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March 10, 2010

*Via E-Mail & U.S. Mail*

Walter L. Alcorn  
Chair, Tysons Committee  
Fairfax County Planning Commission  
12000 Government Center Parkway, Suite 330  
Fairfax, Virginia 22035

**Re:** Comments Regarding January 15, 2010 Draft Tysons Plan  
Tax Map 29-3 ((1)) 32

Dear Mr. Alcorn:

Trulie Investment Corp (Trulie) is the owner of a 14.19 acre site located in the South Subdistrict of the Tysons Central 7 District. Over the last five (5) years, we have observed and participated in the Tysons Planning process. We have communicated regularly with our neighbors to discuss potential opportunities, and made a joint presentation to this Committee in December 2008. We support the goals and vision for Tysons, but do have several concerns with specific elements of the Draft Plan.

Our property is located directly at an entrance to the future Central 7 Metro Station. Trulie has owned the property since 1960, originally developing a Woolworth's department store. Since that time Trulie has redeveloped and expanded the improvements into a successful multi-tenant shopping center, anchored by Marshalls and Sports Authority, with surface parking. The property's pivotal location would suggest that the site is a prime candidate for redevelopment. Its development could spur the transformation of Tysons into a dynamic transit-oriented center. Unfortunately, the current Draft Plan includes so many obstacles and disincentives that the property's redevelopment is unlikely to happen within the fifty year planning horizon. Following are some of our key areas of concern and suggestions for making implementation of the Draft Plan more likely.

**Station Design/ Route 7 Access**

Construction for the future Central 7 Metro Station to date has caused substantial damage to a thriving shopping center. The property is experiencing a continuing loss of tenants because of the construction. Furthermore, the location of the station completely destroys and prohibits left turns from and into the property. No solution for this major loss of access is proposed in the Draft Plan. If the station design were adjusted so that our property was not negatively impacted, then the Draft Plan would inherently encourage redevelopment.

### Consolidation

The Draft Plan text recommends a minimum consolidation of 20 acres. This alone will stall transit oriented development and could have the unintended effect of encouraging redevelopment under a property's existing by-right zoning. Each of the Subdistrict's properties are burdened with different long term commitments such as long term leases with different expiration dates and partnership commitments with conflicting timetables. As a result, consolidation is an unrealistic expectation. Much smaller areas can support a redevelopment with an appropriate mix of uses, with new streets, public open spaces and the sense of place and vibrancy envisioned for Tysons. As an example, Courthouse Plaza at the Courthouse Metro Station in Arlington includes two (2) office towers, Arlington County offices, a residential tower, a hotel, movie theaters, support retail, a satellite public library and a large plaza on 9.3 acres. Furthermore, we note that the consolidation requirement in our Subdistrict is substantially higher than any other area covered in the Draft Plan. As such, our Subdistrict's consolidation requirement would be discriminatory, if adopted. Setting a large, arbitrary, and inequitable consolidation requirement will be detrimental to Tysons and would hamper redevelopment at this Metro Station for years to come. If one of the Draft Plan's main goals really is to encourage transit oriented (re)development, we strongly believe that the consolidation requirement needs to be removed.

### Civic Center Designation

The South Subdistrict has been designated as the "Civic Center" of Tysons. As such, it is cited as the location of a "great public space" of three to four acres in size, known as Civic Commons. In addition, new public buildings providing government services such as a library, community center or arts center are envisioned abutting the public space. This designation is problematic for several reasons:

- The proposed three to four acre park space is to be located within 1/8 mile of the Metrorail station. This is a poor land use choice in this critical transit zone.
- Three to four acres is simply too large. To put it in perspective, Farragut Square in downtown is 1.8 acres in size and Rockefeller Center is 1 acre. These are both substantial urban parks serving significant employment and tourist populations.
- Transferring the FAR from the park area to adjacent sites is unrealistic, given the higher construction costs involved and the small land area between it and the station.
- By proposing additional civic buildings in this area with the large suburban park and proposed street grid, only **31%** of our property would remain available for private redevelopment.

