

Planning Commission Meeting
September 20, 2012
Verbatim Excerpt

TYSONS CORNER COMMITTEE RECOMMENDATIONS MARKUP

Decision Only During Commission Matters
(Presentation given on September 13, 2012)

Chairman Murphy: Okay, now we go back to Commission business and the one item, which we have not discussed. And that is the Tysons Corner Committee recommendations markup, which will be moved this evening to the Board of Supervisors for their determination and a public hearing at a date to be set, if I'm not mistaken.

Commissioner Alcorn: October 16.

Chairman Murphy: October 16, the date was set. Okay.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn, as Chairman of the Tysons Committee, the floor is yours.

Commissioner Alcorn: Thank you very much, Mr. Chairman. I think everyone here is familiar with the correspondence that we have gotten on the Tysons recommendation. I want to thank everyone who provided suggestions not only during the last week, but also during the last year and a half or so that we've been working on this. It has been really just an unprecedented amount of input and participation and engagement on this has been – it has been very, very helpful all the way around. What I would like to do is – and hopefully everybody got a chance to read the Macerich letter. I did finally; so, you know, once I got off a plane and could turn on my electronic device. So, what I would like to do is walk through Macerich's recommendations and then see if there are other suggestions or other questions. But let's walk through that and I would like to do that with Mr. Selden. But Mr. Selden before we do that, I do want to also note we saw some other correspondence from the Apartment Owners Association.

Chairman Murphy: Yes.

Commissioner Alcorn: I believe as well –

Chairman Murphy: The MCA.

Commissioner Alcorn: Yes and that also came in. I did read that before I got on a plane so that was good. I want to look to – point to something in the recommendation or the proposed recommendation that is before us. It's basically the second to last page. If you're looking at it electronically, it's page 33 of 34. But if you're looking at it hardcopy, I think it's – it should be right at the end and I believe – well, here's what it is. It's the summary of the cash flow statement. Does everyone have that? Maybe they don't have it actually in front of them. But no matter; I'll just read it. We basically have heard concern that – that the folks paying this new

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service district tax would be bearing a disproportionate share. That, I think, sums up what we've heard from both the Apartment Owners Association as well as from Macerich and coming at it from different angles. What I'd like to do is – is point to the bottom right-hand corner of the page that says, "Tysons Table 7 Funding Summary Using 7 Cents Service District Tax Rate." And I won't encourage folks to look at the upper-right set of numbers because that includes operating costs. But if you look at the bottom-right portion, it's "Funding Sources as a Percentage of Total Revenues, Exclusive of Transit Operating." So basically, these are the capital costs over the next 40 years. And I want to point that – if you go down to, you know, the first item there is Redevelopment Proposals, 24.3 percent. That's mostly grid improvements. And actually, it's all grid improvements. The second one is the Road Fund. That's paid by applicants. That's 13.2 percent. You have to get down to the Service District. It's 11 percent of the total. So basically, I think it's important to keep in mind that although the service district proposal is obviously painful – it's probably not very popular with a lot of people – but it's 11 percent of the total source of funding for these improvements – basically, for the Table 7 improvements. So – so with that context in mind, Mr. Selden, I would like to jump to the Macerich letter. And I think some of – some of the comments earlier in the letter address – deal with some of the issues relating to concern about there being a disproportionate share. But what I would like to do is actually go to specifically what they ask for and that's – it looks like it's on maybe, page 3 of their letter where it says, "Proposed Amendment." And they say, "First, the Table 7 list of projects should not be funded in their entirety now." Okay, so let's – let's go through that particular recommendation. So they're saying that "We believe that a list of near-term projects that are known to be needed now or in the next 10 years should be selected and the tax district should fund only those projects." Mr. Selden, could you – we have actually – well, could you address that? I believe that's something – that sounds very familiar. We've heard this before, right?

Fred Selden, Director, Department of Planning and Zoning: Thank you, Commissioner Alcorn. There was a lot discussion about the projects and what is needed in the near-term. And we met with property owners and applicants and the community and I thought we had come to a consensus that we were going to reorder some of the priorities to move – I'll call it some of the projects in the near-term, which would be improvements to Route 7 and Route 123, which again would – would I think qualify as projects that are needed now and projects that would provide immediate benefit to existing residences and businesses. They're not the Table 7 improvements that are triggered by the future development, such as the ramps off of the Toll Road.

Commissioner Alcorn: Right, thank you, Mr. Selden. Because I remember this was an area of discussion at the Committee. And if everybody remembers, those projects were actually moved up. You know, that was – that was something that even as a Committee that we looked at and it did cause a little bit of a cash flow challenge. And so it made the tax service district even more critical to happen. But those projects actually, based on consultation and I believe Macerich was the entity that first brought up the concern – the projects were actually moved forward in the queue. Correct, Mr. Selden?

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Mr. Selden: Yes, and I'd also point out that I think it's Recommendation 20 in the strawman. We do talk about the role of the Service District Advisory Board as being a participant, so we see this as a process and part of that process will be an ongoing dialog to look at what's needed, when it's needed, how you prioritize the funds, the projects, and make those decisions and make those recommendations to the Board. So –

Commissioner Alcorn: Right, so – so the Advisory Committee as well is part of that recommendation?

Mr. Selden: That's right. I mean again, we can – we can look at it today, and I'll call that as part of this process, look at what's needed and how we think the priorities ought to be set. But there's also an ongoing process that will – that will look at that process – and we've been talking about annually looking at kind of what's needed in Tysons and how you make those decisions.

