



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of September 13, 2008

SUPPLEMENTAL REPORT #1

DATE: September 16, 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).

DISCUSSION: Staff has amended the Wall Check Survey condition (#42) to better reflect the proposed Standard Development Condition language, and added a caveat to permit phasing flexibility to the developer, should the Zoning Administrator deem it necessary. Staff has also amended the proposed Permanent Preservation Easement conditions (#77 and #78), to require the permanent preservation easement be recorded within 120 days after issuance of the final building permit, instead of the previously requested First Certificate of Occupancy. Staff has also added a paragraph to protect the structures during construction and corrected a typographical error in Condition #78 that mistakenly refers to the owner of the Underwood Building, instead of the Old Dominion Building. The applicant is in agreement with the proposed amendments, and staff recommends approval of updated Conditions #42, #77, and #78 below, revised from what was previously shown in the County Manager's report dated September 3, 2008.

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. The wall check survey shall show the location of the walls at the top level of the below-grade structure, and will be provided prior to the issuance of a permit for above-grade construction. The wall check plat submission may be phased at the discretion of the Zoning Administrator.
77. Prior to the Within one hundred twenty (120) days after the issuance of the First

County Manager: _____

County Attorney: _____

Staff: Jack Thompson, Planning Division, DCPHD

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~~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. The developer specifically agrees that no work shall be performed on the exterior of the Underwood Building prior to the recording of a permanent preservation easement, except as outlined above, and that the County may take such actions as it deems necessary, to include the issuance of a stop work order for the entire project, if the developer fails to comply with this condition.

78. ~~Prior to the~~ Within one hundred twenty (120) days after 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~~ Old Dominion 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. The developer specifically agrees that no work shall be performed on the exterior of the Old Dominion Building prior to the recording of a permanent preservation easement, except as outlined above, and that the County may take such actions as it deems necessary, to include the issuance of a stop work order for the entire project, if the developer fails to comply with this condition.