

A. AMENDED PDSP CONDITIONS

4. The approved uses and densities, after conveyance of the North Tract as specified in Condition #3(a), for each parcel of the Phased Development Site Plan are as follows:

Land Bay	Maximum Office GFA	Minimum Retail GFA	Hotel Rooms GFA	Residential Dwelling GFA
A	645,511	8,489		
B		10,000	430,000	
C	1,064,298	41,325		
D-East		16,503		425,752
D-West		15,868		398,435
E-East		4,143		391,714
E-West	374,379	71,418		
F		30,000		482,000
Total	2,084,188	197,746	430,000	1,697,901

Note 1: Pursuant to paragraph (a) under Retail Floor Area below, the total office and hotel GFA includes a balance of 19,442 square feet of GFA of Potential Retail Space as of December 15, 2007

Note 2: Maximum number of hotel rooms shall be 625.

Note 3: The total number of residential dwelling units shall be no less than 800 dwelling units and no more than 1,548 dwelling units.

Note 4: Land Bay F is approved for 50,000 square feet of grocery store GFA which is not included in the table above. This is GFA over and above the maximum permitted retail GFA in Land Bay F. Pursuant to the approved final site plan for Land Bay F, this GFA is restricted to grocery store use only.

Totals: The total development program shall consist of 2,281,934 square feet of office/commercial GFA (51.75% of total GFA); 2,127,901 square feet of residential/hotel GFA (48.25% of total GFA) unless otherwise adjusted as specifically permitted in these PDSP conditions.

4. B. Retail Floor Area:

(a) A minimum of 217,188 feet of floor area shall be constructed so as to be useable as retail space at locations identified on the Retail Location Plan included in the Urban Design Guidelines, or as specified in the approved final site plans. Such floor area in each Land Bay will be referred to as the Potential Retail Space. All Potential Retail Space shall have reasonable access to building service areas and shall be at grade in buildings with minimum floor to floor heights as specified on the Retail Location Plan. A minimum of 197,746 sq. ft. of the Potential Retail Space for all Land Bays shall be used for Base Retail.

22. (b) North Park Plaza
 The developer agrees to submit a design plan for the entire North Park Plaza, which shall be consistent with the concept plan for North Park Plaza as described in the Potomac Yard Design Guidelines, at the time of submittal of the first Final Site Plan for any building in Land Bay C. The design plan shall be approved by the County Board as a part of the approval of the first Final Site Plan for any building in Land Bay C.

The developer agrees, prior to approval of the first Final Building Permit for the first building constructed within Land Bay C, to submit to the Zoning Administrator, for review and approval by the County Manager or his designee, a final landscape plan for the entire North Park. Such landscape plan shall be consistent with the approved design plan for the North Park. The developer agrees that construction of the final landscape plan for the North Park Plaza may occur in phases concurrent with construction of the applicable phase of construction of the buildings as follows: North Park Road and all parts of North Park Plaza located west of the road shall be

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constructed with the construction of Buildings 3 and 4; construction of the portion of North Park Plaza located to the east of North Park Road shall occur concurrent with construction of Buildings 1 and 2.

In the event the developer chooses not to phase construction of North Park Plaza, including installation of all plant materials, landscape and architectural elements, walkways and North Park Road, and North Park Road, then the construction of North Park Plaza and North Park Road shall be completed in their entirety before the issuance of the first Certificate of Occupancy for tenant occupancy for the last building constructed in Land Bay C.

B. LAND BAY C FINAL SITE PLAN CONDITIONS

Note: Where a particular County office is specified in these conditions, the specified office includes any functional successor to that office. Where the County Manager is specified in these conditions, "County Manager" includes the County Manager's designee. Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee. In the event that an expressed conflict exists between the PDSP conditions and the Final Site Plan conditions, the Final Site Plan conditions shall supersede the PDSP conditions, provided however that, where possible, the developer agrees to comply with both sets of conditions.

- **The following Conditions of site plan approval (#1 through #14) are valid for the life of the site plan and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.**

Site Plan Term and Approved Site Plan Conditions

1. The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1, the conditions of the approved Potomac Yard Phased Development Site Plan (PDSP), and the revised plans dated November 12, 2007 (Final Site Plan) and reviewed and approved by the County Board and made a part of the public record on December 15, 2007, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

This site plan approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this site plan, including its conditions and all relevant PDSP conditions, for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional PDSP and final site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

The developer agrees to attach the approved conditions to each set of permit drawings that are submitted to the County.

Pre-Construction Meeting

2. The developer agrees to coordinate and conduct a pre-construction meeting in a County office building prior to the issuance of any permits for 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 developer agrees to notify the above meeting participants of the meeting time and location at least two weeks in advance. The purpose of the pre-construction meeting is to discuss the requirements of the site plan conditions.

3. **Tree Protection and Replacement**
 - a. **Intentionally Omitted**

Photographic Record of Development

4. The developer agrees to produce and submit to the Zoning Administrator a photographic record of development, 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 shall be taken using black and white film. 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 must be submitted in addition to black and white photographs and the photo contact sheet 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 Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)–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 clearing or grading 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 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.

If the developer uses the "Fast Track" Permit Process, the Site Clearance and Construction Phase photographs shall be submitted before the issuance of the Footing to Grade Structure Permit, or the first Building Permit, whichever comes first. The Construction Phase photographs, showing any construction to grade, shall be submitted before the Final Building Permit. The Construction Phase photographs showing all construction above grade and the Site Completion Photographs and completed compact disc showing the entire photographic history of the site shall be submitted before issuance of the Master Certificate of Occupancy.

Utility Fund Contribution

5. In addition to funding and constructing the utility undergrounding work consistent with PDSP Condition #17, the developer agrees to contribute, at the rate of \$.30 per square foot of GFA, to the County utility fund. Such contribution shall be prorated based on the GFA for each office building and the prorated contributions (up to four contributions) shall be submitted for each individual office building prior to the issuance of any permits for construction of each individual office building. The total utility fund contribution for this site is \$331,687 (\$.30 x 1,105,623 square feet of GFA). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of GFA allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.

Plan for Temporary Circulation During Construction

6. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. The developer further agrees to work with the County Manager to include in the plan a safe and, to the greatest extent possible direct, pedestrian route from Crystal City to Four Mile Run. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to maintain lighting around the perimeter of the site at all times where pedestrian or vehicular access is located. Lighting shall conform to the "Arlington County Government Street Light Policy and Planning Guide". The developer agrees, during the hours of construction, to provide "flagmen" to assist in the direction of traffic along or around a street or driveway any time that any driving lane of such street or driveway is partially or fully blocked due to temporary construction activities. The developer agrees to submit this plan to, and obtain approval of the plan from, the Zoning Administrator as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The developer

agrees to insure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the developer, the developer's contractors, or private utility companies. The developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. The term "significant portion of a road" is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this site plan and any County requirements relating to reconstruction and repaving of streets at the completion of construction.

**Residential Relocation
Intentionally Omitted**

7.

**Retail Relocation
Intentionally Omitted**

8.

Compliance with Federal, State and Local Laws

9. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this plan and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this site plan approval. The developer specifically agrees that the County has the authority to take such actions as may be necessary, to include the issuance of a stop work order for the entire project, when the developer is not in compliance with the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.

Post-County Board 4.1 Filing

10. The developer agrees to file three copies of a site plan and the tabular information form, which complies with the final approval of the County Board and with Administrative Regulation 4.1, with the Zoning Administrator within 90 days of the County Board approval and before the issuance of the Clearing, Grading and Demolition Permit. The developer further agrees to file three digital copies on compact disc in JPEG, PDF, and DXF formats of the post-County Board 4.1 filing that has been approved by the Zoning Administrator. The developer also agrees that no changes to the approved post-4.1 plans can take place in the field without prior approval by the Zoning Administrator or the County Board.

Community Liaison and Activities During Construction

11. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
- a. The developer agrees to identify a person(s) who will serve as liaison to the surrounding communities 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, to the Aurora Highlands and Arlington Ridge Civic Associations, to the Eclipse Condominium Association, and to the Zoning Administrator, and shall be posted at the entrance of the project.
 - b. Before commencing any clearing or grading of the site, the developer shall hold a community meeting with those whose property abuts the project, the Aurora Highlands and Arlington Ridge Civic Associations, and the Eclipse Condominium Association, 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 Clearing, Grading and Demolition Permit 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, 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 7:00 p.m. on weekdays and will commence no earlier than 10:00 a.m. and end by 8:00 p.m. on Saturdays, Sundays, and legal holidays as “legal holidays” is defined in the Arlington County Noise Ordinance. 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 and shall comply with the noise ordinance except as specifically modified in this condition. 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.

C & D Waste

12. The developer agrees to provide a plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by the project. The plan should outline recycling and/or reuse of waste generated during demolition and/or construction. The plan should outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on site, removed by licensed haulers for reuse/recycling, etc.). The plan must include letters from contracted haulers, reprocessors, and recyclers indicating that they are able to manage waste from the project. The developer agrees to obtain the County Manager’s approval of the plan prior to the issuance of the Clearing, Grading, and Demolition permit, and to implement the plan throughout demolition and construction of the project. Compliance with this condition may contribute to achieving LEED credits MR 2.1 and 2.2 (Construction Waste Management.)