Commissioner Alcorn: And so – and so that, I think, addresses – well, first of all, it does – the letter says, “Those projects should be completed in the next five to ten years.” And I believe it's those first tranche of projects – that is about an eight-to-ten-year time frame. Is that right, Mr. Selden?

Mr. Selden: That is correct.

Commissioner Alcorn: Okay, so I think that part is pretty much in there. Then they say, “As those projects are completed, the tax district will be a demonstrated success and a new set of near-term projects that are known to be needed within the next ten years could be selected and a new tax district and/or other financing methods could fund only those projects.” So Mr. Selden, I think what you just described in terms of the process is – this could certainly happen, right?

Mr. Selden: That's correct.

Commissioner Alcorn: I mean in terms of the recommendation, is that correct?

Mr. Selden: That's correct. Right.

Commissioner Alcorn: But it really depends upon the Advisory Committee and the need that's identified several years down the road. You know, how fast developments coming online – that kind of thing, correct?

Mr. Selden: That's correct.

Commissioner Alcorn: Yes, so I think actually the process that's being recommended here – or at least part of the recommendations that deal with process actually accommodate that request as well. Let's go onto the next one and this is also something I believe we've discussed a fair amount on the Committee level. “By limiting the project in a tax – projects in a tax district – the

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cost can be known and the cap on the costs, that many are seeking, would be the estimated cost to construct the selected projects.” Okay, so that’s – Mr. Selden, do you want to address that?

Mr. Selden: Well, I think a part of this process has been – I’ll call it an allocation of shares and responsibilities and the Committee and – and the communities worked for a long time now in trying to look at what’s equitable, what’s fair, and again I think that’s why we’ve come up with a cash flow analysis. We have allocated amounts of – you know, it’s 253 million dollars as the estimated cost that would be borne by the service district. And I don’t know that there’s a – in this process, we’ve steered away from the notion of caps because there have been – that’s come from both sides. There have been suggestions – strong suggestions that the public responsibility should be capped. The private responsibility should be capped. And we’ve kind of, I think, wisely stepped back from those kind of hard and fast measures and have relied more on what we think are – you know, equitable responsibilities by a variety of parties as you – as you’ve laid out when you look at the percentages and how to – you know, some of it’s coming from the applicants through the grid of streets and through their road fund contributions. And some are coming from the service district and some are coming from the – you know, the public sector, be it the County and State and Federal.

Commissioner Alcorn: So, yes. One of the – one of the key elements of our – of our recommendations, and I believe it was a suggestion of MCA that it be numbered as a recommendation, is to maintain that balance of contributions across the various stakeholder parties. So, I don’t think anyone here has a crystal ball to know exactly how much certain things will cost or these projects will cost 20-30 years from now, but – but the recommendation is that there be basically a balance that’s maintained throughout this process. As projects, you know, are going to change and evolve and I think everyone recognizes that, along with Tysons, correct? That was – we – we discussed that, I believe, a number of times.

Mr. Selden: And I also think there needs to be a certain degree of flexibility because quite frankly, like you said, nobody can – can project or predict all of the various circumstances that might occur and there very well could be some things that are needed that we haven’t envisioned that the service district could help support. Then again, by the – the – it may be something that’s desirable for the residents and businesses of Tysons. You know.

Commissioner Alcorn: Okay.

Mr. Selden: Again, trying to – I think lock down too much could – there’s always a law in my view of unintended consequences.

Commissioner Alcorn: So the next sentence, “In addition, the County’s task of balancing the revenue and project construction priorities each year would be much simpler because these will be known factors in the near-term ten-year horizon.” Well again, I think – I don’t think that’s inconsistent with the process we’re moving forward. Certainly between the CIP process, which is looking, you know, five to six years in advance, and the process with the Advisory Board –

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looking – looking at the immediate needs, but also what’s needed in the near future – would you – would you agree, Mr. Selden?

Mr. Selden: Right. Yes. That’s correct and we’ve also – we’ve also initiated and – and contemplate, you know, annual reports going to the Board that are going – that will outline kind of events in Tysons, what’s happening, what’s needed. And there’s a lot of monitoring and reporting that’s embedded in the Comprehensive Plan and certainly has been – I’ll call it the kind of – there’s a structure by which we’ll be following to let, you know, all parties – you know, the residents, the businesses, the surrounding communities, the staff, the Commission, and the Board – know what’s going on in Tysons and – and, you know, and what we think is needed.

Commissioner Alcorn: Okay. Okay. Thank you. So, I think – I think with that one I think Macerich’s suggestions are maybe a little bit different slant than what is in our recommendation, but I think they’re consistent with the process that we’ve recommended. I think there will be ample opportunities to make the changes and – and develop the short-term priorities that they’re suggesting. I just want to go on to the other two before opening it up – the other two specific –

Chairman Murphy: Did you talk – are you finished on Macerich?

Commissioner Alcorn: Oh, no. Two – two more Macerich recommendations that they – that they asked for. The next – the second one is, “Additional proffered dollars should continue to be required from applicants. We support the concept of the Tysons Committee’s recommendation that as part of the approval of new development, additional proffers should be required in an accurate amount equal to the revenue collected from the tax district, and further” – so – so, they agree with that recommendation there. “And further propose that additional proffer commitments be allowed to increase beyond the tax district revenue to supplement [additional] revenue as and if needed.” So, Mr. Selden, you know, as we have rezonings that come forward, do you have thoughts on – on that recommendation?

