

Comments by John G. Colby, AIAe
To the Tysons Committee of the Fairfax County Planning Commission
7:30 PM, July 14, 2022

Chairman Niedzielski-Eichner and members of this Committee-

Thank you for the opportunity to address the important topic of accessibility at Tysons, and thank you for considering my past comments, as published last November as an Opinion Column in the Washington Post, and in my prior comments to the County and VDOT on this issue.

As you know, I am a retired licensed architect of 40 years in our County and my wife suffers a chronic disability that requires the assistance of a cane, walker, or scooter. My observations are informed by my knowledge of the 1990 ADA legislation, and by my wife's challenges over our two-year ownership of a unit at the Verse Condominium at the Tysons Boro project.

Many of us are familiar with the seminal work of Joel Garreau in his manifest, "Edge City," published in the 1980's, in which he held up Tysons as the prototypical example. Tysons met his Edge City qualifications of over 6 million square feet of leasable office space, a population that increases at 9:00 AM on weekdays, and mixed land uses, at a location that was primarily rural 35 years earlier.

Garreau's treatise, however, was prior to 1990, when both the current Tysons Comprehensive Plan took shape, and when the Americans with Disabilities Act became law. Since then, the accessibility landscape has changed dramatically. Subsequent urbanologists, such as Chris Leinberger, and James Cowhey opine that today Edge City seems shortsighted and naive. Thirty-two years of experience since 1990, and life in a changed Covid world have heightened our awareness of accessibility and inclusivity.

Let's turn our attention to a subset of the Tysons phenomenon, Meridian's over three million square foot BORO project. The existing first phase of the BORO, completed only within the past three years, is a massive mixed-use project comprised of 677 residential units, an ICON multi-screen cinema, hundreds of thousands of square feet of office space, at least ten food service establishments, retail uses including the largest Whole Foods in the mid-Atlantic and such recreational amenities as a ninth-floor, half-acre "Skypark." Within this mix, there are also around 100 units each of County Affordable or Workforce units, and long-term stay hotel units. All this diverse development is within, or faces, a single "superblock" bounded by Westpark, Greensboro, Silver Hill, and the private Boro Drives.

All these overlapping uses are served by a variety of common facilities, including the recreational Skypark, an 8-level internal parking garage, loading docks, utilities, streetscape, communications, and fire protection elements. Operational responsibilities and accountability frustratingly overlap, much to the detriment of hapless residents and patrons. There is always someone else to blame! Especially so on accessibility issues. Let me give just a few illustrative examples of the ADA challenges that we continue to face here at the Boro, even after over two years of operation.

1. There are 34 curbside parking spaces on the streets surrounding the Boro block. Not one is designated as handicapped only. Nor is one of the 48 surface metered parking spaces in the Colonial Parking lot directly across from the entrance to the Bolden and Verse buildings
2. At each of the three entry lobbies to Boro residential high rises (Verse, Rise and Bolden, which together have over one thousand residents) there is not a single drop off point for the handicapped, or even for the able-bodied Uber or Lyft passengers returning from travel. No place at all to deploy wheelchairs, luggage, UPS or Amazon deliveries. Instead, cars and trucks generally MUST double park, blocking bicycle and vehicle lanes.
3. Even when parked or double parked, it is usually necessary to navigate around intrusive bioremediation planters, a constant trip hazard. There are collectively over 500 linear feet of such planters surrounded by at least 6 in. high curbs.
4. ADA-mandated door openers, like ours at the Verse, ^{HAVE BEEN} ~~are~~ inoperable at least 75% of the time, including every day for the past month. TODAY, at 1:06 PM a Verse resident posted the following on the building's web site:

"I truly hope they fix the ADA push plate on the front door. Not only is it a violation but it's a complete embarrassment when I have a family member who uses a wheelchair visit this new "luxury" building. There have been several times she's stopped by when I haven't been home and no one's been at the front desk to help her. She's had to wait on the kindness of a stranger.
5. In some cases, my own included, mandated garage handicap parking spaces have been permanently assigned to disabled condo owners for their exclusive use, to then convey to able bodied subsequent owners and thus removed from the required handicapped pool, without replacement.

6. ADA compliant entry doors are minimally required at public to private interfaces, such as entry doors, but not at private-to-private internal doors. Contrary to the spirit, if not the statutory letter of the ADA law, those dependent on a wheelchair are thus denied unaccompanied access to our buildings' fitness and meeting rooms, the half-acre Skypark and similar amenities.

7. My allegation that the west sidewalk of Silver Hill Drive exceeds the ADA mandated maximum slope has been confirmed by County and VDOT staff. Nevertheless, the Boro developer has not been held to account, and as a result, wheelchair confined patrons can not access the wonderful North Italia restaurant just 200 feet away from our building.

About accountability, consider the over one million square foot extension of the Boro to the west, directly across Westpark Drive from our new Whole Foods supermarket, just breaking ground. Among the additional 1,300 new residents of Boro II, will be 198 residents of "Building J," a managed care facility. To get to the nearby Whole Foods, these residents, many mobility compromised, will have to cross NINE lanes of traffic, four of them with cars racing downhill to the traffic light just ahead at Route 7. The speed limit on Westpark is 35 mph but cars routinely go at least 45. Any logic would dictate that these 1,300 residents have a grade separated crossing. Instead, "pedestrian beacons" are proffered. It is insane to think that mostly elderly, mobility challenged, patients will be able to cross these nine lanes of traffic!

As I pointed out in my Washington Post article, the phase two developer, Meridian, was granted no less than 79 variances from norms, negotiated by their zoning attorney, and described in a 63-page narrative. Just who weighed in on these behind-the-scenes negotiations to delete otherwise required features and in these instances, who was looking out for the interests of the mobility challenged? Will ANY of the ADA deficiencies in phase one be corrected in phase two?

With all these challenges, what can be done to assure at least the letter of the ADA standards? Even better, to go a step further and address the SPIRIT of the Ordinance? I am convinced that the best FIRST STEP should involve the appointment of a citizens' advocate, a combination compliance officer and ombudsman, fully versed in ADA policies, practices, oversight, and enforcement. For the mobility challenged, this is what has been sorely lacking – from the development of the Tysons Comprehensive Plan in 1990, up to the present time, 32 years later. This is my greatest hope, along with any possible remediation of the ADA deficiencies I have addressed.

Thank you again for your kind consideration.