



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of July 8, 2006

DATE: June 30, 2006

SUBJECT: U-3156-06-1 USE PERMIT for a Unified Residential Development, 2 dwelling units located at 4717 24th Road North (RPC #05-005-092).

Applicant:

Sheila and William B. Moore, owners
4717 24th Street North
Arlington, Virginia 22207

C.M. RECOMMENDATION:

Approve the unified residential development request for two (2) one-family dwellings, subject to the conditions in the staff report.

ISSUES: Does this proposal meet the intent of the Unified Residential Development (URD)?

SUMMARY: This is a use permit for a two-lot unified residential development (URD) located on 24th Road North, east of its intersection with Old Dominion Drive in the Old Dominion Citizens Association neighborhood. The proposed URD would result in a re-subdivision of two previously recorded lots. This reconfiguration would permit the construction of a new single-family house on one of the lots and the preservation of an existing single-family house on the other lot. The applicant has worked closely with the neighborhood and staff to develop a proposal that reflects the intent of the Unified Residential Development. The concerns of the neighborhood and staff have been addressed and conditioned. Therefore, it is recommended that this use permit be approved.

BACKGROUND: The applicant has owned the property for over 30 years. In 2004, the applicant had originally proposed to incorporate the subject property into a larger site plan (SP #380) which would have been developed with five townhouses and one single-family residence. After further analysis and discussion with staff, the applicant withdrew the application and developed the portion of the original site (along Old Dominion Drive) by-right with four (4) single-family dwellings. The applicant has now come forward with a proposal to redevelop the remaining portion of that original site.

County Manager: _____

County Attorney: _____

Staff: Jill Griffin, DCPHD, Planning Division
David Robinson, DES

PLA-4390

There are two options for redevelopment of the subject site: by-right residential development under the Subdivision and Zoning Ordinances; or Unified Residential Development (URD) under the special exception use permit provision of the Zoning Ordinance. The applicant is proposing to develop this 13,516 square foot site under the Unified Residential Development provision, although the site has two existing lots and could be developed by-right under the Zoning Ordinance.

The following provides additional information about the site and location:

Site: The square-shaped lot fronts 24th Road North and is less than 100 feet from the intersection of 24th Road North and Old Dominion Drive. This site currently developed with one single-family dwelling with a detached garage. The dwelling is currently occupied by the applicant. The properties to the north, south, east and west of the subject site are all zoned “R-6” and designated on the General Land Use Plan as “Low Residential” (1-10 units per acre).

Zoning: The site is zoned “R-6,” 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: Old Dominion Citizens Association.

By-Right Option: The subject site contains an area of 13,516 square feet or 0.31 acres. Originally, the site was subdivided into two regular lots. However, the main house and its detached garage were constructed over both lots. The available by-right option is to maintain the two lots, each constructed with a single-family house under the “R-6” Zoning District, which has a minimum lot size of 6,000 square feet (the by-right subdivision plan is attached). The applicant would be required to demolish the existing structures and rebuild two new single-family homes to meet the by-right option.

URD: The Unified Residential Development provision in the Zoning Ordinance was adopted by the County Board in July 1997. The purpose of the Unified Residential Development is to:

- 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.
- Preserve natural landform, trees and foliage, and when applicable, irreplaceable historic features.
- Encourage pedestrian connectivity.

Proposed Development: The applicant is proposing to re-subdivide two previously recorded lots. The proposed subdivision would shift the existing property line between the two lots. Both lots would have driveway access from 24th Road North. The applicant proposes to construct a new two-story dwelling with a small (60 square foot) front porch and a two-car attached garage

located at the front of the house (Lot 1 – referenced as 22-A1 in the plans). The driveway of the proposed house would provide parking for an additional two vehicles. The applicant proposes a variety of materials for the new house including stone, brick and cementitious siding. Lot 2 (referenced as 23-A1 in the plans) would contain the existing house, built in 1938, constructed of brick.

