



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of July 8, 2006

**DATE:** June 26, 2006

**SUBJECT:** SP #94 SITE PLAN REVIEW for the conversion of retail to medical located at 1700 N. Moore St. (RPC #16-037-001)

**Applicant:**

Rosslyn Center Associates Limited Partnership

**By:**

M. Catharine Puskar, Attorney  
Walsh, Colucci, Lubeley, Emrich & Walsh  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

Renew, subject to one (1) revised condition which applies solely to this request, with no further review.

**ISSUES:** None.

**SUMMARY:** Rosslyn Center Associates requests renewal of a site plan amendment for the Rapha Spine Clinic to continue their medical use within a space designated for retail use within the Rosslyn Center building. The conversion from approximately 1,257 square feet of retail space to medical use was approved by the County Board in February 2002. The clinic continues to operate in compliance with the approved site plan amendment. The space is located on the third level of the retail mall in the Rosslyn Center. The space on the third level has not been successful as destination retail. However, such a medical use provides services for employees that work and residents that live within the Rosslyn area. Therefore, staff recommends that the medical use be renewed, subject to one (1) revised condition which applies solely to this request, with no further review.

**BACKGROUND:** This site plan for an office building above the Rosslyn Metro Station facility was originally approved in October 1973. In January 1998, the County Board approved a major site plan amendment representing the first site plan filing under the "C-O Rosslyn" Zoning District. The site is developed with an office building, the Rosslyn Center located above the Rosslyn Metro station.

County Manager: \_\_\_\_\_

Staff: Jill Griffin, DCPHD, Planning Division

PLA-4409

The subject space, Suite 380, located on the third level of the retail mall, had previously been occupied by Temps & Co., an employment agency, from July 1986 through 1998. In 1998, a Temps & Co. affiliate, FHS Careers & Company, a food service employment company, occupied the site through July 2000. In February 2002, the Rapha Spine Clinic was granted a site plan amendment to operate a medical use on the third floor level of Rosslyn Center.

Rapha Spine, a therapeutic establishment, specializing in massage therapy, acupuncture and treatment for chronic pain currently occupies the subject site. The company states that it sells a number of massage and pain therapy products to its customers and to the public on a limited basis. The company operates predominantly by appointment, however, services may also be offered to walk-in traffic for either services or to purchase products. Given its limited interaction or provision of services to walk-in persons and those without appointments, Rapha Spine operates as a destination use.

**DISCUSSION:** The subject space has been occupied by similar “quasi-retail” type uses since the mall became operational and the remoteness of the space limits its retail attractiveness. The subject use enhances the existing retail environment by taking advantage of patrons in the vicinity and providing destination customers that will, in turn, patronize the surrounding shops and restaurants. Additionally, such a medical use provides services for employees that work and residents that live within the Rosslyn area.

The Retail Action Plan proposes entertainment and main street retail in this location. However, the plan specifically recognizes the challenges of the above-grade retail spaces. This internal, third-level space draws activity away from the street level and will reduce the opportunity for a more pedestrian friendly environment. As Rosslyn evolves, more emphasis is being placed on the at-grade, appropriately designed and signed retail to create a stronger pedestrian friendly environment.

**Since Approval in February 2002:**

Site Plan Amendment Conditions: The site is in compliance with all site plan conditions.

Site Plan Inspector: The Site Plan Inspector states that there are no issues regarding the continuation of the medical use.

Fire Marshal’s Office: The Fire Marshal’s office did not express any concerns regarding the continuation of the medical use.

Police Department: The Police Department did not express any concerns regarding the continuation of the medical use.

Civic Associations and Partnerships: The parcel is located within the North Rosslyn Civic Association. Staff has notified the association of the review and, to date, has not received a response either for or opposed to the continued use. Additionally, staff has notified the Rosslyn Renaissance of this review and has not received a response.

**CONCLUSION:** The use continues to operate in compliance with the approved site plan amendment. The space is located on the third level of the retail mall in the Rosslyn Center which has not been successful as destination retail. However, such a medical use provides services for employees that work and residents that live within the Rosslyn area. Therefore, staff recommends that the medical use be renewed, subject to the one (1) revised condition which applies solely to this request, with no further review.

