Tysons Plan Amendment Phase 1: Implementation, Land Use, and Urban Design
Summary of Comments on 9/30/2013 Draft Changes with Staff Responses

Comments received on the 9/30/2013 draft changes to the Tysons Plan are summarized below with responses from County staff. Relevant text from the draft and/or the adopted Plan is provided to provide context for the comments. Copies of all written comments received to date are included as attachments.

General Comments

1) **Comment (multiple commenters):** The different sections of the Tysons Plan are interrelated; changes to the Plan should be considered by the Planning Commission and Board of Supervisors at the same time, rather than sequentially in three separate amendments.

   Staff Response: Based on feedback received from the community at the October 7 meeting and the Board of Supervisors at its October Revitalization Committee meeting, a single Plan amendment for Tysons will be brought forward to the Planning Commission and Board of Supervisors rather than three separate amendments. Draft changes to the Tysons Plan will be presented to the community and the Planning Commission in three phases covering specific topics, and staff will seek public input on each phase. The complete Plan amendment representing changes presented in all three phases will be advertised for public hearing at the conclusion of Phase 3.

2) **Comment (Joyce G. Savia):** What is the reason behind dropping the "Corner" from Tysons Corner?

   Staff Response: The name change is supported by the Board of Supervisors and Tysons Partnership to reflect the physical transformation and changing identity of the area. This Plan amendment proposes to formalize the change for long-range planning purposes.

Implementation Section Comments

3) **Comment (McLean Citizens Association [MCA])**: Page 18. Suggest modifying the following sentence:

   Draft Text: "To provide a local funding source for for (sic) Tysons-wide roadway and transit projects, the Board established the Tysons Transportation Service District on January 8, 2013."

   Commenter Proposed Text: "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."

   Staff Response: Change accepted as proposed.

4) **Comment (MCA):** Page 19. The following sentence is awkward:

   Draft Text: "The ability to achieve the vision requires ~~that~~ appropriate regulatory mechanisms to implement the key land use and transportation elements."

   Staff Response: The word "that" will be deleted as shown above.

5) **Comment (Cityline Partners)**: Pages 19-20. Consider retaining the following paragraph proposed for deletion. VDOT should continue to be flexible in its regulations and participate in the process.

   Adopted Text: "One example of the need for consistency between the adopted vision and the implementing regulations and policies will be the road network. It will be imperative that transportation investments to be made in and around Tysons follow the lead of the Plan. VDOT needs to become a full partner in creating the kind of pedestrian environment and urban street network the Plan envisions. Street cross sections and traffic mitigation and management measures proposed on streets in Tysons should apply to all streets, including those controlled by VDOT."

   Staff Response: The paragraph will be retained and updated to reflect VDOT's actions to date in support of the vision for Tysons.

6) **Comment (Cityline Partners)**: Page 20. Consider adding the following sentence to the description of the Tysons Urban Design Guidelines:

   Commenter Proposed Text: "As development is completed, further consideration may be necessary to utility replacement coordination, easement agreements, streetlights and VDOT permitting."

   Staff Response: The proposed paragraph on the Tysons Urban Design Guidelines is a description of the document and its purpose. It is not the appropriate place to add policy guidance or recommendations. No change proposed.

7) **Comment (MCA):** Page 20. The word "monitoring" should be retained in the following bullet: "Evaluating and monitoring the performance of the transportation system (i.e., achievement of trip reduction goals)"

   Staff Response: Change accepted as proposed.

Land Use Section Comments

8) **Comment (MCA):** Page 24. Staff proposes to delete the following sentence:

   Adopted Text: "This iteration of the Tysons Plan focuses on a 20 year period of redevelopment while providing a framework for growth beyond the year 2030."

   Commenter Proposed Text: "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."

   Staff Revised Text: "The first iteration of the Tysons Plan focused on an initial period of redevelopment while providing a framework for future growth."

   Staff Response: The draft text removes references to a 2030 year planning horizon because the Board of Supervisors has endorsed a transportation funding plan for a 2050 planning horizon. The Comprehensive Plan is not a historical document, and it would be confusing to readers to include a reference to planning horizon for an earlier iteration of the Plan.

