From: Sally Liff
Sent: Tuesday, December 15, 2009 7:46 AM
To: Walter Alcorn
Cc: Hollis, Linda E.; Sally Liff
Subject: Rotonda Straw Man Review

Attachments: Tusons straw man II MH, 2nd revision.doc

Sterling, Walter, Linda

(Linda, my computer did not like the email address I had for Sterling. Could you please forward this? Thank you.)

Several members of our Rotonda Community Liaison Committee have reviewed the Straw Man II plan and raised some issues at our meeting. I am forwarding the main summary to you for your information, etc., so you can see what may be issues during the next few months of public review. This is in addition to the Greensboro Drive situation..

I have not read the entire document as thoroughly as I need to, but do have a couple of related comments.

On page 4, and some other places the term "citizen groups" does not exactly convey the concept of "residents" as participants in the process on both the Task Force and in the plan development process..

The discussion and map of parks and open space presents a sort of oxymoron as Map 3 shows open space on the Rotonda property. The plan text states "This land may be privately or publicly owned. Regardless of ownership, it should be open and accessible to the public". That, of course, cannot be on the private gated Rotonda property. I didn't pick up on it before, because I thought it would be corrected in the text. The generic text can refer to new parks.

Thank you for looking into this.
Sally Liff

STRAW MAN II PLAN: Areas of possible concern

1. Our green space at Rotonda is shown on map (page 24) as part of Tyson area's parkland. Implication is that they want to make it publicly accessible, although this is not stated in so many words. Note: "Cooperation among landowners will be necessary in order to obtain land for public facilities, parks and open space, the grid of streets, and future circulator rights-of-way within Tysons." (page 14). And note: "Parks/Open Space: These areas are planned for passive and active park land and urban open spaces such as plazas and pocket parks. This land may be privately or publicly owned. Regardless of ownership, it should be open and accessible to the public." (page 23, and also page 90) We want to watch this.

2. Street gridwork (page 50 and pages 105-106) is specified which by implication makes our Rotonda parcel too big, with no pedestrian crosscuts. We simply need to watch this, and make sure Draft Plans never propose a pedestrian right-of-way through our land, as they propose for green spaces on redeveloped properties.

3. Widening of International Drive from 4 to 6 lanes is projected by year 2030 (Table 8, page 77). Want to watch this, as it would probably impact us.

4. Per map 7, page 52, and page 143, there will be a new grid of streets across from us on the other side of Greensboro, and there is a new avenue-sized street parallel to Greensboro, between Greensboro and Route 7 which does not exist now. May be a good idea, but want to ask explanation.

5. Proposal for green space and park land across from us on Greensboro, in addition to mixed use and residential. This seems to be a good thing.

6. Affordable and Workforce Housing: References throughout report state that any new development would have to dedicate from 12 % to 20 % of each new residential space to affordable/workforce housing (page 29), so that Tysons would have a work force that could live nearby. What will this do to our property values? For instance, affordable housing is proposed for area across from us on Greensboro (North Subdistrict of Tysons West District) and across from us on International Drive.

7. Tysons Land Use Task Force included "representatives of local businesses, developers and civic associations." (page 4) Why didn't it include residents, like Rotonda owners?

8. There is a reference to "pro-rata contributions by landowners" (page 17) as a potential funding mechanism for Tyson development. Not sure what this will mean for us.

9. Currently there are 17,000 residents in Tysons in 2009. They envision up to 100,000 residents by 2050 (almost a 6 fold increase).

From: Rob Jackson
Sent: Friday, December 11, 2009 9:55 PM
To: Zook, Jim
Cc: daniel.rathbone; Wheeler, Sterling; 'Walter Alcorn'; 'Jay Donahue'; zetts; 'Ted Alexander'
Subject: Tysons Corner

Jim:

As the marathon planning process for Tysons Corner finally appears to be nearing its conclusion, transportation issues clearly remain critical. If significant increases in density are granted and the transportation solutions don't work, Tysons Corner will turn from a transportation mess to a disaster, which, in turn, will cause substantial harm to everyone in Fairfax County. On the other hand, if we can find reasonably affordable transportation solutions, adding higher densities, which include mixed use and housing options for all income levels, at the four stations can make Tysons Corner a truly desirable place that will benefit everyone in Fairfax County.

