ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of July 9, 2005

REVISED REPORT

DATE: June 29, July 7, 2005

SUBJECT: U-3119-05-1 USE PERMIT (CARRY-OVER) for a Unified Residential Development, three (3) dwelling units; premises known as 1504 North Johnson Street. (RPC # 15-041-014)

Applicant:
The Informal Group, LLC t/a Custom Cross Building

By:
Charles Cross
3721 North Vermont Street
Arlington, Virginia 22207

REVISION EXPLANATION: The staff report is being revised to include additional information provided by the applicant in response to concerns raised by the Planning Commission.

C.M. RECOMMENDATION:

Approve, the unified residential development request for three (3) one-family dwellings, subject to the conditions of the staff report.

ISSUES: None.

SUMMARY: This is a use permit for a Unified Residential Development (URD) project located in the Lyon Village neighborhood. The applicant is proposing to develop the site with three (3) new single-family houses. The site would accommodate three (3) houses by-right under the Subdivision Ordinance. This project meets the intent of the Unified Residential Development provision of the Zoning Ordinance. The proposed development requires modifications to the side and front yard setbacks, which are supported by staff. The proposed design will better accomplish the purposes and intent of subsection 31.A.13 of the Zoning Ordinance, because it retains existing mature trees and reduces the amount of impervious area. At its June 29, 2005 meeting the Planning Commission recommended deferral of the use permit and provided suggested changes to the proposed design of the property. The applicant

County Manager: _____________

Staff: Marcia A. Smith, Planning Division, DCPHD
      David Robinson, Transportation Division, DES

PLA-4056
Commissions recommendations and is in the process of amending the design to implement the Commission’s recommendations prior to the County Board meeting, per attached plans dated July 7, 2005. Therefore, it is recommended that the use permit for the URD be approved subject to the conditions of the staff report.

BACKGROUND: The applicant has submitted a request for a three-lot URD located on North Johnson Street at its intersection with 15th Street North. This Unified Residential Development request was deferred by the County Board at its May 7, 2005 and its June 18, 2005 meetings in order to allow the applicant time to work with the neighbors and staff and to present the proposal to the Lyon Village Citizens Association at its June 13, 2005 meeting.

The County Board adopted the Unified Residential Development provision in the Zoning Ordinance in July 1997. Unified Residential Development was added to the Zoning Ordinance as the third option for one-family residential developments in low-density residential zoning districts. The other two options are by-right residential development under the Subdivision Ordinance and Residential Cluster Developments by site plan. The following bullets explain the purpose of the Unified Residential Development, which is permitted by use permit:

- Provide for flexible, site-specific, solutions for the site design of one-family detached dwellings, as an alternative to by-right development under the Subdivision Ordinance;
- Implement the purposes of the General Land Use Plan and the Zoning Ordinance;
- Promote compatibility with surrounding neighborhoods; and
- Preserve natural landform, trees and foliage, and, when applicable, irreplaceable historic features.

The following provides information about the site and location:

**Site:** The site is located at 1504 North Johnson Street. The site is generally surrounded by other similar single-family structures and slopes along its southern boundary toward Kirkwood Road. Adjacent to this site to the east is a five-lot Unified Residential Development that was approved by the County Board in 2002. The site is currently developed with a single-family house that is designated on the National Register of Historic Properties, however it is not listed on the local historic register.

**Zoning:** The site is zoned “R-5,” One-Family Dwelling Districts.

**Land Use:** The site is designated on the General Land Use Plan as “Low Residential” (1-10 units per acre).

**Neighborhood:** The site is located in the Lyon Village Citizens Association (LVCA). Prior to the submission of the use permit application for the proposed URD the applicant states that discussion pertaining to development of the subject site began with the adjacent property owners and representatives of the LVCA. In May a representative of the Planning Commission and County staff walked the site with some of the near neighbors, the applicant, and representatives of the Association to discuss and provide input into the proposal.
applicant has attempted to address many of the neighbor's concerns with the proposal including tree preservation, preservation of open space and appropriate fencing and buffering of existing homes. In response to concerns expressed by some of the neighbors along Kirkwood Road, which borders the site to the rear, regarding storm water runoff during and following construction on this site, the applicant has agreed to include additional evergreen trees along the property line, to leave the existing border in its natural state and to develop stormwater detention for a 25-year storm (Condition #23). The neighbors and the applicant have also agreed to continue to work together to identify appropriate tree and ground cover species on the site.