Mr. Selden: Well, yes I have a couple of thoughts. One is I think some could view this as not being consistent with the allocations and shares and the responsibilities that we’ve laid out because on one end it says – you know, that, you know, whatever comes up should be funded through this particular mechanism. And I think we’re broader than that. But I also think that as each individual application comes in, it’s going to have to address its impacts and how it can – how it can mitigate its site impacts. And that’s – that is a part of the development process. And then –

Commissioner Alcorn: Right, so this is not a blank check for applicants as they come through the process and not –

Mr. Selden: No.

Commissioner Alcorn: To be off the hook for transportation.

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Mr. Selden: In fact, I think it's just – it's just the opposite. I think – I think the applicant is going through the process as we've seen tonight with Cap One. You know, they're shouldering their responsibility both for the Tysons-wide as well as the – as the site impacts through a variety of mechanisms. Again, they're - they have an additional road club contribution that's meant to be – you know, their half of the 50/50, plus they're also part of the service district.

Commissioner Alcorn: Okay; great. And – and then lastly, Mr. Selden, they say, "Development must not outpace transportation infrastructure construction." I think we all agree with that. "Project approvals and development phasing must be tied to the construction of the necessary Table 7 improvements." So, that's not really part of this recommendation on financing, but Mr. Selden, do you want to address that?

Mr. Selden: Yes.

Commissioner Alcorn: Because certainly it's in the Comprehensive Plan.

Mr. Selden: It is in the Comprehensive Plan.

Commissioner Alcorn: Yes.

Mr. Selden: The Comprehensive Plan pretty much laid – laid two – two paths. It said, you know, you can kind of hold development to future infrastructure and we've – we, I think, collectively have been working to – along the other path that the Comprehensive Plan laid out, which is if you can come up with a funding strategy for those Table 7 improvements. So, this is kind of mixing, in my view, apples and oranges. You know, the oranges we're phasing. We spend all our time and effort on the apple, which is trying to come up with a credible funding strategy for the grid of streets and the Tysons-wide improvements. And I think we've done that and I'm optimistic that that's the path that we are pursuing and will be successful.

Commissioner Alcorn: Okay. Thank you, Mr. Selden.

Chairman Murphy: Let me just make a comment. I appreciate Walter and Fred taking the time to address this because we – we – as I had mentioned earlier, it did come in rather late and I didn't have time to analyze it. But I – the bottom line to me is the Board – without objection, all these letters we've received are part of the record. They're going to be forwarded to the Board of Supervisors. The Board has asked for options. Macerich, in good faith, has come in with suggestions – options, which I think the Board will be considering when it gets to the Board. But I think the explanation tonight is to what the staff's position is and the Committee's position is – you know, part of the package that's going to be forwarded to the Board. So, okay.

Commissioner Alcorn: Yes.

Chairman Murphy: I thank you very much for doing that. Oh, Mr. Lawrence, I'm sorry.

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Commissioner Lawrence: Thank you, Mr. Chairman. There is one point that I think relates to what Commissioner Alcorn has been doing with Macerich and the – Table 7. I don't think there is any time and certainly not now this time at which we will be funding all of Table 7. If you recall the spreadsheets that were produced, they can be looked at in a couple of ways. One – one way is as a financial spreadsheet. We had revenues and expenditures. But those revenues and expenditures were distributed over time according to a design/build process that Transportation was kind enough to put together. And that time commenced at the beginning of – of our – our work here and will continue until the end of the Plan many years away. Not all of the expenditures on project activity begin at the beginning. In fact, it's quite a while before we begin to do the design activity on many of the projects in Table 7. Those in the near-term were the ones moved up, as – as suggested. But what that represents if you look at it as a Gantt chart instead of a chart of revenue in and expenditures out is a picture of when the onsets of activities would occur in – in Tysons and – and how they go along. Now if development is slow in Tysons, then that will be stretched. So, there is no time at which we are funding all of Table 7 and the process to which Mr. Selden has referred is based on the CIP, which gives us an annual opportunity to review, looking at a five-year window, all of the projects that are then or in the five-year window. Contemplate – this seems to me to be a very good way of making sure that as change takes place in the world, we can respond to and adapt to change. And we're – it's a good thing that we're not committed to funding all of Table 7 now. We couldn't do it. Thank you.

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: Nothing else for me right now.

Chairman Murphy: Anybody else want to – ? Yes, Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. I am a bit confused and concerned about the new – well, current paragraph 23. And that is – Recommendation 23. I thought that when this was in Committee when we started listing the names of who should be involved, I thought that applied to paragraph or Recommendation 20, not 23, about who was going to be on the – who's going to talk about the taxes within the – the district. And then I thought – and again I might be just confused about all this – that the – listing the names of Vienna, McLean, etcetera – the McLean Civic Association, etcetera – I thought, well, that we agreed that that was setting a bad precedent. That when it gets to the similar discussions over at Reston that – I can't remember how many civic associations you mentioned – but I mean a whole lot of them. So, it's setting a bad precedent. In addition, this paragraph refers to the review of the above paragraph, which talks about the construction schedule. And if you're starting to name stakeholders, the major stakeholders include the commuters all over the County. It includes the taxpayers all over the County who are paying for these bonds. And to leave out – I don't know this Federation of the Civic Associations. You talk about the taxpayers or the AAA that talk about the people who actually have to drive these roads – I think it's inappropriate. So, I suggest that out of those last three-and-a-half lines be struck – after everything – starting with, “such as.”

