



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of January 27, 2007

DATE: January 19, 2007

SUBJECT:

- A. Z-2532-06-1 REZONING from “RA14-26” Apartment Dwelling Districts to “R-6” One-Family Dwelling Districts at 1600 N. Lexington St. (RPC #10-026-021), and
- B. U-3166-06-1 USE PERMIT for a Unified Residential Development for 2 dwelling units at 1600 N. Lexington St. (RPC #10-026-021 and RPC #10-026-024)

Applicant:

Patricia and Frederick Shields
1600 North Lexington Street
Arlington, Virginia 22205

C. M. RECOMMENDATION:

Adopt the attached resolution to approve the rezoning of a portion of the property from “RA14-26” Apartment Dwelling Districts to “R-6” One-Family Dwelling Districts, and

Approve the proposed use permit to allow a Unified Residential Development for 2 dwelling units, subject to the conditions of the staff report.

ISSUES: None.

SUMMARY: The owners of the property located at 1600 North Lexington Street request approval to rezone a portion of their property from “RA14-26” Apartment Dwelling Districts to “R-6” One-Family Dwelling Districts, and request approval of a Unified Residential Development (URD) special exception use permit to permit them to subdivide the existing lot to create one additional lot, and preserve an existing dwelling. The proposed zoning designation would be compatible with the site’s “Low” Residential General Land Use Plan (GLUP) designation. Further, the proposed development conforms to the guidelines established by the Zoning Ordinance for URD development. The redevelopment of the site would retain the existing dwelling constructed in 1910 and will provide a new dwelling which will achieve a LEED Silver credit level. Therefore, staff recommends approval of the attached resolution to approve the rezoning from “RA14-26” to “R-6” and approval of the URD subject to the conditions listed in this staff report.

County Manager: _____

County Attorney: _____

Staff: Rasheda DuPree, DCPHD, Planning Division
David L. Robinson, DES, Transportation

PLA-4593

BACKGROUND:

Site: The site is a corner lot on the northwest corner of the North Lexington Road and North 16th Street intersection. The subject property is comprised of a single-family lot and an outlot which total approximately 14,208 square feet in area. The lot is developed with a two-story frame dwelling, constructed in 1910, including several one-story building additions constructed at various times throughout the 20th century. The subject site and single-family dwelling are adjacent to similar single-family dwellings located to the north and east, and to the Westover garden apartments located just west and south of the subject property.

Zoning: The subject property is split zoned. The easternmost portion of the lot, which comprises 70% of the total lot area, is zoned “R-6” One-Family Dwelling Districts, while the remaining portion of the lot is zoned “RA14-26” Apartment Dwelling Districts.

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

Neighborhood: The subject property is located within the Westover Village Civic Association.

DISCUSSION: The applicant proposes to subdivide the subject property in a manner which would retain an existing single-family dwelling, and to construct one additional single-family dwelling on a newly-created lot through the Unified Residential Development process. The result would yield two single-family dwellings on two adjacent lots. Given the irregular lot shape and the siting of the existing dwelling, there is no by-right subdivision configuration of the subject property which would create two legal buildable lots without demolition of the existing dwelling. The applicant requests approval of a URD use permit to allow the subdivision of the existing lot to create one additional lot and to retain the existing dwelling. However, the applicant must first rezone the “RA14-26” portion of this property to “R-6” because the Zoning Ordinance restricts Unified Residential Development to only “R” zoned property.

Rezoning

The subject property is split zoned and is located within both “RA14-26” and “R-6” zoning districts. The zoning line runs along a portion of the northwest property line adjacent to 1602 North Lexington Street and is also, at one portion of the lot, perpendicular to North 16th Street. Approximately 4,329 square feet, which comprises 30% of the site, is located within the “RA14-26” zoning district, while the remaining 9,879 square feet of the site lies within the “R-6” zoning district. The applicant proposes to rezone the “RA14-26” portion of the property to “R-6” which would be consistent with the site’s “Low” Residential GLUP designation and would allow for a URD on this site.

Subdivision

The applicant’s development proposal also includes a request to subdivide the subject property to create two single-family dwelling lots. With the rezoning, the subject property could be

subdivided to create two conforming “R-6” lots. Without the rezoning, the subdivision would result in one “R-6” corner lot with 156.94 feet of frontage on North Lexington Street and 71.90 feet of frontage on North 16th Street, and one “RA14-26” and “R-6” split zone interior lot with 81.94 feet of frontage on North 16th Street.

