

February 17, 2010

**MEMORANDUM**

**TO:** The Fairfax County Board of Supervisors, Fairfax County Planning Commission, Fairfax County Department of Planning and Zoning and the Tysons Land Use Task Force

**FROM:** Keith S. Turner, WEST\*GROUP

**RE:** Transforming Tysons: Tysons Corner Urban Center Areawide and District Recommendations: DRAFT Plan Amendment

**INTRODUCTION**

Over the past 50 years Tysons has developed from cow pastures to the 12<sup>th</sup> largest central business district in America – all during a period of high growth matched by a substantial reservoir of undeveloped land across the County. Today, Fairfax County has a declining number of undeveloped commercial development areas, few undeveloped residential areas except for small infill properties, and a limited resource of development areas in close proximity to existing or planned transit resources. Growth over the next fifty years may continue at the same pace but without the available development sites it enjoyed over the past 50 years. Without a doubt, growth (if it is to continue in Fairfax) must be focused on the precious redevelopment areas that are, or will be, well served by rail and integrated bus transit. *Growth in these transit oriented areas in the coming 50 years will well outpace historic absorption patterns in these areas over the past 50 years.*

While Tysons Corner now functions more as a typical suburban office center, it has the opportunity to transform into the vital, vibrant urban center we have all been working towards – a Tysons Corner which has an appropriate mix of commercial office space, residential units and retail space – a Tysons Corner with efficient transit facilities, parks, open space, arts, community amenities, adequate public facilities, recreational opportunities and environmental enhancements – a Tysons Corner which is less dependent upon the automobile.

The future of Tysons Corner is embodied in a different land use form that is supported by a vastly different transportation network. This new multi-modal transportation network will be one of the critical components in Tysons Corners transformation into a vibrant, thriving 24-hour urban downtown for Fairfax County. Tysons Corner does not have to resign itself to a future as a character-less and traffic clogged edge city. Instead, it can become a place of attractive and distinctive streets, where it is safe and convenient for people to walk, bike, use transit—and, yes, drive, when they need to. This transformation cannot happen overnight. It can, however, happen over the next few decades, provided that the right choices are made today.

If the adopted Plan Amendment (“Plan Amendment”) is bold and visionary, it will be possible to achieve the Tysons Corner we all envision. If the Plan Amendment is overly cautious, it will discourage redevelopment by not providing sufficient density while still requiring substantial costs and contributions for future development.

We should all seek to achieve an effective and coordinated multi-modal transportation network within the Tysons Corner Area and surrounding community that supports the community’s economic prosperity and quality of life. Our shared vision should be of a Tysons Corner area that is vital and prosperous; that includes businesses, retail, and residential; that is adequately supported by a mix of transportation options for both residents and workers; and that will be an attractive place for people to live, work, shop, and play.

The future of Tysons Corner and the surrounding communities is incredibly bright, but there will be growing pains to get there. It will not be easy and it will not happen overnight, but it can be done. This is our generation’s one opportunity to put Tysons Corner on the right course for a better future. The land use decisions we are making today will not have the greatest impact on us, but on our children and grandchildren. Most of the people who will live in the new urban Tysons Corner haven’t even been born yet.

Unfortunately, the Plan Amendment language may not allow us to achieve the Tysons Corner that we all desire. While the Tysons Land Use Task Force (“Task Force”) and Fairfax County Planning Staff have come to agreement on many areas within the Plan Amendment, there are still several areas where consensus has not been reached and final decisions have yet to be made. Some of these decisions will have a profound impact on the ability of the Plan Amendment to achieve the shared vision for Tysons Corner as well as the pace and overall quality of Tysons redevelopment but perhaps even more importantly, the economic vitality of Tysons Corner. Areas of concern include, but are not limited to the following:

- 1) Density levels
- 2) Development conditions and costs at the currently proposed density levels
- 3) The transportation analysis
- 4) Consolidation
- 5) Phasing
- 6) Flexibility
- 7) Housing
- 8) Height
- 9) Green buildings (residential)

The two most critical unresolved issues are:

- 1) Density levels in the TOD Areas beyond ¼ mile<sup>1</sup> and in the Non-TOD Areas, and,
- 2) The economic impact of the development conditions imposed at the density levels currently being proposed in the Plan Amendment.

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<sup>1</sup> In the Tysons East District TOD Area, additional density also needs to be applied between the 1/8 and ¼ mile distance to account for the significant reduction of the TOD area due to public land (i.e. Scotts Run Park).

If the Plan Amendment densities stay as proposed and are not adjusted higher between ¼ and ½ mile in the TOD areas and of more critical importance, in the Non-TOD areas, **OR** if the development conditions that are imposed at the currently proposed lower density levels are too costly and too restrictive and if there is no flexibility under either scenario to allow implementation of the new plan to adapt to market conditions then a new, urban Tysons Corner may not be achieved.

The Plan Amendment densities have been set unnecessarily low because of the strict reliance on the Transportation Study and Modeling that was conducted by Fairfax County on Tysons Corner. While the County made many reasoned assumptions for the transportation study and modeling, it is important that everyone understand that the results could be dramatically different if even just a few of the assumptions were changed. It is also important to understand these results *should not* be the sole determining factor for the land use decisions if we truly want Tysons Corner to be transformed.

### **Transportation Study and Modeling**

#### **The inherent weaknesses in transportation modeling and therefore its results.**

*Assumptions for the transportation modeling and the use of the modeling outcomes should reflect what our future vision is for Tysons Corner – not the other way around.* Transformative change requires a different way of viewing not just the vision for the area, but how we assess and measure the feasibility of that vision and the multi-modal transportation systems that are required to sustain it. Thus, the transportation model as a tool offers only a crude approximation of how people will travel when Tysons has changed from suburban center to urban downtown. Modeling should be just one of the inputs into the decision-making framework for the future and should not supplant best practice, undermine the overall objectives of the shared community vision for an urban Tysons Corner or disregard work done on comparable regions.

One of the problems with the overall approach is it is not focused on the movement of people and goods but still primarily focuses on the movement of cars and goods. A throughput of people (performance-based) approach would allow the model to better capture the benefits of systems like Bus Rapid Transit and it would also make vehicles with more people in them, buses, carpools, vans, etc. receive a higher level of priority in the planning of projects.

The assumptions of the modeling exercise reveal that, while change is expected, there is still not an awareness that over the course of the next 30 – 40 years there will be a transformation of Tysons from edge city to urban downtown. It is reasonable to argue that, post modeling, we still expect to see similar or better modes share than the Rosslyn-Ballston corridor. To plan for anything less is not to plan for success. There are always challenges with transformative redevelopment efforts but we should not be deterred from pursuing opportunities to expand our system as a result of these challenges.

Many places worthy of visiting, living in, or being a part of will have congestion. While transportation planners are always battling the “congestion problem,” congestion is usually a good indication that people actually want to be someplace and that place is highly valued. Thus,

while the reports fret about congestion, congestion is actually a good indication of a place's desirability. When balanced against quality of place, livability, sustainability, walkability, and everything else, living with congestion while having high quality places to live, work and play where the car is the least desirable mobility option would be a success.

### **The Transportation Modeling assumptions**

Fairfax County arrived at the Plan Amendment density levels after completing transportation modeling for Tysons Corner. The transportation model that was used required dozens and dozens of assumptions to be made to create inputs before the model could be run. The model that the County ran determined that approximately 113 million square feet of total development could be built in Tysons Corner before the transportation network began to reach a level that the County staff deemed unacceptable. Therefore, the Plan Amendment language and the densities the County assigned were based on the numerous assumptions and inputs that were provided. It is critically important to understand that while the County inputs may be based on reasonable and educated assumptions, changing even a few of the inputs and assumptions in the model can dramatically change the results and thus the amount of density that the County Staff may then allocate across Tysons Corner.