9) **Comment (MCA):** Page 27. At a Planning Commission Tysons Committee meeting in February 2012, DPZ staff indicated that they would look at how walking distances to transit stations is evaluated based on environmental factors.

   Adopted Text: "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."

   Staff Response: The adopted text quoted above already recognizes that the pedestrian experience is influenced by many factors. This text has been used in Tysons zoning cases to secure commitments to construct off-site sidewalks and phased pedestrian improvements to buildings. In response to one of the Board's Follow-on Motions, staff is currently considering changes to the County's Guidelines for Transit-Oriented Development in the Policy Plan that would refine the description of walking distance as it relates to transit proximity. Staff is not proposing changes to the Tysons Plan text related to walking distance.

10) **Comment (MCA):** Pages 27-28. Retain language relating to the Initial Development Level, which sets an initial 20 year increment of 45 million square feet office development Tysons-wide. Establish limitations on office development for the second 20 year increment. It has not been demonstrated that the criteria established in the adopted Tysons Plan for increasing the Initial Development Level have been met.

Staff Response: The adopted Plan recommends, "If a reliable mechanism for funding these (transportation) improvements needed beyond the year 2030 is established, then the initial development level of 45 million square feet of office uses may be increased through a Tysons-wide or area-specific Plan amendment." When the Plan was adopted in 2010, no funding mechanism for these improvements was in place. As a result of the Board's endorsement of a funding Plan in 2012 and the subsequent creation of the Tysons Transportation Service District and the two Tysons transportation funds, staff has a much higher level of confidence that transportation improvements will be funded and constructed as they are needed.

When the Board of Supervisors endorsed a funding plan for the Tysons transportation improvements needed to support a 2050 level of development, it also directed staff to consider changes to the Initial Development Level (IDL) for office uses. The adopted Plan recommends that IDL be considered when decisions are being made on rezoning applications. The Plan also sets forth criteria for increasing the IDL to be considered, which address demonstrated progress towards meeting objectives, such as trip reduction.

11) **Comment (Cityline Partners)**: Pages 30-31. Additional intensity through the special exception (SE) process is not feasible due to time limitation on the SE approval. Consider allowing additional intensity to be granted within the discretion of the Board of Supervisors through a rezoning rather than by SE.

    Staff Response: The intensity limitations on office development are in the Zoning Ordinance and are outside the scope of this Plan amendment. The Zoning Ordinance recognizes the difficulty of having a time limitation for a building by allowing ten years to establish the SE use of increased FAR in the PTC, rather than the typical 30 month timeframe to establish a use. The Board of Supervisors can also modify the Zoning Ordinance standards to extend or remove the time-to-establish-use limitation.

    If the SE option does not work for a particular applicant, the Tysons Plan and the Zoning Ordinance provide other opportunities to achieve additional office intensity, including bonuses for affordable/workforce housing and superlative contributions toward public facilities. No change proposed.

12) **Comment (MCA)**: Page 31. Proposed deletion of text regarding future consideration of additional intensity along circulator routes is supported.

    Comment (multiple commenters): Page 31. Rather than deleting this provision, retain a reference to additional intensity along circulator routes as supported by future ridership studies.

    Staff Response: The adopted Plan recommends, "Once the (circulator) study is complete, the Comprehensive Plan should be amended to reflect its recommendations on routes and intensity." The Tysons Circulator Study has been completed, and the projected ridership is not expected to be sufficient to support intensity above the redevelopment options recommended

in the adopted Plan. If, in the future, actual ridership or other factors warrant additional intensity, the Board of Supervisors can authorize another Plan amendment to address the issue.

Additional recommendations from the study will be incorporated in the Draft text for Phase 2 of the Plan amendment, which focuses on transportation. More information on this study can be found at this web site.
http://www.fairfaxcounty.gov/tysons/transportation/tysonscirculator.htm

No change proposed.

13) **Comment (MCA)**: Page 33. What is the purpose of the following text change? Is this a change in policy as the result of the Commons rezoning case?

