

McLean Citizens Association



The Voice of McLean for Over 100 Years

McLean Citizens Association Resolution

Capital One Bank

PCA/CDPA/FDPA 2010-PR-021-02

Tax Map 29-4 ((5)) A2

June 12, 2017

Background

Whereas, in September 2012, the Board of Supervisors approved the rezoning of Capital One Bank's 26.21-acre headquarters parcel located at 1680 Capital One Drive to the Planned Tysons Corner District; and

Whereas, concurrent with the rezoning, Capital One Bank also received approval for 4.47 million square feet (MSF) of new, mixed-use development in five blocks (A-E which, when added to the amount of existing development, entitled Capital One Bank to 4.97 MSF of total development; and

Whereas, on May 13, 2014, the Board of Supervisors approved Proffered Condition Amendment/Conceptual Development Plan Amendment/Final Development Plan Amendment (PCA/CDPA/FDPA) 2010-PR-021-01, an amendment to the previously-approved Proffered Condition Amendment (PCA) and Final Development Plan Amendment (FDPA) for this property; and

Whereas, in the approved plan amendments, the applicant committed to building a 30,000 square foot East Tysons Community Center and to providing an on-site, at grade athletic field and tot lot concurrent with completion of Block C; and

Whereas, MCA supported these Capital One-proposed plan amendments, in large measure because they provided for essential public amenities (community center, athletic fields, parkland), and requested only that (i) Building 3 in Block B be designated as a gateway landmark building (2014) and (ii) Capital One contribute the full amount required to the Tysons Road Fund, while noting MCA opposition to the reduction of any proffered contribution by any Tysons rezoning applicant for transportation improvements (2012); and

Key Features of Current Application

Whereas, on March 31, 2017, Capital One filed multiple concurrent amendments, including an FDPA to amend prior plans for Blocks A, B and C, and a PCA/CDPA to amend prior plans for Blocks D and E and previously-approved proffers; and

Whereas, subsequently, it amended its application and that amended application was included in the June 8, 2017 Fairfax County Staff Report on PCA/CDPA/FDPA 2010-PR-021-02; and

Whereas, in its application, Capital One has proposed an increase of gross floor space of 242,000 square feet which would increase the total amount of development to 5.21 MSF; and

Whereas, its application also proposes major modifications to the proffers approved in 2012 and 2014 for public amenities which are of great concern to MCA since they would result in reduced public benefits as compared to the previously-approved plans; and

Whereas, as a matter of principle, to ensure against establishing negative precedents and to provide for maximum open space and livability in the dense urban environment authorized by the 2017 Tysons Implementation Plan Amendment, MCA believes that developers must be required to fully meet their obligations relating to public amenities, transportation, and cash contributions; and

Urban Parks

Whereas, Capital One's 2017 application generates a need for about 4.5 acres of new onsite public parks while Capital One is proposing only about 4.27 acres, a shortfall of about 0.23 acres and less than was approved in 2014 for a lower amount of development; and

Whereas, since in this new application some of the proposed parks are on rooftops and elevated podiums, particular attention must be paid to wayfinding and the design of public access points in order to facilitate public access; and

Whereas, this new application proposes that the children's tot lot approved for Block C in 2014 be moved to Block D, thereby creating an absence of play equipment for young children until Block D is redeveloped, which is a concern since the timing for redevelopment of Block D currently is unknown; and

Urban Athletic Fields

Whereas, Park Authority staff have projected that Tysons' athletic field usage could be 80% adults and 20% youth (the opposite of usage in suburban areas of the County), and the Park Authority's Tysons Park System Concept Plan projects that "there will be fewer children and more adults living in Tysons", and that "fields must be designed and constructed to maximize playability (including dimensions...)"; and

Whereas, Appendix 3 of the Tysons Park System Concept Plan lists one use for U-7 fields – soccer for children age 7 and below – while it lists various types of adult use, ranging from 5-on-5 play to full team play, as well as youth use by older children for all other (larger) listed types of rectangle fields; and

Whereas, the County staff report states that Capital One's proposed overall redevelopment generates the need for 0.91 full-size athletic fields; and

Whereas, Capital One's partnership with LCOR to deliver off-site in Tysons a full-size rectangular field by 2035 satisfies 0.50 of its required athletic field contribution; and

Whereas, to address its remaining requirement, in 2014, Capital One committed to providing one at-grade U-9 athletic field in Block C by at the time of completion of Block C; and

Whereas, Capital One now is proposing instead to provide two elevated U-7 athletic fields, the equivalent of 0.50 full-size athletic fields, prior to the first non-Residential Use Permit (RUP) for Building 11 in Block E; and;

