



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of February 11, 2012**

DATE: February 2, 2012

SUBJECT: SP #122 SITE PLAN AMENDMENT for addition of gross floor area and to allow for roof deck, with modifications of use regulations to include building height and density, and other modifications as necessary to achieve the proposed development plan; located at 1300 17th St. N. (RPC# 17-003-032, -031).

Applicant:

1300 N. 17th Street, LP

By:

Martin D. Walsh, Attorney
Walsh Colucci Lubeley Emrich & Walsh PC
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Adopt the attached ordinance to approve the subject site plan amendment request for a roof deck at 1300 17th Street N., with modifications for height and density subject to all previously approved conditions and to the new conditions of the staff report.

ISSUES: This is a request to permit the construction of a deck structure on the roof of the Noland Building, located at 1300 17th St. N. in Rosslyn, and no issues have been identified. This is the first time that LEED for Existing Buildings – Operations and Maintenance (LEED-EBOM) has been proposed as a community benefit for bonus density and building height in an existing building.

SUMMARY: The applicant is requesting an amendment to Site Plan #122 to permit construction of a roof deck on the Noland Building in Rosslyn. The applicant intends the roof deck to serve as an amenity feature for the building's existing office tenants. The deck would

County Manager:

BMD/GA

County Attorney:

AWM

Staff: Matthew W. Pfeiffer, DCPHD, Planning Division
Adam Segel-Moss, DES, Green Building Office

27.

consist of an elevator lobby, a pantry and catering area, bathrooms, an outdoor seating area, and new mechanical areas. Including the outdoor seating area (not enclosed and therefore not counted as Gross Floor Area), the footprint of the new structure would be approximately 6,000 square feet. The applicant's proposal is not intended to increase occupancy of the building, and would not create an additional intensity of use at the site. The roof deck would constitute an entirely new structure on the roof, as mechanical equipment is currently located within the building penthouse on the 18th floor. As the building already exceeds the amount of density and height that is permitted in the "C-O" District, the new density and height is proposed as additional bonus density under Zoning Ordinance Section 36.H.5.a. Staff believes that the bonus density and height would be justified by the LEED-EBOM Certification, which is proposed by the applicant, as an environmental amenity on which bonus may be based pursuant to Zoning Ordinance § 36.H.5.a. The roof deck will not create an adverse visual impact to the surrounding area, as it will not be visible from street level surrounding the site (see attached visual study exhibit). The increase in floor-area ratio (FAR) and building height generated by the request is not inconsistent with surrounding office buildings in Rosslyn that are also zoned C-O. The Green Building Incentive Program provides bonus density for LEED Certification for construction of new buildings and major renovations. This is the first time LEED-EBOM certification has been proposed for bonus density in an existing building. Staff supports the applicant's proposal because LEED-EBOM Certification for an aging office building is of benefit to the County in that it would provide for a more energy efficient and sustainable building. Therefore, staff recommends adoption of the attached ordinance for approval of the site plan amendment, subject to all previously approved conditions and to the conditions of the staff report.

BACKGROUND: The applicant proposes to construct a deck structure on the roof of the Noland Building in Rosslyn. Site Plan #122 for the Noland Building was approved by the County Board on May 13, 1978, and included an 18-story office building containing 320,000 square feet of office Gross Floor Area (GFA), 18,000 square feet of commercial GFA, and 21,000 square feet of restaurant GFA. Bonus density and building height were approved with the site plan due to the applicant's dedication of Dark Star Park to the County. Building construction was completed in 1980. Since that time, numerous amendments have been made to the site plan including conversion of mechanical penthouse space to office GFA, construction of a mezzanine level on the building's upper penthouse to be used for a restaurant, conversion of a portion of the penthouse level to a private residential use, and conversion of restaurant and residential uses to office use. Bonus density was approved in 1986 for conversion of 13,000 square feet of mechanical penthouse space to office space. At that time, the applicant provided a number of public improvements including the "Cupid's Garden" sculpture, located in a traffic island at North Oak Street and Wilson Boulevard. Currently, the building contains 409,043 square feet of GFA, which includes 8,021 square feet of retail GFA, at a height of 226.5 feet.

The following provides additional information about the site and location:

Site: The site is located in Rosslyn at the northeast corner of the block bound by N. Fort Myer Drive to the east, 17th Street N. to the north, N. Oak Street to the west, and N. Fairfax Drive to the south.

Zoning: The site is zoned “C-O” Commercial Office Building, Hotel, and Multiple-Family Dwelling Districts.

Land Use: The subject site is designated on the General Land Use Plan (GLUP) as “High” Office-Apartment-Hotel, Up to 3.8 FAR office density, up to 4.8 FAR apartment density, and up to 3.8 FAR hotel density, and the “Rosslyn Coordinated Redevelopment District.”

Neighborhood: The site is located within the Radnor/Fort Myer Heights (RAFOM) Civic Association. Staff contacted RAFOM and the Rosslyn Renaissance Urban Design Committee regarding the request. Both organizations have responded that they have no issues with the applicant’s proposal.

