straw Man II, and partially within the 1/4 mile radius that can achieve a maximum of 2.75 FAR. In contrast, the Task Force recommendations would have permitted a maximum of 6.0 FAR (7.8 FAR with bonuses) and 4.0 FAR (5.0+ FAR with bonuses), respectively. In addition, the Task Force recommendations offered density bonuses for the construction of residential units and for certification of environmentally friendly buildings, elements which are both highly desirable in Tysons.

We have two main concerns about the density figures chosen by Staff. First, the density by itself does not, in many cases, provide sufficient incentive for landowners to redevelop their properties. Second, the public facility requirements in the Staff draft make private sector participation in transforming Tysons expensive, complicated, difficult and time-consuming. Under these circumstances, the Staff draft creates substantial hurdles to redevelopment, which for some property owners may be insurmountable. These requirements include overly burdensome parcel consolidation requirements, unduly complicated formulas regarding affordable and workforce housing, and burdensome environmental and stormwater management regulations that will make redevelopment in Tysons an extremely expensive proposition. Under the Staff draft, landowners may not be able to fully offset the expense of these extensive public facilities with the benefits realized from redevelopment.

The "Density Drop"

As noted above, one of the most serious concerns with the Straw Man involves the levels of density it would permit and how severely the Staff draft has limited density in the Transit Station Areas. Although the proposed density numbers are a concern throughout the Staff draft, among the most serious concerns involves the "drop" in density as one travels from the 1/8 mile radius to the 1/4 mile radius around the transit stations. The difference in permitted density between these two areas is substantial, and it is difficult to find a planning explanation for such a sudden drop, especially when the area within 1/4 mile of transit stations is generally accepted as the area where the highest transit-oriented densities should be concentrated.

The Task Force recommendations would have permitted up to a 6.0 FAR (7.8 FAR with incentives) within 1/8 mile of transit stations, and a 4.0 FAR (5.0+ FAR with incentives) between 1/8 mile and 1/4 mile of the rail stations. However, the Staff draft reduced that limit from 4.0 FAR to 2.75 FAR, thus eliminating more than 30% of the transit-oriented density proposed by the Task Force in the area between 1/8 mile and 1/4 mile of the transit stations. Candidly, when combined with the substantial public facilities improvements discussed above, it is difficult to see any real benefit to substantial redevelopment for properties between 1/8 mile and 1/4 mile of the rail stations.

Building Heights

In many cases, building heights are not sufficient to allow landowners to achieve even the reduced FAR permitted under the Straw Man. Again, it is important to consider that land owners are being asked to use their private property for public parks, police and fire stations, public road networks, and other amenities. Although these are worthy uses, landowners will choose not to redevelop consistent with the urban vision for Tysons unless the Comprehensive Plan contains appropriate encouragement and incentives to do so.

There are also significant transportation improvements in the Staff draft that will uniquely impact Capital One's property. These improvements, which Capital One agrees are a benefit to greater Tysons, include a proposal to connect Scotts Crossing Road with Jones Branch Drive on the other side of the Capital Beltway, necessitating a flyover that will be anywhere from 25 to 35 feet above the prevailing grade. In addition, the height of the Metrorail line at the Tysons East station is also 35 feet or more in elevation.

Because its property is located in what is proposed to become a "bowl" surrounded by elevated transportation facilities, Capital One has encouraged Planning Staff to allow taller building heights in this area, to prevent urban blight adjacent to these elevated structures. The additional height proposed by Capital One would allow greater flexibility in urban design to encourage use by potential residents, office workers, or retail merchants who would otherwise have to face the underside of an elevated concrete structure. For instance, proposed buildings in this area may include several floors of structured parking adjacent to the Scotts Crossing Road flyover and the Tysons East Metro station, with office, residential, or hotel uses at greater heights where they are not impacted by these industrial concrete structures.

The Staff draft partially resolved Capital One's concern about building heights within its property, but much more work is needed to ensure that building heights are adequate throguhout Tysons to take advantage of the FAR permitted in transit station areas.

Phasing of Transportation Improvements

Planning Staff have outlined a plan to phase in specific transportation improvements as certain development thresholds are met. That plan is included with Straw Man II as a schedule of specific improvements (see attachment). However well intentioned the effort, the result is difficult to follow. The Staff draft seems to infer that development will essentially cease as these thresholds are reached, until the required schedule of transportation improvements has been completed.

A more effective way to phase redevelopment in Tysons would be through the use of performance measures rather than arbitrary development thresholds. The Fairfax County Department of Transportation built into its analysis certain assumptions about the "mode split" – or how many people will give up their automobiles to walk, bike, ride-share, or use transit. Capital One's own transportation demand management program provides an excellent example of how the assumptions of transportation planners can conflict with actual experiences. As mentioned above, Capital One has offered its employees flexible work hours, teleworking, shuttle service between campuses, and other measures designed to reduce employees' reliance on the automobile.

Capital One's own experience suggests that the assumptions made by transportation planners may not prove true for every development. Capital One has achieved, prior to the arrival of rail, a reduction of peak hour transportation demand far in excess of the assumptions contained within the Straw Man. These reductions demonstrate why a performance measure would be a much better indicator of development levels than a more specific cap on density.

Another concern associated with the proposed phasing schedule is that the transportation improvements do not appear to take into consideration the transportation needs of individual areas within Tysons. For instance, among the enumerated improvements are the Scotts Crossing extension described above. The proposal does not, however, appear to relate that improvement to the area it would serve, meaning that a proposed development on the other side of Tysons may be delayed while funding sources are identified for this improvement. While many of the scheduled improvements may be regional in nature, it seems unrealistic to prevent development from occurring in Tysons West, for instance, because of a road improvement that has not been completed on the other side of Tysons.

For phasing to be effective, there should be a rational relationship between the property involved and the improvements requested. Moreover, without the ability to measure actual traffic conditions, the phasing scheme in the Straw Man is arbitrary and may not reflect actual conditions, which may be better or worse than the staff assumptions.

Capital One remains deeply interested in Tysons and hopes these comments express our interest in the area's transformation into a modern urban environment. We would be happy to discuss our concerns with you in more detail at the appropriate time.

Sincerely,

Barry Mark

cc: The Honorable Linda Smyth, Fairfax County Supervisor
Mr. Ken Lawrence, Planning Commission
Mr. Walter Alcorn, Planning Commission
Anthony H. Griffin, Fairfax County Executive
Dr. Gerald L. Gordon, Chairman and CEO, Fairfax County EDA
Stuart Mendelsohn, Chairman, Fairfax County Chamber of Commerce
Antonio J. Calabrese, Cooley Godward Kronish, LLP

420657 v2/RE

15

Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 5414
ebaker@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

November 12, 2009

Via E-Mail Only

Walter L. Alcorn
Chairman, Tysons Committee
Fairfax County Planning Commission
!2000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

Re: 8330 Greensboro Drive
Tax Map 29-3 ((1)) 63B (the "Property")
Proposed Building Heights

Dear Chairman Alcorn:

We represent Clover Tysons LP, the owner of the above referenced Property. The property is located in the proposed Tysons West District between Route 7 and Greensboro Drive (see attached map). I understand you will be discussing proposed building heights at this evening's Tysons Corner Committee meeting and want to provide the following information.

The proposed building height map published in the September 16th Straw Man II document shows the Property as being located in Building Height Tier 4 with a proposed maximum building height of 75 to 125 feet. Recently, the Planning Staff released revised recommendations for building heights in Tysons. One of the changes included revising the proposed height tier for the Property and adjacent parcels from Tier 4 to Tier 3 and revising the proposed building height maximum of Tier 3 to 125 to 175 feet. On behalf of the property owner, I would like to voice support of these revised staff recommendations.

The current Comprehensive Plan allows a maximum building height of 125 feet. Having worked on the design of this site over the last five years and with knowledge of the relatively dramatic topography of this area of Tysons, it is our opinion that it will be very difficult to develop the Property with the intensity envisioned in the Tysons Plan if building height is limited to 125 feet. Due to the way the County utilizes average grade in its calculation of building height, a limit of 125 feet would severely constrain development opportunities on the Property.

Thank you for your attention to this issue. If you should have any questions, please feel free to give me a call.

Very truly yours,

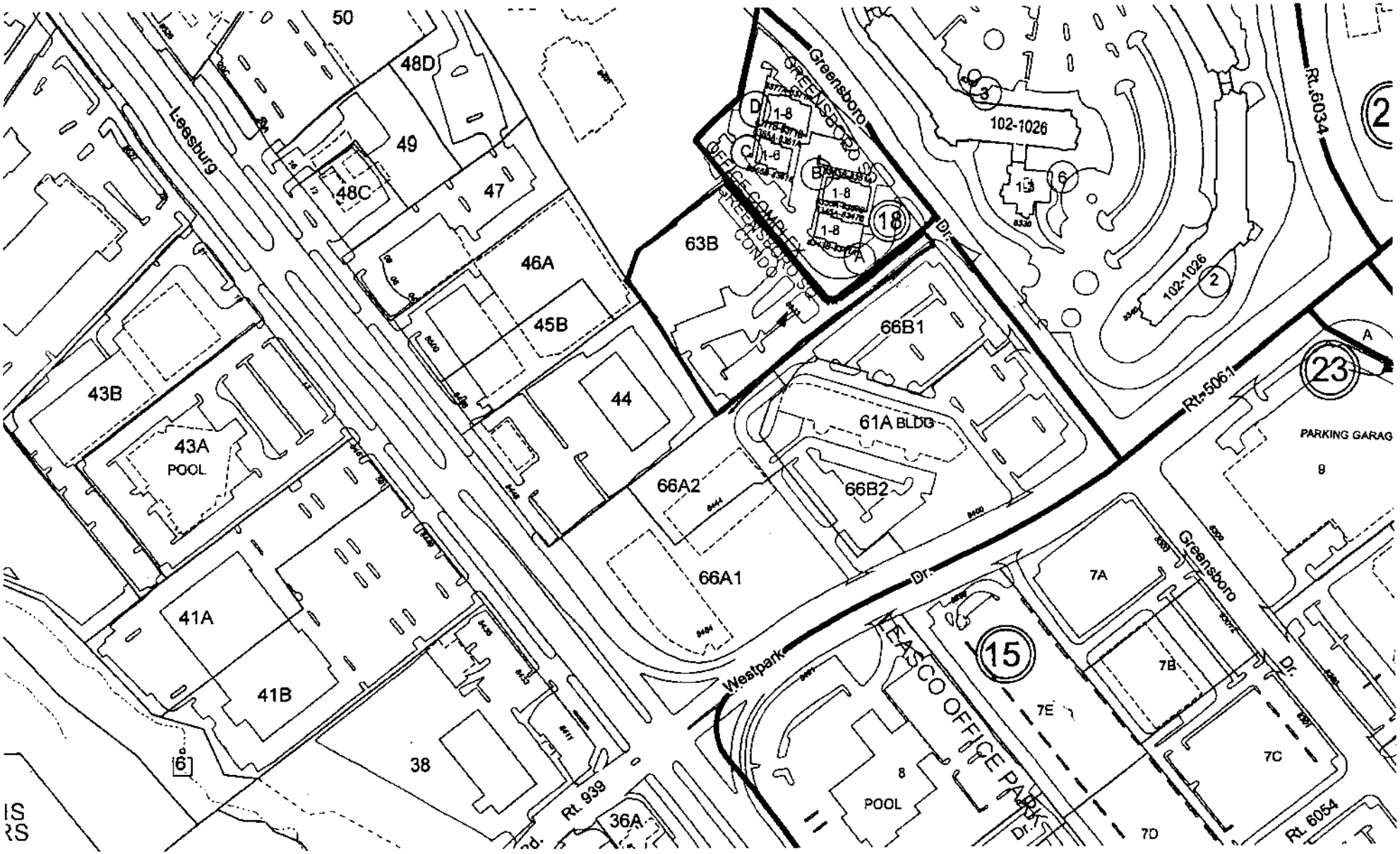
WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Elizabeth Baker

Elizabeth D. Baker
Land Use Coordinator

EDB:kkf
Attachment

cc: Rick Pelliconi
Martin D. Walsh


50
48D
49
48C
47
46A
45B
44
43B
43A
POOL
41A
41B
38
36A
Leesburg
Rt. 939
63B
GREENSBORO OFFICE COMPLEX CONDO
Greensboro
Dr.
1-8
18
102-1026
15
6
2
Rt.6034
23
A
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61A BLDG
66B1
66B2
66A2
66A1
Westpark
Dr.
PARKING GARAG
9
7A
7B
7C
7D
7E
15
FASCO OFFICE PARK
8
POOL
Rt. 6054

From: Baker, Elizabeth D.
Sent: Wednesday, November 11, 2009 7:18 PM
To: Zook, Jim; Wheeler, Sterling; Ladd, Matthew
Cc: Walter Alcorn; Chris_Helsabeck; Jon_Cox; dcmcilvaine; edawson; Elizabeth Marchant; Walsh, Martin D.
Subject: Tysons West North - Building Height issue

Jim, Sterling and Matt,

Recently several landowners in the Tysons West North District met with Walter Alcorn to discuss their concerns about the building height recommendations in Straw Man II for their properties. Walter asked that they also send the information to you. The parcels include tax map 29-1 ((1)) 11, 18 and 22A, located between Tyco Road and the Toll Road. Together they total 15.5 acres.

The draft building height map recommends the parcels for Height Tiers 2, 4 and 5, as outlined in the attachment. The property owners suggest that the areas designated by Straw Man II as Tiers 4 and 5 should instead be Tier 3. Attached is a Tysons West North building height section for your reference. It indicates the building heights as outlined in the Straw Man II as well as the heights being proposed.
The proposed increased height limit is based on the following:
1. The nature of this Tysons "edge" is unique due to the lack of directly adjacent residential and the presence of an immense buffer in the Dulles Toll Road. As the section indicates, the distance from the face of the nearest single family home to the required commercial building setback of 75 feet adjacent to the Toll Road is nearly 700 feet.
2. The neighborhood directly across the Toll Road from Tysons West North includes a church and only a handful of single family homes. Its nature is markedly different than other more densely populated neighborhoods in the area such as McLean Hamlet.
3. Other "edges" have Tier 4 areas that are much closer than 700' to their nearest residential neighborhoods - specifically, the Tysons West South subdistrict and the Tysons East Anderson and Colshire subdistricts, which are separated only by narrow Tier 5 bands (as opposed to the 700' buffer in Tysons West North).
4. In order to achieve the suggested 2.0 FAR on our site within the 75' height limit proposed in the Straw Man II, all parking would be forced below grade. Doing so is not economically feasible in this location. Under these conditions, therefore, the site would either be redeveloped at approximately 1.0 FAR or redevelopment would not occur.
5. The entirety of the 15.5-acre site is within 1/3 mile radius of the Metro station and, as such, represents a prime TOD redevelopment opportunity. Arbitrarily limiting the height, and therefore intensity, of an area only five blocks from a Metro station is inconsistent with the fundamental principles of Transit Oriented Development.