The applicant presented the proposal to some of the nearest neighbors, Planning Commission representative(s), County staff and others at the June 13, 2005 Lyon Village Citizens Association meeting. Staff provided the group with a list of draft conditions which the applicant has agreed to comply with. Following discussions, a straw vote was taken and the majority of those present voted to support the applicant’s request for the URD as an alternative to the by-right development. The president of the Lyon Village Citizens Association stated that while an official vote by the Association had not been taken, it appeared that the group supported the proposed URD. The president further stated that the Executive Board of the LVCA supports the URD. Staff received a later e-mail dated June 29, 2005 from the President of the LVCA with the following statements: “The LVCA is in support of the URD proposed by Chip Cross for the Riley house location on Johnson St. In support of the majority of neighbors in the area adjacent to the Riley home, the LVCA is supporting the URD request with the conditions denoted by the neighborhood.” (See attached e-mail)

By-Right Option: The subject site contains 25,859 square feet of site area. The developer has a by-right option of three (3) single-family houses on this site under the “R-6” Zoning District, which has a minimum lot size of 6,000 square feet. In order for the applicant to develop the site by-right and to meet the Subdivision Ordinance requirements for the three single-family houses, the applicant would be required to construct a 40-foot wide public street to provide road access and sufficient frontage to the by-right, single-family houses.

Proposed Development: The applicant is proposing to construct a total of three (3) single-family houses, with single-loaded access driveways from the North Johnson Street frontage. Each proposed dwelling would have a two (2) car attached garage located at the front of the house. Each driveway would provide parking for one or two additional vehicles that could be used for guest parking.

° Coverage: The entire development maintains an overall coverage of 35.60 percent. The coverage on each lot has been calculated with all improvements including porches and garages. The coverage for each lot is less than the current Zoning Ordinance coverage limit of 50 percent for unified residential development projects or the 56 percent coverage limit for by-right “R-6” development.

° Zoning Ordinance Modifications: The URD option provides the County Board with the flexibility to modify the provisions of the Zoning Ordinance in order to create a
better plan of development than can be achieved under by-right options. The applicant has requested modifications to lot frontages (Lots #1 and #2); lot widths (Lots #1 and #2); front and right yard setbacks (Lot #1); left and right yard setbacks (Lot #2); and front and left side yard setbacks (Lot #3).

The following table shows the modification in bold to the above described ordinance requirement based on the applicant’s proposed plans dated June 21, 2005. *This table will be modified as needed, and submitted in a supplemental report, following the revisions by the applicant to the current design in order to address the Planning Commission recommendations, which are further discussed in this report.

<table>
<thead>
<tr>
<th>Lot</th>
<th>Coverage</th>
<th>Size (s.f.)</th>
<th>Lot</th>
<th>Lot</th>
<th>Setbacks (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front</td>
<td>Rear</td>
<td>Right</td>
</tr>
<tr>
<td>“R-6” By Right</td>
<td>56%</td>
<td>6,000</td>
<td>60.0</td>
<td>60.0</td>
<td>25.0</td>
</tr>
<tr>
<td>*URD</td>
<td>50%</td>
<td>7,270</td>
<td>59.1</td>
<td>59.1</td>
<td>5.0</td>
</tr>
<tr>
<td>1 (R-6)</td>
<td>32.8%</td>
<td>7,720</td>
<td>59.1</td>
<td>59.1</td>
<td>46.2</td>
</tr>
<tr>
<td>2 (R-6)</td>
<td>42.5%</td>
<td>7,577</td>
<td>58.0</td>
<td>58.0</td>
<td>20.7</td>
</tr>
<tr>
<td>3 (R-6)</td>
<td>31.5%</td>
<td>7,868</td>
<td>60.1</td>
<td>60.2</td>
<td>27.1</td>
</tr>
</tbody>
</table>

The applicant has agreed to identify trees on the site that will remain and has agreed to a condition for a tree protection plan that would identify remaining trees and shrubs, trees slated for removal and any new trees and shrubs that would be added to the site (Condition #11). All remaining and new plantings shall be shown on the final landscape plan. Neighborhood representatives have worked with the applicant in the development of this residential project. In addition, the applicant has agreed to include a covenant in the deeds to preserve and maintain the area of the site that backs up to the residential properties located on North Kirkwood Road in its natural state to buffer those properties and to increase the open space associated with the project (Conditions #11 and #21).

