

**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 28, 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.

**Tree Protection and Replacement Intentionally Omitted**

- 3.

**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 made within 10 calendar days after the unappealable approval of this final site plan. The total utility fund contribution for this site is \$132,000 (\$.30 x 440,000 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.

- 7. **Residential Relocation Intentionally Omitted**

**Retail Relocation**

8. **Intentionally Omitted**

**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 partial Certificate of Occupancy for hotel 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 October 19, 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 28, 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 B. 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, 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. Interior walkways shall have a minimum width of four (4) feet. All plaza areas shall contain special paver treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager for consistency with the PDSP Urban Design Guidelines 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 public art, if applicable.
- 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.
- i. Details of the 2<sup>nd</sup> floor roof treatment, including terraces, all landscape elements, and the vegetated green roof as shown in the drawings dated November 28, 2007.
- j. Details of the outdoor deck located adjacent to 29<sup>th</sup> Street South, at the terminus of North Park Plaza.
- k. Details of areas used for outdoor dining.

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:
  - (1) 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.
  - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
  - (3) 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.
  - (4) Shrubs—a minimum spread of 18 to 24 inches.
  - (5) 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. 29<sup>th</sup> 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. Potomac Avenue –73 feet wide from face of curb to face of curb, to include one (1) crosswalk and accompanying handicap ramps at the intersection of Crystal Drive.

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 October 19, 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:

**29<sup>th</sup> 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 14-foot wide sidewalk measured from the back of curb, including a minimum 5-foot wide planting strip. 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 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 which shall be of the same species throughout the entire length of South Glebe Road, landscaping, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), consistent with the plans dated November 28, 2007. 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 Preliminary Infrastructure Plan (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 Final Building Permit.

The developer agrees to construct approximately 240 feet of new sanitary sewer main in 29<sup>th</sup> 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 29<sup>th</sup> Street 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 wall design located above the outdoor deck on 29<sup>th</sup> Street South at the terminus of North Park Plaza, including, but not limited to, the dimensions, height, materials and color of materials to be used on the wall design. The final color to be used on the transition metal tower element shall be reviewed and approved by the County Manager prior to the issuance of the first Certificate of Occupancy for the site plan.

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 28, 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.

Furthermore, the developer agrees that the garage doors shall contain specially designed roll down doors fabricated of a translucent material with backlighting, consistent with the drawings dated November 28, 2007.

**Recordation of Public Easements and Dedications**

35. Except as otherwise specifically provided for in these site plan conditions for Land Bay B 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. 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. Dedications for Public Streets shall be recorded by the developer in strict accordance with Condition #76 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 and Arlington County standards. These vaults may be placed in the County right-of-way or public easement, behind the back of curb, only after: the developer applies for, and the County Board enacts any required encroachment ordinance or other permission or right for such purpose; the developer complies with all conditions set forth in the encroachment ordinance; and, the location of the vault is 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 ten (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 minimum requirements: 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. All loading docks shall contain roll-down doors fabricated of a translucent material with backlighting, consistent with the drawings dated November 28, 2007. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans and tour buses, shall be limited to the hours from 5:00 a.m. to 10:00 p.m., seven (7) days a week. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.

**Parking Garage Van Access**

41. The developer agrees that new parking garages shall be designed to allow access and use by vans consistent with the Virginia Building Code, and 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 B. 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:

One (1) space for every 10 hotel units, or portion thereof. These facilities shall be protected from rain and snow and shall not encroach on the sidewalk or on any area in the public right-of-way intended for use by pedestrians. These facilities for hotel users (guests and employees) must meet the acceptable standards for Class I storage space and be visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance if located in a parking facility; if located elsewhere in the building the room shall be access controlled by staff. These facilities shall be located in a minimum of two locations; half of the spaces shall be reserved and designated for employee only access and half for guest access. Spill over bike parking from guests or employees may be accommodated, as space permits, in either location.

In addition, the developer agrees that for every 50,000 square feet or fraction thereof of Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of two (2) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every installed 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 hotel employees 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.

In addition, one (1) visitor space for every 50 hotel units, or portion thereof shall be provided. These facilities for visitors/customers must meet the standards for Class III storage space and be highly visible from a main street level visitor/customer entrance. These visitor/customer bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance, or as approved, and such locations shall be reviewed by the Division of Transportation. The developer agrees to obtain approval of the location, design and details of these visitor/customer bicycle spaces as part of the final site development and landscape plan.

The number of retail visitor/customer bicycle spaces shall be calculated by the following formula: Two (2) visitor/customer spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) space for every 12,500 square feet, or portion thereof, of additional retail floor area; and one (2) employee space for every 25,000 square feet, or portion thereof, of retail floor area. These visitor/customer bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance(s), or as approved, and such locations shall be reviewed by the Division of Transportation.