Chairman Murphy: Mr. Alcorn.

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Commissioner Alcorn: Mr. Chairman? Yes, this was – this was a weird one. It got – the discussion went, if I remember, something like this. It was on Recommendation 20 where it talks about the specific Advisory Board.

Commissioner Hurley: Yes.

Commissioner Alcorn: There was – I remember there was very specific concern about – well, there was – there was concern about naming specific stakeholders who would serve on an advisory board that would be basically created by the Board of Supervisors. And there was – there was really not a lot of interest in locking in – even in – even with a “such as” list of – of different groups. I think, if I remember the discussion on Item 23, was more to the point of – of a process – it would be a review. It would be more open. And really anybody would be – anybody interested would be encouraged to participate. And therefore, the danger in naming stakeholders might be a little less. But – but I don’t know. It’s a close call. I don’t know. I know Mr. Hart had – you were tracking this pretty closely. I don’t know if you have any thoughts on this too.

Commissioner Hart: Yes. Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: My – my recollection, I think, would – would agree with Commissioner Alcorn on that. To – to my mind, Recommendation 20 was dealing with the creation of the specific board that was going to be tasked with some specific questions about the tax rate and whatever it was. But it was sort of a financial type project that this board would be doing. And I think there was some antipathy among the Commissioners to us specifying the composition of that board and, in particular, naming particular groups who should have a member on that board. The Board of Supervisors can decide, perhaps on an annual basis, who’s going to be on this or whatever the terms are – who’s going to be on this board and what they’re going to do. Paragraph 23 wasn’t dealing with a specific board or at least that’s – I think we got to that point. There was a great deal of confusion initially as to whether 20 and 23 were the same board or a different board or are there two boards or one board or what? And I think what we settled on was paragraph 20 is a board and the Board is going to – the Board of Supervisors will decide who is going to be appointed to that. And politically, I mean the affected Supervisors are probably going to select the obvious choices anyway, but paragraph 23 instead was a process. And we wanted the process to be inclusive. I think there was some attempt to accommodate the wishes of some of the stakeholders. I don’t mean paragraph 23 stakeholders. I mean stakeholders in the whole Tysons discussion process who had specific concerns that they need to be involved in this outreach – in this discussion. Which is – and to my mind, paragraph 23 is a little broader scope than the specific task for paragraph 23. And so, it wasn’t particularly problematic to name specific groups with a “such as.” In particular, we’re talking about a process and not a specific appointment from a group to a board. The – the concern, and I don’t remember exactly where it came from, but it wasn’t just me. And I think maybe it was coming from others. It was that we have plenty of situations throughout the County where there are perhaps overlapping or competing groups in – perhaps in Mount Vernon, in Reston, and in other places. And it may not

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be appropriate to define in advance the composition of boards appointed by the Board of Supervisors with such specific reference to specific civic associations or homeowners associations or something like that. Because if we start doing it in Tysons, we're going to have to do it everywhere. And it's very difficult to play favorites on something like that. To summarize then, 20 is specific, but we're not telling the Board who specifically to appoint to it. Twenty-three is more general and we're trying to be inclusive. That's my – maybe longer than it should have been, but – recollection of a discussion that involved many people.

Commissioner Sargeant: Mr. Chairman?

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: I think – I think the – the ambiguity is purposeful in that it allows the political process to determine what is appropriate, you know, for representation on these tax advisory committees. I would note, while it's – while it's smaller in complexity and scale, the project of Laurel Hill site is a Countywide project. By that, I mean the process included representatives from all the magisterial districts and thus, it maintains a Countywide ownership in many ways. I think you may find the benefits of that, politically speaking, to ensure that this – there is ownership investment in this project over time throughout the County. I think that – that helps. And I found that to be so in the southern part of our County.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: I'm sorry; just a quick question.

Commissioner Sargeant: Go ahead.

Commissioner de la Fe: Mr. Chairman?

Commissioner Alcorn: Well, yes, Mr. –

Commissioner de la Fe: No, no, no.

Commissioner Alcorn: I was just going to ask – so, Mr. Sargeant, it sounds like you're – you're leaning towards maybe keeping the references in there. Is that – is that your thought?

Commissioner Sargeant: No, I think – I think the political process will – will find appropriate members for this task force. But I believe they will probably end up being Countywide.

Commissioner Alcorn: Right. Okay.

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Commissioner Sargeant: More so than perhaps you have seen to date. And I don't think that's a bad thing.

Chairman Murphy: Mr. de la Fe.

Commissioner de la Fe: Yes, thank you, Mr. Chairman. I think I – I was – in the original discussion, I was the one that objected to naming specific members to the board. And then when – after the long discussion between 20 and 23 when we discussed that 20 – we didn't mention anybody, because it was up to the Board to do that. And then in 23, which is just the process, I said that I would not have as much problem with naming, you know, "such as" people. However, the Braddock Commissioner's comments I think point to my initial problem – that when you say, "relevant stakeholders, such as," and you start listing some, you're bound to leave somebody out that will feel aggrieved. So, you know, I – I tend to agree that – you know, I – I don't know. It's a close call, but –

Commissioner Alcorn: It's a close call.

Commissioner de la Fe: Whenever you start listing people you're always going to leave somebody out.

