

**GUIDELINES FOR THE TYSONS GRID OF STREETS ROAD FUND (THE TYSONS GRID FUND),
Adopted January 8, 2013, Amended through March 29, 2019**

The following guidelines shall be used to establish, implement and operate the Tysons Grid of Streets Road Fund. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for any proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

The Tysons Grid of Streets Road Fund is intended to collect monies in conjunction with residential and non-residential development of property within the Tysons Corner Urban Center pursuant to any Planned Tysons Corner Urban District (PTC) rezoning action in this area. In addition to such rezonings, this will also include Special Exception and Special Permit applications (collectively “Land Use Actions”) that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP), as amended.

The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects constructed using these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian, bicycle, and on-street facilities in their design as recommended in the TCP.

Illustrations of the expected cross-sections for grid streets are available in the following documents:

- The Fairfax County Comprehensive Plan text;
- The Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and the Commonwealth of Virginia, Department of Transportation for Design Standards and Related Responsibilities for Maintenance of Streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011, as amended;
- The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, as amended.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS GRID OF STREETS ROAD FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons Grid of Streets Road Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually by the annual rate of inflation, as calculated by referring to the Consumer Price Index For All Urban Consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, or Bureau of Labor Statistics, in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the fund.

The recommended cash contribution rate approved by the Board of Supervisors at the initial adoption of these guidelines is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$6.44 per gross square foot (“GSF”) of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of 'complete streets'. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

The amount of the financial contribution for each application will be estimated before the Land Use Action approval. The contribution rate at the time of Land Use Action approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission, will be used to identify the total contribution amount. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of Land Use Action to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or in-kind contribution. In-kind Creditable Improvement contributions (Creditable Improvements) are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid. Creditable improvements will be applicable to the entire rezoning application.

If an applicant elects at Land Use Action to construct or provide sufficient funds to construct a portion or portions of off-site Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and must be reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to Land Development Services (LDS) for review and comment at the time of site plan approval.

For non-residential development, the applicant will contribute 25 percent of the total recommended contribution amount based on the actual GSF, minus any approved applicable credits, to be paid before or at time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The remaining 75 percent, less any further approved applicable credits, will be paid before occupancy permits are issued and will be assessed at the then current rate. This contribution approach is intended to facilitate the construction of Tysons Grid of Streets improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total recommended contribution based on the actual number of units in each building, less applicable credits, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

Applicants seeking Land Use Action approvals in the Tysons Urban Center may receive credit against their contribution to the Tysons Grid of Streets Road Fund under one or more specific circumstances (Creditable Improvements). Creditable improvements will apply to the entire rezoning application and include the following off-site street grid projects:

- Those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within or adjacent to the boundaries of the area subject to the proposed development.
- Construction of capacity and/or operational improvements to grid streets which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Traffic signals for grid street connections which are not otherwise required to directly address the impact of site generated traffic, and are not within the boundaries of or adjacent to sites subject to the proposed development.
- Advance off-site land acquisition for construction of grid streets.
- Construction of on-site grid of streets sections in advance of the development timelines negotiated and approved by FCDOT.
- Dedication of land or right-of-way for off-site Grid of Streets projects, in which density credit has not been granted for the land to be dedicated. Right-of-way will be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia State Board licensed, MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal.

Unless otherwise approved by the Board of Supervisors at the time of Land Use Action approval, several criteria, such as the above, are used to determine credit eligibility. Any single criterion or multiple criteria may apply to a development project and will be considered individually with each development proposal. Eligible Creditable Improvements may receive credits up to equal the value of the development's contribution to the fund.

TYSONS GRID OF STREETS ROAD FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January, 8 2013). The monies in this account will be used to help fund and implement grid roadway projects in the Tysons Urban Center.

Annual Review

An annual review will be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons Grid of Streets Fund, the Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other road fund area review processes, to ensure a sustainable balance between development and transportation infrastructure.

This review may result in adjustments to ensure that the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. This review will also consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual review to the Board of Supervisors.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013, AS AMENDED

STEP 1: Total Recommended Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid of Streets Road Fund rate = total recommended contribution amount.

STEP 2: Anticipated Creditable Improvements:

Cost to construct a portion or portions of off-site grid street projects, or costs associated with other Creditable Improvements as described in the Guidelines, consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Recommended Contribution less Creditable Improvements

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid of Streets Road Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons Grid of Streets Road Fund obligations.)