Green Building Fund Contribution Intentionally Omitted

13.

Vacations and Encroachments

14. Prior to the issuance of any permits for the site plan, the developer agrees to submit vacation and encroachment application(s) or form(s) indicating that no vacations or encroachments are required to construct the site plan. Enacted ordinances of vacation and encroachment shall be recorded by the developer among the land records of Arlington County, Virginia and all conditions contained therein complied with before any Excavation/Sheeting and Shoring Permit is issued by the County.

- **The following Conditions of site plan approval (#15 through #35) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**

Coordination of final site development and landscape plan and final site engineering plan

15. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final site development and landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in Condition #21 below, as well as a vicinity map with major streets labeled. The final site development and 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 site development and landscape plan and the final site 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 Excavation/Sheeting and Shoring Permit. The final site development and landscape

plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, the approved PDSP landscape plan, the approved PDSP Preliminary Infrastructure Plan (PIP), the approved Potomac Yard PDSP Urban Design Guidelines, and, at a minimum, shall conform to: the landscaping requirements in Condition #21 below; 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 site 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 site engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the final Certificate of Occupancy for tenant occupancy for the respective phase of construction. The final site development and 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, 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 site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed above grade in the setback area between the building and the street.
- 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, except as shown in the drawings dated November 12, 2007. The developer agrees to provide drawings showing how the garage will be ventilated prior to submission 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, or as approved by the County Manager. The plans shall show the garage ventilation grates, which shall be screened with landscaping or landscape elements, and/or designed as part of a structure, consistent with the drawings dated November 12, 2007. The developer agrees to construct the ventilation grates in a manner that will mitigate noise impacts on the adjacent streetscape. The details of the screening and design of the ventilation grates, and the measures that will be used to attenuate the noise, shall be approved as part of the final site development and landscape plan for this final site plan in Land Bay C. The developer agrees to obtain approval from the County Manager of the location, screening and design of all ventilation grates as part of the review of the final site engineering plan and the final site development and 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, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas, arcades, and sidewalks, as well as for address indicator signs. Brick or a concrete unit paver, or other decorative paving as approved by the County Manager, shall be used on the access drives, automobile drop-off areas, plaza areas, and interior walkways and roadways, and arcades. Interior walkways shall have a minimum width of four (4) feet. All plaza areas shall contain special decorative paving and landscape treatments that coordinate in design, color and materials with the treatment of the adjacent sidewalks and the North Park Plaza Design Concept, as described in Condition #79 below. The design and treatment of these areas shall be consistent with the conceptual landscape plan contained in the drawings dated November 12, 2007. The materials, colors and paving patterns used shall be consistent with the drawings dated November 12, 2007, and are subject to approval by the County Manager for consistency with the PDSP Urban Design Guidelines, the North Park Design Concept and other urban design standards approved by the County Board as a part of review and approval of the final site development and 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 #53 below.
- e. Topography at two (2) foot intervals, 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, courtyards, raised planters (including cross-sections of raised planters, providing details of planters depressed below grade and planting depth), roof terraces and raised courtyards, 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, including the location of public art.

- g. The location and planting details for street trees in accordance with Division of Transportation Standards and Specifications, and the PDSP Urban Design Guidelines, for planting in public rights-of-way and as shown on the final site engineering plan.
- h. The limits of demolition and construction.

Once approved, the final site development and landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Manager.

Landscape Standards

16. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:
- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and the standards identified in the PDSP Urban Design Guidelines, and shall also meet the following standards:
 - (2) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #21 below.
 - (3) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
 - (4) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
 - (5) Shrubs—a minimum spread of 18 to 24 inches.
 - (6) Groundcover—in 2 inch pots.
 - b. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
 - c. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
 - d. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs, consistent with the PDSP Urban Design Guidelines. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.
 - e. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
 - f. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.
 - g. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.

Utility Company Contacts

17. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the developer agrees to submit to the Zoning Administrator copies of letters from the developer to the utility companies offering them access as stated above.

Final site engineering plan approval by DES

18. The developer agrees to submit final site engineering plans to the Division of Transportation. The plans will only be accepted by the Division of Transportation when they include a receipt from the Zoning Office that the final site development and landscape plan has been submitted. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Division of Transportation and the CPHD Site Planner, as consistent with all site plan approval requirements and all County laws. To ensure final sign-off, the plans shall include CPHD Site Planner review and signature blocks. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Division of Transportation for recording.

Pavement, Curb and Gutter Along All Frontages

19. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the Arlington County Standard for concrete curb and gutter and the standards for pavement and according to the PDSP Preliminary Infrastructure Plan approved April 20, 2002, and approved final site plan drawings and the following dimensions. The developer agrees to complete construction of the pavement, curb and gutter prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.
- a. 29th Street South –38 feet wide from face of curb to face of curb, to include three (3) crosswalks and accompanying handicap ramps at the intersections of Crystal Drive and Potomac Avenue, along with the mid-block crosswalk between Land Bays C and B.
 - b. 33rd Street South – 44.5 feet wide from face of curb to face of curb, to include two (2) crosswalks and accompanying handicap ramps at the intersections of South Clark and South Ball Streets.
 - c. Potomac Avenue –73 feet wide from face of curb to face of curb.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated November 12, 2007 unless the County provides additional funding to offset such increased cost.

Survey Monuments

20. The developer shall submit a boundary survey of the site, with an error of closure within the limit of one (1) in twenty thousand (20,000), related to the Virginia Coordinate System of 1983 (VCS 83). Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft = 1200/3937 E+00 meters. If the development is located more than one-half mile from an Arlington County Survey Control Network (ACSCN) monument, the developer shall utilize a Virginia Licensed Land Surveyor to establish a permanent second order accuracy (or higher) survey control monument. The surveyor shall comply with standards and specifications contained in the current VDOT Survey Manual. The surveyor will be required to submit his or her computations to the Office of the County Surveyor for inclusion into the ACSCN. Plans referenced to the VCS 83 shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field survey which ties this boundary to the Arlington County Survey Control Network."

Sidewalk Design and Improvements

21. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as approved by the County Manager on the final site development and landscape plan and final engineering plan, in accordance with the PDSP Urban Design Guidelines or other applicable urban design standards approved by

the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The sidewalk clear zones along the street frontages of this development shall be as specified below, consistent with the PDSP Urban Design Guidelines, shall comply with current ADA standards, and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. The sidewalk treatments shall continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, except that the pavement patterns shall be differentiated, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the PDSP Urban Design Guidelines, the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The sidewalk sections and street tree species along all public street frontages shall be as follows:

33rd Street South - A minimum 11-foot wide sidewalk measured from the back of curb, including 4-foot by 6-foot tree grates, providing a minimum of 7-feet of clear sidewalk, extending from Potomac Avenue westward to the intersection of North Park Road. A minimum 18-foot wide sidewalk measured from the back of curb, including 4-foot by 6-foot tree grates, extending from the intersection of North Park Road westward to the intersection with the transit-way/Crystal Drive. The sidewalks shall be constructed of a special paver treatment with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree grates shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

29th Street South - A minimum 14-foot wide sidewalk measured from the face of curb, including 5-foot by 12-foot tree pits, as specified in the PDSP Urban Design Guidelines. The sidewalks shall be constructed of a special paver treatment to include brick or interlocking concrete pavers with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree pits shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

Crystal Drive - A minimum 12-foot wide sidewalk, including a 5-foot wide continuous planting strip and appropriate curb within the transit way. The sidewalks shall be constructed of 4 feet by 4 feet scored concrete to include the color additive "lamp black", as specified in the PDSP Urban Design Guidelines. The planting strip shall be planted with 4 ½ inch caliper street trees from the selection of narrow deciduous street trees identified in the PDSP Urban Design Guidelines, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper). The street trees shall be placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

Potomac Avenue - A minimum 12-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits, as specified in the PDSP Urban Design Guidelines. The sidewalks shall be constructed of 4 feet by 4 feet scored concrete to include the color additive "lamp black" with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree pits shall be planted with 4 ½ inch caliper street trees from the selection of narrow deciduous street trees identified in the PDSP Urban Design Guidelines which shall be of the same species throughout the entire length of South Glebe Road, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper). The street trees shall be placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

Subsurface Structure-free Zone for Utilities and Streetscape

22. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb to the far edge of the public sidewalk. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and

development and landscape plan. Utility lines shall not be located beneath street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.

Water Service Requirements

23. The developer agrees that the location of the water services will be determined at the time of the review of the final engineering plan in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the building walls shall be adjusted as necessary to provide these clearances. Consistent with PDSP Conditions #11 and #18, the developer agrees to construct water services in locations consistent with the approved PDSP and with the approved PIP.

Sanitary Sewer and Water Main Requirements

24. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet clearance from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures. Water mains 16 inches and larger, and mains placed more than 10 feet deep shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inches and larger, or sewers placed more than 10 feet deep shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria and, consistent with PDSP Conditions #11 and #18, shall be constructed in locations consistent with the approved PDSP and with the approved PIP.