DISCUSSION: The applicant is seeking approval of a site plan amendment to permit construction of roof deck on the Noland Building in Rosslyn. The following chart presents a statistical summary of the proposal:

	Approved Development	Proposed Development	Change
Site Area	81,095 square feet	81,095 square feet	N/A
Density			
Total GFA	409,043 square feet	411,679 square feet	2,636 square feet
Total FAR	5.04 FAR ¹	5.07FAR	.03 FAR
Height	226.5 feet ²	249.5 feet	23 feet
Excluding mechanical	226.5 feet	238.5	12 feet

The proposed roof deck is intended as an amenity space for existing office tenants of the Noland Building. The applicant wishes to build the roof deck in concert with additional building improvements aimed towards making the office space modern and viable in the office market. The roof deck would consist of an elevator lobby, bathrooms, a pantry and catering space, an outdoor seating space, and additional mechanical structures including elevator overruns. Currently, there are no mechanical structures located on the roof of the building, as all are located on the 17th and 18th floors of the building; the deck structure would constitute an entirely new structure on the roof, and an expansion of the building envelope. The footprint of the deck is approximately 6,000 square feet, less than the footprint of the building (21,210 square feet), and would be located towards the middle of the roof, limiting visibility from surrounding streets (the roof structure would be stepped back approximately 7 feet from the building’s south elevation at the closest point). The outdoor seating area would be open to the elements, and is thus not counted as GFA. The deck structure is proposed to be 12 feet in height; however the elevator overruns associated with the deck would reach 23 feet in height. The deck materials are proposed to be composite aluminum paneling, painted dark bronze to complement the existing building paneling. The outdoor seating area would feature wood plank floors. The structure would contain clear glass windows. As the proposed roof deck would constitute an amenity space for the existing office tenants of the building, the additional gross floor area would not

¹ 3.8 FAR permitted in “C-O” District.

² Maximum of 153 feet permitted in “C-O” District, including mechanical uses.

increase the intensity of activity at the site, and would not generate the need for the applicant to provide additional parking.

Modification of use regulations:

The existing building exceeds density and height regulations for the “C-O” District, therefore the proposed roof deck would require County Board approval of bonus density and height. Specifically, the roof deck would add 2,636 square feet of GFA, representing an increase of .03 FAR. This would bring the building up to a total of 5.07 FAR. In order to justify bonus height and density at this location, the applicant is proposing to certify the existing building as LEED-EBOM (LEED for existing buildings: operations and maintenance).

The County's green building incentive density program has focused exclusively on the design and construction of new buildings. LEED certification of new construction projects ensure that projects are built to evaluate the environmental benefits of the initial design and construction, and encourages developers to build healthy buildings that incorporate energy efficient building systems, water conserving fixtures, regionally sourced and recycled content materials, and locate near transportation options. Under the current program this building is ineligible to receive bonus density or height for LEED certification. The limited amount of construction work makes it ineligible for LEED for New Construction certification.

The green building sector has grown exponentially in Arlington over the past decade and nearly all developers, building professionals, owners, and operators understand the financial and environmental benefits of building green. With the recent acceptance of the Community Energy Plan, the County has been exploring ways to support new and existing buildings to operate more efficiently.

LEED-EBOM is a holistic green building certification program that is designed to evaluate the environmental impacts of existing buildings and encourage ongoing environmentally sustainable operations. LEED-EBOM measures performance through a variety of metrics including, but not limited to, energy and water use, recycling rates, waste audits, commuter surveys, green purchasing policies, and green cleaning. Many of these actions align directly with other County initiatives.

Incorporation of LEED-EBOM into Site Plan projects is a natural progression to connect the dots between design, construction, operations, and performance of our built environment. In addition to achieving a minimum number of LEED credits, projects that achieve LEED-EBOM certification must implement the following prerequisites:

- 19% better energy efficiency than buildings of a similar type
- Minimum indoor plumbing fixture and fitting efficiency
- Zero use of CFC based refrigerants
- Minimum ventilation requirements
- Energy audit
- Sustainable purchasing policy
- Solid waste management policy

- Non-smoking policy/ designated smoking areas
- Green cleaning policy

Zoning Ordinance Section 36.H.5.a allows modification of use regulations when an environmental amenity is provided. The applicant has agreed to obtain LEED-EBOM at the Certified level. The applicant agrees to post a performance bond to guarantee LEED Certification, which was calculated based on market rate for office space in Rosslyn. Bonus density and height through the County's Green Building Incentive Program has typically been applied to construction of new buildings, and thus the LEED-EBOM program has not been applicable. While a policy regarding density bonus incentives to developers providing LEED-EBOM Certification for existing buildings in Arlington has not yet been developed (staff is currently working on developing such policy), the applicant's request for .03 FAR of bonus density and effectively 12 feet of bonus building height in return for verifiable energy performance in an existing 400,000 square foot office building represents the intent of any future policy regarding density incentives for LEED-EBOM certified buildings. Incorporating LEED-EBOM into this site plan is consistent with County goals to maximize the environmental and economic benefit of our built environment. Approval of bonus density for LEED-EBOM Certification for this project sets a positive example for our community. Therefore, staff supports the use of bonus density for a LEED-EBOM certified building as an environmental amenity pursuant to Zoning Ordinance § 36.H.5.a. The total requested density and height would not be out of character with other office buildings in Rosslyn.