**Transportation:** The proposed development is located at the western terminus of 15th Street North and is accessed from North Jackson Street. The subject site also has frontage along North Johnson Street which is an unimproved 25-foot wide public right-of-way. The Master Transportation Plan – Part 1 classifies 15th Street North as a neighborhood-minor street. Access to 15th Street North is from North Jackson Street which is classified as a neighborhood-principal street south of Key Boulevard and as a neighborhood-minor street north of Key Boulevard. 15th

---

1 All setbacks are measured from the optional decks. The front setbacks are measured to the street right-of-way.

U-3119-03-1 Use Permit Request
Unified Residential Development
PLA-4056
Street North, west of North Jackson Street was approved to be constructed to a 14.5-foot width for two-way travel with the approval of the original Lyoncrest URD use permit by the County Board in 2002. 15th Street North will provide the sole access for a total of eight (8) single family dwellings – five (5) dwellings currently under construction (Lyoncrest I) and these proposed three (3) dwellings (Lyoncrest II).

**Trip Generation:** Trip generation estimates for the existing and proposed development are detailed below.

<table>
<thead>
<tr>
<th></th>
<th>Development Density</th>
<th>Vehicle Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing</strong></td>
<td>1 dwelling unit</td>
<td>10</td>
</tr>
<tr>
<td><strong>Proposed</strong></td>
<td>3 dwelling units</td>
<td>30</td>
</tr>
<tr>
<td><strong>Increase</strong></td>
<td>2 dwelling unit</td>
<td>20</td>
</tr>
</tbody>
</table>

The site currently contains one single family detached dwelling unit, which is estimated to generate one peak hour vehicle trip. The three-unit development is estimated to generate three (3) peak hour vehicle trips and 30 daily trips. The proposed three-unit development is consistent with the site’s General Land Use Plan designation and could be developed as a matter of right (by-right subdivision) for three residential dwelling units. The proposed development would have minimal impact on the adjacent street system.

**Parking:** Vehicular access to the development is proposed from a 15 to 20-foot wide shared driveway entrance off of the terminus of 15th Street serving all three dwellings. On-site parking for each dwelling is provided in attached two-car garages. Sufficient space is available in front of the each garage to park an additional two (2) vehicles, providing an overall parking ratio of four (4) spaces per dwelling unit.

**Pedestrian Access:** Pedestrian access from North Jackson Street to the site is provided by a three and one-half-foot wide concrete sidewalk along the north side of 15th Street North which is being constructed as a condition of the first Lyoncrest development approval.

**Public Transit:** Public transit service is available within convenient walking distance of the site. The Clarendon Metrorail Station, located approximately one-half of a mile south east of the site, is served by the Metrorail Orange Line. Metrobus and Arlington Transit (ART) service is also available nearby, including: Metrobus Route 38B (Ballston - Farragut Square Line); Metrobus Route 24 (Ballston - Pentagon Line); ART Route 41 (Columbia Pike – Ballston-Courthouse Line).

**Bicycle Access:** No bicycle facilities are located immediately adjacent to the site. An existing on-street bike trail is signed nearby along Key Boulevard, North Jackson and 13th Street and provides connections to other trails and routes in the area, including the Custis Trail which provides connections to the W&OD, Bluemont and Mt. Vernon Trails.
Utilities: Adequate water and sanitary sewer capacity is available to serve the proposed development. Local improvements will be required to provide service. The developer has agreed to construct and extend new water and sanitary sewer mains from the existing mains in 15th Street North into the site. URD use permit proposals are not required to contribute to the Underground Fund nor remove existing overhead utility lines along their site frontage. Utilities serving Lyoncrest I are to be placed underground as a condition of the use permit approval. Staff recommends that all utility service lines (telephone, cable TV and electric service) serving Lyoncrest II also be placed underground and not result in the placement of a new utility pole Condition #15.

Stormwater runoff has been identified as a concern for the neighbors whose properties are located downhill from the site along Kirkwood Road. Much of the site is situated on the side of a steep slope. The preliminary grading plan for the development shows approximately 50 percent of the stormwater runoff from the site being directed from the roof downspouts and contour swales to an underground stormwater detention facility with dispersal directed to an infiltration trench. A second infiltration trench is also proposed to collect additional stormwater runoff from the south end of the site. In theory, the stormwater runoff contained in the infiltration trenches permeates into the underlying soils and the groundwater table. The effectiveness of infiltration trenches is dependent on soils and topography. Impermeable soils and steep slopes will reduce their effectiveness, resulting in the runoff saturating the upper soils and seeping out of the ground and running off downhill towards the street overland. The developer will be required to conduct a soils analysis to demonstrate the effectiveness of the infiltration trenches.