It strikes me that there are at least three critical transportation issues: 1) the capacity of the Silver Line during peak hours; 2) the "realistic" ability to construct additional interchanges on the Dulles Toll Road between the Beltway and just past Route 7, along with the five additional traffic lanes, four of which will be connector-distributor lanes; and 3) the ability to develop, fund and operate, on a permanent basis, many more bus and shuttle routes to, from and within Tysons Corner.

1) What is the realistic capacity of the Silver Line to carry passengers into, and out of, Tysons Corner during peak morning and evening times?

The second strawman says that, during rush hours, Dulles Rail will serve Tysons stations every 7 minutes. That's about 8.5 trains per hour.

WMATA previously reported the following system capacities.

An 8-car train can carry 960 passengers. That's 8160 passengers per hour in one direction or 16,320 in both directions. If we assume a three-hour morning rush period, full trains, and that every single passenger coming from both the west and the east gets off at Tysons Corner, the maximum number of passengers that can be transported to Tysons for a working day is 48,960.

I would think that the addition of 8.5 rush hour Silver Line trains put a huge stress on both the Blue and Orange Line trains that will share a Potomac River tunnel with the Silver Line. If so, then there might well be a lower practical limit to the Silver Line's peak three-hour capacity. Also, not every train is full, and not every passenger will get off at Tysons. It seems possible that we might well see fewer than 8.5 Silver Line serving Tysons during morning and evening rush periods. Rail will be a positive benefit to Tysons, but it sure will not fix all of the traffic problems or justify as much density as some landowners would like to see.

2) An expanded Dulles Toll Road, as explained in County documents, will need four collector-distributor lanes (two in each direction) and one more westbound lane, basically between Tysons Corner and Hunter Mill Road. I must wonder whether the existing Toll Road rights-of-way are sufficient for constructing the additional interchanges and traffic lanes. If not, it would seem that additional rights-of-way would need to be acquired. That, in turn, would seem to mean that all or partitions of private homes would need to be acquired to obtain additional rights-of-way. If some refuse to sell, their land must be condemned. I have a hard time believing that the Board of Supervisors would condemn or support another entity's condemnation of residential property for the benefit of Tysons Corner. But I could well be wrong. It also seems to me that the additional right-of-way would also require land owned by the National Park Service (Wolf Trap Park). If so, has the County approached the NPS about this issue?

In the event that the Dulles Toll Road cannot be realistically expanded by three interchanges and five lines, it seems to me that either Tysons Corner develops without sufficient transportation facilities or its future growth limits must be reduced to some level well below 84 million square feet (the 2030 target).

3) Bus and shuttle expansion. I agree wholeheartedly with the many comments made last evening about the critical need for buses and shuttles to transport people to, from, and within Tysons Corner. Indeed, the McLean Citizens Association passed a resolution sometime ago supporting the need for these types of transit. I also agree with the comments to the effect that the acquisition of buses should be viewed as an infrastructure issue.

However, as we all recognize, there are also significant recurring costs for operating buses and shuttles. I also expect that, over time, the economy will continue to experience both highs and lows. There will be years when Fairfax County is flush with money; there will be years when the County faces substantial fiscal problems. In lean years, there will surely be pressure to reduce transit operating costs and/or to hike fares to levels which reduce demand. Bus or shuttle routes can be eliminated. Service levels can be reduced. It strikes me that there is a significant risk that density increases premised on the continuous availability of bus and shuttle service could be granted only to see such transit services be reduced below levels necessary to support the added density. And as you so correctly stated last evening, it's much harder to take away density than to grant additional density later. Under these circumstances, I don't

understand how additional density premised on the availability of bus and shuttle service can be granted. .

I apologize for the length of this message. However, I think that these are important issues that will likely have a critical and long-lasting impact on Tysons Corner, the surrounding communities and all of Fairfax County.

Thanks for your continued hard work for the residents of Fairfax County. I continue to be impressed with the effort being made by the staff from all departments.

Best regards,

Rob Jackson, President
McLean Citizens Association

Amy Tozzi F

In March 1999, several of the residential communities in the Old Meadow Road land bay, representing some **961** residences, negotiated and reached agreement with the principal developer, West Group, regarding current and future development in the area.

