



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of April 21, 2012

DATE: March 30, 2012

SUBJECT: SP #196 SITE PLAN AMENDMENT to renew and extend conversion of approx. 8,401 s.f. of retail to office through no later than July 31, 2012, located at 3701 Fairfax Dr., (RPC# 14-030-050).

Applicant:

Defense Advanced Research Projects Agency (DARPA)

By:

Denise Vignola
Ambassador, Inc.
1825 K St. NW #1250
Washington, DC 20006

C.M. RECOMMENDATION:

Adopt the attached ordinance re-approving the conversion for approximately 8,401 square feet of ground floor retail use to office use through July 31, 2012.

ISSUES: This is a site plan amendment request to re-approve and extend the approval of a conversion of retail space to office use through July 31, 2012 and no issues have been identified.

SUMMARY: The applicant requests a re-approval of the conversion of ground-floor retail space to office use until July 31, 2012, at which time DARPA and its subcontractors are expected to have vacated the building. The applicant has been marketing the space for retail use, per the conditions of approval. After July 31, 2012, the spaces will revert to retail as originally intended in the site plan. Therefore, staff recommends that the County Board adopt the attached ordinance renewing the conversion for approximately 8,401 square feet of ground floor retail use to office use through July 31, 2012.

County Manager:

BMD/GA

County Attorney:

[Signature]

[Signature]

Staff: Peter Schulz, DCPHD, Planning Division

PLA-6160

5.

BACKGROUND: The subject property is a 10-story office building known as the DARPA building for its sole tenant, the Defense Advanced Research Projects Agency, and is located at 3701 Fairfax Drive in the Virginia Square Metro station area. The site plan was approved in 1982, and the building was completed in 1989. DARPA has been the main tenant of the building ever since construction. In two separate County Board actions, in 1989 and 1990, the ground floor, approved and designed for retail space, was approved to be converted to office space for a period of 10 years. In 2001, the County Board approved renewal of most of the space conversions for an additional 10 years. A 3,800 square foot space known as “Suite 160” was renewed for a period of five (5) years. In 2006, the County Board renewed the conversion of Suite 160 for an additional five (5) years. The two space conversions expired in April 2011, however DARPA has not vacated the office building for their new location and requests that the conversion be re-approved until the end of July 2012. The discrepancy was discovered late in 2011, and the applicant filed the subject site plan amendment in February 2012. In 2008, the County Board approved the Founders’ Square site plan (SP #413), also in Ballston, which includes a new secure building for DARPA. That building is now completed and is nearly ready for occupancy.

The following provides additional information about the site and location:

Site: The 180,000 square foot site is at the northwest corner of Fairfax Drive and N. Nelson Street, across the street from the Virginia Square Metro Station. The site contains a 10-story office building with a ground floor that was designed for retail use, but has been converted to office space.

To the north: Across 10th Street North, Quincy Park, zoned “S-3A”.

To the east: Across North Nelson Street, two-story commercial buildings and surface parking zoned “C- 2”.

To the south: Across Fairfax Drive, St. George’s Church zoned “R-5”.

To the west: Mid-rise medical office buildings (also part of SP#196) zoned “C-O”.

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

Land Use: “High” Office-Apartment-Hotel (3.8 FAR allow. office density, up to 4.8 FAR apartment, up to 3.8 FAR hotel).

Neighborhood: The subject property is located within the Ballston-Virginia Square Civic Association area. As of this time, the Civic Association has not responded to a request for comments.



DISCUSSION: The applicant seeks to have the County Board re-approve and extend to July 31, 2012 a conversion of approximately 8,400 square feet of ground-floor retail use to office use. The retail spaces have street frontage on both Fairfax Drive and North Nelson Street. The spaces have been used for office uses for DARPA almost since the building was completed in 1989, and the County Board has renewed the conversions every 10 years since then. The conversions expired in April 2011. The discrepancy was discovered in late 2011, and the applicant submitted this site plan amendment for a re-approval and extension in February 2012.

DARPA's new building in the Founders' Square development is now completed and ready for occupancy. By the time of the April 2012 County Board meeting, DARPA will be underway in moving people and equipment to the new building, and vacating the subject property. DARPA's lease with the applicant (which is the existing landlord, the Ambassador, Inc/Cafritz Company), expires July 31, 2012, and the applicant expects the building to be completely vacant of people and furnishings by that time.

Per the existing conditions of approval, Ambassador has been marketing the soon-to-be vacant retail space to retailers. Many changes have occurred in the neighborhood since 1989, and the landlord expects success in marketing the space to retailers or restaurants.

CONCLUSION: The subject site plan amendment request will permit DARPA to extend the conversion of retail space to office space only through July 31, 2012. The space must revert to retail space at that time. The new DARPA building is completed and the applicant expects the retail space to be completely vacant by July 31, 2012, and the applicant (the building's landlord) has been marketing the space to retailers and restaurants in anticipation of the vacancy. Therefore, staff recommends that the County Board adopt the attached ordinance re-approving the conversion for approximately 8,401 square feet of ground floor retail use to office use through July 31, 2012.

