



## ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item  
Meeting of July 21, 2012

### SUPPLEMENTAL REPORT REVISED PDSP and FSP ORDINANCES AND REVISED CONDITIONS

**DATE:** July 18, 2012

- SUBJECTS:**
- A. Z-2555-12-1 REZONING from S-3A Special Districts and C-O Commercial Office Building, Hotel and Multiple-Family Dwelling Districts to the C-O-Rosslyn Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts; premises known as Rosslyn Gateway; located at 1901 and 1911 Fort Myer Drive and portions of 20th Street North, North Moore Street, 19th Street North and Fort Myer Drive (RPC# 16-02-0001, -0002, -0006).
  - B. SP #419 PHASED DEVELOPMENT SITE PLAN for Rosslyn Gateway consisting of up to 959,270 square feet of floor area comprised of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/ hotel building with retail uses, and a 143,910 square foot residential building with ground floor retail space with modifications of zoning ordinance regulations for density exclusions for mechanical spaces, parking, and other modifications as necessary to achieve the proposed development plan; located at 1901 and 1911 Fort Myer Drive and portions of 20th Street North, North Moore Street, 19th Street North and Fort Myer Drive (RPC# 16-02-0001, -0002, -0006).
  - C. SP #419 SITE PLAN to permit development of the first phase of Rosslyn Gateway consisting of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/hotel building with retail uses, and the retention of a 134,511 square foot office building with modifications of zoning ordinance regulations for density exclusions for mechanical spaces, parking, and other modifications as necessary to achieve the proposed development plan; located at 1901 and 1911 Fort Myer Drive and portions of 20th Street North, North Moore Street, 19th Street North and Fort Myer Drive (RPC# 16-02-0001, -0002, -0006).

County Manager:

*BMD/GA*

County Attorney:

*AS*                      *CRW*

Staff: Aaron Shriber, DCPHD, Planning Division  
Robert Gibson, DES, Transportation Division

**47. B., C., D.**

PLA-6232

**Applicant:**

JBG/Rosslyn Gateway North, L.L.C.  
4445 Willard Avenue  
Chevy Chase, Maryland 20815

**By:**

John Milliken, Attorney/Agent  
Venable LLP  
8010 Towers Crescent Drive  
Suite 300  
Vienna, Virginia 22182

**C.M. RECOMMENDATIONS:**

1. Adopt the attached resolution to approve the rezoning request from “S-3A” Special Districts and “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts to the “C-O-Rosslyn” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts for the Rosslyn Gateway property.
2. Adopt the attached ordinance to approve phased development site plan #419 for the development of Rosslyn Gateway consisting of up to 959,270 square feet of floor area comprised of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/hotel building with retail uses, and a 143,910 square foot residential building with ground floor retail space with modifications of zoning ordinance regulations for density exclusions for mechanical spaces, parking, and other modifications as necessary to achieve the proposed development plan.
3. Adopt the attached ordinance to approve Site Plan #419 to permit development of the initial phase of the Rosslyn Gateway development consisting of up to 949,871 square feet of floor area comprised of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/hotel building with retail uses, and the retention of a 134,511 square foot office building with modifications of zoning ordinance regulations for density exclusions for mechanical spaces, parking, and other modifications as necessary to achieve the proposed development plan.

**DISCUSSION:** This supplemental report provides a summary of the recommendations made by the Transportation Commission and Planning Commission, as well as the final details of the community benefits proposal. Revised phased development site plan (PDSP) and final site plan (FSP) conditions have been resubmitted as part of this supplemental report, with revisions shown with double underline and/or double strikethrough markings.

**Transportation Commission:** On July 5, 2012, the Transportation Commission heard the Rosslyn Gateway proposal and recommended approval (9-0) of the vacations, rezoning, PDSP and FSP. In conjunction with their motion for approval, the Transportation Commission made the following recommendations:

- Revise FSP Condition #6 to replace “conform” with “meet or exceed” regarding illuminance levels of construction lighting.

Staff Response: Staff reviewed this recommendation and has concluded that the language provided in Condition #6 provides the appropriate guidance regarding minimum illuminance levels as stated in the County’s Traffic Signal and Streetlight Specifications.

- Revise FSP Condition #11.a to require that the Radnor/Fort Myer Heights Civic Association (RAFOM) be included in the list of groups that will be provided with the contact information of the community liaison for the site’s construction phase.

Staff Response: Condition #11.a was revised as recommended by the Transportation Commission to include RAFOM in this list of groups that will be provided with the contact information of the community liaison for the site’s construction phase.

