

**PRESENTATION TO TYSONS COMMITTEE**  
**January 27, 2010**

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There are numerous issues I would like to raise with the Committee, but given the limited time, I want to highlight just a few main points that affect multiple property owners in Tysons.

1. Consolidation. The Draft Plan includes stringent consolidation requirements in 3 of the 4 TOD Districts.
  - In both Tysons West and Tysons East Districts, the recommendation is for 15 acres of consolidation. In the Tysons Central 7 District, the recommendation is for 20 acres of consolidation. While in Tysons Central 123, there is no major consolidation recommendation. What is the rationale for these differences? Why does Tysons Central 7 have such a very high acreage requirement?
  - If the purpose is to facilitate a grid of streets and the provision of land for public facilities, shouldn't the standard be the same for all TOD areas?
  - What makes 15 or 20 the magic number? Wouldn't a 10 acre transit-oriented development be able to establish a grid and provide the mix and amenities needed? How about 8 acres? Was any analysis undertaken by staff as the basis for this requirement?
  - The fact is that numerous sites near Metro stations are either encumbered by long-term leases, have substantial existing development or have ownership structures that preclude consolidating with their neighbors. I agree that in many cases consolidation is desirable; it is unwise to allow small sites to develop on their own, but setting a definitive requirement, instead of one based on specific circumstances of properties will stymie redevelopment and result in many lost opportunities.
  - I suggest that rather than set a specific acreage requirement, language be added to ensure that "reasonable and logical consolidation or coordination occur." In addition, Plan text similar to that suggested by the Draft Review Committee would be appropriate. It reads:

*"Redevelopment of a smaller land area may be considered if the proposed development demonstrates the ability to provide adequate vehicular and pedestrian access and circulation, as well as provides necessary commitments*

*to the grid of streets, parks and open space, and phasing as indicated under the Area-wide recommendations and guidelines.”*

- If, however, an acreage requirement is maintained, 15 or 20 acres is unreasonable. A 5 to 10 acre consolidation is the most that should be required. And the standard should be consistent throughout the Districts. If 10 acres is appropriate in Tysons West, it should be appropriate in Tysons Central 7. It is unfair and inequitable to do it any other way.

The typical proposed consolidation text reads:

*“Consolidation or coordinated proffered development plans should include a minimum of 15 acres; this land should be located in the first intensity tier (within 1/8 mile of a Metro station) and the second intensity tier (between 1/8 and 1/4 mile of a station).”*

I’m not sure exactly what this means. Why is it necessary to include land in both the first and second intensity tiers? What if your property is in the third intensity tier? Do you need 15 acres of consolidation in that tier? I would like this language to be clarified.

2. Affordable/Workforce Preservation Concept. While I have numerous concerns about the specific details related to 20% affordable/workforce housing requirements, the January 15<sup>th</sup> Draft Plan has a new concept which is extremely problematic. On page 32, the Draft Plan includes a general recommendation “to preserve market rate housing units that are affordable to households earning below 120% of AMI” and that “If such market rate affordable housing units are redeveloped, they should be replaced on a one-for-one-basis.” There is also specific references in the District texts related to the Post Apartments on International Drive, The Commons on Anderson Road, and the Archstone Apartments on Gosnell that require replacement of existing housing considered to be affordable/workforce housing on a one-for-one-basis.

Please recognize that a household renting a two bedroom apartment at 120% of AMI could have an annual income of up to \$122,880. So, this policy affects many existing units in Tysons. The policy serves to penalize the owners of rental communities that have generally had “more affordable” rents by imposing a one-for-one replacement. As an example, there are 499 units at the Post Tysons Apartments that could be subject to the one-for-one replacement. The site could potentially redevelop at a 1.5 FAR with a total of 1,100 units. Requiring 499 affordable/workforce units would mean a 45% commitment.

Owners of these properties cannot afford to redevelop under such circumstances. Thus, new residential development, which is one of the primary goals of the Tysons vision, will be restricted.

Some may say “fine,” we want to retain these older apartment complexes. But that will not happen either. Apartment owners will either undertake major renovations to stay competitive and raise the rents accordingly. Or, they may be inclined not to reinvest in the property and let it fall into decline. This is not meant to be a threat, it is just the economic reality.

This proposed policy is seriously flawed and should be eliminated in its entirety.

3. Intensity Tiers

As you have and will hear from others, the steep decrease between Intensity Tiers 1 (4.75 FAR) and Tier 2 (2.75 FAR) is of concern. It represents a 42% drop in intensity. The Tier 1 area is very limited area, essentially a 1 to 1 ½ block distance from station. To drop to 2.75 so quickly particularly when many properties in the second tier have by-right intensities of 1.65 FAR leaves little incentive to redevelopment. Recent text additions do provide some modes flexibility which is welcomed. But increasing Tier 2 to 3.5 FAR would be more appropriate and represent good planning still ensuring a significant stepdown.

4. Phasing

In the previous draft, the first 20 million square feet of residential use was exempt from phasing triggers. In the current Draft Plan, this concept has been deleted. For Tysons to transform from its suburban form to an urban mixed-use center, new residential development is critical. However, there is little incentive to create new housing. Yes, the intensities are generally higher, but the increased FAR for residential use proposed by both the Task Force and its consultant, PB Placemaking, has been deleted. The 3 to 1 conversion factor in the current plan has been eliminated. Instead we have increased the burden on residential development with 20% affordable/workforce housing, a potential for a one-for-one replacement policy, expensive Silver LEED requirements, onerous stormwater management goals, and high urban park standards, among others, and now we are proposing phasing restrictions. We have to do something to incentivize new residential development!

Given the fact that one of the major goals is to increase housing and Tysons is to reduce the jobs/housing imbalance, keeping this phasing exemption is needed.

Thank you for your time and consideration.