

DEVELOPMENT CONDITIONS

PRC 86-C-121-02

June 7, 2010

If it is the intent of the Board of Supervisors to approve PRC 86-C-121-02, then staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. Any plan submitted pursuant to this PRC Plan shall be in substantial conformance with the approved PRC Plan entitled "*Reston Block 3-Section 89*", prepared by The BC Consultants, consisting of 23 sheets, and dated April 2, 2009 as revised through November 16, 2009. Minor modifications to the approved PRC Plan may be permitted pursuant to Sect. 16-203 of the Zoning Ordinance.
2. Proposed Development
 - a. The Property shall be developed as a mixed use building.
 - b. Residential. The maximum number of dwelling units shall not exceed 125, including (a) 110 market rate units and (b) 15 Workforce Housing Units ("WDUs"); in the event the Applicant develops fewer than the maximum permitted 125 units, the number of WDU's may be reduced provided that the overall percentage of (12%) WDUs is maintained.
 - c. Child Care Center. The child care center shall be no larger than 9,000 SF.
 - d. A maximum of 63,667 of non-residential uses shall be located within the building, including a maximum 54,667 sq. ft. of retail space and restaurants that shall be located on the first two floors.
 - e. Cellar space may be used for permitted uses (except residential uses) provided that (a) the maximum total square footage of Cellar Space dedicated to these uses shall not exceed a maximum of 10,000 square feet; (b) the Applicant shall be required to provide parking for the Cellar Space in accordance with the requirements of Article 11 of the Zoning Ordinance. Ancillary uses located in the Cellar Space shall not count against the maximum total square footage of Cellar Space allowed.
3. Parking. Parking shall be provided in accordance with Article 11 of the Zoning Ordinance. Parking in excess of the minimum required code or approved parking reduction may be permitted provided the excess spaces are provided underground.
 - a. Future Parking Reductions: If at a future date the Board of Supervisors approves an ordinance amendment reducing parking requirements pursuant to Article 11 of the Zoning Ordinance; the required parking may be reduced to comply with the reduced requirements, provided that the layout is in substantial conformance with the PRC Plan.
 - b. A shared parking agreement or parking reduction may be requested pursuant to Article 11 of the Zoning Ordinance. Any modification to the required parking as approved by such shared parking agreement shall not require a PRC plan amendment application provided that the layout is in substantial conformance with the PRC Plan. The final number of parking

spaces provided at the time of Site Plan submission shall be consistent with any approved parking reduction and total square footage of Non-Residential and number of units developed.

4. Maximum Building Height. The maximum building height shall be 180 feet as depicted on the PRC Plan. A building of lesser height may be constructed provided that the building remains in substantial conformance with the PRC Plan.
5. Stormwater Management (SWM) and Best Management Practices (BMP). A SWM plan shall be submitted at the time of site plan review for the Proposed Development, to the Fairfax County Department of Public Works and Environmental Services ("DPWES") that evaluates whether stormwater management for the Proposed Development can be provided by using the existing regional ponds that are part of Reston Town Center. The SWM plan shall demonstrate that BMPs can be provided by using the existing regional ponds that are part of the Reston Town Center. If such demonstrations cannot be made in accordance with the PFM as determined by DPWES, alternatives shall be required. Acceptable alternatives that are not in substantial conformance with the approved CPA/PRC Plan shall require further amendment to the approved plans.
6. Low Impact Development. Incorporation of low impact development techniques shall be pursued subject to approval by DPWES. Such measures may include, but shall not be limited to, (i) infiltration trenches, (ii) rain gardens, (iii) permeable paving in select locations.
 - a. Courtyard Plazas: In order to (1) incorporate into otherwise impervious areas of the site a soil matrix and plantings intended to provide storm water pollutant removal; (2) reduce the heat island effect; and (3) naturalize and add aesthetically pleasing elements for residents of the Proposed Development, plantings and other materials within the semi-private terraces to be located on top of structures, retail and residential rooftops (as shown in the PRC/CPA Plan) shall be installed and maintained properly. Each courtyard shall include landscape plantings in natural soil matrix over and under drain system.
7. Sidewalks and Plazas. Brick paver sidewalks along the New Dominion Parkway and Explorer Street frontages shall be constructed as generally shown on Sheet 9 of 22 of the PRC/CPA Plan. A clear zone, free of tables or other amenities or sidewalk furniture associated with the non-residential commercial uses, shall be maintained on the sidewalks for pedestrian use. Courtyards shall be constructed as generally shown on Sheets 3 and 5 with landscape and hardscape finishes as noted. An outdoor learning area shall be constructed for the childcare center with a play area as shown on Sheets 3 and 5. Two courtyards and a pool area shall be constructed on the third level of the Property Development on the rooftop as generally shown on Sheets 3, 4 and 5. The aforesaid area shall be internally landscaped and hardscaped as provided on Sheets 3, 4 and 5. Adjustments to type and location of vegetation, design of the courtyards, location of the pool and streetscape improvements and plantings shall be permitted in consultation w/ the DPZ and the Urban Management Division of DPWES.
8. Offsite Sidewalk Along Explorer Street. Applicant shall seek approval from the County to construct a five-foot wide concrete sidewalk along Explorer Street extending to Bowman Towne Drive (Tax Map 17-1-((1)) 13). If the sidewalk construction is not approved the Applicant shall escrow the cost of such improvements including utility relocation costs with Fairfax County at the time of site plan approval.

