



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of February 12, 2011

DATE: February 1, 2011

SUBJECT: SP #25 SITE PLAN AMENDMENT to modify Condition #59 regarding use of a retail area within the Waterview office building located at 1919 North Lynn Street (RPC: 16-018-010).

APPLICANT:

MRI Waterview, LLC
1633 Broadway, Suite 1801
New York, New York 22209

BY:

John Bone, Agent
Paramount Group, Inc.
1919 North Lynn Street, Suite 200
Arlington, Virginia 22209

C. M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment for a revision to Condition #59 regarding the use of a retail area within the Waterview office building, subject to revised Condition #59 and all previously approved conditions.

ISSUES: This is a site plan amendment request to revise Condition #59 regarding the use of a retail area located on the ground floor of the Waterview office building located at 1919 North Lynn Street. No issues have been identified.

SUMMARY: This application requests a revision to Condition #59 to allow for greater leasing flexibility of a retail area located within the ground floor of the Waterview office building located at 1919 North Lynn Street. Condition #59 requires that a 412 square foot retail space within the ground floor of the Waterview office building be constructed in a manner that would accommodate three (3) elevators and knock-out panels in the below-grade parking garage to allow for a future underground connection to the Rosslyn Metro Station. The applicant

County Manager:

BMD/GA

Staff: Aaron Shriber, DCPHD, Planning Division
Robert Gibson, DES, Transportation Division

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PLA-5823

constructed this retail space, consisting of approximately 762 square feet, and has been actively attempting to lease it for use as a coffee shop or another small-scale type of retail establishment. The applicant contends that the provisions of Condition #59, which allows the County to request that this space (412 square feet) be provided to the County to accommodate an additional point of access to the Rosslyn Metro Station with three (3) years written notification, is detrimental to leasing the space for an interim retail use. This application requests revisions to Condition #59 to allow for greater leasing flexibility of the retail space as an interim use until the County requires the space for use as an additional point of access to the Rosslyn Metro Station. The proposed revisions to Condition #59 recommend that the County give written notification of seven (7) years to make the space more viable as an interim retail space. This revision preserves the County's ability to ultimately use this space as an additional point of access to the Rosslyn Metro Station while allowing greater flexibility for the applicant to lease the space to a retail establishment as an interim use. Therefore, staff recommends that the County Board adopt the Ordinance (included in this report) approving this site plan amendment request subject to all previously approved conditions and a revision to Condition #59.

BACKGROUND: The Waterview site plan (SP #25) consists of two buildings, an office building and a hotel/residential building. Though SP #25 was initially approved in 1964, the current version consisting of the two existing buildings was approved in 2000 with subsequent amendments affecting the layout, conditions, timing and comprehensive sign plan. The subject application requests a revision to Condition #59 which pertains only to the office building located at 1919 North Lynn Street.

Following is additional information of the application area:

Site: The 2.16 acre site (SP #25) is located at the northeast quadrant of the intersection between North Lynn Street and 19th Street North. The uses surrounding SP #25 include:

To the north: Lee Highway ramp to Interstate 66.

To the east: Potomac Tower office building. The property is designated "High" Office-Apartment-Hotel on the General Land Use Plan (GLUP) and zoned "C-O Rosslyn".

To the south: 19th Street North and the 1801 Lynn Street office building (SP #31) and the Pomponio Plaza East office building (SP #70). The properties are designated "High" Office-Apartment-Hotel on the GLUP. The property subject to SP #31 is zoned "C-O Rosslyn" while the property subject to SP #70 is zoned "C-O".

To the west: North Lynn Street and the Rosslyn East office building (SP #66). The property is designated "High" Office-Apartment-Hotel and zoned "C-O".

Zoning: The subject property is zoned "C-O Rosslyn".

Land Use: The General Land Use Plan (GLUP) designates the subject property as “High” Office-Apartment-Hotel.

Neighborhood: The subject property is located within the North Rosslyn Civic Association and north of the Radnor/Ft. Myer Heights Civic Association. Both of these civic associations have been contacted about this site plan amendment request, though neither has responded with comments about the application as of the date of the staff report.