**Planning Commission:** The Planning Commission heard the Rosslyn Gateway proposal at its July 9, 2012 meeting, with the discussion continued to July 11, 2012. At the July 11, 2012 meeting, the Planning Commission made the following recommendations:

1. Approval (11-0) of the rezoning of the site from the “S-3A” Special Districts and C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts to the “C-O-Rosslyn” Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling Districts, with the following recommendation:
  - Ask the County Manager to explore ways to retain some of the value in the vacations or other areas that the applicant has asked the County to make available to it so that that value is realized concurrent with approval of the site plan for phase 2 of the PDSP

Staff Response: The community benefits proposal has been revised to require that additional contributions be provided with the FSP phase of development, such that the amount of funds to be contributed with the final phase will be \$4.5 million, which is a proportional amount based upon the size of this future residential building. As discussed in the staff memo to the Planning Commission dated July 10, 2012, staff believes that sufficient market incentives are present to encourage the applicant to proceed with the final phase of development to replace the 1960s era Rosslyn Gateway North (RGN) office building with a residential building once the existing leases and useful life of the RGN building conclude, which is estimated to be in approximately ten years.

2. Approval (11-0) of the vacations of easements for public street and utilities purposes, and right-of-way, as being consistent with the adopted Comprehensive Plan;
3. Approval (9-2) of the Phased Development Site Plan (PDSP), with the following recommendations:

- Amend the PDSP conditions to require the developer to clarify that the signage illustrated in the Urban Design Manual is conceptual only.

Staff Response: A new Condition #24 has been included that confirms that the signage depicted in the Urban Design Manual is meant for conceptual purposes only.

- Incorporate the Urban Design Manual by reference into the PDSP.

Staff Response: The PDSP conditions state that development shall be as provided in the PDSP plans and the Rosslyn Gateway Urban Design Manual. Therefore, staff does not believe it is necessary to include a separate condition stating this.

4. Approval (9-2) of the final site plan (SP #419), subject to the following recommendations:

- Amend FSP Condition #50.d.iii.3 to add a paragraph “k,” requiring the applicant to participate in automated real time transit information service in the hotel and office building lobbies.

Staff Response: FSP Condition #50.d.iii.3 has been revised to include a new paragraph “k” as recommended by the Planning Commission.

- All signs shown in the Urban Design Manual above 40 feet in height are to be considered conceptual, and any sign requests for approval shall be reviewed for compliance with the sign ordinance scheduled for adoption by the County Board at its July 2012 meeting.

Staff Response: Though the applicant does not seek approval of any signs with the FSP, PDSP Condition #24 has been included, as requested by the Planning Commission, to state that all signage in the Urban Design Manual are provided for conceptual purposes only. Any future application and/or permit for signage at the development site will be evaluated for conformance with the provisions of the Zoning Ordinance in effect at the time of submission of such application or permit.

**Community Benefits:** The below table is provided to indicate the complete community benefits package associated with the Rosslyn Gateway development. This table is included in PDSP Condition #22 for the purpose of providing guidance for the future site plan amendment that will be required to permit construction of the future residential building, which will replace the Rosslyn Gateway North office building. The primary change to the community benefits proposal, from that provided in the report dated July 13, 2012, is that the applicant has committed to install a four-pipe hydronic system for heating and cooling purposes in the office building.

<b>Category</b>	<b>Contribution Amount</b>
Affordable Housing	\$6,000,000
Gateway Park	\$7,477,765
Off-Site Transportation Improvements	\$9,000,000
Public Art	\$750,000
District Energy (office building)	\$1,000,000
Transportation Management Program	\$1,332,360
Temporary Plaza Improvements	\$360,000
Innovative Parking Techniques	\$1,500,000
RGS Tear Down Credit	\$1,950,000
Skybridge Tear Down Credit	\$750,000
<b>Total</b>	<b>\$30,120,125</b>

## PHASED DEVELOPMENT SITE PLAN ORDINANCE

WHEREAS, an application for a Phased Development Site Plan dated April 15, 2011 for Phased Development Site Plan #419, was filed with the Office of the Zoning Administrator: and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Phased Development Site Plan on July 9, 2012 and recommended that the County Board approve it, subject to numerous conditions, and has provided a letter dated July 19, 2012 stating its support; and