I appreciate your consideration of this proposal. Please call me if you have any questions.
Elizabeth

Elizabeth D. Baker
Land Use Coordinator
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, Thirteenth Floor
Arlington, VA 22201
Phone: (703) 528-4700

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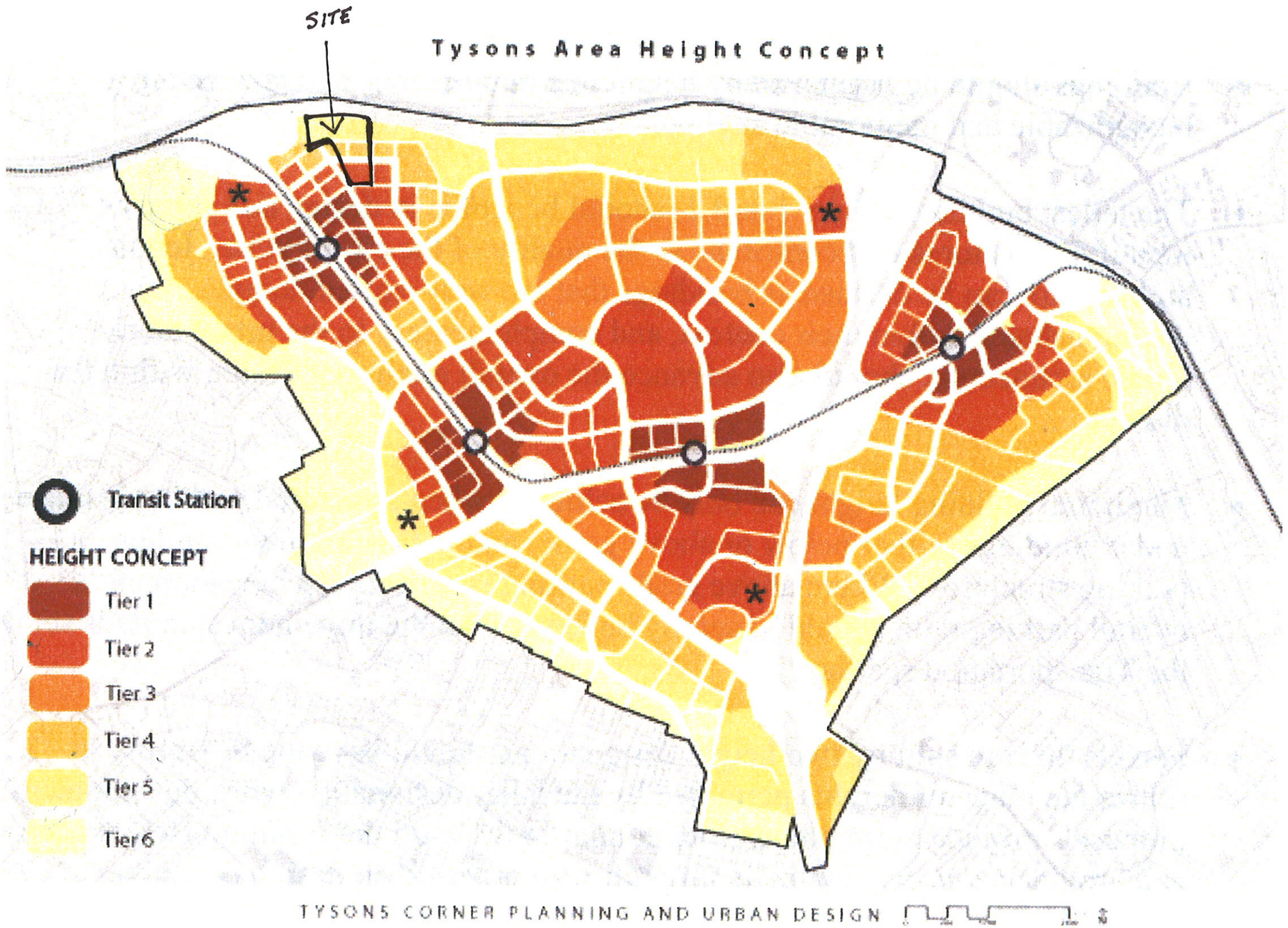
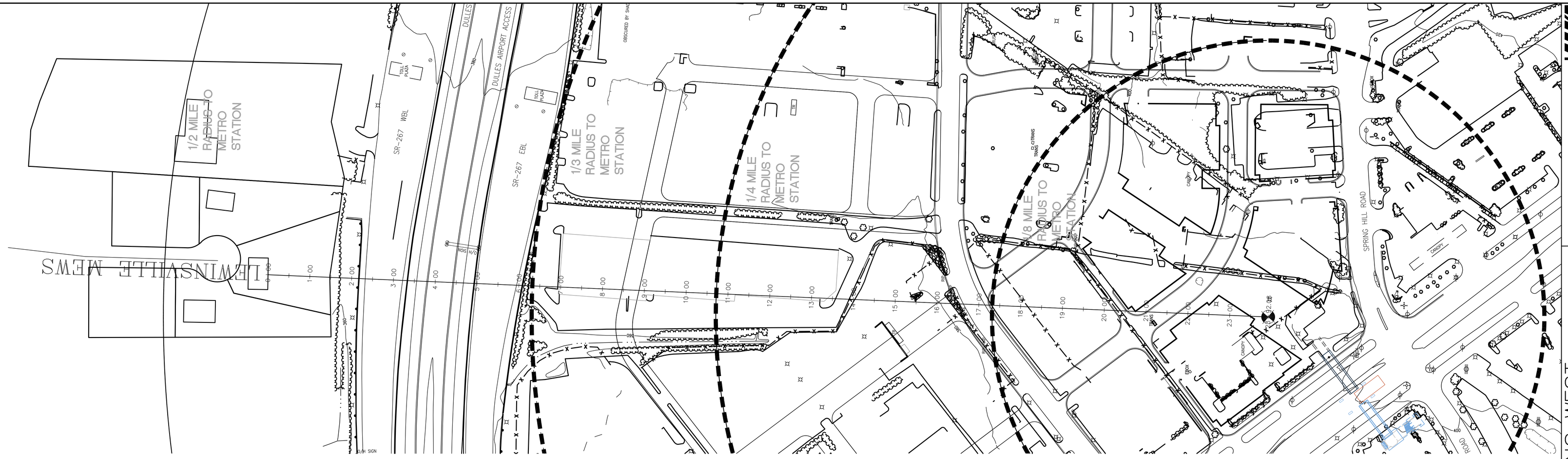
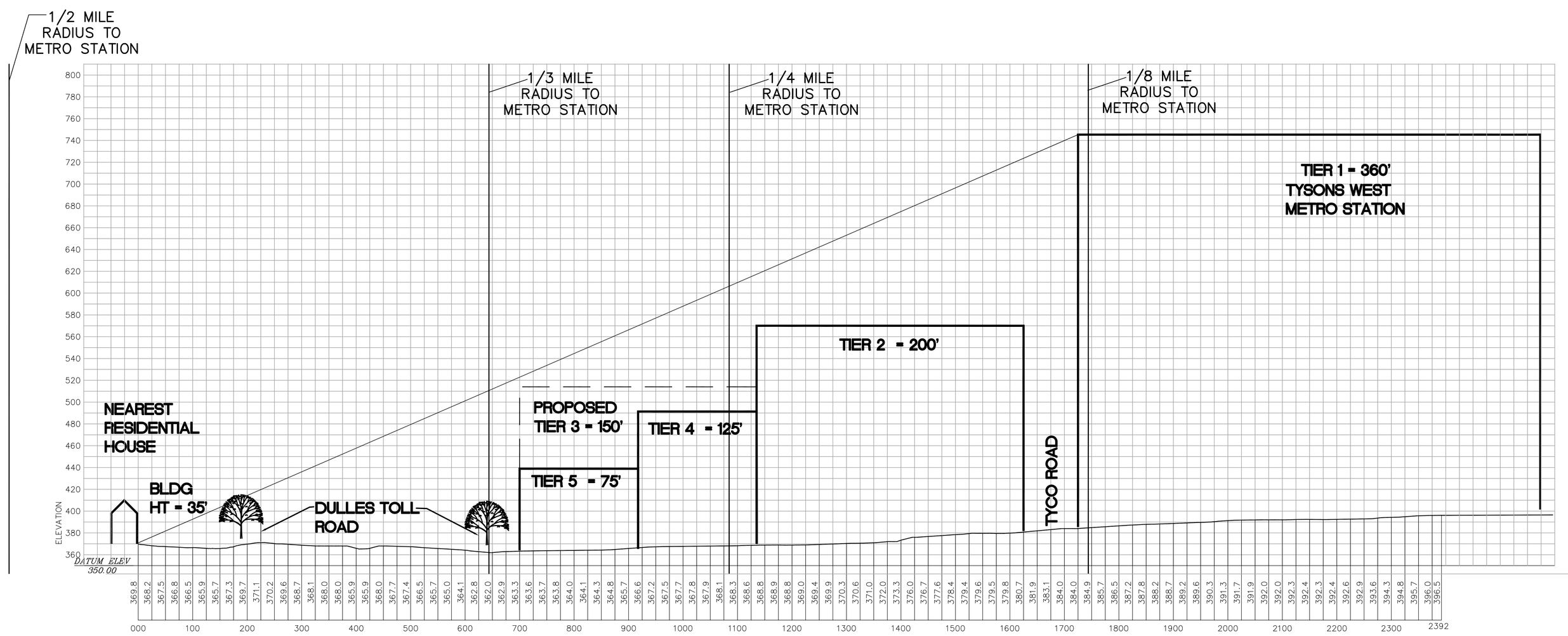
Map 10
Building Height Concept



* Locations of existing or approved gateway buildings

Staff Note: This map needs to be revised to be consistent with the District





NOTES:

1. THE AERIAL TOPOGRAPHY SHOWN HEREON WAS COMPILED FROM PHOTOGRAPGHY DATED: 3/2002 AND WAS PREPARED BY: AERO-METRIC AND DOES NOT REPRESENT A FIELD RUN SURVEY. THE HORIZONTAL DATUM REFERENCED HEREON IS NAD 1983 AND THE VERTICAL DATUM REFERENCED HEREON IS NAVD 1988.

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

SECTION 1

VIKA REVISIO

DATE: OCTOBER 2(

DES. FEJ | DWN. FE

SCALE: H: 1"=100' V: 1"=50'

PROJECT/FILE NO 7096

SHEET NO. 1 OF 1

RP/SP:

Duncan, Norma 11/10/09

From: Lippa, Barbara J.
Sent: Tuesday, November 10, 2009 2:32 PM
To: frank de la fe; 'Kenneth Lawrence'; 'jay donahue'; Lusk, Rodney; 'JAMES R. HART'; 'Sueharsel@aol.com'; Tim.J.Sargeant@dom.com
Cc: Duncan, Norma
Subject: FW: Comments on Straw Man II draft plan
Attachments: DOC001.PDF

FYI, for Tysons comments.

Barbara J. Lippa, Executive Director
Fairfax County Planning Commission
703-324-2869
barbara.lippa@fairfaxcounty.gov

From: Lawrence, Elizabeth M. [mailto:ELIZABETH.M.LAWRENCE@saic.com] **On Behalf Of** Berkman, Bari L.
Sent: Tuesday, November 10, 2009 2:11 PM
To: Lippa, Barbara J.
Cc: Zook, Jim; Hazard, Frederick R.; Bishop, Robert A. (McLean); Walsh, Martin D.; Baker, Elizabeth D.; Berkman, Bari L.
Subject: Comments on Straw Man II draft plan

Barbara,

Attached please find the letter from Eric Hazard, Senior Vice President for Real Estate for SAIC, in relation to Campus Point Realty Corporation's (a wholly-owned subsidiary of SAIC) property at 1710 SAIC Drive, 1707, 1709 Goodridge Drive, and 8301 Greensboro Drive. We sent the letter to Chairman Alcorn yesterday however he asked that I redirect the letter, per his e-mail below.

Would you please distribute this letter to all of the committee members? I am also copying Jim Zook on this e-mail. Please let me know if you would like me to send you 5 hard copies via FedEx for convenience.

Thank you for your help.

Bari

Lisa Lawrence on behalf of
Bari L. Berkman (Reply to Bari.L.Berkman@saic.com)
VP and Director of
International Real Estate

Tel (858) 826-7595
US Cell Phone (858) 395-1250
UK Cell Phone 011.44.7720.458.522
Fax (858) 826-4824
10140 Campus Point Drive, Suite 4200
San Diego, CA 92121

From: Walter Alcorn [mailto:walter@alcornconsulting.com]
Sent: Monday, November 09, 2009 3:01 PM
To: Berkman, Bari L.
Cc: Hazard, Frederick R.; Bishop, Robert A. (McLean); 'Walsh, Martin D.'; 'Baker, Elizabeth D.'
Subject: RE: Comments on Straw Man II draft plan

Bari,
Thanks for the letter but due to SAIC stockholdings still owned by my wife I am recusing myself from any action specific to SAIC. To obtain full consideration of your proposal I recommend you contact one or more of my colleagues on the Planning Commission Tysons Corner Committee. To answer your question posed in your letter I recommend you contact Jim Zook, Director of the Department of Planning and Zoning, concening how staff intends to interpret this and other language should it ultimately be adopted into the Comprehensive Plan.
Regards,
Walter Alcorn
(703) 390-9200 (w)
(703) 673-1045 (fax)
walter@alcornconsulting.com

From: Lawrence, Elizabeth M. [mailto:ELIZABETH.M.LAWRENCE@saic.com] **On Behalf Of** Berkman, Bari L.
Sent: Monday, November 09, 2009 4:31 PM
To: walter@alcornconsulting.com
Cc: Hazard, Frederick R.; Bishop, Robert A. (McLean); Walsh, Martin D.; Baker, Elizabeth D.; Berkman, Bari L.
Subject: Comments on Straw Man II draft plan

Chairman Alcorn,

Attached please find the letter from Eric Hazard of Campus Point Realty Corporation in relation to CPRC's property at 1710 SAIC Drive, 1707, 1709 Goodridge Drive, and 8301 Greensboro Drive.

Bari

Lisa Lawrence on behalf of
Bari L. Berkman (Reply to Bari.L.Berkman@saic.com)
VP and Director of
International Real Estate
Tel (858) 826-7595
US Cell Phone (858) 395-1250
UK Cell Phone 011.44.7720.458.522
Fax (858) 826-4824
10140 Campus Point Drive, Suite 4200
San Diego, CA 92121

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SAIC From Science to Solutions™
Campus Point Realty Corporation
A wholly-owned subsidiary of Science Applications International Corporation

November 10, 2009

By Federal Express and E-mail

Walter Alcorn, Chairman
Frank A. de la Fe
Jay Donahue
Kenneth A. Lawrence
Rodney Lusk
Tysons Corner Committee
Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

Re: Tax Map 29-3 (15) 4D, 4E, 4F, 7A, 7B, 7C, 7D and 7E (the "Property")
1710 SAIC Drive, 1707, 1709 Goodridge Drive, and 8301 Greensboro Drive

Dear Tysons Corner Committee Members:

Campus Point Realty Corporation is the owner of the above referenced property that is outlined on the enclosed tax map. I understand that the Tysons Committee is continuing to accept comments on the Straw Man II draft plan. The purpose of the this letter is to express concern relative to the Straw Man II draft Plan for Tysons Corner as it pertains to the tiered intensities proposed proximate to Metro stations.

The Property is located in the Tysons Central 7 District, immediately adjacent to the northern entrance to the planned Tysons Central 7 Metro Station. Currently, the southern portion (approximately ½) of the Property is located within ⅛ mile of the station entrance and thus is assigned the first tier of intensity, and the northern portion is located between ⅛ and ¼ mile from the Metro station and is assigned the second tier of intensity. We believe that the significant disparity in the recommended FAR between the two tiers, a 4.75 FAR in the first tier versus a 2.75 FAR in the second tier, is far too great to result in quality redevelopment. As you know, widely recognized principles for successful, transit-oriented development consistently use the ¼ mile radius as the baseline for where the highest intensity should be developed. A ⅛ mile (660 feet) represents a one to two block walk; a ¼ mile (1320 feet) represents a maximum three to four block walk. While the walking distance between ¼ and ⅛ mile is slight, the recommended FAR difference between a 4.75 and 2.75 is very significant, particularly for a property such as ours that consists of several parcels under a single ownership (a total of

approximately 18.27 acres) that has the opportunity to redevelop as a high-quality, cohesive mixed-use development.