Gerry Connolly, then Providence District Supervisor, facilitated and witnessed the agreement, which was verbally entered into the record by West Group Senior Vice-President, Tom Fleury, at the 18 March meeting of the Board of Supervisors.

The agreement, the written version of which was subsequently entered into the Board's records on 21 March, represented a principal piece in the Board's decision to approve West Groups plans at that time.

Not being professionals in the business, our communities did not know that the agreement made in good faith would not be binding on future developers that bought out West Group because it was not made into a covenant.

In formulating the new Comp Plan, however, the existing residential communities urge the County to weigh the content of the agreement in addressing future height and density in the Old Meadow Road land bay.

The following are the key points of the agreement:

West Group will limit **in perpetuity** the buildings on the Buchanan and Honeywell Sites to **90'** in exchange for support by the governing boards of the homeowners associations for heights of **105'** for all other buildings in the Old Meadow Road land bay, and **120'** for all buildings within **1,600 l.f.** of the West Gate rail stop and **densities** cited on pages 208-209 of the June 1995 amended Tysons Urban Center Plan.

In addition to consideration of this agreement in addressing height and density in the new Comp Plan, the existing communities in the Old Meadow Road land bay urge that the **trees** boarding the road be **grandfathered** and protected from destruction.

COMMENTS ON THE TYSON'S CORNER URBAN CENTER AREAWIDE AND DISTRICT RECOMMENDATIONS, DRAFT "STRAW MAN II" PLAN TEXT

Introduction

Qualitative decisions about where high density development can take place are made on the basis of land use planning considerations. In the Case of Tyson's Corner, they start with some type of "vision" or plan for the long-term redevelopment of the existing infrastructure. Given the construction of four new Metro stations, they also anticipate the application of the County's policy towards Transit Oriented Development (TOD), which presupposes higher density in the areas around the four stations.

TOD and other land use planning considerations help to shape the distribution of the density, which will taper off as it moves away from rail, and in the future, away from Bus Rapid Transit centers. Of course these centers should be located away from established, stable neighborhoods along the periphery of Tyson's Corner.

Along with qualitative decisions about where high density development can take place, critical decisions are required about the quantitative aspects of density. Two measures are commonly employed: (i) total square feet to be developed; and (ii) the Floor Area Ratio (FAR). The total square feet to be developed define the total overall development of Tyson's Corner. The FAR, which is the ratio between the total floor area to be built on a site and the size of that site, is necessary to help define the design and height of buildings on individual sites or parcels of land. A range of building heights is specified for several reasons, but chiefly to reduce impacts on adjoining development, especially near established residential neighborhoods.

Maximum Allowable Density and the Capacity of Infrastructure

The maximum allowable density for the whole of Tyson's Corner should be limited by the capacity of the infrastructure that must be provided to support the maximum density. Since density carries valuable commercial/financial benefits to the developers, <u>setting and allocating maximum allowable density</u> implies that the planning authority is creating a scarcity "rent" or value for density that is passed on to individual developers as a stream of future revenues, with a positive present value, which must be estimated by the developer. At the same time, there will be a stream of future capital and operating costs incurred by the public to provide, maintain and operate the associated infrastructure, also with a positive present value, which must be estimated by the planning authority.

Paying for the Cost of Infrastructure

With a given allocation of allowable density (*'inter alia'* through the assignment of FARs), <u>the recovery of the costs of infrastructure</u> from: (i) developers directly; and (ii) the general public directly and/or indirectly, involves a complex financial calculus by developers, on the one hand, and the planning authority (acting on behalf of the public)

on the other. From the public policy viewpoint, it is better to make the calculus as explicit and transparent as possible, so that (i) the public knows (to the extent possible) the costs of providing the infrastructure; (ii) the public can better decide whether the perceived benefits of the higher density exceed the estimated costs; and (iii) the property market can handle more efficiently the distribution of the benefits of density between developers by charging (to the extent possible) what the market will bear. The most explicit and transparent method is probably to recover directly from developers as much as possible of the expected costs of infrastructure (through a mixture of proffers, taxes and levies) and to make this known to the public. Of course, some part of the costs will always be recovered from the public indirectly, e.g. through the prices of goods and services ultimately sold to the public.