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated February 10, 2012 for Site Plan #196, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report dated March 27, 2012 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 April 21, 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 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
- 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 February 10, 2012 for Site Plan #196, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for a conversion of approximately 8,401 square feet of

ground floor retail use to office use through July 31, 2012, for the parcel of real property known as RPC # 14-030-050 and 3701 Fairfax Drive Boulevard, approval is granted and the parcel so described shall be used according to the Site plan as originally approved on November 16, 1982 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previous conditions with conditions number 33 and 34 revised as follows:

33. The applicant agrees that the conversion from retail to office for the space located in the interior of the first floor and shown as "Suite 100" on the drawing, approximately 725 square feet, shall be ~~for no longer than ten (10) years from the date of County Board approval (April 2011)~~ until July 31, 2012. The applicant also agrees that the 3,874 square feet which runs along the North Nelson Street frontage and which is shown as "Suite 120" on the drawing shall be converted to office ~~for a maximum of ten (10) years (until April 24, 2011)~~ until July 31, 2012. All space must revert to retail use after July 31, 2012.
34. The applicant agrees that the 3,802 square feet of space located along the North Fairfax Drive frontage that is shown as "Suite 160" on the drawing shall be converted to office from retail until either ~~April 30, 2011~~ July 31, 2012, or the vacancy of the building by DARPA and Frontier, Inc., whichever is sooner. All space must revert to retail use after July 31, 2012. The applicant agrees that it will begin marketing this space as retail, consistent with condition number 32 above, upon vacancy of the building but no later than April 30, 2010.

PREVIOUS COUNTY BOARD ACTIONS:

November 16, 1982

Approved a General Land Use Plan Amendment (GLUP) from "Medium" Office-Apartment-Hotel to "High" Office-Apartment-Hotel for the eastern portion of the block bounded by North Nelson Street, North Fairfax Drive, North Pollard Street, and 10th Street North (GP-148-82-1).

Approved a rezoning (Z-2221-82-5) of 3801 Wilson Blvd. from "C-2" and "C-3" to "C-O".

Approved a site plan (Z-2221-82-5) for a three building office project with an F.A.R. of 3.38 over the allocated site area.

August 17, 1985

Approved a site plan amendment to extend the approval for an office building complex for two years from November 16, 1985 to November 16, 1987, subject to all previous conditions and a revised condition #23.

June 14, 1986

Approved a subdivision of the office site plan (Z-2221-82-5), subject to all previous conditions and new conditions #25-28.

January 10, 1989

Approved a site plan amendment to demolish the existing medical-dental office building and replace the approved office building with three residential buildings with 296 units, revised to 256 units, containing 282,177 square feet of gross floor area (G.F.A.) in two 14-story buildings containing 144,428 square feet of G.F.A., and one 19-story building containing 137,749 square feet of G.F.A., revised to one building tapering from 17 to 14 stories, four levels of underground parking, approximately 419 spaces, revised to 495 spaces and subsequently revised by the applicant at the meeting to 465 spaces; and to amend the approved office floor area ratio to 3.8 floor area ratio over the allocated site for the parcels of real property known as 3701 and 3801 North Fairfax Drive; project address: 3701, 3801, 3811, 3821 and 3831 North Fairfax Drive; approval is granted with a maximum gross floor area of 282,177 square feet including a maximum of 38,311 square feet of

medical offices and 11,500 square feet of housing for low and moderate income residents allowed by reducing the 495 proposed parking spaces by 30 spaces in accordance with the conditions set out by the applicant in a January 4, 1989 letter, subject to new conditions #1-49.

July 10, 1990

Approved a site plan amendment to convert 5,678 square feet of restaurant and retail space at 3701 Fairfax Dr. to office use, except the approval is for conversion of only 4,143.7 square feet of restaurant and retail space to office use on a temporary basis, subject to all previous conditions and new condition #29.

June 4, 1991

Approved conversion of 3,725 square feet (actual gross floor area of 3,235 square feet) of retail space to conference, display and computing use, subject to all previous conditions and new conditions #1-4.

August 8, 1998

Authorized advertising on the County Board's own motion a site plan amendment (#196) to permit the addition of approximately 40,000 square feet of office/commercial GFA to an existing office building with associated parking; on premises known as 3803 North Fairfax Drive.

January 27, 1999

Approved a major site plan amendment (SP #196) for an addition of approximately 43,045 square feet to the existing medical office building at 3803 North Fairfax Drive and modification of use regulations for parking, density, calculation of gross floor area and coverage requirements; and to permit a new office building of approximately 159,285 square feet office and approximately 1,943 square feet of retail and modification of use regulations for parking, calculation of gross floor area and coverage requirements; on premises known as Virginia Square Lot 1-A, 3811 North Fairfax Drive, subject to new conditions #1-63.