The developer agrees that the minimum clear horizontal separation between each individual barrel of the storm sewer and proposed buildings or other permanent structures shall be as follows: 10 feet from the center line of storm sewer mains less than 27 inches in diameter and 10 feet or less in depth; 15 feet from the center line of storm sewer mains less than 27 inches in diameter and greater than 10 feet in depth; 15 feet plus half the diameter from the center line of storm sewer mains greater than 27 inches in diameter, at any depth.

Existing Water Main or Fire Hydrant Service

25. The developer agrees that no existing water main or fire hydrant shall be taken out of service or made inaccessible without the prior approval of the Division of Transportation. This approval shall be obtained before the issuance of the Excavation/Sheeting and Shoring Permit.

Water Main Improvements

26. The developer agrees to show, on the final engineering plans, water main improvements in accordance with the following. The water main improvements shall be constructed prior to the issuance of the Final Building Permit for the respective phases of construction.

Sanitary Sewer Main Improvements

27. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following. The sanitary sewer main improvements shall be constructed prior to the issuance of the First Certificate of Occupancy for any building abutting 29th Street South.

The developer agrees to construct approximately 240 feet of new sanitary sewer main in 29th Street South, connecting to the existing sanitary sewer main in Potomac Avenue.

The County will TV-Inspect the sanitary sewer lines serving the site and shall identify any improvements that are necessary to adequately service the development. The developer agrees to repair or replace any sections or appurtenances of the sanitary sewer serving the development that are found to be deficient or damaged by the developer, as identified by County staff and as shown on the final engineering plan approved by the County Manager.

Horizontal Standpipe or Fire Hydrant Requirements

28. The developer agrees to show, on the final engineering plan, horizontal standpipes or fire hydrants at intervals of not more than 300 feet in order to provide adequate fire protection. The County shall specify kind of service and locations at the time of the final site engineering plan approval based on applicable safety standards. The fire hydrants shall be installed prior to the issuance of the Final Building Permit, and horizontal standpipes shall be installed prior to the issuance of the first Certificate of Occupancy.

The developer agrees to provide calculations to demonstrate the needed fire flow as defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual. This information shall be

clearly shown on the cover sheet of each plan set submitted. Consistent with PDSP Conditions #11 and #18, horizontal standpipes and fire hydrants shall be constructed in locations consistent with the approved PDSP and with the approved PIP.

Replacement of Damaged Existing Curb, Gutter and Sidewalk

29. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy.

Street Lighting Requirements

30. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core Certificate of Occupancy. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Arlington County standards.

The developer agrees to purchase and install Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights measured from the sidewalk to the base of the luminaire, shall be 16 feet along the transitway/Crystal Drive, 16 feet along 33rd and 29th Streets South, and 16 feet along Potomac Avenue. The developer agrees to remove all standard thoroughfare lights from the site, unless the County decides that one or more are required to provide adequate lighting for street safety purposes at adjacent intersections. The developer agrees to pay the cost within thirty (30) calendar days after written notice is sent by the County, of moving existing or installing additional standard thoroughfare lights if required above.

Underground Existing Aerial Utilities

31. The developer agrees to remove 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. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.

Off-street Parking for Construction Workers

32. The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.

Address Indicator Signs

33. The developer agrees to install address indicator signs on the site which comply with Section 27-12 of the Arlington County Code or successor provision in a location visible from the street and as shown on the final site development and landscape plan.

Façade Treatment of Buildings

34. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be 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. The developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples,

for review by the County Manager for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit. The façade treatment for the buildings shall provide details of the arcade elements, including, but not limited to, the dimensions, height and materials of columns and adjacent exterior walls and storefronts, and lighting fixtures.

The developer agrees that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefronts that is located between three and eight feet from grade is required to be at least 80% transparent or as a percentage of transparency shown in the drawings dated November 12, 2007 and as approved and made a part of the public record on December 15, 2007. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

Recordation of Public Easements and Dedications

35. Except as otherwise specifically provided for in these site plan conditions for Land Bay C the developer agrees that all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with the construction of any public street, public infrastructure, or public improvements shall be submitted by the developer to the Department of Environmental Services for approval prior to the issuance of the Excavation/Sheeting and Shoring Permit. The above described documents shall be subject to approval by the County and shall be recorded by the developer among the land records of the Clerk of the Circuit Court of Arlington County before the issuance of the Final Building Permit for each applicable phase of construction. After approval, the developer agrees that there shall be no construction of buildings or other structures within the easement area without approval by the County Manager or the County Board. Real estate interests conveyed by the developer to the County for public street right-of-way purposes shall be conveyed in fee simple, free and clear of all liens and encumbrances. Real estate interests conveyed by the developer to the County for public improvements, not located within the public right-of-way, which public improvements shall include, but shall not be limited to, sidewalks, street trees, other streetscape plantings, water mains, storm sewers, sanitary sewers, and other public utilities and facilities, may be granted to the County by easement. Public use and access easements for North Park Plaza and North Park Road shall be recorded by the developer in strict accordance with Conditions #78 and 83, respectively, as set forth below. Dedications for the Transit-way Area and the 29th Street South shall be recorded by the developer in strict accordance with Conditions #79 and 80, respectively, as set forth below.

- **The following conditions of site plan approval (#36 through #44) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

Plat of Excavated Area

36. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above.

Public Improvements Bond

37. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Division of Transportation for review and approval. Upon approval of the performance bond estimate by the Division of Transportation, the developer agrees to submit to the Division of Transportation a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all these facilities (to include street trees and all landscape materials) within the public rights-of-way or easements, which 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 as-built drawings showing the location and facilities for all underground utilities (water, sanitary sewer, and storm sewer) that will be maintained by Arlington County.

Underground Electrical Transformers

38. The developer agrees that all new electrical transformers shall be placed underground in vaults which meet Virginia Power standards. These vaults may be placed in the street right-of-way or in driveways if approved by the County

on the final site engineering plan. Ventilation grates may not be located within public sidewalks or streets, or within areas used as a walkway between the street curb and any building. The locations of the vaults shall be coordinated with other utility locations so as to have a minimum clearance of five (5) feet to conduits and manholes and a minimum clearance of 10 feet to water mains and sanitary sewers unless otherwise approved by the owner of that utility. The developer shall obtain approval from the County Manager on the location of all vault ventilation grates and utilities as part of the review of the final site engineering plan and the final site development and landscape plan before the issuance of the Footing to Grade Structure Permit. However, the developer may dedicate rights-of-way and easements subject to encroachment. Such dedication shall not require application or public hearings for encroachment.

Interior Trash Collection and Recycling Areas

39. The developer agrees that interior space shall be provided and used for the collection, storage, compaction, and removal of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. The collection, storage, compaction, and removal of trash shall not occur outside the interior loading space. This space may not conflict with the use of a loading berth. The developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition before the issuance of the Footing to Grade Structure Permit.

Interior Loading Spaces

40. The developer agrees that all loading and trash collection 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 in conjunction with trash removal shall have a minimum interior height clearance of 14 feet which shall accommodate rear-loading trash trucks.

Parking Garage Van Access

41. The developer agrees that new parking garages shall be designed to allow access and use by vans. At least 1% of the total new parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches. Compliance with this condition shall be determined by review of the building plans by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit, which review shall not relieve the developer from constructing in accordance with this condition.

Parking Space Compliance with Zoning Ordinance

42. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance, or the number of spaces as approved by the PDSP and Final Site Plan approval for Land Bay C. Unless otherwise approved by the County Board, the number of compact spaces may not exceed the Zoning Ordinance requirement. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

Bicycle Storage Facilities

43. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to office, residential and retail areas on the following basis at a minimum:

Office Bicycle Storage Facilities:

One (1) employee bicycle parking space for every 7,500 square feet, or portion thereof, of office floor area and one (1) additional such visitor space for every 20,000 square feet, or portion thereof, of office floor area.

Employee bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress. The facilities for office users bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Visitor parking must be located within 50 feet of the primary building entrance, and the design of the exterior visitor bicycle parking racks shall be integrated into the design of the building. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA) in each building, one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee

bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all tenants of the building. The lockers will be a minimum size of 12" wide, 18" deep, 36" high, and shall be available for use on a 24 hour basis. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County Police Department before issuance of the Footing to Grade Structure Permit. The developer agrees that an exercise/health facility containing a maximum of 1,000 square feet shall not count as density (FAR) but shall count as GFA if this facility meets all of the following criteria: 1). The facility shall be located in the interior of the building and shall not add to the bulk or height of the project; 2). Showers and clothes lockers shall be provided as required above; 3). The lockers shall be installed adjacent to the showers in a safe and secured area within the exercise facility and both showers and lockers shall be accessible to all tenants of the project; 4). The exercise facility shall be open only to tenants of the project and shall not accept or solicit memberships from outside of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours. These requirements shall be met and provided in each office building constructed in the site plan.

Retail Bicycle Storage Facilities:

Two (2) retail visitor/customer bicycle parking spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) additional retail visitor/customer space for every 12,500 square feet, or portion thereof, of additional retail floor area; and one (1) additional retail employee space for every 25,000 square feet, or portion thereof, of retail floor area. The retail visitor/customer bicycle spaces shall be installed at exterior locations that are convenient to the retail visitors/customers, and such locations shall be reviewed by the Division of Transportation, and the design of the exterior retail visitor/customer bicycle parking racks shall be integrated into the design of the building. The developer agrees to obtain approval of the location, design and details of the retail visitor/customer bicycle spaces as part of the final site development and landscape plan. Facilities for retail visitors/customers must meet the County standards for bicycle racks, be located close to retail visitor/customer entrances or the closest retail vehicle parking spaces, and be approved by the Bicycle and Pedestrian Program Manager before installation.