The details of the proposed development are described below:

- **Coverage:** The entire development maintains an overall coverage of 35.4 percent of the lot – less than the 40 percent permitted by the Zoning Ordinance. The coverage on each lot has been calculated with all existing and proposed improvements including porches, garages and parking pads and driveways. The coverage for the Lot 1 is 42.5 percent. The Zoning Ordinance permits coverage up to 43 percent in the “R-6” zoning district for structures with a front porch. The proposed house’s main building footprint is approximately 2,037 square feet, or 34.8 percent of the total lot area, which is slightly greater than the Zoning Ordinance maximum main building footprint limit, including a provision for front porches, of 33 percent. The coverage for Lot 2 is less than the Zoning Ordinance coverage limit of 40 percent in “R-6” zoning districts. The existing house’s main building footprint is approximately 1,566 square feet, or 20 percent of the total lot area, which is less than the Zoning Ordinance maximum main building footprint limit of 30 percent. Both structures are under the main building footprint cap of 2,520 square feet as established in the Zoning Ordinance.
- **Zoning Ordinance Modifications:** The Unified Residential Development 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 by-right. The applicant has requested modifications to permit a smaller lot with a reduced lot width and a slightly larger main building footprint percentage on Lot 1. In addition, the applicant has requested a modification to permit an encroachment of a screened rear porch into the 25-foot rear setback.

The following table shows the modification (in bold) to the above described ordinance requirement based on the applicant’s proposed plans dated April 19, 2006.

Lot	Coverage	Size (s.f.)	Lot Width	Setbacks (feet) ¹				
				Front	Rear	Right	Left	Side Aggregate
“R-6” By-Right	40% 43% with front porch	6,000	60.0	25.0	25.0	10.0	8.0	18.0
1	42.5%	5,852	45.93	25.0	27.6 22.0 with the screened porch	10.0	8.0	18.0
2	14.3%	7,664	61.67	45.9	45.0	11.0	8.0	19.0

¹ All setbacks are measured from the main building structure. The front setbacks are measured to the street right-of-way. The side setbacks are ten feet, provided that one side yard may be reduced to eight feet. The aggregated width of both side yards on any lot shall be a minimum of 18 feet.

Transportation: The *Master Transportation Plan – Part 1* classifies 24th Road North as a neighborhood-minor street. East of Old Dominion Drive, 24th Road North extends approximately 500 feet in length before terminating and provides site access to six residences adjacent to the north side of the street and three residences on the south side of the street. On-street parking is unrestricted along both sides of the street.

Public improvements within the 30-foot public right of way of 24th Road North consist of surface treated asphalt and limited asphalt curbing. The applicant, in consultation with the other residents with frontage adjacent to 24th Road North, submitted a petition with the application noting their objection to any right-of-way improvements. Staff would normally recommend right of way improvements, including curb, gutter and sidewalk to enhance the pedestrian connections in the area. However, due to the lack of an engineering plan for both the 4600 and 4700 blocks of 24th Road North to address drainage and sidewalk locations, the necessary easements from adjacent property owners and lack of community support, staff doesn't recommend improvements at this time. The applicant has agreed to pay into an escrow account for such an improvement if determined by the County to be necessary.

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

Development Density		Vehicle Trips	
		All Day	Peak Hour
Existing	1 dwelling unit	10	1
Proposed	2 dwelling units	20	2
Increase	1 dwelling unit	10	1

The site currently contains one single-family detached dwelling, which is estimated to generate one peak hour vehicle trip. The current “R-6” zoning allows for a calculated density of two dwelling units. The two-unit development is estimated to generate two peak hour vehicle trips and 20 daily trips. The proposed development would have minimal impact on the adjacent street system.

Utilities: Adequate water and sanitary sewer capacity is available to serve the planned development. Local improvements will be required to provide service to the development. The developer is not required to submit the final site engineering plan prior to County Board approval and request for building permits. Staff recommends and the applicant has agreed that all utility services to the site be located underground, including telephone, cable television and electric power.

The developer will be required to comply with both the Stormwater Detention Ordinance and the Chesapeake Bay Preservation Ordinance before construction commences. Staff will review the final site engineering plan to ensure that the storm water runoff does not impact the adjacent residential properties.

