

Frederick A. Costello

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Introduction: The following is the testimony of Pamela Kondé before the Fairfax County Planning Commission on September 8, 2011, regarding the Georgelas Group Rezoning Application, RZ-2010-PR-014-A, RZ-2010-PR-014-B, RZ-2010-PR-014-C (the “Rezoning Applications”). It is significant in its raising of issues relative to the location of Open Space in (re-)development. The application calls for some of the open space being located on Raglan Road, one-half to three-quarters of a mile from the development site.

The Testimony:

INTRODUCTION

Good evening. I am Pamela Sosne Kondé, President, Greater Tysons Green Civic Association (GTGCA).

- I represent more than 350 households in the north Vienna area - between Old Courthouse Road and Old Courthouse Spring Branch EQC and Raglan Road Park.
- It is a “surrounding neighborhood” to Tysons Corner Urban Center, immediately adjacent to the “West Side” district.
- The beautiful, mature trees of Raglan Road Park & Old Courthouse Spring Branch form our buffer - to Route 7, the silver line metro, and two metro stops.

As part of this application, the Applicant has proffered to purchase 2.8 acres of land and deed it to the County to expand Raglan Road Park. We understand that this proffer is small potatoes in a 399 page staff report, and that you expect that the subsequent Park Master Plan process will determine Raglan Road Park. But I am not here to ask you to be the substitute for the master planning process; I ask you to allow the master planning process to do its job – not to assume or presuppose anything *before* that process has occurred.

Currently, the Georgelas application uses the 2.8 acres of Raglan Road Park, and the park itself, to fulfill its athletic field requirement. However, according to the Comprehensive Plan, the FCPA master planning process, and FCPA staff, Raglan Road Park may not necessarily be developed as an athletic field. A master plan has not been conducted yet, and a variety of alternatives need to be evaluated and agreed on.

So we ask the Planning Commission to direct Georgelas to fulfill its green space requirements by expanding Raglan Road Park, but look elsewhere – in Tysons Corner proper – to satisfy its athletic field requirements. If, after the master plan, Raglan Road is developed with an athletic field, we would have more athletic fields, which the County needs anyway!

This is one proffer of many that you’ll handle; this one will demonstrate whether your directions to developers will satisfy the Comprehensive Plan and the County’s needs, or not.

APPLICANT DOESNT SATISFIES GREEN SPACE REQUIREMENTS, NOR ATHLETIC FIELD REQUIREMENTS

I. Applicant does Not Satisfy Parkland Requirements

Applicant is short four acres from satisfying the parkland requirements. According to the Comprehensive Plan and the County's calculations of the urban parkland standard, the Applicant must provide 13 acres of new urban parkland, however, "the overall provision of onsite and offsite parkland ..., taken as a whole, totals about 9 acres." See Staff Report, page 43.¹

II. Applicant does Not Satisfy Athletic Field Requirements

Moreover, Applicant does not satisfy the athletic field requirements. According to the Staff Report, Applications A, B, and C generate the need for one-and-a-half (1.5) athletic fields.² The application proposes a publically accessible half-size athletic field on the West Skypark, which would meet one-third of requirement. Sounds good. However, Applicant does not satisfy the rest of the requirement to have an additional acre of athletic field -- on-site of the development.

According to the Staff report, "to meet the remaining need for a full-size field, the Applicant is committing with 014B to purchase or fund the purchase of offsite land for a field. The 014A application has proffered to provide \$500,000 towards this purchase." **A field needs 2 acres, plus .5 acre for a parking lot. Do you know of a 2.5 acres in Tysons that can be purchased for \$500,000???**³ Thus, this \$500,000 is insufficient to satisfy the field requirement.

Here's the key -- In the staff report, "Staff finds that the commitment in 014A and 014B to acquire park land which could *potentially* support athletic field development [*off-site, out of district, out of Tysons Corner, I might add*] contributes to offsetting athletic field needs." The Applicant and the County are assuming that the Raglan Road Park parcels, or the park itself, will support an athletic field. If it does not, the Applicant has just been approved for a reasoning of 31.5 acres, *without* satisfying its athletic

¹ It's not clear from the Staff Report whether the 2.8 acres near Raglan Road Park would make the total 11.8 acres, or whether the 2.8 acres were included in the 9 total acres. Either way, Applicant doesn't satisfy the required 13 acres of parkland.