Emergency Vehicle Access/support on Parking and Plaza Areas

- 44. The developer agrees to construct all plaza areas used for vehicular access, including North Park Road which extends from 33rd to 29th Streets South, and all surface parking areas to support the live load of any fire apparatus. Architecturally designed bollards or curbs shall be used on pedestrian plazas to separate the areas intended for emergency vehicle use from areas intended for pedestrian use. No above-grade structure shall be allowed to obstruct fire lanes. The requirements of this condition shall be incorporated in the drawings submitted for the Footing to Grade Structure Permit.

- **The following conditions of site plan approval (#45 through #49) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit.**

Wall Check Survey

- 45. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above.

Screening of Mechanical Equipment

- 46. Mechanical equipment shall be screened so as not to be visible from public rights-of-way.

Use and Height of Penthouse

- 47. 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 #58 below. The height of the penthouse shall not exceed 18.5 feet, as shown on the drawings dated November 12, 2007, and approved by the County Board and made a part of the public record on December 15, 2007.

Review by Crime Prevention Through Environmental Design (CPTED) Practitioner

- 48. The developer agrees to submit to the Operations Division of the Arlington County Police Department the approved post-4.1 drawings for review by the Crime Prevention Through Environmental Design (CPTED) practitioner in the Police Department for review of CPTED design requirements.

FAA Documentation

- 49. The developer agrees to obtain from the Federal Aviation Administration (FAA), before the issuance of the final building permit, a written statement that the project is not a hazard to air navigation or that the project does not require notice to or approval by the FAA.

- **The following conditions of site plan approval (#50 through #55) are valid for the life of the site plan**

and must be met by the developer before the issuance of the First Certificate of Occupancy.

Comprehensive Sign Plan

50. The developer agrees to develop and submit a comprehensive sign plan that is consistent with the approved *Potomac Yard Overall Sign Guidelines*. All exterior signs (including identification and directional signage) shall be consistent with the approved *Potomac Yard Overall Sign Guidelines*, the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. No sign permits will be issued until a comprehensive sign plan for the final site plan for Land Bay C is approved by the County Board. The developer agrees to obtain approval from the County Board of the comprehensive sign plan before the issuance of the first Certificate of Occupancy for retail uses. All proposed rooftop signs and rooftop façade lighting, defined as all signs and exterior lighting illumination that are 35 feet or more above the ground, shall require a site plan approval or amendment.

Transportation Management Plan

51. The applicant agrees to develop and implement a Transportation Management Plan (TMP) that consists of a number of strategies and tactics intended to contribute individually and in combination to achieving identified objectives contained in the conditions of the approved for Potomac Yard Phased Development Site Plan (PDSP). The applicant further agrees to coordinate and participate in elements and services which shall be implemented by the Potomac Yard Transportation Management Plan Association (TMPA).

The developer agrees that the Transportation Management Plan shall include, but not be limited to, the following strategies:

Facilities and Improvements

- a. Garage entrances and exits designed to permit van access to desirable parking locations.
- b. Electronic parking availability display units at garage entrances clearly visible from the street.
- c. Wayfinding, directional, and advisory signage will be displayed in coordination with the TMPA as approved by the County.
- d. Compliance with requirements of Site Plan conditions to provide bicycle parking/storage facilities.
- e. Installation of a Transportation Information Center (kiosk) purchased from or approved by ATP/ACCS, providing materials related to local transportation alternatives and maintain a stock of said materials at all times, in the building lobby.
- f. As required in PDSP Condition #28, a transit store in Land Bay C. Consistent with the drawings dated November 12, 2007, the transit store shall consist of 1,120 square feet. Consistent with PDSP Condition #28(a)(i), the transit store shall house TMP staff offices and supply storage. Consistent with PDSP Condition #28(d)(vii), the TMA shall fund and house the operation of a "Commuter Hut" within the transit store; and consistent with subsection (d)(vii), the transit store shall be rented by the TMA. The TMA shall fund the staffing and storage associated with the transit store.

Coordinated Parking Management

- g. Contribute to and participate in the management of parking assets within the development, as appropriate for the use of the building, and consistent with an Area Parking Plan (APP) to be prepared by the TMPA pursuant to Subparagraph 29(d)iii)5) of the PDSP to include:
 - (1) Single occupancy vehicle (SOV) parking at fair market rates.
 - (2) Reserved, conveniently located, and free vanpool parking spaces.
 - (3) Reserved, conveniently located, and discounted carpool parking spaces. Parking for carpool vehicles shall be provided at a **discounted** rate, equal to or less than half the rate for SOVs.
 - (4) Provide convenient retail parking as required.
 - (5) Depict as part of the parking management plan, an area parking plan encompassing all block faces around the site. This plan will included a schematic drawing that designates proposed locations for a two-space taxi stand and car sharing, accessible paratransit pick-up/drop-off location, bus stops, loading zones for delivery vehicles, visitor bicycle rack locations, and on-street parking spaces. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
 - (6) No on-street loading will be permitted between the hours of 7AM to 9AM and 4PM to 6PM.

TMP Organization and Funding

- h. Participate and maintain an active membership in the TMPA or any successor entity via an annual assessment. The TMPA shall be responsible for ongoing operation and management of a TMP on behalf of tenants, residents, guests, and visitors of Potomac Yard. The TMP assessments shall be set by the TMPA based upon funding requirements of the TMP Work Plan established in accordance with the PDSP. The first payment equal to one-fourth of the maximum annual assessment for the building requiring Certificate of Occupancy will be made no later than the issuance of the first Certificate of Occupancy for that building.

Contribute an annual assessment to the TMPA. The maximum annual assessments shall not exceed (as adjusted annually by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index, Urban (CPI-U) for the Washington Area) \$0.25 per square foot (CY 2000\$) of Gross Floor Area (GFA) for 283,948 square feet of commercial space plus \$0.275 per square foot (CY 2000\$) of Gross Floor Area (GFA) for 500,000 square feet of commercial space plus \$0.30 per square foot (CY 2000\$) of Gross Floor Area (GFA) for 321,675 square feet of commercial space. The applicant agrees to pay the assessment no later than 60 days from receiving an invoice from the TMPA.
- i. Comply with PDSP requirement should TMPA request other one-time contributions from its members.
- j. Designate a member(s) of the building management as Property Transportation Coordinator (PTC) who will be the primary point of contact with the TMPA and undertake coordination and completion of all TDM obligations. The applicant will provide the name of the Property Transportation Coordinator to the TMPA and the Arlington County TDM Program Manager. The PTC shall be responsible for monitoring the site TDM performance in coordination with the TMPA. The PTC shall be appropriately trained, to the satisfaction of the Potomac Yard TMA, to provide rideshare, transit and other information provided by the TMA, intended to assist with transportation to and from the site.

Services and Program Elements

- k. Distribute in a new-employees package, materials provided by TMPA including site-specific transit-related information and SmarTrip cards to all employees in the building. Packages will be distributed to each of the tenants' employees no later than their first full day of work at the building.
- l. Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotions in locations within the building acceptable to the applicant.
- m. Coordinate with the TMPA on surveys, parking garage and cordon counts, other marketing research, reports, and development of APP.
- n. Provide website hotlinks to CommuterPage.comTM and to the Potomac Yard TMA's website under a "transportation information" heading from the developer and property manager's website regarding this development.

TMP Performance

- o. Implementation of the TMP shall be the responsibility of the TMPA and evaluated on an annual basis by the County Manager, or his designee, based on information derived from the surveys, traffic counts, marketing research, reports, etc., during the process of developing and Annual TMP Work Plan as outlined in the PDSP.

The applicant shall coordinate with the TMPA with an updated TMP report with the filing of Final Site Plan. This report, to be prepared by the TMPA, will describe the status of the development in meeting vehicle occupancy and mode share goals, discuss area traffic conditions, analyze the expected impacts of the additional development covered by the Final Site Plan, and describe any additional TDM or TSM actions that might be needed.

Residential Parking and Parking Management Plan
Intentionally Omitted

52.

Lighting Plan for Public Areas

- 53. The developer agrees to include a lighting plan for all internal and external public areas, including parking, arcade and plaza areas, as part of the final site development and landscape plan. This lighting plan shall be subject to

review by the County Manager, including street lighting as described in Condition #30 above. The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, before the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The developer further agrees that the building arcade areas shall be fully illuminated at all times when it is dark.

Documentation of Historical Artifacts, Features and Buildings

54. The developer agrees to be responsible for documenting any historical artifact or historical natural feature uncovered during construction on the site. This documentation shall include written notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was found. The developer agrees to submit a copy of this documentation to Arlington County before issuance of the first Certificate of Occupancy.

In the event an historical artifact or natural feature is found on the site, and is to be disturbed or removed from the site during construction, the developer agrees to contact the Arlington County Historic Preservation Program, Neighborhood Services Division before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.

