



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 25, 2009**

DATE: April 7, 2009

SUBJECT: SP #218 SITE PLAN AMENDMENT: LPC Commercial Services, Inc., modify condition #33 re construction photographs and site completion photographs; 4501 N. Fairfax Dr. and 1005 N. Glebe Rd. (RPC# 14-016-018 and -019).

Applicant:

LPC Commercial Services, Inc.

By:

Nan E. Walsh
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Blvd., 13th Floor
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Approve the Site Plan Amendment to modify Condition #33 regarding construction photographs and site completion photographs.

ISSUES: This is a request to permit the requirement for a photographic record of the Site Clearance and Construction Phases to be satisfied by the submission of an acceptable record of Site Completion. No issues have been identified.

SUMMARY: This is a Site Plan Amendment request to modify Condition #33 concerning construction photographs and site completion photographs for Phase II of the Fairgate Site Plan, located at 4501 N. Fairfax Drive. The approved condition requires the applicant to submit the Site Clearance, Construction Phase, and Site Completion photographic record prior to obtaining a Master Certificate of Occupancy for the project. The proposed modification would permit an acceptable Site Completion photographic record to also satisfy the requirements for Site Clearance and Construction Phase records. The applicant purchased the site after construction was completed and has attempted to obtain the required photographic records from the prior owners, but these efforts were unsuccessful. Staff recommends approval of the site plan amendment to enable the applicant to obtain a Master Certificate of Occupancy while ensuring

County Manager: _____

Staff: Colin Dentel-Post, DCPHD, Planning Division

PLA-5223

that an adequate photographic record exists of the site both prior to demolition and after construction was completed.

BACKGROUND: In 1992, the County Board approved a Major Site Plan Amendment for Phase II of the Fairgate Site Plan to construct an office building with ground floor retail at 4501 N. Fairfax Drive. Condition #33 of the approval requires the developer to produce a photographic record of the site development, including photos of the site as it appeared before demolition began, after the site was cleared, during several phases of construction, and with construction completed. The record of the site before demolition must be submitted to the Zoning Administrator prior to the issuance of a Clearing, Grading, and Demolition permit. The submission of all remaining records is required prior to issuance of a Master Certificate of Occupancy. A photographic record condition is standard for all site plans, with the purpose of providing a historical record of development in Arlington. The photographic records are maintained and kept accessible to the public in the Virginia Room of the County's Central Library.

Since the approval of this Site Plan, the standard photographic record condition language has changed to require the submission of photographs at more frequent intervals during construction. The standard condition now requires Site Clearance photographs to be submitted prior to issuance of the Footing to Grade Permit, and Construction Phase photographs must be submitted prior to issuance of the Shell and Core Certificate of Occupancy Permit. These changes were made to ensure that photographic records of more recent projects are complete.

Construction on the subject site began in 2000 and was completed in 2002. Before construction began, the developer submitted, as required, a photographic record of the site prior to demolition. However, no record has been submitted depicting the site during the site clearance and building construction phases. Since completion, the property has been sold twice, first in 2003 and again in 2006 to its current owner. The current owner is now attempting to obtain a Master Certificate of Occupancy for the project.

DISCUSSION: The property owner has satisfied all conditions for a Master Certificate of Occupancy with the exception of the photographic record condition. In an effort to satisfy this condition, the owner's property manager, Lincoln Property Company, has attempted to obtain records of the building's construction from the previous owner. Unfortunately, the former owner cannot locate the required photographs. The applicant is therefore unable to obtain a Master Certificate of Occupancy for the completed project.

The proposed amendment to Condition #33 permits the applicant to satisfy the requirement for Site Clearance and Construction Phase photographs by submitting an acceptable Site Completion photographic record. With the proposed modification, both a photographic record of the site prior to demolition and a record of the site after project completion would be provided for County archives. Only the photos of the site after clearance and during construction will be missing from the historical record. Recent changes to the standard Site Plan conditions will ensure more complete photographic records are provided on future projects.