WHEREAS, as indicated in Staff Report[s] prepared for the July 21, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Phased Development Site Plan subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Phased Development Site Plan on July 21, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Phased Development Site Plan:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  - **Exclude above grade mechanical shafts from the density calculation (Section 36.H.5.a);**
  - **Permit mechanical stacker, automated and travel aisle parking spaces to be counted in the parking ratio calculations (Section 33.A.3);**
  - **Reduce the travel aisle width in the parking garage to 17 feet (Section 33.A.3);**
  - **Permit compact parking spaces to comprise 38% of the total number of parking spaces; (Section 33.A.7)**
  - **Reduce the residential parking ratio to 0.9 parking spaces per residential unit (Section 25B.F.1).;**
  - **Reduce the hotel parking ratio to 0.50 parking spaces per hotel unit (Section 25B.F.3);**
  - **Reduce the number of loading spaces to 6 loading spaces (Section 33.C.5); and**

- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated April 15, 2011 for Phased Development Site Plan #419, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 of the conditions contained in the Staff Report dated July 13, 2012 (which drawings, etc... are hereafter collectively referred to as “Revised Phased Development Site Plan Application”), for a Phased Development Site Plan for the Rosslyn Gateway development consisting of up to 959,270 square feet of floor area comprised of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/hotel building with retail uses, and a 143,910 square foot residential building with ground floor retail space, for the parcels of real property known as RPC# 16-02-0001, 16-02-0002, 16-02-0006 and 1901 Fort Myer Drive, 1911 Fort Myer Drive and portions of 20<sup>th</sup> Street North, North Moore Street, 19<sup>th</sup> Street North, approval is granted and the parcels so described shall be used according to the Revised Phased Development Site Plan Application, subject to the conditions set forth in the Staff Report dated July 13, 2012, with the following amended Condition #22, and with new Condition #24:

22. The developer agrees that the density for this project outlined in this Phased Development Site Plan has been reached based on the developer's offer to provide important community benefits, as determined by the County Board. To achieve the density set forth in this PDSP, Community benefits have been offered ~~shall be provided~~ in the gross amount of \$30,120,125. Each individual Final Site Plan, as required, and approved by the County Board, may allocate funds from this gross amount, inclusive of any applicable credits, to the following areas: affordable housing initiatives, off-site transportation improvements, Gateway Park improvements, and public art initiatives in Rosslyn. The complete community benefits package for this Phased Development Site Plan, as offered by the developer, ~~will~~ consists of the following:

<u>Category</u>	<u>Contribution Amount</u>
<u>Affordable Housing</u>	<u>\$6,000,000</u>
<u>Gateway Park</u>	<u>\$7,477,765</u>
<u>Off-Site Transportation Improvements*</u>	<u>\$9,000,000</u>
<u>Public Art</u>	<u>\$750,000</u>
<u>District Energy (office building)</u>	<u>\$1,000,000</u>
<u>Transportation Management Program</u>	<u>\$1,332,360</u>
<u>Temporary Plaza Improvements</u>	<u>\$360,000</u>
<u>Innovative Parking Techniques</u>	<u>\$1,500,000</u>
<u>RGS Tear Down Credit</u>	<u>\$1,950,000</u>
<u>Skybridge Tear Down Credit</u>	<u>\$750,000</u>
<b><u>Total</u></b>	<b><u>\$30,120,125</u></b>

24. The developer agrees that all signage depicted in the Rosslyn Gateway Urban Design Manual dated July 15, 2011 and revised through June 13, 2012, is provided for conceptual purposes only.

## SITE PLAN ORDINANCE

WHEREAS, an application for a Site Plan dated April 15, 2011 for Site Plan #419, was filed with the Office of the Zoning Administrator: and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan on July 9, 2012 and recommended that the County Board approve it, subject to numerous conditions and has provided a letter July 19, 2012; and

WHEREAS, as indicated in Staff Report[s] prepared for the July 21, 2012 County Board meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan on July 21, 2012 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
  - **Exclude above grade mechanical shafts from the density calculation (Section 36.H.5.a);**
  - **Permit mechanical stacker, automated and travel aisle parking spaces to be counted in the parking ratio calculations (Section 33.A.3);**
  - **Reduce the travel aisle width in the parking garage to 17 feet (Section 33.A.3);**
  - **Permit compact parking spaces to comprise 44% of the total number of parking spaces (Section 33.A.7);**
  - **Reduce the office parking ratio to 1 parking space per 1,199 square feet of office space (Section 25B.F.2);**
  - **Reduce the residential parking ratio to 0.85 parking spaces per residential unit (Section 25B.F.1);**
  - **Reduce the hotel parking ratio to 0.50 parking spaces per hotel unit (Section 25B.F.3);**