There are many reasonable changes that could have been made to the inputs or assumptions which would have demonstrated that higher density levels could be achieved in Tysons Corner and the transportation system would operate at the level deemed acceptable by Fairfax County. This list includes, but is not limited to the following:

- 1) Approximately 60% of the traffic flow on Route 123 is through traffic, not oriented to or from Tysons Corner. Growth studies of Route 123 traffic indicate that the through traffic has grown between 2% and 6% per year over the last 15 years at a relatively steady rate. Route 7 suffers significantly from the same problem as well. The transportation model should have included several measures to address this problem, including, but not limited to the following:
  - With the dense network of high-capacity highways that converge in the area, through traffic using local Tysons roads (Route 7, Rt. 123, Gallows Road, etc.) is prevalent. The model should have added congestion pricing to discourage through traffic, while not impeding traffic destined for or originating in Tysons Corner. It would be a good way to fund infrastructure investment as well as encourage more use of alternative modes. Because Tysons Corner is a district with a limited number of access points, it would be very easy to implement a congestion management fee which would allow the roads to perform better and bring the overall level of vehicle trips down. It would be easy to implement given the toll collection system already in place in the area, and it would go a long way to both manage travel demand and create revenue to support transit network expansion. Congestion pricing would allow us to manage the lanes we have more effectively and sustain transit. Please remember, congestion pricing is best utilized in areas with heavy traffic and areas that have a limited number of entry/exit points.

It *is not* unreasonable to assume that Tysons Corner should plan for congestion pricing within a planning horizon that stretches until 2050. In fact, it is a mistake not to include it.

- More intensive regional efforts to reduce the number of single-occupant trips and increase HOV and alternative modes should have been included.
  - Adding Regional Roadway Capacity  
The model should have included other possible and/or proposed regional capacity improvements that could remove the pressure from the arterials and highways in Tysons. These could include some missing links such as upgrading the Fairfax County Parkway, upgrading Route 7, adding a third lane to I-66 inside the Beltway and rehabilitating/upgrading I-66 outside the Beltway, adding a Northern Potomac Crossing, and placing priority on improved transit access via corridors into Tysons, including Route 7, Route 123 and Gallows Road, to name a few.
  - Changing roadway designs and operations  
There are ways to enhance the traffic operations in Tysons by separating local and through traffic. Through different roadway designs, roadways will operate better without larger cross sections and roads. This was not explored in the analysis.
  - Assessing if and to what extent the placement of toll plazas on the Dulles Toll Road impact the level of through traffic in Tysons Corner. This is in relation to the toll plaza between the Beltway and Route 7 which may encourage drivers to cut through Tysons on Route 7 to avoid the toll.
  - Adding additional BRT and even more robust Local Bus Service  
In the near term, new BRT could lay the groundwork for changing Tysons residents' and employees' transportation habits. This could provide badly needed high-capacity, high-frequency transit service before Phase I of the Dulles Metrorail extension is complete. While routes could be created to serve the future Metrorail extension (i.e. along the Rosslyn-Ballston corridor), other routes could be created to serve other destinations that may currently be underserved, such as to key employment centers such as Alexandria and Reston.
- 2) Increasing the mode share for transit, cycling, and walking is critical to a successful future Tysons Corner. The scenario planned for falls short of the Rosslyn-Ballston corridor and the K Street corridor. The transit network was not varied to test how those improvements could impact local traffic conditions and the potential for road capacity expansion. This should have been done in the Transportation Model.
- 3) The commuter mode share for Tysons 2030 (and beyond) should be more comparable to a downtown area, with transit modes shares between 25-30%, walk mode shares between 20-25% and biking mode shares between 1.5-2%. This would dramatically reduce the number of single-occupancy vehicles on the local roads at peak times, thereby lessening congestion and the need for additional capacity on key arteries in and around Tysons.

Arlington County is 26 square miles and for all work trips within the *entire* County; 27% take rail, 12% take the bus, 9% either bike or walk and another 5% travel in non-single occupant vehicles ("SOV"). In total, over 53% of all Arlington County residents travel to

work by some mode other than a SOV. Fairfax County's transportation analysis indicates that it will be necessary to have a 36% required transit mode share during peak periods in the TOD areas (person trips, all trip purposes, to and from Tysons), and 18% in the Non-TOD Areas, or 31% for all of Tysons.

Tysons Corner is approximately 3 square miles. The anticipated future mode shares for Tysons Corner should be comparable or exceed those of the Rosslyn Ballston corridor.

### **Level of Service (LOS)**

Using LOS as a decision-making tool in the modeling process was also a critical mistake. The fact that the Plan Amendment notes Level of Service "E" as the cap is critical to the long range conversion of Tysons - this level of congestion is not constrained enough to trigger the transit mode shares Tysons is going to need to be successful. Many if not most cities forgo intersection and link capacities recognizing that there is a direct relationship between congestion, limited parking, etc and higher transit ridership - Bethesda uses Level of Service F with a number of ancillary studies to ensure pedestrian networks are enhanced, queuing issues are not exacerbated, etc.

LOS methodologies are often at odds with more recent smart growth and transit oriented development policies. Any project which makes automobile traffic worse – even if it improves other aspects of the system – is considered to have a negative environmental impact. Furthermore, mitigation of negative impacts results in restoring automobile capacity to its original state, usually at the expense of other modes of transportation. Additionally, the automobile LOS methodology does not account for any benefits to non-automobile modes, even if they have no impact on automobile traffic.

Recognizing the shortfalls to the LOS methodology, transportation researchers and practitioners have developed alternative approaches to analyzing traffic. Some proposed alternatives include expanding the definition of LOS to all modes of transportation, using new metrics to replace LOS, and lowering the criteria for LOS failure.

“The traditional solution to traffic congestion is to create additional road capacity. But projects like those almost always end up making the original problem worse because they generate what transportation planners call “induced traffic” – every mile of new, open roadway encourages existing users to make more car trips, lures drivers away from other routes and tempts transit riders to return to their automobiles, with the eventual result that the new roads become at least as clogged as the old roads.” “Traffic jams can actually be environmentally beneficial; if they turn Metro, buses, carpools, bicycles, walking and TDM programs into more attractive options.”<sup>2</sup>

“California is set to reform a section of the California Environmental Quality Act that has compelled cities to focus undue attention on LOS. These proposed reforms will allow cities and counties the flexibility to consider capacity metrics like LOS alongside other metrics that prioritize transit, pedestrians and cyclists. The proposed revisions would refocus the question from capacity of the circulation system to the performance of the circulation system.

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<sup>2</sup> WSJ.com

Given the limited resources in the County and State for roads in the future, we need to make sure that every community is taking a cost-effective approach towards managing future traffic issues. In San Francisco the city came to the conclusion that using LOS was in conflict with its “Transit First” strategy and simply didn’t measure the most important environmental impacts of driving – which, in San Francisco’s case is particulates. They elected to degrade auto LOS in the short term and focus on their “Transit First” policy.

In San Jose, the city took a different approach. The planners identified job areas where transit is likely to be the primary transportation investment in the future and exempted them from the LOS standard. Their master environmental report contained an override option for not hitting the LOS standard at 23 protected intersections”.<sup>3</sup>

### **The Transportation Model for Tysons Corner should use Multi-Modal Level of Service**

Advocates of multimodal approaches to LOS believe that automobiles, bicycles, pedestrians and transit can all be represented with a single measure of quality of services for all users.

*“Multi-Modal Level-of-Service Indicators* are rating systems used to evaluate various transportation modes and impacts and *Level of Service* refers to the speed, convenience, comfort and security of transportation facilities and services as experienced by users. Level-Of-Service (LOS) ratings, typically from *A* (best) to *F* (worst), are widely used in transportation planning to evaluate problems and potential solutions. Because they are easy to understand, Level-Of-Service ratings often influence transportation planning decisions. Such ratings systems can be used identify problems, establish performance indicators and targets, evaluate potential solutions, compare locations, and track trends.

Current planning tends to evaluate transportation system performance based primarily on motor vehicle traffic speed and delay. There are generally no LOS ratings for other modes or problems. This tends to favor highway expansion over other types of transportation improvements, contributing to automobile dependency.