Adopted Text: "Similarly, redevelopment should be linked to the construction of the parks and open space network, enhanced stormwater management facilities, and other public facilities such that they are in operation when residential redevelopment in Tysons generates sufficient demand for them."

Draft 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."

Staff Response: This sentence has been re-written for clarity. It does not reflect a change in policy.

14) **Comment (MCA)**: Page 33. It is understood that the provision of transportation improvements will be based on attaining certain levels of development rather than the years in which this growth are forecasted to be reached. Is the following proposed Plan text hinting at something else?

Draft Text: "Planning for and sequencing new infrastructure will need to take into account actual and projected growth for different land uses based on the development pipeline as well as mid and long range market forecasts. 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."

Staff Response: The new proposed text recognizes that actual growth may vary from forecasts. As the Plan is implemented, it may be necessary for planned infrastructure to be constructed sooner or later than forecasts based on actual growth rates. The priority of planned infrastructure may also need to be adjusted based on where growth is occurring within Tysons.

15) **Comment (multiple commenters)**: Page 33. The Plan text should clarify that the periodic analyses of new development, infrastructure projects, and public facilities will be conducted by Fairfax County.

Staff Response: Change accepted as proposed.

16) **Comment (MCA)**: Page 34. What is the rationale behind this new sentence? It appears to suggest that the County is considering approval of rezoning applications that would not contribute to the transportation service district or the transportation funds.

Draft Text: "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."

Staff Response: The proposed text replaces a recommendation from the adopted Plan that rezoning cases should be phased to a transportation funding mechanism or the construction of Tysons-wide transportation improvements. The adopted text proposed for deletion is as follows:

"Individual rezoning cases in Tysons should only be approved if the development is being phased to one of the following transportation funding mechanisms:

- A Tysons-wide CDA or a similar mechanism that provides the private sector's share of the Tysons-wide transportation improvements needed by 2030;
- A smaller CDA or a similar mechanism that provides a significant component of the private sector's share of the Tysons-wide improvements needed by 2030; or
- Other binding commitments to phase development to the funding or construction of one or more of the Tysons-wide improvements needed by 2030."

Because the Board of Supervisors has established the Tysons Transportation Service District and has adopted guidelines for contributions to two Tysons-specific transportation funds, the proposed text reflects the private sector portion of the transportation funding plan better than the adopted text. No change proposed.

17) **Comment (MCA)**: Page 35. What is the rationale for the deletion of the following language? These recommendations should remain in the Plan to ensure that facilities are built as they are needed.

Adopted Text: "Detailed plans for the provision of public facilities, including parks and athletic fields, for a district or subdistrict should be in place prior to or concurrent with the first rezoning approval in that district or subdistrict. Such plans should enumerate the public facilities needed in that district, the proposed locations for the facilities, their anticipated year of construction, and the private sector's commitments toward the provision of those facilities. The public facilities plans should be coordinated with the County and land owners within the district or subdistrict. The locations of proposed public facilities may be placed on an "official map" as described in the Transportation section."

Commenter Proposed Text: "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 to individually and collaboratively proffer to provide those public facilities."

Staff Response: The adopted text is proposed for deletion because this recommendation states that detailed public facility plans should be in place with the first rezoning approval in a district. At this time, the first rezoning has already been approved in each of the TOD districts. Proffered commitments to dedicate land/space or to construct the following facilities have been approved with PTC rezonings: two fire stations, an elementary school, a community center, arts space, and numerous parks and fields.

The second paragraph under the Phasing to Public Facilities heading clearly states the County's expectation that "rezoning proposals should commit to provide the necessary land and/or space to ensure that places will be available to construct facilities in concert with the pace of growth." No change proposed.

18) **Comment (MCA)**: Page 36. The ranges of density and intensity for approved buildings should also be monitored.

Staff Response: Staff agrees that the approved ranges and alternative uses for buildings should be monitored, and this information is included in the annual Report to the Board of Supervisors on Tysons. However, staff believes that it is not necessary to specifically call this out in the Comprehensive Plan. No change proposed.