- **Reduce the number of loading spaces to 4 loading spaces (Section 33.C.5); and**
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated April 15, 2011 for Site Plan #419, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 of the conditions contained in the Staff Report dated July 13, 2012 (which drawings, etc... are hereafter collectively referred to as “Revised Site Plan Application”), for a Site Plan for the first phase of the Rosslyn Gateway development consisting of 949,871 square feet of floor area comprised of a 498,744 square foot office building with ground floor retail space, a 316,616 square foot residential/hotel building with retail uses, and the retention of a 134,511 square foot office building, for the parcels of real property known as RPC# 16-02-0001, 16-02-0002, 16-02-0006 and 1901 Fort Myer Drive, 1911 Fort Myer Drive and portions of 20<sup>th</sup> Street North, North Moore Street, 19<sup>th</sup> Street North, approval is granted and the parcels so described shall be used according to the Revised Site Plan Application, subject to the conditions as set forth in the Staff Report dated July 13, 2012, with the following amended Conditions #2, 3, 4, 11, 15, 27, 36, 43, 50, 51, 79, 80, 84 and 85, which shall supersede the approval of Site Plan #39 and Site Plan #54, including any applicable conditions, for the site:

2. **Pre-Construction Meeting**

The developer agrees to request and attend a pre-construction meeting coordinated by County staff in a County office building prior to the issuance of any permits for each phase (as phase is determined by condition #68) of the site plan. The meeting participants shall include the developer and its construction team, and relevant County staff. Relevant County staff will include the following personnel and division representatives: DCPHD Site Planner, Arlington County Police, Code Enforcement, Department of Environmental Services (DES) Transportation Planner, Department of Parks, Recreation and Community Resources (DPRCR) site plan liaison, Landscape Plan team, Arlington Economic Development (AED), green building staff contact, WalkArlington staff, Housing Division, and other departments as determined by the County Manager. The purpose of the pre-construction meeting is to discuss the requirements of the site plan conditions.

3. **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 three (3) 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 Land Disturbance or 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:
- i. A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
  - ii. Detailed specifications for any tree walls or wells proposed.
  - iii. 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.
  - iv. Identification of tree protection measures and delineation of placement of tree protection.
  - v. 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 #~~15~~ 16 below, provided, however, that replacement as specified in this subparagraph (3.d.5) does not relieve the developer of any violation resulting from the failure to save identified trees.
  - vi. The location of all construction trailers shall be approved either by Administrative Change approval or be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers proposed to be located in the public right-of-way shall require approval by DES and Zoning staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.
- 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 #~~15~~ 16 below and any replacement trees that cannot be accommodated on site will be provided in a monetary amount to the Tree Canopy Fund coordinated with Arlington County's Department of Parks and Recreation.

The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final landscape plan.

- f. Per Condition #3.e above, the developer agrees to make a contribution to the County's Tree Canopy Fund of at least \$2,400.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property. The payment shall be delivered to the Department of Parks and Recreation Office prior to the issuance of the Footing to Grade Permit for that specific phase (as phase is determined by condition #68) of development, and evidence of compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment.

4. **Photographic Record of Development**

The developer agrees to produce and submit to the Zoning Administrator a photographic record of development for each phase (as phase is determined by condition #68), starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction. These photographs shall comply with the following specifications:

All photographic records can be either color or black and white. Submission of a photo contact sheet and 8" x 10" prints on photographic paper shall be the minimum acceptable standard. Color photographs on compact disc, print copies of the photographs, and the photo contact sheet must be date-stamped and submitted at the end of the project prior to the issuance of the Master Certificate of Occupancy.

The photographic record shall include photos taken at the following points in construction, and photos shall be submitted as taken:

- a. Before Land Disturbance and Demolition of the site (shall be submitted before issuance of the Land Disturbance and Demolition Permits)–Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any land disturbance including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #~~54~~53 below.
- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- c. Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit)–At a minimum, views of the site: during

excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.

- d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

The photographic records for which no time is specified above, including the completed compact disc with the entire photographic history, shall be delivered to the Zoning Administrator, before the issuance of a Master Certificate of Occupancy for placement in the County archives.

### **Community Liaison and Activities During Construction**

11. The developer agrees to comply with the following before issuance of the Land Disturbance and Demolition Permits for each phase (as phase is determined by condition #68) and to remain in compliance with this condition until the Master Certificate of Occupancy for each phase is issued.
  - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, the North Rosslyn Civic Association, the Rosslyn Business Improvement District, the Radnor/Fort Myer Heights Civic Association, and to the Zoning Administrator, and shall be posted at the entrance of the project.
  - b. Before commencing any land disturbance of the site, the developer shall hold a community meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative must be notified once the community meeting dates/times are established. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Land Disturbance and Demolition Permits is issued. The developer agrees to submit to the Zoning Administrator two (2) sets of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation (one set of which will be forwarded to the Police). Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project. The location of all construction trailers shall be approved either by Administrative Change approval

or to be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers shall require approval by DES staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.