The developer will also be required to comply with the Chesapeake Bay Preservation Ordinance and the Plan of Development requirements that include: A Resource Protection Area Delineation (site is not located in an RPA); a Landscape Conservation Plan; a Stormwater Management Plan; and an Erosion and Sediment Control Plan. Staff will review the final site engineering plan to ensure that stormwater runoff will not be released from the site in a concentrated manner which may have an adverse impact on the adjacent residential properties and to make sure that disturbance to existing groundcover and trees is minimized. In addition the applicant has agreed to develop stormwater detention for a 25-year storm (Condition #23).

PLANNING COMMISSION:
At its June 29, 2005 meeting the Planning Commission by a vote of 7 to 2 recommended that the subject URD be deferred to the September 6, 2005 Planning Commission meeting and the September 17, 2005 County Board meeting. The Commission provided the applicant with a list of discrepancies that should be addressed prior to the next meeting. The list included the following concerns:

- Require an existing fence in the public right-of-way to be replaced with bollards and that the right-of-way should be respected.
- Buyers of homes should be informed of existence of the public right-of-way.
- Utilities to the site should be provided from 15th Street North and North Jackson Street.
- Applicant should reconsider swimming pool location without jeopardizing the existing Beech Tree in the vicinity.
The applicant has agreed to address all of the concerns and is in the process of redesigning the property to reflect the changes prior to the County Board meeting. Staff has revised condition #2.d regarding the hours of construction. Staff will be working with the applicant to review the revised site design to address the balance of the recommendations from the Planning Commission. Per new designs dated July 7, 2005 the applicant has made the following changes to address the Planning Commission’s concerns:

- The applicant has agreed to replace the existing fence in the public right-of-way with bollards.
- The applicant has agreed to include in the Homeowners Owners Association documents of all future owners, information regarding the existing right-of-way.
- The applicant has agreed to provide utilities to the site from 15th Street North and North Jackson Street.
- The applicant has reoriented and reduced the size of the proposed swimming pool on the site and increased the front yard set back on Lot 1 from 5 feet to 11 feet from the right-of-way and with the intent of saving the existing Beech tree.
- The applicant has moved the proposed house on Lot 1 and additional 6 feet back to provide better relationship to the house on 1500 North Johnson Street. Locating the house back six (6) feet from the right-of-way provides a more side by side affect.
- The applicant has changed the access to the garage on Lot 3, moved the proposed house on Lot 1 further back from the street which provides more of an alignment of the homes than originally designed. In the immediate vicinity of the proposed URD, few of the houses align in a uniform fashion along the street frontages. The proposed URD aligns significantly more uniformly than the adjacent URD, which was approved in 2002.
- The applicant has relocated the garage entrance on Lot 3 providing additional impervious area and connecting to the existing roadway associated with the 2002 URD.

**DISCUSSION:** Approving the requested Zoning Ordinance modifications would comply with the spirit and intent of the Unified Residential Development Provision in the Zoning Ordinance. The developer has used the flexibility of the provision to create a plan that would provide a few benefits not available through a by-right development plan. Those benefits would include: preservation of open space; limiting the area of disturbance in order to maintain a portion of the site, which borders properties along Kirkwood Road, in its natural state; developing stormwater detention for a 25-year storm; and limiting impervious surfaces on the site. The applicant is aware that trees identified to be preserved on the site will be required to be bonded in accordance with the County’s Tree Appraisal Policy. The applicant has also agreed to adhere to the Chesapeake Bay Ordinance and the County's Tree Ordinance, Tree Replacement Policy, Tree Replacement Policy, Tree Replacement Policy.

The proposed URD project generally meets the requirements for a residential development in the “R-5” Zoning Districts, with some modifications. The proposed 3-unit development is consistent with the General Land Use Plan and zoning density requirements for the site, which could be subdivided into 3 lots as a matter of right by the Subdivision Ordinance. Approving these modifications would not result in any significant adverse impact to the adjoining properties and would be a preferred form of development than a by-right option which would require more impervious surfaces.

The development with the modifications, will better accomplish the purposes of the URD ordinance than would the development without the modifications. The proposed three (3) houses are two-stories with basements. Building bulk would be similar in size to some of the existing houses in the surrounding area and with the existing Lyoncrest I URD, which abuts this site and is currently under construction. The houses and street frontage treatments would be consistent with the Lyoncrest I URD. The site has topographic challenges and significant tree coverage. A URD option offers greater flexibility and sensitivity in the development of the site than a by-right development would.