DISCUSSION: The proposed Unified Residential Plan provides several benefits not available through by-right development such as maintaining the existing residence and the retention of a few of the mature trees on the site including a 16-inch red maple and a 20-inch elm. This

proposal does not increase the density on the site above that allowed by-right. The applicant's proposal meets the requirements for a residential development in the "R-6" Zoning District, with four modifications: a main building footprint of 34.8 percent compared to 33 percent; a smaller lot size of 5,852 square feet compared to 6,000 square feet; a smaller minimum average lot width from 60 feet to 45.93 feet; and a rear yard setback of 22 feet rather than 25 feet. The proposed two-unit development is consistent with the General Land Use Plan density requirements for the site, which could be subdivided into two lots as a matter-of-right by the Subdivision Ordinance. Approving these modifications would not result in any significant adverse impact on the adjoining properties. Furthermore, the proposed unified residential development, if approved, provides an appropriate use of the property and would be compatible with existing houses in the area. The applicant has taken the following issues into consideration:

Chesapeake Bay Ordinance: The applicant is aware that the Chesapeake Bay Ordinance and the County's Tree Ordinance and Tree Replacement Policy will require that trees removed from the site be replaced according to specific formulas associated with each ordinance and has agreed to adhere to these policies.

Tree Preservation: The applicant will remove several of the large trees, including a 36-inch silver maple and a 26-inch elm, on the west side of Lot #1 because they are in the building pad (footprint) for the proposed house. The trees on Lot #2 where the existing house is located will not be disturbed. Under the by-right plan, it is possible that no trees would be saved. The applicant has agreed to Condition #9 to provide tree preservation measures.

Neighborhood Participation: The applicant presented his proposal with the nearest neighbors and the Old Dominion Citizens Association. The applicant has considered neighborhood input and has agreed to continue to work with neighbors as the project is developed. The neighbors are generally supportive of the Unified Residential Development proposal. The formal meeting with the Old Dominion Citizens Association was June 21, 2006. The association voted to support the proposal with the condition that the escrow funds towards curb, gutter and sidewalk could be applied toward a Neighborhood Conservation project for street improvements along 24th Road.

Planning Commission: The Planning Commission heard this item at its meeting on June 26, 2006. The motion to approve the proposal, subject to two revised conditions, failed by a vote of two in favor and six opposed. These revised conditions included a change to Condition #9.d. to increase the length of the tree protection bond for an additional year and the elimination of the ten year provision for sidewalk improvements in Condition #11. In its action, the Planning Commission stated that the proposal did not seem to meet the intent of the URD provision of the Zoning Ordinance and the benefits of the proposed URD did not justify the proposed modifications.

The intent of the URD is, among other things, to provide for "flexible, site-specific solutions for the development of one-family detached dwellings...[to] promote the compatibility of one-family residential developments with surrounding neighborhood by coordinating building forms, the bulk, scale and placement of new buildings, and the relationship between buildings and structures within the development and surrounding properties." One of the un-codified benefits

of the URD process is the community discussion about the proposal. By-right development does not require community input and conditions are not placed on the development. The URD affords nearby neighbors and civic associations the opportunity to comment on the development and work with the applicant to achieve suitable conditions.

This particular proposal has permitted the input from the neighbors and the Old Dominion Citizens Association. Further, the proposal allows for the retention of the existing structure which maintains the context of the neighborhood. While the proposal may not meet each itemized goal of the URD, the preservation of an older, pre-World War II structure and the mature landscaping around this structure, as well as the neighborhood input and support, suggest that this proposal is appropriate and meets the general intent of the URD provision. The proposal provides a solution that is more desirable than the by-right option.

CONCLUSION: The applicant has agreed to a number of conditions aimed at mitigating impacts and ensuring compliance with neighborhood recommendations and the intent of the Unified Residential Development Provision of the Zoning Ordinance. The proposed development achieves the purposes of the Unified Residential Development because it provides for a flexible, site-specific solution for the site design of one-family detached dwellings as an alternative to by-right development. The proposal promotes compatibility with the surrounding neighborhood and preserves natural land form, trees, and foliage. The neighborhood supports the proposed development. Therefore, it is recommended that the use permit request for the two-lot Unified Residential Development for the site located at 4717 24th Road North be approved, subject to the following conditions:

1. The developer (as used herein, the term developer includes the owner, the applicant and their agents, employees, and all successors and assigns) agrees to comply with the plans dated April 19, 2006 and reviewed and approved by the County Board at the County Board meeting of July 8, 2006 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 building permit for construction of one of the houses in the approved plan and commenced construction under that 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 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 a final building permit for any house on the property and to remain in compliance with this condition until the Certificate of Occupancy for the second house on the property 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 post that information at the entrance of the project.

