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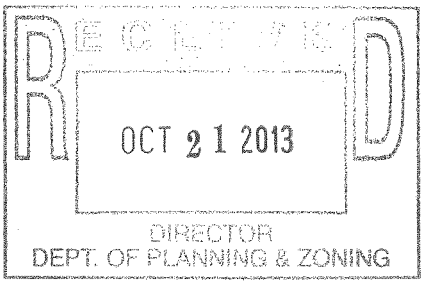

October 15, 2013

Via E-Mail and U.S. Mail

Fred R. Selden, Director
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035

Re: Proposed Amendments to the Fairfax County Comprehensive Plan
Tysons Urban Center

Dear Mr. Selden:

On behalf of Cityline Partners LLC, please accept the following comments for consideration as you continue to refine draft language for a proposed amendment to the Comprehensive Plan for Tysons Urban Center (the "Plan").

Generally, the proposed modifications reflect additional studies, guidelines and funding as endorsed or adopted by the Board of Supervisors. One general question is whether Fairfax County will consider processing one amendment to the Plan instead of three (3). As all of the Plan areas are related, it may be more appropriate to look at the proposed modifications holistically rather than in three (3) separate amendments. In addition, I would recommend text to acknowledge the need for continued flexibility when implementing the Plan. As rezoning applications, or amendments to prior approvals, continue to be submitted and processed, additional lessons will be learned regarding the practicality and economic feasibility of specific recommendations. Therefore, a further acknowledgement that the Plan continues to be an evolving document may be appropriate.

The following are specific suggestions to the proposed draft Plan text:

- Page 19 – Implementation Framework
  Comment: Consider retaining the third paragraph regarding VDOT participation in developing a pedestrian environment and urban street network. Even though the Board has endorsed the Tysons Corner Urban Design Guidelines, VDOT should continue to be flexible in its regulations and participate in the process to achieve the vision for Tysons Urban Center.

- Page 20 – Implementation Framework
  Comment: Consider adding a sentence in the description of the Tysons Corner Urban Design Guidelines as follows: "As development is completed, further consideration may be necessary to utility replacement coordination, easement agreements, streetlights and VDOT permitting."

- Pages 30 and 31- TOD Density/Intensity
  Comment: Additional intensity through the special exception process is not feasible given that the special exception approval will have a time limitation. A developer is not likely to pursue an entitlement that is limited by an expiration date with discretionary extensions. Perhaps it would be more appropriate for additional intensity to be granted within the discretion of the Board in the processing of a rezoning application rather than by special exception.

- Page 31 – Circulator Intensity
  Comment: The revised text deletes this provision in its entirety. It may be more appropriate to retain some reference to additional intensity based on the circulator as supported by future ridership studies.

- Page 33 – Phasing Development
  Comment: The Plan text should clarify that the recommended additional analysis will be conducted by Fairfax County.

- Pages 38 and 39 – Affordable Housing
  Comment: Implementation of the current Plan recommendations is problematic especially in the context of for-sale workforce dwelling units. Consider additional text to permit discretionary approval of modified income tiers, minimum percentages, and other requirements based on economic feasibility as demonstrated during the review process for specific applications.

- Page 98 – Underground Utilities
  Comment: The third sentence should be prefaced with "To the extent possible."

- Page 100 – Fire Access Coordination
  Comment: The last sentence should include "to the extent feasible" after "proposed streetscape and other site features can be provided."

- Page 112 – Building Design and Site Design
  Comment: The last sentence should be prefaced with "To the extent possible."

- Page 118 – Structured Parking
  Comment: Consider adding the word "primarily" before "designed" in the first sentence at the top of page 118.

