



Planning, Development, &
Transportation Department
Planning Division
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
wilmingtonnc.gov
Dial 711 TTY/Voice

TRANSMITTAL LETTER

TO: Cynthia Roush, Zoning Enforcement Inspector
DATE: June 27, 2019
SUBJECT: **Dawson Street Lofts** Project # 2019048
LOCATION: 865 & 883 Virgie Rhodes Lane

The following items are being sent to you via this package.

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 5/24/19	Dawson Street Lofts Approved Plans
1	Dated 8/24/17	Approved Tree Preservation Permit
1	Dated 10/24/14	NCDENR Stormwater Permit No. SWBB961202
1	Dated 6/29/17	NCDENR Erosion Control Permit No. NEWHA-2015-011

REMARKS: The **Dawson Street Lofts** project, located at 865 & 883 Virgie Rhodes Lane, is hereby conditionally released for construction. The following conditions must be satisfied as part of this release:

- A. A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY SITE WORK, TREE REMOVAL, CLEARING, OR GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES. CONTACT 910-254-0900.
- B. ANY TREES, INCLUDING THE CRITICAL ROOT ZONE AREA, AND/OR AREA DESIGNATED TO BE SAVED MUST BE PROPERLY BARRICADED OR MARKED WITH FENCING AND PROTECTED THROUGHOUT CONSTRUCTION TO INSURE THAT NO CLEARING AND GRADING WILL OCCUR IN THOSE AREAS.
- C. NO EQUIPMENT IS ALLOWED ON THE SITE AND NO CONSTRUCTION OF ANY BUILDING, STRUCTURE, WALL, UTILITIES, INFRASTRUCTURE, ETC., OF ANY KIND, INCLUDING FOOTINGS AND BUILDING SLABS, WILL BE PERMITTED UNTIL:
 1. ALL TREE PROTECTION FENCING AND SILT FENCING HAS BEEN INSTALLED
 2. THE CFPUA HAS AUTHORIZED THE WATER AND SEWER ACTIVITIES. THE CONTRACTOR MUST HAVE A PRECON WITH CFPUA 332-6560.
 3. THE CITY ZONING INSPECTOR AUTHORIZES THE ACTIVITY.
- D. A COPY OF THE RECORDED MAP SHOWING REQUIRED PUBLIC DRAINAGE EASEMENTS, PUBLIC ACCESS EASEMENTS, AND RIGHTS-OF-WAY FOR THE

PROJECT MUST BE SUBMITTED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.

- E. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS.**
- F. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- G. PER THE REQUIREMENTS OF THE STORMWATER PERMIT, THE FOLLOWING SHALL OCCUR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR OPERATION OF THE PERMITTED FACILITY:**
 - AS-BUILT DRAWINGS FOR ALL STORMWATER MANAGEMENT FACILITIES SHALL BE SUBMITTED TO THE CITY OF WILMINGTON ENGINEERING DIVISION.**
 - AN ENGINEER'S CERTIFICATION SHALL ALSO BE SUBMITTED, ALONG WITH ALL SUPPORTING DOCUMENTATION THAT SPECIFIES, UNDER SEAL THAT THE AS-BUILT STORMWATER MEASURES, CONTROLS AND DEVICES ARE IN COMPLIANCE WITH THE APPROVED STORMWATER MANAGEMENT PLANS.**
 - A FINAL INSPECTION IS REQUIRED BY CITY OF WILMINGTON ENGINEERING PERSONNEL (910) 341-5856.**
- H. PRIOR TO A FINAL INSPECTION, A WALKTHROUGH WITH CITY INSPECTIONS SHALL TAKE PLACE TO VERIFY COMPLETENESS OF SITE WORK IN ROW. ANY MATERIAL TEST REPORTS AND STORMWATER VIDEOS AS REQUIRED SHALL BE SUBMITTED PRIOR TO AND APPROVED BY CITY ENGINEERING. PLEASE CONTACT THE CITY ENGINEERING DIVISION AT 910.341.0094.**
- I. NO CONSTRUCTION ACTIVITY SHALL OCCUR WITHIN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) RIGHT-OF-WAY UNTIL ALL NCDOT PERMITS HAVE BEEN ISSUED AND RECEIVED BY THE CITY. ALL IMPROVEMENTS REQUIRED SHALL BE INSTALLED AND APPROVED BY NCDOT PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- J. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. THE DEVELOPER ACKNOWLEDGES THE CONDITIONS OF THIS RELEASE AND ASSUMES ALL RESPONSIBILITIES AND RISKS ASSOCIATED WITH IT. THE CITY OF WILMINGTON WILL NOT BE HELD LIABLE FOR ANY COSTS ASSOCIATED WITH THE CONSTRUCTION RELEASE.**
- K. APPROVAL OF A MAJOR OR MINOR SITE PLAN SHALL EXPIRE AFTER EIGHTEEN (18) MONTHS FROM THE DATE OF SUCH APPROVAL IF THE APPLICANT HAS FAILED TO MAKE SUBSTANTIAL PROGRESS ON THE SITE. THE TECHNICAL REVIEW COMMITTEE MAY GRANT A SINGLE, SIX-MONTH EXTENSION OF THIS TIME LIMIT FOR MAJOR AND MINOR SITE PLANS, FOR GOOD CAUSE SHOWN, UPON RECEIVING A REQUEST FROM THE APPLICANT BEFORE THE EXPIRATION OF THE APPROVED PLAN. IN THE EVENT APPROVAL OF A SITE PLAN HAS EXPIRED, FOR WHATEVER REASONS, THE OWNER AND/OR APPLICANT WILL BE REQUIRED TO RESUBMIT FOR APPROVAL OF A SITE PLAN THAT MEETS CURRENT DEVELOPMENT STANDARDS UNLESS OTHERWISE NOTED IN THIS CHAPTER.**