DISCUSSION: Condition #59 requires the developer to provide a 412 square foot retail space within the ground floor of the Waterview office building for the purpose of providing a second entrance to the Rosslyn Metro Station. This area was to be constructed in a manner to accommodate three (3) elevators that could descend, unimpeded, to the B-2 level of the underground parking garage where knock-out panels would be provided to allow for a connection to a potential underground tunnel to the Rosslyn Metro Station. As permitted by Condition #59, this area can be leased as an interim retail use until the County provides three (3) years written notification to the developer of their intent to use this space for its ultimate use as a point of access to the Rosslyn Metro Station.

The first tenant certificate of occupancy for the Waterview office building was issued in 2008. In 2010, the County commenced construction on the Rosslyn Station Access Improvement (RSAI) project to provide a second point of access to the Rosslyn Metro Station. Rather than utilizing the retail space in the Waterview office building, the County chose to use the Central Place (SP #335) property, which was conditioned (Condition #91) to participate in the RSAI project, including granting of easements necessary to support the construction of three elevators providing access to the Rosslyn Metro Station.

The applicant has been diligently pursuing a retail tenant to lease the retail space in question. To date, no lease has been executed, which the applicant attributes to the three (3) year written notification period clause of Condition #59. According to the applicant, potential retail tenants are discouraged from leasing this space for fear that the County could request that the space be provided for its ultimate use by giving the building owner three (3) years written notice. The cost to outfit the retail space, and the potential for the County to invoke Condition #59, has resulted in the applicant offering leases of no greater than three (3) years, which is insufficient for attracting retailers to this location. Because the RSAI project is under construction utilizing the Central Place property, and considering the current leasing complications of the site, the applicant filed this site plan amendment application requesting that the three (3) year notification period of Condition #59 be extended.

Though a second point of access is currently being constructed to the Rosslyn Metro Station, it is important for the County to preserve the opportunity to provide an additional point of access in the future. Not knowing when this additional point of access will be necessary, and understanding the leasing difficulties of the Waterview retail space, staff is supportive of revisions to Condition #59. As proposed, Condition #59 would be revised to recognize that the Waterview building has been constructed, and that the County can request that the 412 square foot retail space be provided to the County for use as an additional point of access to the Rosslyn Metro Station with seven (7) years written notification to the building owner. Staff believes that

providing seven (7) years written notification of their request to utilize this space for its ultimate use will permit the applicant to lease the subject retail space and allow prospective tenants to operate such space without threat of lease termination prior to capitalization of their investment in the space. The applicant has agreed to these revisions to Condition #59, as they accomplish their goal of making this retail space an attractive leasable location for potential retailers.

CONCLUSION: The proposed revision to Condition #59 preserves the County's ability to use this retail space for an additional point of access to the Rosslyn Metro Station while allowing the space to be leased and operated as an interim retail space. Therefore, staff recommends that the County Board adopt the following Ordinance approving this site plan amendment request subject to all previously approved conditions and a revision to Condition #59.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated December 9, 2010 for Site Plan #25, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report(s) provided to the County Board for its February 12, 2011 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on February 12, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan, as amended:

- Substantially complies with the character of the General Land Use Plan and the Rosslyn Station Area Plan Addendum, and with the uses permitted and use regulations of the C-O Rosslyn district as set forth in the Zoning Ordinance; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated December 9, 2010 for Site Plan #25, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below (which drawings, etc. are hereafter collectively referred to as “Revised Site Plan Application”), for the parcel of real property known as RPC: 16-018-010 and 1919 North Lynn Street, approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

All previously approved conditions (numbers 1 through 73) with condition #59 amended as follows:

59. The developer agrees to provide, subject to the following sentence, the 412 square foot retail space along N. Lynn Street, as shown on the plans dated February 15, 2002, for permanent use to house three (3) surface elevators to the tunnel to ~~a second~~ an additional Rosslyn Metrorail station entrance. ~~The construction of the office building and this 412 square foot space shall allow for the future construction of the shaft from the first floor down through the B-1 and B-2 levels of the garages without interference from major building systems. The construction of the space shall include knock out panels at the first floor, B-1 and B-2 floor slabs, directly under the cabs as located on the architectural plans dated February 15, 2002. Knock out panels shall also be constructed in the exterior wall~~

~~of the B-1 and B-2 levels of the building directly under the lobby space of the 412 square foot area, for future connection to the Metrorail tunnel to be located within N. Lynn Street.~~