November 18, 2000

Accepted withdrawal of a site plan amendment application to renew and extend for 10 years or the term of the lease, whichever is shorter, conversion of 3,802 square feet of retail space for continued use

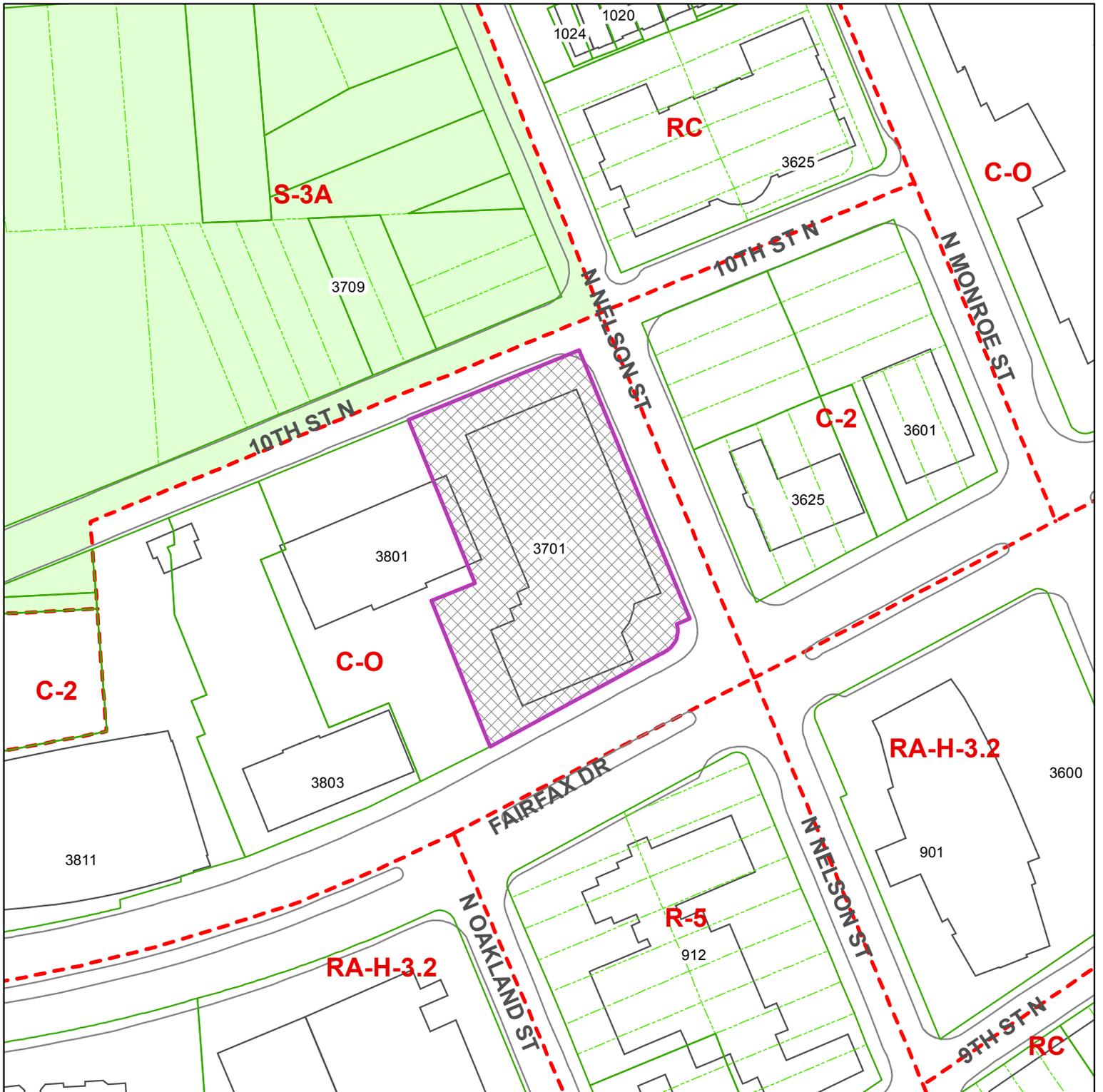
by the same tenant as conference, display and computing space at 3701 North Fairfax Drive.

April 24, 2001

Approved site plan amendment request (#196) for conversion of 3,874 square feet of restaurant/retail space on the North Nelson Street frontage and 725 square feet in the center of the building (currently the visitor control center) to office for a period of up to ten (10) years (April 2011), subject to all previous conditions, and revised conditions number 31 and 32 and new conditions number 33 and 34; and for conversion of 3,802 square feet facing the North Fairfax Drive frontage for a period not to exceed five (5) years (April 2006), subject to all previous conditions, and revised conditions #31 and 32 and new conditions #33 and 34.

September 17, 2005

Approved a site plan amendment (SP #196) to renew and extend conversion of approximately 3,802 square feet of retail space to office, subject to all previous conditions an amended condition #34.



SP #196

3701 Fairfax Drive

RPC# 14-030-050



 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.