Excessive emphasis on roadway Level-of-service reflects a common planning problem: bias toward easy-to-measure impacts at the expense of more-difficult-to-measure impacts. For example, transportation engineers often produce maps showing roadway links and intersections considered to have excess traffic congestion (Level-of-Service rating D or worse), information that is used to define transportation problems and prioritize transportation system improvements, resulting in resources being directed at highway expansion. This type of analysis ignores:

- Other transportation problems besides traffic congestion, such as parking congestion, traffic accidents, increased consumer costs from automobile-dependent transportation systems, inadequate mobility for non-drivers, excessive energy consumption, pollution emissions and inadequate physical fitness and health.

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<sup>3</sup> “CA Poised to Reform Auto-Centric Level of Service Environmental Rules”. Matthew Roth, October 26, 2009; [Streetblog Los Angeles](#).

“Traffic Level of Service (LOS)”. September 14, 2009; [City Manager’s Blog](#).

- The tendency of increased vehicle traffic volumes and speeds to increase problems such as traffic accidents, pollution emissions and sprawl.
- Negative impacts that wider roads and increased vehicle traffic speeds tend to have on walking and cycling travel (and therefore public transit travel, since most transit trips include walking links).

Some jurisdictions codify this bias toward automobile-oriented improvements with *concurrency requirements* and *development fees*, which impose restrictions and fees on new development that increase local traffic congestion as measured by roadway LOS ratings. This tends to discourage infill development and encourage sprawl (CUTR, 2006 and 2008). Application of Multi-Modal Level-Of-Service standards supports infill development and smart growth by allowing roadway LOS ratings to decline provided that LOS ratings for other modes improve, and by allowing development fees to finance non-motorized and public transit and improvements rather than just roadway expansion.

The development and use of Multi-Modal Level-of-Service Indicators is consistent with current trends toward more comprehensive and balanced transportation planning that considers diverse modes and impacts (SFDPH, 2007). Such indicators can help respond to users' preferences and expand the range of solutions that can be considered in transportation planning. For example, travelers may sometimes be willing to accept lower speeds for increased convenience and comfort, and improvements to other modes besides roadway. Multi-Modal LOS Indicators can help identify if a particular planning decision has undesirable indirect effects, such as when road or parking facility expansion degrades walking and cycling conditions. It is particularly important for TDM evaluation, because it considers a broader range of options and impacts, and reflects factors that influence traveler behavior.

Multi-Modal Level-of-Service Indicators can be used for travel demand modeling. An improvement in a mode's Level-of-Service rating reflects an increase in its speed, convenience and comfort, which, all else being equal, should increase demand for that mode. The rating factors can be quantified to measure changes in service quality.

Multi-Modal Level-of-Service Indicators can be used to establish performance standards and targets. For example, a strategic transportation plan includes a target that all walking and cycling facilities should have at least a C Level-of-Service rating, and that the average value of public transit Level-of-Service should increase from D to C within two years, and should reach LOS B within five years. This establishes a framework for identifying problems and prioritizing transportation system improvements.

Comprehensive Level-of-Service Indicators are particularly important for improving public transit and walking, because their travel conditions are directly affected by public planning decisions. For example, motorists supply their own parking garages and vehicles and so directly control comfort features such as seating quality, temperature control and refreshment availability (cupholders). In contrast, public transit travelers are publicly supplied sidewalks and paths, stops and stations, park-&-ride facilities, and vehicles. It is not generally possible for an individual traveler to purchase improved walking conditions, nicer stops and stations, higher transit service

speeds, or a nicer bus or train with additional convenience and comfort features (such as cupholders); improving these facilities and services requires public planning that responds to user needs and preferences. For example, some travelers might shift from driving to public transit if it had better service quality. Comprehensive Level-of-Service Indicators are the mechanism used to identify and evaluate such consumer demands in the planning process.”<sup>4</sup>

We are hopeful that looking at other qualitative measures for traffic will reduce the need to create huge traffic intersections for traffic issues that occur less than one or two hours per day. This in turn, will reduce the overall cost of development and hopefully spur more economic growth in the Tysons Corner community.

**“The development potential for the Consultant, Staff and Task Force recommendations include an 85% efficiency factor to account for land that does not redevelop to its maximum intensity.”**

It is an unrealistic and inappropriate decision to use an 85% build-out density level assumption. This has a significant negative impact on the transportation modeling. This efficiency factor is much higher than the build out in many other cities and it also fails to properly account for the existing built-environment which includes many buildings that are recently built and will not be replaced as well many sites where the new intensity levels are not high enough to stimulate redevelopment.

The efficiency factor in the Plan Amendment should be no higher than 75%.

### **The Rosslyn-Ballston Corridor – Arlington County, Virginia**

“While many may believe that large increases in development lead to a comparable increase in roads, the experience in Arlington County proves otherwise. With Metrorail and other transit, and with the opportunity to live and to work within Tysons, it is possible to accommodate more people with fewer cars going to and from Tysons.

The transportation analyses show a modest increase in traffic in the next 20 years despite opening of Metrorail and other transit options, but also show that growth between 2030 and 2050 can be accommodated without increased trips to or from Tysons, just as has been achieved in Arlington. There is broad consensus and evidence that a transit-centered approach, combined with targeted road improvements, will be effective and will protect the surrounding communities from a flood of cars. Moreover, this approach shows Tysons’ roads functioning at a better level in 20 to 40 years than they do now.

The Arlington experience, in fact, suggests that faster redevelopment may result in more rapid reductions in automobile use. A critical decision is whether to encourage major redevelopments that contribute to Tysons’ potential, recognizing that not all of Tysons will redevelop within 40 years, or whether to propose smaller redevelopment potential over the next 40 years, with the

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<sup>4</sup> “Multi-Modal Level-of-Service Indicators – Tools for Evaluating the Quality of Transport Services and Facilities”, Victoria Transport Policy Institute. January 4, 2009.

risk that such a proposal, when combined with requirements and expectations placed on landowners, will, for many, eliminate the incentive for redevelopment.

We need not look far to see how what is envisioned for Tysons can make a difference. Arlington County had substantial development in its mixed use corridors in the last decade. The County is attracting residents and jobs to mixed use communities. Despite many more people, cars on the County's major roads decreased 5 percent in five years and there are no more cars on Arlington County roads than there were 15 years ago. Almost half of the County residents do not commute by car and one-sixth of households do not have a car."<sup>5</sup>

The Plan Amendment also needs to consider the census data which suggests, based on performance in the Rosslyn-Ballston corridor, that **ALL OF** Tysons, not just nodes immediately around the rail stations, can be developed along TOD models. Please note that 20% transit usage extends beyond the ¼ -1/2 mile radius of the stations. Anything less is wasting the sustainable, transit-oriented development potential of Tysons. It is also important to remember that the Metrorail is elevated through much of Tysons Corner and is adjacent to Route 123 and in the median of Route 7 and this makes it more difficult to develop directly adjacent to the rail line. The Plan Amendment must address this TOD development constraint by understanding that some of the density will need to be developed slightly farther back from the rail line and therefore the Plan Amendment should provide more density between ¼ and ½ mile in the TOD Areas.

We strongly believe that there is ample evidence to suggest that more density could be allocated beyond ¼ mile in the TOD areas as well as in the Non-TOD areas, that the vision for an urban Tysons Corner with all of its benefits can be achieved and most of the significant impacts to the surrounding communities can be dramatically reduced or eliminated. This analysis demonstrates that making just a few reasonable changes to the assumptions used for the transportation model and not allowing the transportation model drive the vision could result in completely different results and, therefore, provide the ability to allocate more density beyond ¼ mile in the TOD Areas as well as in the Non-TOD Areas.