The drop from 4.75 to 2.75 FAR represents a reduction of 42% and only represents a 67% increase over the existing use. A common rule of thumb for development would be an increase of at least 100% in the FAR is necessary to make it economical to remove major performing assets on an existing site. We believe a decrease of 25% from Tier 1 to Tier 2 is more appropriate. The result would be a FAR of 3.60 for those properties located in the 1/8th - 1/4th mile radius. This still is a significant decrease, acknowledging the increasing distance from the station, but allowing for development of an appropriately scaled, mixed use, urban form. The large public investment in extension of the Silver Line dictates that we maximize transit usage and concentrate intensity within an easy walk of the stations.

With this letter, I also request clarification as to how land areas that are bisected by two different density tiers would be interpreted by Staff. For instance, would an Applicant be permitted to average or blend the density over their consolidated land area via a unified site plan, or are the radii intended to establish strict boundaries as to the designated density ranges? I would recommend that if Staff and the Task Force propose to retain the significant difference in the Tier 1 and Tier 2 intensities, that a blended or averaged density is permitted as there are likely numerous sites that will fall between the two tiers and a strict adherence to such significantly different densities does not create opportunities for more urban, transit-oriented development plans.

Thank you for your attention to this proposal. If you have any questions, please feel free to give Art Walsh, Elizabeth Baker or me a call.

Very truly yours,

CAMPUS POINT REALTY CORPORATION

Frederick R. Hazard
Chief Executive Officer

cc: Bob Bishop
Bari Berkman
Martin (Art) Walsh
Elizabeth Baker
James Zook

TysonsCntr
CF: Tysons

1902, LLC
Sherwood Tysons LLC
2000 Chain Bridge Road, LLC
c/o 9978 Hidden Oaks Ct.
Vienna, VA 22181-5373

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FAIRFAX COUNTY
PLANNING COMMISSION

November 10, 2009

Mr. George Barker
Chairman, Draft Review Committee
Tysons Land Use Task Force

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

RE: Straw Man II Consolidation Requirements

Dear Mr. Barker and Mr. Alcorn,

We are the principal owners of the property located in the Southwest quadrant of the intersection of Leesburg Pike and Route 123 in Tyson's Corner VA, having an address of 8610 Leesburg Pike, Vienna VA 22182. The 14 acre site is presently leased to the Koons Automotive Group and used as an automotive dealer. We are writing because as owners of the parcel, we will be significantly affected by the proposed parcel consolidation requirements in Straw Man II. Given the negative impacts these requirements will have on the potential for redevelopment, we strongly urge you to consider whether they are an appropriate way to achieve the Vision for Tysons.

The stated justification for the large parcel consolidation requirements of 15 to 20 acres is that they are the only way to provide for the proposed grid of streets and to avoid "piecemeal" development. However, this argument ignores the fact that many property owners who will want to redevelop their property in keeping with the Straw Man II recommendations will be prevented from doing so by neighbors who are happy with the status quo.

There are two parcels of land adjacent to our site. The first is at 2070 Chain Bridge Road and is the home to a 7 story office building consisting of 450,000 square feet on an 8.7 acre parcel. The site is developed at high density and most likely will never be redeveloped under the current or future master plan. The 14.5 acre site to the west is located at 8359 Leesburg Pike and owned by Trulie Investments. This site is a retail shopping center with binding multi year leases with active retail tenants with little or no motivation for redevelopment of either adjacents parcel, due to the robust cash flow

on these properties, we could be thwarted for years, or even decades from redeveloping our land.

Thus, far from encouraging the advancement of the street grid, parks and open space, and other desirable features, the consolidation requirements will, in many instances, have the negative effect of delaying redevelopment indefinitely. We feel it is inequitable to preclude us from developing our 14 acre property without agreement with our neighbors under the base plan recommendations within Straw Man II. By the time our neighbors are finally ready to consider redevelopment options themselves, we may have already heavily invested in new improvements under the current density supported by the master plan and forestall the opportunity for coordinated redevelopment later. Such piecemeal development under the base plan recommendations is surely less desirable than redevelopment of individual parcels that is otherwise consistent with Straw Man II.

Thank you for your consideration of these points as you continue with your fine work in the months ahead.

Very truly yours,

Sherwood Tysons, LLC	1902, LLC	2000 Chain Bridge Road LLC
Valerie Ford	James J. Corbalis	Janet C. Caldow
Valerie Ford Member	James J. Corbalis Member	Janet C. Caldow Member

cc: Supervisor Catherine M. Hudgins
Mr. Martin D. Walsh, Esq.
Mr. Leonard Forkas Jr.
Mr. Lawrence Baucom

19

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NOTES MTNG: 11/12
- NEED HEIGHT FLEXIBILITY
  - RESIDENTIAL
  - VIEWS - NEED TO GET ABOVE 130
  - DESIRE FOR SIGNATURE BLDG THAT WILL TRANSITION TO GALLOWS
  - 1
- LOOK AT FLEXIBILITY FOR BLDG. HEIGHTS

November 6, 2009

VIA HAND DELIVERY

Fred R. Selden
Director
Planning Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 730
Fairfax, VA 22035-5509

RE: Tysons Corner Strawman II Height Recommendations

Dear Fred,

As you may know, this firm represents Lowe Enterprises ("Lowe") and Vornado/Charles E. Smith ("Vornado"). These companies are owners or partners in the development and management of property at Tax Map Reference 39-2((2)), Parcels 106, 114 and 114A (the "Property"). The Property is commonly known as Fairfax Square and 1951 Gallows Road. The purpose of this letter is to provide you with a copy of proposed changes to the district text for the Property and to advise you of our rational for making the changes.

We have been active participants in the Tysons Corner replanning effort and are supportive of the goals and objectives the County is trying to achieve. However, we have become increasingly concerned that the lack of flexibility for buildings heights, especially in areas beyond 1/2 mile from a Metro station, will negatively impact achievement of the those stated goals. Property owners in Tysons Corner are being asked to dedicate a significant amount of land for right-if-way and open space to achieve the goals of good design, interconnected open space, and road connectivity. However, without some flexibility to achieve reasonable building heights, it will be difficult to achieve a "Transformed Tysons".

The current draft comprehensive plan text for Tysons Corner ("Strawman II") provides only limited flexibility for building heights. The Tysons Corner Land Use Task Force's Draft Review Committee ("DRC") has been working extensively with staff to include more reasonable maximum building heights and to provide the necessary flexibility needed to achieve the plan's goals. The DRC has focused its attention on creating a mechanism for a case-by-case analysis of building heights, with adequate provision for increased heights based on quality design, the provision of enhanced green buildings and affordable housing, and the dedication of public facilities, right-of-way and open space. Further, this flexibility in height is need to achieve the GFA necessary to for the economic realities of redevelopment. We are fully supportive of the DRC's efforts and the problem

they are attempting to solve. We feel the Property provides a good example of the need for flexibility in determining reasonable building heights.

The Property is located in the Old Courthouse District, Northeast Old Courthouse Subdistrict, Subareas 1 and 2. The property is proposed to be bisected by the extended Boone Boulevard, with the northern portion located in Subarea 1 and the southern portion in Subarea 2. The district text for the Property provides a base plan recommendation of office and support retail up to 1.2 FAR. It also provides a redevelopment option for office and hotel uses up to 1.27 FAR based on consolidation. In addition, the plan provides that "as an alternative, mixed use with a significant residential component may be appropriate up to 1.8 FAR." However, this alternative is not discussed in detail within the text.

The Property falls between Tier 4 and Tier 5 on the Building Height Concept Map in Strawman II. The Tier 4 portion of the property fronts on Route 7, while the Tier 5 portion of the Property is located between the extended Boone Boulevard and Gallows Road. Staff recommends that Tier 4 properties have maximum heights of between 75-125 feet, while the DRC recommends maximum heights of between 75-150 feet. In Tier 5, staff recommends heights of 25-75 feet, while the DRC recommends heights of 50-75. The district text for the Property provides a maximum height of 105 feet for Subarea 1 and a maximum height of 60 feet in Subarea 2.

Strawman II also requires significant dedication of right-of-way and open space on the Property. Any redevelopment of the Property will require the dedication of right-of-way for an extension of Boone Boulevard or the granting of a public access easement. Additional right-of-way for a potential circulator will also need to be dedicated. The plan also recommends a pocket park on the site, which could be up to 1 acre in size. Taken together, redevelopment of the Property will require significant land dedication, which should be incentivized by reasonable building heights.

To facilitate the dedications required by the plan, and to bring the proposed building heights in line with the existing development, we propose adding a second redevelopment option to the district text for the Property. Essentially, we provide an option that fleshes out the mixed-use residential alternative currently identified in the Strawman II. The current alternative recommends a FAR up to 1.8 for mixed-use residential. Consistent with this, our proposed option incorporates the 1.8 FAR and recommends that any new gross floor area be for residential and retail uses.

Additionally, to achieve the proposed alternative, and to maintain the existing development pattern, we are proposing reasonable increases to the maximum building heights on the Property. Within Subarea 1, we maintain the current base maximum building height, but propose an increased maximum building height of 180 feet in conjunction with development under the redevelopment options. This additional height is needed to offset the dedication of right-of-way and parks on the site. The 180-foot maximum height is also in line with the proposed buildings heights directly across Route 7 from the Property and with the existing buildings on the Property. Currently, Fairfax Square is developed with a 130 foot office building. Under the existing recommendations, new buildings on the Property would be significantly shorter than what is currently built.

Within Subarea 2, we propose reasonable increases in building height that will achieve a transition in height from Route 7 to Gallows Road. This includes a maximum building height of 150

feet adjacent to Boone Boulevard extended and a maximum height of 105 feet along Gallows Road. This is in line with the established building pattern on Gallows Road, which is exemplified by the 10-story Tysons International Plaza adjacent to the Property.

The final change we propose to the district text for the Property is a clarification on the type of recommended park. The Conceptual Parks and Open Space Network map in Strawman II depicts a small park on the Property. However, the district text for the Property does not include any reference to dedicated parkland. The "Urban Park Typology" text, within the Environmental Stewardship section, indicates that a Pocket Park is the most likely type of park recommended for the Property. Additionally, we feel that a Pocket Park that is incorporated into the development for use by people working and living in the immediate area is the best fit for the site. We also feel that the location of any park on the Property should be determined by the owner, which will ensure that it is fully integrated into a proposed redevelopment. Put another way, the Conceptual Parks and Open Space Network Map should be given its due weight as a guiding document rather than a final park locater. We therefore added language to the district text indicating that a Pocket Park is proposed for the Property. In addition, we included language indicating that the final location of the recommended park should be determined by the owner when applying to redevelop the Property.

I would enjoy the chance to discuss our proposed changes in more detail. Thank you in advance for your consideration of these remarks. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Gregory A. Riegle

cc: Dave Sittler, Sittler Development Associates LLC
Lisa Marier, Vornado/Charles E. Smith
Katya Naman, Lowe Enterprises

\10129904.1

NORTHEAST OLD COURTHOUSE SUBDISTRICT

The Northeast Old Courthouse Subdistrict is comprised of about 44 acres and is bounded by Route 7 on the north, the Capital Beltway on the east, Gallows Road on the west, and Gallows Road and Gallows Branch Road on the south. Along Route 7, development includes a variety of strip retail uses, and large office buildings with retail uses. Away from Route 7, to the south, the area is predominantly developed with midrise and low-rise office buildings which transition toward the edge of the Old Courthouse District.

The subdistrict is composed of two parts. Subarea 1 is between Route 7 and the planned Boone Boulevard extension to Kidwell Road. Subarea 2 is between the planned extension of Boone Boulevard and Gallows Road.

Subarea 1

Subarea 1 is comprised of about 25 acres and is located between Route 7 and the Boone Boulevard extension.

Base Plan

Subarea 1 is planned for and developed with office and support retail and service uses up to 1.2 FAR. The exception to this is Parcel 39-2((1))9 and Parcels 39-2((2))48,50,52,54,56A,58, which are planned for and developed with retail uses.

Redevelopment Options

With logical and substantial parcel consolidation that ensures well-designed projects that function efficiently and integrates with and facilitates the redevelopment of other properties in conformance with the Plan, the retail uses are appropriate to redevelop to office use with support retail and service uses up to 1.2 FAR. As an alternative, mixed use with a significant residential component may be appropriate up to 1.8 FAR throughout this subarea (if the mix of uses has less traffic impact than office redevelopment at 1.2 FAR).

Option 1

In addition, ~~a mix of~~ office ~~and~~ /hotel ~~uses~~ up to 1.27 FAR may be appropriate for Parcel 39-2((2))106 (which is split between Subareas 1 and 2), if the following conditions are met:

- Consolidation with Parcels 39-2((2))114, 114A~~, D1 and D2~~ in subarea 2;
- The resulting mix of uses has no more traffic impact than office use at 1.2 FAR on the Subarea 1 portion and office use at 1.0 FAR on the Subarea 2 portion.

- A transportation analysis should be performed in conjunction with any development application which should demonstrate how the area pedestrian and vehicular circulation can be improved. Improvements needed to enhance circulation and mitigate transportation impacts directly related to site generated traffic should be provided; and

- The hotel should provide for community-serving amenities such as meeting spaces.

Option 2

In addition, office mixed-use up to 1.8 FAR may be appropriate for Parcel 39-2((2))106 (which is split between Subareas 1 and 2), if the following conditions are met:

- **Consolidation with Parcels 39-2((2))114, 114A in subarea 2;**

- **Any new GFA shall be predominately residential and retail;**

- **A transportation analysis should be performed in conjunction with any development application which should demonstrate how the area pedestrian and vehicular circulation can be improved. Improvements needed to enhance circulation and mitigate transportation impacts directly related to site generated traffic should be provided;**

- **A Pocket Park (See Conceptual Parks and Open Space Network Map and Urban Park Typology in the Environmental Stewardship Recommendations) is provided on site.**

All the above redevelopment options for this subarea should be designed with the intent of unifying this subarea through creating focal points, providing pedestrian and open space amenities, and interconnecting the area by means of the planned grid of streets. The intensities and land use mix should be consistent with the Areawide Land Use Recommendations.

125' ?

Building height in this subarea may be up to 105 feet ~~(see the~~. **However, if parcels are consolidated as indicated under either redevelopment Option 1 or Option 2 above, the portion of Parcel 39-2((2))106 within this sub-unit could be considered for a height up to 180 feet to provide design flexibility under this option and maintain the established development pattern. (See** Building Height Map and Building Height Guidelines in the Areawide Urban Design Recommendations).

Subarea 2

Subarea 2 is comprised of about 19 acres and is located between the Boone Boulevard extension and Gallows Road.

Base Plan

This subarea is planned for and developed with office use with support retail and other services up to 1.0 FAR to create a transition between development along Route 7 and the Old Courthouse Road edge.

Redevelopment Options

As an alternative, mixed use with a significant residential component may be appropriate up to 1.5 FAR (if the mix of uses has less traffic impact than office use at 1.0 FAR). In addition, logical and substantial parcel consolidation should be provided with all redevelopments to ensure well-designed projects that function efficiently and integrate with and facilitate redevelopment of other parcels, in conformance with the Plan.

As an option, ~~a mix of office and hotel uses~~**mixed-use** up to ~~1.27~~**1.8** FAR may be appropriate for Parcels 39-2((2))114, 114A~~, D1 and D2~~ (in Subarea 2) with Parcel 39-2((2))106 (which is split between Subareas 1 and 2), if these parcels are consolidated and the conditions under **Option 2 in** the previous subarea are addressed.

All the above redevelopment options for this subarea should be designed with the intent of unifying this subarea through creating focal points, providing pedestrian and open space amenities, and interconnecting the area by means of the planned grid of streets. The intensities and land use mix should be consistent with the Areawide Land Use Recommendations.