#### Revised Condition

1. The applicant ~~agrees that shall be permitted to lease the requested~~ approximately 1,257 square feet of commercial space ~~may be converted to a medical use for a therapeutic and neurological center for a period not to exceed five (5) years as approved by the County Board at its February 9, 2002 meeting. This site plan amendment shall expire July 31, 2006 unless extended by the County Board.~~

PREVIOUS COUNTY BOARD ACTIONS:

October 3, 1972	Approved a rezoning request from "C-2" to "C-O" for 1720 and 1730 North Moore Street, and 1305 Wilson Boulevard.
October 13, 1973	Approved a site plan request for an office building.
July 13, 1974	Approved a modification to the approved site plan in order to incorporate the Rosslyn Metro Station property.
July 12, 1975	Approved a site plan amendment that extended the site plan approval to July 12, 1976, deleted the lowest garage level, added three garage levels, and added 15,351 square feet of gross floor area.
August 7, 1976	Accepted withdrawal of a request to extend the approved site plan to July 12, 1977.
February 14, 1978	Approved a site plan amendment to convert 20,390 square feet of maintenance space to office space, and to raise the elevator penthouse to 351.0 feet.
December 4, 1982	Deferred a site plan amendment to permit canopies over the pedestrian walkways over North Fort Myer Drive and North Moore Street to February 5, 1983.
February 5, 1983	Deferred a site plan amendment request to permit canopies over the pedestrian walkways as described above to April 9, 1983.
April 9, 1983	Deferred a site plan amendment request to permit canopies as described above to June 4, 1983.
June 4, 1983	Accepted withdrawal of a site plan amendment request to permit canopies as described above.
July 13, 1985	Deferred a site plan amendment request to permit existing signs to November 16, 1985.
November 16, 1985	Deferred to January 4, 1986 a site plan amendment request to permit existing signs.
January 4, 1986	Approved a site plan amendment request to permit existing signs.

July 19, 1997	Deferred to September 6, 1997 a rezoning request to "C-O- Rosslyn" and a major site plan amendment request to add approximately 275,000 square feet of office/commercial g.f.a. in a new tower.
September 6, 1997	Deferred to October 4, 1997 a rezoning request to " C-O-Rosslyn" and a major site plan amendment request to add approximately 275,000 square feet of office/commercial g.f.a. in a new tower.
October 4, 1997	Deferred to November 8, 1997 a rezoning request to "C-O- Rosslyn" and a major site plan amendment request to add approximately 275, 000 square feet of office/commercial g.f.a. in a new tower.
November 8, 1997	Deferred to December 13, 1997 a rezoning request and site plan amendment request as described above.
December 16, 1997	Deferred to January 17, 1998 a rezoning request and site plan amendment request as described above.
January 17, 1998	Approved a rezoning request to "C-O-Rosslyn" and a major site plan amendment request to add approximately 275,000 square feet of office/commercial g.f.a. in a new tower, subject to the conditions of the staff report.
December 9, 2000	Approved a minor site plan amendment to extend the site plan approval expiration date from January 27, 2001 to January 27, 2005, subject to the conditions of the staff report.
December 8, 2001	Approved a conversion of 591 square feet of retail space to medical office use.
February 9, 2002	Approved a conversion of 1,257 square feet of retail to medical office use.
April 20, 2002	Approved an amendment for a comprehensive sign plan for 1700 North Moore Street.
June 8, 2002	Approved a site plan amendment for Tivoli Restaurant to have live entertainment and dancing Monday - Saturday, 9:00 p.m. to 2:00 a. m.; on premises known as 1700 N. Moore St.

June 13, 2003	Renewed a site plan amendment for Tivoli Restaurant to have live entertainment and dancing Monday - Saturday, 9:00 p.m. to 2:00 a. m.; on premises known as 1700 N. Moore St.
May 15, 2004	Deferred a site plan amendment to extend the site plan from January 2005 to January 2010 to the September 18, 2004 meeting.
September 18, 2004	Deferred a site plan amendment to extend the site plan from January 2005 to January 2010 to the December 11, 2004 meeting.
December 11, 2004	Deferred a site plan amendment to extend the site plan from January 2005 to January 2010 to the March 2005 meeting.
March 15, 2005	Extended the term of the site plan for an additional year to March 31, 2006.
March 22, 2006	Approved a site plan amendment to extend the site plan for five years to January 17, 2011.

Approved Conditions:

1. The applicant shall be permitted to lease the requested approximately 1,257 square feet of commercial space for a therapeutic and neurological center for a period not to exceed five (5) years as approved by the County Board at its February 9, 2002 meeting. This site plan amendment shall expire July 31, 2006 unless extended by the County Board.