If historic buildings are located on the site, then photographic documentation shall be consistent with Historic American Building Survey (HABS) standards. Should the project be assessed as a possible archaeological site, the developer agrees to pursue, at a minimum, a level one and two archaeological study. The developer agrees to submit to the Arlington County Historic Preservation Program all written results of the level one and two archaeological study and all artifacts found on the site.

Availability of Site Plan Conditions to Residential Condos, Cooperatives and Homeowners Associations Intentionally Omitted

55. **The following condition of site plan approval (#56) is valid for the life of the site plan and must be met by the developer before the issuance of the Master Certificate of Occupancy.**

Building Height Certification

56. The developer agrees to submit, before the issuance of the Master Certificate of Occupancy, drawings certifying the building height as measured from the average site elevation to both the building roof and to the top of the penthouse roof.
- **The following condition of site plan approval (#57) is valid for the life of the site plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**

Obtain Master Certificate of Occupancy

57. The developer agrees to obtain a Master Certificate of Occupancy within six (6) months of receipt of the partial Certificate of Occupancy for full occupancy of the building. The developer may request in writing to extend the timeframe for obtaining the Master Certificate of Occupancy. The request shall outline the reasons for the extension and shall be submitted to the County Manager or his designee for review of the outstanding issues one (1) month prior to the end of the six-month time frame. The County Manager or his designee may approve such extension if he finds that the developer is diligently continuing completion of the project and/or, pursuant to Condition #71 below, is awaiting final certification from the USGBC for at least the Silver rating for LEED-CS.
- **Post Certificate of Occupancy: the following Conditions of site plan approval (#58 through #63) are valid for the life of the site plan.**

County Installation of Telecommunications Transmitter and/or Receiver Equipment

58. In order to maintain the effectiveness of the County's public safety systems, the developer/applicant hereby agrees to grant to the County in perpetuity the right to install telecommunications transmitter and/or receiver equipment and conducting wire in or on the penthouse or top floor, and antennae and traffic monitoring systems on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. The developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. Any radio transmitter or receiver equipment and

antenna to be installed or used by others must not interfere with the emergency communication system of the County.

Structural Additions

59. The developer agrees that any structural addition or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager, in consultation with the Zoning Administrator determines that any proposed improvements or changes to the facades or materials have a significant impact on the site plan, or otherwise meet Zoning Ordinance requirements for site plan amendments that go to the County Board, a site plan amendment shall be required.

Snow Removal

60. The developer or owner agrees to remove snow from all interior streets and interior and exterior sidewalks, including accessibility ramps and gutter areas within crosswalks, within a reasonable time after snow has stopped falling but in no case later than snow removal provided for vehicular access to the site.

Maintenance of Residential Common Areas

61. **Intentionally Omitted**

Retention of Approved Parking Ratio over Subdivided Site

62. The developer agrees to provide parking for the final site plan according to the approved parking ratio. In the event of a subdivision, the parking shall continue to be committed to the entire project for purposes of administering the Zoning Ordinance and the parking requirement shall be calculated for the entire final site plan and not individual subdivided parcels.

Retention of Approved Density over Subdivided Site

63. The density allocated for any new construction pursuant to the site plan on any subdivided parcel of the site shall be the same as the approved density for the entire site. No additional density shall be allowed on any individual parcel formed by subdivision of the site.

- **The following unique site specific conditions (#64 through #81) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.**

Retail Elements

64. a. The developer agrees to provide a minimum of 41,325 square feet of ground floor retail in the four (4) office buildings on Land Bay C as follows: 7,720 square feet in Office Building 1; 7,435 square feet in Office Building 2; 8,110 square feet in Office Building 3; and, 18,060 square feet, including 1,120 square feet designated for the transit store, in Office Building 4. Building numbers correspond to those shown on the drawings dated November 12, 2007. Any change in the use of the retail spaces shall require a site plan amendment.
- 1) The developer agrees to develop and implement a retail attraction and marketing plan for the 41,325 square feet of retail space located on the first floors of the office buildings. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The retail attraction and marketing plan shall be in accordance with the approved PDSP Urban Design Guidelines. The retail attraction and marketing plan shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment.
 - 2) The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street and North Park frontages of the final site plan, consistent with the PDSP Urban Design Guidelines. These elements shall include, but are not limited to: a minimum 12 foot floor to ceiling heights consistent with the PDSP Urban Design Guidelines, as shown on the plans dated November 12, 2007; access to the service corridor/areas as shown on the architectural plans dated November 12, 2007; direct street and North Park frontage and access; rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions; provision for any venting systems required for any food preparation or restaurant use; and sufficient transparency of the building facade to achieve adequate street exposure.

- 3) In Office Building 4, retail spaces that abut the public pedestrian passageway shall be designed so that their interior walls abutting the public pedestrian passageway contain transparency to the extent possible relative to the retail function, in order to allow pedestrians to view the activity within the retail establishments and to allow patrons and employees of the retail establishments to view the activity in the public pedestrian passageway. The design of the interior retail walls abutting the public pedestrian passageway, including the amount of transparency, shall be reviewed and approved as part of the façade treatment for Office Building 4.

Public Art

65. The developer agrees to comply with the approved PDSP Public Art Concept Plan, including the funding and implementation requirements.

After-hours Parking in Office Garages

66. The developer agrees to make all parking in the garage available to the public for parking after standard office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays) until the close of business of retail operations. The developer further agrees to make substantially contiguous parking spaces on the two levels of the garage available to the general public on an unreserved high turnover, hourly basis for visitors and patrons, including employees and customers of the retail tenants, from 7:00 a.m. to 6:00 p.m. on weekdays (other than weekends and legal holidays). The minimum number of retail and office spaces shall be consistent with the shared parking plan which meets the requirements of the approved PDSP, the approved final site plan for Land Bay C, and the Zoning Ordinance for the retail and office uses that occupy the spaces. The developer agrees to implement a validation program to allow use of all spaces for retail customers and employees between 6:00 p.m. until the close of business of the retail operations.

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines shared parking for office employee and visitor parking, and parking for retail tenants' employees and customers, how it will be provided, where the parking will be located and how office employees and visitors, and retail employees and customers, will be directed to the parking spaces. The parking management plan shall be submitted to the Zoning Administrator, and the developer agrees to obtain approval of the County Manager of the plan, prior to the issuance of the first Certificate of Occupancy for the first phase of the office development. The developer agrees to implement the plan throughout the life of the site plan project.

Outdoor Cafes

67. Outdoor cafes shall be permitted in the public rights-of-ways or within public easements along 29th and 33rd Streets South, Crystal Drive, and North Park Road, in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. A minimum of six (6) feet of clear sidewalk width must be maintained along the street frontages. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Outdoor café(s) shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time, the Zoning Administrator may review the approval, impose conditions on the operation of the outdoor café, or revoke the prior approval.

Affordable Housing Contribution

68. The developer agrees to comply with Subsection 36.H.6. of the Zoning Ordinance, "Affordable Dwelling Units for Increased Density Within General Land Use Plan." Prior to the issuance of the first Certificate of Occupancy for Land Bay C, the developer shall have submitted to and obtained from the County Manager confirmation or approval of the developer's finalized plan for meeting the requirements of the affordable housing ordinance, and shall have executed all necessary documents to implement the approved or confirmed plan.

Building Security Requirements

69.
 - a. The developer agrees to coordinate with County staff on the design of exterior building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior building security measures shall be shown on, and approved as part of, the final site development and landscape plan and the approved façade treatment plan. The base of the buildings, as shown in the drawings dated November 12, 2007, and consistent with Condition #64 above, have been designed to accommodate retail uses and provide interest and activate the streetscape. Any change in the use and design of the base resulting from any proposal for exterior building security measures shall require a site plan amendment.
 - b. The developer agrees that it is the policy of the County to maintain the maximum number of on-street parking spaces around the perimeter of a site, and that it will not remove or reduce the number of on-street

parking spaces around the perimeter of a site whether at the request of the developer or a tenant or otherwise. Accordingly, the developer agrees that it shall notify tenants of the aforesaid policy prior to execution of any lease with a tenant.

Phasing Plan

70. The developer agrees to obtain written approval from the County Manager of a phasing plan prior to the issuance of any building permits for the site plan. The developer agrees to implement the approved plan. The developer may construct the improvements associated with Land Bay C in phases, as follows: construction of Office Buildings 1 and 2 shall be constructed as part of the "East Phase"; and construction of Office Buildings 3 and 4 shall be constructed as part of the "West Phase". The phasing plan shall include the phasing of construction of the garage; construction and operation of the interior loading docks to be accessed from Potomac Avenue; and construction of North Park Plaza, including North Park Road, consistent with the phasing requirements of Condition #78 below. During the phasing of construction, the developer further agrees to maintain the site and any buildings located within it according to all County ordinances, regulations and policies and the provisions of these site plan conditions. This maintenance shall include, but not be limited to, implementation of the requirements contained in PDSP Condition #37, maintaining landscaping, keeping the grass mowed, and removing litter and debris from the site. The developer further agrees to maintain, at all times, access on the site for fire emergency vehicles. Improvements required by these site plan conditions may be constructed in phases, consistent with the phasing plan for construction of the project. Any changes in the project phasing shall require a new phasing plan approved, in writing, by the County Manager prior to the issuance of any building permits.

