



**Arbor Row Block C2
CDPA 2011-PR-023-03
PCA 2011-PR-023-04
FDP-2011-PR-023-06**

February 7, 2024

EXECUTIVE SUMMARY

MCA opposes this application to replace a previously approved office building with a residential building on the following grounds:

1. The Applicants are requesting an exception to the Tysons Urban Center Comprehensive Plan (Tysons Plan) to allow them to substitute cash contributions in lieu of providing the expected number of Workforce Dwelling Units (WDUs)¹ either on-site or within Tysons boundaries, should they decide to build for-sale condominiums; and the Applicants are seeking to otherwise provide WDUs within five (5) miles of the boundaries of the Tysons Core instead of within Tysons as required by the Tysons Plan; and
2. The Applicants further are seeking an exception that would allow these out-of-Tysons-boundary WDUs to be located up to one-half mile away from public transportation or, if approved by Fairfax County Department of Housing and Community Development, up to one mile, instead of the one-quarter (1/4) mile required by the Tysons Plan.;
3. The Applicants additionally are seeking approval for cash contributions in lieu of on-site WDUs. The Applicants are offering a fixed-dollar amount that they assert equals 3% of the estimate market sales price per square foot of the units. The cash contribution will be subject to an escalation of 2% per year from the date of rezoning approval for four years. Depending upon actual sales prices when the units are sold, this fixed-dollar amount may not conform to the Tysons Plan.

Given the number of office-to-residential conversion applications in process in Tysons, McLean and throughout Fairfax County, agreeing to these exceptions could set in motion other similar exceptions being sought, thereby diminishing availability of affordable housing in the Tysons Core.

¹ 10% of the rental residential units should be affordable to households with incomes up to 60% of the area median income. Fairfax County Comprehensive Plan Appendix 2 Guidelines for Multifamily Affordable Housing Preservation. March 21, 2023

BACKGROUND

Basic Facts of the Proposal

Whereas, the Board of Supervisors approved RZ 2011-PR-023, on November 20, 2012. This approved rezoning of approximately 19.40 acres, known as Arbor Row from C-3 District to the Planned Tysons Corner Urban Center District, subject to proffers dated Oct. 26, 2012 and Conceptual Development Plan dated Oct. 5, 2012.

Arbor Row C-2, LLC (“Developer”) and Cityline Partners (“Managing Agent”)² have filed applications³ for a 2.92-acre portion of the Arbor Row development in Tysons that is identified as Block C-2 (“Subject Property”).⁴ The applications would change the currently approved use of the Subject Property from a proposed office building to a high-rise residential building with ground floor retail/service uses.

Conformance with Tysons Urban Center Comprehensive Plan

Square Footage

Whereas, since the Subject Property is located within one-half mile of the Tysons Metro Station, it is designated as “transit station mixed use” (“TSM”) in the Tysons Plan. TSM areas are planned for a balanced mix of retail, office, residential, arts/civic, and hotel uses. The Tysons Plan recommends that the overall percentage of office uses throughout all TSM areas should be about 65%.

The Subject Property is currently approved for a maximum of 275,650 sq. ft. of office and retail/services use in a single building having a maximum height of 180 feet plus a penthouse up to 30 feet in height, for a total of 210 feet in height. A significant portion of the Subject Property is approved for a public park, including an urban plaza and active recreational facilities.

The proposed building would have 277,622 sq. ft. of GFA, with up to 8,500 sq. ft. of ground floor retail/service uses. It would be approximately 23 stories, with a maximum height of 270 feet inclusive of the penthouse. It would have a maximum of 240 dwelling units. The Applicants are proposing to provide, at the Applicants’ discretion, off-site or a cash contribution to the Tysons Housing Trust Fund or as a combination of off-site WDUs and a cash contribution.⁵

² Collectively “Applicants”.

³ There are three concurrent applications: 1. a Conceptual Development Plan Amendment, CDPA 2011-PR-023-03; 2.a Proffered Condition Amendment, PCA 2011-PR-023-04, and 3.a Final Development Plan, FDP 2011-PR-023-06.

⁴ Block C-2 (Tax Map 29-4((7)) 03A1 is located south of Westpark Drive and approximately 440 feet east of its intersection with Westbranch Drive.

⁵ Revised Proffers, January 10, 2024, page 48.

Affordable and Work Force Units

Whereas, the Tysons Plan provides a bonus residential floor area and number of units (“bonus density”) of 20% for projects within the TSM area that have a residential component if such projects include certain amounts of WDUs and ADUs. The applicant has requested this bonus density. The Tysons Plan offers this bonus density if the number of ADU and WDU rental units are at least 13% of the total number of residential units or if the number of ADU and WDU for-sale units are at least 20% of the total. If the Applicant provides all of the for-sale WDUs on-site, the percentage of WDUs would be reduced from 20% to 14%. If the units are provided as new construction for-sale units but are transferred to another property offsite in Tysons the percentage to be provided would be 16%. The Tysons Plan states that “cash contributions in lieu of providing WDUs are not desired” and “in the rare event that a payment in lieu of affordable units is considered, this payment should be 3% of the total contract sales price for each market rate unit within the building that is subject to the WDU policy.”

In their revised proffers, the Applicants have stated that, at their discretion, they may provide a cash contribution, in whole or in part, in lieu of providing on-site WDUs.⁶

If the Applicants should elect to provide a cash contribution, their proffer is \$4.29 million if no WDUs are provided off-site⁷. Since the total contract sales price for each market rate unit within the building that is subject to the WDU policy will not be determined until the units are sold, this proffer may not conform to the Tysons Plan.

The Applicants have not provided any justification for the substitution of cash for WDUs in this planned development, or explained what is so unique about this project or the circumstances surrounding it that would trigger the “rare event” of considering payment in lieu of WDUs, and the cash amount of their proffer may not conform to the Tysons Plan, as it is premature. In addition, the Applicants have not provided sufficient justification for offsite WDUs that do not comply with the Tysons Comprehensive Plan.

RESOLVED

Therefore, be it resolved that the McLean Citizens Association (MCA) opposes these precedent setting applications. The MCA supports the provision of affordable and workforce housing in the region. The Applicants have not provided any justification for their proffering cash equivalents for WDU housing, or for proffering off-site WDUs that do not comply with the Tysons Plan with regard to their location or proximity to public transit. The MCA, therefore, urges the Fairfax County Planning Commission and Board of Supervisors to oppose these potentially precedent-setting applications.

⁶ Revised Proffers, January 10, 2024, page 48.

⁷ Revised Proffers, January 10, 2024, page 48.

Approved by the MCA Board of Directors, February 7, 2024

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cc: Dalia Palchik, Providence District Supervisor
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