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Alcorn: Just for process, what I think I would like to do at this point is – is just make a motion that we recommend approval of the – the document. And then if anyone wants to make an amendment, then we can talk about it, but maybe that's the best thing going forward.

Chairman Murphy: Let's go.

Commissioner Sargeant: Mr. Chairman, could we – could we – before –

Commissioner Hall: I agree.

Commissioner Sargeant: – moving forward with the motion, could we add just a few more questions I think might be helpful?

Commissioner de la Fe: Why don't we move the document and then ask the questions?

Commissioner Alcorn: Yes, why don't we move the – if I just make a motion –

Commissioner de la Fe: For discussion.

Commissioner Alcorn: Not – not for a vote, but just for discussion.

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Commissioner Hart: So, we have something on the table.

Commissioner Alcorn: So then –

Commissioner Sargeant: We've got something on the table now. But go ahead.

Chairman Murphy: All right, let's – let's have the motion.

Commissioner Alcorn: Yes, Mr. Chairman, I – I move that the Planning Commission recommend to the Board of Supervisors recommendations relating to the Tysons Committee – actually –

Chairman Murphy: You asked to make the motion. How do you –

Commissioner Alcorn: Let me say this again. I know. Mr. Chairman, let me try this again. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS TYSONS-RELATED RECOMMENDATIONS CONSISTENT WITH THE DOCUMENT DATED SEPTEMBER 20, 2012.

Commissioners: Second.

Chairman Murphy: As proposed by the Committee.

Commissioner Alcorn: As proposed by the – AS PROPOSED BY THE TYSONS COMMITTEE.

Chairman Murphy: Seconded by Ms. Hall and Mr. de la Fe. Is there a discussion of the –

Commissioner Hart: No, I did.

Commissioner Hall: No.

Chairman Murphy: Oh, you did too?

Commissioner Lawrence: And me.

Commissioner Hall: No, he did it.

Commissioner Hart: I seconded it right now.

Chairman Murphy: Okay, Mr. Hart too.

Commissioner Hart: Ken did too.

Commissioner Lawrence: Me.

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Chairman Murphy: And Mr. – Mr. Lawrence. All right, we all seconded the motion.

Commissioner Alcorn: But now it's discussion.

Chairman Murphy: Now is there a discussion? Mr. Sargeant.

Commissioner Sargeant: Thank you, Mr. Chairman. I wanted to go back to the original discussion on funding. I think one of the challenges we've heard from day one from a variety of sources and not just those in the most recent letters is the – is the concern about funding from public sources, i.e. government sources. And over – over the long term – over a 40-year horizon, I think it'll level out. And I think the balance of funding and – and investment in the various – whether it's the road fund or whatever – certainly makes sense. I think it's those first five to ten years that we are most concerned about, given what we see currently. So, the adjustment's there – I think while – while I think Commissioner Alcorn did, you know, an excellent job of addressing some of the issues related tonight – the concern will remain based on what is occurring in the future. And I wanted to kind of go back to some of the earlier comments that there will be no time at which we'll be funding all of Table 7, which – which I totally agree with. But we will continue to collect for those under the road fund calculations, do we not? Or other funding mechanisms? And I think that's what seems to concern at least some of the folks we've heard from – that we will continue to collect, as per the 11 percent in there, or do we not? Can we clarify that? Will you continue – let's take – let's take that the funding that Commissioner Alcorn highlighted, the roughly 11 percent of that funding. Would that not be – would you not continue to collect that?

Mr. Selden: If – if the Board establishes a service district that will collect revenue that will – that will be a part of the funding strategy the same way that we will continue to get proffer commitments from development applications that will go for the funding of the grid of streets and for Tysons-wide improvements. And we will continue to see, you know, public sources of funds – Federal, State, and local – to support these projects as well. So – so, all of these mechanisms are in place and will be in place from day one. And we'll begin to hopefully, you know, build funding so that they're available to support the development – the transportation projects that are necessary in Tysons.

Commissioner Sargeant: In the opening comments, you referenced the – in near-term – moving up on the – on the priority list, projects like improvements for Route 7 and 123. Did I get that correct?

Mr. Selden: Yes, I think – yes, one of them is the Jones Branch Connector, which is – is already well on its way. And then there's some improvements along Route 7 within Tysons that were moved up in the terms of the priority list based on, you know, hopefully making things better in – in the near-term, which is one of the things that came out of the – the letter.

Commissioner Sargeant: And the source for that funding is likely to be primarily public – primarily Federal or State?

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Mr. Selden: I think we said all along that – that there probably is going to be a need for more public funds up front because some of these other sources will build over time. You know, what you get in proffers is going to come in as development occurs in Tysons. But the service district, you know, assuming it's created in the near-term – will give the – will facilitate, you know, the ability to do revenue bonds to support some of these near-term projects. I mean that's one of the benefits of a – of a service district is not only the money that it collects to support projects, but also the ability to – to use it as a funding mechanism through revenue bonds.

Commissioner Sargeant: While that's – while that's an excellent mechanism, I think, for those particular projects, I think overall what we've been hearing is some of the concern related to that uncertainty as we go forward, especially where Federal funding or State funding more likely is concerned. And I think you see some of that reflected in some of the concerns we've heard. Is – and I'll ask this at the level of mutiny here just for the sake of this discussion – but would incremental consideration of funding in some cases be a possible recommendation here?

