

REVISED CONDITION LANGUAGE

5/19/09

66. The developer agrees to hire a LEED certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED Prerequisites and 26 LEED credits. The developer further agrees to achieve Credit 7.2, *Landscape and Exterior Design to Reduce Heat Islands, Roof* under the Sustainable Sites category of the LEED-NC Version 2.2 Registered Project Checklist, by providing an Energy Star-compliant, high-reflectance and high-emissivity or similar roof surface finish on the 10-story tower and a vegetated green roof on the five story wing.

The developer agrees that all dishwashers and exit signs of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: ~~refrigerators, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs.~~ The developer also agrees to replace the refrigerators, with refrigerators that have earned the U.S. EPA's Energy Star label or equivalent, pursuant to a standard replacement schedule. The developer further agrees to purchase green power/renewable electricity from Dominion Virginia Power or a third party supplier (Renewable Choice Energy, Sterling Plant, etc.) in the amount of 1,633,280 kWh, all to be paid and to provide evidence to the Zoning Administrator that such purchase has been completed prior to the final Certificate of Occupancy that permits occupancy of any space on the final floor for which Certificates of Occupancy are issued. A contract shall be provided to the County Attorney within 90 days of County Board approval of the site plan amendment of May 16, 2009. To further enhance energy efficiency, the developer ~~shall~~ agrees to install Onity Sensor Stat programmable thermostats in all hotel rooms and agrees that more than 85% of the bulbs installed in the hotel rooms shall be fluorescent or compact fluorescent, with the remaining 15% being less than or equal to 35-watt incandescent bulbs. ~~choose two of the types of components listed and all of those two types of components installed or used in the project shall be Energy Star qualified: programmable thermostats (in hotel rooms); hotel room light fixtures; windows and doors; and HVAC systems.~~ The developer shall submit to the County Manager a statement listing all Energy Star qualified or the equivalent components prior to issuance of the Core and Shell Certificate of Occupancy. In addition, the developer agrees to implement a green hotel management program, such as Virginia Green Lodging Green Planet, as part of its housekeeping services. Documentation of participation in describing the program shall be submitted to the County Manager prior to the issuance of the Certificate of Occupancy for hotel occupancy.

The developer further agrees to submit, to the County Manager, ~~a~~ reports prepared by the LEED consultant and documentation upon request to substantiate the report. Such report will be submitted prior to issuance of each of the following permits or certificates of

occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

- Demolition Permit
- Excavation, Sheeting and Shoring Permit
- Footing to Grade Permit
- First Above Grade Building Permit
- Final Building Permit
- Shell and Core Certificate of Occupancy
- Certificate of Occupancy for occupancy of the last floor of space
- Master Certificate of Occupancy

In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its LEED consultant submit a certification to the County Manager that the elements to earn the above specified numbers of points have been included in the buildings.