**L. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED, A STOP WORK ORDER
WILL BE ISSUED.**

Please notify New Hanover County Building Inspections of this release.

Signature: Nicole D. Smith
Nicole D. Smith, Associate Planner

Copy: Richard Collier, PE	Applicant (email only)
Tim Clark, RLA	Applicant (email only)
Matt Majors, AIA	Applicant (email only)
Bret Russell	Construction Manager
Rob Gordon	Engineering
Jim Quinn	Stormwater Specialist
Aaron Reese	Urban Forestry
Rich Christensen	Engineering (email only)
Trent Butler	Engineering (email only)
Chris Elrod	Wilmington Fire Department (e-mail only)
Chris Walker	Wilmington Fire Department (e-mail only)
Brian Blackmon	Surveyor (e-mail only)
Jim Sahlie	GIS Addressing (e-mail only)
Bill McDow	Traffic Engineering (e-mail only)
Mitesh Baxi	Traffic Engineering (e-mail only)
Don Bennett	Traffic Engineering (e-mail only)
Bernice Johnson	CFPUA (e-mail letter only)
Beth Easley Wetherill	NHC Erosion Control (e-mail only)
Michelle Hutchinson	GIS Engineer (e-mail only)
Amy Beatty	Community Services (e-mail only)
Ryan O'Reilly	Community Services (e-mail only)
Joan Mancuso	City Zoning (email only)
Amy Schaefer	City Attorney's Office (email only)
Amy Dukes	City Attorney's Office (email only)

File: **Dawson Street Lofts**

Project File # 2019048



Planning, Development, &
Transportation Department
Planning Division
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
wilmingtonnc.gov

June 27, 2019

Mr. Richard Collier
McKim & Creed
243 North Front Street
Wilmington NC 28402

RE: **Dawson Street Lofts** project, located at 865 & 883 Virgie Rhodes Lane

Please make note of the conditions for the release as they appear on the attached release letter. These conditions must be followed and met in order for the construction to be approved. ***Prior to beginning any construction or grading on the site, you must have a pre-construction meeting between City staff and the project's representatives. Any violation of this condition will result in an immediate stop work order and other civil penalties. Please contact our zoning office at 254-0900 to schedule the preconstruction meeting.***

All construction on the site must be in accordance with the City of Wilmington standards and the approved construction plans stamped by the City. All trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that to obtain a final zoning inspection for this construction project, the appropriate departments within the City of Wilmington must perform and approve final inspections.

To arrange for inspections please contact the assigned Zoning Enforcement Officer, at 254-0900. Staff will coordinate the inspections and provide a punch-list to the Developer within 5 working days. Upon correction of the punch-list items, a final inspection will be performed. ***NOTE: Zoning will not issue final approval until all requirements of the City of Wilmington are fulfilled.***

Please also be advised that any party aggrieved by the issuance of this approval may file a notice of appeal to the City Clerk within 30 days of receipt of active or constructive notice of this decision. It shall be presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

The City thanks you for your investment in our community and we look forward to working with you towards the construction of a quality development project.