Mr. Selden: I'm not sure, but –

Commissioner Sargeant: By that incremental, I'm – I'm talking to the idea of a tax district that is not funded totally at the same time. Can you create incremental funding within a tax district so it rises as your needs increase? Or that you don't –

Mr. Selden: Well one of the things that the – that the Board can – can set the rates and it can be set to, you know, increase over time. Or it can be set – we've done some analysis, as you know, on seven cents and nine cents.

Commissioner Sargeant: Yes.

Mr. Selden: And we've talked to the Committee about the benefits of having a rate that's set and not a graduated rate. A graduated rate is going to, you know, will build funding less quickly. And, quite frankly, that's, you know, may be more painful to the – and more unpredictable. Because again you're going to go through a process where you would have to, you know – you know, look at each time you do it, which again is – you know, there are pros and cons, but again I don't believe the Committee had made any recommendations. I think that will be up to the Board to – to look at as one of its options – it can do that. But I think what we've spent our – our time looking at was, you know, two different – two rates – a seven cents and a nine cents.

Commissioner Sargeant: Okay. Thank you, Mr. Chairman.

Chairman Murphy: Anyone else? Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I don't want to complicate things, but since this is going to be a service district – I don't think it will happen in the beginning – but what the rates are for the service district will be set annually by the budget process. At least, that's what happens with the Reston Community Center Service District –

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Mr. Selden: Right.

Commissioner de la Fe: – and the McLean Service District and – you know. So, it's up to the Board to decide. They may – they may initially say it's seven or nine for – you know – for the future, but if at some point the projects don't need the funding, they can adjust it in the budget process.

Mr. Selden: You're right. I – I think what we were suggesting is when we were looking at the cash flow, we did look at some options as to – if you need to generate X amount of money – if you phase that, you know, in over time, it just extends out the time that it will take to collect the money and in some ways, works counter to the – to the argument of trying to get some of these things built in the near-term.

Chairman Murphy: Mr. Donahue.

Commissioner Donahue: Mr. Chairman – thank you, Mr. Chairman. It could be that we've been around and around this question, but I think I might want to address it a little more directly because I think one of the concerns that has been stated to me – and I am not saying I agree with it – in fact, a two-part question – I disagree fully with part of it. But at any rate, is – is it possible through the rezoning process that we are going to end up entitling density or entitling development that we will then find out we do not have the funds, at least in a timely manner, to build infrastructure needed to support that density? And number two, and this is – I've – I've disagreed with my good friends who have suggested this to me a number of times. And at number two, somehow then the County will end up as being the entity on the hook to pay for this infrastructure that will be needed to support that development? I hope I've made the question clear enough. Can you address those two issues if I've stated the problem clearly enough to get to an answer?

Commissioner Alcorn: Mr. Chairman?

Chairman Murphy: Mr. Alcorn.

Commissioner Alcorn: If I could – if I could jump here – in here, this is very interesting, Commissioner Donahue. Because if you think about it, the situation that you just laid out, which is a concern that the County might get stuck with extra development – is exactly the situation we're in right now. I mean, the very interesting thing about this process that we've gone through is we've actually, you know, laid out pretty painstakingly a plan for how to make sure that the infrastructure is there when the development requires it. So – and that's not something, at this level, I think we've done before. So – so, I think – I mean this is just me and Mr. Selden may have a different take on it – but to me, the answer to that question is not a hypothetical. It's a reality. If you look at how we deal with it now – yes, the County does step in and – and pays for some projects. But they're – frankly, there are more projects than the County can afford to do. So – so, we have traffic. We have, you know, and in some places, we have pretty tough traffic. And so, you know, I think that's – that's actually – that's one where you can almost go beyond a

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hypothetical and sort of just look at our situation today. And – and that’s actually what we’re trying to move away from – of being more proactive. But anyway, I’ll let – I’ll see if Mr. Selden has a different take on that.

Mr. Selden: Well, I don’t think I have a different take. The only thing I might add is I think as we go through the entitlement process, we are looking at how those developments can mitigate the impacts associated with the development levels that they’re proposing. And some of that mitigation is in – in providing a grid of streets, which will help a tremendous amount in terms of people getting around in Tysons. Some of it is commitments that are funding for, you know, to help people get on transit and transit improvements. Some of it is also in Tysons-wide improvements. And those commitments will be – I’ll call it delivered as the development is delivered. It’s not just entitlement. So, if for whatever reason the development doesn’t show up, the – the funding will come in as the development occurs. Then you have these other projects that are driven not just by Tysons, but people driving through Tysons and things that we need to do today. And again, we’ve – we’ve got a strategy and we’ve gone further than we’ve ever gone before in terms of trying to lay out a series of funding mechanisms to support those efforts. And, you know, I don’t think anybody has a crystal ball and says that we can guarantee that it will all fall into place. But I – but I can say that we’ve done a lot of good things in Fairfax County and we’ve never gone this far to link land use and transportation and the impacts of the development with the overall area-wide improvements that are necessary to support it.

Commissioner Donahue: So, two points here I think – I’m not sure I hear you directly refer to a triggering and phasing process that connects development with infrastructure. But that could, and I expect will be part of the rezoning process that we’ll go through over the next many months. And – and the second thing I think is, it seems to me as we’ve held discussions in – in written plans and written text that we’ve kind of – I think this is what – what the Vice Chairman – the Vice Chairman was referring to – that we have put more of what I’ll call – we have recommended – suggested that the Board, the Committee, the staff do more in the continual, almost annual advisory process in watching what’s going on. That those various entities will be able to make corrections, deal with changes in the market and the various things that are going to affect this whole thing. And I think that’s what you’re – what you’re alluding to when you are saying we have done more – much more in this process than ever before. And how effective it will be will simply be up to the quality of the Board members that the public elects, the quality of the staff members they hire, and I suppose the quality of the Planning Commissioners that get appointed.