CONCLUSION: The applicant is requesting bonus density and height to construct a roof deck at the Noland Building in Rosslyn. The increase in density and height will not create undue adverse impacts to surrounding neighborhoods. The applicant is proposing to justify the increase in density and height through the provision of LEED-EBOM Certification for the existing building. This is consistent with Zoning Ordinance regulations which allow the County Board to approve modifications to use regulations based on the provision of environmental amenities. Approving the site plan amendment would allow an existing office building to become more energy efficient and minimize the environmental impact of its operations. Therefore, staff recommends adoption of the attached ordinance for approval of the site plan amendment, subject to all previously approved conditions and the conditions of the staff report.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated August 4, 2011 for Site Plan #122, 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 11, 2012 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[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on February 11, 2012 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 Amendment as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:

Permit bonus density for LEED-EBOM certification;

Permit bonus height for LEED-EBOM certification.

- 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 August 4, 2011 for an Amendment to Site Plan #122, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in the conditions below and dated December 21, 2011 (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for 1300 N. 17th Street, LP to permit the construction of a roof deck, for the parcels of real property known as RPC# 17-003-0032 & -031, approval is granted and the parcels so described shall be used according to the site plan as approved by the County Board on November 19, 1977, together with amendments since that time as approved by the County Board, and as amended by the Revised Site Plan Amendment Application, subject to all previous conditions, with the following new conditions:

27. The applicant agrees to construct the roof deck as shown on the plans dated December 21, 2011, prepared by LSM for Tishman Speyer, entitled "Roof Terrace." Any use of the

space other than that identified on the aforementioned plans shall require approval by the County Board of a site plan amendment. The Zoning Administrator may approve minor changes in the construction of the roof deck consistent with Administrative Regulation 4.1.

28. The developer agrees to include a LEED® Accredited Professional (LEED-AP) as a member of the design and construction team. The team will incorporate sustainable design elements and innovative technologies into the certification of the existing building so that numerous project components will earn the developer points under the U.S. Green Building Council's LEED green building rating system. Specifically, the developer agrees to meet the requirements for all LEED Prerequisites and achieve at least the number of LEED credits necessary to achieve LEED certification at the Certified level using the LEED for Existing Buildings: Operations & Maintenance green building rating system in place on the date of the site plan approval for the roof deck use, or a more recent version. The developer agrees to fulfill the following before issuance of the indicated permit:
- a. **Report Submittals** - The developer further agrees to submit to the Department of Environmental Services (DES) (with notification of submission to the Zoning Office), reports prepared by the LEED-AP and documentation upon request to substantiate the report. Such reports will be submitted prior to the issuance of the following permits or certificates of occupancy for construction of the roof deck and will summarize the efforts to date of the inclusion of the sustainable elements for certification of the existing building:
 - 1. Building Permit
 - 2. Temporary Certificate of Occupancy
 - 3. Certificate of Occupancy
 - b. The developer agrees to provide certification by a LEED-AP prior to issuance of the building permit for the roof deck. The certification shall state that all the prerequisites and the minimum number of LEED credits, as set forth above in the reporting mechanisms, have been incorporated into the respective building and that, in the professional's opinion, the certification of the existing building will qualify for at least a LEED Certification at the Certified level as outlined in the LEED for Existing Buildings: Operations and Maintenance version 2009 green building rating system, or a more recent version. At the request of staff, the developer agrees to accommodate site visits to verify LEED progress. The developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED certification.
 - c. Prior to the issuance of the temporary certificate of occupancy for the roof deck, the developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$158,160 [(\$60 per s.f.) x (2,636 s.f. of LEED bonus density and height)] guaranteeing that, within thirty-six (36) months from the date of the issuance of the temporary certificate of occupancy for the roof deck, the

developer will have received from the U.S. Green Building Council its LEED certification at the Certified level. If the total number of LEED points earned during certification is less than the number of points required to achieve the agreed upon LEED certification level, the developer shall automatically forfeit a percentage of the financial security as follows:

<u>Points missed</u>	<u>Percentage of financial security forfeited</u>
<u>1-2</u>	<u>25%</u>
<u>3-4</u>	<u>50%</u>
<u>5</u>	<u>75%</u>

Should the developer miss six (6) or more points within the thirty-six (36) month period (unless due to delay related solely to the USGBC), the developer shall automatically forfeit 100 percent (100%) of the security. The forfeited amount shall be paid to the County within 30 days of the date of notification from the USGBC. The developer agrees that the County may take any amounts due under the condition out of the financial security as deposited with the County. Should the developer miss any points in the thirty-six (36) month period (unless due to delay related solely to the USGBC), the County will issue a Certificate of Occupancy for the roof deck after the applicable percentage of financial security specified above has been forfeited to the County.

- d. The developer agrees that the LEED points referenced in this condition refer to LEED for Existing Buildings: Operations and Maintenance version 2009 green building rating system, or a more recent version. Any changes to the point valuations incorporated into future updates to the existing building must equal or exceed the requirements outlined in the 2009 version.
- e. The developer agrees to permit the County Manager or her designee to access the USGBC records for the project, and to provide the County Manager with such authorization as may be necessary to allow such access. Should there be a dispute between the County and the developer as to whether any sustainable element has properly been included in the existing building certification so as to qualify for the applicable number of LEED rating system points, the County and the developer will select a mutually agreeable third-party LEED-accredited individual, or other person with substantial experience in the LEED system as approved by the County Manager, and accept the determination of that individual as to whether the developer has qualified for those points. If the third-party person determines that the sustainable element has properly been included, the County will issue the permit. Such a determination shall in no way relieve the developer of the obligation to achieve the level of certification called for in this condition.