² Based on Comprehensive Plan guidance for provision of one full-service athletic field per 4.5 million square feet of new GFA, the overall Spring Hill station development as proposed, with about 7 million square feet of new GFA in total, generates the need for one-and-a-half (1.5) athletic fields. See Staff Report, page 47.

³ "A commitment to construct or provide funding for construction of one full-service athletic field offsite will be expected with the 14C application. The 014A application has proffered to provide \$500,000 towards this purchase." See Staff Report, page 47. In other words, *assuming* land is available to put a field, the Applicant has proffered the funds to build the field. Does this include construction of the parking lot?

field requirements. *And not one full-service field has been provided on-site, in-district, or even in Tysons!*

If we in Fairfax County are serious about this athletic field requirement, then we respectfully request that the Applicant be asked to find those 2.5 acres on-site that are guaranteed for athletic field use! The Applicant has not satisfied its open space requirements anyway (as it only dedicates 9 of the 13 acres required), so directing Applicant to dedicate more land to be used for open space is appropriate.

ATHLETIC FIELDS MUST BE PLACED ON-SITE, IN-DISTRICT WHEN “POSSIBLE”

As noted in the Staff Report, the Comprehensive Plan recognizes the need for small and large recreational facilities in Tysons Corner – needing 20 fields in total.⁴ The plan also indicates a preference for recreational facilities to be provided **onsite** or **in an area that services the new development**. The plan text specifically lays out a hierarchy of approaches:

1. “Provision of park land and facilities on-site is preferred.
2. If on-site dedicated and facility provision are not possible, an equivalent off-site dedication and facility construction within the same district should be sought as a substitution.
3. Where it is not possible to locate facilities within the district, locations that serve Tysons may be substituted.
4. As a last alternative, as for smaller sites, an equivalent monetary contribution to fund local public parks within Tysons may be substituted.”

See Staff Report, page 46-47 (bullets and emphasis added).

The Applicants does not satisfy any of these requirements. No full-sized athletic field has been proffered on-site. The Applicant has not demonstrated that it is “not possible” to find 2.5 acres of appropriate on-site land within its 31.5 acres of its application. Nor has it shown that it has not “sought” any land within the “same district” as Raglan Road Park is in the West Side district, and Applicant’s project is not even on the same side of Route 7. Finally, Applicant’s 31.5 acres do not constitute a “smaller site,” nor has Applicant provided for public parks “within Tysons” as 1.8 acres of the aforementioned parcels are outside of the Tysons Corner boundary. See map of the “West Side” district, attached on last page of this testimony.

We support the Applicant’s purchase of those 2.8 acres adjacent to Raglan Road Park to deed to the County to expand the park. However, without a master plan or a Preliminary GMP, those acres cannot be used to offset athletic field requirements inside the 31.5 acres of Applicant’s development. As a

⁴ As noted in the Staff Report on page 46, “According to Tysons Corner Urban Center Areawide Recommendations, Environmental Stewardship Chapter, Parks and Recreation Section, Page 82, the Plan indicates: ‘Recreational facility service level standards in the Park and Recreation element of the Countywide Policy Plan should be applied to new development in Tysons, ... Using 2050 development projections, anticipated urban field use patterns, optimal athletic field designs (lights and synthetic turf) and longer scheduling periods, the adjusted need for athletic fields to serve Tysons is a total of 20 fields.’”

separate proffer, the 2.8 acres adjacent to Raglan Road Park can be used to satisfy the Applicant's general green space requirements ... for beautiful mature trees, bike access to Tysons Corner from adjacent neighborhoods, hiking paths, and other amenities, maybe even for fields, *as determined by the master planning process*.