Building height in this subarea can be up to 60 feet. However, if parcels are consolidated as indicated under ~~the office and hotel redevelopment option~~**Option 1 or Option 2 in Subarea 1**, above, the portion of Parcel 39-2((2))106 within this sub-unit could be considered for a height up to **150 feet, while Parcels 39-2((2))114, 114A could be considered for heights up to** 105 feet ~~in order~~ to provide design flexibility under this option **and maintain the established development pattern**. (See Building Height Map and Building Height Guidelines in the Areawide Urban Design Recommendations).

Additional Guidance for Northwest and Northeast Subdistricts

To achieve the redevelopment options envisioned for both the Northwest and Northeast Old Courthouse Subdistricts, development proposals should address the Areawide Recommendations, which include the following.

- Redevelopment should occur in a manner that fosters vehicular and pedestrian access and circulation. Development proposals should show how the proposed development will be integrated within the subdistrict as well as the abutting districts/subdistricts through the provision of the grid of streets.

- The major circulation improvement for this district is the Boone Boulevard extensions to the west across Route 123 and to the east to Kidwell Drive. Development should allow for the eventual construction of this roadway. If property or uses are to be expanded, developed or redeveloped along this road's planned alignment, right-of-way, or appropriate public access easements, should be dedicated and construction of the collector road should be provided, as determined appropriate by the County.

- A potential circulator alignment extends through both subdistricts along Boone Boulevard and its extension to Kidwell Drive, as described in the Areawide Transportation Recommendations. In addition to the above guidance for this area, redevelopment proposals along the alignment should provide right-of-way or otherwise accommodate this circulator and should make appropriate contributions toward its construction cost. See the Intensity section of the Areawide Land Use Recommendations.

- Urban design and open space amenities, such as streetscapes, plazas, courtyards, landscaping, lighting and seating should be provided consistent with the Areawide Urban Design Recommendations, as well as consistent in quantity with the urban park and open space standards under the Areawide Environmental Stewardship Recommendations. The Conceptual Parks and Open Space Network Map shall be used as a guide for locating urban design and open space amenities. However, the final location of urban design and open space amenities shall be determine by property owners at the time of redevelopment.

cc: Ken Lawrence
Tysons File

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

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OCT 28 2009
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PLANNING COMMISSION

October 26, 2009

By E-Mail

George Barker
Chairman, Draft Review Committee
Tysons Land use Task Force

Walter L. Alcorn
Chairman, Tysons Committee
Fairfax County Planning Commissioner

RE: Tax Map 29-3((15)) 4D, 4E, 4F, 7A, 7B, 7C, 7D and 7E
Campus Point Realty Corporation (the "Owner")
Property Identified as 1710 SAIC Drive, 1707, 1709 Goodridge Drive, and 8301 Greensboro Drive (the "Subject Property")

Dear George and Walter,

As you may know, we represent the Owner of the above-referenced Subject Property (see enclosed map). I understand that you are accepting comments concerning the consolidation requirements in Straw Man II, and I want to respectfully request that some consistency be applied to the consolidation requirements. I note that the proposed plan text related to the Tysons West District, published in Straw Man II, requires consolidation of 15 acres of land to seek rezoning under the redevelopment option (see enclosed page 134). However, the Subject Property, which is located in the North Tysons Central 7 Subdistrict, requires a consolidation of 20 acres (see enclosed page 149, last bullet). Although this represents the most onerous consolidation requirement proposed for any property within Tysons, no rationale for the disparate treatment is provided. Moreover, the requirement far exceeds those imposed on neighboring properties (see enclosed pages 149-150).

While the Owner has been working with the Dittmar Corporation, owner of the adjacent West Park Hotel site, we have been advised by Dittmar that its timing for submission of proposed redevelopment plans, etc. will be different than the Owner's timing. Therefore, in all likelihood, the Owner would <u>not</u> be able to meet the 20-acre requirement for consolidation despite the fact that it owns 18 acres immediately adjacent to the Tysons Central 7 Station. This

seems like an unfair result and does not represent good planning. Therefore, it is hereby requested that the proposed text with regard to consolidation for the Subject Property in the North Tysons Central 7 Subdistrict be reduced to 15 acres, consistent with the consolidation recommendations in the Tysons West District.

Thank you for your attention to this proposal. If you have any questions, please feel free to give me a call.

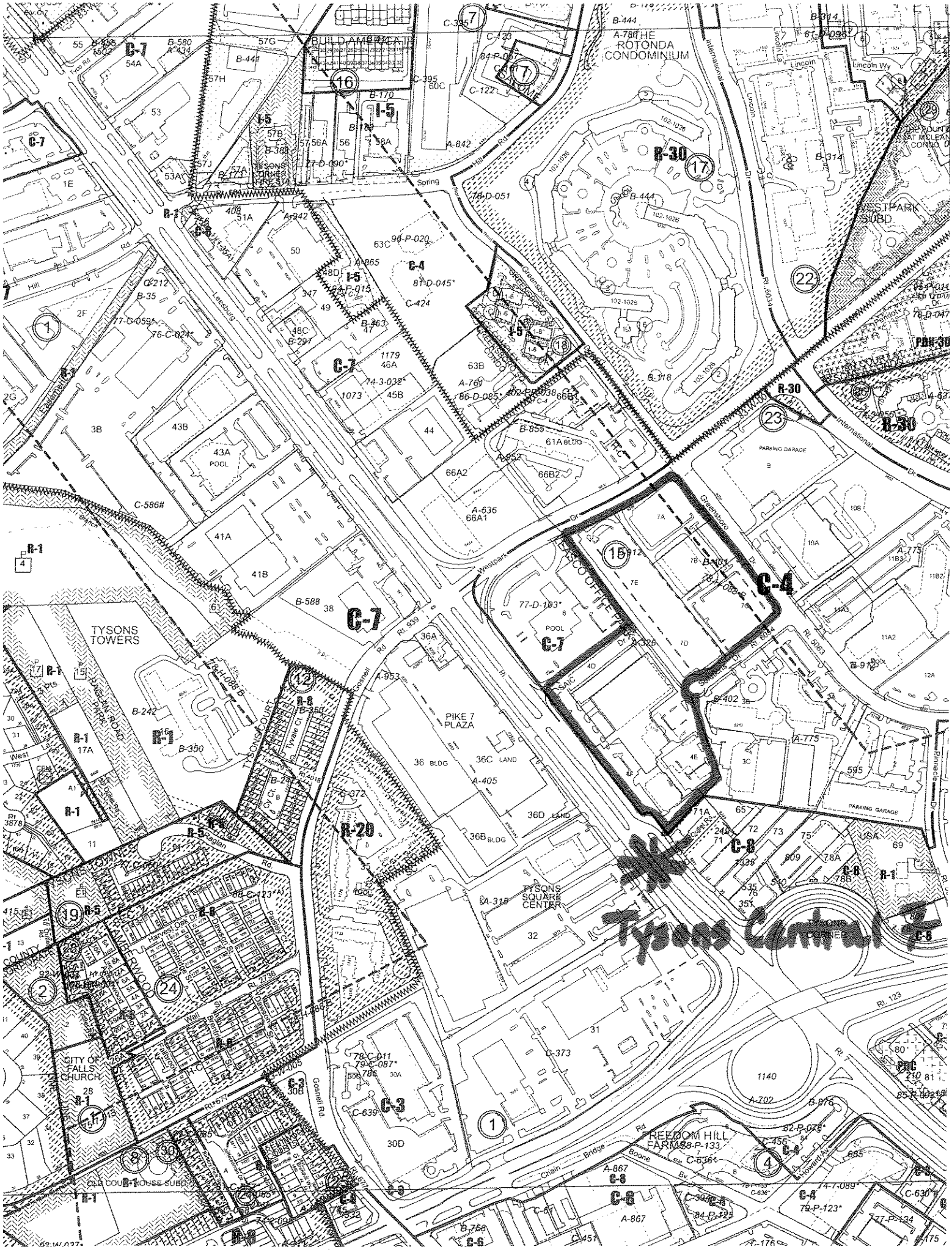
Very truly yours,

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

Martin D. Walsh

MDW/ms

Enclosures
cc: James Zook
Linda Smyth
Ken Lawrence
Bari Berkman
Eric Hazard
Bob Bishop
Elizabeth Baker


Tysons Central 7
THE ROTONDA CONDOMINIUM
WESTPARK SUBD.
TYSONS TOWERS
PIKE 7 PLAZA
TYSONS SQUARE CENTER
TYSONS CORNER
FREEDOM HILL FARMS
CITY OF FALLS CHURCH
OLD COURTHOUSE SUBD.
C-4
C-7
R-30
R-1
R-20
I-5
C-3
C-8
R-8
R-5

Guidance for evaluating development proposals in each subdistrict is contained in the Areawide Recommendations and the following subdistrict recommendations. Redevelopment options are dependent on the degree to which necessary public infrastructure can be provided and Plan objectives and development conditions set forth in the Areawide and subdistrict guidance can be satisfied by the development proposals.

SOUTH SUBDISTRICT

The South Subdistrict is comprised of about 104 acres and is bounded by the Dulles Airport Access Road (DAAR) and Toll Road/Route 7 interchange on the north, Route 7 on the east, the North Central 7 Subdistrict on the south and the West Side District on the west.

Base Plan

Auto sales use is the predominant land use along Route 7; the frontage properties also include two high-rise hotels and several office buildings. This area is planned for and developed with auto sales and office use with support retail and service uses at intensities between 0.7 FAR and 1.0 FAR.

Office use is the predominant land use on Westwood Center Drive and Spring Hill Road; this area away from Route 7 also includes several auto sales uses as well as two low-rise hotels. This area is planned for and developed with these existing uses. The hotels and office uses have intensities between 0.5 FAR and 0.7 FAR.

Redevelopment Option

This subdistrict is envisioned for substantial redevelopment to create a mixed use TOD with significant office, residential and retail components. Planned land uses include office, hotels, residential and retail uses. Retail should include such uses as restaurants and cafes, art galleries, small theaters, specialty and general retail that can help form the foundation for an arts and entertainment center. Live/work and loft housing should be integrated with or be in close proximity to arts and entertainment uses. A series of urban parks should be provided and be linked by the street grid; this green network will provide places for people of all ages to walk and enjoy parks and open space.

To achieve this vision, development proposals should address the Areawide Recommendations, and provide for the following.

- The vision for this subdistrict is to redevelop with significantly higher intensity near the Metro station as well as to become more diverse in land uses and incorporate an arts and entertainment focus. The intensities and land use mix should be consistent with the Areawide Land Use Recommendations.

- Logical and substantial parcel consolidation should be achieved; should result in well-designed projects that function efficiently on their own; should include a grid of streets and public open space system; and should integrate with and facilitate the redevelopment of other parcels in conformance with the Plan. In most cases, consolidation should be sufficient in size to permit redevelopment in several phases that are linked to the provision of public facilities and infrastructure and demonstrate attainment of critical Plan objectives such as TDM mode splits, green buildings and affordable/workforce housing. If consolidation cannot be achieved, as an alternative, coordinated proffered development plans may be provided as indicated in the Areawide Land Use Recommendations.

- Consolidation or coordinated proffered development plans should include a minimum of 15 acres; this land should be located in the first intensity tier (within 1/8 mile of a Metro station) and the second intensity tier (between 1/8 and ¼ mile of a station).

Tysons Land Use Task Force Draft Review Committee Comment

The committee recommends deletion of the above sentence providing specific guidance for consolidation.

- Redevelopment should occur in a manner that fosters vehicular and pedestrian access and circulation. Development proposals should show how the proposed development will be integrated within the subdistrict as well as the abutting districts/subdistricts through the provision of the grid of streets. The major vehicular circulation and access improvements in this subdistrict are the extension of Boone Boulevard and planned new ramps from the Dulles Airport Access Road connecting to Boone Boulevard.

- Redevelopment along planned street alignments should provide right-of-way, construct portions of the street integral to the development, and further the implementation of streets serving the development Other streets should create urban blocks, and pedestrian and bike circulation improvements should be provided, including multi-use trails along the adjacent stream valley park land and the Dominion Power easement. The ability to realize planned intensities will depend on the degree to which access and circulation improvements are implemented consistent with guidance in the Areawide Urban Design and Transportation Recommendations.

- Urban design amenities, such as streetscapes, plazas, courtyards, landscaping, public art, lighting and seating should be provided consistent with the Areawide Urban Design Recommendations

NORTH TYSONS CENTRAL 7 SUBDISTRICT

The North Subdistrict is comprised of about 102 acres, and is generally bounded by Route 7 on the west, International Drive on the north and east, and Route 123 on the south. This area contains the highest natural elevation in the County, which make its skyline visible from great distances. Office use is the predominant land use in the subdistrict. Two hotels are situated at opposite ends of the area, one on the east side and one on the west. In addition, a small number of freestanding retail uses are concentrated in the area adjacent to the Route 7/Route 123 interchange, which is also the location of a water tower and a U.S. Army Communications Tower. Since the tower has a strategic location near the highest point in Fairfax County, the communications tower function is expected to remain, although it is desirable that the tower itself be removed and its functions incorporated onto the top of a new building or buildings.

Base Plan

This area is planned for office with support retail and service uses at intensities up to 1.65 FAR. The exception is the area adjacent to the Route 7/Route 123 interchange, which is planned for and developed with retail uses and two existing public facilities (a communication tower and water tower).

Redevelopment Option

The area will continue to have one of the highest concentrations of office space in Tysons, which has made this cluster of business activity a desired address for businesses seeking signature headquarters buildings. However, the subdistrict is envisioned to become a vibrant 24-hour mixed use area with an increased intensity and diversity of land use including more office and hotel use and the addition of residential and retail uses.

A Civic Plaza type urban park of at least one acre in size should be provided about a block from the Metro station as shown on the Land Use Concept Map. It should be large enough for open-air activities. Public art and water features are encouraged to make the space appealing and attractive. The Land Use Concept Map also shows that other open space amenities should be provided throughout the area.

To achieve this vision, development proposals should address the Areawide Recommendations and provide for the following.

- The vision for this subdistrict is to remain one of Tysons' greatest concentrations of office space, with the provision of more office buildings with highest intensities near the Metro station. However, to become a vibrant 24-hour area, the area's diversity of land use including hotel, residential and retail uses should be provided at intensities and land use mixes consistent with the Areawide Land Use Recommendations.

- Logical and substantial parcel consolidation should be achieved; should result in well-designed projects that function efficiently on their own; should include a grid of streets and public open space system; and should integrate with and facilitate the redevelopment of other parcels in conformance with the Plan. In most cases, consolidation should be sufficient in size to permit redevelopment in several phases that are linked to the provision of public facilities and infrastructure and demonstrate attainment of critical Plan objectives such as TDM mode splits, green buildings, and affordable/workforce housing. If consolidation cannot be achieved, as an alternative, coordinated proffered development plans may be provided as indicated in the Areawide Land Use Recommendations.

  - For the area east of the station (adjacent to the Route 7/Route 123 interchange), which is developed with freestanding retail uses, full consolidation or coordinated proffered development plans should be provided in order to address circulation and access needs associated with a significant increase in intensity for this area. In addition, this area may also need to coordinate access and circulation with the abutting portion of this subdistrict.

  - For the area fronting Route 7 abutting the station, the consolidation or coordinated proffered development plans should include a minimum of 20 acres

and should include adequately phased circulation and access improvements, as well as providing the area's envisioned mix of uses. In addition, this area will need to provide a Common Green type urban park of about one acre in size to provide active and passive recreation and leisure opportunities for residents and workers as shown on the land use concept map.

- For the area north of Greensboro Drive, consolidation should include two or three properties as needed to provide open space and street grid improvements as shown on the land use concept map.

- For the area north and west of Westpark Drive, consolidation should occur with property in the abutting Tysons West District.