29. The Applicant shall make commercially reasonable efforts to work with the existing tenant to modify the existing 270 square foot rooftop sign located on the southeast elevation of the building in order to retrofit or replace (but not reduce the size) the

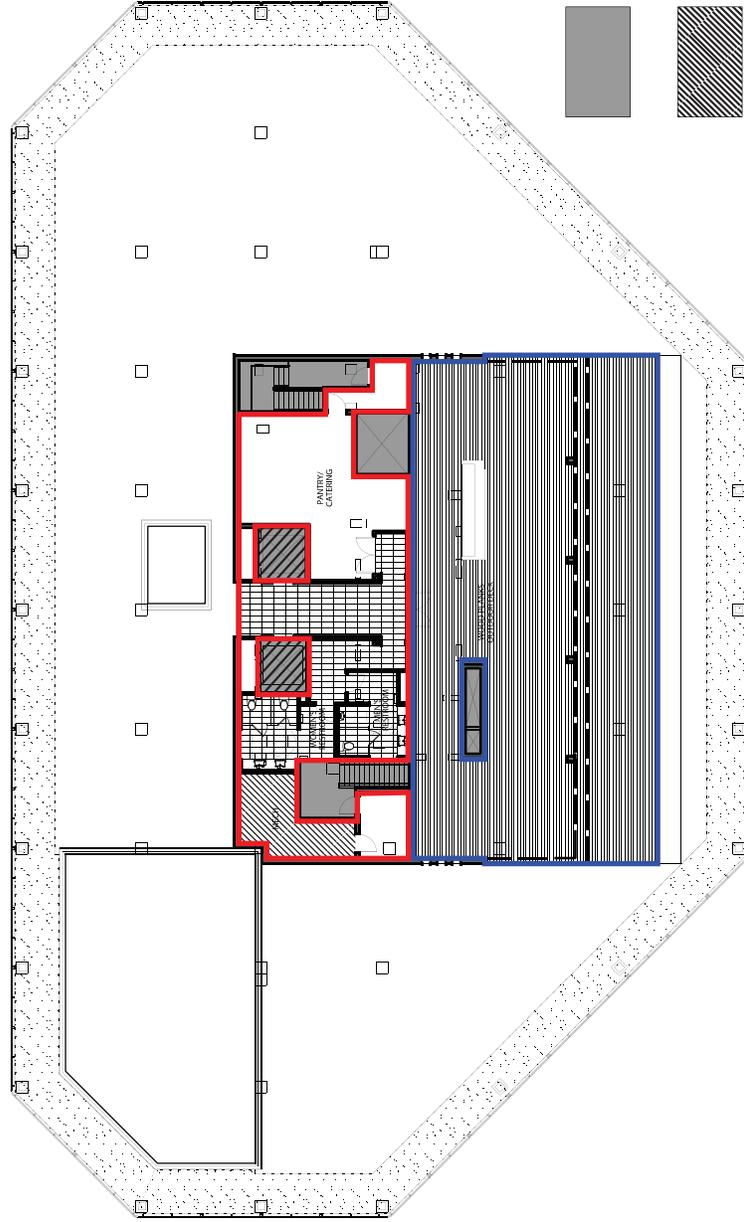
existing sign lighting with a Light Emitting Diode (LED) lighting system, including a mechanism for adjusting the intensity of the sign's illumination. -Should a sign permit to reface, replace, or alter the aforementioned rooftop sign for a tenant other than the existing tenant be approved, the following condition will apply to future tenant rooftop signs:

- a. The Applicant agrees that if the County Manager finds that the intensity of the rooftop sign's lighting has an adverse effect on the surrounding area, the Applicant will, within 24 hours written notice from County Manager, reduce the intensity of the lights to a level that, in the County Manager's reasonable judgment, will no longer have such an adverse effect.

PREVIOUS COUNTY BOARD ACTIONS:

November 19, 1977	Approved a Site Plan for an 18-story office building with 320,000 square feet of office space, 18,000 square feet of commercial space and 21,000 square feet of restaurant and private club meeting room.
May 13, 1978	Approved site plan amendment to create a mezzanine level in the lower penthouse, and reduction in building height
September 15, 1979	Accepted withdrawal of request to delete condition #1 of site plan
August 9, 1980	Deferred site plan amendment to contract for monthly parking with non-building tenants until September 16, 1980
September 16, 1980	Approved site plan amendment to contract for monthly parking with non-building tenants
December 2, 1980	Approved site plan amendment to permit the lower penthouse and mezzanine levels to be used as office space
April 28, 1981	Denied site plan amendment to convert part of a maintenance storage area on the penthouse level to a private residential facility for employees and guests
July 14, 1981	Approved site plan amendment to convert part of a maintenance storage area on the penthouse level to a private residential facility for employees and guests
March 3, 1984	Denied a site plan amendment to convert 6,284 square feet of retail commercial space on the first floor for a commercial commodities brokerage house.
October 13, 1984	Approved a site plan amendment to permit the installation of two (2) satellite receiving antenna on the roof.
April 12, 1986	Approved a site plan amendment to permit the conversion of approximately 13,000 square feet of mechanical storage space and/or residential facilities in the second penthouse to office space
February 12, 1991	Advertized "On Its Own Motion" a site plan amendment to Condition #2 of the April 12, 1986 Site Plan Amendment
April 6, 1991	Deferred a site plan amendment to amend Condition #2

May 11, 1991	Approved a site plan amendment to amend Condition #2
September 10, 1992	Approved conversion of 1,500 square feet of atrium space to gross floor area.
July 13, 2004	Approved comprehensive sign plan to permit one (1) rooftop sign on the southwest elevation, no greater than 270 square feet in area.
December 10, 2011	Deferred site plan amendment for roof deck.
January 21, 2012	Deferred site plan amendment for roof deck.