Access to the garage and loading from Potomac Avenue shall be constructed with the first phase of construction regardless of whether the first phase constructed is the East Phase or West Phase. If the West Phase is developed first, then the garage and loading access from Potomac Avenue shall continue to be made available and be accessible for use by occupants of the West Phase of development while the East Phase is under construction.

LEED Credits and Sustainable Design Elements

71. a. The developer agrees to contract with 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 to achieve a Silver certification as outlined by the U.S. Green Building Council's LEED for Core And Shell (LEED-CS) green building rating system. Specifically, the developer agrees to apply for and earn the LEED-CS Precertification from the USGBC prior to issuance of the first above grade building permit for each building.
- b. The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED consultant and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance 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:
1. Clearing, Grading & Demolition Permit
 2. Excavation, Sheeting and Shoring Permit
 3. Footing to Grade Permit (Prior to issuance of the Footing to Grade permit, the applicant shall have submitted and received final Precertification Review from the US Green Building Council as allowed by the LEED-CS review process. The results of the final LEED Precertification Review must be submitted to the County Manager or his designee.)
 4. Final Building Permit
 5. Shell and Core Certificate of Occupancy
 6. Partial Certificate of Occupancy for occupancy of the last floor of space
 7. Master Certificate of Occupancy
- c. Prior to the issuance of the of the partial Certificate of Occupancy for full occupancy of each building, the developer agrees to provide the County Manager documentation that the building received at least the Silver Certified rating under the U.S. Green Building Council's LEED for Core And Shell (LEED-CS) rating system. Pursuant to Condition #57 above, if the developer requests to extend the timeframe for obtaining the Master Certificate of Occupancy, then the County Manager or his designee may approve such extension if he finds that the developer is diligently continuing completion of the project and/or is awaiting final certification from the USGBC for at least the Silver rating for LEED-CS.

If the developer fails to receive at least LEED Certification from the U.S. Green Building Council (USGBC) by the timeframe identified above, then the developer agrees to make a contribution to the County's Green

Building Fund of \$33,169 (\$0.03 X 1,105,623 square feet). The payment shall be made to the Department of Environmental Services 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.

Furthermore, the developer agrees to permit the County Manager or his designee to access the USGBC records for the project and to provide the County Manager with such authorization as may be necessary to allow such access.

Refuse Delivery to County Disposal Facility

72. The developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility designated by the County Manager. The developer further agrees to stipulate in any future lease or property sale agreements and deeds that all tenants or property owners shall also comply with this requirement for the life of the site plan. Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the developer.

Towing of Impermissibly Parked Vehicles

73. The developer agrees to have, as a part of its parking management plan, provisions relating to the towing of impermissibly parked vehicles. Such provisions shall include, but not be limited to:
- a. Requirements for signage at the developer's parking lot(s) providing notice of all applicable parking restrictions enforced by towing, the location of the towing contractor(s)' impoundment yard, and the name and telephone number of the developer's on-site representative responsible for towing-related complaints, as well as the telephone number of the Arlington County Office of Citizen and Consumer Affairs;
 - b. Disclosure by the developer and its towing contractor(s), at the developer's parking lot(s), of all fees and charges for towing; and
 - c. Evidence that the developer has a contract with the towing contractor that requires the towing contractor to clearly display all fees and charges for towing.

Speed Bumps at Garage Exit Ramps

74. The developer agrees to install speed bumps adjacent to the top of garage exit ramps at locations where ramps abut the pedestrian sidewalk, in order to slow vehicular traffic prior to vehicles crossing the sidewalk. The locations of the speed bumps shall be shown on the site engineering and building plans approved by the County Manager. The garage doors shall be setback from the sidewalk a minimum distance of six (6) inches.

Public Safety Radio Communications

75. The developer agrees to install and maintain in operable condition, in a manner acceptable to the County Manager, an internal antenna/amplifier system that permits public safety radio communications to transmit in the 806-825 MHz frequency and to receive in the 851-870 MHz frequency from all areas within the building. The developer agrees to provide documentation in the approved electrical engineering drawings that adequate accommodations have been made in the building to meet this requirement.

Contribution to Transit Station Fund

76. Consistent with PDSP Condition #21(e)iii, the developer agrees to contribute to a County fund for transit stations and related improvements consistent with the Transit Corridor Plan and located within the PDSP area. The total fund contribution for this site is \$130,464 (\$.118 x 1,105,623 square feet – The adjusted amount for CY 2007, based on \$.10 adjusted annually to reflect changes in the Washington Consumer Price Index for Construction from October 2000 to January 2007). The contribution to the fund shall be made in two (2) payments. One-half, or \$65,232, shall be paid before the issuance of any Building Permit for the first office building in the final site plan. The balance of the contribution, or \$65,232, shall be paid before the issuance of any Building Permit for the third office building in the final site plan.

Chesapeake Bay Preservation Ordinance

77. Consistent with PDSP Condition #26, the developer agrees to comply with the current Arlington County Chesapeake Bay Preservation Ordinance (CBPO).

North Park Plaza

78. a. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager, a detailed final landscape plan for the entire North Park Plaza ("North Park Plaza") prior to the issuance of the Final Building Permit for the first building constructed in Land Bay C. The developer agrees to submit a final landscape plan for North Park Plaza to the Site Plan Review Committee for review and comment. The final landscape plan for the entire North Park Plaza shall be consistent with the North Park Plaza Design Plan shown in the drawings dated November 12, 2007 and reviewed and approved by the County Board and

made a part of the public record on December 15, 2007. The final landscape plan, including all landscape elements contained in the final landscape plan, shall include the same level of detail outlined and required in Conditions #15 and #16 above. Furthermore, the developer agrees to include, in the final landscape plan, the following additional information:

- 1) Details of the landscape elements and structures, such as, but not limited to, water fountains or features, pergolas, kiosks, gazebos, sculptures, art or focal features; and details of site furnishings, such as, but not limited to, benches, tables, chairs, light posts and fixtures, bollards, drinking fountains, bicycle racks.

The developer agrees that the final pattern/design, dimensions and cross-sections of the walkway and road elements in North Park Plaza and North Park Road, including office building drop-off and on-street retail parking areas, and final selection of materials, colors and construction standards to be used, shall be as approved by the County Manager on the final landscape plan and final engineering plan for North Park Plaza and North Park Road and shall be in accordance with the North Park Plaza Design Plan, the PDSP Urban Design Guidelines or other applicable urban design standards approved, in writing, by the County Board and in effect at the time of the final landscape plan and final engineering plan approval. The developer further agrees to construct the required walkway and road improvements as part of construction of North Park Plaza and North Park Road, as shown on the approved final landscape and approved final engineering plans and consistent with the requirements outlined in the sub-paragraphs below. The walkways and North Park Road shall be placed on a properly-engineered base approved as such by the Division of Transportation. The road shall be constructed to support the live load of any fire apparatus, consistent with Condition #44 above. All walkways and the road shall be constructed to then existing County Standards and shall be clearly delineated through the use of colors, textures and materials that differentiate the pedestrian and vehicular zones. The developer agrees to maintain and replace all elements of North Park Plaza, including plant materials, landscape and architectural elements, walkways, and North Park Road, for the life of the site plan.

- b. The developer agrees to implement the approved final landscape plan and the approved final engineering plan and construct North Park Plaza and North Park Road consistent with the approved final landscape and approved final engineering plans. Construction of North Park Plaza and North Park Road, consistent with the approved landscape plan and final engineering plan, may occur in phases concurrent with construction of the applicable phase of construction of the buildings as follows: North Park Road and all parts of North Park Plaza located west of the road shall be constructed with the construction of Buildings 3 and 4; construction of the portion of North Park Plaza located to the east of North Park Road shall occur concurrent with construction of Buildings 1 and 2.

In the event the developer chooses not to phase construction of North Park Plaza, including installation of all plant materials, landscape and architectural elements, walkways and North Park Road, and North Park Road, then the construction of North Park Plaza and North Park Road shall be completed in their entirety before the issuance of the first Certificate of Occupancy for tenant occupancy for the last building constructed in Land Bay C.

In the event that North Park Plaza, including North Park Road, is built in phases, the developer may submit the North Park Plaza Easement as defined in subsection d. below, for review and approval, by the County Manager or his designee, in two phases as provided for above, each phase corresponding to the portion of North Park Plaza that is being constructed, provided that the North Park Plaza Easement for the phase under construction is approved and recorded as required herein prior to issuance of the first certificate of occupancy for tenant occupancy of the last building in the phase under construction. In the event that North Park Plaza is constructed in two phases, the North Park Plaza Easement for each phase shall be consistent with all requirements set forth herein.