**The Plan Amendment densities are too low between ¼ and ½ mile in the TOD areas and of more critical importance, in the Non-TOD areas.**

Numerous studies have documented the reach of transit-oriented development extending well beyond ½ mile from rail transit stations. Year 2000 census data from Arlington County, at stations within the Rosslyn-Ballston Corridor as well as the more suburban stations like West Falls Church, clearly demonstrate that transit riders are travelling from well beyond ½ mile to the transit stations. GB Arrington, Fairfax County's hired consultant with PB Placemaking, stated that "in general, people choose transit when the trip origin and/or destination are within less than 5 minutes or 10 minutes of walk distance from a station, that the closer the destination to a transit station, the higher the willingness to walk and use transit, and, people are willing to walk more at the residential end of their commute than at the work end.

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<sup>5</sup> Tysons Corner Draft Review Committee Whitepaper

The problem with the Plan Amendment language currently is that the density levels are not sufficient beyond ¼ mile in the TOD Areas as well as in the Non-TOD Areas therefore it is not economically feasible to redevelop those areas and provide the many community benefits sought. If we do not provide adequate incentives for substantial redevelopment, it is certain that the vision will not be achieved, the many community benefits will not be realized and urban sprawl and congestion may continue or worsen.

“There is also a difference in approaches regarding whether to restrict individual projects and assume that all of Tysons will be redeveloped by 2050 or whether to propose the type of redevelopment that would be desirable, particularly within a half-mile of the Metrorail stations, recognizing that much of it will not be developed to its planned potential by 2050.

There is agreement on the aggregate level of development that may occur in Tysons by 2050, projected to be about 113 million square feet. It has taken over 50 years for Tysons to develop to 46 million square feet and, at a similar pace, arriving at the level of 113 million square feet will likely take 40 years if not more. Reducing the densities around the Metrorail stations in order to restrain overall Tysons-wide densities will result in the lost potential of concentrated urban growth.

The Plan Amendment should be mindful of potential development beyond 2050 but also recognize that we should not be unduly frightened by it. The Transportation Staff project a potential increase in development from 84 million square feet to 113 million square feet between 2030 and 2050 with no increase in trips to and from Tysons. Further, County staff maintain that the increase in development can be accommodated without increased trips by increasing mixed use development, adding more residents in Tysons, implementing TOD, and increasing transit use and other alternatives to single occupancy vehicles. As noted previously, that projection is consistent with the experience in Arlington where substantial recent development has been accompanied by reduced vehicle traffic.

It is unreasonable to assume that if development between 2030 and 2050 produces no increase in trips to and from Tyson, further development beyond 2050 automatically increases such trips. It is, however, reasonable to address this issue through mechanisms such as phasing and performance-based measures related to total or net trips.”<sup>6</sup>

The current Plan Amendment density levels will not promote the type of development desired outside ¼ mile in the TOD Areas and in the Non-TOD areas unless the current economics are readjusted. If not, redevelopment will be sporadic at best.

**The Plan Amendment must include more density between ¼ an ½ mile in the TOD Areas and in the Tysons East District TOD Area additional density needs to be applied between the 1/8 and ¼ mile distance to account for the significant loss of the TOD area to public land.**

## **Tysons East District**

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<sup>6</sup> Tysons Corner Draft Review Committee Whitepaper

The Tysons East District has the best access in all of Tysons Corner to the regional highway network. It is located immediately adjacent to the Capital Beltway/I-495; it is also located in close proximity to two future HOT lanes connections at the Westpark Connector Bridge and Scotts Crossing. In addition, it is easily accessible from the Dulles Toll Road.

The Tysons East District consists of 165 acres and it is being allocated approximately 16.5 million square feet of development, almost 7 million square of development less than the adjacent Tysons Central 123 District. Within the ¼ mile radius from the Tysons East station approximately 65% of the land is unbuildable due to physical constraints like road ROW, parkland and RPA. However, the same monetary investment is being made in the transit infrastructure at the Tysons East station as the other three stations in Tysons Corner.

The County needs to maximize the benefit derived from the Tysons East rail station and allow for higher density between 0 and ¼ mile at the station to take full advantage of this precious transit infrastructure resource and the principles of transit-oriented development land use planning. The Tysons East District must have approximately the same aggregate development potential within the 0 to ¼ mile circle as the other 3 stations (rather than up to 7 million SF less) otherwise,

- 1) the transit infrastructure investment in support of TOD will have been wasted, and,
- 2) with no density attributed to Scotts Run Park, the Tysons East District will be disproportionately and unfairly burdened with the cost of improving Scotts Run Park (since this park has already been dedicated without offsetting density credit).

The solution is to increase the density between 0 to ¼ mile from the Tysons East rail station. This can be achieved by using one, or a combination of the following changes, to the Tysons East District Plan Amendment language:

- A) attributing density to the Scotts Run Park Areas within ¼ mile of the TOD areas and allowing that density to be used by the adjacent landowners, or,
- B) allowing parcels that include approximately 25% of their land area within the Tier 1 Intensity tier to develop at the Tier 1 intensity levels for the entire parcel. The resulting development pattern should still generally conform to the goal of locating the highest intensities closest to transit. In addition, proposed intensities should be consistent with the urban scale and character that is envisioned for the area.

### **The Plan Amendment must include more density in the Non-TOD Areas**

The Non-TOD Areas are critical to achieve the vision for Tysons Corner. The Non-TOD Areas have significantly less density than the TOD Areas but they have *most of the same* development conditions and costs. There is a critical difference on the overall impact to Tysons of only planning for four small TOD Areas around the Metrorail stations as opposed to viewing the Tysons Corner Urban Center as one large TOD Area. Tysons must be seen as one integrated and cohesive “place” and its planning should be approached on all levels. Focus should not be placed solely on small areas around the Metrorail.

The vision for Tysons as outlined in the Plan Amendment includes an emphasis on creating a job/housing balance, which includes the need for significantly more residential units than Tysons has today. The planned intensity in the North Central (Non-TOD) District is not enough intensity to encourage the development of urban residential neighborhoods. The proposed intensity in the Plan Amendment for the North Central District urban residential neighborhood is 1.5 FAR. If the current Plans potential for 3.0 FAR did not encourage the development of an urban residential neighborhood, 1.5 FAR along with the new requirements for parkland, road and circulator ROW, and financial contributions to various other Plan requirements, never will. By eliminating this conversion and not replacing it with another residential incentive, and not providing base density levels high enough to promote redevelopment, the Plan Amendment fails to promote residential development in Tysons to the extent that is desired as noted in the shared vision.

In addition, in some cases, elimination of the 1:3 conversion leaves properties with less development potential than they have under the current Plan, effectively down-planning these parcels. WEST\*GROUP currently has an application filed with Fairfax County, that we believe is in compliance with the current comprehensive plan language and that allows 1.0 FAR on the Fairfax site, 2.25 FAR on the Essex block and 3.18 FAR on the Hanover site. In the Plan Amendment, the Fairfax site is planned for 1.0 FAR, the Essex block is planned for 2.0 FAR and the Hanover site is planned for 1.5 FAR. The Plan Amendment clearly down-plans these parcels.

In the North Central District (WestPark) the Plan Amendment has identified approximately 58 acres as Residential Mixed-Use at a 1.5 FAR. However, after dedicating land for roads and sidewalks, public parks, floodplain and RPA as well as public facilities, that are identified in the Plan Amendment, the remaining land area is only approximately 26 acres. A financial analysis of this land area clearly demonstrates that a 3.4 FAR would need to be applied to the entire 58 acre area to justify the redevelopment of an income-producing commercial office park to an urban residential neighborhood with all of its new development conditions and associated costs. In fact, a 2.46 FAR would need to be applied to the 58 acre area in order for it to have the same value or equivalent development rights that it has under the current Plan (with rail).

The estimated cost of the newly imposed development conditions is approximately \$15,500 per unit for residential and \$15.50 per square foot for commercial, in addition to the traditional development and proffer costs.

If Fairfax County wants this 58 acre area to develop into an urban residential neighborhood, complete with parks and public facilities, there must either be more density allowed, or the cost of the development conditions must be reduced.