9. Amenities and Facilities for the Residences. Amenities and recreation facilities that are designed to meet the onsite recreation needs of the future residences pursuant to Section 6-309 and Paragraph 6 of Section 16-302 of the Zoning Ordinance shall be provided. The onsite recreational facilities and amenities shall include the following: (a) a swimming pool on the roof; (b) two outdoor courtyards with a fountain and benches for seating; landscaping and similar facilities as shown on Sheets 3, 4 and 5; (c) minimum 600 SF fitness center.
10. Architectural Design and Building Materials. The general architectural design of the proposed building is shown on sheet 14 of the PRC/CPA (the "Conceptual Elevations"). The Conceptual Elevations are conceptual in nature and may be modified as part of final engineering and building design, provided that such modifications provide a similar quality of design and are in general conformance with that shown. Building materials shall be selected from among the following: brick, cementitious or other composite architectural panels, masonry/stone, aluminum trim, glass, steel, split-face block and pre-cast panels provided that final architectural details and accents may include other materials. Bay windows, balconies, awnings and other architectural details may be provided as allowed per Section 2-412 of the Zoning Ordinance, provided the streetscape features are maintained.
11. Landscape Plan. As part of its initial and all subsequent site plan submission for the Proposed Development, a detailed landscape plan for the property shall be submitted for review and approval by DPWES. Such Landscape Plan shall be consistent with the quality and quantity of plantings and materials shown on sheets 4 and 5 of the PRC/CPA Plan and shall include sufficient landscaping to meet the requirements of the Zoning Ordinance. The Urban Forest Management Division ("UFMD") of DPWES shall be consulted for approval of species selection and to provide adequate planting area. Adjustments to type and location of vegetation, design of the courtyards and streetscape improvements and plantings shall be permitted in consultation with the UFMD of DPWES.
12. Traffic Signals. Prior to issuance of the first residential use permit ("RUP") for the Proposed Development; a warrant study shall be conducted and submitted to VDOT by the Applicant to determine whether a traffic signal at the intersection of Explorer Street and New Dominion Parkway would be warranted upon completion of the Proposed Development. The warrant study shall include the number of residential units and total square feet of non-residential use to be developed on the Property as submitted on the final site plan for the Proposed Development. In the event a traffic signal at that location is deemed warranted and approved by the Virginia Department of Transportation ("VDOT"), such traffic signal, with pedestrian signals (with cross walk striping and ADA curbs as necessary) shall be installed within one year of such approval. As part of the warrant study, the existing turning movements at the subject intersection shall be analyzed and the results submitted for review and approval of the appropriate lane configurations and striping. All lane configurations and striping improvements recommended by VDOT resulting from this review shall be implemented; provided, however, such lane configurations shall not require the Applicant to acquire additional offsite right-of-way or easements. However, the applicant shall, if determined necessary by VDOT, dedicate sufficient right of way for a right turn lane from New Dominion Drive to Explorer Street. If, based upon the warrant studies requirement of this Development Condition, VDOT determines the traffic signal is not warranted at the subject intersection, the Applicant shall provide an escrow for the cost of a future signal which would

remain in place until final bond release for the Proposed Development, in the amount of \$250,000. If a signal is not warranted at that time, the escrow amount shall be released to the Applicant simultaneously with the final bond release. If the Applicant and FCDOT collectively determine, that the traffic signal was funded or will be funded by a third party other than the Applicant, the Applicant shall request FCDOT to coordinate a reimbursement for the cost of the installation of the traffic signal from those available funds.

13. Bus Pad. One (1) bus pad (suitable for installation of a bus shelter at a later time) shall be constructed along the Property's frontage on New Dominion Parkway. The final location of the bus pad shall be determined in consultation with FCDOT at the time of final site plan approval for the Proposed Development. The bus pad shall be installed prior to the issuance of the first RUP for the Proposed Development. An access easement to this bus pad site shall be provided if determined to be necessary by FCDOT.