By-Right Lot Configurations

	Lot Square Footage	North Lexington St. Frontage	North 16th St. Frontage
Eastern Corner Lot	7,730 sq ft	156.94 ft	71.90 ft
Western Lot	6,479 sq ft	n/a	81.94 ft

“RA14-26” allows “R-5” by-right single-family development. Each lot could be developed with a single-family dwelling in conformance with each respective lot’s zoning ordinance regulations governing minimum setbacks, lot area, lot width, frontage, and maximum lot coverage. In order for any proposed subdivision to achieve the lot configuration requirements prescribed by the zoning ordinance, the existing dwelling would inevitably be demolished.

URD

The subject property is developed with an existing single-family farmhouse-style dwelling which was constructed in 1910. The applicants currently reside in this dwelling and have expressed the desire to maintain and improve the existing structure, subdivide the existing lot to create a new lot, and build a new dwelling on a newly-created adjacent lot. The applicant met with staff who determined that no by-right subdivision could occur which would retain the existing 1910 farmhouse dwelling. The applicant, therefore, proposes to redevelop this property in conformance with the Zoning Ordinance standards for a URD.

The URD was established by the County Board in July 1997. In its adoption, the County Board set forth the following purpose for the URD:

“...to provide for flexible, site specific solutions for the development of one-family detached dwellings in certain zoning districts, to implement the purposes of the General Land Use Plan and the Zoning Ordinance; promote the compatibility of one-family residential developments with surrounding neighborhoods 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; and to preserve natural land forms, irreplaceable historical features, and significant trees and foliage.”

Further, Section 31.A.13.c of the Zoning Ordinance states that the County Board may modify setbacks and yards to any dimension as well as modify the site area by up to ten percent of the minimum required lot area. The applicant requests modifications subject to this provision of the Zoning Ordinance to reduce required setbacks and minimum lot area. The applicant proposes to modify the lot area on the proposed new dwelling lot and building setbacks on both lots.

URD and Associated Modifications

	Lot Area	Front Setback	Rear Setback	Minimum Side Setback	Coverage Area
Eastern Corner Lot	8,884 sq ft	43 ft/19ft*	n/a	5 ft*	2,000 sq ft (23%)
Western Lot	5,324 sq ft*	21 ft*	25 ft	5 ft*	1,781 sq ft (33%)

***modification requested**

Modifications

The proposed development would retain the existing single-family dwelling on the corner lot and facilitate the construction of a new dwelling unit on the newly-created western lot. The applicant requests a modification to reduce the minimum required lot size from 6,000 square feet to 5,324 square feet. The proposed western lot would total 5,324 sq ft and would be developed with a new three-story single-family frame dwelling. The main façade wall of the proposed dwelling would be located 25 feet from the front property line adjacent to North 16th Street. The design for the proposed dwelling will incorporate a carport which extends approximately four feet beyond the façade of the main building and encroaches into the required front yard setback. The subdivision and subsequent building footprint siting on the western lot will result in a reduction of the required front yard setback from 25 feet to 21 feet, and a reduction of the required east, and west side yards from 8 feet to 5 feet. Additionally, the subdivision will result in a reduction of the required west side yard from 10 feet to 5 feet and a reduction of the front setback from 25 feet to 19 feet on the corner lot.

Transportation

The subject site is located adjacent to the intersection of North Lexington Street and 16th Street North in the Westover Civic Association. The *Master Transportation Plan – Part 1* classifies North Lexington Street as a neighborhood-principal street and 16th Street North as a neighborhood-minor street. The “Y”- intersection of North Lexington Street and 16th Street North is controlled with a stop sign on the 16th Street North approach. On-street parking is permitted adjacent to the site along both sides of North Lexington Street and 16th Street North.

Trip Generation: The applicant has proposed to renovate the existing dwelling and construct one new single-family detached dwelling fronting on 16th Street North. The new dwelling is estimated to generate one peak hour vehicle trip in both the morning and evening peak hours and approximately 10 daily vehicle trips. The proposed development would have minimal impact on the adjacent street system.