Chairman Murphy: Oh.

Commissioner Donahue: I’m satisfied – I’m satisfied that that process –

Chairman Murphy: You could have left that last part out.

Commissioner Donahue: – is likely to work pretty well. I have a lot of faith in it – no sure thing, but I – I really think we’re headed in the right direction here. Thank you, Mr. Chairman.

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Chairman Murphy: I think maybe –

Commissioner Hart: Mr. Chairman?

Chairman Murphy: If I heard Walter correctly, then may I paraphrase just a bit that what he's saying is as far as a Countywide effort is concerned, we're – we're concentrating on a very key area. This is the closest we may come to ever having an adequate Public Facilities Ordinance for transportation.

Commissioner Alcorn: That's true.

Chairman Murphy: We had – we did pretty well on Fairfax Center Area.

Commissioner Alcorn: Yes.

Chairman Murphy: But it wasn't planned in the way Tysons was planned, but most of the infrastructure –

Commissioner Alcorn: Yes.

Chairman Murphy: – one – but in Fairfax Center Area, most of the transportation was put in place before development.

Commissioner Alcorn: Right.

Chairman Murphy: Okay.

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Yes, Mr. Hart.

Commissioner Hart: Further on Commissioner Donahue's second question, I think we're – any jurisdiction, not – not just Fairfax County, is – is always at the mercy of the elected officials. That perhaps they will make decisions that aren't quite right – but that's sort of one of the safeguards in this process as well. Each of these rezoning packages is going to be evaluated by the Board and if in their collective wisdom there are six votes to decide that yes, this is appropriate and it fits the Plan and everything's approvable, they'll go ahead with it. And maybe they won't. In each of these decisions about spending the money, the CIP every year or the tax rates or the service district, the Board is going to have many, many opportunities to vote on this and they're going to need six votes to do it. And one of the other safeguards on the Board is that there are elections every so often. And if the Board is getting things wrong, the personalities on the Board may change. This is not – I mean I don't think we're ever going to have a guarantee that politicians are going to miscalculate something or that something isn't going to be perfect. But I think we're much better off with a package like this and – and the – the process that's built

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up to this, I think – maybe everyone doesn't agree with every line or every paragraph in it – but there's been a remarkable, I think, consensus and volume of contributions from so many people that this is a pretty good road map, I think, for any Board to follow whatever comes along. We're better off with this package than if we don't have it. If the alternative is we don't have this at all, the Board still is – is free to approve things and we don't have any real guidance on how that transportation infrastructure is going to be funded. We're better with this than without it.

Chairman Murphy: Further discussion? All right. All those in favor of the motion?

Commissioner Hurley: Oh.

Chairman Murphy: Oh, I'm sorry. Ms. Hurley, I can't hear.

Commissioner Alcorn: It's about the end of the motion.

Chairman Murphy: I can't hear this. Okay.

Commissioner Hurley: Okay. To promote Countywide input and ownership of these transportation improvements and to prevent stakeholders from feeling aggrieved by not being named, I MOVE RECOMMENDATION 23 BE AMENDED TO DELETE THE END OF THE SECOND PARAGRAPH, BEGINNING WITH THE WORDS, "SUCH AS."

Commissioner de la Fe: I'll second that.

Chairman Murphy: All right. Seconded by Mr. de la Fe. Is there a discussion of the motion?

Commissioner Donahue: Mr. Chairman?

Chairman Murphy: Yes, Mr. Donahue.

Commissioner Donahue: Thank you, Mr. Chairman. I would not be inclined to support this motion. We've heard a lot about maybe who should be in, who should be out – maybe whether anybody should be in, with respect to this motion. I would associate myself largely with – with Commissioner Hart's comments from earlier in the evening. Various reasons have been given for why maybe we shouldn't have any specific names in here. But an awful lot of the examples, I think, are not appropriate. With respect to whether – whether this justifies mentioning AAA, as a retiree from AAA, believe me – you know, AAA doesn't have anything to do with this particular governing process, okay? And an awful lot of the other entities that have been mentioned as possible examples really don't have anything to do with this government process. The groups mentioned here do. And – and I respect Commissioner de la Fe's comments that maybe there are other groups that do as well, but maybe not as closely associated as the ones that are mentioned here. It's interesting the way the paragraph starts out, "To ensure a sustainable balance between development and transportation infrastructure." The groups mentioned here are associated with and to some degree govern jurisdictions that are very concerned with those issues. And that is

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what makes them, I think, unique and thereby mentionable in this process. And that's why I think the – the names that are put there are – are appropriate. When we had the discussion last week or two weeks ago, however long it was, I think it was on the 6th of September – one of the things we talked about was why some of these groups should be mentioned. And I think one of the reasons was, and again with all due respect to Tysons, which is a place I truly love – you need, I think, to show a certain degree of consensus building, which you bring to a process such as this process, has been. And the groups that are here, I think, have shown not only the ability to build that consensus, but they have brought their jurisdictions in line to the point that they represent a consensus of this type. And maybe there are others. Maybe there are a few others that could be mentioned as well. But these certainly qualify. And I don't see anything wrong, frankly, with mentioning them within the context of the recommendation and the purposes it is intended to achieve.