The proposed URD, if approved, provides an appropriate use of the property and would be compatible with existing houses in the area. Approving the requested Zoning Ordinance modifications would comply with the spirit and intent of the Provision in the Zoning Ordinance. The developer has used the flexibility of the provision to create a plan that would provide several benefits not available through a by-right-development plan. For example, the URD provides more compatibility with the surrounding neighborhood because the applicant's concept houses would be consistent with the housing stock located in the adjacent Lyoncrest I URD, which is currently under construction and other houses in the neighborhood. The proposed setbacks would be similar to those in the area. The plan also preserves open space by avoiding the need for a cul-de-sac or other street to serve additional lots. The preservation of the rear portion of site which retains its natural topography, avoids the need for regrading the site. This portion of the site will be left in its natural state and will continue the existing buffer between this site and the bordering properties on Kirkwood Road. The plan will allow for the preservation of mature trees, the addition of many new trees and shrubs, and include fencing in the landscape plan for the area.

The development, with the modifications, better accomplishes the purposes of the URD ordinance because it:

- Promotes the compatibility with the surrounding neighborhood as the houses would be located on lots similar in size to existing houses and the proposed street frontage treatments and setbacks would be consistent with existing properties in the area;
- Preserves the natural land form by requiring less grading on the site; and
- Preserves more of the trees and foliage on the site through suitable placement of the structures.
CONCLUSION: The applicant has reached agreement with the nearest neighbors regarding their concerns about stormwater runoff and the preservation of the natural buffer between this site and the residential properties on Kirkwood Road. The applicant also has agreed to continue to work with the neighborhood and the nearest neighbors as plans for this project are further developed and to share the final landscape plan with the LVCA. The applicant has agreed to a number of conditions mitigating impacts and ensuring compliance with neighborhood goals and recommendations and the intent of the URD provision in the Zoning Ordinance. In addition, the applicant has agreed to make modifications to the current proposed design to address all of the issues raised by the Planning Commission. For these reasons staff supports the proposed URD. Therefore, it is recommended that the use permit request for the Unified Residential Development for the site at 1504 North Johnson Street be approved, subject to the following conditions:

Unified Residential Development Conditions:

1. The developer, including all successors and assigns, agrees to comply with the plans dated June 21, 2005 reviewed and approved by the County Board at the County Board meeting of July 9, 2005 together with any modifications proposed by the developer and accepted by the County Board or vice versa. This Unified Residential Development Use Permit approval expires three (3) years after the date of County Board approval if the owner has not obtained a final building permit for construction of the approved plan and commenced construction under that final building permit. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this Unified Residential Development Use Permit and its conditions for their compliance with the County policies for land use, zoning and special exception uses current at that time.

2. The developer agrees to comply with the following before issuance of the final building permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
   a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. The developer agrees to provide the name and telephone number of this individual, in writing, to the Zoning Administrator and to a representative of the Lyon Village Citizens Association, and to post that information at the entrance of the project.
   b. Throughout construction of the project, the developer agrees to advise abutting property owners of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property. The applicant further agrees to notify adjoining, adjacent and abutting property owners a minimum of 24 hours in advance of the action being taken that would affect services or access to their property.
c. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials or to enter the construction site are free of mud, trash and debris.

d. Throughout construction of the project, the developer agrees that construction work shall be in accordance with the Arlington County Noise Ordinance (Section 15 of the Arlington County Code). The developer agrees that any construction activity that produce noise levels which exceed the noise levels established in Table I of the Arlington County Noise Ordinance shall be permitted only during the daytime. The applicant agrees to limit the hours of construction from 7:00 a.m. to 6:30 p.m., Monday through Friday and 10:00 a.m. to 6:30 p.m. on Saturdays.

e. Throughout the construction of the project, the developer agrees to maintain as nearly as possible the pre-development stormwater runoff rate. The developer shall submit an Erosion & Sediment (E&S) Control Plan for the proposed project to the County that demonstrates that this condition is met through use of standard E&S measures such as diversion dikes, sediment traps, dewatering devices, or other approved E&S control that will provide acceptable removal of sediments from the runoff. Once sufficiently cleaned of sediment, any concentrated stormwater should then be conveyed via gravity or pumping from the site in a slope drain or storm sewer conduit and safely discharged to a stable outlet point. Please note any encroachment on neighboring properties to achieve this outfall will require a temporary easement or written permission of those affected property owners.