Please do not presuppose the master plan before it has occurred. That puts too much pressure on the Park Authority to ignore community input, or sloping issues, or transportation issues... and the costs associated with fixing those issues. By offsetting the Applicant's athletic field requirements because of the purchase of this land, it pre-supposes that the land will be turned into an athletic field ... when the Applicant has 31.5 acres available to turn into an athletic field without any sloping, or watershed, or other issues. Then, the Comprehensive Plan will be satisfied as the field would be placed on-site, in-district as that is very *possible!*

MASTER PLAN PROCESS WILL ADDRESS NEIGHBORS' CONCERNS APPROPRIATELY

A master plan process is critical. It cannot be sidestepped. It is the key to the County's methodical, transparent evaluation and allows for valuable community input. Through it, the County will be able to resolve these critical issues:

- **General Concerns Regarding Tysons Corner Priorities** - Is this the best site for additional athletic fields in Tysons Corner? Are there other priorities that the FCPA needs to satisfy more than an athletic field (e.g., walking paths to access the metro, bike paths to W&OD trail in Vienna, protection within the Difficult Run Watershed, geocaching, or hiking paths)?
- **Physically and Environmentally Feasibility** - Has the FCPA sufficiently evaluated whether Raglan Road Park can withstand 2 ½ acres of flat surface (for a field and a parking lot), without damaging run-off, without an unworkable slope, while protecting mature trees, etc? Please note that Raglan Road Park includes extensive sloping that connects to Old Courthouse Spring Branch Environmental Quality Corridor (EQC), a protected flood plain.
- **Consistency with Comprehensive Plan** - Is it physically possible for Raglan Road Park to withstand an athletic field and parking lot and still comply with the Comprehensive Plan? Can the field and parking lot maintain the "physical and visual separation" currently provided by the buffer of mature trees? Has the FCPA determined a feasible design for the field and parking lot that ensures that the open space buffer areas retain sufficient "mature tree cover to adequately screen public use from adjacent single family neighborhoods"?
- **Negative Transportation Impacts** – If a field is built, then will there will sufficient space to allow for two-way traffic and parking without negatively impacting the adjacent single-family neighborhoods as well as the townhouse community located in Tysons Corner Urban Center? Can appropriate access be provided without creating a vehicular cut-through from Raglan Road to Key West Lane, which is specifically prohibited in the Comprehensive Plan?

Will such access unduly impact traffic on Old Courthouse Road, which is already being considered for traffic calming to provide safety for pedestrians, drivers, and bicyclists?

- **Other Residential Impacts** – Neighbors are strongly opposed to field lights in Raglan Road Park as it is immediately adjacent to homes of families with very young children on Key West Lane, Coral Gables Lane, and Raglan Road. If the park closes at dusk, without lights, does it still satisfy the field requirements for Tysons Corner Urban Center?

THREE OTHER MAJOR CONCERNS THAT RELATE TO TYSONS BOUNDARIES

As members of an adjacent neighborhood to Tysons, we are concerned that the County is not respecting Tysons Corner boundaries fully.

I. OUTSIDE OF TYSONS CORNER BOUNDARY

Of the three parcels, the one acre of 8608 Raglan Road is located inside the Tysons Corner Urban Center, and is planned for “green space” according to the Comprehensive Plan. The other two parcels - 8614 and 8615 Raglan Road (totaling 1.8 acres) - are not contiguous with the first parcel, and they are outside of the Tysons Corner Urban Center boundary. There has been no public discussion about those two parcels. Please see the attached map, from Fairfax County Comprehensive Plan, West Side Recommendations, page 159. While we understand that land is often deeded to the County with a master plan subsequently completed, these parcels are contiguous to Tysons Corner Urban Center, and *part of a Tysons Corner rezoning application*. Neighbors have concerns about boundary creep and encroachment into adjacent neighborhoods.

II. CONDEMNATION IS AN EXTRAORDINARY MEASURE

Furthermore, while the proffer requires that the Applicant make a good faith offer for all the parcels, it allows that the County to condemn all three parcels if the landowners do not agree to the offered price. See Rezoning Application **RZ-2010-PR-014-B** (Number 44, “Off-Site Parkland Acquisition and Dedication,” from draft July 29, 2011, at pages 38). Condemnation of residential land without any methodical evaluation of the property’s suitability for meeting the proposed park use, nor any public discussion of such evaluation, seems an extraordinary measure on the part of the County. Thus, we adjacent neighbors are concerned that the County may be using condemnation powers for land outside of the Tysons Corner Urban Center plan - land in an adjacent single-family neighborhood and currently NOT planned for green space on the Comprehensive Plan. What makes this land different than my house or my neighbor’s house?