All bicycle facilities must meet the County standards for bicycle racks and be approved by the Bicycle and Pedestrian Program Manager before installation. Drawings showing that these requirements have been met shall be approved by the Bicycle and Pedestrian Program Manager before the issuance of the Footing to Grade Structure Permit.

In lieu of providing Class I bicycle storage at a rate of one (1) space for every 10-hotel units, or portion thereof, the developer shall provide 48 Class I bicycle storage spaces in on the first floor of the garage as shown in the plans dated November 28, 2007; and in addition, the developer shall provided a minimum of 20 bicycles as an amenity to guests of the property. The hotel will be responsible for the management, storage and all maintenance of the bicycles and the rental of the bicycles. The bicycle shall not be stored in the Class I spaces as shown on the plans. The bicycles shall be advertised as an amenity of the site and included in both the list of amenities associated with the property on the web site for the hotel and in all list of amenities provided to hotel guest in the hotel. Should the hotel not provide the minimum number of bicycles as an amenity to guests, the hotel will be required to provided the required number of Class I bicycle spaces as required and to the standards identified above. A detailed implementation plan shall be submitted for review by the County Manager or his designee before approval of the First Certificate of Occupancy.

**Emergency Vehicle Access/support on Parking and Plaza Areas**

44. The developer agrees to construct all plaza areas used for vehicular access 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, electrical, plumbing and elevator equipment and equipment maintenance space or telecommunication transmitter and/or receiver equipment as required in Condition #58 below. The penthouse and penthouse screening wall shall not exceed 23 feet above the main roof height.

**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 elements.

**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 B 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. 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. The developer shall provide one or more Transportation Information Centers (kiosks) purchased from or approved by ATP/ACCS, the number, design, content, and location, of which shall be approved by ACCS, to contain materials related to local transportation alternatives and maintain a stock of said materials at all times, in the building lobby(s).

### **Coordinated Parking Management**

- f. 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) Convenient retail parking.
  - (5) The developer agrees to submit to the Zoning Administrator for approval a hotel parking and vehicle management plan which outlines how parking for hotel and retail guests, employees, visitors and the public will be provided; where the parking will be located; how hotel and retail guests, employees, visitors and the public will be directed to the parking spaces; and how the assisted and valet parking will be managed, including the location of the long-term and short-term (for queuing) valet spaces. The plan shall include, pursuant to the requirements contained in this condition, information on taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, and passenger waiting areas; loading zones for short-term deliveries; bus stops; and on- and off-street parking for hotel guests, employees, visitors and the public. The plan shall also include strategies for advertising, electronically and in printed materials, the hotel's accessibility via public transit, including Metro and bus-rapid, for drop-off and pick-up of hotel guests, employees and visitors. Finally, the plan shall provide that at all times an attendant-assisted parking management plan be instituted that addresses tandem parking and incorporates parking attendants to move cars which are blocking other cars. The hotel parking and vehicle management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for the hotel development
  - (6) Depict as part of the hotel parking and vehicle management plan, an area parking plan encompassing all block faces around the site. This plan shall include 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.
  - (7) The hotel parking and vehicle management plan shall also address tour buses and other hotel functions (meetings and special events), which shall include vehicle and tour bus ingress and egress, location of tour bus parking for short-term (tour bus loading and unloading) and long-term/extended tour bus parking, and a parking management plan for peak periods of hotel operations. Locations of long-term/extended tour bus parking shall be directed to approved Arlington County designated bus parking facilities, or other location(s) approved by the County Manager. The plan shall provide that during peak periods, in addition to an attendant-assisted parking management plan, locations for additional off-site vehicle parking within the PDSP, as prescribed in the PDSP Area Parking Plan, or other nearby locations, as approved by the County Manager, shall be identified.
  - (8) No on-street loading will be permitted between the hours of 7AM to 9AM and 4PM to 6PM.

### **TMP Organization and Funding**

- g. 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) \$60.00 per hotel room (CY 2000\$s), plus \$60.00 per additional parking

space related to function facilities (CY 2000\$s). The applicant agrees to pay the assessment no later than 60 days from receiving an invoice from the TMPA.

- h. Comply with PDSP requirement should TMPA request other one-time contributions from its members.
- i. 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 who will 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**

- j. 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.
- k. 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.
- l. Coordinate with the TMPA on surveys, parking garage and cordon counts, other marketing research, reports, and development of APP.
- m. Provide website hotlinks to CommuterPage.com<sup>TM</sup> 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**

- n. 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.