Sincerely,


Nicole D. Smith, AICP, CZO, CFM
Associate Planner



Department of Planning,
Development and Transportation
Planning Division
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-3264 fax
www.wilmingtonnc.gov
Dial 711 TTY/Voice

APPROVED: ☒ DENIED: ☐

PERMIT #: TRP-18-08

Application for Tree Removal Permit

Name of Applicant: WILMINGTON HOUSING AUTHORITY Phone: (910)-341-7727 Date: 07.18.17

Name of Property Owner: WILMINGTON HOUSING AUTHORITY Phone: (910)-341-7727

Property Owner Address: 1524 SOUTH 16TH STREET WILMINGTON NORTH CAROLINA 28401

Address of Proposed Tree Removal: 865 & 883 VIRGIE RHODE LANE WILMINGTON NC 28402

Description of tree(s) to be removed/reason for removal: (provide attachment if necessary)

- | | |
|--|-----------|
| 1. <u>NO TREES TO BE REMOVED, ONE TREE TO BE</u> | 6. _____ |
| 2. <u>PRESERVED</u> | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Description of Replacement Tree(s): EXISTING 40" OAK TO REMAIN, NO REPLACEMENT TREE REQUIRED

I TIM CLARK, certify that the property owner has given me permission to apply for this permit on his/her behalf.

Applicant Signature: _____

Date: 07.18.17

*****FOR OFFICIAL USE ONLY*****

Reviewed By: Nicole D Smith Date: 8/24/17

Remarks: NO Removal proposed. 1 tree saved 40" Oak. NO
Mitigation Required. Tree protection Required per approved
Plans.

ALL WORK MUST BE IN COMPLIANCE WITH THE CITY LAND DEVELOPMENT CODE,
ARTICLE 8, LANDSCAPING AND TREE PRESERVATION.

NEW CONSTRUCTION: ☒ EXPANSION: ☐ OTHER: ☐ PAID: \$100⁰⁰ pd 7/21/17

Tree Preservation Permit Fees

Less than 1 acre	\$25.00
1-5 acres	\$50.00
5-10 acres	\$100.00
Greater than 10 acres	\$150.00

TRC Project Release Approval - Engineering

Engineering has completed the review of Dawson Street Lofts and authorizes full construction release. Please include the following notices/requirements in the release document.

☐ This project will require the dedication of public drainage easement(s).

☐ This project will require the dedication of public access easement(s).

Proper dedication of public easements requires an easement map (or legal description) and a deed of easement. The easement map or legal description is prepared by a licensed surveyor. The deed of easement is prepared by the City Attorney's Office (CAO). A title policy for the property is necessary in order to prepare the document. Recordation of both the easement map and the deed of easement will be required prior to issuance of a certificate of occupancy.

☐ This project will require the creation/recordation of restrictive covenants to ensure compliance with the approved stormwater permit.

Restrictive covenants and HOA/POA documents must be reviewed and approved by the CAO, Planning and City Engineering prior to recording a final plat.

☒ Per the requirements of the stormwater permit, the following shall occur prior to issuance of a certificate of occupancy or operation of the permitted facility:

☒ As-built drawings for all stormwater management facilities shall be submitted to the City of Wilmington Engineering Division.

☒ An Engineer's certification shall also be submitted, along with all supporting documentation that specifies, under seal that the as-built stormwater measures, controls and devices are in compliance with the approved stormwater management plans.

☒ A final inspection IS REQUIRED by City of Wilmington Engineering personnel (910-341-0094)

☐ The applicant shall submit a payment in lieu for (Sidewalk or Stormwater) improvements to in Engineering in the amount of _____ prior to issuance of a certificate of occupancy or use of the facility.

☒ Prior to a final inspection, a walk through with City inspections shall take place to verify completeness of site work in the right-of-way. Any material test reports and stormwater videos as required shall be reviewed and approved by City Engineering prior to request for final inspection. Please contact City Engineering at 910.341.0094.

☐



ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

TRACY DAVIS

Director

June 29, 2017

**LETTER OF APPROVAL WITH MODIFICATIONS
AND PERFORMANCE RESERVATIONS**

Wilmington Housing Authority, NC
Katrina H. Redmon
1524 S. 16th St
Wilmington, NC 28401

RE: Project Name: **JERVAY HOUSE II/ DAWSON STREET LOFTS**
Acres Approved: 3.0
Project ID: **NEWHA-2015-011**
County: New Hanover, City: Wilmington
Address: 1524 S 16th St.
River Basin: Cape Fear
Stream Classification: Other
Submitted By: Eric Seidel, PE
Date Received by LQS: 6/19/2017
Plan Type: Residential

Dear Ms. Redmon:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.

Please be aware that your project will be covered by the enclosed NPDES Construction Stormwater General Permit NCG010000. Please become familiar with all the requirements and conditions of this permit in order to achieve compliance.