I would appreciate your consideration of these suggestions as you continue to process the draft Plan language. Please contact me with any questions.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Lynne J. Strobel

LJS:kae
cc: Supervisor Linda Smyth
Planning Commissioner Kenneth Lawrence
Tom Fleury
Tasso Flocos

{A0582168.DOCX / 1 Selden ltr - 10.15.13 007079 000003}

P.O Box 273
McLean, Virginia 22102
October X, 2013
Via Email

Fairfax County Department of Planning and Zoning
Planning Division
12055 Government Center Parkway
Suite 730
Fairfax, VA 22035

Attention: Matthew Ladd

To Whom It May Concern:

On behalf of the McLean Citizens Association (MCA), I wish to thank you for the opportunity to comment on the proposed Tysons County Plan Amendment that covers implementation, land use (including the Plan's initial development level for office uses), and urban design.

MCA recognizes the challenge associated with updating the three major components of the Tysons Comprehensive Plan – land use, transportation, and parks and recreation. However, as recognized in the Tysons Comprehensive Plan approved in 2010, the Planning Commissions Recommendations to the Board on Certain Tysons-related Activities of September 20, 2012, and the Board of Supervisors' subsequent decisions, these components are inter-related; the acceptability of changes to the Comprehensive Plan in one area are very likely to hinge to one degree or another, on the acceptability of the changes proposed for the other areas. Since changes to the Comprehensive Plan essentially have the force of law once adopted, MCA requests that the proposed three amendments – to the land use, transportation, and parks and recreation sections of the Tysons Comprehensive Plan-- be considered by the Planning Commission and Board of Supervisors at the same time, rather than sequentially.

MCA's more detailed comments, which are attached, are preliminary; we may have additional thoughts to share as we further review the proposal.

As one of the principal stakeholders in the communities surrounding Tysons, and an active community participant in the development of the Tysons Comprehensive Plan, MCA looks forward to a continuing dialogue and cooperation with County staff on this and the other two proposed amendments to the Tysons Comprehensive Plan. Please do

not hesitate to contact me at s-horn@verizon.net or MCA's Planning and Zoning Chair Mark Zetts at zetts@attglobal.net should you have any questions or concerns.

Sincerely,

Sally K. Horn

Sally K. Horn
President

Attachment: As Stated

MCA COMMENTS AND RECOMMENDATIONS ON PROPOSED TYSONS COMPREHENSIVE PLAN AMENDMENT RELATING TO IMPLEMENTATION, LAND USE (INCLUDING INITITIAL DEVELOPMENT LEVELS FOR OFFICE USES), AND URBAN DESIGN
October 2013

1. Page 18, Language Relating To Tysons Transportation Service District Revenue Sources

   Paragraph 6 begins, "*To provide a local funding source for for Tysons-wide roadway and transit projects, the Board established the Tysons Transportation Service District on January 8, 2013. The Tysons Transportation Service District is a special tax assessment district which collects revenue based upon the assessed value of all properties within the district*."

   The first line repeats the word 'for'.

   The beginning of the paragraph should be modified as follows, *The Board established the Tysons Transportation Service District on January 8, 2013, as a key component of the funding plan to provide for Tysons-wide roadway and transit projects. The Tysons Transportation Service District is a special tax assessment district which collects revenue based upon the assessed value of all properties within the district*."

   Rationale: The Board specifically created the tax district based on the recommendation of the Planning Commission, who assigned 9% of the responsibility for funding Tysons-wide and other improvements to the property owners in Tysons proper. It is a long-term and bondable funding source that is an important component of the funding plan.

2. Page 19, Implementation Framework

   The first sentence of this section is awkward. "*The ability to achieve the vision requires that appropriate regulatory mechanisms to implement the key land use and transportation elements*."

   Perhaps drop the word 'that'?

3. Page 20, Implementation Framework

   The fifth bullet reads. "*Evaluating and monitoring the performance of the transportation system (i.e., achievement of trip reduction goals)*", striking the words 'and monitoring'.

   The original text should be retained.

   Rationale: Although the monitoring is performed as part of the annual report, the technologies and methodologies used to monitor trip reduction goals will be necessarily evolving. We believe that current methods of monitoring may be subject to manipulation or inaccuracies; future technologies will address this. While periodic upgrades in technologies is also part of keeping up

with the state of the practice, the Tysons Comp Plan should specifically acknowledge the need because the requirement to monitor and evaluate the performance of the transportation network in and around Tyson is paramount to its successful build-out.