3. The developer agrees to submit and obtain approval of final site development/engineering plans from the Department of Environmental Services for consistency with this approval, any applicable statutes and ordinances, and County guidelines and policies. The final site development/engineering plan shall include the proposed location of water mains and service lines, storm and sanitary sewers, proposed underground utility services to the buildings, the trees to be preserved and new proposed trees on site. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. No Building Permit shall be issued for this site until final site development/engineering plans and the sequence of construction has been approved by the Department of Environmental Services. When approved, the plans shall govern construction of the project.

4. The developer agrees to install address indicator signs, which comply with Section 27-12 of the Arlington County Code or successor provision, in a location visible from the street and as shown on the final engineering plan.

5. The developer agrees that the design of the buildings shall conform to the concept as shown on the submitted drawings dated June 21, July 7, 2005 as presented to the County Board and made a part of the public record at the July 9, 2005 County Board meeting. The County Manager or his designee may approve minor modifications to the design of
the buildings. No deviation from the drawings dated June 21, 2005 shall be permitted unless such deviation has been specifically approved.

6. The developer agrees that, except as otherwise specifically provided in these conditions, all required easements and right-of-way agreements shall be submitted to the Department of Environmental Services for approval and be recorded by the developer, as approved, before the issuance of the Final Building Permit.

7. Upon approval of the final site-engineering plan, the developer agrees to submit a performance bond estimate, for the construction or installation of all facilities within the public rights-of-way or easements, to the Department of Environmental Services for review and approval. Upon approval of the performance bond estimate, the developer agrees to submit a performance bond and agreement for the construction or installation of all these facilities within the public rights-of-way or easements to the Department of Environmental Services. This bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.

8. The developer agrees that all landscaping on the site shall be established and maintained in accordance with the Unified Residential Development Site Plan and Landscape Plan dated June 21, July 7, 2005 and approved by the County Board on July 9, 2005, and these conditions. The developer further agrees that all landscaping called for on the Unified Residential Development Site Plan and Landscape Plan dated June 21, July 7, 2005 for any lot shall be installed before the issuance of a certificate of occupancy for any structure on that lot. Each lot shall be landscaped concurrently with construction on each lot. The developer agrees to complete landscaping on the lot before the issuance of a certificate of occupancy for any building on that lot. Furthermore, the applicant agrees to obtain the County Manager's or his designee's approval for a final landscape plan, consistent with the Unified Residential Development Site Plan and Landscape Plan dated June 21, July 7, 2005, the final site development/engineering plan, and with this use permit approval prior to the issuance of any building permit. The final site development and landscape plan shall include the following details, if applicable:

a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed in the setback area between the building and the street. The location of the proposed trash collection area shall be screened from view by a four-foot high wooden fence.

b. The location, dimensions, and materials, finished slopes and surface drains for driveways, driveway aprons, parking areas, interior walkways and sidewalks as well as for address indicator signs;
c. The location and types of light fixtures for streets, for parking, walkway and plaza areas;

d. The location and dimension of the preserved open space located at the rear of the project;

e. Topography at two (2) foot elevation intervals and the finished first floor elevation of all structures;

9. Landscaping shall conform to Department of Public Works Standards and Specifications and to the following requirements:

a. Planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for one year including the replacement and maintenance (to include but not be limited to pruning, feeding, spraying, mulching, weeding and watering) of all landscape materials following the issuance of the final certificate of occupancy for each individual lot;

b. Plant materials and landscaping shall meet the American Standard for Nursery Stock Z60.1-73, and shall also meet the following standards:

(1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) - a height of 12 to 18 feet with a minimum caliper of 4 to 4½ inches.

(2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.

(3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.) - a height of 10 to 14 feet with a minimum caliper of 1 ½ to 2 inches.

(4) Shrubs - a minimum spread of 18 to 24 inches.

(5) Groundcover - in 2" pots.