Use of Intensity Bonuses

If the planning authority chooses to recover some of the expected costs of infrastructure from developers indirectly, through the vehicle of Intensity Bonuses, the measuring rod of money is to some degree obscured and the market mechanism bypassed. Essentially, awarding Intensity Bonuses bestows the benefits of density on developers through a barter process between the developers and the planning authority, thus confusing the valuable signals that can be provided by the market and to citizens.

For example, bestowing the benefits of density on individual developers as an incentive to promote some possibly valuable social/environmental objective does not encourage an explicit and transparent calculus based on the monetary benefits and costs of density; and it increases the uncertainty of the economic/financial value of the recovery of benefits from the developers to cover infrastructure costs. In the following discussion, it is assumed that all Intensity Bonuses are taken from the maximum total development to be allowed in Tyson's Corner, i.e. as limited by the capacity of the infrastructure that must be provided to support the maximum density, and are not additional to that total .

- One proposal has been to allow higher density for buildings that have LEED (Leadership in Energy and Environmental Design) certification. LEED is an ecology-oriented building certification program run under the auspices of the U.S. Green Building Council (USGBC). Translating the benefits to the public of LEED certification into a value comparable with the infrastructure costs of the additional density will take the planning authority into very difficult territory: What will be the actual ecological performance of the building in the future?; How well will maintenance be carried out by the building's owner?; What are the quantifiable benefits to the public of LEED certification in Tyson's Corner?; Where will density have to be reduced to keep the overall figure within the planned limit (based on infrastructure requirements) and what is the consequent lost monetary value to the planning authority?. In short, we are trying to compare apples with oranges not $cost with $revenues.

- Another proposal is to exchange higher density for the provision of "affordable" workforce housing by the developer. Again, the planning authority is dragged into

difficult territory. What designs and construction standards are appropriate for the housing? What rents will be earned from the occupants? How well will maintenance be carried out over time? Since rents will be subsidized, what are the quantifiable benefits of "affordable" workforce housing to the general public relative to the value of the FARs bartered? Where will density have to be reduced to keep the overall figure within the planned limit and what is the consequent lost monetary value to the planning authority?. Again, we are trying to compare apples with oranges not $cost with $revenues.

It is sometimes argued that Intensity Bonuses are a useful tool for the local government to use to promote worthwhile social/environmental goals because the county budget is too constrained to cover the costs of implementing such goals. The argument is extremely weak. First, additional revenues will be recovered from the developers in the future, when they get additional density, even without density bonuses. Some of that revenue can be dedicated to implementing actions deemed desirable to promote valuable social/environmental objectives; and, by keeping the allocation of the county budget explicit and transparent, the county's priorities can be set more reliably and appropriately, because the citizens will be more aware of the costs of these goals. Second, the barter method obscures this process and in any case is not itself without cost: the county is giving up a stream of future revenues to get developers to do things which may or may not be judged by the citizens to have good value; but the county still incurs in full the related infrastructure costs of density. And the danger is that much of this will be done without input from a fully informed electorate.

Comments submitted by: Dr. Rob Bates, 1406 Wolftrap Run Road, Vienna, VA 22182

November 2, 2009

The Honorable Sharon Bulova
Chairman
Fairfax County Board of Supervisors
Fairfax County Government Center
12000 Government Center Parkway, Suite 530
Fairfax, Virginia 22035-0071

Dear Chairman Bulova

The Board of Directors of the Dulles Corridor Rail Association discussed the issue of air rights at transit stations along the Dulles Corridor Metrorail extension at its October 22, 2009, meeting and approved by motion the following language to indicate its strong support of the concept. The Board recognized the role that air rights could play in generating additional transit riders, fare revenues, and property and business taxes; addressing transportation issues such as access and parking; and providing the opportunity to link together communities on both sides of the Metrorail stations.

Dulles Corridor Metrorail Project – Air Rights Development

The Dulles Corridor Rail Association urges Fairfax and Loudoun counties and the Town of Herndon to aggressively support the concept of air rights and work with adjacent property owners and the development community to ensure that stations are designed in such a way as to accommodate future air rights development.

Consideration of opportunities for air rights is particularly timely given that engineering for Phase II of the Dulles Corridor Metrorail Project is about to get underway.