- b. 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.
 - c. 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 which produces noise levels which exceed the noise levels established in Table I of the Arlington County Noise Ordinance shall be permitted only during the daytime. Daytime is defined as between the hours of 7 a.m. and 7 p.m. on weekdays and from 10 a.m. to 7 p.m. on Saturdays and legal holidays.
3. The developer agrees to submit to and obtain approval of final site development/engineering plans from the County Manager or designee 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, all of which will be implemented or installed by the developer. 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 County Manager or designee. The developer further agrees that the approved final site development/engineering plans will govern all construction on the property.
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, prior to issuance of a Certificate of Occupancy for the house on which the address sign is located.
5. 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 County Manager or designee for approval and be recorded by the developer before the issuance of a Final Building Permit for any house.
6. 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 County Manager or designee 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 including any required stormwater detention facility on the property within the public rights-of-way or easements to the County Manager or designee. This bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit for any house on the property.

7. The developer agrees that all landscaping on the site shall be established and maintained in accordance with the concept Landscape Plan approved by the County Board on July 8, 2006, and these conditions. The developer further agrees that all landscaping called for in the conceptual landscape plan for any lot shall be installed for the specific lot and shall comply with and be subject to all penalties provided for in the County's Landscape standards before the issuance of a certificate of occupancy for any structure on that lot unless another timing arrangement is approved by the Zoning Administrator because of the impractical or impossible nature of such timing. Furthermore, the applicant agrees to obtain the County Manager's or his designee's approval of a final landscape plan, consistent with the Conceptual Landscape Plan, the final site development/engineering plan, and with this use permit approval prior to the issuance of a building permit. Upon approval, the final landscape plan shall govern construction of the site.

The final site development and landscape plan shall include the following details, if applicable:

- a. The location and dimensions of utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, stormwater detention facilities, the location of all existing and proposed utility lines and of all easements.
 - b. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks.
 - c. Topography at two (2) foot intervals and the finished first floor elevation of all structures.
8. Landscaping shall conform to Department of Environmental Services (Transportation Planning) Standards and Specifications and to the following requirements:
 - a. New planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for two (2) years 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. New 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, including street 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 4 1/2 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 1/2 to 2 inches.
 - (4) Shrubs - a minimum spread of 18 to 24 inches.
 - (5) Groundcover - in 2" pots.
- 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.
 - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began, or otherwise approved by the County Manager or his designee.
 - 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 fences along the interior property lines of this Unified Residential Development shall be no greater than six (6) feet in height. The developer further agrees that any fences along the exterior property lines of this Unified Residential Development are subject to Section 32, 3-e of the Arlington County Zoning Ordinance.
9. Tree Protection and Replacement
- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.

- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer on Lot #2 (23-A1). Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved site plan and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager to meet the requirements of this site plan, before the issuance of the Clearing, Grading and Demolition Permit. At a minimum, this plan shall include:
- (1) A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
 - (2) Detailed specifications for any tree walls or wells proposed.
 - (3) A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
 - (4) Identification of tree protection measures and delineation of placement of tree protection. The applicant agrees to work with the County arborist to determine the type and location of the fencing for tree protection. All fencing shall be installed prior to any construction on the site including any demolition, clearing or grading.
 - (5) Description and locations of the signs, in English and Spanish, on or near the trees to be saved
 - (6) Any tree required to be saved pursuant to this condition, which dies (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) years of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines, provided, however, that replacement as specified in this subparagraph does not relieve the developer of any violation resulting from the failure to save identified trees.
- c. In addition to saving identified trees, the developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or other

horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall be installed on the project site or on County-owned land, determined by the County Manager. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final site development and landscape plan.