~~The County shall be responsible for adopting an amendment to the Transit Master Plan to include the anticipated Rosslyn Metrorail Station and to include the project in the County Capital Improvement Plan for FY 2002-2007; securing all necessary easements from adjacent property owners and agreements with WMATA, VDOT and other involved parties, necessary to enable such construction; and, all other details of the construction.~~

~~If, at the issuance of the First Tenant Certificate of Occupancy, the County Board has not determined a date for the establishment of a northern entrance to the Rosslyn Metrorail station, then the developer shall have the right to lease such space for retail use. Thereafter, Such space will be made available if the County Board ~~must~~ gives the developer ~~three (3)~~ seven (7) years prior written notice that it intends to commence use, including construction of this space as a Metrorail station entrance, so that the developer may provide the tenant with notice of lease termination.~~

PREVIOUS COUNTY BOARD ACTIONS:

- December 16, 1961 Approved a rezoning (Z-1573-61-1) from “M-2” to “C-O” on the 1100 Block of 19th Street North, north side, and part of 1900 Block of North Lynn Street, east side.
- January 25, 1964 Approved site plan (Z-1573-61-1 and/or SP #25) for the Pomponio, Lynn and Donato Buildings at the northeast corner of North Lynn Street and 19th Street North.
- September 26, 1964 Approved a site plan amendment (Z-1573-61-1 and/or SP #25) for conversion of sub-basement mechanical space to parking; conversion of basement mechanical space to parking; elimination of first floor up-ramp, parking placed in north side and added on east end; elimination of parking on second floor; and provision of office space on floors three to twelve.
- April 16, 1966 Approved a site plan amendment (Z-1573-61-1 and/or SP #25) for the Pomponio Building to permit construction of an antenna subject to all previous conditions of the site plan approval.
- August 5, 1967 Approved a site plan amendment (Z-1573-61-1 and/or SP #25) for the Pomponio Building to permit construction of an antenna subject to all previous conditions of the site plan approval.
- September 23, 1967 Approved a site plan amendment (Z-1573-61-1 and/or SP #25) for the Pomponio Building relative to signs.
- August 3, 1974 Approved a site plan amendment (Z-1573-61-1 and/or SP #25) to permit a sign for State Loan Company of Rosslyn, Inc.
- October 12, 1976 Approved a site plan amendment (Z-1573-61-1 and/or SP #25) to permit counseling and therapy groups with a maximum of 8 clients, and seminars with 12 to 15 clients, at premises known as 1925 North Lynn Street, subject to review in two years.
- September 10, 1977 Approved a site plan amendment (Z-1573-61-1 and/or SP #25) to convert 14,185 square feet of parking (second floor) to commercial space and 6,480 square feet of gross floor area on premises known as 1111 19th Street North, subject to conditions.

August 1, 1978	Approved a site plan amendment (Z-1573-61-1 and/or SP #25) to convert 3,824 square feet of approved parking area to commercial or office space, on premises known as 1111 19 th Street North, (Lynn Building), subject to the converted space being used for commercial purposes.
October 14, 1978	Continued site plan amendment (Z-1573-61-1 and/or SP #25) to permit counseling and therapy groups at 1925 North Lynn Street, subject to review in 5 years.
March 10, 1979	Approved a site plan amendment (Z-1573-61-1 and/or SP #25) to permit a building addition on premises known as 1117 19 th Street North subject to conditions.
February 9, 1980	Approved a site plan amendment (Z-1573-61-1 and/or SP #25) to permit a horizontal sign reading "Metropark" and a vertical sign reading "Park" for the parcel known as 1925 North Lynn Street. Approved a site plan amendment (Z-1573-61-1 and/or SP #25) to permit a horizontal sign reading "Metropark" for the parcel known as 1111 19 th Street North. Approved a site plan amendment (Z-1573-61-1 and/or SP #25) to permit a horizontal sign reading "Park" for the parcel known as 1117 19 th Street North.
October 1, 1983	Continued site plan amendment (Z-1573-61-1 and/or SP #25) to permit counseling and therapy groups at 1925 North Lynn Street, with no further review.
December 12, 1998	Approved the advertisement of a rezoning request (Z-2453-98-1) from "C-O" to "C-O Rosslyn" for 1001, 1111 and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-006 and 16-018-008).
February 6, 1999	Deferred rezoning request (Z-2453-98-1) from "C-O" to "C-O Rosslyn" for 1001, 1111, and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-006 and 16-018-008) to the July 10, 1999 County Board meeting.
July 10, 1999	Deferred rezoning request (Z-2453-98-1) from C-O" to "C-O Rosslyn" for 1001, 1111, and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-

