

CONDITIONS FOR U-3173-07-1:

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 15, 2008, and reviewed and approved by the County Board at the County Board meeting of January 26, 2008, 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 first 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 dwellings 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 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 provide an enhanced bus shelter and bus stop nub along N. Barton St., on the northbound side of the road, north of the intersection of Pershing. Bus stop improvements include a nub as shown on the final engineering plan, to include an accessible connection to streets, sidewalks or pedestrian paths, bus shelter, bench, provisions for lighting the shelter (should the location be deemed appropriate for solar power than the developer may provide power by either conduit or solar technology), bus pole, and trashcan/recycling receptacle, to meet Arlington County guidelines and standards, and that will be fully compliant with ADA requirements. The developer agrees to submit for review and approval of the County Manager for the design of the bus stop as consistent with current standards prior to issuance of the first certificate of occupancy.

The developer agrees to install a 4-foot wide sidewalk along N. Barton St. connecting the existing sidewalks to the north and south, in addition to providing a 4-foot wide paved area at the front of the bus stop as shown on the final engineering plan and as approved by the County Manager.

The developer agrees to remove the existing driveway aprons along North Barton Street and within the site and reconstruct the curb and gutter as shown on the final engineering plan as approved by the County Manager.
5. The developer agrees to complete construction of a driveway apron to provide access to the garages in the rear yards of the two single family homes from the alley to be installed on the adjacent property (2201 N Pershing Drive, SP #406) as shown on the final engineering plan approved by the County Manager prior to issuance of the certificate of occupancy for the first house.
6. 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.

7. 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 houses.
8. 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 26, 2008, 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.

Planting strip along N. Barton Street.

9. 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.
 - j. The developer agrees that decks and patios may only be added to the units in locations shown on the plans dated January 15, 2008. The proposed decks and patios 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.
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. **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. 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.
 - c. Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by the DPRCR, the developer agrees to submit to the DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit. Prior to the release of the public improvement bond, the developer agrees to submit to the DPRCR as-built drawings showing the location of all saved trees.
 - d. The Developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. 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.
 - (5) 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 and which meet the minimum size and other requirements of Condition #9 above provided, however, that replacement as specified in this subparagraph (3.b.5) does not relieve the developer of any violation resulting from the failure to save identified trees.
 - e. 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 conform to the standards and specifications set forth in Condition #9a above and 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.
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 register the project with Arlington's Green Home Choice program and will incorporate at least 175 credits in the project in order to receive Green Home Choice certification upon project completion (at least 75 points must be in the Energy Efficient Building Envelope and Systems category). 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 issuance of the first Certificate of Occupancy for any unit.