- c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.
  - d. 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 and entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.
  - e. The developer agrees that construction activity (not including utility installation or relocation), except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10:00 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays unless otherwise approved by an Administrative Change, but in no event shall construction activity conclude later than 9:00 p.m. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.
  - f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager.
15. **Coordination of these plans: final site development, landscape and site engineering**  
The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator ~~and obtain approval from the County Manager~~ a detailed final landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final civil engineering plan as required in Condition #18 below, as well as a vicinity map with major streets

labeled. The final landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final landscape plan and the final civil engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the Footing to Grade Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Conditions #16 and 21 below; the Arlington County Streetscape Standards if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the civil engineering plan. All hardscape features shown on the approved landscape plan shall be completed prior to the issuance of the first partial Certificate of Occupancy for tenant occupancy. All plant materials shown on the final landscape plan shall be installed before the issuance of the first Partial Certificate of Occupancy for occupancy for any space above grade for the respective phase of construction. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of plant materials or construction of hardscape features by the required timing.

Upon approval of the final landscape plan and prior to the issuance of the first partial Certificate of Occupancy for the respective phase of construction/tenant occupancy, the developer agrees to submit to the Department of Community Planning, Housing, and Development (DCPHD) a copy of the contract, not to include confidential information such as payment scheduling or cost of materials, for construction and installation of all landscape materials. The final landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, bus stops, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final civil engineering plan and placed so they do not obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of

the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, and interior walkways. Transformers shall not be placed above grade in the setback area between the building and the street.

The developer agrees to relocate existing traffic signal poles, traffic signal cabinets, and any other existing traffic-related items and equipment located on, or in the public right-of-way contiguous to, the development site as described below. The improvements shall conform to the DES Construction Standards and Specifications, and shall be shown on the final engineering plan. Installation of the improvements shall be completed prior to issuance of the first certificate of occupancy for the development. The developer agrees to ~~install~~ implement the following improvements:

- i. Design and reconstruct the traffic signal at the intersection of eastbound Lee Highway and Fort Myer Drive, as shown on the final engineering plan approved by the County Manager.
  - ii. Design and construct a new pedestrian traffic signal at the intersection of eastbound Lee Highway and North Moore Street, as shown on the final engineering plan approved by the County Manager. Installation of this signal shall not exceed a total cost of \$180,000.
  - iii. Design and relocate the traffic signal equipment at the intersection of North Moore Street and 19<sup>th</sup> Street North onto the property, as shown on the final engineering plan approved by the County Manager.
  - iv. Design and relocate the traffic signal equipment at the intersection of Fort Myer Drive and 19<sup>th</sup> Street North onto the property, as shown on the final engineering plan approved by the County Manager.
- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated as part of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final civil engineering plan and the final landscape plan before issuance of the Footing to Grade Permit.
- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways within the

service drive shall have a minimum width of ~~four (4)~~ five (5) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.

- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #5352 below.
- e. Topography at two (2) foot intervals, and the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas (including the temporary plaza improvement in the northwest portion of the site adjacent to the Gateway North building to be retained), courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures. Include public art information, if known.
- g. The location and planting details for street trees in accordance with Department of Environmental Services Standards and Specifications for planting in public rights-of-way and as shown on the final civil engineering plan.
- h. The limits of demolition and construction.

The developer agrees that once approved, the final landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved through an Administrative Change request.

#### **Underground Existing Aerial Utilities**

- 27. The developer agrees to remove and/or place underground all existing aerial utilities within or along the periphery of the entire site plan site as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles, or aerial devices. ~~The developer agrees to also contact the Development Services Bureau Chief, Transportation Division of the Department of Environmental Services in Arlington County not less than two (2) months prior to its planned~~

~~commencement of utility undergrounding for each phase of the project to offer the County, at no cost to the County, access to the locations where the developer plans to excavate trenches or similar areas to install underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. Such access, and the terms and conditions under which access to the site will be provided and the undergrounding activities of the County and the developer will be coordinated, shall be set forth in an agreement approved by the County Manager and the County Attorney. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.~~

The developer agrees to construct/install four (4) 2-inch communication conduits (HDPE or equivalent County standard for communication conduits) and junction boxes along all public street frontages, for the sole and exclusive use by Arlington County, unless the County Manager determines ~~that less conduit is required~~ at the time of Final Engineering Plan approval that less conduit is required. The conduit shall be designed and built as approved in the Final Engineering Plan and consistent with the then current Arlington County Traffic Signal Specification for the installation of communication conduit. The developer agrees to install the conduit prior to the issuance of the first Certificate of Occupancy for tenant occupancy for the respective phase of development.