Possible solutions that would allow for the transformation of this area include, but are not limited to the following:

- 1) Reducing the development conditions and the associated costs for the Non-TOD Areas,

- 2) Allowing a significant density bonus for the provision of the largest park in Tysons Corner,
- 3) Allowing the transfer of intensity from one site to another within Tysons, especially when doing so advances the provision of residential development.
- 4) Allowing the transfer of "Office" or "Office Mixed-Use" intensity within the TOD Areas to a Non-TOD area as "Residential" or "Residential Mixed-Use" intensity provided that the overall impact to the transportation network from this transfer and conversion is negligible.

**The economic impact of the development conditions imposed at the density levels currently being proposed in the Plan Amendment.**

If Fairfax County still somehow erroneously concludes that the density levels in the Plan Amendment are adequate, then they must address the fact that the development conditions that are imposed at these density levels are too costly and too restrictive and will hamper the redevelopment of Tysons and stall the economic engine of Virginia.

**Economics**

"Creating viable economics for redevelopment in these areas is the key to successful implementation of the new Tysons Corner Urban Center Plan. This can be achieved by focusing on solutions to two issues:

- 1) Financing strategies
- 2) A balance between the numerous community-wide benefits sought from developers by Fairfax County and the corresponding density necessary to help provide real risk adjusted financial returns necessary to incentivize new investment.

If these issues are addressed appropriately, Tysons Corner can become the walkable, transit-oriented destination that is envisioned by the community. Absent that balance, Tysons Corner may well look much the same ten to fifteen years from now.

Much of Tysons Corner is currently developed with low density commercial and industrial uses. Existing development is predominantly parked with a mix of surface lots and above grade parking structures. An absolutely unprecedented opportunity exists to increase density in Fairfax County's only designated Urban Center while adding and supplementing the existing infrastructure and community benefits to create a significant revenue generator for the County.

In-place development, while not built to the highest and best use, largely consists of efficient, well-leased, income producing assets that have an underlying value derived from their current income streams. Investment returns from new development must be sufficient to, at a minimum, compensate existing landowners for the underlying land value of their asset or redevelopment will not occur. If structured properly the new Plan Amendment for Tysons Corner will allow a new network of streets, improvements to the existing roads, and significant enhancements to public transit to be implemented through a combination of public and private investment in order to create transportation capacity to support increased development density.

In order to create the incremental tax revenue to drive infrastructure improvements, the Plan Amendment must be designed to provide proper incentives for redevelopment. The decision to redevelop is an economic one. First the developer derives the value of the existing property. Second, they calculate the property's value if redeveloped. The scenario with the highest value is typically the preferred approach. The cost to provide community benefits must also be factored and these costs have a significant impact on a developer's willingness to redevelop. A balance must be struck between the cost of the community benefits and the resulting residual land value for the land owners. If this can be achieved, redevelopment is likely to occur.

The following is a list of just a few potential changes to the community-wide benefits requirements which would help landowners to achieve residual land values which incentivize new development.

- A) The Model must reflect that development does not occur in a straight line and may not at all times be in balance with infrastructure construction.
- B) Provide an offset mechanism that credits the cost to construct and dedicate on-site public transportation improvements provided by the development against other fees and contributions sought by the County.
- C) Allow for a more flexible split between residential and commercial development. This flexibility will allow the development community to respond to market conditions and provide the best incentive for redevelopment at any given moment in the future.
- D) Streamline the approval process to minimize consultant's fees and land carry cost. The entire process from the submission of the rezoning application to receipt of the building permit should be no longer than one year.
- E) Allow private parking to occur below public ROW where possible.
- F) Allow for above grade parking structures, particularly in the Non-TOD areas, subject to reasonable design guidelines so that it remains cost effective relative to below grade parking.
- G) Provide density bonuses for excellence in environmental sustainability.”<sup>7</sup>
- H) Please also see the numerous recommendations contained throughout this memorandum that address development conditions and their associated costs.

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**Below you will find comments on specific language contained within the DRAFT Plan Amendment.**

**Page 1, 3<sup>rd</sup> paragraph** – “Tysons, with its large concentration of office and retail development, is well positioned to take advantage of the Metrorail’s Silver Line **and the I495 Capital Beltway HOT Lanes project.**”

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<sup>7</sup> “White Flint Sector Plan – Financial Analysis, Economic Benefits and Infrastructure Financing”, November 19, 2008.

There will also need to be additional text in the paragraph discussing the benefits derived from the 3 additional connections from Tysons Corner to the regional highway network (I495 HOT Lanes).

**Page 6, bullet 5** – “A redesigned **multi-modal** transportation system...”

All additional references to the proposed, new transportation system should be to the new “multi-modal transportation system”.

**Page 10, paragraph 2** – “The four Non-TOD Districts...”

The Westside, North Central, Old Courthouse, and Eastside Districts should not be referred to as “Non-TOD Districts”. They should be identified as “**Non-Station Area TOD Districts**” and the station areas should be referred to as “**Station-Area TOD Districts**”. Numerous studies have documented the reach of transit-oriented development extending well beyond ½ mile from rail transit stations. Year 2000 census data from Arlington County, at stations within the Rosslyn-Ballston Corridor as well as the more suburban stations like West Falls Church, clearly demonstrates that transit riders are travelling from well beyond ½ mile from the transit stations. GB Arrington, Fairfax County’s hired consultant with PB Placemaking, stated that “in general, people choose transit when the trip origin and/or destination are within less than 5 minutes or 10 minutes of walk distance from a station, that the closer the destination to a transit station, the higher the willingness to walk and use transit, and, people are willing to walk more at the residential end of their commute than at the work end.

**Page 12 - North Central** – “Office uses would be mostly located adjacent to the Dulles Access Road, while residential land uses could be the focus around the proposed circulator routes. Future development along **these routes** could result in vibrant, mixed-use residential neighborhoods, with...”

The reference to the circulator routes should be plural.

**Page 15 – Circulator Alignments** – “However, over the long-term this service is envisioned to evolve in to a higher level of transit service, which would operate in it own right-of-way **for as much as possible**.”

Clearly it would be great if the entire Circulator System operated in its own right-of-way. However, it is more likely that as the Circulator System continues to develop over time, it may ultimately, in it final form, still share some of the right-of-way with other vehicles or buses. It may also, in certain areas throughout Tyson, operate in mixed traffic as a result of adjacent land uses, etc. Therefore, the language should contain flexibility with the addition of “**for as much as possible**”.

“To implement this system, the first step is to conduct a detailed transit circulator study.”

It is imperative to the success of the Circulator System that the relevant stakeholders are involved in the process. It is also important that an agreement on circulator ROWs and design

standards is established early in this process. Phasing and incremental development of this system then becomes more workable. Incremental development of the Circulators System needs to be strongly encouraged. Buses or shuttles should be allowed initially, with some density allocated to the areas the Circulator Systems serve, provided they meet desired transit capture levels and reductions in peak hour vehicle travel. As the incremental development of the Circulators System continues and right-of-way is obtained for each route for as much as possible, more density should be released along the routes. Density increases should be tied to mode split performance. If a phasing segment (e.g. fixed-guideway segment) or an interim circulator (e.g. shuttle bus system) delivers a targeted mode split performance, a commensurate density increase should be provided.

In order to get the ROW and possible funding for the Circulator, development between ¼ and ½ mile at the station areas should be encouraged immediately. Development along the proposed Circulator routes (possibly with interim shuttle buses or partial systems), which will result in the necessary ROW and some portion of the funding will make the implementation of the Circulators system possible and should be encouraged immediately, not precluded until the entire, final system ROW and financing are in place.

**Page 16** – “Whether or not additional density should be planned for areas in proximity to the circulator routes based on resulting increases in transit capture and reductions in peak hour vehicle trips into and out of Tysons.”

The Task Force was very clear that density WAS to be associated with the Circulators, not “may be planned”. While we understand that the goal of the Circulators is to assist transit capture and reduce peak hour travel, the Task Force did not tie the Circulator density to these types of measures in the areas closest to Metro and the Circulator.

In the District-specific language, the redevelopment option always states that “the redevelopment proposals along the alignments should provide right-of-way or otherwise accommodate the circulators and should make appropriate contributions towards its construction cost.” This language should only be applicable if there is density associated with the circulator routes.