4. Page 24, First Sentence

The first sentence has been deleted. "*This iteration of the Tysons Plan focuses on a 20 year period of redevelopment while providing a framework for growth beyond the year 2030*."

The sentence should be retained with the following changes: "*The first iteration of the Tysons Plan focused on a 20 year period of redevelopment while providing a framework for growth beyond the year 2030*."

Rationale: Successfully achieving a development level of 84 MSF, while keeping Tysons functional transportation-wise, is far from assured and, even if the goal posts are being moved to the 113 MSF yard line, Tysons must still attain significant transit mode splits goals by 84 MSF. Traffic studies demonstrate that, once 84 MSF is reached, there can be no net increases in single occupancy automobile trips because of physical limitations on, and the inability to create, additional road capacity. This implicit commitment, which was the basis of the 2010 Tysons Comp Plan Amendment, cannot be glossed over or disregarded. For success, it must be one controlling factor for Tysons development.

5. Page 27, third paragraph

There are no proposed changes in the following paragraph:
"In order to achieve the recommended intensity, the walk to and from the closest station entrance to all of the buildings within a development proposal should be convenient, safe, and pleasant. As used here, convenient *means direct, easy, and not overly long.* Safe *means protected from motorized traffic, well lit, and activated by the presence of other people.* Pleasant *means the walking experience is in an interesting, high quality environment."*

At a PCTC meeting on 2/15/2012 where the committee discussed walking distances within TOD areas, Fred Selden said DPZ would take a look at how walking distances should be evaluated given how walking experience can vary widely given topology and other environmental factors. Shouldn't some of those conclusions be included in the Comp Plan given they inform guidance of development?

6. Pages 27-28, Initial Development Level

Retain language relating to the limitations on office development within Tysons and, in particular, the restriction on office use to no more than 45 million square feet of development for office use in the first 20 year increment. Establish limitations on office development for the second 20-year increment.

Rationale: The County proposal to permit unconstrained office development is contrary to the BOS-approved plan for Tysons, which calls for a five-fold-plus increase in residential development in Tysons coupled with a doubling of commercial, retail and office uses. The

proposal is more likely than not to increase substantially office development at the expense of residential and other uses. As noted in the Planning Commission's Recommendations to the Board on Certain Tysons-related Activities, dated September 20, 2012, "Office uses were the trigger for the IDL due to their being the majority of existing uses and having high peak vehicle trip generation characteristics."

We are only two plus years into implementation of the approved Plan. While developers have been lobbying the County for authorization to build above the 45 million square foot level for office development, it has not been demonstrated that the criteria established in the original Tysons Comprehensive Plan for exceeding 45 million square feet have been met:

- Progress achieved toward the realization of the vision for Tysons: We have some approved final development plans, but most are only conceptual plans. Plans do not equate to concrete progress.
- Market demand for office spaces, as demonstrated by new building construction, vacancy rates, and revised forecasts: County staff has not provided vacancy rate data or revised forecasts to support lifting the IDL. Moreover, Fairfax County is likely to experience a number of years of reduced federal government contracting, which, in turn, influences demand for commercial space.
- Balance between land use and transportation, including the provision of infrastructure and achievement of vehicle trip reduction levels identified for the year 2030 and TDM performance that exceeds the targets outlined in Table 5 in the Transportation section: Again, at only 2 plus years into implementation, the required infrastructure is not in place, nor have we achieved the vehicle trip reduction levels.
- Funding arrangements for transportation improvements and programs, so that timely completion of improvements identified for the period beyond 2030 can be confidently expected: County staff has not identified the specific funding arrangements that have been made to ensure the completion of the transportation improvements previously identified as required for the period beyond 2030.

7. <u>Page 31, Circulator Intensity</u>

MCA wholeheartedly supports the deletion of this language as we have long held that greater densities, developed in accordance with TOD principles, should be proximate to the Metro stations and allocating higher densities along the circulator routes would be inappropriate and, indeed, the circulator study bears this out.