Division of Energy, Mineral, and Land Resources
127 Cardinal Dr. Extension Wilmington, NC 28405 • Phone: 910-796-7215 • FAX: 910-350-2004
Internet: <http://portal.ncdenr.org/web/ir/>

An Equal Opportunity \ Affirmative Action Employer - 50% Recycled \ 10% Post Consumer Paper

Letter of Approval
Katrina H. Redmon
June 29, 2017
Page 2 of 4

Title 15A NCAC 4B .0118(a) requires that a copy of the approved erosion control plan be on file at the job site. Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to insure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to insure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,



Carol Miller, CPESC
Regional Engineering Associate
Land Quality Section

Enclosures: Certificate of Approval
NPDES Permit

✓ cc: Eric Seidel, PE, 243 North Front St., Wilmington NC 28401

MODIFICATIONS AND PERFORMANCE RESERVATIONS

Project Name: JERVAY HOUSE II/ DAWSON STREET LOFTS
Project ID: NEWHA-2015-011
County: New Hanover

1. This plan approval shall expire three (3) years following the date of approval, if no land disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.
2. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
3. Any and all existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regarded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A-52(6)).
4. The developer is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a Cease and Desist Order from the Corps of Engineers, that Order would only apply to wetland areas. All highland would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.
5. If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the developer is responsible for compliance with the requirements of the Division of Water Resources (DWR), the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland areas must be approved by the aforementioned agencies prior to installation. The Land Quality Section must be notified of a relocation of the measures in question to the transition point between the wetlands and the uplands to assure that

the migration of sediment will not occur. If that relocation presents a problem or contradicts any requirements of either DWR, the Corps, or the EPA, it is the responsibility of the developer to inform the Land Quality Section regional office so that an adequate contingency plan can be made to assure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval (NCGS 113A-54.1(b)).

6. Any borrow material brought onto this site must be from a legally operated mine or other approved source. Any soil waste that leaves this site can be transported to a permitted mine or separately permitted construction sites without additional permits under NCGS 74-49(7)(d). Disposal at any other location would have to be included as a permit revision for this approval.

7. This permit allows for a land disturbance, as called for on the application plan, not to exceed 3.0 acres. Exceeding that acreage will be a violation of this permit and would require a revised plan and additional application fee. Any addition in impervious surface, over that already noted on the approved plan, would also require a revised plan to verify the appropriateness of the erosion control measures and stormwater retention measures (NCGS 113A-54.1(b)).

8. The construction detail for the proposed silt fence requires reinforcing wire and steel posts a maximum of eight (8) feet apart. Omission of the reinforcing wire is a construction change that necessitates more posts for support, i.e., the spacing distance needs to be reduced to no greater than six (6) feet apart (E&SC Planning & Design Manual 6.63, Rev. 6/06).

9. A graveled construction entrance must be located at each point of access and egress available to construction vehicles during the grading and construction phases of this project. Access and egress from the project site at a point without a graveled entrance will be considered a violation of this approval. Routine maintenance of the entrances is critical (113A-54.1(b)).

10. As a condition of the provided NPDES General Stormwater Permit (NCG010000), groundcover stabilization must meet specific time frames. Slopes (including cuts, fills, and ditch banks) that are steeper than 3 horizontal to 1 vertical left exposed will, within seven (7) calendar days after completion of any phase of grading, be provided with groundcover. Slopes that are 3 horizontal to 1 vertical or flatter will be provided with groundcover within fourteen (14) calendar days.

11. As a part of routine monitoring of the approved land-disturbing activity, the financially responsible party shall assure inspections of the area covered by the approved plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with North Carolina General Statute 113A 54.1(c).



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

October 24, 2014

Ms. Katrina H. Redmon, CEO
Wilmington Housing Authority
1524 South 16th Street
Wilmington, NC 28401

**Subject: State Stormwater Management Permit No. SW8 961202
Jervay Place and Dawson Street Lofts
High Density Subdivision Infiltration Trench Project
New Hanover County**

Dear Ms. Redmon:

The Wilmington Regional Office received a complete, modified Stormwater Management Permit Application for Jervay Place and Dawson Street Lofts on October 23, 2014. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000 and Session Law 2008-211, as applicable. We are forwarding Permit No. SW8 961202, dated October 24, 2014, for the construction, operation and maintenance of the BMP's and built-upon areas (BUA) associated with the subject project.

This permit shall be effective from the date of issuance until July 1, 2022, and shall be subject to the conditions and limitations as specified therein. Please pay special attention to the conditions listed in this permit regarding the Operation and Maintenance of the BMP(s), recordation of deed restrictions, certification of the BMP's, procedures for changes of ownership, transferring the permit, and renewing the permit. Failure to establish an adequate system for operation and maintenance of the stormwater management system, to record deed restrictions, to certify the BMP's, to transfer the permit, or to renew the permit, will result in future compliance problems.