The attached site plan shows the current designations for our property under the Draft Plan. **69%** of our property is currently designated as right of way, park/open space, and civic use/public facility. This is both unreasonable and unrealistic. Coupled with the substantial off-

site green space requirements called for by the Draft Plan, the onerous green space, right of way and public building designations for our property makes the redevelopment of our shopping center unfeasible. Furthermore, the Draft Plan's park and right of way designations for the entire Subdistrict are much heavier than other subdistricts. We strongly recommend that the Civic Commons be redefined as a park with a maximum of one to two acres and that the Civic Center description be modified so that public uses are included as a possible part of an Office/Mixed Use development.

### **Affordable/Workforce Housing**

The requirement to provide 20% affordable/workforce housing is significantly higher than Arlington, Alexandria or the rest of Fairfax County. The 20% "bonus" is not really a bonus as it just replaces the affordable/workforce housing units and does not provide the developer with any benefits. The income tiers recommended in the Draft Plan create a big disincentive to maximizing residential uses. The result will be less overall residential uses than the area needs or the Plan envisions.

We suggest the current County ordinance related to affordable housing and the current policies related to workforce housing, requiring a total contribution of 12%, be applied in Tysons. We further recommend that the commercial contribution for affordable/workforce housing only be enacted in Tysons if it is enacted throughout Fairfax County. Otherwise, you are creating another disincentive to development in Tysons, when development in Tysons is exactly what the County *should* be encouraging.

### **Boone Boulevard**

We support the planned extension of Boone Boulevard through the South Subdistrict creating an important new link in the future street grid for Tysons. We support an at-grade intersection of Boone Boulevard with Route 123 and ask that a statement be added to the Draft Plan specifying the intersection is to be at-grade. However, the proposed street widths are problematic.

Boone Boulevard is classified as an Avenue. The black-lined Draft Plan includes three alternate sections for Avenues on pages 57 and 58: (1) 71 feet without a median; (2) 88 feet with a median; and (3) 108 feet with a circulator. From the conceptual drawing of the Subdistrict on page 151, it appears that the median section is expected. An 88 foot street section is too large for this area and will be a divisive rather than unifying element. A Collector street is also proposed in this Subdistrict connecting Boone with Gosnell. While we support the concept of this street, the Collector sections, which are identical to the Avenue sections, are overly wide. Moreover, the funding for these public improvements, which take up 45% of the total area of our property per the attached site plan, should not be borne by a property owner, but should be a public expense.

We recommend the street sections for Avenues and Collectors be modified to provide a more pedestrian oriented width and we ask that the sketch on page 151 be deleted or at least noted as not representative of the street width proposed.

**Public Facility Planning**

The January 15<sup>th</sup> Draft includes a new requirement that the first zoning application in each of the eight districts prepare a public facilities plan for the entire district. We believe this to be an onerous task to assign a private land owner, and a responsibility that rightly belongs to the County. We recommend deletion of this requirement.

We appreciate the opportunity to share our thoughts with you. Our proposed revisions to the Draft Plan are enclosed for your review. We understand the years of hard work that have gone into preparing the Draft Plan. Many parts are laudable, but there are too many disincentives included in the Draft Plan that make achievement of the vision doubtful. In fact, the current Draft Plan will most likely lead owners to either redevelop under existing by-right zoning or to make incremental capital improvements to existing facilities, while enjoying an increase in customers to already profitable businesses throughout the Subdistrict.

If the Draft Plan's vision for Tyson's is to be realized, we hope that you will seriously consider our suggestions.

Very truly yours,



Matthias D. Renner  
Trulie Investment Corp.

**Enclosures**

cc: Supervisor Catherine Hudgins, via e-mail  
Frank de la Fe, via e-mail  
Jay Donahue, via e-mail  
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