- c. Once approved, the final landscape plan for North Park Plaza shall govern construction and/or installation of elements and features shown thereon, except as amendments may be specifically approved in writing by the County Manager.
- d. Consistent with PDSP Condition #22, the developer agrees to grant a permanent public use and access surface easement ("North Park Plaza Easement") to the County Board of Arlington County for access to and use of, at all times (except as necessary for plaza and road maintenance and repairs) by the County and the public at large, the area identified as North Park Plaza in the North Park Plaza Design Plan dated November 12, 2007, and further described as the 70,860 square foot (1.63 acres), "cross-shaped" area, bounded by

29th Street, 33rd Street, Potomac Avenue and the Transitway/Crystal Drive and located between Office Buildings 1, 2, 3 and 4, and the areas between Office Buildings 3 and 4 and Office Buildings 1 and 2 (“North Park Plaza Easement Area”). The North Park Plaza Easement Area shall include the area of North Park Road (as defined in Condition # 83 herein). The North Park Plaza Easement shall permit the nonexclusive public use and public access over, upon, across and through the North Park Plaza Easement Area for, among other things, open space and park purposes, including, but not limited to, pedestrian passage. The North Park Plaza Easement also shall permit the nonexclusive public use and public access over, upon, across and through the area designated as North Park Road, for street purposes, including, but not limited to vehicular passage over. The North Park Plaza Easement may be provided and recorded in two phases as set forth in subsection B. above.

The final location of the North Park Plaza Easement shall be subject to review and written approval by the County Manager, consistent with the approved final landscape and final engineering plans.

The final design and installation of the landscape elements, and the final design and treatment of the walkways and road in the North Park Plaza Easement Area shall be approved, in writing, by the County Manager as part of the final landscape plan and final engineering plan for North Park Plaza. The developer, at its sole cost and expense, shall construct and landscape the North Park Plaza Easement Area according to the final approved engineering plans and the final approved landscape plans. Construction and landscaping of the North Park Plaza Easement Area, or the applicable phase of North Park Plaza Easement Area, shall be completed prior to the recordation of the North Park Plaza Access Easement for North Park Plaza or the applicable phase of North Park Plaza.

The North Park Plaza Easement shall be granted by deed, in substance, acceptable to the County Manager, or his designee, and, in form, acceptable to the County Attorney. The location of the North Park Plaza Easement may change from the location in the site plan upon the review and approval by the County Manager, and shall be consistent with the approved final site engineering plans, the approved final site development plans and the approved final landscape plans for the project.

Regardless of any other provision contained in this Condition #78, the North Park Plaza Easement shall be recorded by the developer among the land records of the Clerk of the Circuit Court of Arlington County, Virginia prior to the issuance of the first Certificate of Occupancy for any tenant occupancy (retail or otherwise) of the last building in Land Bay C.

The developer agrees that the North Park Plaza Easement shall include, among other things, the following provisions:

- 1) The North Park Plaza Easement is a surface easement only. The developer shall retain the right to install, operate and maintain the underground garage, ramping, parking and related appurtenances, as shown on the approved site plan, landscape plan and engineering plan under the North Park Plaza Easement Area, and the right to install and maintain the building overhangs, as shown on the approved site plan, landscape plan and engineering plan over the North Park Plaza Easement Area.
- 2) Columns (attached to upper building floors or otherwise), pergolas, kiosks, gazebos, bollards, trees, landscaping, paths, walkways, sidewalk, streetlights, lighting, water features, benches, tables, chairs, masonry, stonework, art, sculpture, focal features, signage, trash receptacles, bicycle racks, steps, North Park Road, parking meters, curbs and gutters and all other structures or facilities as shown on approved on the approved final landscape, approved site plan, or approved final engineering plan (“Facilities”), shall be permitted in the North Park Plaza Easement Area.
- 3) Bicycles shall be permitted in the North Park Plaza Easement Area. The developer may regulate the use of all other non-motorized vehicles in the North Park Plaza Easement Area.
- 4) The developer shall permit access of emergency, police or fire vehicles in the North Park Plaza Easement Area.
- 5) The County, its contractors and agents, and the public at large, shall have full and free use of the North Park Plaza Easement Area for the purposes named and shall have all rights and privileges reasonable necessary to the exercise or the use of the North Park Plaza Easement, including, but not limited to, the right of access to and from the North Park Plaza Easement, and

the right to use the adjoining land of the developer where necessary; provided, however, that the right to use the adjoining land (not including building interiors) shall be exercised only during periods of actual construction, maintenance, removal, repair, reconstruction, replacement and relocation, and further this right shall not be construed to allow the County to erect any building, structure or facility of a permanent nature on such adjoining land unless otherwise provided in such North Park Plaza Easement.

- 6) The master developer or the Property Owners Association shall be responsible, at its sole cost and expense, for the continued care and cleaning, maintenance, repair, replacement, installation and removal of the North Park Plaza Easement Area and all Facilities located thereon or therein, including, but not limited to, provision of snow and ice removal, trash removal and care of all trees and landscaping contained therein.
 - 7) The developer shall, at all times during the term of the North Park Plaza Easement, maintain comprehensive liability insurance for the North Park Plaza Easement Area, naming the County Board, its elected and appointed officials, officers, employees, agents and contractors as additional insureds, in the initial coverage amount of not less than 1 million dollars per occurrence and not less than 2 million dollars, annual aggregate. The County Manager, in his sole discretion, can require an increase in the amount of comprehensive liability insurance, by prior written notice to the developer.
 - 8) The developer shall indemnify and hold harmless the County Board, its elected and appointed officials, officers, employees, agents and contractors from all liability, personal injury, death, claims, damages, losses, costs and expenses, of whatsoever nature, concerning or arising out of the design, construction, installation, repair, maintenance, replacement, removal, care and cleaning and regulation of the North Park Plaza Easement Area and all Facilities thereunder, therein or thereon, by the developer, and arising out of the use of the North Park Plaza Easement Area by the public at large, the developer, and others.
 - 9) The North Park Plaza Easement Area shall be open for public access twenty-four hours a day, seven days a week, except as may be reasonably limited, in time or in space, upon written approval by the County Manager for events provided for in subsection 10 herein.
 - 10) The North Park Plaza Easement Area shall be available for, to the County and the public at large, for, among other things, public park purposes, public recreation, farmer's markets, concerts, performances, speeches, rallies, public gatherings, public dining and picnicking, art displays and shows and any other public use ("Public Uses"), as long as such Public Uses are approved and permitted, in writing, by the County Manager.
 - 11) The consumption of alcoholic beverages, consistent with applicable law, shall be permitted in the North Park Plaza Easement Area, at specified times and for specified events, subject to the obtaining of all required state and local permits, approvals and permissions, and further subject to written approval thereof by the County Manager, in his sole discretion.
 - 12) The consent of any lender of the underlying property to the North Park Plaza Access Easement and subordination of all liens of the mortgage or deeds of trust to the North Park Plaza Easement.
 - 13) A statement that the North Park Plaza Easement is binding upon all successors in title and interest and assigns of the developer.
- f. The developer, or master developer, agrees to animate North Park Plaza through provision of various events and activities, and to provide the infrastructure needed to facilitate implementation of the events and activities. Consistent with PDSP Condition #22, the developer agrees to submit a park maintenance plan and an events management plan, to the County Manager, or his designee, to be reviewed and approved as part of the park's final landscape plan prior to the issuance of the Shell and Core Building Permit for the first building constructed in Land Bay C. Furthermore, the developer agrees to work jointly with the County to program North Park Plaza to the same degree as any other similar urban plaza in the County, which may include: coordination between the developer's designer and the Department of Parks, Recreation and Cultural Resources (DPRCR) staff to assure that the final design of North Park Plaza provides appropriate space, layouts and infrastructure to support future programming, signage clarifying the public nature of the park and announcing special events approved by the County Manager and sponsored by both DPRCR and the developer, temporary closures as approved by the County Manager of North Park Road to accommodate

special events, coordination with County police regarding traffic control or monitoring during special events, coordination between the DPRCR staff and the Property Owners Association to ensure that North Park Plaza and Facilities are managed and maintained in such a way that allows and supports such continued programming as outlined herein.

- g. The developer agrees that the name for the above-mentioned park will be designated in accordance with the *Arlington County Policy for Naming and Renaming of County Facilities and Parks*, adopted on July 10, 1999, and as thereafter modified, supplemented, amended or replaced.

Dedication of Site Area for the Transitway

- 79. The developer agrees to dedicate, to the County, in fee simple, for public purposes and public use, approximately 500 square feet of land area on Crystal Drive at the intersection of 33rd Street in Potomac Yard as such land area is depicted in the approved final engineering site plan (“Transitway Area”).

Dedication of the Transitway Area will not require a PDSP amendment. Within 120 days of final site plan approval, or within 30 days of the County Manager’s request, whichever comes first, the developer will prepare, at its sole cost and expense, a deed and a plat of dedication, which deed and plat shall be subject to the review and written approval of the County Manager, as to substance, and the Arlington County Attorney, as to form. The deed and plat of dedication shall be recorded, by the developer, among the land records of the Clerk of Court of Arlington County, Virginia. No Final Building Permit shall be issued for Land Bay C until the deed of dedication for the Transitway Area is recorded.

In the deed and plat, the developer may reserve the rights, without cost to the developer, for any easement(s) for private and public utilities, underground parking structures and other encroachments in the Transitway Area that are required on the approved final site engineering plans.