Whereas, Capital One has no current plans to develop Block E and, as noted in the April 24, 2017 Fairfax County Park Authority Park Planning Branch Memorandum, *“redevelopment of Block E is unlikely to occur for many years, if at all”*; and

Whereas, further, the two U-7 fields, once constructed, would be shared between Capital One’s own employees, residents and the public, with public use permitted only on Tuesday, Thursday, Friday from 5 -11 pm and Saturday and Sunday from 8 am-11 pm; and

Whereas, the April 24 memorandum recommends that Capital One *“provide an interim public field on-site within the development either on the existing surface parking lot in Block E or ...convert the approved interim field in Block B...to public use,”* to be available upon completion of the final residential building in Block C; and

Whereas, in the revised proffers submitted on June 8, 2017, Capital One has proposed to provide a temporary U-10 public field on Block D, that, at its sole discretion, may be natural turf and unlighted, and that would be installed not later than the issuance of the first RUP for the third residential building in Block C but at Capital One’s discretion, may be removed or relocated upon development of Block D; and

Public Facility Proffer

Whereas, Capital One previously had proffered to build and dedicate to Fairfax County a 30,000 square foot Community Center to be constructed during the second phase of development that would include a 9,000 square foot gymnasium, office space, multi-purpose room(s) and other amenities, including but not limited to an exercise room, an art/crafts room, a computer room, and a commercial kitchen; and

Whereas, this Community Center is shown on Table 8 of the 2017 Tysons Implementation Plan Amendment approved by the Board of Supervisors; and

Whereas, Capital One is now proposing to provide instead either (1) a Capital One Center (Center) in Building 5A of Block C that would be made available on a limited basis under agreed guidelines in an Agreement with Fairfax County for public use for theater/concert performances and certain other designated purposes or (2) if the Center is not provided by the time construction begins on Block D or E, a 30,000 square foot Integrated Public Facility, to be located on the first floor or on the first and second floors of Building 11 in Block E or another office building, for community and/or recreational programs; and

Whereas, Capital One also is proposing to tie the amount of public use permitted to a calculation of the pro-rata share of the cost of construction of the Center, a cost that is entirely within Capital One’s control, and an approach to the provision of public facilities which MCA finds would establish a very dangerous precedent for Tysons development; and

Whereas, Capital One is proposing the following limited availability of the Center’s facilities for public use:

- a) Main Hall – 30 days/season on weekends (Friday, Saturday, Sunday), with season defined as September 1-June 30;
- b) Black Box Theater – 70 days/season (or 7 days/week for 10 months), with weekend use limited to 1 weekend per month;
- c) Two classrooms - 110 days each/year for a total of 220 days/year;

Whereas, until the Agreement is available for public review, it is not possible to fully assess the first of the proposed options, although at this juncture, it is clear that Capital One’s proposed Center does not include the vast majority of community amenities that the Integrated Public Facility option and the previously-approved community center would offer; and

Whereas, further, based on current community theater practices, the Center proposal would not provide sufficient community access for performing arts purposes since the amount of time allocated for public use of the Black Box Theater is well below that required by community theater groups, most of whom hold performances over 3-4 weekends rather than one weekend or week per month; and

Whereas, additionally, the Center proposal would not provide sufficient community access to the classrooms for classes or meetings, since it restricts public use to 30% of the available time; and

Whereas, while a Community Center would constitute a public facility, the Capital One Center is more appropriately considered as a limited-access public amenity since the proposed availability and scheduling of public use for performing arts and other purposes would be secondary and subordinate to its primary use as a private, corporate conference center; and

Transportation and Streetscape

Whereas, the June 8, 2017 County staff report identifies the following safety-related issues:

- a) the proposed design of vehicular access, loading and drop-off areas within Block A that are likely to discourage pedestrian movement and introduce multiple points of conflict between pedestrians and vehicular traffic, and hence result in safety hazards for pedestrians; and

- b) a proposed vehicular drop-off area at the entrance to Building 1 that would create unnecessary safety hazards for drivers and pedestrians and create an unpleasant street level experience; and

Whereas, the staff report suggests that the first issue could be addressed at a subsequent time in the context of a future FDP for Block D; and

Monetary Contributions (Capital One)

Whereas, Capital One has proposed that the credit be set at 20% of the as-built gross floor area (GFA) of the Center upon execution of the Capital One Center-County Agreement and that Capital One receive full credit in the event that the Integrated Public Facility is built in lieu of the Center; and