STAIRWAYS, MECHANICAL SHAFTS
AND ELEVATOR SHAFTS

NEW MECHANICAL GFA: 235 SF
(included in INTERIOR GFA calculation)

INTERIOR GFA: 2636 SF

EXTERIOR AREA

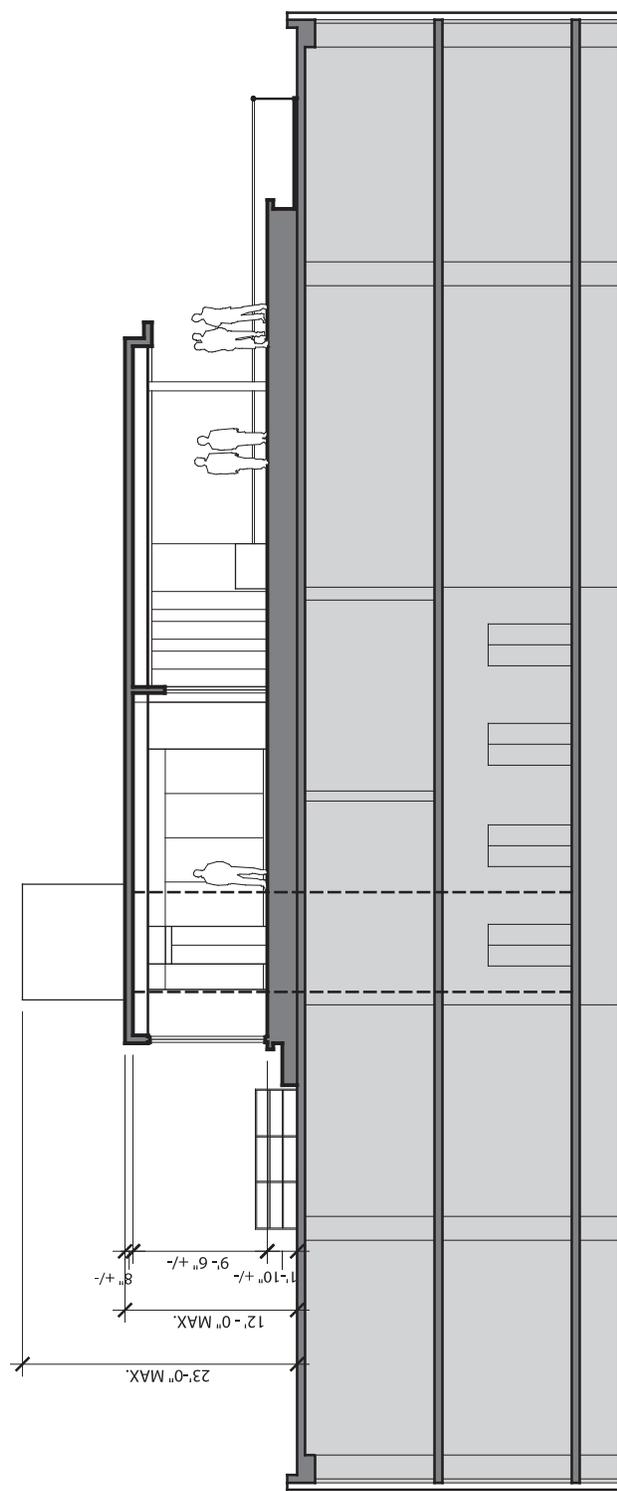
TOTAL GFA: 2636 SF

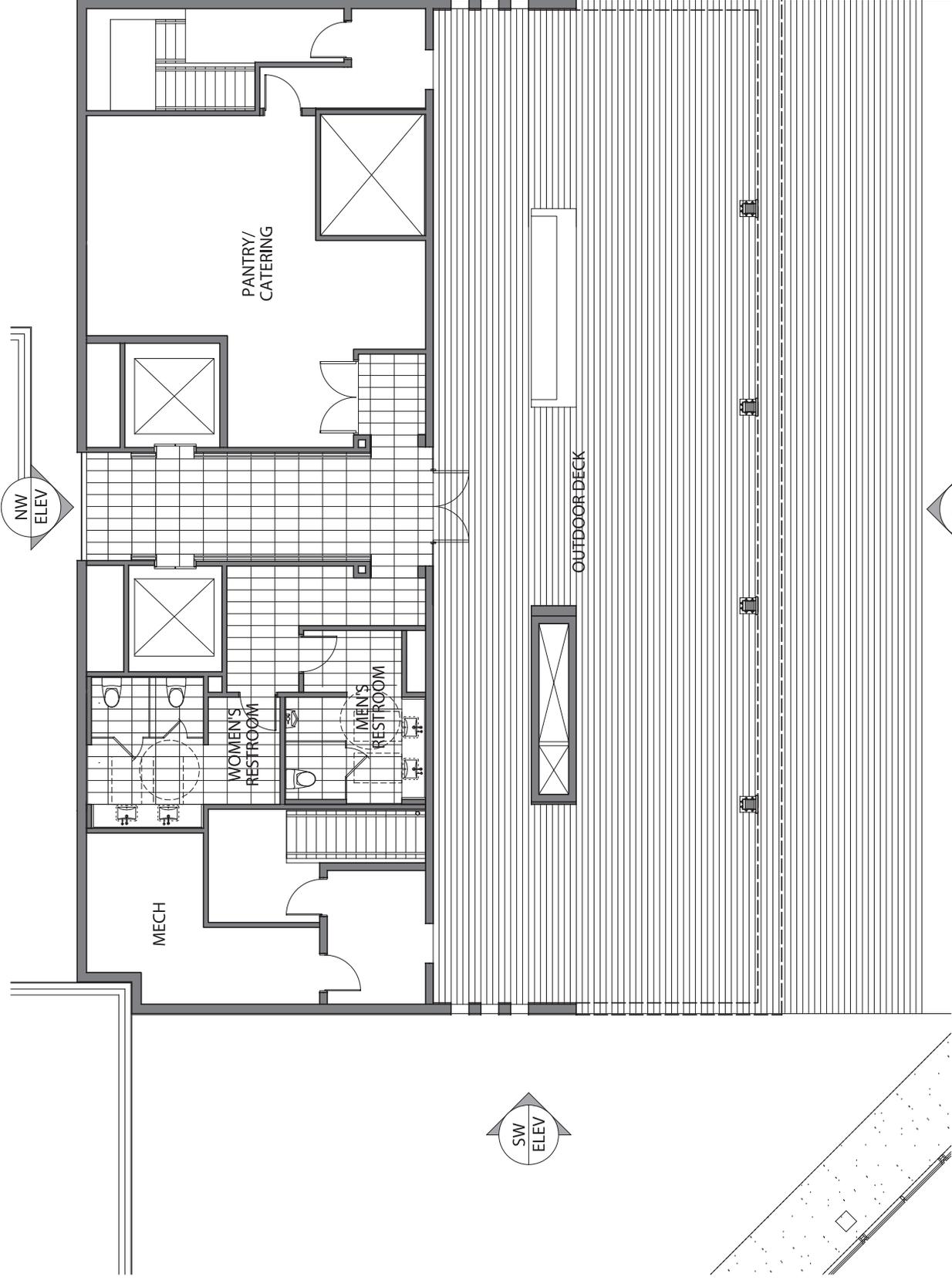
INTERIOR AREA AT
23' ELEVATION: 170 SF
(2 ELEVATOR OVERRIDES)