**Page 17 – Funding Strategies** – “Potential funding mechanisms may include:”

Both “Transfer of Development Rights” and “Tax abatements/incentives” were removed as possible funding strategies that *may* be considered. Both of these tools should again be listed as possible funding strategies because the language clearly states “Potential funding options *may* include”.

**Page 23 – Footnote 1** – “The development potential for the consultant, staff and task Force recommendations include an 85% efficiency factor to account for land that does not redevelop to maximum allowed intensity.”

Detailed comments are contained in the Introduction.

**Footnote 5** - “In April 2008, PB Placemaking recommended intensities which yield about the same overall square footage as the staff recommendation; the difference is that the consultant’s recommendations include additional intensity along proposed circulator routes but do not include the affordable housing or green building bonuses recommended by staff.”

The DRAFT Plan Amendment refers to the “consultant’s recommendation” when it discusses the proposed FAR intensities for Tysons Corner and frequently asserts that Fairfax County Planning Staff’s recommendation is similar to that of the consultant’s. This is not entirely accurate. As was noted in Footnote 5, the consultant’s recommendation also included the following intensity along the proposed circulator routes.

Distance from Circulator Route	FAR for Commercial Use	FAR for Residential Use
0 – 400 feet	Existing / Comp. Plan	2.0
400 – 600 feet	Existing / Comp. Plan	1.0

These Circulator related FARs should be reinserted in the Plan Amendment and the release of the FAR should be tied to incremental development of the Circulators System.

**Page 25 – “Map 3 - Conceptual Land Use Pattern Map”**

The proposed Conceptual Land Use Pattern Map does not appear to have taken the current land owners development plans under consideration.

Identified Land Use Category

In the Tysons Central 123 District the entire Essex block and the Frederick building should be identified as Office Mixed-Use, not Retail Mixed-Use.

Parkland

In the Tysons East District, the Conceptual Land Use Pattern Map indicates that approximately 60% of the existing Cleveland building site is to become parkland (these new boundaries appear to have been adopted from the RPA maps), not to mention that two collector streets are proposed to bisect the property on the Road Network Map as well (with proposed widths between 71’ – 108’). Please also note that the Cleveland building site has also had property taken to provide right-of-way for the Dulles Rail Project. The additional parkland that the County Staff are proposing taking from the Cleveland site will render this site unusable for redevelopment.

The land on the Cleveland site that is being identified as parkland on the Conceptual Land Use Pattern map must be identified as Office Mixed-Use not parkland. While we understand that the density associated with the additional parkland desired by the County would be able to be used on the Cleveland site, it would be unable to be used due to the site constraints that are being imposed on the property.

In the North Central District, the Conceptual Land Use Pattern Map has identified approximately 20 acres of the 97 acres in the entire district (**over 20%**) in which WEST\*GROUP has an

ownership interest as parkland. Please remember that while WEST\*GROUP did propose the major urban, civic park, we only felt that the amount of space dedicated to parks (and civic uses) would be feasible if there was a reasonable amount of FAR assigned to the adjoining sites to develop on. Based on the current language in the Draft Plan Amendment related to density, and no specified bonus density for these specific parks (and civic uses), it is unlikely that these sites will redevelop soon nor will they be able to provide the size and quality of the parks and civic uses that are desired.

### Civic Use / Public Facility

In the Tysons East District, the Conceptual Land Use Pattern Map has identified a “civic use / public facility” on the Taylor site. Draft Plan Amendment language in the District Language, (Colshire Subdistrict) identifies this public facility as a fire station. The Taylor site is the last piece of the McKinley-Pierce-Taylor development site all of which is developed with essentially 100% office. There is limited street-frontage at the Taylor site due to RPA and topographical constraints and adding the ingress and egress necessary for a fire station along what is identified as an urban, pedestrian main street in Tysons East is inappropriate. Also, the security requirements of all of the existing and likely future tenants will not allow that or any additional use at their site that may compromise their stringent security requirements.

Fire stations should be located outside the ½ mile radius of the stations. The most appropriate location within the Tysons East District is in the largest section of the cloverleaf between Route 123 and the DAAR as it provides unfettered ingress/egress and little to no impact on the surrounding land uses.

The Conceptual Land Use Pattern Map also identifies the transit station at the intersection of Route 123 and Colshire Drive as a “civic use / public facility”. Please note that upon operation of Phase I of Dulles Rail, if not sooner, ownership of that parcel of land will transfer from the Fairfax County Board of Supervisors to WMATA. It is imperative that Fairfax County immediately take the necessary steps to retain the ability to build additional uses on that site after it has transferred ownership.

In the North Central District, the Conceptual Land Use Pattern Map has identified a “civic use / public facility” on both the Dickenson building and the Hanover site. In total, 3 of the 14 identified “civic use / public facility” land uses are shown on WEST\*GROUP owned land Taylor site – fire station, Dickenson – School, Hanover – unidentified). In combination with the requested land to be used for parkland, WEST\*GROUP is being disproportionately and unfairly burdened by parkland, civic uses and public facilities.

There also needs to be a lot more emphasis on flexibility within the Land Use Categories if parcel specific uses are defined. The type of development and the timing of development are driven by market conditions and it is absolutely critical that there is more flexibility put into the plan as to the type of land use assigned to each parcel.

## **Page 26 – “Conceptual Intensity Map”**

Fairfax County Planning Staff need to provide a map that *clearly* identifies the 1/8, ¼ and ½ miles intensity circles as they are drawn from the various escalator steps at each of the rail stations. This map also clearly needs to identify what percentage of each development site falls within each intensity level.

**Page 27 – Staff comment in Strawman II (page 26) has been removed.** It read “ Staff supports a policy of allowing intensity to be transferred from one site to another within Tysons, especially when doing so advances the provision of public facilities.”

This text needs to be put back in the Plan Amendment. The County staff currently worry about the provision of civic uses, public facilities, parks, open space and recreational areas. Allowing the transfer of intensity from site to site is a significant tool which can help not only ensure that these community benefits are provided, but that they are provided early in the redevelopment of Tysons Corner.

“In the four TOD Districts, the highest intensities will be allowed in areas within 1/8 mile of a Metro station entrance, a distance roughly equivalent to one or two city blocks or a three minute walk. Intensities then decrease at distance between ¼ and ½ mile from each station. This reflects the fact that transit ridership decreases as the walking distance to the station increases.”

GB Arrington, Fairfax County’s hired consultant with PB Placemaking, stated that “in general, people choose transit when the trip origin and/or destination are within less than 5 minutes or 10 minutes of walk distance from a station, that the closer the destination to a transit station, the higher the willingness to walk and use transit, and, people are willing to walk more at the residential end of their commute than at the work end.

The Plan Amendment FAR between ¼ and ½ mile in the TOD Areas is 2.0. The land area ¼ to ½ mile from a station area still benefits significantly from the principles of TOD development as it relates to transit ridership and thus not planning it at a higher FAR would negatively impact the ability of Fairfax County to take full-advantage of the 4 rail stations in Tysons.

Additional detailed comments are contained in the Introduction.

## **Page 27 - “Table 1 - Recommended Intensities for TOD Districts”**

Detailed comments are contained in the Introduction.

**Page 29 – “Non-TOD District Intensity”** “Large portions of the Non-TOD Districts are planned for increased intensity to encourage the creation of urban residential neighborhoods”

Detailed comments are contained in the Introduction.

**Page 31 – “Affordable and Workforce Housing”**

The following changes should be made to the Affordable and Workforce Housing Guidelines within the Plan Amendment.