Sincerely,

Patricia Nicoson

Patricia Nicoson
President

cc: Fairfax County Board of Supervisors

From: Mark Tipton
Sent: Friday, October 09, 2009 7:45 PM
To: Planning Commission; Clerk to the BOS
Cc: Ladd, Matthew
Subject: Tysons Second Draft Strawman

Dear Planning Commissioners and Board of Supervisors,

Changes to the intensities listed in the Tysons Strawman 2 (page 27), as compared to the Planning Staff's 7/22/09 recommendations, **removed a limit on non-residential FAR resulting in higher intensities for commercial space**. This will encourage more office uses instead of residences.

The intensity increase is greatest in office only areas, and in mixed-use areas which have a minimum of 20% residential space. For instance, the recommended intensities in 100% commercial space within 1/2 mile of the Tysons East Metro Station **increased by 0.75 – 1.5 FAR** due to the changes. Around other stations, the commercial space could be **up to 1.1 FAR higher** in Office Mixed-use and Retail Mixed-use (20% residential) areas depending on the distance from the station. Examples:

1/3 - 1/2 mile: new 2.0 FAR times 80% office use = 1.6, minus old 0.5 FAR = **1.1 FAR increase** in office/commercial space

1/4 - 1/3 mile: new 2.0 FAR times 80% office use = 1.6, minus old 1.0 FAR = **0.6 FAR increase** in office/commercial space

1/8 - 1/4 mile: new 2.75 FAR times 80% office use = 2.2, minus old 2.0 FAR = **0.2 FAR increase** in office/commercial space

0 - 1/4 mile: new 4.75 FAR times 80% office use = 3.8, minus old 4.0 FAR = 0 FAR increase

new FAR = Strawman 2

old FAR = Planning Staff's 7/22/09 non-residential intensity recommendations

Therefore, I suggest the following changes to the Strawman 2 to return to the Planning Staff's 7/22/09 recommendations and correct the imbalance of residents to jobs in Tysons Corner:

TIERED INTENSITY (page 25)

Add Sentence Back: Achievement of the highest intensities will be contingent on reductions in single-occupancy vehicle trips in the areas closest to Metro and the circulator stops.

TOD District Intensity (page 27)

Revise Sentence: In order to achieve the recommended intensity, a pedestrian-friendly environment should be established, especially from the closest station entrance to the buildings

within a development proposal.

Revise Table 1 by adding the Non-residential FAR limits as follows:

Distance from Metro	Non-residential FAR	Residential FAR
0-1/8 mile	4.0	4.75
1/8-1/4	2.0	2.75
1/4-1/3	1.0	2.0
1/3-1/2	0.5	2.0

Add Sentence (from 7/22/09 staff recommendations)**:** The residential FAR is the maximum intensity allowed (before bonuses), and the non-residential FAR is the maximum non-residential component of a development.

Also, I suggest that the circulator section of the Strawman 2 be clearer as follows:

Circulator Intensity (page 28)

Revise Sentence: The locations of routes and stops, frequency of service, and ~~expected~~ ridership will be used to determine the degree to which additional intensity is warranted for areas located ~~along~~ nearby the circulator ~~routes~~ stops.

I'll submit ideas for phasing development with infrastructure in the future. Thank you for your efforts to make Tysons Corner and Fairfax a better place to live.

Mark Tipton

3018 Hickory Grove Court

Fairfax, VA 22031

cc: Matthew Ladd, Planning Division

Greater Tysons Citizens Coalition

Phasing to Transportation Improvements

Page 37 states that the first 20 MSF of new residential development will not be linked to the transportation phasing triggers. I certainly agree that Tysons needs all the help it can get when it comes to encouraging more residential use, however, on the face of it, exempting the first 20 MSF is going too far and it will work against the goals of the Plan to create, then maintain, a balance between development and infrastructure.

With Tysons currently at 45 MSF, 20 MSF represents a 44% increase in density that, by itself, would move Tysons well past the density threshold of 60 MSF which triggers numerous phasing requirements.