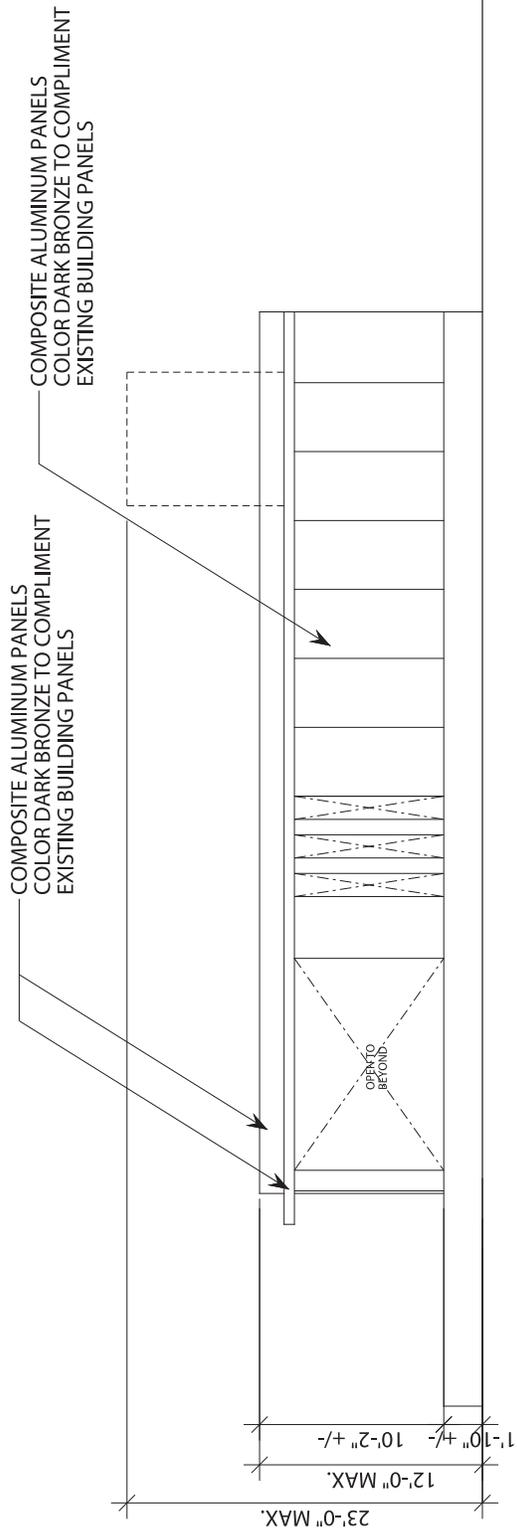


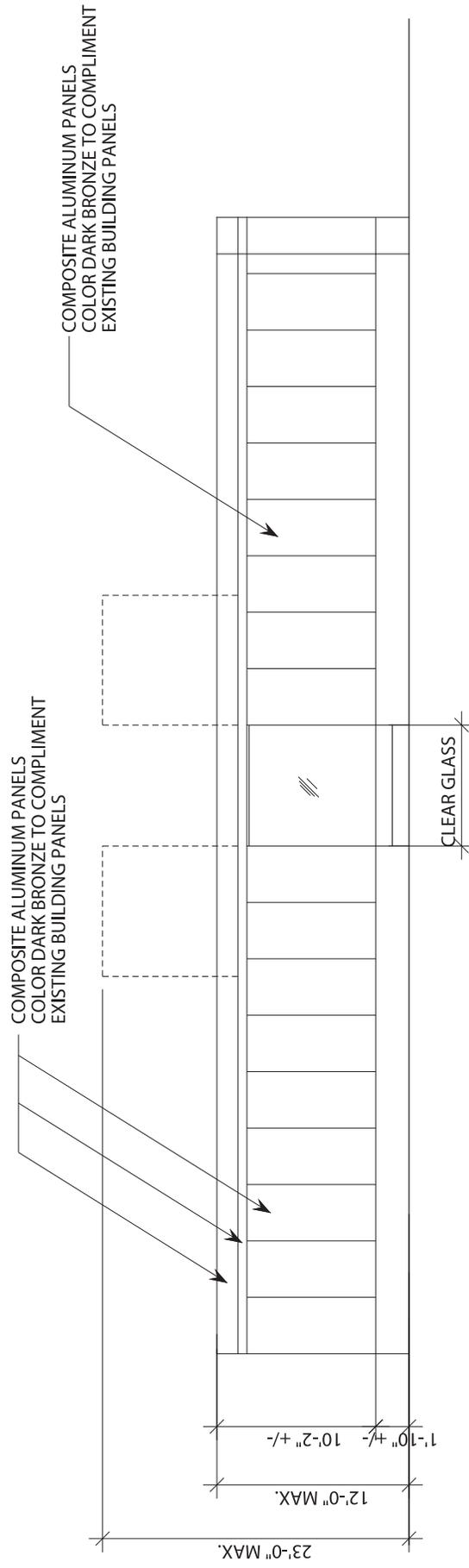
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