- 1) Reduce the requirement for affordable and workforce housing from 20% to 15%;
- 2) The income tiers should be as follows:
  - o 5% of total units affordable to households earning 61-80% of AMI;
  - o 5% of total units affordable to households earning 81-100% of AMI;
  - o 5% of total units affordable to households earning 101-120% of AMI.
- 3) Do not calculate the requirement based on the total number of market + bonus units; the requirement should be computed based only on the number of proposed market units.
- 4) Allow the FAR bonus to be used for development other than residential.
- 5) Exempt affordable and workforce housing units from per unit proffered contributions for schools, parks, road funds, etc.
- 6) Exempt affordable and workforce housing units from water and sewer fees.
- 7) Include a buy-out provision.
- 8) Eliminate the policy that requires preservation of market rate housing units that are affordable to households who are earning below 120% AMI and replacement of these units if this “market-rate” housing redeveloped.

**Page 32 – “Affordable & Workforce Housing”** “Non-residential development throughout Tysons should contribute \$3.00 per non-residential square foot (adjusted annually based on the Consumer Price Index) to a housing fund that will be used to create affordable and workforce housing opportunities in Tysons.”

This language needs to be removed. While the intent is clear and admirable it should only be applied to Tysons if it is applied to all of Fairfax County. At a minimum, the required non-residential development contribution should be reduced to \$1.50 per square foot.

The Task Force provided incentives to encourage the development of affordable and workforce housing. Nonresidential development should NOT be required to contribute land or money to create housing. The incentives must be improved if County Staff feels it is inadequate to accomplish the stated residential goals.

**Page 33 – “Green Buildings” –**

The LEED Certification requirements need to either be more lenient (no silver certification requirement for housing) or they need to provide a greater intensity bonus for certification of residential development, in particular high-rise residential.

There also needs to be discussion of LEED ND which will be as important to the redevelopment of Tysons as all of the other certification classifications.

The Task Force language regarding the incentives for LEED Certification or equivalent should be reinserted in the Plan Amendment.

**Page 34 – “Coordinated Development and Parcel Consolidation”** “As an alternate to consolidation, coordinated proffered development plans (i.e. concurrent rezoning applications) that achieve the same Plan objectives as consolidation should be encouraged.”

This language is way too restrictive. The language suggested directly below by the Task Force Draft Review Committee should be included.

“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 Areawide recommendations and guidelines.”

**Page 35 – “Residential and Other Noise-Sensitive Uses”**

Fairfax County needs to complete a major corridor analysis and adjust affected land use categories as necessary.

**Page 36 – “Phasing to Transportation Improvements and Programs”** “Just as previous Plans for Tysons phased growth to the provision of Metrorail, future redevelopment proposals should be phased to planned roadway and transit improvements and the demonstrated ability to significantly reduce single-occupancy vehicle trips. Tables 5, 6 and 8 in the Transportation section of the Plan prioritize specific triggers into four phases, each generally representing a ten year period from 2010 to the planning horizon year of 2050.”

Tysons Corner needs a dynamic phasing approach that will balance infrastructure needs, the desire to create dense, pedestrian-oriented neighborhoods, developer costs, and community benefits. Phasing implementation should be dynamic; what works now may not be what works best in five years. Phasing could be applied to specific projects and coordinated developments as well as to aggregate development within Tysons. Creative financing approaches should be considered to help get things done. Plans should be based on the public sector meeting its responsibility in a timely manner and landowners should not be constrained by public sector failures.

**Page 39 – “Phasing to Public Facilities”** “The initial zoning application filed in each of the eight districts should be accompanied by a public facilities plan. Such a plan will enumerate the public facilities needed in that district, their approximate year of construction, and the private sector’s commitments toward the provision of these facilities.”

This is a new concept entirely as this is normally negotiated, not tied directly to development approval. Why is this no longer part of the voluntary proffer process? Also, how is this proposal actually supposed to work and how does such a system guarantee that one land owner will not be unfairly or disproportionately burdened? The early years of transition from suburban to urban will be the hardest and the public sector should want to give incentives for faster transformation rather than overburdening and discouraging those leaders willing to take the biggest risk.

### **Page 41 – “Transportation”**

More detailed comments are contained in the Introduction.

**Page 42 – “Transportation”** – “The Circulator System will initially operate on-street in mixed traffic and later on-street on its own right-of-way **for as much as possible.**”

Please add the text that is shown in **bold** above. The rationale for this text change is discussed earlier in this memorandum under the discussion of Page 15.

### **Page 47 – “System of Circulators”**

See previous discussion of Circulator Systems contained in this memorandum.

### **Page 51 – “Grid of Streets”**

There needs to be flexibility to allow landowners to engineer and submit for consideration an alternative grid of streets for their subarea or subdistrict if they can demonstrate the type of connectivity desired within the Plan Amendment.

### **Page 53 – “Conceptual Functional Classification of the Tysons Road Network”**

An official map would be very helpful, but there must remain some significant flexibility as to the future location of every road, especially as we get into the assignment of location of Main Streets and Local Streets.

The design of Route 123 needs to be changed to reduce crossing distances and improve safety for pedestrians and bicyclists. If it remains overly wide as proposed, Route 123 will create a barrier right through the Tysons East station area. It is unlikely that Route 123 will transform into the Boulevard as depicted.

### **Page 63 – “Highway Connections and Beltway Crossings”**

What happened to the grade separated crossings of Route 123 at Old Meadow and Capital One Drive and Colshire and Scotts Crossing? They **were** a part of the Task Force recommended Transportation Network and must be more closely studied. These two grade separated crossings are critical at the Tysons East station. In fact, when in place, they allow for the elimination of the stop lights on Route 123 at both Old Meadow and Colshire and the elimination of all the left-hand turn lanes in both directions. Route 123 can therefore be significantly narrowed, become more pedestrian and bicycle friendly and will provide greater vehicular capacity. The grade separated crossings will improve the level of service and therefore allow the area to develop in to a true transit-oriented development. The grid of streets and the grade separated crossings act as the intersections and also result in an environment which brings the land use, and the pedestrian environment closer to the rail station, ultimately improving access to the station.

**Page 67 - “Level of Service – Impact on Roads”**

Detailed comments are contained in the Introduction.

**Page 69, 70 – “Transportation Demand Management”**

The “contingency fund should be eliminated and the Tysons Transportation Fund contribution should be eliminated or reduced. The contribution is excessive when combined with the other public facility and transportation infrastructure contributions required as well as additional taxes to be levied.

**Page 75 – “Maintaining a Balance Between Land Use and Transportation”** “To maintain this balance, the increase in development in Tysons should be coordinated with the provision of transportation infrastructure and programs to reduce vehicular trips.

**Page 85 – “Stormwater Management”** “In order to protect and facilitate the restoration of streams downstream of Tysons Corner, stormwater runoff should be controlled with the goal of having post-development runoff characteristics will mimic runoff characteristics under good forested conditions **to the extent practicable OR good forested conditions should be changed to good pasture conditions.**”

The language in bold “to the extent practicable” was in Strawman II and should be put back in the Plan language to provide flexibility to address possible site constraints as well as the significant economic impact. In general the stormwater requirements should be modified to ensure they are reasonable and achievable.

**Page 85 – “Natural Resources Management”** “These expanded natural areas could build on the stream valley parks, adding land that increases riparian buffers and enhances stream valley corridors. Natural areas outside of Resource Protection Areas could serve as nodes for human activity and greatly improve quality of life while relieving stress on riparian areas. Stream valley park expansions should not include large hardscape areas (other than trails) and resources management should drive park design.”

**Page 87 - “Green Buildings”**

See previous discussion of green buildings.

**Page 90 – “Conceptual Parks and Open Space Network Map”**

Part of the linear park system in the North Central area was not included. Please also remember that WEST\*GROUP only felt that the amount of space dedicated to parks and civic uses would be feasible if there was an adequate amount of FAR (approximately 3.0 – 3.5 FAR assigned to the area. Without this level of FAR it will not be feasible economically to tear down an existing suburban office park and replace it with a residential community. Also, without this level of density and WEST\*GROUP’s proposed mix of residential, commercial, and civic use, a major park here is simply not justified.

**Page 90-91 – “Existing Stream Valley Parks”** “These stream valley parks can be expanded through dedications of privately-owned portions of the stream valley and in adjacent areas to provide better connectivity, **where appropriate.**”

Please add the text noted in **bold** above.