### **Interior Loading Spaces**

36. The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width (including entrances), 30 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet. All loading docks shall contain roll-down doors. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 a.m. to 6:00 p.m., seven (7) days a week. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures. The developer further agrees that, in the event that North Moore Street is transformed into a "festival street," that they it will coordinate access to the service drive from North Moore Street with the County so as to not permit vehicles to enter or exit the service drive from North Moore Street during scheduled festival activities.

### **Use of Penthouse**

43. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space or telecommunication transmitter and/or receiver equipment as required in Condition #~~5857~~ below. This Condition shall not be construed to exclude use of the penthouse level for usable outdoor terrace spaces as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings.

50. **Transportation Management Plan**

The Developer agrees that the Transportation Management Plan (TMP) shall be approved by the County Manager prior to the issuance of the Shell and Core Certificate of Occupancy for the first building constructed on the property. All dollar denominated amounts will be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of 36 months after Site Plan approval and the first day of the month in which the contribution is made.

- a. The Developer agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program.
- b. The Transportation Management Plan shall include a schedule and details of implementation and continued operation of the elements in the plan.
- c. Program Participation and Funding
  - i. The Developer shall maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.
  - ii. Designate a member(s) of building management as Property Transportation Coordinator to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all TMP obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to ACCS, or successor. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
  - iii. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, the Developer shall contribute \$31,498 per year for each commercial, residential, retail, hotel, or mixed-use office building for thirty (30) years and \$15,602 per year for the residential/hotel building to the Arlington County Commuter Services (ACCS), or successor, to sustain direct and indirect on-site and off-site services in support of TMP activities. Payment on this commitment will begin as a condition of issuance of the Shell and Core Certificate of Occupancy for the first completed building. Subsequent payments will be made annually.

- iv. Provide SmarTrip cards plus ~~\$100.00~~ \$65.00 Metro fare media per person, for free, one time, to each initial residential lessee or initial purchaser, distributed no later than one week (7 days) following the day of move in.
- v. Provide SmarTrip cards plus ~~\$120.00~~ \$100.00 Metro fare media per person, for free, one time, to each new on-site property management and maintenance employees. Provide, administer, or cause the provision of, a sustainable commute benefit program for these employees (the program shall include, at a minimum, pre-tax employee contributions and/or tax-free transit or vanpool monthly contributions).
- vi. Provide SmarTrip cards plus ~~\$120.00~~ \$65.00 Metro fare media per person at initial lease up of the buildings, for free, one time, to on-site employees of each of the retail and office tenants or hotel employees distributed no later than one week (7 days) following the employee's first day of work at the building(s).
- vii. Provide and administer, or cause the provision of a sustainable commute benefit program for each on-site employee of the hotel (directly employed or contracted) of at least \$70.00 per month. This may be provided through a pre-tax employee transportation benefit program, and shall be functional before the first day of operation of the hotel.

d. Transportation Management Plan Elements

i. Physical Facilities and Improvements

1. The Developer shall provide Transportation Information Center Displays, the number/ content /design /location of which shall be approved by ACCS / ATP, or successor, in each building to provide transportation-related information. Building management shall keep display(s) stocked with approved materials at all times.
2. The Developer shall comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, showers, and lockers. The developer agrees to prepare a plan of operation of the bicycle facilities which shall include details of implementation and continued operation of the bicycle facilities and related systems.
3. Comply with requirements of Site Plan conditions to provide van access to the parking garage.
4. Comply with requirements of Site Plan conditions to provide construction worker parking.

5. During construction, maintain or coordinate relocation of existing bus stops at the Developers cost.
6. Provide in the building lobby(s) a means to call a taxi.
7. Maintain at least one on-site business center (including, at a minimum, access to copier, fax, personal computer, and internet services in a minimum 56 sq. ft. of space), which shall be made available to support residents of the building who choose to work from home.
8. Bus stops and shelters ~~within 50 feet of the property and contiguous to~~ located contiguous to the property shall be maintained free of snow, ice, trash, and debris. A 6 foot wide path, or the full width of the sidewalk (if less than 6 feet), shall be maintained clear of snow and ice, to the main entrance of the building(s) from these bus stops.
9. Provide details of how transit fare media may be provided on-site for sale to hotel patrons.

