

26 July, 2021

Minh Chau, Interim County Attorney
2100 Clarendon Blvd., Suite 403
Arlington, VA 22201

Re: Acquisition of TischlerBise Development Analysis Tool; Implementation of a Proffer System

Dear Ms. Chau:

On 17 July, I reiterated to the Board, during the comment period, ASF's previous request for a staff contact with whom we can discuss the nature and general scope of the TischlerBise analytical tool that we understand the County in the process of obtaining. Ms. Garvey made ASF aware of this prospective acquisition in her 24 January letter to me (attached). ASF has long urged the County to perform systematic analysis of proposed or future development to identify the effects on school requirements, parks, transportation and other infrastructure and services. As I told the Board on 17 July, ASF applauds the County effort to obtain this type of professional analytical capability from such a well-proven source as TischlerBise.]

At the 17 July meeting, you were identified as the county professional I should contact regarding this acquisition effort. While recognizing that certain aspects of any ongoing negotiations with TischlerBise may necessarily be confidential at this point, in a dynamic covid/post-covid environment, we feel it is imperative to have a discussion with you or your staff on the nature of what you envision for this capability, such as

- Number and size of projects to be assessed;
- Time frame of possible or planned projects; and
- Relation if any to current planning efforts underway such as Missing Middle and Plan Lee Highway/Langston Blvd).

Also at the 17 July Board meeting I observed that, given the extensive development being considered and proposed in the county, a TischlerBise analytical framework could give the county a powerful tool to assess effects beyond the immediate proximity of a given proposed project, a limitation supposedly legally required under the County's current "Community Benefits" system. It is likely that other County functions outside such immediate proximity, such as schools, parks, transportation and water/sewer infrastructure,

will be affected by any given proposed development project. It could best serve County interests, as a consequence, to address such broader impacts within the so-called "proffer" approach to development employed by most if not all local jurisdictions. Mr. MacIsaac had advised the County not to pursue a proffer approach based on broad considerations he advanced several years ago, but his legal analysis has never been made public.

We would also like to discuss with you making that analysis public, and if the analysis turns on a consideration of what Virginia law proscribes, why the county would not request that Richmond change its position on such a matter. There is no obstacle raised by Richmond regarding other jurisdictions using the proffer approach.

We look forward to meeting with you and any of your staff you would wish to bring on the TischlerBise analysis approach as well as the proffer-related issues noted above at your earliest convenience. Please advise when that would be possible, hopefully within the next two weeks.

Sincerely,

Charles Henkin for ASF

cc: Chairman de Ferranti
Member Garvey
Member Dorsey
Member Karantonis
Member Cristol
Manager Schwartz

Att: 24 January email by Ms. Garvey