(6) Trees used to screen the site from neighboring properties shall be a height of 12 to 18 feet with a minimum caliper of 4 to 4½ inches.

c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, seeding may be substituted for sod. All sod and seed shall be state certified;
d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed;

e. Soil depth shall be a minimum of four (4) feet for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 ½ feet, maximum) above the finished grade adjacent to them;

f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.

g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process.

h. The developer agrees to notify the Department of Parks, Recreation and Community Resources’ (DPRCR) Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the utility strip and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree plantings available from the DPRCR Urban Forester.

i. The developer agrees that decks may only be added to the units in locations shown on the Unified Residential Development Site and Landscape Plan dated June 21, 2005. In addition a lattice or similar screening shall be required above the standard rail to a height of seven feet above the floor of the deck in the location as shown on lots #1, #2 and #3 on the Unified Residential Development Site and Landscape Plan dated June 21, July 7, 2005. The proposed decks shall be open and shall not be enclosed or built over, with the exception that trellis or similar open air architectural elements may be used. The developer's landscape plan will include, as part of the tree buffer to screen houses and hold the hillside, trees species that are part of the old-growth tree canopy of Lyon Village, including the hillsides in Lyon Village overlooking Kirkwood Road. The developer agrees include a mix of evergreens. The developer further agrees to work closely with the nearest neighbors to identify the mix of evergreens prior to installation of the trees.

10. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the
The developer agrees to submit to the Zoning Administrator letters from the developer to the utility companies offering them access as stated above.

11. The developer agrees to:
   - Preserve trees and landscaping with the tree saved area as shown on the Unified Residential Development Site and Landscape Plan dated June 21 / July 7, 2005.
   - Hire a certified arborist or horticulturist to identify and prepare a tree preservation plan document as part of the final landscaping plan that would that would denote all trees and shrubs proposed to be preserved on the site and to submit a tree protection plan which identifies by species trees and shrubs to be saved, in addition to identifying any new trees and shrubs which would be included on the site and shall be approved by the County Manager or his designee as part of the final landscaping plan prior to the issuance of the grading and demolition plan.
   - Include in the tree protection plan all temporary chain link fences along the entire rear perimeter of the site (Lots #1, #2, and #3), the tree preservation area, to minimize impacts on mature trees identified to be saved. The arborist shall determine the location of the chain link fencing.
   - The developer further agrees that any trees to be preserved shall be indicated by a posted sign, in English and Spanish, on or near the trees. The developer agrees to obtain approval of the plan by the County Manager or his designee for consistency with this approval prior to the issuance of any grading and demolition plan.
   - The applicant understands and agrees to meet the County standards for tree replacement values for the loss of all mature trees lost or removed during construction of the site and to provide a bond in accord with Condition #12 to cover the loss of any trees identified to be preserved, prior to the issuance of the first building permit.

12. In addition to any requirements in the Chesapeake Bay Preservation Ordinance regulations, the developer agrees to post a bond in favor of the County in the amount of $23,000 for the duration of construction for protection of the tree preservation and root pruning areas and trees noted in the Landscape Conservation Plan dated June 21 / July 7, 2005. Such bond shall be posted prior to the issuance of any permits for work on the property. The developer agrees, in advance of posting the bond to obtain the County Manager’s approval of the form of the bond. The bond shall permit the County to, in its discretion, draw upon the bond in an amount sufficient to repair any damage to, or replace, any lost vegetation if there is damage to a tree designated for preservation or the tree preservation areas. The bond, or any amounts remaining therein shall be released six (6) months following issuance of the final Certificate of Occupancy for last house.

13. The developer agrees to construct pavement, curb and gutter, sidewalk, driveway and street entrances along all frontages of this site in accordance with Arlington County Standards prior to the issuance of the final certificate of occupancy of the first building in the project:
14. All improvements to streets for pedestrians and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act and any regulations adopted hereunder.

15. All utility services serving the site shall be located below ground. Any utility improvements necessary to provide adequate utility services to this development shall be paid for by the developer and shall not result in the installation of any new utility poles.

16. All engineering design plans and subsequent construction shall be in accordance with the latest edition of the Arlington County Department of Environmental Services Construction Standards and Specifications.

17. All sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet from all other utilities, and shall have a minimum of ten (10) feet horizontal clearance from buildings and other structures. Water mains 16 inch and larger, and mains over ten (10) feet deep shall have a minimum of fifteen (15) feet horizontal clearance from buildings and other structures; and sanitary sewers 15-inch and larger, or sewers over 10 feet deep shall have fifteen (15) feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

18. The developer agrees to construct sanitary sewer main improvements in accordance with the following:

   a. Construct an eight-inch sanitary sewer in the North Johnson Street right of way from the existing sanitary sewer in North 15th Street to the intersection of the pipe stem driveways as shown on the final engineering plan approved by the County Manager or his designee.

   b. Private sanitary sewer laterals may be located across private property with recorded sanitary sewer lateral easements.