Tysons Land Use Task Force Draft Review Committee Comment

The committee recommends deletion of the above sub-bullets providing specific guidance for consolidation.

- Redevelopment should occur in a manner that fosters vehicular and pedestrian access and circulation. Development proposals should show how the proposed development will be integrated within the subdistrict as well as the abutting districts through the provision of the grid of streets.

- The major circulation improvement for this subdistrict is a new street connecting Westpark Drive to Pinnacle Drive and potentially extending to International Drive, where the new street would align with Tysons Boulevard. Redevelopment along the planned new street alignment should provide the right-of-way and construct the street, in phases if necessary. In addition, other streets (creating urban blocks) as well as other pedestrian and bike circulation improvements should be provided to improve connectivity. The ability to realize planned intensities will depend on the degree to which access and circulation improvements are implemented consistent with the Areawide Urban Design and Transportation Recommendations.

- Publicly accessible open space and urban design amenities should be provided consistent with the Areawide Urban Design Recommendations and the urban park and open space standards in the Environmental Stewardship recommendations.

- When redevelopment includes a residential component, it should include recreational facilities and other amenities for the residents, as well as affordable/workforce housing as indicated under the Land Use guidelines.

- Public facility, transportation and infrastructure analyses should be performed in

conjunction with any development application. The results of these analyses should identify necessary improvements, the phasing of these improvements with new development, and appropriate measures to mitigate other impacts. Also, commitments should be provided for needed improvements and for the mitigation of impacts identified in the public facility, transportation and infrastructure analyses, as well as improvements and mitigation measures identified in the Areawide Recommendations.

- This subdistrict contains the highest natural elevation in the County, and its skyline is visible from great distances. This subdistrict has some of the tallest buildings in Tysons, and new buildings are expected to contribute to its distinctive skyline. Maximum building heights range from 200 feet to 360 feet, depending upon location, as shown on the building height map and discussed in the Areawide Urban Design Recommendations. The tallest buildings should be closest to the Metro station with a maximum height of 360 feet.

- A potential circulator alignment extends across this subdistrict, as described in the Areawide Transportation Recommendations. In addition to the above guidance for this area, redevelopment proposals along the circulator route should provide right-of-way or otherwise accommodate the circulator and should make appropriate contributions toward its construction cost. See the discussion of Intensity in the Areawide Land Use Recommendations.

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David R. Gill
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McGUIREWOODS

dgill@mcguirewoods.com

October 26, 2009

Fred Selden
Director, Planning Division
Department of Planning & Zoning
12055 Government Center Parkway, Suite 730
Fairfax, VA 22035

RE: Draft Tysons Strawman Language as applied to Tax Map Parcel 39-2-((1))-13C (the "Property")

Dear Fred:

We represent Campus Point Realty Corporation ("SAIC") which owns the above-referenced Property. The Property is located north of Science Applications Court in what has been defined as subarea 2 of the South Old Courthouse Subdistrict in the current draft "strawman" language. As you may recall, you were kind enough to meet with us to review our ideas for how the Property might better serve the overall goals of the Tysons Plan, especially given how the Property is uniquely positioned to potentially accommodate the new lines of business SAIC will compete for as part of its recently announced move to Fairfax County.

With that context, we appreciate this opportunity to formalize the ideas we presented to you at our meeting. We suggest creation of a new subarea ("Subarea 3") to create a mixed-use transition on this 14.7 acre Property from the established residential edge to the south to the commercial core of Tysons to the north. We have enclosed our mixed-use vision for this new subarea along with suggested plan text which will create the appropriate incentive for redevelopment.

As you can see, our proposed plan is logical and appropriate given the current planning context, which would otherwise condemn this critical site to its current state, low-density, surface-parked office with no amenities for the community or for Tysons as a whole. In order to accommodate a transition to the south, office up to 8 stories with structured parking is proposed in two buildings along I-495. Besides mirroring the height and massing of the existing office building at 1951 Kidwell Drive on the property immediately adjacent to the north and creating a natural and approximate link to the commercial core to the north, this approach has the added benefit of allowing the proposed office buildings to function as a "soundwall" and shield the existing residential communities to the south and west from I-495 noise.

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OCT 30 2009
DIRECTOR
DEPT. OF PLANNING & ZONING

Critical to our vision is encouraging orientation of the site to north, with access to Kidwell Drive and Gallows Branch Road, away from the established residential neighborhood to the south. This linkage to the commercial core to the north is reinforced by creating a natural extension of the street-grid throughout the site, enhancing pedestrian and vehicular access. This orientation will also reduce the reliance on Science Applications Court, minimizing the impact on the residential communities on Gallows Road and the Reserve at Tysons Corner community. At its core, re-orienting the site to north is a sea change in how this site has been evaluated in the past and this alone justifies reexamining the Property's role in Tysons.

To complete the transition between the proposed office use and the established residential development, SAIC is proposing "mid-rise" residential up to six stories. This residential creates a mixed-use node and reinforces the transition from the slightly taller proposed office buildings and the existing multi-family and townhomes to the south and west. The FAR that our vision represents is only a 1.5, under either option. This density mirrors the existing density on the office building immediately to the north and is below the density guidance in the current "strawman" for those areas.

As mentioned above, in order to accomplish our vision, we are proposing to create a new subarea for this Site in order to reflect its unique role as a transition between two important subareas, the residential edge along Gallows Road and the commercial core of Tysons along Route 7. In our suggested plan text, the base option would be the existing planning "strawman" guidance. Consistent with our vision, we also propose a redevelopment option for mixed-use up to a 1.5 FAR, with appropriate conditions to ensure that the transition is created, that access is oriented to Kidwell Drive and Gallows Branch Road, noise is appropriately mitigated and a mixed-use, pedestrian friendly environment is achieved.

SAIC believes that this Property is critical to the overall success of Tysons and to supporting SAIC's investment in Fairfax County. As such SAIC will be meeting in the near term with the surrounding communities to solicit their feedback as well as continue to work with Tysons Planning Commission Subcommittee on the vision for this site. We fully acknowledge that this proposed plan is a draft suggested plan and look forward to working with you and your staff to appropriately refine our ideas as the strawman language evolves.

Sincerely,

David R. Gill

cc: Chairman Sharon Bulova, Fairfax County
Supervisor Linda Q. Smyth, Providence District
Walter L. Alcorn, Chairman, Tysons Corner Planning Commission Subcommittee
Kenneth Lawrence, Tysons Corner Planning Commission Subcommittee
Senator George Barker, Tysons Draft Review Committee
James P. Zook, Director, Department of Planning and Zoning
Robert A. Bishop, Science Applications International Corporation (SAIC)
Jeff Zell, JM Zell Partners
Jonathan Rak, McGuireWoods LLP

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Suggested Plan Text for SAIC Gallows Road Site
October 23, 2009

Based on "Strawman II Recommendations"
Tysons Corner Urban Center
District Recommendations DRAFT, September 16, 2009

NORTHEAST OLD COURTHOUSE SUBDISTRICT

The Northeast Old Courthouse Subdistrict is comprised of about ~~44~~ *59* acres and is bounded by Route 7 on the north, the Capital Beltway on the east, Gallows Road on the west, and Gallows Road and ~~Gallows Branch Road~~ *Science Applications Court* on the south. Along Route 7, development includes a variety of strip retail uses, and large office buildings with retail uses. Away from Route 7, to the south, the area is predominantly developed with midrise and low-rise office buildings which transition toward the edge of the Old Courthouse District.

The subdistrict is composed of ~~two~~ *three* parts. Subarea 1 is between Route 7 and the planned Boone Boulevard extension to Kidwell Road. Subarea 2 is between the planned extension of Boone Boulevard and Gallows Road. *Subarea 3 is between Science Applications Court and Kidwell Drive.*

Subarea 1

Subarea 1 is comprised of about 25 acres and is located between Route 7 and the Boone Boulevard extension.

Base Plan

Subarea 1 is planned for and developed with office and support retail and service uses up to 1.2 FAR. The exception to this is Parcel 39-2((1))9 and Parcels 39-2((2))48,50,52,54,56A,58, which are planned for and developed with retail uses.

Redevelopment Options

With logical and substantial parcel consolidation that ensures well-designed projects that function efficiently and integrates with and facilitates the redevelopment of other properties in conformance with the Plan, the retail uses are appropriate to redevelop to office use with support retail and service uses up to 1.2 FAR. As an alternative, mixed use with a significant residential component may be appropriate up to 1.8 FAR throughout this subarea (if the mix of uses has less traffic impact than office redevelopment at 1.2 FAR).

In addition, a mix of office and hotel uses up to 1.27 FAR may be appropriate for

Parcel 39-2((2))106 (which is split between Subareas 1 and 2), if the following conditions are met:

• Consolidation with Parcels 39-2((2))114, 114A, D1 and D2 in subarea 2;
• The resulting mix of uses has no more traffic impact than office use at 1.2 FAR on the Subarea 1 portion and office use at 1.0 FAR on the Subarea 2 portion.
• A transportation analysis should be performed in conjunction with any development application which should demonstrate how the area pedestrian and vehicular circulation can be improved. Improvements needed to enhance circulation and mitigate transportation impacts directly related to site generated traffic should be provided; and
• The hotel should provide for community-serving amenities such as meeting spaces.

All the above redevelopment options for this subarea should be designed with the intent of unifying this subarea through creating focal points, providing pedestrian and open space amenities, and interconnecting the area by means of the planned grid of streets. The intensities and land use mix should be consistent with the Areawide Land Use Recommendations.
Building height in this subarea may be up to 105 feet (see the Building Height Map and Building Height Guidelines in the Areawide Urban Design Recommendations).

Subarea 2
Subarea 2 is comprised of about 19 acres and is located between the Boone Boulevard extension and Gallows Road.

Base Plan
This subarea is planned for and developed with office use with support retail and other services up to 1.0 FAR to create a transition between development along Route 7 and the Old Courthouse Road edge.

Redevelopment Options
As an alternative, mixed use with a significant residential component may be appropriate up to 1.5 FAR (if the mix of uses has less traffic impact than office use at 1.0 FAR). In addition, logical and substantial parcel consolidation should be provided with all redevelopments to ensure well-designed projects that function efficiently and integrate with and facilitate redevelopment of other parcels, in conformance with the Plan.

As an option, a mix of office and hotel uses up to 1.27 FAR may be appropriate for Parcels 39-2((2))114, 114A, D1 and D2 (in Subarea 2) with Parcel 39-2((2))106 (which is split between Subareas 1 and 2), if these parcels are consolidated and the conditions under the previous subarea are addressed.
All the above redevelopment options for this subarea should be designed with the intent of unifying this subarea through creating focal points, providing

pedestrian and open space amenities, and interconnecting the area by means of the planned grid of streets. The intensities and land use mix should be consistent with the Areawide Land Use Recommendations.

Building height in this subarea can be up to 60 feet. However, if parcels are consolidated as indicated under the office and hotel redevelopment option above, the portion of Parcel 39-2((2))106 within this sub-unit could be considered for a height up to 105 feet in order to provide design flexibility under this option. (See Building Height Map and Building Height Guidelines in the Areawide Urban Design Recommendations).

Subarea 3

Subarea 3 is comprised of approximately 15 acres and is located between Science Applications Court and Kidwell Drive/Gallwos Branch Drive.

Base Plan

Subarea 3 is planned for and developed with office use up to .50 FAR, with an option to redevelop with residential use up to 30 dwelling units per acre. Due to its location next to the Capital Beltway, if developed as residential, residential area should provide noise attenuation measures consistent with the Policy Plan. Building height is limited to 75 feet.

Redevelopment Options

As an alternative, this subarea is planned for office use with support retail and other services up to 1.0 FAR to create a transition between the South Old Courthouse Road Subdistrict Subarea 2 – Residential Edge to the south and the Northeast Old Courthouse Subdistrict Subareas 1 and 2 to the north. In addition, mixed use with a significant residential component may be appropriate up to 1.5 FAR (if the mix of uses has less traffic impact than office use at 1.0 FAR). In addition, logical and substantial parcel consolidation should be provided with all redevelopments to ensure well-designed projects that function efficiently and integrate with and facilitate redevelopment of other parcels, in conformance with the Plan. If parcels are consolidated as indicated under this redevelopment option, this sub-unit should be considered for a height up to 105 feet tapering down to a height up to 70 feet. (See Building Height Map and Building Height Guidelines in the Areawide Urban Design Recommendations).

Such redevelopment options may be appropriate if the following conditions are met:

- *The resulting mix of uses has no more traffic impact than office use at 1.0 FAR.*
- *Demonstration that the massing of buildings and tapering of building height will ensure appropriate noise mitigation for any residential use located within the subarea.*

- *Demonstration that the massing of buildings and tapering of building height will ensure appropriate and logical transition between the taller buildings to the north in Subareas 1 and 2 and the Residential Edge planned for the South Old Courthouse Subdistrict Subarea 2.*
- *A transportation analysis should be performed in conjunction with any development application which should demonstrate how the area pedestrian and vehicular circulation can be improved by orienting primary access to the site toward Kidwell Drive and Gallows Branch Drive, away from Science Applications Court. Improvements needed to enhance circulation and mitigate transportation impacts directly related to site-generated traffic should be provided.*

Additional Guidance for Northwest and Northeast Subdistricts
To achieve the redevelopment options envisioned for both the Northwest and Northeast Old Courthouse Subdistricts, development proposals should address the Areawide Recommendations, which include the following.

• Redevelopment should occur in a manner that fosters vehicular and pedestrian access and circulation. Development proposals should show how the proposed development will be integrated within the subdistrict as well as the abutting districts/subdistricts through the provision of the grid of streets.

• The major circulation improvement for this district is the Boone Boulevard extensions to the west across Route 123 and to the east to Kidwell Drive. Development should allow for the eventual construction of this roadway. If property or uses are to be expanded, developed or redeveloped along this road's planned alignment, right-of-way should be dedicated and construction of the collector road should be provided, as determined appropriate by the County.

• A potential circulator alignment extends through both subdistricts along Boone Boulevard and its extension to Kidwell Drive, as described in the Areawide Transportation Recommendations. In addition to the above guidance for this area, redevelopment proposals along the alignment should provide right-of-way or otherwise accommodate this circulator and should make appropriate contributions toward its construction cost. See the Intensity section of the Areawide Land Use Recommendations.

• Urban design and open space amenities, such as streetscapes, plazas, courtyards, landscaping, lighting and seating should be provided consistent with the Areawide Urban Design Recommendations, as well as consistent in quantity with the urban park and open space standards under the Areawide Environmental Stewardship Recommendations.

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David R. Gill
Direct: 703.712.5039

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McGUIREWOODS

dgill@mcguirewoods.com

January 8, 2010

Supervisor Linda Q. Smyth
Providence District
8739 Lee Highway, Fairfax
Fairfax, VA 22031

RE: Revised Concept for Tax Map Parcel 39-2-((1))-13C (the "Property")

Dear Linda:

Thank you for meeting before holidays with Robert Bishop of Campus Point Realty Corporation ("SAIC"), which owns the above-referenced Property, Jonathan Rak, Jeff Zell, Elizabeth Wilcox and myself. As you may recall from that meeting, you were kind enough to provide us with feedback on some of your concerns with our original concept for how the Property might better serve the overall goals of the Tysons Plan. This feedback was especially critical given how the Property is uniquely positioned to potentially accommodate the new lines of business SAIC will compete for as part of its recently announced move to Fairfax County.

What we heard from that meeting was your desire for a concept that emphasized creating a true sense of place by providing more services for the community, including community-serving retail and other critical services such as day care. Then, complement such uses with strategic public open space to create meaningful active recreational opportunities. Lastly, the sense of place should be anchored by utilizing "iconic" architecture to capitalize on the view from I-495. These new buildings should maximize innovative green-building techniques and low-impact development principles while providing a meaningful transition from the surrounding residential to the heart of Tysons. You also mentioned that any concept should incorporate potential future dedication for additional lanes along I-495.

