

Site Plan #386 Condition 15.i
3901 Fairfax Drive Plaza

The developer agrees, prior to issuance of the Footing to Grade Permit, to develop, and to make a request in writing to the County Manager for the approval of, the final designs for the plaza and the segment of 10th Street North between North Quincy Street and North Pollard Street (“10th Street North”), the design of which shall be coordinated with the plaza design. The Developer agrees to participate in the process outlined below prior to seeking approval of the Footing to Grade Permit:

- (1) The Developer will participate in a County-organized Workshop (“Workshop”), which will be facilitated by a consultant selected by the County in order to engage the Ballston-Virginia Square community and stakeholders in the design of the plaza and the 10th Street North pattern and street paving material design. The notification list for the public design workshop shall be created by the County Manager, in coordination with the SPRC Chair. The Workshop will be scheduled within sixty (60) days of approval of the site plan by the County Board. The Workshop will be organized with a timeline that will allow participants to learn about the project site and its constraints (including, but not limited to, the garage intake vent) and opportunities, to discuss potential programming for the plaza, to create design concepts, and for the participants to select a final plaza and 10th Street North design concept. The outcome of the Workshop will be a plaza and a 10th Street North design concept which will include, but not be limited to, the types of plaza amenities, their placement in the plaza, landscaping, site lighting and other design features needed to develop a plaza that will meet the stated goals in the Virginia Square Sector Plan. The 10th Street North concept will include the pattern and color selection of the high performance color coating to be applied to the asphalt in the area designated in the December 9, 2011 plans and revised drawing entitled Revisions to West Elevation dated January 13, 2012. The Workshop is intended to be one-day in duration. Should a second Workshop be necessary, it shall be held within 30 days from the first meeting. A staff summary of the Workshop’s conclusions shall be completed within 30 days of the Workshop.
- (2) The Developer agrees to work with the County Manager to address feedback from the Workshop and agrees to submit a revised design concept for the plaza and 10th Street North to the County Manager for review at one SPRC meeting. The developer further agrees to work with staff to address comments from the SPRC meeting. In the event that the developer does not receive comments on the landscape plan for the plaza and 10th Street North in writing from the County Manager within fifteen (15) days of the subject SPRC meeting, the developer may proceed to seek approval of the landscape plan for the plaza design as shown on the plans dated December 9, 2011 and revised drawing entitled Revisions to West Elevation dated January 13, 2012,

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and approved by the County Board on January 21, 2012, or at its sole discretion, the developer may extend the deadline for receiving County comments.

- (3) Following SPRC review and issuance of comments from the County Manager, the developer agrees to submit a revised plan for the plaza and 10th Street North to the County Manager for final approval. The County Manager shall approve the revised final site development and landscape plan upon a finding that the plan addresses the County Manager's comments. The final plaza design shall include the location and design of hardscape and plantings, street furniture including benches, lights, trash receptacles, and any other aesthetic and functional elements to be located in the plaza, paving patterns, shade canopy structure, and a water feature, or such elements as detailed in the final plaza design as approved by the County Manager following the Workshop and SPRC review. If the final plaza design and the final 10th Street North design pursuant to this condition are not finally approved by the County Manager by the time of approval of the final landscape plan or the final site engineering plan as set forth in Condition #18, then these plans will not be required to include the final plaza design and the final 10th Street North design. In such event, the developer agrees to obtain approval from the County Manager, prior to issuance of the Footing to Grade Permit, for amendments to the approved final landscape plan and the approved final site engineering plan, both of which shall incorporate the final plaza design and final 10th Street North design.

In the event that the County Manager has not approved the final plaza design and final 10th Street North design within one year of County Board approval of this site plan, then the developer shall have the option to seek approval of the landscape plan for the plaza design as shown on the plans dated December 9, 2011 and revised drawing entitled Revisions to West Elevation dated January 13, 2012, and construct such approved landscape plan.

If the total cost to the developer for the final plaza improvements exceeds \$825,000, based on the cost estimates submitted by the developer dated December 20, 2011, including the detailed estimate prepared by HITT dated December 5, 2011, then the developer shall notify the County Manager of this fact. Upon a finding that the total cost to the developer for the final plaza design improvements exceeds \$825,000, the County Manager may, at his or her sole option, and within thirty (30) days of receiving the cost estimate, choose to: (1) adjust the design of the plaza with the developer's participation and cooperation to reduce the cost of the plaza design; or (2) advise the developer that the County will pay the cost to the extent it exceeds \$825,000. The total cost to the developer for the

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plaza improvements will be adjusted annually for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of site plan approval. The total cost limit shall be increased yearly, using the base year which is on the first anniversary date of site plan approval (January 21, 2013). Thereafter, the total cost limit will be increased on the anniversary of approval by the same percentage as the percentage difference in the CPI from the prior year anniversary of the date of approval. Wherever the \$825,000 figure appears in this condition, it shall be deemed to be the number adjusted for CPI as set forth in this condition. The \$825,000 figure will include the costs incurred by the developer in constructing a plaza which includes hardscape and plantings, plaza furniture, lights, trash receptacles, and any other aesthetic and functional elements to be located in the plaza, paving patterns, shade canopy structure, and a water feature, or such elements as detailed in the final plaza design as approved by the County Manager but will not include the costs of the garage deck and any water proofing material that may be used underneath the plaza. The final plaza design, together with a revised cost estimate for the design and construction of the plaza, shall be subject to prior written approval by the County Manager to ensure that improvements are consistent with the level of the design approved by the County Board. In addition, the developer agrees to include the following information at the time of the final plaza design submission:

- (1) A revised cost estimate to design and construct the plaza as shown on the plans dated December 9, 2011 and revised drawing entitled Revisions to West Elevation dated January 13, 2012, or as modified pursuant to the process described above;
- (2) An annual maintenance plan, subject to approval by the County Manager;
- (3) Details of the plaza amenities and structures as described above;
- (4) The final sidewalk pattern and design of walkways located internal to the plaza, and the final selection of materials and colors to be used, subject to the approval of the County Manager as consistent with County standards for such materials and colors.

The final 10th Street North design shall be consistent with, and include the elements depicted on page L5.01 of the plans dated December 9, 2011 and revised drawing entitled Revisions to West Elevation dated January 13, 2012, and approved by the County Board on January 21, 2012, including a mountable curb, and the installation of a high performance color coating on the asphalt, approved by the County Manager. The asphalt coating will be applied in a pattern with two colors and the colors will have a white

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line border separating the on-street parking from the street. The final design for 10th Street North shall include the same level of detail outlined and required in Conditions #15 and #16.

The developer agrees to implement the approved plaza and 10th Street North plans, including all site elements in the approved final site development and landscape plan, and complete construction of the plaza and 10th Street North prior to issuance of the first partial Certificate of Occupancy for tenant occupancy for the site plan. The developer agrees to maintain the plaza (but not 10th Street North), including all elements within the plaza, for the life of the site plan.