ii. Carpools and Vanpools

1. The Developer shall provide signed, reserved spaces for carpools and vanpools that are conveniently located with respect to the elevators serving the building(s). Signage notifying the public of the availability of carpool and vanpool subsidy programs and contact information of the coordinator of such programs, shall be posted at the garage elevator entrances and as approved by the TDM planner.
2. Provide registered vanpools with free parking.
3. Oversee program to provide carpools with a parking subsidy. Subsidies will be:
  - a. Two-person carpool subsidy shall equal one third the single-occupant vehicle monthly parking rate.
  - b. Three-person (or more carpool) subsidy shall equal two thirds the single-occupant vehicle monthly parking rate.

iii. Promotions, Services and Policies

1. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the Developer and property manager’s websites regarding this development.
2. Provide access to building or grounds, upon request, to allow ATP and Metropolitan Washington Council of Governments’ (MWCOG) Commuter Connections to promote group riding among tenants of the building.
3. Inform all new employees and residents of the existence of the nearby Rosslyn Metro station and bus routes serving the buildings, and encourage all employees and residents to use Metrorail, Metrobus, Arlington Transit, or other services through the following means:
  - a. Distribute in a new-tenant package, materials provided by Arlington County, including site-specific transit-related information. Distribute required SmarTrip cards to all employees. Packages will be distributed to each of the tenants’ employees no later than one week (7 days) following their first full day of work at the building.
  - b. Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each residential lessee, and / or condominium, and / or townhouse purchasers. Distribute required SmarTrip cards to each residential lessee, and / or condominium, ~~and / or townhouse~~ purchasers Packages will be distributed to tenants or owners no later than one week (7 days) following the day of move-in.
  - c. Place a reference to the Rosslyn Metro Station in promotional materials, in-room hotel information/welcome materials, and advertisements for businesses located on the site (hotel only).
  - d. Place a reference to the nearest Metro Station and bus routes in all promotional materials and advertisements.
  - e. Provide information to tenant office and retail managers for their use as part of recruiting and employment materials regarding available commute options and assistance services.

- f. Distribute transit services information and promotional materials provided by Arlington County, up to four (4) times per year to persons employed at or visiting the site. Information regarding transit route, schedules, fares, etc. shall be distributed to all tenant and owner employees and shall be displayed in common work areas.
- g. Participate in regionally sponsored clean air and traffic mitigation promotions.
- h. Encourage each of the building tenants to offer variable/flexible work hours to their employees in order to spread peak period transportation demands.
- i. Promote the formation of Employer Transportation Benefit Programs with each tenant employer in commercial buildings.
- j. Appropriately train management personnel to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
- k. Participate in automated real time transit information service if offered by the County. Monitors to be provided by the applicant in the hotel lobby and office lobby. The requirement to provide such monitors in the hotel lobby shall be contingent upon agreement by the hotelier that will initially operate the hotel portion of the hotel/residential building.

iv. Monitoring and Performance

- 1. Upon approval of the TMP by the County, the Developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- 2. The owner shall reimburse the County for, and participate in, a transportation performance monitoring study at two years, five years, and each subsequent five years (at the County's option), after issuance of first Certificate of Occupancy, with a total cost of each survey not to exceed \$10,000. The County may conduct the study or ask the owner to conduct the study. The County will specify the timing and scope of the study. The study may include average vehicle occupancy, daily vehicle-trips to and from the site,

and parking availability by time of day for the site and pedestrian traffic. The study may include a seven-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator will notify, assist, and encourage residents, tenant's employees, and building employees to participate in mode split surveys which may be of an on-line, or email variety. A report will be produced as specified by the County.

3. During the first year of start up of the TMP and on an annual basis thereafter, the Developer will submit an annual report, which may be of an on-line, or email variety, to the County Manager, describing completely and correctly, the TDM related activities of the site.
4. The Developer agrees to transfer the TDM plan and Site Plan documents to each building or property manager no later than their first day of work at the property.

#### **Residential Parking and Parking Management Plan**

51. ~~The intent of this condition is to ensure that at least one parking space is available in perpetuity for parking use by each residential unit in the project. Accordingly, the developer agrees to offer the use, for rental units, and the purchase or use for condominium units, of at least one parking space for each dwelling unit.~~

The developer agrees that the number of parking spaces provided for residential use in conformance with Condition #38 shall remain dedicated to residential use for the life of the site plan in perpetuity.

Further, for condominium units, the developer agrees to notify the Zoning Administrator at the time of the settlement of the last dwelling unit. If excess parking spaces are available at the time of settlement of the last dwelling unit, the number of excess parking spaces equaling the number of dwelling units which were sold without a parking space, shall first be offered exclusively for a period of ~~twelve (12)~~ eighteen (18) months to the owners of those dwelling units which were sold without a parking space. Any other remaining spaces shall be offered to all dwelling unit owners or transferred to the condominium, cooperative or homeowners association. By the end of twenty four (24) months following the settlement of the last dwelling unit, the developer agrees to relinquish in writing to the condominium, cooperative or homeowners association any and all remaining interest in the parking spaces or garage and a copy shall be filed with the Zoning Administrator. The future purchase of any parking spaces shall be limited to the dwelling unit owners or condominium, cooperative or homeowners association of the building.