To help create an innovative revised concept consistent with your direction, we brought in the nationally recognized architectural firm FXFOWLE Architects to work with our local team (WDG Architecture) to take a fresh look at the Property. FXFOWLE Architects is a national architectural firm committed to design excellence, social responsibility, and sustainability, including recently completed sustainable office buildings for Reuters America, The Condé Nast Building, and the New York Times. With their outside-the-region perspective, our team was able to develop the enclosed innovative design, which we believe favorably responds to your feedback and will create a new sense of place in Tysons. Besides the enclosed plans we have also included suggested plan text necessary to implement this vision.

Utilizing innovative architecture and green building elements, we were able to create a modern urban concept that also reflects the future expansion of I-495. As you can see from the rendering, the project would be anchored principally by a modern office tower that would create a unique visual "gateway" from I-495. Under this concept, the new proposed buildings could achieve LEED Gold certification and would be encouraged to utilize innovative environmental measures such as potentially using the I-495 cloverleaf for stormwater management.

Also critical to this revised concept is the incorporation of public open space to maximize the public realm by creating tiers of public open space, such as active recreational space which could be used by the public for tennis/basketball courts and even accommodate a softball field. These usable facilities would then transition to an active green suitable for a variety of activities such as walking dogs or playing Frisbee. Lastly, as the open space nears the proposed office buildings, the creation of a terrace and outdoor atrium creates a more urban space, reminiscent of a public square that begins to differentiate the suburban areas to the south with the goal of creating a more urban Tysons to the north.

Finally, the sense of place is enhanced by the incorporation of needed community serving uses, primarily community serving retail and a day-care facility. These uses will fill a critical void in the community and within the proposed development. Overall, this revised concept represents a 1.5 FAR to allow for a transition from the proposed recommendation of a 1.8 FAR to the north of the Property to the recommendation of 30 dwelling units to the acre to the south of the Property.

We strongly believe this revised concept is responsive to your feedback and remains critical to the overall success of Tysons as well as supporting SAIC's continued investment in Fairfax County. We look forward to working with you to appropriately refine this concept as the overall plan language evolves.

Sincerely,

David R. Gill

cc: Chairman Sharon Bulova, Fairfax County
Walter L. Alcorn, Chairman, Tysons Corner Planning Commission Subcommittee
Kenneth Lawrence, Tysons Corner Planning Commission Subcommittee
Senator George Barker, Tysons Draft Review Committee
James P. Zook, Director, Department of Planning and Zoning
Fred Selden, Director Planning Division, Department of Planning and Zoning
Robert A. Bishop, Science Applications International Corporation (SAIC)
Jeff Zell, JM Zell Partners
Jonathan Rak, McGuireWoods LLP

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Suggested Plan Text for SAIC Gallows Road Site
January 7, 2010

Based on "Strawman II Recommendations"
Tysons Corner Urban Center
District Recommendations DRAFT, September 16, 2009

NORTHEAST OLD COURTHOUSE SUBDISTRICT

The Northeast Old Courthouse Subdistrict is comprised of about 44 *59* acres and is bounded by Route 7 on the north, the Capital Beltway on the east, Gallows Road on the west, and Gallows Road and ~~Gallows Branch Road~~ *Science Applications Court* on the south. Along Route 7, development includes a variety of strip retail uses, and large office buildings with retail uses. Away from Route 7, to the south, the area is predominantly developed with midrise and low-rise office buildings which transition toward the edge of the Old Courthouse District.

The subdistrict is composed of ~~two~~ *three* parts. Subarea 1 is between Route 7 and the planned Boone Boulevard extension to Kidwell Road. Subarea 2 is between the planned extension of Boone Boulevard and Gallows Road. *Subarea 3 is between Science Applications Court and Kidwell Drive.*

Subarea 3
Subarea 3 is comprised of approximately 15 acres and is located between Science Applications Court and Kidwell Drive/Gallows Branch Drive.

Base Plan
Subarea 3 is planned for and developed with office use up to .50 FAR, with an option to redevelop with residential use up to 30 dwelling units per acre. Due to its location next to the Capital Beltway, if developed as residential, residential area should provide noise attenuation measures consistent with the Policy Plan. Building height is limited to 75 feet.

Redevelopment Option
Given the visibility and prominence of this subarea from I-495 and Route 7, this subarea is also planned as an option for office/mixed use with support community-oriented retail and other community services up to 1.5 FAR to create a transition between the South Old Courthouse Road Subdistrict Subarea 2 – Residential Edge to the south and the Northeast Old Courthouse Subdistrict Subareas 1 and 2 to the north.

Such redevelopment options may be appropriate if the following conditions are met:

- *Buildings visible from I-495 shall utilize high-quality architecture to create iconic structures that will help establish a visual "gateway" to Tysons. The development shall feature a coordinated plan which provides for such high quality architecture, design, and building materials to foster development that is compatible with existing and planned development in adjacent subdistricts;*

- *In order to create "iconic" structures and encourage the creation of usable open space and recreation for the benefit of the surrounding community, this subdistrict should be considered for a height up to 175 feet tapering down to a height up to 70 feet. (See Building Height Map and Building Height Guidelines in the Areawide Urban Design Recommendations).*

- *Demonstration that the massing of buildings and strategic use of open space will ensure appropriate and logical transition between the taller buildings to the north in Subareas 1 and 2 and the Residential Edge planned for the South Old Courthouse Subdistrict Subarea 2.*

- *Demonstration that the massing of buildings and tapering of building height will ensure appropriate noise mitigation for any residential uses to the south and west.*

- *Demonstration of creation of usable open space and active recreational elements for public use. Creation of a "dog park", fitness trail, multi-purpose field or other similar facility is strongly encouraged.*

- *Integration of subordinate community-oriented retail and services, including uses such as:*

    - *Community grocer*
    - *Services such as dry-cleaner and coffee shop*
    - *Day-care (either Adult or Child)*
    - *Health Club*
    - *Community Rooms*

  Such uses shall be a minimum of 25,000 gross square feet.

- *Demonstrate a reduction in impervious surface area and enhanced stormwater treatment beyond current requirements. Such means shall include:*

- *Coordination with VDOT regarding potentially utilizing I-495 "cloverleafs" for stormwater management purposes*
- *Encouraging use of structured parking and reduce use of surface parking lots through the use of "maximum parking" limits*

- *Provision of environmental elements into the design, including buildings designed to meet the criteria for LEED Gold green building certification; integration of data lines and connections to maximize potential of data sharing between tenants in Tysons and reduce "intra" Tysons automobile trips; and potentially utilize the site for pilot project on the implementation of "smart grid" technology.*

- *A transportation analysis should be performed in conjunction with any development application which should demonstrate how the area pedestrian and vehicular circulation can be improved by extending the street grid through the subunit and orienting access to the site toward Kidwell Drive and Gallows Branch Drive, away from Science Applications Court. Improvements needed to enhance circulation and mitigate transportation impacts directly related to site-generated traffic should be provided.*

  - *Such street grid shall be designed for urban streets, with on-site street parking and urban design elements to support multi-modal transportation solutions.*

In addition, logical and substantial parcel consolidation should be provided with all redevelopments to ensure well-designed projects that function efficiently and integrate with and facilitate redevelopment of other parcels, in conformance with the Plan.

Additional Guidance for Northwest and Northeast Subdistricts

To achieve the redevelopment options envisioned for both the Northwest and Northeast Old Courthouse Subdistricts, development proposals should address the Areawide Recommendations, which include the following.

• Redevelopment should occur in a manner that fosters vehicular and pedestrian access and circulation. Development proposals should show how the proposed development will be integrated within the subdistrict as well as the abutting districts/subdistricts through the provision of the grid of streets.

• The major circulation improvement for this district is the Boone Boulevardextensions to the west across Route 123 and to the east to Kidwell Drive. Development should allow for the eventual construction of this roadway. If property or uses are to be expanded, developed or redeveloped along this road's

planned alignment, right-of-way should be dedicated and construction of the collector road should be provided, as determined appropriate by the County.

• A potential circulator alignment extends through both subdistricts along Boone Boulevard and its extension to Kidwell Drive, as described in the Areawide Transportation Recommendations. In addition to the above guidance for this area, redevelopment proposals along the alignment should provide right-of-way or otherwise accommodate this circulator and should make appropriate contributions toward its construction cost. See the Intensity section of the Areawide Land Use Recommendations.

• Urban design and open space amenities, such as streetscapes, plazas, courtyards, landscaping, lighting and seating should be provided consistent with the Areawide Urban Design Recommendations, as well as consistent in quantity with the urban park and open space standards under the Areawide Environmental Stewardship Recommendations.

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Tysons File

KKM Ventures LLC

October 23, 2009

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OCT 28 2009
FAIRFAX COUNTY
PLANNING COMMISSION

Mr. Walter Alcorn
Planning Commissioner at Large
Government Center
12000 Government Center Parkway, #330
Fairfax County, Virginia 22035

Dear Walter,

I wanted you to know how much I appreciate your commitment to achieving the best possible plan for the future of Tysons Corner. While it's hard to agree with all of the proposed changes, I do feel there is a bright future in the years to come.

I am writing on behalf of my businesses, Kip Killmon's Tysons Ford and KKM Ventures LLC, and would appreciate your consideration regarding the following slight change to wording in the "Strawman II". On page 185, "Redevelopment Options":

- The last sentence in the first paragraph currently reads: "In addition, higher intensity may be allowed for property within ½ mile walking distance of the Tysons Central 7 Metro station."

- Please consider: "In addition, higher intensity may be allowed for property within ½ mile walking distance of any Tysons Corner Metro Rail station."

In reality, walking to Tysons Central 123 may be more direct and it's not clear how a pedestrian will be able to walk under or over the interchange at Routes 7 and 123, to be able to reach Tysons Central 7.

Thank you for considering this request and please call me directly on 703-626-3051 if you have any questions.

Sincerely,

Kip Killmon
Tysons Ford

CC: Jim Zook, Director- Department of Planning and Zoning

524 Innsbruck Avenue, Great Falls, Virginia 22066

Cooley
GODWARD KRONISH LLP

Jill S. Parks
(703) 456-8067
jparks@cooley.com

October 13, 2009

Fred Selden and Sterling Wheeler
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035-5505

RE: 8350 Boone Boulevard – the American Center

Dear Fred and Sterling:

On behalf of American Center Property LLC, an affiliate of Beacon Capital Partners LLC (the "Owner"), we are writing to request your reexamination of the property identified on the Fairfax County Tax Map as 29-3 ((4)) 6 and commonly known as the American Center (the "Property"). Although located in the vortex of Tysons Corner - on Boone Boulevard, immediately south of the intersection of Routes 7 and 123 - the Property was mistakenly classified as a non-transit oriented development and as a result, was allocated the type of low intensities more appropriate to a transitional area than a core site. Furthermore, the entire area south of the intersection of Routes 7 and 123 was excluded from an otherwise uniform intensity allocation and should be reevaluated using the systematic approach applied everywhere else in Tysons.

I. <u>The Property is located at the most critical junction in Tysons Corner</u>

As noted, the Property is critically located at the crossroads of Tysons Corner – on Boone Boulevard, just south of the intersection of Routes 7 and 123. As the area's two major boulevards, Routes 7 and 123 are planned to be the most important multi-modal connectors and thoroughfares in Tysons Corner. They are expected to carry the largest volume of automobile traffic, have capacity for the Metrorail and circulator and accommodate bus, bicycle and foot traffic. And, the Property has direct access to both. Boone Boulevard will also be a critical thoroughfare – it is planned to carry high traffic volumes so as to divert cars off Routes 7 and 123. In addition, its improvement will facilitate a walkable, bikable transit corridor, with on-street parking, 8 – 10-foot wide sidewalks and bicycle lanes in each direction. With the reinvention of Boone Boulevard, properties such as this one that have historically fronted Route 7 will be reoriented to front both streets. This pivot will open up an entirely new redevelopment corridor, right in center of the city. And, as the redevelopment of the Property will serve as exactly the type of focal point envisioned for this area, it is inconceivable that it was planned as part of a transition area between the Tysons Central 123 District and the neighboring communities, and not as a transit-oriented development in its own right.

II. The Property is in close proximity to the Tysons Central 7 Metrorail Station

Notwithstanding its particular attributes, the Property was treated disparately as compared with similarly-situated properties at the Tysons West, Tysons Central 123 and Tysons East Metrorail Stations. In its second draft Comprehensive Plan Amendment ("Straw Man II"), Staff outlined its intensity recommendations as follows: properties within 1/8 mile of a Metrorail Station can achieve a 4.75 FAR; properties within 1/4 mile of a Metrorail Station can redevelop up to a 2.75 FAR; and, properties within 1/2 mile of a Metrorail Station can redevelop up to a 2.0 FAR, all exclusive of bonuses. As the Property is located mostly within a 1/4 mile but wholly within 1/3 mile of the Tysons Central 7 Metrorail Station, it would follow from the recommendations summarized above that the Property could redevelop up to a 2.75 FAR in the area closest to the station, and up to a 2.0 on the portion fronting Boone Boulevard – not so. Instead, the auto sales and retail uses were deemed appropriate to redevelop to office use with support retail and service uses up to 1.2 FAR; or, in the alternative, Staff thought that mixed-use with a significant residential component could be appropriate up to a 1.8 FAR, if the mix of uses has less traffic impact than office redevelopment a 1.2 FAR. Finally, Staff equivocally provided that "higher intensity *may be* allowed for property within 1/2 mile walking distance of the Tysons Central 7 Metrorail Station."

It is unclear why this Property was not simply and cleanly planned to develop in accordance with Staff's area wide recommendations when all similarly-situated properties at the other three Metrorail Stations were systematically allocated their intensities. One look at the Conceptual Intensity Map on page 26 of Straw Man II makes the point: the 1/8, 1/4 and 1/2 mile intensity rings were drawn concentrically and evenly around the Tysons West, Tysons Central 123 and Tysons East Metrorail Stations. However, the intensity ring around the Tysons Central 7 Metrorail Station is not enclosed: the entire area south of the intersection of Routes 7 and 123 was capriciously omitted.

Especially in light of its adjacency to the crossroads of Tysons Corner and proximity to the Tysons Central 7 Metrorail Station, it is self-evident that the Property should and must be treated as a transit-oriented development. Accordingly, we respectfully request that Staff rejigger the intensity ring around the Tysons Central 7 Metrorail Station to mirror those at the other three stations. In asking for a uniform application of its intensity recommendations, the Owner is asking for no more – and no less – than what is clearly equitable.

Thank you for your consideration. Please let me know if you have any questions.

Sincerely,

Jill Parks

Jill S. Parks

Cooley
GODWARD KRONISH LLP

cc: The Honorable Linda Q. Smyth, Providence District Supervisor
Mr. Kenneth A. Lawrence, Providence District Planning Commissioner
Mr. Walter L. Alcorn, At-Large Planning Commissioner and Chairman of the Tysons Corner Committee
Mr. Clark Tyler, Chairman of the Tysons Land Use Task Force
Senator George L. Barker, Chairman of the Tysons Land Use Task Force's Draft/Review Subcommittee
Mr. Antonio Calabrese, Cooley Godward Kronish, LLP
Ms. Karen Gentry, Beacon Capital Partners
Mr. Jeff Kovach, Beacon Capital Partners

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Copy to Selden Byron Fahrney Wheeler Zadel

LECLAIRRYAN

October 2, 2009

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DIRECTOR
DEPT. OF PLANNING & ZONING

Matt O'Neil to understand better the conflict with the grid. J.