The following modifications are included and covered by this permit:

1. The construction of two multi-family residential developments, Jervay House II and Dawson Street Lofts, along Dawson Street between 8th and 10th Streets.
2. This construction increases the drainage area and impervious area associated with infiltration trench
4. An expansion of this trench is proposed to handle the additional volume.
3. Clarification on the amount of built-upon area constructed for this project using as-built surveys.
4. Clarification of the infiltration trench designs.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing by filing a written petition with the Office of Administrative Hearings (OAH). The written petition must conform to Chapter 150B of the North Carolina General Statutes, and must be filed with the OAH within thirty (30) days of receipt of this permit. You should contact the OAH with all questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process at 6714 Mail Service Center, Raleigh, NC 27699-6714, or via telephone at 919-431-3000, or visit their website at www.NCOAH.com. Unless such demands are made this permit shall be final and binding.

If you have any questions, or need additional information concerning this matter, please contact Christine Nelson in the Wilmington Regional Office, at (910) 796-7215.

Sincerely,

Tracy Davis, P.E., Director
Division of Energy, Mineral and Land Resources

GDS/can:
cc:

\\StormwaterPermits & Projects\1998\981202 HD\2014 10 permit 961202
Rich Christensen, McKim & Creed
New Hanover County Inspections
New Hanover County Engineering
Wilmington Regional Office Stormwater File

Division of Energy, Mineral, and Land Resources
Land Quality Section - Wilmington Regional Office
127 Cardinal Drive Extension, Wilmington, North Carolina 28405 • (910) 796-7215 / Fax: (910) 350-2004

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES
STATE STORMWATER MANAGEMENT PERMIT
HIGH DENSITY SUBDIVISION INFILTRATION TRENCH DEVELOPMENT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations

PERMISSION IS HEREBY GRANTED TO

Wilmington Housing Authority
Jervay Place and Dawson Street Lofts
Virgil Rhodes Ln, Wilmington, New Hanover County

FOR THE

construction, operation and maintenance of four (4) infiltration trenches in compliance with the provisions of Session Law 2008-211 and 15A NCAC 2H .1000, as applicable, (hereafter jointly and individually referred to as the "stormwater rules") and the approved stormwater management plans and specifications and other supporting data as attached and on file with and approved by the Division and considered a part of this permit.

This permit shall be effective from the date of issuance until July 1, 2022 and shall be subject to the following specified conditions and limitations:

I. DESIGN STANDARDS

1. This permit is effective only with respect to the nature and volume of stormwater described in the application and other supporting data.
2. This stormwater system has been approved for the management of stormwater runoff as described in Section 1.8 of this permit. The subdivision is permitted for a variety of housing including 38 single family and duplex lots and 5 lots containing multifamily housing. Each lot is allowed a maximum amount of built-upon area (BUA) as listed in Attachment A of this permit.
3. The tract will be limited to the amount of built-upon area indicated in Sections 1.2 and 1.6 of this permit, and as shown on the approved plans. The built-upon area for the future development within Drainage Area 4 is limited to 1,500 square feet. There is no allocation of future built-upon area within Drainage Areas 1, 2, or 3.
4. The previously approved four infiltration trenches have been designed with bypasses to treat the stormwater runoff.
5. All stormwater collection and treatment systems must be located in either public rights-of-way or dedicated common areas or recorded drainage easements. The final plats for the project will be recorded showing all such required rights-of-way, common areas and easements, in accordance with the approved plans.
6. The project shall provide and maintain a 50-foot-wide buffer adjacent all surface waters, measured horizontally from and perpendicular to the normal pool of impounded structures, the top of bank of both sides of streams and rivers, and the mean high water line of tidal waters.

7. The runoff from all built-upon area within the permitted drainage area of this project must be directed into the permitted stormwater control system.
8. The following design criteria have been approved for these infiltration trench systems and must be provided and maintained at this design condition:

	1	2	3	4
a. Drainage Area, acres:	2.38	2.35	4.02	5.34
Onsite, subject to 1995 Rules, ft ² :	103,544	102,516	175,018	201,538
Onsite, subject to SL 2008-211, ft ² :	0	0	93	31,054
Offsite, ft ² :	0	0	0	0
b. Total Impervious Surfaces, ft ² :	67,021	66,521	97,389	135,514
Onsite, subject to 1995 Rules, ft ² :	67,021	66,521	97,389	121,085
Onsite, subject to SL 2008-211, ft ² :	0	0	0	14,429
Offsite, ft ² :	0	0	0	0
c. Design Storm, in:				
subject to 1995 Rules:	1.0	1.0	1.0	1.0
subject to SL 2008-211:	-	-	-	1.5
d. Infiltration Trench Section 1*:				
Length, ft:	73.13	73.13	135.00	135.00
Width, ft:	47.50	47.50	39.80	47.57
Depth, ft:	3.32	2.12	2.43	2.18
Bottom Elevation, fmsl:	51.00	52.70	52.39	52.64
Bottom Surface Area, ft ² :	3,474	3,474	5,373	6,422
e. Infiltration Trench Section 2*:				
Length, ft:	-	21.00	65.00	83.00
Width, ft:	-	22.00	7.00	11.60
Depth, ft:	-	2.82	2.82	2.82
Bottom Elevation, fmsl:	-	52.00	52.00	52.00
Bottom Surface Area, ft ² :	-	462	455	963
f. Infiltration Trench Section 3*:				
Length, ft:	-	-	-	500
Width, ft:	-	-	-	3.89
Depth, ft:	-	-	-	2.82
Bottom Elevation, fmsl:	-	-	-	52.00
Bottom Surface Area, ft ² :	-	-	-	1,945
g. Perforated Pipe Diameter, in:	24.0	24.0	24.0	24.0
h. Perforated Pipe Length, ft:				
Section 1*	882	882	1354	1614
Section 2*	-	142	129	250
Section 3*	-	-	-	500
i. Bypass Weir Elevation, fmsl:	54.32	54.82	54.82	54.82
j. Total Combined Permitted Storage Volume, ft ³ :	6,219	5,462	8,479	13,219
k. Type of Soil:	Leon Urban Land Complex			
l. Expected Infiltration Rate, in/hr:	1.20	21.80	9.30	8.36
m. Seasonal High Water Table, fmsl:	49.0	50.0	50.0	50.0
n. Time to Drawdown, hours:	18	0.9	2.2	2.4
o. Receiving Stream / River Basin:	Greenfield Lake / Cape Fear			
p. Receiving Stream Index Number:	18-76-1			
q. Classification of Water Body:	C, SW			

*These infiltration trenches have been modified and expanded from the original design approved in 2002 resulting in each expanded section having slightly different specifications. Each section of the infiltration trench is being described to improve accuracy and provide clarification.

II. SCHEDULE OF COMPLIANCE

1. The permittee shall not alter any aspect or any component of the approved stormwater drainage and collection system, or pipe any ditches or swales shown on the approved plans, except for a minimum driveway pipe, unless and until the permittee shall have submitted a modification to the permit and received approval from the Division. Additionally, no homeowner, lot owner, builder or developer shall to alter any aspect or any component of the approved stormwater collection system or to pipe any ditches or swales shown on the approved plans, except for minimum driveway crossings, unless and until the permittee shall have submitted a revision to the permit and received approval from the Division.
2. The permittee shall routinely monitor the project to ensure that the proposed built-upon area for the entire project including lot BUA, streets, recreation facilities and sidewalks, does not exceed the permitted maximum allowable built-upon area and the maximum BUA within each drainage area as described in Section 1.8. Where the permittee finds a noncompliance with the permit on an individual lot, the permittee shall notify the lot owner in writing, requiring remediation of the noncompliance within a reasonable time frame, and shall follow-up to ensure that the noncompliance has been resolved.
3. The permittee is responsible for approving and monitoring all driveway pipe installation on individual lots. The permittee shall assure that all piping shall be that minimum amount and diameter necessary to adequately pass the drainage underneath the driveway, while maintaining a 3:1 side slope.
4. The permittee shall not approve any lot plan where the permitted maximum BUA limit is exceeded, or where piping of ditches or swales is proposed, or where excessive driveway piping is proposed, without first submitting a permit modification and receiving approval from the Division.
5. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
6. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to any item shown on the approved plans, including the stormwater management measures, built-upon area, details, etc.
 - b. Redesign or addition to the approved amount of built-upon area or to the drainage area.
 - c. Further development, subdivision, acquisition, lease or sale of any, all or part of the project area.
 - d. Filling in, altering, or piping of any vegetative conveyance shown on the approved plan.
 - e. The construction of any future BUA listed on the application.
7. The Director may determine that other revisions to the project should require a modification to the permit.
8. The stormwater management system shall be constructed in its entirety, vegetated and operational for its intended use prior to the construction of any built-upon surface.