Additionally, 20 MSF represents approximately 16,600 residential units. Assuming an average trip generation rate of 7 daily trips/unit across a varied mix of dwelling unit types, daily trip generation would increase by 116,600. Further assuming a SOV mode split of 70%, some 81,600 SOV trips would be added before the phasing triggers kick in for new residential development. Although some transportation improvements would assuredly result from all this consolidation and redevelopment, Tysons would be running a transportation infrastructure deficit. Precisely what this Plan amendment seeks to control. Tysons will experience transportation problems before the 60 MSF threshold is reached if improvements don't keep pace. Certainly, by the time Tysons reaches 60 MSF, planning discipline should be in full force.

How much new office development is expected in the time it takes to increase residential use by 20 MSF? If history is any guide, there will be substantial new office development and, if the residential market were (to remain) slow to develop, Tysons could realize a large amount of office growth even before it exceeds the 60 MSF threshold. Then if the residential market were to kick in belatedly, the additional residential development would not trigger the requisite transportation improvements needed to balance the earlier growth in office use. Yes, the peak trip generation of residential use is different from office use, but it would be adding to an already problematic condition.

I recommend the objective of 20 MSF of trigger-free residential development be reduced to 15 MSF and then be further reduced gradually by the amount of added office use. If the county really wants to encourage residential development, there should be a time-limit or a density-limit on the deal. As it is, the 20 MSF offer will be there for many years, if not decades. Just as rising interest rates spur home sales, developers need to know this offer could be limited. It will encourage a necessary and healthy amount of risk. Few developers availed themselves of the static residential bonus in the 1994 Plan.

> <u>On page 37, paragraph 5:</u>
> Change: *Therefore, the first 20 million square feet of new residential development…*
> To: *Therefore, the first 15 million square feet of new residential development…*
> Then add: *For each 2 million square feet of new office development, the targeted 15 million square feet of new residential development will be reduced by 1 million square feet.*

Key Question: How will the county exempt residential development from phasing requirements when much of it will be contained in mixed use buildings? Will the office and retail secondary uses be held to the phasing requirements? If so, then the development might not be able to go forward. Require the developer to build a single use residential building?

There would be nothing inherently wrong with that, plus it would increase the yield of residential units, but a certain amount of mixed use is beneficial. This could be a way to get office development approved when the phasing requirements would otherwise prohibit a single use office building.

The last paragraph on page 37 states that retail shops, hotels and civic uses generate fewer peak period trips than offices. True. However, all of these uses are trip attractors. Why does the peak trip generation have to be equal to or exceed office trip rates before they are considered worth mitigating? I would not argue over civic uses or neighborhood-serving retail, but how many thousands of square feet of retail does it take before the trips become worth counting? A high percentage of all trips in Tysons will be SOV trips, especially with hotel use. Hotel use is far more than over-night lodging and it should not get a pass. Other than the already available bus service from the airport, what TDM measures would a hotel implement to reduce car and taxi trips significantly? It should be treated as an above-average intense use and lumped in with office in terms of phasing requirements. Only neighborhood-serving retail and civic uses should be waived from phasing triggers.

<u>On page 37, paragraph 6:</u>
Change: *…such as retail shops, hotels and civic uses, will generate fewer peak vehicle trips than offices…*
To: *…such as neighborhood-serving retail and civic uses, will generate fewer peak vehicle trips than offices…*

The first paragraph on page 38 suggests an element of arbitrariness in the phasing requirements. There is a case for allowing a developer to buy his way out of the phasing requirements by providing streets or public facilities as those particular needs become critical. But at what point does adherence to the phasing requirements become more important than variation in the size and number of buildings, dedicating a parcel of land for a public facility planned far into the future or development closest to Metro. Will a proposed development at a Metro station 20 years from now be given the same deference as one four years from now? Even the best TDM-performing development at a Tysons Metro station will add more vehicle than transit trips. The resultant gain in mode split will be exceedingly small while traffic congestion will worsen if the transportation infrastructure is not in balance with development. It only takes a small increment in the number of vehicles to dramatically worsen traffic conditions.

When the funding needed for critical road improvements is not forthcoming ten years from now, other than the forgiven residential development, will Plan flexibility permit development to continue as usual?

<u>On page 38, last sentence in paragraph 1:</u>
Change: *…closest to Metro stations, or providing street and public facilities.*
To: *…closest to Metro stations, or providing needed street and public facilities.*

Mark Zetts 10/13/09