For both rental and condominium buildings, the use of the parking spaces shall be limited to parking use by the residents of the building and their guests, unless otherwise

permitted by the Zoning Ordinance, and shall not be converted to storage or other use without approval of a site plan amendment.

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how tenant, guest and visitor parking for the residential/hotel building, the office buildings, and parking for retail tenants' employees and customers ~~for retail located in the residential buildings,~~ will be provided, where the parking will be located and how tenants, guests and visitors, and retail tenants' employees and customers, will be directed to the parking spaces and how such spaces will be managed and maintained by the building owner(s) for the purpose of providing maximum efficiency of use by the buildings tenants, guests and visitors. The developer further agrees to make a minimum of — residential visitor parking spaces, and 9 retail tenant parking spaces, available within the ~~residential office~~ portion of the garage. In addition, the developer agrees to submit, as part of this Parking Management Plan, a study providing details of queuing patterns for vehicles utilizing these garages and any mitigation strategies that will be employed to alleviate any adverse impacts of queuing vehicles on the adjacent public streets. The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for tenant occupancy for the first residential ~~each~~ building. The developer agrees to implement the Parking Management Plan for the life of the site plan.

#### **Gateway Park Contribution**

79. The developer agrees to make a contribution to the County in the amount of \$3,477,765 to support efforts to redevelop Gateway Park or other public park and open space improvements in Rosslyn, which shall be provided to the County prior to issuance of the first Certificate of Occupancy for tenant occupancy for the office building. In addition, the developer agrees to make a contribution to the County in the amount of \$1,500,000 to support efforts to redevelop Gateway Park or other public park and open space improvements in Rosslyn, which shall be provided to the County prior to issuance of the first Certificate of Occupancy for tenant occupancy of the residential portion of the residential/hotel building. If the contributions are made more than 36 months after site plan approval, the contribution amounts will be adjusted based on the increase in the Consumer Price Index between the date ~~of~~ that is 36 months after site plan approval and the first day of the month in which the contribution is made.

#### **Parking Meters**

80. The developer agrees to contribute the cost, up to a maximum of \$40,000, for installation of multi-space parking meters along the project's frontage. The number of meters and the amount of the cost of installation will be determined by the County Manager prior to approval of the Final Engineering Plan and the resulting contribution shall be paid by the developer in one installment prior to the issuance of the first Certificate of Occupancy for the first phase (as phase is determined in condition #68) of the project.

**Four-Pipe Hydronic System**

84. The developer agrees to explore the feasibility of incorporating incorporate a four-pipe hydronic system for heating and cooling purposes into the design of the office building. The design specifications for this system shall be provided with the final engineering plan and any applicable building permit documents, as determined necessary by the County Manager. In addition, the developer agrees to study the feasibility of incorporating a four-pipe hydronic system for heating and cooling purposes into the design of the residential/hotel building.

**Off-Site Transportation Improvements**

85. The developer agrees to make a contribution to the County in the amount of ~~\$7,500,000~~ \$7,000,000 to support off-site transportation improvements in the Rosslyn Metro Station Area as described in the Rosslyn Multimodal Transportation Study and the goals of the Master Transportation Plan. Such funds shall be provided to the County in payment ~~installations~~ installments as described below ~~accordingly~~:
- a. ~~\$1,625,000~~ \$1,500,000 prior to issuance of the first Above Grade Building Permit for the office building;
  - b. ~~\$4,875,000~~ \$4,500,000 prior to issuance of the first Certificate of Occupancy for tenant occupancy for the office building;
  - c. \$500,000 prior to issuance of the first Above Grade Building Permit for the residential/office building; and
  - d. \$500,000 prior to issuance of the first Certificate of Occupancy for tenant occupancy for the residential/hotel building.

~~In addition, the developer agrees that if a four pipe hydronic system has not been incorporated into the design of the office building by the time of final engineering plan approval of the office building, then the developer agrees to contribute an additional \$500,000 to the County prior to issuance of the first Certificate of Occupancy for tenant occupancy of the office building. The developer further agrees that, if any of If the contributions are made more than 36 months after site plan approval, the such contribution amounts will be adjusted based on the increase in the Consumer Price Index between the date of 36 months after site plan approval and the first day of the month in which the contribution is made.~~