8. <u>Page 33, First paragraph</u>

The last sentence of this paragraph contains the flowing added text: "*Furthermore, athletic fields, parks and open space, enhanced stormwater management facilities, and other public facilities will need to be operational in time to meet the demands generated by new development*."

This exactly states MCA's position regarding the provision of Goodman Field in the Commons rezoning proffers. That field may not be delivered until 2035 after a great deal of residential use has already been developed at Capital One, Scotts Run South and the Commons. If it was known

that the DPZ would be proposing this language, why wasn't the county more supportive of our position?

9. Page 33, Second and third paragraphs

According to the GMU highest growth forecast, between 2010 and 2020 Tysons will absorb 1,748,000,000 square feet of new development per year. The Tysons 2013 Annual report shows this is coincidentally the amount of development currently under construction, so by the end of 2014 Tysons will have achieved 25% of its forecasted growth. If this growth rate were to double starting in 2015, it would 1) match Tysons' historic growth rate and, 2) transform the proposed 40 year development plan to an 80 year development plan.

The proposed third paragraph states "*This may result in the need to perform additional transportation and/or public facility analyses as well as adjustments to the timing of transportation improvements and/or public facilities*."

It seems that some additional analysis may already be appropriate given the near to mid-term economic outlook for Fairfax County, but in what manner would the deliveries of transportation improvements and public facilities be adjusted? Even though Table 7 provides a broad timeline, it is well-understood that these deliveries are, in fact, based on attaining certain levels of development. Is this proposed Plan text hinting at something else?

10. Page 34, Phasing to Transportation Improvements and Programs

A new sentence has been added to the fifth paragraph that states: "*Because private sector participation in funding transportation improvements is critical to the long term future of Tysons, individual rezoning cases should only be approved if the proposal participates in the service district and conforms to the guidelines established for the two transportation funds*."

Please explain the rationale behind this addition. On its face, the sentence would appear to suggest that the County has approved or is otherwise considering approval of rezoning cases in which the applicant need not participate in the service district or the transportation funds. Is this the case? If so, this would be contrary to existing guidance and commitments, as reflected in the Board of Supervisors decisions regarding Tysons' development.

11. Page 35, Phasing to Public Facilities (?)

Please explain the rationale for the deletion of the language that calls for detailed plans regarding public facility requirements and locations, their anticipated year of construction, and the private sector's commitments. These requirements should remain in the document in some fashion so as to ensure that the required facilities are built in the time frame required. A possibility could be to replace the existing language with language along the following lines: "*Detailed plans for the provision of public facilities, including parks and athletic fields, for the Tysons districts and subdistricts have been developed by County staff. Rezoning applicants will be expected individually and collaboratively to proffer to provide those public facilities*."

12. Page 36, Land Use Monitoring

    The first bullet under this sections reads, "*Land use by floor area and number of dwelling units for built, approved (including both Conceptual and Final Development Plan approvals), and permitted buildings (including development options and proffered development conditions, especially as they relate to phasing)*".

    These information and performance data should acknowledge what is increasingly becoming a very wide range of approved CDP/FDP development plans by modifying the language as follows: "*Land use by floor area and number of dwelling units for built, approved (including* ***the ranges of density and intensity for*** *both Conceptual and Final Development Plan approvals), and permitted buildings (including development options and proffered development conditions, especially as they relate to phasing)*".

13. Page 41, Performance Objectives for Coordinated Development and Parcel Consolidation

    Please add in sub-bullets that describe the process for planning the grid of streets so that resident may understand how the grid is being developed.

14. Page 96, Street Grid and Block Pattern

    Without a street map as contemplated by State Code, how will the public keep track of the approved grid of streets and ROW dedications? A current street map needs to be made available reflecting approved development. For proposed changes to the street grid, citizens can reading Tysons CDP/FDP plans posted on-line.