9. During construction, erosion shall be kept to a minimum and any eroded areas of the system will be repaired immediately. Infiltration systems should not be used as erosion control devices, due to the potential clogging. If the stormwater system was used as an Erosion Control device, it must be restored to design condition prior to operation as a stormwater treatment device, and prior to occupancy of the facility.
10. Upon completion of construction, prior to issuance of a Certificate of Occupancy, and prior to operation of this permitted facility, the permittee shall cause a certification from an appropriate designer for the system installed, to be submitted, certifying that the permitted facility has been installed in accordance with this permit, the approved plans and specifications, and other supporting documentation. Any deviations from the approved plans and specifications must be noted on the Certification.
11. The permittee shall at all times provide the operation and maintenance necessary to assure that all components of the permitted stormwater system function as designed. The approved Operation and Maintenance Agreement must be followed in its entirety and maintenance must occur at the scheduled intervals listed in the O&M Agreement.
12. Records of maintenance activities must be kept and made available upon request to authorized personnel of DENR. The records will indicate the date, activity, name of person performing the work and what actions were taken.
13. Prior to the sale of any lot, the following deed restrictions must be recorded:
 - a. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW8 961202, as issued by the Division under NCAC 2H.1000.
 - b. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
 - c. These covenants are to run with the land and be binding on all persons and parties claiming under them.
 - d. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina.
 - e. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division.
 - f. The maximum built-upon area per lot is as described in Attachment A. This allotted amount includes any built-upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.
 - l. All runoff from the impervious surfaces on the lot must drain into the permitted system. This may be accomplished through providing roof drain gutters which drain to the street, grading the lot to drain toward the street, or grading perimeter swales and directing them into the pond or street. Lots that will naturally drain into the system are not required to provide these measures.
 - l. Each multifamily, community, or common area lot within the subdivision whose ownership is not retained by the permittee, must submit a separate Offsite Stormwater Management Permit application package to the Division of Energy, Mineral and Land Resources and receive a permit prior to any construction on the lot.
14. A copy of the recorded deed restrictions must be submitted to the Division within 30 days of the date of recording the plat, and prior to selling lots. The recorded copy must contain all of the statements above, the signature of the Permittee, the deed book number and page, and the stamp/signature of the Register of Deeds.

15. Prior transfer of the permit, the stormwater facilities must be inspected by the Division and must be in compliance with all permit conditions. Any items not in compliance must be repaired or replaced to design condition prior to the transfer. Records of maintenance activities performed to date will be required.
16. This permit shall become voidable unless the facilities are constructed in accordance with the conditions of this permit, the approved plans and specifications, and other supporting data.

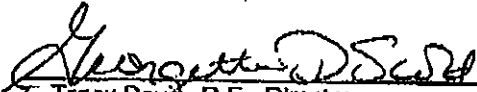
III. GENERAL CONDITIONS

1. This permit is not transferable to any person or entity except after notice to and approval by the Director. The permittee shall submit a completed and signed Name/Ownership Change Form, accompanied by the supporting documentation as listed on the form, to the Division at least 60 days prior to any one or more of the following events:
 - a. An ownership change including the sale or conveyance of the project area in whole or in part, except in the case of an individual lot sale that is made subject to the recorded deed restrictions;
 - b. The sale or conveyance of the common areas to a Homeowner's or Property Owner's Association, subject to the requirements of Session Law 2011-258;
 - c. Bankruptcy;
 - d. Foreclosure;
 - e. Dissolution of the partnership or corporate entity;
 - f. A name change of the current permittee;
 - g. A name change of the project;
 - h. A mailing address change of the permittee;
2. The permittee is responsible for compliance with all of the terms and conditions of this permit until such time as the Director approves the transfer request.
3. Any individual or entity found to be in noncompliance with the provisions of this stormwater management permit or the requirements of the Stormwater Rules is subject to enforcement procedures as set forth in G.S. 143 Article 21.
4. Unless specified elsewhere, permanent seeding requirements for the stormwater control must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.
5. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances which may be imposed by other government agencies (local, state, and federal) which have jurisdiction.
6. In the event that the facilities fail to perform satisfactorily the Permittee shall take immediate corrective action, including those as may be required by this Division, such as the construction of additional or replacement stormwater management systems.
7. The permit issued shall continue in force and effect until revoked or terminated. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and reissuance or termination does not stay any permit condition.
8. The Permittee grants permission to staff of the DENR to access the property for the purposes of inspecting the stormwater facilities during normal business hours.

9. Approved plans, supplement forms, O&M Agreements and specifications for this project are incorporated by reference and are enforceable parts of the permit. A copy of this permit, the supplement forms, the Operation and Maintenance Agreements, and the approved plans and specifications shall be maintained on file by the Permittee at all times.
10. The permittee shall submit a permit renewal application at least 180 days prior to the expiration date of this permit. The renewal application shall include the required application, appropriate application fee and documentation.