**Page 99 – “Public Facilities”** “One school should be located in the North Central district where it could share recreational space with the proposed eight to ten acre park.”

The proposed park in the North Central Area is to be an urban park. While there will definitely be areas to recreate within the park, it would not be developed as a park that should contain rectangular playing fields. This park is intended as a passive recreation, urban park like Bryant Park, portions of Central Park, and other similar parks.

The proposed school in the North Central area should begin as a magnet school and be adjacent to a related civic use. For example, the school could be for the arts and be adjacent to a performing arts center. This type of use would reduce the impact on the schools surrounding the Tysons Area.

**Page 99 – “Fire and Rescue”** “The second fire station could be located in the Tysons East district.”

The Land Use Map in the Tysons East District locates this use on the Taylor site. Please see the comments on Page 25 above in this memorandum.

“Because the existing Station 29 is adjacent to the Tysons West Metrorail station, it is planned for relocation to the edge of the North Tysons West Subdistrict or to co-locate with the Spring Hill Transit Center in the North Central District.”

The existing West\*Park Transit facility is being considered for a future location for Station 29. While this may be an appropriate location for Station 29, the existing proffers clearly limit this parcels use to a transit station.

**Page 105 – “Public Facility Guidelines – Phasing Public Facilities”** Commitments to dedicate building space or land for most, if not all, of the public facilities needed by 2050 should be provided as development approvals occur during the first 10 or 20 years of Plan implementation.”

The County Staff are worried about the provision of civic uses, public facilities, parks, open space and recreational areas. Providing bonus density can help secure the necessary land or space for the provision of public facilities early in the redevelopment process.

**Page 106 –** “For each of the eight districts at Tysons, the initial zoning application filed in a district should be accompanied by a public facilities plan. Such a plan will enumerate the public

facilities needed in that district, their approximate year of construction, and the private sector's commitments toward the provision of these facilities.”

This is an entirely new requirement. The early years of transition from suburban to urban will be the hardest and the public sector should want to give incentives for faster transformation rather than overburdening and discouraging those leaders willing to take the biggest risk.

There should be a system of incentives in place that encourages the placement of public facilities throughout the urban area rather than a system of governmental restrictions that will thwart efforts to implement the Tysons vision and promote by-right development not consistent with the new Plan.

**Page 116** – There needs to be an additional language added on the concept of “Green Streets”.

**Page 129** – “**Structured Parking**” “Above-grade parking structures should be “wrapped” with active uses on all sides except along a service street.”

This Plan language needs to be more flexible as there may be other exceptions.

“Stand-alone above-grade parking structures are discouraged.”

This Plan language needs to be more flexible to accommodate these types of parking structures when they are part of a long-term development phasing plan.

**Page 131** – “**Building Height**” “Maximum building height includes structured parking placed under buildings (either below or above grade).”

This is new language in the Plan Amendment and effectively reduces the height limits contained in the Building Height Concept map by at least thirty feet. This language needs to be removed.

**Page 133** – “**Map 10 – Building Height Concept**”

The proposed heights actually limit the FAR. The height ranges in the Plan Amendment should be eliminated and the following heights should be proposed:

Tier 1	455 feet
Tier 2	360 feet
Tier 3	200 feet
Tier 4	150 feet
Tier 5	150 feet
Tier 6	75 feet

**Page 141** -- “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 ¼ mile of a station).

The language suggested directly below by the Task Force Draft Review Committee should be included. "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 Areawide recommendations and guidelines."

**Page 160 – "Tysons Central 123 District"**

The Essex block should be identified as Office Mixed-Use, not Retail Mixed-Use.

**Page 165 - "Subarea 2: South West Park"**

"The maximum building height in this subarea is 225 feet, as conceptually shown on the building height map in the Areawide Urban Design Recommendations."

Please note that the approved Lerner building immediately adjacent to the Essex block is 299' and its grade is approximately 50' higher. This would be a huge step down in height in the core instead of the desired gradual tapering heights.

The current plan allows for 260 feet for part of this area. Due to this development sites location, in the absolute middle of Tysons, and its location, (about 60 feet below the adjacent developments – Ritz, etc.), this would be an ideal location for some of the greatest heights in all of Tysons. Perhaps an iconic, architecturally significant, platinum certified centerpiece for Tysons with 500 feet in height.

**Page 175 – "Tysons East District – Land Use Concept Map"**

See detailed comments beginning on page 18.

**Page 178, 181 – "Scotts Run Crossing and Colshire Subdistricts and Old Meadow and Anderson Subdistricts"** "For property within 1/8<sup>th</sup> mile of the Metro station, consolidation should include about 15 acres and include property in the second intensity tier (area between 1/8 and 1/4 mile of the station.)"

While we understand the need for coordination between parcels adjacent to the station areas and throughout Tysons Corner for that matter, this suggestion for parcel consolidation is too large and will only delay the redevelopment of Tysons. In fact, the properties north of Route 123 are already somewhat isolated by road ROW and the goals of parcel consolidation will not be achieved anymore easily by parcel consolidation. We strongly support the insertion of the Task Force DRC Comment box on Page 178 of the Plan Amendment, also directly below.

"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 Areawide recommendations and guidelines."

“A specific public facility need identified for the Colshire subdistrict is the provision of a fire station; this facility should be accommodated in this area’s development.”

See discussion on Page 19.

**Page 179 – “Scotts Run Crossing and Colshire Subdistricts”** “Building Heights in these subdistricts range from 105 to 360 feet.”

This is incorrect and does not match the Building Height Map. The range for these subdistricts should be from 125 to 400 feet.

**Page 200 – “North Central District Map”**

An elementary school should not be located on the Dickenson site. Given the recommendation, this West\*Park area is most likely to remain a suburban office park without significant residential uses and without an urban park until adequate densities are approved to justify the conversion to a residential area. Also, the urban park (when it is built) is not intended to serve elementary school functions. A school site in the future might be appropriate in the West\*Park area if the residential densities are set high enough to justify replacement of the office park, but that school should be explicitly an urban format school (i.e. vertical), perhaps some sort of magnet school, and certainly located on the north side of the park closer to the center of the residential area rather than adjacent to the mixed-use area.

Any large signature park should include a significant density incentive and not be just considered a TDR parcel. The Plan doesn’t seem to emphasize the importance of such a large community benefit and opportunity for the Tysons Corner Area and doesn’t appear to understand the density levels needed to achieve it. It won’t happen under this plan.

There needs to be a lot more emphasis on flexibility if they are going to show parcel specific uses. The type of development and the timing of development are driven by market conditions and it is absolutely critical that there is more flexibility put into the plan as to the type of land use assigned to each parcel.

See additional discussion on pages 12-13 and 18-19.

**Page 201 –** “With the advent of the Metrorail, the transit center may not be needed, which would allow consideration of other public uses to occupy the property, such as a fire station.”

In the District recommendations, the County recommends using the existing West\*Park Transit facility as a future location for Station 29. While this may be an appropriate location for Station 29, the existing proffers clearly limit this parcels use to a transit station.

“Only one office building is planned for redevelopment along this edge of Tysons, on Parcel 29-2 ((15)) A6. This property is currently developed at 0.5 FAR and should be redeveloped up to 1.0 FAR, provided that the new building does not exceed 75 feet in height and is designed to

accommodate the planned ramps from the DAAR to Jones Branch Drive as shown in the Areawide Transportation recommendations.”

“Redevelopment of parcel 29-2 ((15)) A6 at up to a 1.0 FAR should be designed to accommodate the planned ramps for the DAAR to Jones Branch Drive as shown in the Areawide Transportation Recommendations.”

The location of the ramp to the DAAR should be to straddle the property line between the two parcels as per standard VDOT location of new roads. It is unreasonable for one property owner to have to absorb all of the ROW required for an access point to the regional network that benefits all of Tysons Corner.

“For most of this subarea, the maximum building height is 75 feet.”

If parcel A6, discussed directly above, is going to be burdened with the ramp to the DAAR its maximum height should be adjusted to 100 feet to help accommodate the density assigned to the site.