III. NOTIFICATION REQUIREMENTS MUST BE MET

As the Rezoning Applications impact land other than the 30+ acres near the Spring Hill metro station, the Applicant should have satisfied the notification requirements to homeowners adjacent to the three parcels of land being considered for inclusion in Raglan Road Park. As 1.8 acres of the 2.8 acres are

outside of the Tysons Corner Urban Center, these homeowners may be surprised that adjacent land is a component of a Tysons Corner rezoning application. Such homeowners must be afforded at least 15 days' notice of the hearing, which was not the case before this Planning Commission hearing. Said notification should have clearly indicated that the Application relates to the Raglan Road Park and the adjacent parcels.

PLANNING COMMISSION MUST TAKE CONTROL – ENSURE THAT TYSONS CORNER'S FACILITIES NEEDS ARE MET

Originally, we requested that the Applicant make its offer contingent upon a preliminary General Management Plan (GMP), and that the Park Authority conduct said plan beginning immediately.⁵ In a two-week period in August, more than 20 neighbors wrote eloquent letters to the staff coordinator, to park staff, to Commissioner de la Fe, and to County Supervisors. I believe these letters are in the record. However, it was clear in meetings with the County staff and Supervisor Hudgins that everyone was desperate to get the land deeded to the County, regardless of whether it could actually be turned into an athletic field ... so a Preliminary GMP wasn't directed.

It's this desperation that concerns me and my neighbors. With guidance from County staff like the park folks, you – the Planning Commission – should be in control. You decide whether the developers have provided enough green space, enough athletic fields, enough funding for schools, *before* you decide to allow the developer to build denser and bigger and taller. So before you approve the very first development, this Demonstration Project, make sure you feel comfortable that you have the right amount of facilities needed.

- Do you have as much green space as you promised in the Comprehensive Plan?
- Do you have enough athletic fields ... *in the right places* for Tysons residents to reach those fields without getting into cars and contributing to rush-hour congestion? Fields that are promised in current parks that haven't been master planned don't count.
- Are you going to build those fields by destroying some of the green space and mature trees that currently exist?
- Do you have enough funding for school children? Is a \$1.5 or \$1.7 million contribution enough when a new elementary school and middle and high school expansions will be needed soon? The renovations alone for Marshall High School cost \$70+ million. How much will it cost to buy the land and build a new elementary school? Every elementary school in the Tysons area, Westgate, Westbriar, Spring Hill, and Freedom Hill, are already overcapacity with children learning in trailers and the first building hasn't even been approved in Tysons yet.

⁵ According to Policy 103 of the FCPA Policy Manual, a Preliminary GMP may be requested for land under consideration for acquisition to determine the property's suitability for meeting the proposed park use for the developable portions of the site. According to FCPA Policy Manual, at Policy 107, a public hearing "shall be held" as part of the GMP planning process.

<http://www.fairfaxcounty.gov/parks/parkpolicy/FCPAPolicyManual.pdf>

CONCLUSION -- DEMONSTRATION PROJECT MUST BE THE MODEL

Finally, as the Georgelas Group Rezoning Applications have been denominated the “Demonstration Project” for Tysons Corner, it is imperative that the County not appear to “strong-arm” a developer or an adjacent neighborhood.

The County should take all possible steps to properly evaluate the Rezoning Applications and provide notices and hold hearings in accordance with all applicable requirements to ensure upmost transparency.

A master plan for Raglan Road Park -- as required, not side-stepped -- is a simple step that would satisfy all of the above objectives for the County’s FIRST development in the new Tysons Corner Urban Center.

Thus, we respectfully request that the Planning Commission and Board of Supervisors require that the Applicant provide 2.5 acres on-site for athletic fields. Do not use Raglan Road Park to offset this requirement.

Planning Commissioners – this is your first opportunity to show the County that you will take control, that you will guide the developers appropriately, that you will ensure that all the requirements and facilities needs will be met. Do not let Georgelas Group bypass the requirements for a field inside 31.5 acres by telling you that it is “not possible” to dedicate space. If it’s not possible within 31.5 flat acres ... 10 acres *above* the required 20 acres... when will it be possible? No fields will be provided within Tysons, or within the specific districts. And any fields that are built outside of Tysons Corner will require players and their families to get into their cars and contribute to rush-hour traffic for those 6 pm practices. That is not what you promised.

Thank you for your consideration.

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FAIRFAX COUNTY COMPREHENSIVE PLAN, 2007 Edition AREA II
Tysons Corner Urban Center, Amended through 6-22-2010
District Recommendations Page 159