#### **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 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.

#### **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 seven (7) 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 seven-month time frame. As part of the request for extension, and pursuant to Condition #69 below, the developer shall submit documentation that it made a final submission to the U.S. Green Building Council (USGBC) for at least the Certified rating for New Construction (LEED-NC). 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 certification from the USGBC for at least the Certified rating for LEED-NC.

- **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 Intentionally Omitted**

61.

**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 approximately 10,000 square feet of ground floor retail in the hotel building. 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 10,000 square feet of retail space located on the first floor of the hotel building. 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 frontages of the final site plan, consistent with the PDSP Urban Design Guidelines. These elements shall include, but are not limited to: a minimum 16-foot floor to ceiling heights consistent with the PDSP Urban Design Guidelines, as shown on the plans dated November 28, 2007; access to the service corridor/areas as shown on the architectural plans dated November 28, 2007; direct street 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.

**Public Art**

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

**Outdoor Cafes**

66. Outdoor cafes shall be permitted in the public rights-of-ways or within public easements along 29<sup>th</sup> Street South, Crystal Drive, and Potomac Avenue, 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, and this final site plan approval. 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**

67. 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 B, 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.

**Phasing Plan**

68. 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. During the phasing of construction, the developer further agrees to maintain the site 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.

**LEED Credits and Sustainable Design Elements**

69. 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 so that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for at least a LEED Certified rating as outlined by the U.S. Green Building Council's LEED for New Construction (LEED-NC) rating system. Further, the developer agrees to register the project with the USGBC and submit the necessary fees and documentation for the full USGBC LEED review and certification. In addition, the developer agrees to implement a green hotel management program as part of its housekeeping services and to participate in the Virginia Department of Environmental Quality Virginia Green Lodging Program. Documentation describing the green hotel management program, and providing evidence of the Residence Inn and Renaissance Hotel as registered members of the Virginia Department of Environmental Quality Virginia Environmental Lodging, shall be submitted to the County Manager prior to the issuance of the Certificate of Occupancy for hotel occupancy. For the commercial lighting areas of the hotel projects (lobbies, corridors, stairwells, common rooms, fitness rooms, office, etc.), the developer agrees to incorporate interior lighting in order to maximize energy efficiency. Strategies may include, but are not limited to, daylighting, efficient fixtures, bulbs, motion and light sensors, interior design (paint color), etc). The US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit for *Optimizing energy Performance: Lighting Power* should be used as a goal. Fifty (50) percent of the light bulbs in hotel guest rooms shall be energy efficient, and the energy efficient bulbs shall be fluorescent or compact fluorescent. The developer shall submit to, and obtain approval of, the County Manager, or his designee, the lighting strategies used including a listing of lighting fixtures, bulbs, and components prior to issuance of the Core and Shell Certificate of Occupancy.
- 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 Design Review for the LEED components from the US Green Building Council. The results of the final LEED Design 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 for guest use.
  - 7) Master Certificate of Occupancy
- c. Prior to the issuance of the first Certificate of Occupancy for hotel and/or retail occupancy of the building, the developer agrees to provide the County Manager documentation of a submission to the U.S. Green Building Council for at least the LEED Certified rating for New Construction (LEED-NC). Prior to the issuance of the Master Certificate of Occupancy, the developer agrees to provide the County Manager documentation that the project received at least the LEED Certified rating under the U.S. Green Building Council's LEED for New Construction (LEED-NC) rating system. Pursuant to Condition #57 above, if the developer requests to extend the timeframe for obtaining the Master Certificate of Occupancy, then the extension request shall include documentation that it made a submission to the U.S. Green Building Council (USGBC) for at least the Certified rating for New Construction (LEED-NC). 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 certification from the USGBC for at least the Certified rating for LEED-NC.

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 \$13,200 (\$0.03 X 440,000 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**

70. 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**

71. 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**

72. 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**

73. 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**

74. 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 contribution to the fund shall be made before the issuance of any Building Permit for the final site plan. The total fund contribution for this site is \$51,920 (\$.118 x 440,000 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).

**Chesapeake Bay Preservation Ordinance**

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

**Dedication of 29<sup>th</sup> Street**

76. The developer agrees to dedicate, to the County, in fee simple, for public street and utilities purposes, 29<sup>th</sup> Street South, between Potomac Avenue and Crystal Drive, in Potomac Yard. The area dedicated for a portion of 29<sup>th</sup> 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. The developer agrees to construct 29<sup>th</sup> 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 29<sup>th</sup> 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 construction of any building in Land Bay B that abuts 29<sup>th</sup> street South or the last building constructed on the north side of the final site plan for Land Bay C, 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 final site plan for Land Bay C or construction of any building in Land Bay B that abuts 29<sup>th</sup> 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 is required on the approved final site engineering plans.

**ADA Power Door Openers**

77. 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 hotel building entrances. The entrance to the lobby of the hotel 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.