Parking: Vehicle access to the off-street parking is proposed from two new driveway entrances off 16th Street North. The Zoning Ordinance parking requirement for one and two-family dwellings is one space per dwelling unit. The applicant has proposed to incorporate a parking garage for one vehicle on the ground floor of the structure with the ability to park a second vehicle in the driveway in front of the garage for the new dwelling. Off-street parking for the existing dwelling would be provided by constructing a new gravel surface parking pad for two vehicles.

Streets: The site has frontage adjacent to North Lexington Street and 16th Street North. Both streets are constructed to a 36-foot width between the face of curbs, providing two 10-foot wide travel lanes and two 8-foot wide parking lanes. The street cross-sections are consistent with County policy.

Pedestrian Access: Sidewalk, curb and gutter currently exist along the site's North Lexington Street and 16th Street North frontages consisting of a four-foot wide concrete sidewalk and a two and one-half-foot wide utility strip adjacent to the back of curb. Staff recommends that the applicant construct County standard concrete driveway entrances to the site on 16th Street North for the two proposed driveways serving the two parcels.

Public Transit: Public transit is available near the site along Washington Boulevard, approximately two blocks to the south. Metrobus Route 2 provides weekday and weekend service in the Washington Boulevard corridor in Arlington between the Ballston MU Metrorail Station and the East Falls Church Metrorail Station in Arlington and continuing westward through Falls Church and Fairfax County to Fair Oaks Mall.

Bicycle Access: There are a number of bicycle facilities in the vicinity of the site. Bike lanes are in place on Patrick Henry Drive between George Mason Drive and Wilson Boulevard providing connections to community facilities in the neighborhood and the I-66 Custis Bike Trail. A bike route is also signed providing a loop from Patrick Henry Drive to the Westover Library and back to Patrick Henry Drive along 18th Street North and North Lexington Street adjacent to the site.

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. The developer will 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 Storm Water Management Plan; and an Erosion and Sediment Control Plan. Staff will review the final site engineering plan to ensure that storm water 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.

Landscape and Tree Preservation

The applicant has filed a proposed landscape plan indicating trees to be removed during construction and trees to be preserved. Five trees will be removed from the site including a 12" Bradford pear, 12" Silver Maple, 7" Pine, 14" Pine and a 12" split Walnut tree. However the site will preserve several mature trees including: a 36" walnut tree on the North 16th Street frontage, and a 15" Cedar, 26" Cedar and an 18" Pine tree on the North Lexington Street frontage and several smaller trees. Approximately 17 trees ranging in size from 3-36" will be retained on this site throughout construction. The proposed landscape plan illustrates that the largest tree on this

site, a 36" Walnut, will be preserved during construction. The applicant proposes to protect the tree using standard tree protection methods including fencing, signage and mulching. The applicant agrees to a condition to hire a certified arborist to develop and implement a tree protection plan for the 36" Walnut tree for the duration of construction on the site (condition #10).

Sustainable Design

The proposed dwelling will incorporate sustainable design elements to strengthen environmental conditions both in the community and on-site. The new dwelling site will seek to have a net zero run-off for a ten year storm event by incorporating green roof and rainwater detention facilities. Porous patio and driveway pavers will be used to reduce impervious ground surface area and surface run-off. Internally, the building design will seek to implement solar energy applications and will feature energy efficient window systems. The applicant's architect is LEED accredited and the applicant has committed to implementing a design modeling a LEED Silver credit level. The applicant will continue to seek guidance from design professionals trained and accredited in LEED design to implement other environmentally sustainable design elements and practices.

Historic Preservation

The intent of the URD is to identify opportunities to develop a property in a manner which preserves resources such as historic features and significant foliage. The proposed site currently contains a two-story frame farmhouse dwelling constructed in the early twentieth century. The applicant proposes to renovate this residence and construct a second story addition to the structure to add a bedroom and bath to the second floor. The proposed renovations and new addition will utilize historically appropriate building materials and construction techniques. The applicant will work with the Historical Affairs and Landmarks Review Board Design Review Committee to receive guidance and achieve a historically sensitive design which will complement the existing dwelling and enhance the character of the neighborhood. The applicant's design for the renovation and addition is historically sensitive and complements the existing dwelling. The applicant has agreed to a condition to seek local historic designation of the existing dwelling and will file an application to appear before the Historical Affairs and Landmarks Review Board. Through this process, the house would be expected to be designated to a local historic district, and if the historic designation is approved, the historic integrity of the dwelling would be protected in the future by a mandatory design review process. Historic designation provides guidelines and manages proposed exterior changes within the historic district and precludes inappropriate alterations to existing structures and incompatible new construction.

