



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of September 13, 2008**

**DATE:** September 3, 2008

**SUBJECT:** SP #397 SITE PLAN AMENDMENT to modify conditions, including but not limited to, plat of excavated area, wall check survey, recordation of historic preservation easements, and applicable development standards; premises known as 3000, 3028 Wilson Blvd., 3030 Clarendon Blvd., 1200 N. Garfield St., and 1101 N. Highland St. (RPC #18-012-003, -004, 18-013-007, 010, -011).

**Applicant:**  
Saul Centers, Inc.

**By:**  
Nan E. Walsh, Agent  
Walsh, Colucci, Lubeley, Emrich & Walsh, PC  
2200 Clarendon Boulevard, Suite 1300  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

Approve the subject site plan amendment request to modify Condition #33 (plat of excavated area), and Condition #42 (wall check survey), and to amend Conditions #77 and #78 (permanent preservation easements).

**ISSUES:** The applicant requests a minor modification to site plan conditions to defer submission of materials until later in the permit process. No physical changes are proposed to the approved site plan, and there are no issues associated with the proposed site plan amendment.

**SUMMARY:** The developer of Clarendon Center requests an amendment to modify approved site plan Condition #33, which requires a plat of the entire site's excavated area to be approved before issuance of the Footing to Grade Structure Permit. The developer is requesting to submit a preliminary plat of a portion of the excavated area prior to the issuance of a Final Building Permit. A final plat of the entire excavated area would be required prior to commencing any above-grade construction. The developer is also requesting to modify site plan Condition #42,

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

County Attorney: \_\_\_\_\_

Staff: Jack Thompson, Planning Division, DCPHD

PLA- 5046

which requires that a wall check survey be provided by the developer before the issuance of the Final Building Permit. Proposed condition language would require a wall check survey be provided by the developer within 30 days of completing construction of the building's perimeter foundation walls to their at-grade elevation. Lastly, the developer requests that development conditions #77 and #78 be amended to permit the developer to record permanent preservation easements (for the Underwood and Old Dominion Buildings) prior to the "*First Certificate of Occupancy*", versus the Final Building Permits.

Staff supports the applicant's request to delay submission of the required wall check survey and plat of the site's excavated area as it deemed reasonable from a development timeline perspective, sufficient from a physical construction standpoint, and consistent with conversations between staff and the development community regarding proposed changes to standard site plan development conditions. Staff also supports the applicant's requests to record the permanent preservation easements during the First Certificate of Occupancy as it will permit the developer to continue with construction as the County and the third party owners of the site's historic buildings continue discussions concerning the form of the preservation easements. The discussions are between the owners of the two buildings for which preservation easements are being written (the Underwood Building and the Leadership Building), the attorneys drafting the preservation easement documents, and the County Attorney's office.

**BACKGROUND:** Clarendon Center was approved in June 2006 as a mixed use office, retail and residential development including preservation of the Underwood Building and the Old Dominion Building (Leadership Institute).

Site: The site encompasses two blocks in the Clarendon Center Metro Station Area with the following boundaries:

North:	Wilson Boulevard
South:	11th Street North
East:	North Garfield Street
West:	North Highland Street

The two blocks are bisected by Clarendon Boulevard, dividing the site into a North Block and South Block. Notable landmark features surrounding the site include: Clarendon Square (north), McCaffery, Phase III (east) and the Olmstead Building (west). Immediately west of the North Block across North Highland Street is Metro Park, the entrance to the Clarendon Metro Station.

Zoning: "C-3" General Commercial District (North Block); "C-O" Commercial Office Building, Hotel, and Multiple-Family Dwelling Districts (South Block).

General Land Use Plan Designation: "Medium Density Mixed Use" (North Block); "High" Office-Apartment-Hotel (South Block).