Mr. Walter L. Alcorn, Chairman
Planning Commission Tysons Corner Committee
Planning Commission Office
Government Center
12000 Government Center Parkway, Suite 330
Fairfax, VA 22035

Mr. James P. Zook, Director
Department of Planning and Zoning
12055 Government Center Parkway
Suite 755
Fairfax, Virginia 22035

Re: Transforming Tysons Comprehensive Plan Amendment
Tysons Corner Georgelas Group Demonstration Project

Dear Chairman Alcorn and Mr. Zook:

Our firm represents HBL of Tysons, the owner and operator of three high-end automobile dealerships and service centers, located at 8545 Leesburg Pike, 8601 Westwood Center Drive, and at 8598 Leesburg Pike. HBL is the long-term tenant on these parcels and, therefore, has significant property and economic interests at stake in any plan to develop road grid in this area. On behalf of HBL, I am submitting these comments for your consideration as you review the proposed Comprehensive Plan Amendment ("Straw Man II") and the Georgelas Group demonstration project submittals.

Transforming Tysons Comprehensive Plan Amendment

We appreciate that the transformative planning strategies currently under discussion are meant to be implemented "organically" over decades, perhaps over the next forty years. We also recognize the difficulty of the Tysons Corner Committee's task of reconciling private business plans with public goals. As part of the Tysons community, we ask that the Planning Commission carefully consider the input of owners and tenants, who may have long-term lease commitments or other investments in current uses. Specifically, when planning and implementing the official street grid map, planners will need to work closely with landowners to avoid recommending grid that may not be feasible for many years due to economic or other limitations, such as leases and investments. Therefore, plans for future road grid accommodate gradual development as leases,

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investments, and other use commitments expire. Though any proposed development needs to be supported by requisite infrastructure, road grid should be developed to respond to approved or anticipated development. It should not interfere with current uses by preparing for development that will not materialize for decades in the future. In short, it is not feasible to design street grid crossing through major improvements on parcels committed to their current uses for years to come.

Planning Staff acknowledges in Straw Man II that "(i)t is desirable to maintain many services, such as auto dealerships, service and repair shops, even if their physical surroundings change." We appreciate that acknowledgement and Commissioner Lawrence's question whether the amendment accounts for properties that may not currently benefit economically from redevelopment. We ask that the Planning Staff identify these sites and work with landowners and lessees, including HBL, to avoid disruption to current land uses that economically benefit the County and its citizens.

Georgelas Group Demonstration Project as Illustration

HBL leases the property located at 8598 Leesburg Pike, which is immediately northwest of the parcels included in the Georgelas Group's demonstration project. HBL has made expensive improvements to the property as recently as 2003 and 2004 and plans major additional improvements in 2010 and 2011. HBL is in only the sixth year of a twenty-five year lease, and it has strong financial incentives to continue operating its business in these facilities until the lease expires in 2028. Thus, roads and interior streets through this property are infeasible until 2028.

The Georgelas demonstration project proposal creates potential difficulties for Tysons property owners. The proposal is premised on consolidation of 11 parcels containing 28.45 acres in the aggregate. Consolidation makes it possible to design a large integrated project that incorporates civic amenities, including short blocks of connecting roads.

However, although the Georgelas proposal itself is limited to development within the block between Spring Hill Road on the east, Tyco Road on the west, and Leesburg Pike on the South, the plan takes dramatic liberties by extending its proposed new street grid across nearby properties, including HBL's property, without consulting HBL or considering the impacts upon its facilities and business. Among other impacts, the Georgelas proposal would require demolition of HBL's Service Center, its new show room and offices, both completed in 2004, and its planned garage, to be built in 2010 and 2011. We, of course, oppose this aspect of the Georgelas proposal, which would devastate HBL's business if implemented within the next nineteen years. Equally important, the Georgelas proposal conflicts with the Fairfax County Department of Transportation study team's Options 1 and 2 for Greensboro Drive.

Finally, the Demonstration Plan guidelines called for consideration of non-contiguous land "to the extent it furthers the ability of the project to implement ... street grid." During the second phase of submission, the project participant must do two things that will test and elaborate on that proposed street grid: (a) complete a preliminary engineering study of an urban street grid for the project's site and area of close proximity; and (b) present a phasing plan that explains progression from existing conditions to ultimate build-out. If streets are to be laid on the Georgelas project site, they must connect to street grid off-site, so these tasks would necessarily explore various options and determine whether and when such off-site street grid can be constructed. HBL would appreciate the opportunity to be part of such discussions.

Thank you for your careful consideration of our comments and please contact me if you wish to engage HBL in planning discussions.

Sincerely,

Lee E. Goodman

cc: Commissioner Ken Lawrence, Tysons Corner Committee
Mr. Robert Farrell, President, HBL of Tysons

dclafa

JBG ROSENFELD RETAIL

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MAY 0 8 2008
FAIRFAX COUNTY
PLANNING COMMISSION

May 5, 2008

VIA: EMAIL TO ML.CT2@verizon.net and U.S. MAIL

Clark Tyler, Chairman, and Members,
Tysons Land Use Task Force
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway
Suite 730
Fairfax, Virginia 22035

Re: Tysons West District Planning Recommendations
Tax Map 29-3 ((1)) 1Band 29-3 ((20)) C1`

Dear Chairman Tyler and Members of the Task Force:

JBG/Tysons Retail LLC ("JBG") is the owner of the former Moore Hummer/Cadillac dealership site located southwest of Leesburg Pike and north of Westwood Center Drive. The property is outlined in red on the attached map. More than seven acres in size, the property is located within ¼ mile of the proposed Tysons West Metro Station and portions of the property are as close as 700 feet (0.13 miles) from the station entrance, making it a very easy walk to this transit facility. The property is currently zoned C-7, Regional Retail District, and is currently developed with one and two story automotive dealerships sales and service buildings, a 6-story parking deck and a surface parking lot. Given its location and development status, this site offers a remarkable opportunity for redevelopment into a pedestrian friendly, mixed use, transit oriented development in keeping with the goals and planning principles espoused by the Task Force (which we fully support).

We are currently in the process of planning a multi-phased redevelopment of the property. The Phase I is to demolish all the current buildings (except the 6-story parking deck) and build all new buildings with a variety of retail, restaurant and service uses, as well as ancillary office uses under the existing zoning. Wide, gracious sidewalks and pedestrian friendly plaza areas are incorporated into the Phase I development. The site design anticipates and accommodates higher density office, retail, residential and hotel structures to be built in future phases (Phase II +) as metro-rail is constructed and the market matures. A rendering of the Phase I and Phase II conceptual development is attached.

JBG ROSENFELD RETAIL • 4445 Willard Avenue, Suite 700, Chevy Chase, Maryland 20815 • www.jbgr.com • (301) 657-0700 • *fax* (301) 657-9850

In April, PB PlaceMaking released the *Consultants Draft Preferred Concept* for re-planning of the Tysons Urban Center. In reviewing the draft concept, we note several areas of concern that we would like to share with you.

- The intensity map designates the property as Intensity Level 2 with a recommendation of development up to a 2.75 FAR for both commercial and residential uses. While this intensity is considerably higher than the by-right zoning for the site, it is nonetheless a relatively low FAR for creating a vibrant, pedestrian friendly, transit oriented development. Level 2 is associated with land located between 1/8 and ¼ mile from the station. However, it is common planning practice to consider all land within ¼ mile of a fixed rail transit station, as the primary pedestrian shed. It takes approximately five minutes to walk ¼ of a mile. In order to make the best use of the expensive rail extension, it is vital that the station areas are planned to create walkable, amenitized communities that will generate high transit usage. The mix of uses is important and higher intensities are paramount. ***All land within ¼ mile of the station should be planned at Level 1 intensities of 4.75 FAR.***

- At a recent Task Force meeting, there was a suggestion by a Task Force member that properties on the south side of Route 7 should be assigned less intensity than those properties on the north side of Route 7 regardless of their distance from the metro station entrances. We would like to go on record objecting to this suggestion. One of the key tenets of the Task Force's work has been to treat each station area equally, designating all property within certain distance zones the same intensity. This is fair, equitable and good planning. ***Properties within similar distances from the station entrances should be assigned the same intensity.***

- The map of land uses, parks and open space network identifies the site as planned for Mixed Use. It is our understanding that Mixed Use is defined as a mix of approximately 60 percent residential use and 40 percent employment use with support retail and service uses. This is generally reasonable, but we would caution that there are inherent complexities in developing a successful transit oriented development whether you are looking at a single project, several blocks or an entire station area. Flexibility is the key in developing the right mix. Furthermore, it appears that hotels are only recommended in areas designated "Hotel Focus". Hotels are generally acceptable alternative uses in office areas, multi-family residential areas, and are often very complementary in mixed use projects. ***The definition of Mixed Use should allow variations in the mix of uses and should incorporate hotels as an appropriate use.***

- As experienced retail and mixed-use developers, we know it is important to have sufficient retail development, in terms of quantity, quality and diversity, to meet the needs of the workers and residents of an area and in some cases to attract other customers. However, that does not mean that every street or every block should include ground floor retail uses; in fact requiring retail where it is not marketable can be detrimental to the streetscape and the community as a whole. For retail to be successful,

it is important to create synergy between a variety of retail uses in close proximity to each other. ***Retail/service uses should not be required in all developments, but encouraged selectively based on location, adjacency and demand.***

- The grid of streets includes the extension of Boone Boulevard along the property's western and northern boundaries. We support a new grid of streets in Tysons, as it is only with appropriate street patterns, good access to transit, higher intensities and a balanced mix of uses that a well functioning, transit oriented community will be created. Also, a proposed connection of Boone Boulevard extended to the Dulles Toll Road has been shown on some plans. While we believe that this connection is warranted, careful consideration should be given as to where and how it is made so that auto traffic can safely transition to this pedestrian friendly street. ***More detail as to the location, section width, lane configuration and aesthetics of the proposed streets and highway connections are needed to provide meaningful comments.***

- A conceptual circulator route is shown on Boone Boulevard Extended, but does not extend west of the transit station. In fact, no circulator route is shown west of the Tysons West Station north or south of Leesburg Pike. The circulator should provide service to all areas of Tysons to provide connectivity and further encourage transit usage. ***Provide a circulator route to serve areas west of the Tysons West Station.***

Thank you for the opportunity to share these comments and suggestions with you.

Sincerely,

James J. Garibaldi, Jr.
Principal

Jay W. Klug
Acquisition & Development Associate

Enclosures

cc: GB Arrington (w/ enclosures via email to arrington@pbworld.com and U.S. Mail to PB Placemaking, 400 SW 6th Avenue, Suite 802, Portland, OR 97204)

Frank de la Fe (w/ enclosures via email to frankdelafe@comcast.net and via U.S. Mail to Fairfax County Planning Commission, 12000 Government Center Parkway, #330 Fairfax, VA 22035)

Sterling R. Wheeler (w/ enclosures via email to sterling.wheeler@fairfaxcounty.gov and U.S. Mail to Fairfax County Department of Planning & Zoning, 12055 Government Center Parkway, Suite 730, Fairfax, VA 22035)

Lawrence

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MAY 02 2008
FAIRFAX COUNTY
PLANNING COMMISSION

April 29, 2008

Clark Tyler, Chairman, Tysons Land Use Task Force
and Members of the Tysons Land Use Task Force
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 730
Fairfax, VA 22035

Re: Consultant Draft Preferred Concept Dated April 9, 2008

Dear Chairman Tyler and Members of the Tysons Land Use Task Force:

Hines

We have reviewed the Consultant Draft Preferred Concept Dated April 9, 2008 and have the following comments:

1. Level 1 Intensity Ring is too small. The Draft Preferred Concept provides the highest density (4.75FAR) inside a 1/8 mile (660') radius. The purpose of establishing increased building density inside a radius is to increase development in locations where typical building users will prefer walking to/from transit rather than driving a car. In fact, pedestrians will routinely walk 1/4 mile rather than drive. Noted planners have adopted 1/4 mile as the standard, minimum "pedestrian shed" with larger pedestrian sheds at present or planned transit.

> *Historically and by convention, the standard pedestrian shed is 1/4 mile in radius, or a five minute walk from center to edge.*
>
> *-Duany, Plater Zyberk, 2003*
>
> *Pedestrian Shed [is defined as] an area, approximately circular, that is centered on a Common Destination ... A Standard Pedestrian Shed is 1/4 mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. It has been shown that provided with a pedestrian environment, most people will walk this distance rather than drive.... A Long Pedestrian Shed is 1/2 mile radius or 2640 feet, and may be used for mapping when transit is present or proposed...*
>
> *-Town Planning & Urban Design Collaborative, Nashville, TN*

A copy of the page from the 2002 Washington DC solicitation for re-development of the Old Convention Center is attached. Note that the minimum pedestrian ring noted is the 1/4 mile, 5 minute radius.

We recommend that the Level 1 Intensity ring be changed from 1/8 mile to at least 1/4 mile.

2. The Land Use plan is too restrictive. The Draft Preferred Concept provides for "Office Focus", "Residential Focus", "Retail Focus" and "Mixed". The term "Focus" provides that 70% of the building must be the designated use (office,

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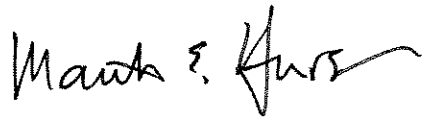
residential, etc.) and the balance in "other" uses, not described. While wrapped in some mixed-use language, this notion of "Focus" is a restriction that nonetheless creates predominately single-use districts – an undesirable outcome.

Designation of areas for a predominate single use could have the affect that build-out of the Tyson's vision will become distorted. For example, if the residential market is robust and the office market is not, the areas nearest the Metro Stations will remain undeveloped because the 30% "other uses" to be developed on the "Office Focus" properties will not be developed until the office is developed. Rather than prescribe how a property is used, Fairfax County should establish transportation, access and development standards that promote a vibrant, urban environment without restricting or promoting any particular urban use. Over the decades, the uses may change many times while the urban form remains.

We recommend that the Draft Concept Land Use plan be amended to eliminate assignment of particular uses ("Focus" or otherwise) in favor of a <u>form-based approach</u> recently adopted by Arlington County for it's new Columbia Pike plan.