Community Input

The site is located in the Westover Village Civic Association. The civic association had the opportunity to review the proposed development and building design with the applicant at their regular association meeting on May 30, 2006. The Westover Village Civic Association has submitted a letter to staff supporting the proposed development.

Planning Commission

On January 16, 2007 the Planning Commission heard the rezoning and URD requests proposed for the subject property. The commission members raised concerns regarding tree preservation and community support. A number of the members requested additional information regarding tree preservation and a tree inventory plan. In response to the commissioner's concerns, both tree preservation information and a tree inventory plan have been revised and added to the staff recommendation. The Planning Commission voted to recommend approval of the URD with six in favor and four opposed. In its motion, the Planning Commission proposed two amendments including:

- Amendment to condition #21 to include specific trees to be preserved.

Staff response: The proposed conditions have been renumbered and the condition previously numbered condition #21 is now numbered Condition #10, which has been amended to include four trees to be preserved pursuant to the Planning Commission's recommendation.

- Provide a letter from the civic association.

Staff response: A letter of support from the Westover Civic Association has been included.

CONCLUSION: The proposed development conforms to established URD goals designed to retain and enhance community resources. The design also incorporates a number of historic and environmentally sensitive practices and elements which will ensure the protection of important community resources. This development proposal strengthens the low-density character of the neighborhood. The proposed dwelling complements the scale and the character of both the existing dwelling as well as established dwellings throughout the Westover community. The Westover civic association states that it supports the proposed project. A URD at this site would provide flexibility in the site configuration that meets the purposes of the General Land Use Plan and the Zoning Ordinance and promotes the site's and associated dwelling's compatibility with the surrounding neighborhood. Therefore, staff recommends approval of the attached resolution to approve the rezoning request and approval of the URD use permit request subject to the conditions of this staff report.

RESOLUTION

Whereas, the County Board of Arlington County (“County Board”) finds that Patricia and Frederick Shields have requested a rezoning from “RA14-26” Apartment Dwelling Districts to “R-6” One-Family Dwelling Districts for the part of the property owned by them and located at 1600 N. Lexington St. (RPC #10-026-021) and is described on the attached Description by De Lashmutt Associates, Ltd. (“Property”); and

Whereas, the County Board finds that the requested rezoning of 4,329 square feet of the Property to “R-6” One-Family Dwelling Districts is consistent with the General Land Use Plan Designation for the Property; and

Whereas, the County Board finds that the rezoning of 4,329 square feet of the property to “R-6” One-Family Dwelling District is required by public necessity, convenience, general welfare, and good zoning practice.

Now therefore, be it resolved, that the 4,329 square feet of the part of the property owned by Patricia and Frederick Shields and located at 1600 N. Lexington St. (RPC #10-026-021) and described on the attached Description by De Lashmutt Associates, Ltd. is hereby rezoned from “RA14-26” Apartment Dwelling Districts to “R-6” One-Family Dwelling Districts, as shown on the attached description dated December 6, 2006.

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 January 9, 2007 and reviewed and approved by the County Board at the County Board meeting of January 27, 2007 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 the new dwelling 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 the new dwelling and to remain in compliance with these conditions until the 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 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 7:00 a.m. and 7:00 p.m. on weekdays and from 10:00 a.m. to 7:00 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. 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, with the exception of building permits related to the renovations and additions to the existing dwelling as set forth in the

applicant's proposal, 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. The design of such plans should minimize the concentration of runoff from impervious areas that do not drain to the proposed catch basins and stormwater management structure. The runoff from these areas should be minimized and designed so that runoff will not cause erosion or jeopardize the critical areas (i.e. steeply sloped areas) in rear yards of each lot.

4. The developer agrees to complete construction of County standard driveway entrances to the site as shown on the final engineering plan approved by the County Manager prior to the issuance of a Certificate of Occupancy for the new house.
5. 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.
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 County Manager or designee for approval and that approved easements and agreements will be recorded by the developer before the issuance of a Final Building Permit for the new house.
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 January 27, 2007, 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 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:

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.