Permit modified and reissued this the 24th day of October 2014.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



for Tracy Davis, P.E., Director
Division of Energy, Mineral and Land Resources
By Authority of the Environmental Management Commission

Attachment A: Built-Upon Area (BUA) Allocations**Single Family/Duplex Lots**

Lot #	Legal Description	Max. BUA, sf
1	Lot 1, Phase 1	2,498
2	Lot 2, Phase 1	1,541
3	Lot 3, Phase 1	1,584
4	Lot 4, Phase 1	1,231
5-1	Lot 5-1 and 5-2, Phase 1	2,465
5-2		
6-1	Lot 6-1 and 6-2, Phase 1	2,516
6-2		
7	Lot 7, Phase 1	1,212
8	Lot 8, Phase 1	2,232
9	Lot 9, Phase 1	1,575
10	Lot 10, Phase 1	1,649
11	Lot 11, Phase 1	2,076
12	Lot 12, Phase 1	1,648
13	Lot 13, Phase 1	1,354
14	Lot 14, Phase 1	1,868
15	Lot 15, Phase 3A	2,027
16	Lot 16, Phase 3A	2,067
17	Lot 17, Phase 3A	1,898
18	Lot 18R, Phase 3A	2,008
19	Lot 19R, Phase 3A	1,882
20	Lot 20R, Phase 3A	2,130
21	Lot 21, Phase 3A	1,841
22	Lot 22, Phase 3A	2,023
23	Lot 23R, Phase 3A	1,378
24	Lot 24R, Phase 3A	1,922
25	Lot 1, Phase 3	1,910
26	Lot 2, Phase 3	1,856
27	Lot 3, Phase 3	1,714
28	Lot 4, Phase 3	1,747
29	Lot 5, Phase 3	2,063
30	Lot 6, Phase 3	1,870
31	Lot 7, Phase 3	1,939
32	Lot 8, Phase 3	1,852
33	Lot 9, Phase 3	1,834
34	Lot 10, Phase 3	2,016
35	Lot 11, Phase 3	2,026
36	Lot 12, Phase 3	2,016
37	Lot 13, Phase 3	1,975
38	Lot 14, Phase 3	2,020
Total		71,463

Multi-Family / Community Area Lots

Description	Legal Description	Max. BUA, sf
Jervay House II	New Parcel	11,013
Jervay House Apartments	Future Deveopment	12,272
Dawson Street Lofts	New Parcel	44,511
"U" Shaped Multi-Family	Phase 2, Lot 2	54,029
Existing Multi-Family	Phase 2, Lot 1	21,088
Common Area	Phase 1, Lot 3	5,596
Community Building	Community Center Lot	5,541
Total		154,050

Jervay Place and Dawson Street Lofts
 Stormwater Permit No. SW8 961202
New Hanover County

Page 1 of 2

Designer's Certification

I, _____, as a duly registered _____ in the State
 of North Carolina, having been authorized to observe (periodically/weekly/full time) the
 construction of the project,

 (Project)

for _____ (Project Owner) hereby state that, to the best of
 my abilities, due care and diligence was used in the observation of the project construction such
 that the construction was observed to be built within substantial compliance and intent of the
 approved plans and specifications.

The checklist of items on page 2 of this form are a part of this Certification.

Noted deviations from approved plans and specifications:

Signature _____

SEAL

Registration Number _____

Date _____

Certification Requirements:

Page 2 of 2

- ____ 1. The drainage area to the system contains approximately the permitted acreage.
- ____ 2. The drainage area to the system contains no more than the permitted amount of built-upon area.
- ____ 3. All the built-upon area associated with the project is graded such that the runoff drains to the system.
- ____ 4. All roof drains are located such that the runoff is directed into the system.
- ____ 5. The outlet/bypass structure elevations are per the approved plan.
- ____ 6. The outlet structure is located per the approved plans.
- ____ 7. Trash rack is provided on the outlet/bypass structure.
- ____ 8. All slopes are grassed with permanent vegetation.
- ____ 9. Vegetated slopes are no steeper than 3:1.
- ____ 10. The inlets are located per the approved plans and do not cause short-circuiting of the system.
- ____ 11. The permitted amounts of surface area and/or volume have been provided.
- ____ 12. All required design depths are provided.
- ____ 13. All required parts of the system are provided, such as a vegetated shelf, a forebay, and the level spreader / vegetated filter strip.
- ____ 14. The required dimensions of the system are provided, per the approved plan.

cc: NCDENR-DEMLR Wilmington Regional Office
New Hanover County Building Inspections