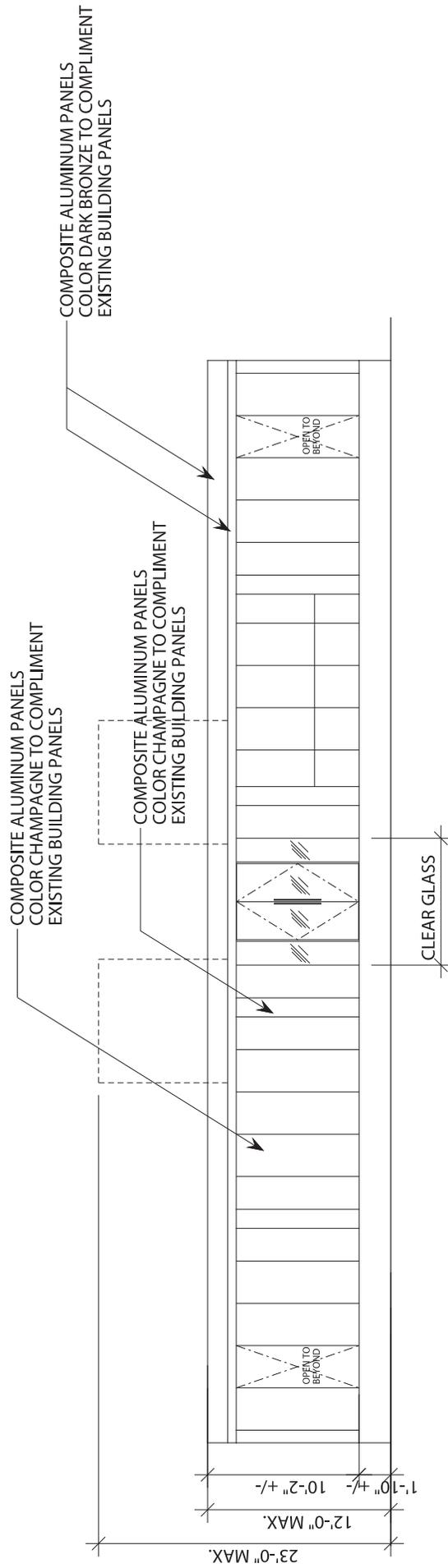
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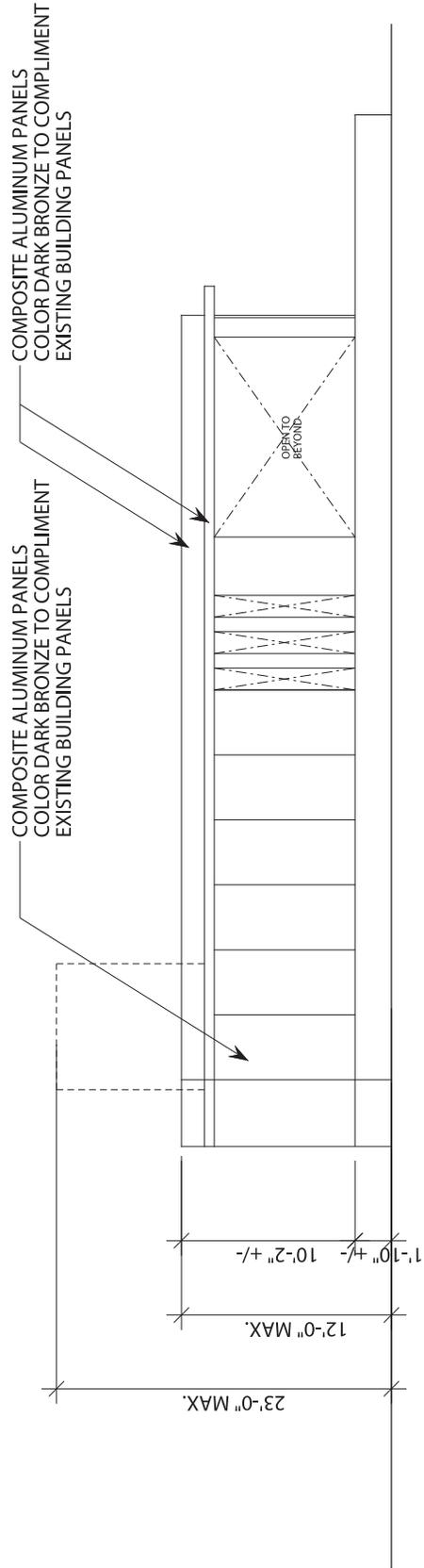