Neighborhoods: Clarendon-Courthouse Civic Association; Lyon Village Citizens Association; Clarendon Alliance, and Lyon Park Citizens Association. Staff has heard from

a few representatives of the Clarendon-Courthouse Civic Association regarding poor lighting along the south side of Wilson Boulevard (between N. Highland and N. Garfield Streets), during the project's construction, and is working with the applicant to resolve this issue. In the interim, the applicant has agreed to install a temporary portable flood light on the south side of Wilson Boulevard if the ownership of the neighboring property is willing to provide the applicant with electrical power to energize the light. The applicant is still awaiting a final response from the neighboring property owner.

**DISCUSSION:** The developer has requested that development condition #33 (*plat of excavated area*) be amended. The existing condition language, which requires the plat to be approved before issuance of the Footing to Grade Structure Permit, would be replaced with new language that permits the developer to submit a preliminary plat of a portion of the excavated area prior to the issuance of a Final Building Permit, and a final plat of the site's full excavated area prior to commencing any above-grade construction. The developer is requesting this amendment because the hole would need to be fully excavated before the plat of spot elevations could be prepared and then construction would have to be suspended until the prepared plat was approved and the Footing to Grade Permit issued. Staff has discussed this type of change with the representatives of the Northern Virginia Building Industry Association (NVBIA) and the National Association of Industrial and Office Properties (NAIOP), which would allow the project to proceed with spot elevations on a portion of the site. Likewise, staff has discussed this amendment with the County's Building Official and believes that it provides the necessary elevation information while permitting the developer to proceed with their project in a more expedient/timely manner. The standard site plan condition language has been changed to reflect this, and will be used in all future site plans.

The applicant has also requested that development condition #42 (*wall check survey*) be amended to provide the wall check survey within 30 days of completing construction of the building's perimeter foundation walls to their at-grade elevation. This modification would allow the project to proceed with construction under a Final Building Permit, instead of obtaining a separate Footing-to-Grade Permit. Again, staff supports this proposed change and has also modified condition language to reflect this on all new site plan projects.

Lastly, the applicant is requesting that development conditions #77 and #78 be amended to permit the developer to record permanent preservation easements (for the Underwood and Old Dominion Buildings) prior to the "*First Certificate of Occupancy*", versus the Final Building Permits. This modification would allow negotiations between the County and the third party owners of the historic buildings to continue while the applicant proceeds with construction of the new buildings. As a note, CPHD Historic Affairs staff have reviewed the applicant's request to defer the recordation of the permanent preservation easement and have voiced no issues or concerns with the amendments.

**CONCLUSION:** Staff believes that the applicant's request to defer the recordation of the permanent preservation easements and submission of the plat of excavated area and wall check survey, until later in the permit process, will neither negatively impact the project's completion, nor alter the site plan as approved by the County Board. In contrast, with respect to the preservation easements, staff believes that the brief deferral will afford the developer additional

time to continue construction while the details of the easements are worked-out by the County and the affected parties. Therefore, staff recommends that the Site Plan Amendment be approved subject to all previous and revised conditions, as follows:

33. ~~The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above. For any phase of the project, the developer may choose to seek issuance of a Footing to Grade Permit prior to a Final Building Permit. Alternatively, the developer may choose to bypass the Footing to Grade Permit and seek only a Final Building Permit. In either case, prior to the issuance of the permit being sought for each of the North and South Blocks, the developer agrees to submit a preliminary plat of the excavated area showing spot elevations at two corners of the building at the building's lowest level (the "Preliminary Spot Elevations Plat"). Such spot elevations must be consistent with the plans approved by the County Board on June 13, 2006. For the South Block the Preliminary Spot Elevations Plat may be submitted when 20% of the square footage of the excavated area reaches the building's lowest level. For the North Block the Preliminary Spot Elevations Plat may be submitted when 50% of the square footage of the excavated area reaches the building's lowest level.~~

Prior to commencing any above-grade construction, the developer further agrees to submit a final plat of the excavated area showing spot elevations (The "Final Spot Elevations Plat"). The Final Spot Elevations Plat will confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board on June 13, 2006, and as indicated in the plans referenced in Conditions #1 and #10 above. Both the Preliminary and Final Spot Elevations Plats must be drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size.

42. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above. Notwithstanding the heading above that this condition must be met before issuance of the Final Building Permit, this condition shall instead be met by the developer within 30 days of completing construction of the building's perimeter foundation walls to their at-grade elevation.
77. Prior to the issuance of the First Certificate of Occupancy ~~final building permit~~, the developer agrees to record a permanent preservation easement, subject to review by the County Manager, running to either the benefit of the Northern Virginia Conservation Trust (NVCT), the County Board, or to another entity identified and mutually acceptable to the landowner of the Underwood Building and County Manager over the area occupied by the building known as the "Underwood Building" (which occupies approximately 4,162 square feet of land area) and which occupies the western portion of the block bounded by Wilson Boulevard, Clarendon Boulevard, North Highland Street and North Garfield Street. This preservation easement shall commit to preserve and maintain the

exterior of the building, subject to the terms of this condition, in its present (June 10, 2006) configuration. The developer need not preserve any aspects of the interior of the building and, for purposes of the building's operations, may replace or add to equipment on the roof or on, in, or attached to the penthouse. The easement shall permit modifications to be made to the Underwood Building, as specifically set forth below. This easement will allow the commercial signage, awnings and doorways on the Underwood Building to be changed, provided that such signage/awnings otherwise complies with the Arlington County Sign Ordinance or if permitted in the comprehensive sign plan, and provided that signage color may be subject to commercially reasonable standards customarily applied with respect to commercial signage on historic properties. The developer shall be permitted to make modifications to the exterior of the building as required by insurance carriers for insurance on the Underwood Building or businesses therein. The developer may make modifications as required by, or according to standards set forth in, any Federal, state or local laws (such as ADA, etc.). The developer shall be permitted to maintain, repair or replace any exterior features with features that are similar as to design, materials, and decoration, so that they appear to be the same. The easement shall permit other exterior modifications proposed by the developer of the Underwood Building if, after review by the Historical Affairs and Landmark Review Board (HALRB) the County Manager determines that the modifications will not be detrimental to the historic nature of the building prior to acceptance by the NVCT, the County Board, or other entity identified. The developer may receive any available tax credits as a result of any improvements or renovations that are performed to the exterior or the interior of the Underwood Building.

78. Prior to the issuance of the First Certificate of Occupancy ~~final building permit~~, the developer agrees to record a permanent preservation easement, subject to review by the County Manager, running to either the benefit of the Northern Virginia Conservation Trust (NVCT), the County Board, or to another entity identified and mutually acceptable to the landowner of the Underwood Building and County Manager over the area known as the "Old Dominion Building" (which occupies approximately 6,531 square feet of land area) and which occupies the southwestern portion of the block bounded by Clarendon Boulevard, North Garfield Street, 11th Street North, and North Highland Street. This preservation easement shall commit to preserve and maintain the exterior of the building, subject to the terms of this condition, in its present (June 10, 2006) configuration. The developer need not preserve any aspects of the interior of the building and, for purposes of the building's operations, may replace or add to equipment on the roof or on, in or attached to the penthouse. The easement shall permit modifications to be made to the Old Dominion Building, as specifically set forth below. This easement will allow the commercial signage, awnings and doorways on the Old Dominion Building to be changed, provided that such signage/awnings otherwise complies with the Arlington County Sign Ordinance or if permitted in the comprehensive sign plan, and provided that signage color may be subject to commercially reasonable standards customarily applied with respect to commercial signage on historic properties. The developer shall be permitted to make modifications to the exterior of the building as required by insurance carriers for insurance on the Old Dominion Building or businesses therein. The developer may make modifications as required by, or according to standards set forth in, any Federal, state or local laws (such as ADA, etc.). The developer shall be permitted to

maintain, repair or replace any exterior features with features that are similar as to design, materials, and decoration, so that they appear to be the same. The easement shall permit other exterior modifications proposed by the developer of the Old Dominion Building if, after review by the Historical Affairs and Landmark Review Board (HALRB) the County Manager determines that the modifications will not be detrimental to the historic nature of the building prior to acceptance by the NVCT, the County Board or other entity identified. The developer may receive any available tax credits as a result of any improvements or renovations that are performed to the exterior or the interior of the Old Dominion Building.