- d. In addition, the developer agrees to post a bond in favor of the County in the amount of \$7,500 for the duration of construction for protection of the trees identified in the plans set forth above. Such bond shall be posted prior to the issuance of any permits for work on the property. The developer agrees to, in advance of posting the bond, 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 or replace any lost vegetation if there is damage to the existing vegetation within the areas of tree protection during construction. The bond, or any amounts remaining therein shall be released one (1) year from the date of issuance of the final Certificate of Occupancy for last house.
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 developer agrees to submit to the Zoning Administrator copies of letters from the developer to the utility companies offering them access as stated above.
11. The developer agrees ~~that the to construct pavement, curb and gutter~~, driveway and street entrances along all frontages of this site shall be constructed in accordance with Arlington County Standards prior to the issuance of the certificate of occupancy of the last building in the project. The developer agrees to place, in escrow, funds attributable to the costs for the construction of curb, gutter and sidewalk along the frontages. The developer agrees that these funds may be allocated by the County to be used for a Neighborhood Conservation project for street improvements along 24th Road North.
12. The developer agrees that 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 thereunder.
13. The developer agrees that all permanent utility services serving the one (1) new building on 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.
14. The developer agrees that all engineering design plans and subsequent construction shall be in accordance with the latest edition of the Arlington County Department of Environmental Services (Transportation Planning) Construction Standards and Specifications.

15. The developer agrees that 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 horizontal clearance from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures unless otherwise approved by the County Manager or his designee. Water mains 16 inches and larger, and mains placed more than 10 feet below the surface shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inches and larger, or sewers placed more than 10 feet below the surface shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria and shall be shown on the final engineering plan and approved by the County Manager or his designee.
16. The developer agrees to provide off-street parking for all construction equipment and vehicles, including construction workers' vehicles, during the hours of construction of the subject site. All Port-a-Johns shall be located on the interior of the site away from the public streets for the term of construction on the site. The developer agrees to contact the Department of Environmental Services (Transportation Planning) to obtain any necessary Construction Equipment permits.
17. The developer agrees that prior to any transfer of any part of the property, the developer will provide to the purchaser a copy of the conditions of this use permit as well as with information clearly stating that all owners of property on the site and their successors and assigns are bound to the terms and conditions of this use permit.
18. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this URD and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this use permit approval. The developer agrees the County has the authority to take actions to include issuance of a stop work order when the developer is not in full compliance with any of the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.
19. The developer agrees to produce a photographic record of development, starting with a record of the exterior of the site and the interior of the house 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 a photo contact sheet and 8" x 10" prints on photographic paper shall be the minimum acceptable standard. Color photographs on compact disc must be submitted in addition to black and white photographs and the photo contact sheet at the end of the project prior to the issuance of the Master Certificate of Occupancy.

The photographic record shall include the following:

- a. Before Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)–Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades and interiors of the building to be demolished.
- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- c. 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, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.
- d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

The photographic record of the site as it appears before demolition shall be delivered to the Zoning Administrator prior to the issuance of a clearing, grading or demolition permit. The remaining records, including the completed compact disc with the entire photographic history, shall be delivered to the Zoning Administrator, before the issuance of a Master Certificate of Occupancy, for placement in the County archives.

If the developer uses the "Fast Track" Permit Process, the Site Clearance and Construction Phase photographs shall be submitted before the issuance of the Footing to Grade Structure Permit, or the first Building Permit, whichever comes first. The Construction Phase photographs, showing any construction to grade, shall be submitted before the Final Building Permit. The Construction Phase photographs showing all construction above grade and the Site Completion Photographs and completed compact disc showing the entire photographic history of the site shall be submitted before issuance of the Master Certificate of Occupancy.

20. Prior to the issuance of any permit, the developer agrees to submit, obtain approval from the County Manager, and record the new two-lot subdivision.

PREVIOUS COUNTY BOARD ACTIONS:

March 13, 2004	Deferred consideration of SP #380 for five (5) town homes and one single-family house to the April 24, 2004 County Board meeting.
April 24, 2004	Deferred consideration of SP #380 for five (5) town homes and one single-family house to the July 10, 2004 County Board meeting.
July 13, 2004	Accepted withdrawal of SP #380 for five (5) town homes and one single-family house.