19. The developer agrees to provide off-street parking for all construction vehicles during construction of the subject site. Construction vehicles and/or construction worker vehicles are not permitted to park on the neighboring streets during the hours of construction.

20. The developer agrees to construct an 8-inch water main along the site’s North Johnson Street frontage from the existing 8-inch waterman in 15th Street North in accordance with the DPW Construction Standards and Specifications and as shown on the final engineering plan approved by the County Manager.
21. The developer agrees to create and record among the County land records, prior to recording any deed conveying any part or any lot of the subdivision, a covenant for the protection of the “Tree Preservation Area” located at the rear of the site abutting North Kirkwood Road (the “Tree Preservation Area”) as identified on the Unified Residential Development Site Plan and Landscape Plan dated June 24, 2005 from future harm. The developer agrees that the covenant shall run with the land and shall bind the owners of all three (3) lots. The developer further agrees that the covenant shall state, at a minimum that the conservation easement area shall be preserved in its existing natural state, not be subdivided in any manner, now or hereafter, nor shall any construction, signage or structure, including, without limitation decks, patios or fences, be permitted in the subject area, nor shall the cutting or removal of existing trees and shrubs as shown on the tree protection plan be permitted, except as may be required either to (i) prune, trim and maintain the trees, plants and or other vegetation located in the subject area or to (ii) remove any tree, plant or other vegetation which is determined to be diseased or which otherwise is a safety concern or threatens to defeat the purpose of preserving the subject area. If removal of trees, plants and other vegetation becomes necessary replacement trees from good nursery stock of a like type shall be planted in its place to preserve the intended screening purpose.

The developer further agrees that the covenant shall also state that the accumulation of trash, refuse, junk, or other unsightly material is not permitted in the conservation easement area and will be removed by the property owner who places such material; provided, however that this shall not be interpreted to require the relocation or removal of any material on the site prior to recordation of the covenant. The developer agrees to submit the covenant for review and approval by the Zoning Administrator and the County Attorney’s Office as being consistent with this condition prior to the issuance of a Certificate of Occupancy.

22. The developer agrees that the façade materials used on the houses will include a combination of brick or stone and siding, but not vinyl or aluminum siding, per the sample architectural renderings dated April 14, 2003 and made part of the public record at the July 9, 2005 County Board meeting. Moreover, the developer agrees that the design of the houses will be in the craftsman style as illustrated by the drawing attached to the County Manager's June 24, 2005 report, and that the houses built will be of the scale, design, and appearance of the houses in that illustration, subject to any limitations in any other provisions of these conditions or the County Code, and subject to any approved changes as provided for in Condition #5. In accord with the neighboring Lyoncrest I, the developer agrees to match the brick facades on the exposed exterior foundation walls.

23. The developer agrees to submit and obtain the County Manager or designee’s approval of a final design plan that demonstrates on-site stormwater detention capacity sufficient to accommodate the maximum storage required for a 25-year 24-hour storm, and maintain
as nearly as possible the pre-development runoff rate (using an assumed runoff coefficient of 0.2 for the site) for up to and including a 25-year 24-hour storm.

a. The developer agrees to create and record among County land records, subject to approval by the County Attorney as to form and prior to the conveyance of any lot of the subdivision, an agreement providing for the proper operation and maintenance of any on-site stormwater management facility. This agreement shall, at a minimum, include the following paragraph:

The responsibility for normal maintenance and capital improvements to the stormwater management facilities, including Stormwater Detention and Water Quality Best Management Practices (BMPs), shall be the responsibility of the property owner on which the facilities are located. It shall also be the owner’s responsibility to remedy any deficiency or negligence in maintenance that results in the failure of the facilities to operate as approved, in order to restore the facilities to normal operation. A maintenance certification and maintenance logs prepared by a registered Engineer, licensed Land Surveyor or Master Plumber will be submitted to Arlington County annually for all privately-owned stormwater management facilities, including Stormwater Detention and Water Quality BMPs. In addition, County staff may periodically request to inspect these facilities to verify adequate maintenance and required performance. The owner should contact the Department of Environmental Services if there are any questions concerning this annual certification.

Once approved, the stormwater detention system approved in the final design plan shall govern construction on the site. The developer agrees to construct and install such system and provide the County with evidence of construction before issuance of the first certificate of occupancy for any building on the site.
PREVIOUS COUNTY BOARD ACTIONS:  There have been no previous County Board actions on this site.