Dedication of 29th Street South

- 80. The developer agrees to dedicate, to the County, in fee simple, for public street and utilities purposes, 29th Street South, between Potomac Avenue and Crystal Drive, in Potomac Yard. The area dedicated for a portion of 29th Street South shall consist of a thirty-nine (39) foot right-of-way, measured from back-of-curb to back-of curb, or as otherwise shown on the final approved site engineering plans. Developer agrees to construct 29th Street South as shown on the street cross sections and other relevant drawings as set forth on the approved final site engineering plan.

Dedication of 29th Street South will not require a PDSP amendment. Upon the request of the County Manager, or his designee, the developer shall prepare, at its sole cost and expense, a deed and a plat of dedication, which deed and plat shall be subject to the review and approval of the County Manager, as to substance and by the Arlington County Attorney, as to form. The deed and plat of dedication shall be submitted by the developer to the Department of Environmental Services for review and approval prior to the issuance of the Final Building Permit for the last building constructed on the north side of the site plan for Land Bay C or construction of any building in Land Bay B that abuts 29th street South, whichever is constructed last. The deed and plat of dedication shall be recorded, by the developer, among the land records of the Clerk of Court of Arlington County, Virginia prior to issuance of the final certificate of occupancy for the last building constructed on the north side of the site plan for Land Bay C or construction of any building in Land Bay B that abuts 29th street South, whichever is constructed last.

In the deed, the developer may reserve the right, without cost to the developer, for any easement(s) for private and public utilities, underground parking structures and other encroachments in the public right-of-way to be dedicated that are required on the approved final site engineering plans.

ADA Power Door Openers

- 81. In addition to the regulations and requirements established with ADA Federal law, the developer agrees to install an electric eye or a power door opener for the main office building entrances. The entrance to the lobby of the office building elevators (if there is one) from the parking garage will have an automatic door opener. In addition, at the secure interior door, the developer agrees that a call box, if used, shall be mounted and measured at the lowest height under the ADA and shall have hands-free remote capability.

Public Pedestrian Passageway through Office Building 4

- 82. The developer agrees to allow a public pedestrian passageway through the lobby of Office Building 4, which shall remain open and made available for use by the general public during standard office hours (weekdays beginning at 7:00 am) until the close of business of retail operations, and during weekends and all legal holidays during the hours of the retail operations. The passageway shall be designed to include transparency within walls enclosing retail establishments in order to allow pedestrians to view the activity within the retail establishments occupying the spaces

abutting the passageway and to allow patrons and employees of the retail establishments to view the activity in the public pedestrian passageway. "Transparency" shall mean using glass or other transparent interior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. The design of the public pedestrian passageway shall be reviewed and approved as part of the façade review in Condition #34 above.

North Park Road

83. The developer agrees, at its sole cost and expense, to construct and at all times to maintain, including, but not limited to, providing snow and ice removal, a private street called North Park Road, as set forth in the plans dated November 12, 2007 and included in the 4.1 submission for the project. For the purposes of this condition and for the public use and access easement over North Park Plaza (Condition #78), North Park Road shall include, in addition to the eighteen (18) foot travelway, a three (3) foot wide area adjacent to the back of curb, running along the entire length of both sides of the street (North Park Road and the three (3) foot wide area collectively called "North Park Road"). Developer further agrees to grant, and comply with all requirements thereof, a permanent public use and access easement to the County across, over, and through North Park Road, for the benefit of the County and the public at large, for access to and use of North Park Road, at all times, except as necessary for the developer to perform street maintenance and repairs ("Road Easement").

The final design and installation of North Park Road shall be subject to written approval by the County Manager as part of the final landscape plan and final engineering plan for North Park Plaza as required in Condition # 78. The developer agrees, at its sole cost and expense, to construct North Park Road, and all improvements located therein, according to the final approved engineering plans and the final approved landscape plans. Construction of North Park Road shall be completed prior to the recordation of the Road Easement.

The developer agrees that the permanent name for North Park Road will be designated in accordance with County policy.

The developer agrees that the final location of the Road Easement shall be subject to review and written approval by the County Manager, consistent with the approved final landscape and final engineering plans.

The Road Easement shall be granted by deed, in substance, acceptable to the County manager, or his designee, and, in form, acceptable to the County Attorney. The location of the Road Easement may change from the location in the site plan upon the review and approval by the County Manager, and shall be consistent with the final site engineering plan, the final site development plan and the final landscape plan for the project.

The Road Easement shall be binding upon the developer's successors in title and interest, and the developer's assigns and shall be recorded by the developer among the land records of the Clerk of the Circuit Court of Arlington County, Virginia prior to the issuance of the first Certificate of Occupancy for tenant occupancy (retail or otherwise) of the last building on the western side of Land Bay C.

The developer agrees that the Road Easement shall include, among other things, the following provisions:

- a. The Road Easement shall grant the County the right to use and control North Park Road in the same manner as any other street and/or sidewalk in the County street system.
- b. The Road Easement shall permit public use of North Park Road for street, sidewalks, pedestrians, vehicular traffic and any other related purpose.
- c. The Road Easement shall permit the County to regulate motor vehicle traffic, parking and signage, as well as pedestrian traffic, within the area of North Park Road. The Road Easement may address additional subjects relating to the operation, maintenance and use of North Park Road as deemed necessary by the County Manager for the protection of the public health, safety and welfare.
- d. The Road Easement is a surface easement only. The developer shall retain the right to install, operate and maintain the underground garage, ramping, parking and related appurtenances, as shown on the approved site plan, landscape plan and engineering plan under North Park Road.
- e. The developer shall permit access of emergency, police or fire vehicles in North Park Road.
- f. The County, its contractors and agents, and the public at large, shall have full and free use of the Road Easement for the purposes named and shall have all rights and privileges reasonable necessary to the

exercise or the use of the Road Easement, including, but not limited to, the right of access to and from the Road Easement, and the right to use the adjoining land of the developer where necessary; provided, however, that the right to use the adjoining land (not including building interiors) shall be exercised only during periods of actual construction, maintenance, removal, repair, reconstruction, replacement and relocation, and further this right shall not be construed to allow the County to erect any building, structure or facility of a permanent nature on such adjoining land unless otherwise provided in such Road Easement.

- g. The master developer or the Property Owners Association shall be responsible, at its sole cost and expense, for the construction, continued care and cleaning, maintenance, repair, replacement, installation and removal of North Park Road and all facilities or structures located thereon or therein, including, but not limited to, any streets, sidewalk, paths, curb and gutter, drainage, trees, landscaping, benches, fire hydrants, bus stops, bus shelter, street lights or other lights, signage, trash receptacles and provision of snow and ice removal and trash removal. Any removal, replacement or changes to the final site engineering plan or final site development and landscaping plan must be approved by the County Manager or County Board as required by these site plan conditions or any other County ordinance.
- h. The developer shall, at all times during the term of the Road Easement, maintain comprehensive liability insurance for North Park Road, naming the County Board, its elected and appointed officials, officers, employees, agents and contractors as additional insureds, in the initial coverage amount of not less than 1 million dollars per occurrence and not less than 2 million dollars, annual aggregate. The County Manager, in his sole discretion, can require an increase in the amount of comprehensive liability insurance, by prior written notice to the developer.
- i. The developer shall indemnify and hold harmless the County Board, its elected and appointed officials, officers, employees, agents and contractors from all liability, personal injury, death, claims, damages, losses, costs and expenses, of whatsoever nature, concerning or arising out of the design, construction, installation, repair, maintenance, replacement, removal, care and cleaning and regulation of North Park Road or any facility or structure therein or thereon, or thereunder by the developer and arising out of the use of North Park Road by the public at large, the developer, and others.
- j. North Park Road shall be open for public access twenty-four hours a day, seven days a week, except as may be reasonably limited, in time or in space, upon written approval by the County Manager for events provided for in subsection k. herein.
- k. North Park Road shall be available, to the County and public at large, for and may be temporarily closed upon written approval of the County Manager for, among other things, public park purposes, public recreation, farmer's markets, concerts, performances, speeches, rallies, public gatherings, public dining and picnicking, art displays and shows and any other public use ("Public Uses"), as long as such Public Uses are approved and permitted, in writing, by the County Manager.
- l. Include the consent of any lender of the underlying property to the Road Easement and subordination of all liens of the mortgage or deeds of trust to the Road Easement.

Construction of pedestrian improvements to accommodate transit station

- 84. The developer agrees to provide and maintain pedestrian access to Station B of the Transitway located adjacent to the southwest corner of the site during the build-out of the site. The developer agrees provide plans for review and approval by the County consistent with Condition #6 of this approved site plan. Should Office Building 4 not be constructed during the first phase of the site build-out the developer agrees to provide a temporary plaza adjacent to the station consistent with the area located between the station and the proposed face of Office Building 4. The developer further agrees if Office Building 4 is not constructed within the first phase of the site build-out to provide a minimum of a 10-foot wide temporary path to Station B from the construct buildings within the land bay. The temporary path should be constructed prior to the issuance of the first certificate of occupancy on the site. As the site builds out and additional buildings are constructed additional paths may need to be constructed by the developer as determined by the County Manager in his sole discretion. During the construction of Office Building #4 the developer agrees to provide for review and approval by the County consistent with Condition #6 of this approved site plan appropriate pedestrian circulation plan maintaining the continues operation of Station B.