The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks.

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

Four (4) foot wide utility/planting strips and street tree locations.

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 show on the landscape plan the locations and sizes of the proposed decks/patios. The developer agrees that the unenclosed decks/patios shall only be added to the units in locations shown on the Site and Grading Plan. Minor modifications (less than 200 square feet in area) to the design of the buildings, decks, patios and lot layout may be approved by the County Manager or his designee. Any addition shall not encroach into the Tree Preservation Areas.
 - 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. 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.
10. The developer agrees that the cutting or removal of existing trees designated "TBS" (To Be Saved) (36" Walnut, 15" twin Cedar, 26" Cedar, and 18" Pine) on the applicant's proposed landscape plan shall not be permitted. The developer agrees to hire a certified arborist or horticulturist to submit a tree protection plan for the 36" Walnut tree, as shown on the Proposed Landscape Survey sheet #A-05 dated January 18, 2007, to be saved on the site prior to the issuance of the grading and demolition plan. The applicant agrees to implement a protection plan for the tree as approved by the County arborist to include the type and location of the fencing and any other tree protection necessary for the 36" Walnut tree and any other tree on the proposed landscape plan for which specific protection measures are deemed necessary during construction. All fencing shall be installed prior to any construction on the site including any demolition, clearing or grading. The applicant agrees that any trees to be preserved shall be indicated by a posted sign, in English and Spanish, on or near the trees to be saved.
11. The developer understands and agrees to meet the County standards for tree replacement values for the loss of any trees designated to be saved, that are lost or removed during

construction of the site. The applicant further agrees that, without limitation, the enforcement mechanisms in conditions #16 shall apply to tree preservation.

12. The developer agrees that all permanent utility services serving the new building on the site shall be located below ground, unless this would result in the erection of another utility pole on or near the site. 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.
13. 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. 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 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.
14. 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.
15. The developer agrees that at the time of any transfer of the property or any part of the property, the purchaser shall be provided with a copy of the conditions of the 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.
16. The developer agrees that the trees designated on the landscape plan as TBS may not be removed except to replace them with a tree of greater caliper size or maturity or as may be required either to (i) prune, trim and maintain these designated trees, or to (ii) remove them because of a determination that they are diseased or otherwise a safety concern or threaten to defeat the purpose of preserving the subject area. The final location of replacement trees is to be reviewed and approved by the County Arborist.
17. 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.

18. The developer agrees to work with the Arlington Historical Affairs and Landmark Review Board (HALRB) Design Review Committee (DRC) to implement the proposed renovations to the existing dwelling as shown on plans dated July 28, 2006 or with changes approved by the DRC and to achieve an historically sensitive design that will complement the existing dwelling and enhance the character of the neighborhood prior to filing building permits for exterior improvements on the existing dwelling. The developer agrees to file and diligently pursue to final consideration an application to the HALRB and County Board for local historic designation of the existing dwelling located at 1600 North Lexington Street. Such consideration by the HALRB and County Board shall be initiated by the applicant prior to the issuance of a Certificate of Occupancy for the new dwelling proposed as the subject of this URD request.
19. The developer agrees to register the project with Arlington's Green Home Choice program and to incorporate at least 175 credits in the project in order to receive Green Home Choice certification upon project completion. The developer agrees to request and complete two Green Home Choice inspections through the Inspections Services Division: the first inspection will occur prior to dry wall installation and the second inspection will occur at project completion. As required by the Green Home Choice program, a final report documenting compliance will be submitted to the Green Home Choice program coordinator for review and approval prior to the issuance of a Certificate of Occupancy for the new dwelling.
20. The developer agrees that the existing house on the property, with the address of 1600 North Lexington Street, shall not be altered, razed, or demolished, except as otherwise specifically permitted by this use permit approval or as approved by the DRC, until such time as the local historic designation is approved. After the date of the approval, all changes to the existing house shall be governed by all laws and regulation applicable to such designated structures.

PREVIOUS COUNTY BOARD ACTIONS

December 9, 2006

Approved a request to advertise a rezoning request on the County Board's Own motion for January 27, 2007.