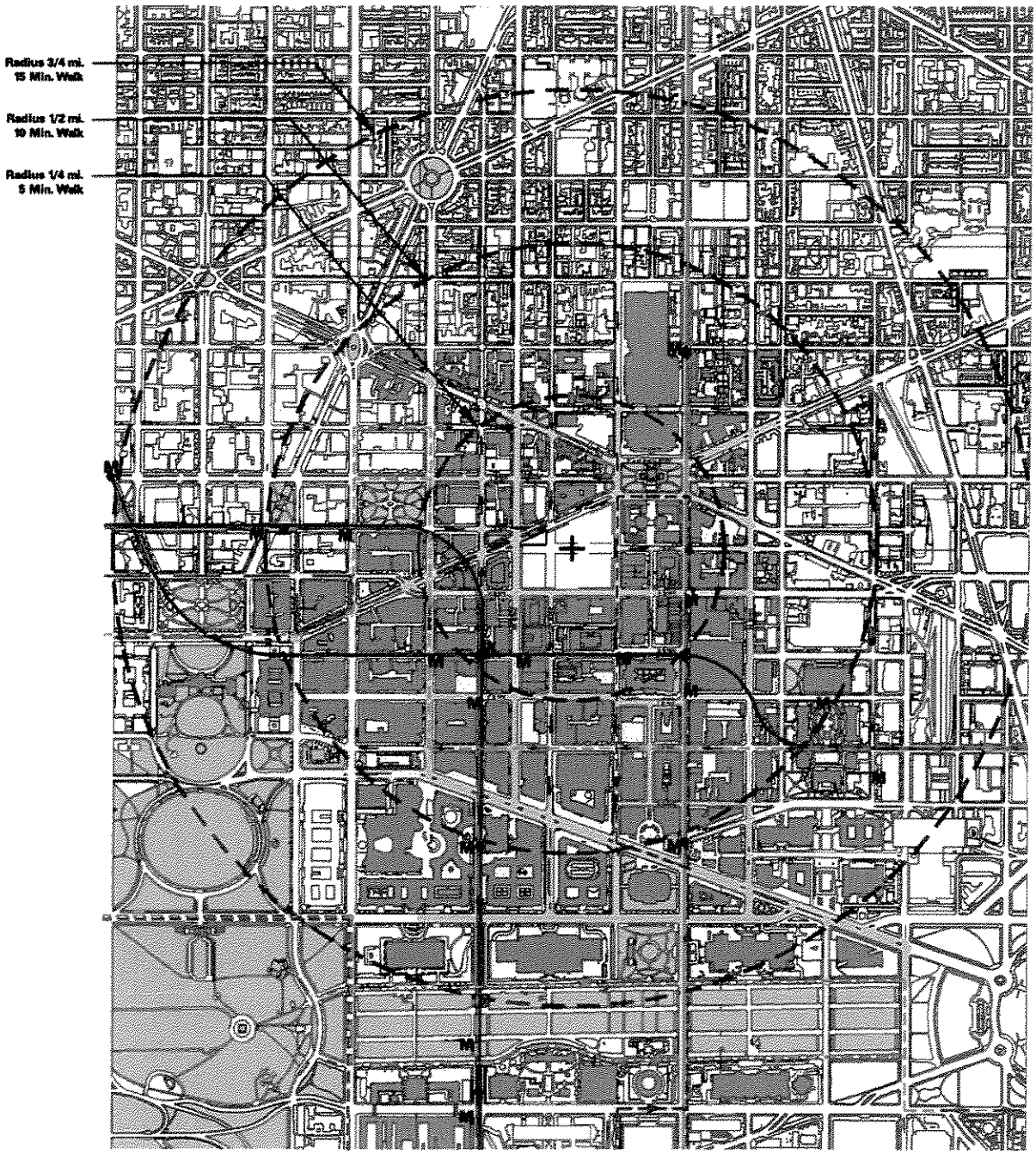
Thank you for the opportunity to share these comments with the Task Force.

Sincerely,



Matthew E. Hurson
Managing Director

cc: B. Alsup, Hines Interests, L.P.
G.B. Arrington, PB Placemaking
Ken Lawrence, Providence District Planning Commissioner
Sterling Wheeler
Martin D. Walsh
Elizabeth D. Baker



Washington D.C. Metro Lines Legend

- Red Line - Glenmont/Shady Grove
- Orange Line - New Carrollton/Vienna
- Blue Line - Addison Road/Franconia-Springfield
- Green Line - Branch Avenue/Greenbelt
- Yellow Line - Huntington/Mt. Vernon Sq-UDC

Washington D.C. Downtown Circulator Legend

- North-South Loop
- White House-Capitol Loop
- Possible Georgetown Extension
- Monuments Extension

A•3
TRANSPORTATION

Cooley
GODWARD KRONISH LLP

Jill S. Parks
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VIA FEDERAL EXPRESS

September 16, 2009

Fred Selden and Sterling Wheeler
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035-5505

RE: 1991 Chain Bridge Road, LLC
8209 Watson Street and 1991 Chain Bridge Road

Dear Fred and Sterling:

On behalf of 1991 Chain Bridge Road, LLC and its partners, Altus Chain Bridge and McMorgan & Company (the "Owners"), we respectfully request your consideration of certain key issues in the draft Comprehensive Plan Amendment (the "Strawman") that pertain to the three properties identified on the Fairfax County Tax Map as 29-4 ((2)) 13 and 29-3 ((1)) 79 and 82 and located along the south side of Chain Bridge Road/Route 123, between Leesburg Pike/Route 7 and Watson Street and (the "Properties"). The Tax Maps identifying the Properties are attached as Exhibit A.

I. Location of the Properties

The Properties are located in the heart of Tysons Corner - immediately south of Chain Bridge Road/Route 123, just north of Leesburg Pike/Route 7 and right between the Tysons Central 7 and Tysons Central 123 Metrorail Stations. In addition, they are within an easy walk of multiple employment centers and both regional malls. In short, being proximate to rail and easily reachable by bus, bicycle, foot or car, the Properties are among the most accessible in all of Tysons Corner. And, significantly, they are *not* adjacent to any residential development.

II. Consolidation/Coordination with Surrounding Landowners

The Owners have strong working relationships with their neighbors and could easily orchestrate a coordinated, if not consolidated, development in the Watson Street quadrant. In fact, many of the owners have already come together for that purpose and their discussions have born some exciting ideas; as but one example, and of particular interest to Staff, is the idea that to further promote connectivity from the quadrant to the Tysons Central 7 Metrorail Station, a safe and usable, brightly lit sidewalk could be installed on both the east and westbound sides of Route 7, underneath the Route 123 overpass, between the support pillars and the embankment. Such a sidewalk would allow a substantial number of visitors, residents and employees who are shopping, living or working in the city's center to effortlessly access rail. The Owners have engaged civil engineers to vet this improvement and are attaching a preliminary sketch to this

letter as Exhibit B. However, the Owners and their neighbors thus far agree that Staff's preferred densities and building heights do not justify tearing down their revenue-generating buildings or foregoing many of the currently permitted uses, such as drive-through a pharmacy, kennels and vehicle storage. Rather, they need significant additional density and considerable building heights to construct the needed improvements and to develop the vibrant, amenity-rich, mixed-use environment envisioned by Staff.

III. Proximity to Metrorail – Within ¼ Mile

In addition to their critical location at the crossroads of Tysons Corner, immediate proximity to not one, but two, Metrorail Stations, adaptability, connectivity and walkability, the Properties should be intensified simply because a uniform application of Staff's allocation system demands as much.

Although we support the concentration of density around Metrorail stations and agree that it should be formulaically tapered down to the edges, we think that in this instance, the formula was misapplied: it appears from both the density and building height maps promulgated by the Department of Planning and Zoning and its consultants that the Properties were evaluated based on their distance to the Tysons Central 123 Metrorail Station, which is 1,644 feet away or within 1/3 mile. However, the Properties are actually closer to the Tysons Central 7 Metrorail Station – the western edge is 1,277 feet away or within 1/4 mile. As a result, the Properties were mistakenly allocated substantially lower densities and building heights than those to which their closer proximity to the Tysons Central 7 Metrorail Station entitles them.

IV. Orientation

We submit that when the Properties are pivoted towards the correct Metrorail Station –Tysons Central 7 – they become entitled to densities in the 1/4 mile range and to building heights in the 2nd tier. Applying the Task Force's recommended densities and building heights - which we maintain are reasonable and which we encourage Staff to adopt - the Properties could develop residential uses up to a 4.5 FAR or commercial uses up to a 4.0 FAR and could build up to 360 feet. As noted above, such designations are appropriate in light of the Properties' considerable attributes - their critical location and visibility at the vortex of Tysons Corner, their distance away from residential development, the ease with which they could be brought into a larger, coordinated development and their connectivity, among many others.

V. Conclusion

In short, we would like Staff to reevaluate the Properties in light of their distinctive features. In the absence of a reevaluation on the merits though, we ask simply for a fair and uniform allocation of density and building height, which would require a whole-sale pivot of the Properties toward the Tysons Central 7 Metrorail Station.

Cooley
GODWARD KRONISH LLP

Thank you for your time and consideration. Please let me know if you have any questions.

Sincerely,

Jill S. Parks

cc: The Honorable Linda Q. Smyth, Providence District Supervisor
Mr. Kenneth A. Lawrence, Providence District Planning Commissioner
Mr. Walter L. Alcorn, At-Large Planning Commissioner and Chairman of the Tysons Corner Committee
Mr. Clark Tyler, Chairman of the Tysons Land Use Task Force
Senator George L. Barker, Chairman of the Tysons Land Use Task Force's Drafting/Review Subcommittee
Mr. Antonio Calabrese, Cooley Godward Kronish, LLP
Mr. Charlie Kehler, Altus Realty Partners, LLC
Mr. Wayne Klotz, Altus Realty Partners, LLC

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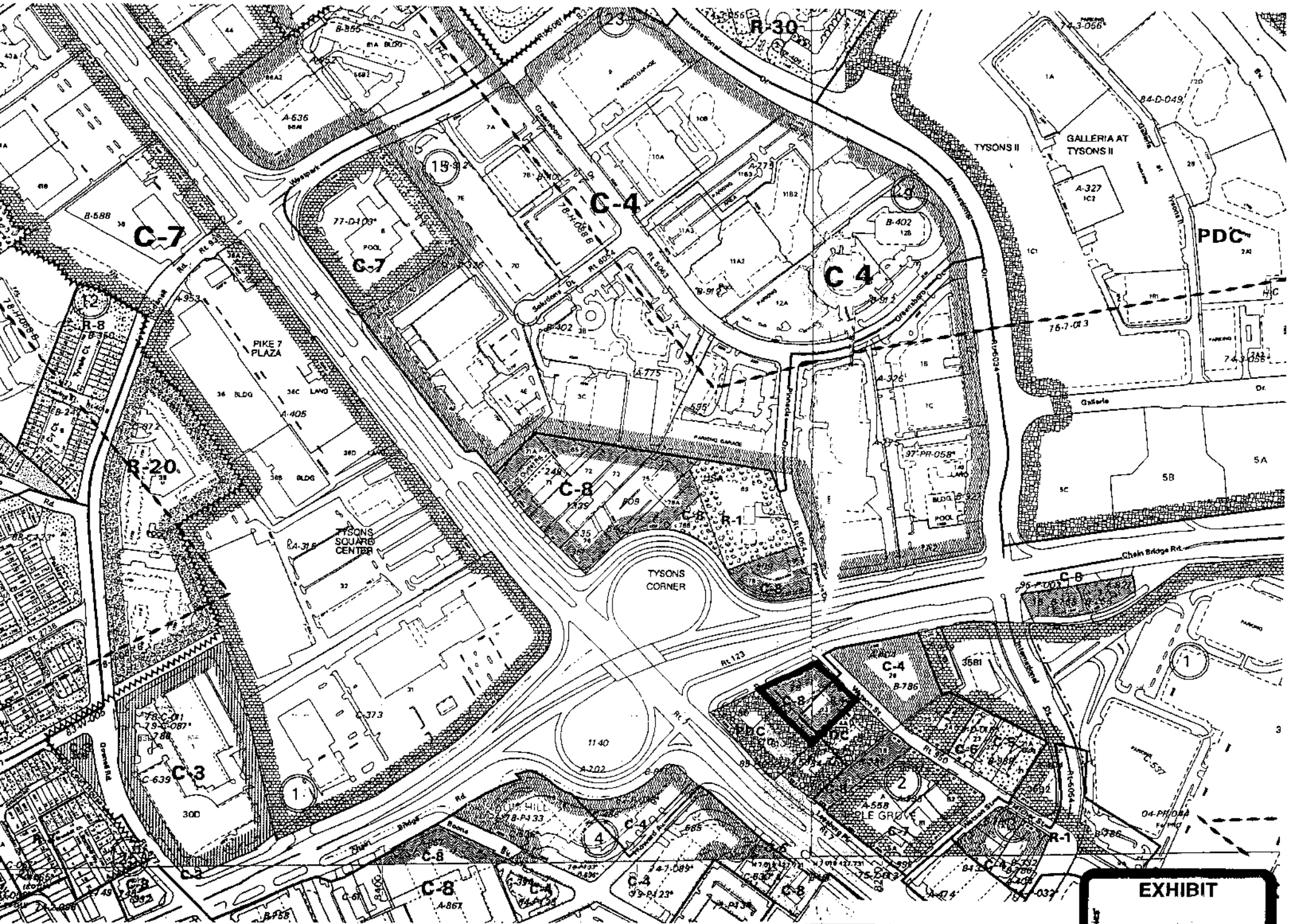

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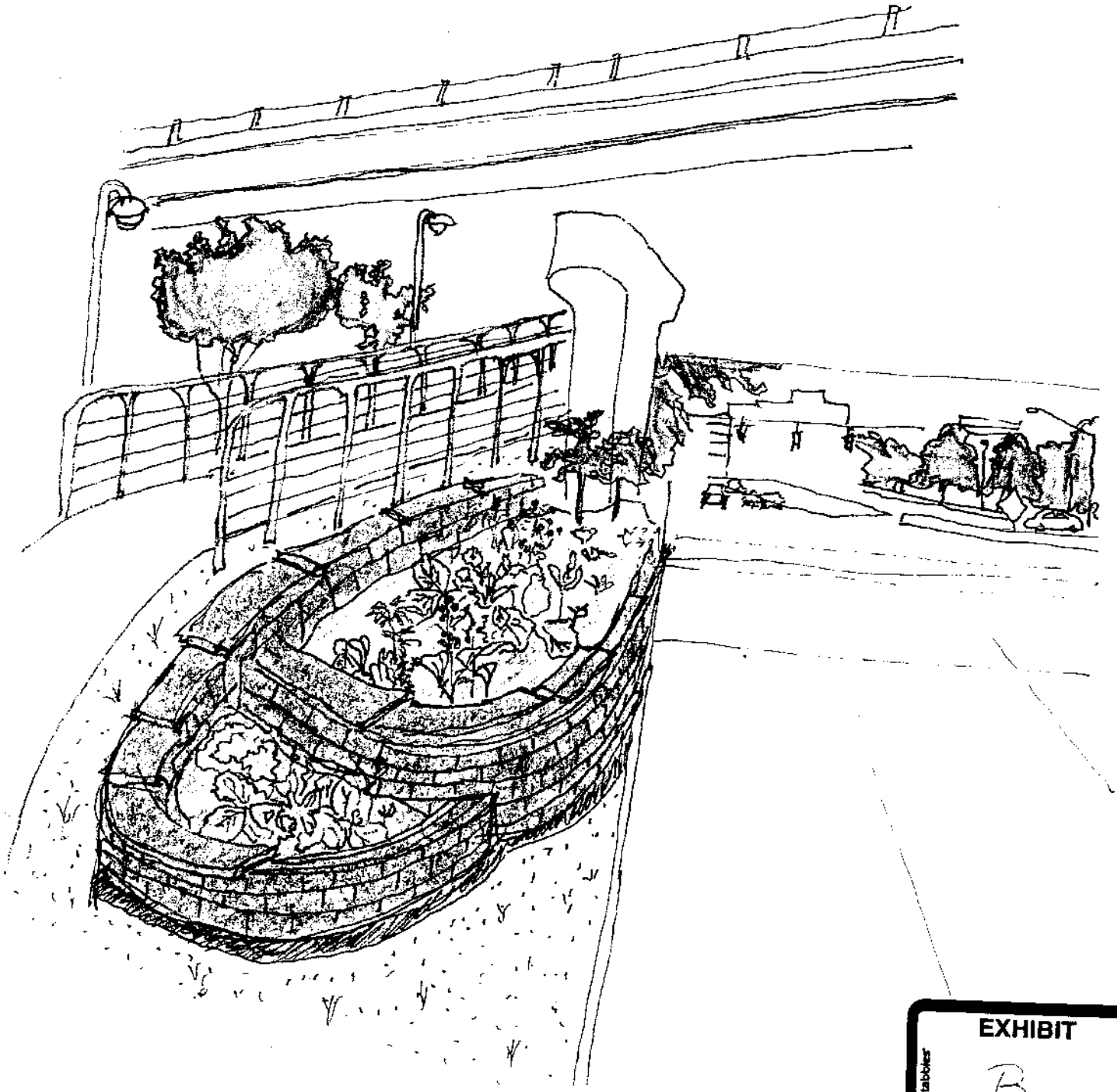

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