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WALSH COLUCCI
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November 25, 2013

Via E-Mail and U.S. Mail

Fred R. Selden, Director
Fairfax County Department of
Planning and Zoning
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035

Re: Proposed Amendment to the Fairfax County Comprehensive Plan
Tysons Urban Center

Dear Mr. Selden:

On behalf of Avalon Bay Communities, Inc., please accept the following comments for consideration as you continue to evaluate draft language for a proposed amendment to the Comprehensive Plan for Tysons Urban Center (the "Plan").

Avalon Bay Communities, Inc. is the owner of an existing residential development located on property identified among the Fairfax County tax assessment records as 29-4 ((7)) B (the "Subject Property"). The Subject Property is developed with rental multi-family buildings that have been completed and occupied for over a decade. In consideration of the introduction of rail to Tysons Corner, it may be feasible to redevelop the Subject Property in the future. Additional density will be needed to make a redevelopment economically feasible.

The Subject Property is located in the North Central District and specifically within Subarea 2 of the Urban Neighborhood Subdistrict. The Redevelopment Option recommends higher density up to a 1.5 FAR however, the area-wide recommendations for non-TOD district intensity suggests that once the Circulator Study is complete, the Plan will be amended to reflect the routes and potential for additional intensity. It is my understanding that this text, which is found on Page 31 of the Plan, is proposed to be deleted in its entirety. Alternatively, I would suggest retaining a reference to additional density based on the Circulator as supported by future ridership studies. Such language would allow an opportunity to seek additional density on the Subject Property if supported by transportation facilities.

I would appreciate your consideration of this suggestion as you continue to prepare draft Plan language. Please contact me with any questions.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Lynne J. Strobel

cc: Supervisor Linda Smyth
Planning Commissioner Ken Lawrence
Douglas Kelley

{A0587696.DOCX / 1 Ltr to Selden re: Amendments to Fairfax County Comprehensive Plan-Tysons Urban Center 000157 004268}

From: JoyceHerb@aol.com [mailto:JoyceHerb@aol.com]
Sent: Wednesday, December 04, 2013 1:24 AM
To: OCRR Tysons Info
Subject: Tysons Comprehensive Plan Amendments

I feel I must submit my thoughts about certain of the proposed changes. To drop the "Corner" from Tysons Corner Urban Center is, I feel, to deny the past. While I imagine the overall feel for the proposed center is to look to the future, I don't under the necessity to drop this historical element from the past. The entire area has long been known as Tysons Corner (although frequently shortened to "Tysons") and I fail to understand the reasoning behind the change, or what planners hope to achieve, by dropping the word "Corner" from the area name. Can someone explain this to me, please?

It may be said that "it's just a name". That may be true, but following that reasoning, Tysons Corner Urban Center is also just an name. Why is Tysons Urban Center a better name?

I was raised, from age three until I married at 21, in a small frame house on Dawson Street, a stone's throw from the intersection of Routes 123 and 7, what was then known as Tysons Corner. I have years of memories of frequent visits to Meranian's Market and Brownstein's Market, located across from one another at the intersection, and to other small businesses in the area. In my much younger years, a trip to Tysons Corner was "going to town", as it was much closer than the "big" town of Vienna. Ah, the memories...

I regret that I am unable to attend tonight's meeting, especially since it is being held at Freedom Hill Elementary, where I spent the first six years (September 1955 - June 1961) of my Fairfax County Public Schools education. It would also bring back lots of memories, I'm sure.

In closing, I have a question. At the intersection of Old Courthouse Road and Route 123 (where the office building with the circular entrance was/is located) there used to sit a large rock with an inscribed plaque mounted on it, marking that land as the location of the first Fairfax County Court House. That rock was moved when the office building was erected and I have often wondered what happened to it. It was a daily sight on my walks to and from that corner to catch the bus, before I got my driver's license. I recently purchased the book, "Fairfax County, Virginia, A History", published by the County Board of Supervisors in 1978, but can find no mention of the court house marker in that book. Is anyone in the current Board of Supervisors offices aware of what happened to that marker, or can they direct me to where I could find this information?

Sincerely,
Joyce G. Savia
joyceherb@aol.com