Air Rights and Complex Vertical Development in Northern Virginia: What You Need to Know

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Presenters:

Stuart Mendelsohn
Douglas M. Irvin
Robert Ruzzo
Air Rights and Complex Vertical Development in Northern Virginia – What You Need to Know

- Potential for Air Rights Development in Arlington, Tysons and Dulles Corridor
- Zoning Considerations and Advantages of Air Rights Development
- The Air Rights Condominium as an Ownership and Development Vehicle
- The Air Rights Subdivision as Alternative
- Structuring Air Rights Condominium to Address the Challenges of Mixed-Use Development
- Addressing the For-Sale Residential Component
- A view from the Public Side of the Table and the Pressures a Public Entity will face
Air Rights and Complex Vertical Development in Northern Virginia – Zoning Discussion

- Potential for Air Rights Development in Arlington, Tysons and Dulles Corridor
- Zoning Considerations and Advantages of Air Rights Development
Air Rights and Complex Vertical Development in Northern Virginia – Transactional Issues

- The air rights condominium as an ownership and development vehicle
- The air rights subdivision as an alternative
- Structuring air rights condominiums to address the challenges of mixed-use development
- Addressing the for-sale residential component
Air Rights and Complex Vertical Development in Northern Virginia – Traditional Subdivision
Air Rights and Complex Vertical Development in Northern Virginia – Example Air Rights Condo
Air Rights and Complex Vertical Development in Northern Virginia – Example Air Rights Condo (cont’d)
Air Rights and Complex Vertical Development in Northern Virginia – Transactional Issues

- The air rights condominium as an ownership and development vehicle
- The air rights subdivision as an alternative
- Structuring air rights condominiums to address the challenges of mixed-use development
- Addressing the for-sale residential component
Air Rights and Complex Vertical Development in Northern Virginia – Update: OTP3 Information Request
The Public Actors: Motivations

- Non-Traditional Revenue Stream (vs. Fares/Tolls)
- More Efficient Asset Utilization
- “Heal the Scar” – Restore Pre-Corridor Conditions
- Promote Economic Development: Particularly TOD
- Build User Base: New Transit Riders
The Public Actors: Concerns

- Not the Core Mission: Can Get Lost in a “Crisis”
- Maintain Operations Without Inconvenience to Public
- Transparency
- Completion Guaranty
- Security Post 9/11
- Other Public Actors “Upstream” and “Downstream”
Thank You!

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Stuart “Stu” Mendelsohn

Stuart Mendelsohn practices in the areas of real estate, land use, litigation, government affairs and corporate law. His clients include a broad range of corporations, nonprofit organizations, builders and developers. Mr. Mendelsohn serves as executive partner for Holland & Knight’s Northern Virginia office. Mr. Mendelsohn served eight years on the Fairfax County Board of Supervisors and two years as vice Chairman of the Fairfax County School Board. He has also served on a number of regional transportation commissions, land use committees and councils. Prior to entering private practice, Mr. Mendelsohn was a senior manager of a defense contractor. In the community, he has committed an extensive amount of time to community service in Fairfax County, the Commonwealth of Virginia and nationally.

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Holland & Knight
Douglas M. "Doug" Irvin

**Douglas Irvin** is a partner in Holland & Knight's Washington, D.C., office. Mr. Irvin has more than 25 years of experience as a transactional real estate attorney. His practice focuses on condominium law and he has overseen the structuring and development of many of the largest and most complex condominium, mixed-use and vertical development projects in the Washington, D.C., area over the last decade. Mr. Irvin represents commercial and residential developers and builders in all facets of the planning, creation and operation of retail, office, commercial, mixed-use and residential associations, master-planned communities, condominiums, homeowners associations, and other common interest developments under applicable state and federal law.

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Robert M. “Bob” Ruzzo

Bob Ruzzo is a senior counsel in Holland & Knight's Boston office. He possesses a wealth of public, quasi-public and private sector experience in affordable housing, transportation, real estate, transit-oriented development, public private partnerships, land use planning and environmental impact analysis. Prior to joining Holland & Knight, he served in a number of leadership roles in the transportation sector. For the Massachusetts Turnpike Authority, he was chief of real estate development and previously its general counsel. At the Massachusetts Executive Office of Transportation, he was the general counsel to the secretary and, prior to that, deputy secretary for environmental policy. He is an acknowledged authority in all aspects of the Massachusetts Comprehensive Permit Law (Chapter 40B) and has been a featured speaker at the Rail~Volution conference on transit-oriented development.

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