Commissioner Sargeant: Mr. Chairman?

Commissioner Migliaccio: Mr. Chairman?

Commissioner Donahue: I think I took long enough. Thank you.

Commissioner Sargeant: Oh. Okay.

Chairman Murphy: All right.

Commissioner Migliaccio: You –

Commissioner Sargeant: Okay. Mr. Chairman, I'm – I'm wondering if – if a compromise on the – on this friendly amendment might be something along the lines of participation –
**INCORPORATING PARTICIPATION FROM VARIOUS OR COUNTYWIDE
STAKEHOLDERS INCLUDING THE TYSONS PARTNERSHIP AND OTHERS** so that you're not singling them out, but you are including them among other Countywide stakeholders.

Commissioner Migliaccio: Mr. Chairman, my –

Chairman Murphy: Well, wait a minute. Let's – let me ask the –

Commissioner Migliaccio: Okay; friendly amendment, sorry.

Chairman Murphy: – maker of the motion if – if she accepts that amendment to her motion. Because I don't want to get this too complicated, quite frankly.

Commissioner Hurley: When you say, "Countywide stakeholders such as," but none of that "such as" is Countywide –

Commissioner Sargeant: No, I said, **COUNTYWIDE STAKEHOLDERS INCLUDING.**

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Commissioner Hurley: Oh, okay. I got it.

Commissioner Sargeant: So, you are not limiting it. You are not taking out that particular group or groups, I should say. But you are not limiting it to those groups.

Commissioner de la Fe: I don't know what the difference is.

Commissioner Sargeant: I'm trying real hard.

Chairman Murphy: Don't try any more.

Commissioner Hall: You're very trying.

Commissioner Sargeant: Thank you very much.

Chairman Murphy: All right, Mr. Migliaccio. Well, what are you going to do?

Commissioner Migliaccio: Is there – well, we have to wait.

Chairman Murphy: Are you going to accept that or go along with what you –?

Commissioner Migliaccio: Accept it.

Commissioner Hurley: Not unless you mention at least one Countywide group. It could be the Federation of Civic Associations. Just something that is really truly Countywide.

Chairman Murphy: We're getting into making it more complicated than it needs to be.

Commissioner Migliaccio: Mr. – Mr. Chairman?

Chairman Murphy: Go ahead, Mr. Migliaccio. Go ahead.

Commissioner Migliaccio: I was going to – I should have never have let you go first. I'm so sorry, Tim.

Commissioner Sargeant: You see what courtesy has led to?

Commissioner Migliaccio: I was just going to align myself with Commissioner Hurley's comment because when Commissioner Donahue said, "Let's start reading this," and I said, "Okay, let's start reading number 23 again." I got down to "schedule, funding status, and the funding mechanisms for transportation improvements." "Funding mechanisms" certainly applies Countywide and Mr. Alcorn knows – one specific one I think of has two letters – well, three – C&I – sorry, CI – that impacts Countywide. If we start naming people, we need more than the Federation on here. We – we can have a list of the whole County phone book because everyone

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cares about the funding mechanisms that we use to get these transportation improvements. Because everybody here pays for it – taxpayers in South County, North County, and Central pay for it.

Chairman Murphy: That's – that's probably the reason why we – we might make this – leave it as Ms. Hurley recommended and make this something that the Board would have to do as a political decision as to how they interpret how this should be handled. So, I intend to support the motion. Is there further discussion of the motion? All those in favor of the motion as articulated by Ms. Hurley, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Donahue: No.

Chairman Murphy: Motion carries.

Commissioner Alcorn: Abstain.

Chairman Murphy: Mr. Donahue votes no. Mr. Alcorn chickened out – abstained. All right.

Commissioner Alcorn: I think that means it's –

Chairman Murphy: We go back to the main motion. All those in favor of the motion to recommend to the Board of Supervisors that it adopt the recommendation dated September 20, 2012 and submitted by the Planning Commission Tysons Corner Committee regarding certain Tysons Corner-related activities, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioner Flanagan: Abstain.

Chairman Murphy: Motion carries. Mr. Flanagan abstains.

Chairman Murphy: Thank you, staff, and all those on those on the staff who contributed to this herculean effort. Mr. Alcorn.

Commissioner Alcorn: Yes. Thank you, Mr. Chairman. Yes, I definitely thank the staff that are here and a bunch of staff that aren't here as well and the citizens and all the people that – that came to our meetings and the Committee members and Commissioners who really did stick this out.

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Chairman Murphy: And also once again, thank the Tysons Corner Committee and Walter in chairing the Committee for their outstanding work in this – in this matter. This is – this part tonight is something we don't usually do – that we've never done.

Commissioner Alcorn: Right.

Chairman Murphy: And – and I think we did a – thanks to the Committee – and it was done extremely well, and the staff. When I say, "Committee," I mean the whole group of folks that worked on this and – and the citizens who participated in the process.

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(The motion to modify Recommendation 23 carried by a vote of 9-1-1 with Commissioner Donahue opposed; Commissioner Alcorn abstaining; Commissioner Litzenberger absent from the meeting.)

(The main motion to recommend approval of the Tysons Corner Committee recommendations carried by a vote of 10-0-1 with Commissioner Flanagan abstaining; Commissioner Litzenberger absent from the meeting.)

JLC