CONCLUSION: The applicant has put forth a reasonable effort to obtain the required photographic records from the previous site owner. The proposed condition modification allows the applicant to obtain a Master Certificate of Occupancy while ensuring that an adequate historical record exists of the site both prior to demolition and after project completion. Therefore, staff recommends approval of the site plan amendment, subject to all previous conditions and the following revised condition:

33. The developer agrees to produce a photographic record of Phase II development starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction. These photographs shall comply with the following specifications:

All photographic records shall be taken using black and white film. Submission of negatives and a photo contact sheet shall be the minimum acceptable standard; 8 inch by 10 inch prints are preferred. Color slides may be submitted in addition to black and white photographs and negatives. The photographic record shall include the following:

Before Clearing, Grading and Demolition - Views of the north, south, east, and west facades of buildings to be demolished, as location permits, as well as at least one (1) photograph of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets.

Site Clearance - Views of the cleared site facing north, south, east, and west, as location permits, with adjacent buildings and streets included.

Construction Phase (shall be submitted before issuance of the shell and core certificate of occupancy permit) - At a minimum, views of the site during excavation, completion of the first floor above grade, topping out, and during the exterior cladding phase.

Site Completion - North, south, east, and west facades of completed building or buildings, as well as at least one (1) view of the completed project in context with adjacent buildings and streets.

The photographic record of the site as it appears before demolition shall be delivered to the Zoning Administrator prior to issuance of a clearing, grading or demolition permit. The remaining records shall be delivered to the Zoning Administrator before issuance of a master certificate of occupancy for placement in the County archives. If the "Fast Track" Permit Process (as defined in the brochure "The Fast Track Permit Process" published by Arlington County, May, 1990, and available from the Arlington County Inspection Services Division) is selected by the developer, the site clearance and construction phase photographs shall be submitted before issuance of the footing to grade structure permit, the

construction phase photographs showing any construction to grade shall be submitted before the final building permit, and the construction phase photographs showing all construction above grade and the site completion photographs shall be submitted before issuance of the master certificate of occupancy. The requirement for submission of the Site Clearance and Construction Phase photographs shall be satisfied with the acceptance of the Site Completion photographs by the Zoning Administrator.

PREVIOUS COUNTY BOARD ACTIONS:

March 7, 1964	Approved rezoning (Z-2126-64-2) a portion of the block from “R-5” to “C-O” and approved a site plan for an office building at 3.10 F.A.R.
June 13, 1964	Approved rezoning (Z-2126-64-4) for an additional portion of the block from “RA-18” to “C-O”.
July 25, 1964	Approved rezoning (Z-2126-64-4) for the remainder of the block “C-O” and approved a site plan amendment for an office development at 2.85 F.A.R. on the consolidated site.
July 24, 1965	Denied a request (Z-2126-64-4) for extension of the site plan.
July 29, 1978	Approved rezoning (Z-2126-64-5) for “C-O” to “C-O-2.5” as part of the Ballston area rezoning.
June 2, 1984	Approved a site plan {Z-2126-64-5 (SP-18)} for an 8-story and a 12-story office building.
May 17, 1986	Approved a site plan amendment (Z-2126-64-5) for the subdivision of the approved site plan subject to the previously approved conditions and two new conditions dealing with overall parking ratio (#33) and overall site density (#34).
October 1, 1988	Accepted withdrawal of the site plan amendment (Z-2126-64-5) to add 4,500 square feet for a children’s day care facility.
February 11, 1989	Approved a site plan amendment permitting the location of a satellite dish, and a UHF and VHF antenna within the open enclosure of the penthouse area, subject to a condition.
March 4, 1989	Approved site plan amendment (Z-2126-78-5) for two rooftop identification signs “Sato Travel” subject to a condition.
November 17, 1990	Approved site plan amendment (Z-2126-78-5) for one window sign and one directional sign.

July 11, 1992

Approved site plan SP #218 for construction for an office building with approximately 201,817 square feet of gross floor area and associated parking with 348 spaces for the parcels of real property known as 1005 North Glebe Road and 4501 North Fairfax Drive subject to conditions.

April 26, 2003

Approved a site plan amendment to permit two rooftop signs on the Phase II building at 4501 North Fairfax Drive.

June 9, 2007

Approved a site plan amendment to permit a rooftop sign on the Phase I building at 1005 North Glebe Road.