19) **Comment (Cityline Partners)**: Pages 38-39. Consider adding text to affordable/workforce housing guidelines to permit discretionary approval of modified income tiers, minimum percentages, and other requirements for "for-sale" units based on economic feasibility.

Staff Response: The commenter's proposal to change the parameters of the policy on providing affordable/workforce housing in Tysons. Such a change is outside the scope of this Plan amendment.

The adopted Plan text already allows for the consideration of alternative strategies for providing affordable and workforce housing in Tysons. Proposed alternatives would be reviewed on a case-by-case basis through the rezoning process. No change to the Plan text proposed.

20) **Comment (MCA)**: Page 41. A description of the process for planning the grid of streets should be added to the performance objectives for coordinated development.

Staff Response: The referenced section relates to performance objectives for evaluating whether a proposal meets the Plan's goals for coordinated development plans or consolidations. The transportation section already includes recommendations for planning the grid of streets,

and Phase 2 of the Plan amendment will likely describe this process in further detail. The Land Use section is not the appropriate place for such a description. No change proposed.

Urban Design Section Comments

21) **Comment (MCA)**: Page 96. How will the public keep track of the approved grid of streets and right-of-way dedications? A current street map needs to be made available that reflects approved development.

    Staff Response: Staff agrees that a map of the most current grid should be available to the public, and is currently reviewing the most appropriate way to make this information easily available. Phase 2 of the Plan Amendment will update the conceptual street map in the Plan, and the process for updating the grid will also be reviewed.

22) **Comment (from October 7 Staff Dialogue)**: Pleased to see the pedestrian hierarchy section has been added to the Plan. Concerned about where Route 7 and Route 123 will fit into the hierarchy.

    Comment (from October 7 Staff Dialogue): Suggest that bicycle infrastructure be folded into the pedestrian hierarchy.

    Staff Response: A Tysons-wide pedestrian hierarchy map is not proposed to be placed in the Comprehensive Plan. Rather, pedestrian hierarchies within and around zoning applications are being developed through the zoning process. Individual blocks along Route 7 and Route 123 will be assigned a place within the hierarchy that is appropriate for that area.

    The Bicycle Master Plan for Tysons is proposed to be integrated into the Tysons Comprehensive Plan in Phase 2 of the Plan amendment process.

23) **Comment (Cityline Partners)**: Page 98. The following sentence should be prefaced with "To the extent possible."

    Draft Text: "Access panels should be placed so that pedestrian movement is not encumbered, preferably outside of the sidewalk area."

    Staff Response: The proposed change could allow development plans to show access panels in areas that would impede pedestrian movements. Staff does not support this, however it should be noted that the draft text does not preclude the placement of an access panel in a sidewalk, so long as pedestrian movement is not impeded. No change proposed.

24) **Comment (Cityline Partners)**: Page 100. The following sentence should include the phrase "to the extent feasible."

Draft Text: "Development plans should demonstrate how the proposed streetscape and other site features can be provided while meeting fire access requirements. "

Staff Response: The purpose of the draft text is to ensure that the proposed features, such as trees and park spaces, can be built as proposed. If modifications to site features need to be made to avoid conflicts with emergency vehicle access, they have been and should be identified though the rezoning process so that acceptable alternatives can be proposed. No change proposed.

25) **Comment (Cityline Partners)**: The following sentence should be prefaced with "To the extent possible."

Draft Text: "Access panels should conform to the recommendations of the TUDGs."

Staff Response: The Comprehensive Plan recommendations are a guide for development. When a rezoning applicant justifies the need for an alternative to the Tysons Urban Design Guidelines, staff is open to considering such alternatives and collaboratively working toward resolution. No change proposed.

26) **Comment (Cityline Partners)**: Consider adding the word "primarily" before "designed" in the following sentence:

Draft Text: "If a parking level is not wrapped with an active use, the façade should be designed so that it appears as an active use."

Staff Response: The adopted/proposed paragraph that follows this sentence addresses situations where designing a façade to appear as an active use is not feasible. No change proposed.