STEP 4: Reconciliation of the Tysons Grid of Streets Road Fund Contribution and Actual Creditable Improvement Costs Associated with the Construction of Tysons Grid of Streets Projects

Upon completion of Grid of Streets Creditable Improvement projects, an applicant shall follow the Creditable Improvement Guide, contained herein, for final reconciliation of the Tysons Grid of Streets Road Fund Contribution (or applicable refund) and actual Creditable Improvement costs.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

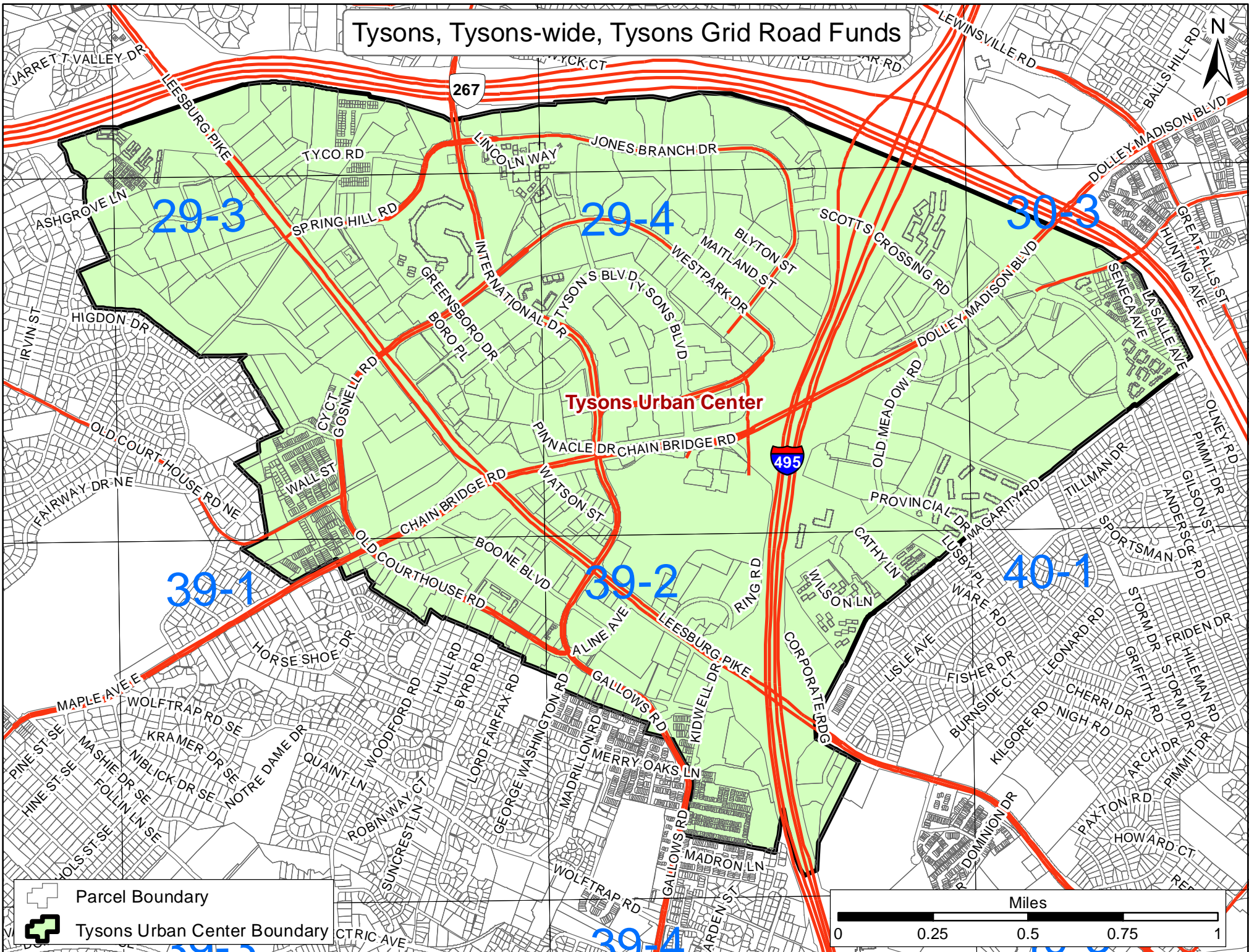
After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

Appendix C

TYSONS GRID OF STREETS ROAD FUND RATE ADJUSTMENT HISTORY

Effective Date	Percent Increase	Non-Residential Rate per Square Foot	Residential Rate per Dwelling Unit
January 8, 2013	Initial Rate	\$6.44	\$1,000
February 1, 2014	1.98%	\$6.57	\$1,020
February 1, 2015	2.18%	\$6.71	\$1,042
February 3, 2016	0.25%	\$6.73	\$1,045
March 1, 2017	2.04%	\$6.87	\$1,066
March 1, 2018	2.5%	\$7.04	\$1,093
April 1, 2019	1.9%	\$7.17	\$1,114

Tysons, Tysons-wide, Tysons Grid Road Funds



Parcel Boundary

Tysons Urban Center Boundary