February 10, 1990	Continued U-2615-89-1 to permit a food delivery service at 3014 Wilson Boulevard with amended conditions #1 and #2 and deletion of #3 and a review in three months.
May 22, 1990	Continued U-2615-89-1 to permit a food delivery service at 3014 Wilson Boulevard subject to all previous conditions with a review in one year.
June 4, 1991	Discontinued U-2615-89-1 for food delivery service at 3014 Wilson Boulevard.
April 3, 1993	Continued U-2506-86-1 to permit live entertainment at 3012 Wilson Boulevard subject to all previous conditions and one new condition regarding the noise ordinance and a review in five years.
September 18, 1999	Approved a use permit U-2968-99-1 to permit outdoor seating with 14 seats at 3028 Wilson Boulevard subject to conditions and a review in one year.
September 9, 2000	Continued U-2968-99-1 to permit outdoor seating with 14 seats at 3028 Wilson Boulevard subject to all previous conditions and a review in three years.
September 13, 2003	Continued U-2968-99-1 to permit outdoor seating with 14 seats at 3028 Wilson Boulevard subject to all previous conditions, one revised condition for the placement of the seating and a review in September 2008.
February 7, 2004	Deferred Z-2501-03-1 (rezoning) and SP #372 (site plan) for a period of three months to the May 15, 2004 County Board meeting.
May 15, 2004	Deferred Z-2501-03-1 (rezoning) and SP #372 (site plan) to the July 10, 2004 County Board meeting.
July 14, 2004	Denied Z-2501-03-1 Rezoning from C-3” General Commercial Districts to “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and SP #372 Site Plan for approximately 279 dwelling units, approximately 156,689 square feet of retail, modifications of use regulations for

building setbacks, parking, width of parking aisle, density, coverage, storage, mechanical systems within units and ducts to roof exemptions from FAR, and loading dock length

May 20, 2006

Deferred Rezoning Z-2525-06-1 from “C-3” General Commercial Districts to “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and Site Plan SP #397 to permit approximately 244 dwelling units, 221,768 sq ft office and 60,527 sq ft retail, with modifications to use regulations for density, coverage, compact parking, tandem parking, and drive aisle width.

June 13, 2006

Approved Site Plan #397 to permit approximately 244 dwelling units, 220,919 sq ft of office, 61,380 sq ft retail with modification to use regulations for density, coverage, parking ratio, compact parking, tandem parking, and drive aisle width.

November 14, 2006

Enactment of Ordinance allowing the encroachment of an underground electric vault within the right-of-way of North Garfield St., immediately adjacent to lots 92, 93, 94 and 95, Lyon’s addition to Clarendon, block “F”, RPC Nos. 18-013-001 and 18-013-006, with conditions; and Enactment of Ordinance allowing the encroachment of an underground electric vault within the right-of-way of Wilson Blvd., immediately adjacent to Lot 9, Lyon’s addition to Clarendon, block “E”, RPC Nos. 18-012-001, with conditions.

February 26, 2008

Approved Site Plan Amendment to amend project phasing.

March 15, 2008

Approved Site Plan Amendment to permit permanent preservation easements on the Underwood Building and the Old Dominion Building, required to run to the benefit of the Northern Virginia Conservation Trust (NVCT), could also run to the benefit of another entity identified and mutually acceptable to the landowners and the County Manager.