	006 and 16-018-008) to the October 2, 1999 County Board meeting.
October 2, 1999	Deferred rezoning request (Z-2453-98-1) from “C-O” to “C-O Rosslyn” for 1001, 1111, and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-006 and 16-018-008) to the December 11, 1999 County Board meeting.
December 11, 1999	Deferred rezoning request (Z-2453-98-1) from “C-O” to “C-O Rosslyn” for 1001, 1111, and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-006 and 16-018-008) to the February 12, 2000 County Board meeting.
February 12, 2000	Deferred rezoning request (Z-2453-98-1) from “C-O” to “C-O Rosslyn” for 1001, 1111, and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-006 and 16-018-008) to the March 11, 2000 County Board meeting.
March 11, 2000	Deferred rezoning request (Z-2453-98-1) from “C-O” to “C-O Rosslyn” for 1001, 1111, and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-006 and 16-018-008) to the May 20, 2000 County Board meeting.
May 20, 2000	Deferred rezoning request (Z-2453-98-1) from “C-O” to “C-O Rosslyn” for 1001, 1111, and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-006 and 16-018-008) to the July 22, 2000 County Board meeting.
July 22, 2000	Approved a rezoning request (Z-2453-98-1) from “C-O” to “C-O Rosslyn” for 1001, 1111, and 1117 19 th Street North, 1925 N. Lynn Street, and vacant parcels (RPC #s 16-018-006 and 16-018-008).
	Approved a major site plan amendment (SP #25) for a mixed-use office, retail, hotel and residential development, including staff recommended improvements to the intersection at 19 th Street North and North Lynn Streets, subject to the conditions of the staff report which supersede all previous conditions.

May 18, 2002	Approved a major site plan amendment (SP #25) for a mixed-use office, retail, hotel and residential development, including previously approved improvements to the intersection at 19 th Street North and North Lynn Streets, subject to the conditions of the staff report which supersede all previous conditions.
October 2, 2004	Deferred a site plan amendment request (SP #25) to extend the term of the site plan from May 2005 to May 2007 to the December 11, 2004 County Board meeting.
December 11, 2004	Deferred a site plan amendment request (SP #25) to extend the term of the site plan from May 2005 to May 2007 to the February 2005 County Board meeting.
February 12, 2005	Deferred a site plan amendment request (SP #25) to extend the term of the site plan from May 2005 to May 2007 to the April 16, 2005 County Board meeting.
April 19, 2005	Approved a site plan amendment (SP #25) to extend the term of the site plan from may 2005 to May 2007.
April 20, 2006	Approved a site plan amendment (SP #25) to increase the amount of construction signage located at 1919 North Lynn Street, subject to all previous conditions and four (4) new conditions which apply solely to the subject construction sign.
July 7, 2007	Deferred a site plan amendment request (SP #25) for a comprehensive sign plan and rooftop lighting to the September 8, 2007 County Board meeting. Approved a site plan amendment (SP #25) to amend Conditions #64 and #67 regarding public art.
September 8, 2007	Approved a site plan amendment (SP #25) for the addition of two rooftop signs to the comprehensive sign plan for the hotel/residential building including an amendment to Condition #41. Deferred a site plan amendment request (SP #25) for rooftop lighting to the October 13, 2007 County Board meeting.
October 13, 2007	Approved a site plan amendment (SP #25) for the addition of a rooftop sign (307 square feet) to the comprehensive

sign plan for the Corporate Executive Board at the Waterview office building.

Approved a site plan amendment (SP #25) for the addition of rooftop lighting to the Waterview/hotel/residential building and the Waterview office building.

July 21, 2009

Approved a site plan amendment (SP #25) to allow the conversion of approximately 896 square feet of retail space to a temporary real estate leasing office.