Whereas, until the Agreement is available for public review, it is not possible to ascertain whether there would be any further restrictions on use beyond those listed above which would affect consideration of the size of exemption to permit; and

Whereas, further, the length of the proposed lease for public use – 30 years with the option of a one-time five-year extension --, is far below the 50-70 year norm for availability of public facilities, including for the originally-proffered Community Center; and

Resolved

Now, therefore, be it resolved that, as a general matter, MCA continues to believe that, to ensure that the vision for Tysons set forth in the 2017 Tysons Implementation Plan Amendment becomes a reality, Tysons developers must fully comply with the provisions of the 2017 Plan Amendment and associated ordinances and regulations; and

Be it further resolved that, to ensure this vision becomes a reality, Tysons must have within its boundaries the types and number of amenities (e.g., parkland, athletic fields, community spaces and facilities) needed to build a sense of community and ensure livability within Tysons; and

Be it further resolved that, while MCA appreciates the quality of the amenities proposed by Capital One, MCA believes that quality does not diminish the need for Capital One to fully comply with its obligations relating to public amenities and, in this regard, is especially concerned by the changes that Capital One has proposed in this application that would reduce or restrict public amenities even as Capital One would increase gross square footage and density; and

Now, therefore, be it resolved with regard to Park and Athletic Field Proffers:

That MCA believes that Capital One must be required:

- a) With respect to parkland, to provide an additional 0.23 acres of public parkland;

- b) With respect to athletic fields, to deliver the now-proffered U-10 interim field upon completion of the first residential/hotel building in Block C, install synthetic turf and lighting on the field so that it meets County standards for Tysons athletic fields, and make it available for public use until such time as Capital One delivers the proffered permanent fields. Both the interim and any permanent fields must be available for public use on the same terms and during the same days and hours as public fields owned by Fairfax County; and

Further, that MCA strongly urges the Planning Commission to require that Capital One, in meeting its field obligation, provide a permanent field on site that is appropriate for adult use, as described in Appendix 3 of the Tysons Park System Concept Plan; and

Further, that in order to facilitate public access to elevated park areas, MCA encourages the County and Capital One to pay particular attention to wayfinding and the design of public access points; and

Further that the MCA encourages the County to require that Capital One provide an interim tot lot, to be made available at the time of the first non-RUP or RUP for Block C and until the tot lot in Block D is developed; and

Now, therefore, be it resolved with regard to Public Facility Proffers:

That, MCA believes that, while the Center option is attractive in some ways, it does not fully satisfy Capital One's public facility obligation and;

That, while MCA prefers the Community Center proffer approved in the 2014 Capital One application, if the Planning Commission and Board of Supervisors approve the Capital One Center option in lieu of the Community Center option, MCA strongly urges that it be amended to increase public access (in terms of the number of days or weeks for classroom use and for community theater, in particular) to function as a public performing arts center; and

Further that, because of the important role that a Community Center plays in building a sense of community and enhancing livability, MCA strongly urges the Planning Commission to recommend that Board of Supervisors, as a matter of high priority, urge Tysons' landowners to work together to provide the land and construct the Tysons East Community Center at an alternate location while land may still be available within Tysons East for this purpose, and, if this is not accomplished within the next 18-24 months, to create a Small Tax Service District in East Tysons to raise the revenue to purchase land in Tysons for, and construct and operate an East Tysons Community Center; and

Now, therefore, be it resolved with regard to Transportation and Streetscape-Related Matters:

That, the MCA urges that the issues identified in the staff report be resolved now, along the lines proposed in that report, and in particular, that they not be deferred to consideration of a future FDP for Block D; and

Now, therefore be it resolved with regard to Proffer Credit and Monetary Contributions:

That, MCA requests that, if the Planning Commission nonetheless approves Capital One's proposal to build a Capital One Center in Block C, without requiring increases in the time available for public use and lease duration, the Planning Commission significantly adjust downward Capital One's proposed full (1.0) public facility credit and 20% public facility Tysons road fund exemptions to account for the limits on the availability of the Center facilities for public uses and for the fact that the duration of the lease that Capital One is proposing is roughly ½ of that normally provided for such facility; and

Finally that MCA's support for the proposed Capital One PCA/CDPA/FDPA is contingent upon a satisfactory resolution to the above issues, along the lines indicated above, and urges the Planning Commission to require such changes before recommending approval to the Board of Supervisors.

*Approved by the McLean Citizens Association Executive Committee on behalf of the Board of Directors
June 12, 2017*

McLean Citizens Association, P.O. Box 273, McLean, Virginia 22101

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