PHOTO 1
Clarendon Blvd / N. Ode St.



PHOTO 2
Wilson Blvd / N. Nash St.



PHOTO 3
Wilson Blvd / N. Fort Myer Dr.



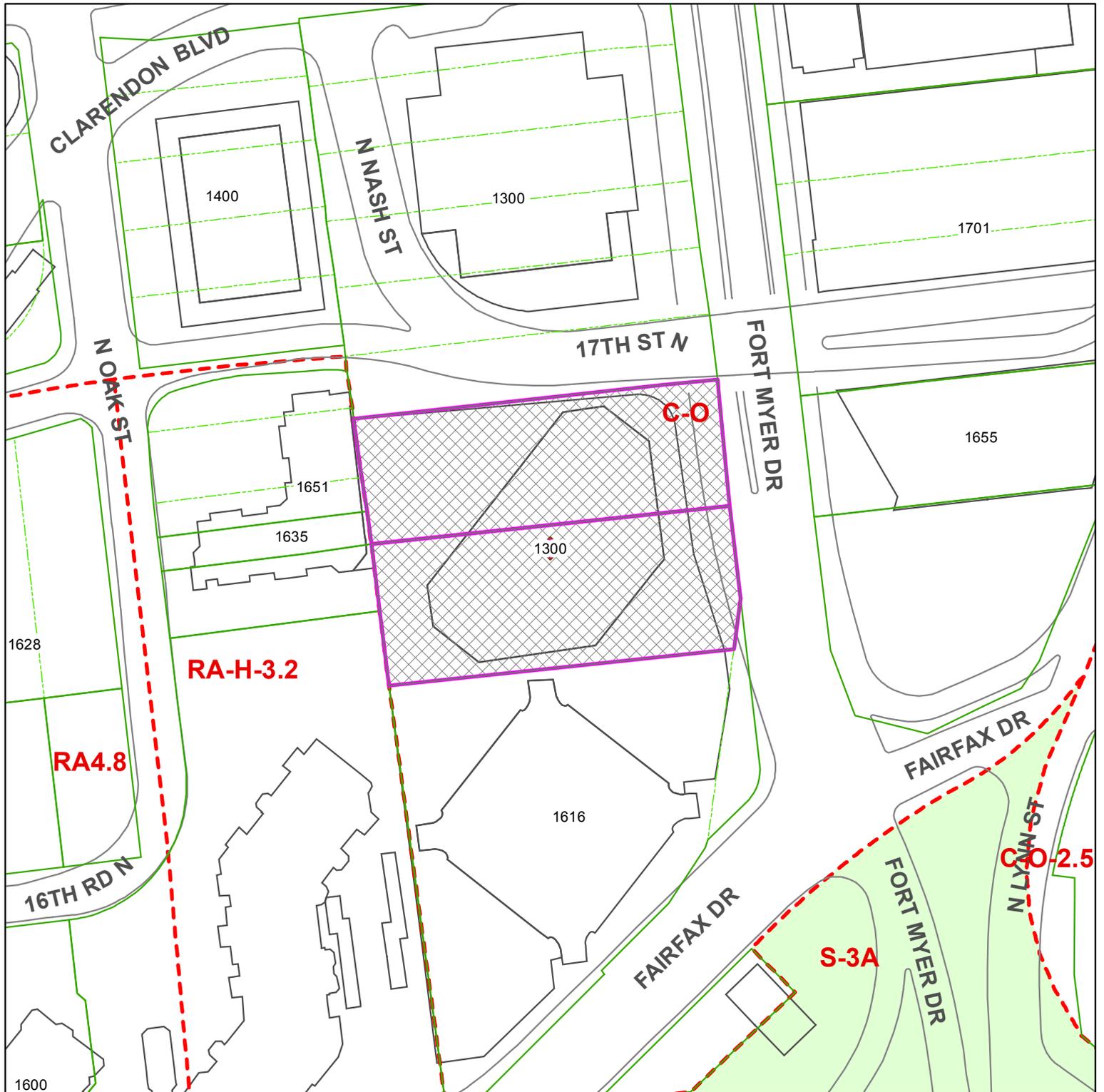
PHOTO 4
N. Lynn St. / N. Fairfax



PHOTO 5
N. Lynn St. / 17th St. N



PHOTO 6
Iwo Jima Memorial



SP #122

1300 N. 17th Street

RPC# 17-003-032, -031



 Case
 Location(s)
 Scale: 1:1,200

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