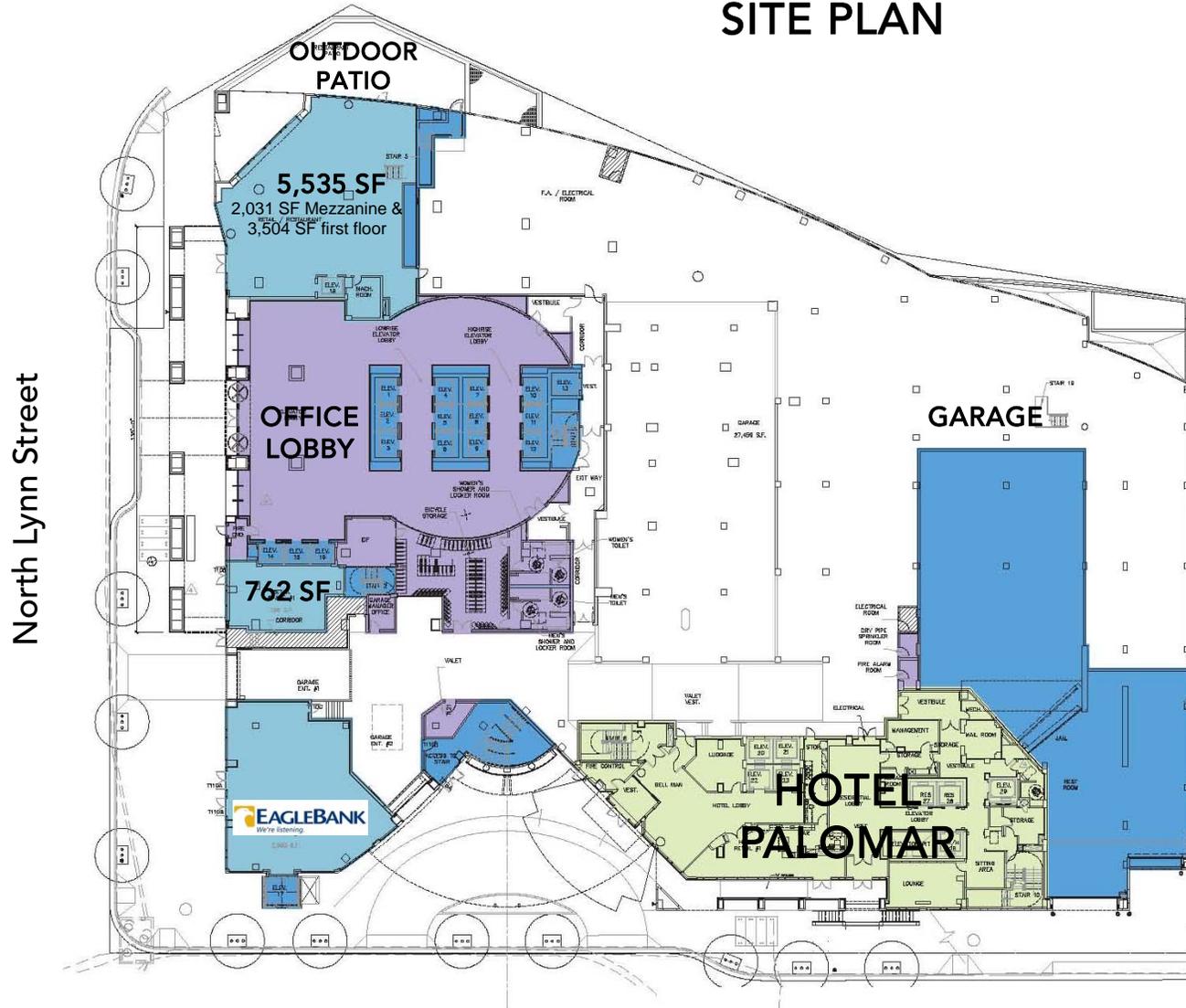
September 26, 2009

Approved a site plan amendment (SP #25) for the addition of a rooftop sign (63 square foot) to the comprehensive sign plan for Deloitte at the Waterview office building.

January 22, 2011

Approved a site plan amendment (SP #25) for a rooftop sign (123 square foot) to the comprehensive sign plan for Deloitte at the Waterview office building.

SITE PLAN





Site Plan #25
1919 N. Lynn Street
RPC: 16-018-010

Note: These maps are for property location assistance only.
 They may not represent the latest survey and other information.

Not To Scale

Case Location(s)