14. Bicycle Storage Facilities.

- a. Residential Bicycle Storage Facility: One (1) resident bicycle parking space for every three (3) residential units, or portion thereof, and (1) visitor space for every 50 residential units, or portion thereof, shall be provided. These bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians nor any fire egress. The facilities for residential bicycle parking are subject to review and approval by FCDOT, and will be highly visible from an elevator entrance, a full time parking attendant, a full time security guard or a resident entrance.
- b. Retail Bicycle Storage Facility: Two (2) retail customer parking spaces for every 10,000 square feet, or portion thereof and (1) additional retail employees space for every 25,000 square feet, or portion thereof, of retail floor area shall be provided. The location of retail bicycle space locations shall be reviewed by FCDOT before final site plan approval.

15. Workforce Dwelling Units (WDUs). A total of twelve percent (12%) of the total residential units constructed as part of the Proposed Development shall be provided as WDU's as set forth in the Board of Supervisors Workforce Dwelling Unit Administrative Policy Guidelines dated October 15, 2007 with the following modifications:

- a. Income Tiers for Workforce Units:
 1. up to 120% of AMI – 25% of workforce units
 2. up to 100% of AMI – 25% of workforce units
 3. up to 80% of AMI – 25% of workforce units
 4. up to 70% of AMI – 13% of workforce units
 5. up to 60% of AMI – 12% of workforce units
- b. The unit size for all WDUs shall be at least 1000 SF and shall have three bedrooms.

16. Reston Town Center and/or Reston Association. Membership in the Reston Town Center or Reston Association, whichever is determined appropriate by the Supervisor of the Hunter Mill District, shall be pursued and the appropriate

organization joined unless the project is rejected for membership by that organization.

17. Public Schools. Per the residential development criteria implementation motion adopted by the Board of Supervisors effective June 1, 2006, at the time of the issuance of the first building permit for the Proposed Development, the Applicant shall contribute \$11,548 per expected student to the Board of Supervisors for transfer to the Fairfax County School Board to be utilized for capital improvements and capacity enhancements to schools in the Reston area that serve the Property.
18. Transportation Demand Management.
 - a. MODE SPLIT GOAL Mass transit, ride-sharing and other transportation strategies for the employees and residents of the Application Property shall be utilized to achieve a minimum 20% mode split for employee and resident trips to and from the Application Property during Weekday Peak Hours, following occupancy of the first building constructed on the Application Property.
 - b. Peak Hours Defined: For the purpose of this Development Condition, the relevant weekday "Peak Hours" shall be that 60 minute period during which the highest weekly volume of mainline trips occur between 6.00 to 9.00 AM and 4.00 to 7.00 PM as determined by mechanical and/or manual traffic counts conducted at two locations on New Dominion Parkway as approved in consultation with the Fairfax County Department of Transportation ("FCDOT"). To determine the Peak Hour, such counts shall be collected beginning on a Monday at 2400 hours and continuing to the following Thursday at 2400 hours at a time of the year that reflects typical travel demand conditions (e.g. September to May, not during a holiday week or when area public schools are not in session). The relevant Peak hours shall be defined in conjunction with each of the trip counts (as defined below) required pursuant to this Development Condition. The methodology for determining the Peak Hours may be modified subject to approval of FCDOT, but without requiring an amendment to the PRC/CPA Plan, in order to respond to the technological and/or other improvements in trip counting.
 - c. TDM Components: In order to meet the applicable Employee Mode Split Goal, set forth in this Development Condition, the Applicant shall implement a program of TDM strategies in coordination with FCDOT to include, without limitation, those items listed below. Such items may be adjusted from time to time as approved by FCDOT, without requiring a PRC/CPA Plan amendment, to reflect the ever-changing dynamic of transportation opportunities and constraints within the greater community.
 1. Provide a TDM Program Manager ("PM") to oversee all TDM elements and act as a liaison between the applicant and FCDOT. The PM may be employed directly by the applicant or be an independent contractor to the Applicant. The PM position may be part of other duties assigned to the individual.
 2. Participate in the Fairfax County Ride Source Program, including registering with the Guaranteed Ride Home (GRH) program offered in connection with the Metropolitan Washington Council of Governments;
 3. Display transportation-related information for residents in the residential building common areas;

4. Distribute written materials in sale, lease, or condominium association documents that include site-specific transit-related information referring to bus routes proximate to the site and the location of the Reston Transit Center and the nearest metro station. The materials shall encourage tenants to use Metrorail, bus service, carpool/vanpool, bicycles or walking for their trips;
 5. Encourage employer occupants to provide alternate work schedules, including staggered work hour programs, flex-time and telework programs, and to provide information to new employees on housing opportunities in the surrounding area; and
 6. The PM shall coordinate participation in a larger Traffic Management Area program, such as membership in LINK, which is the transportation management association for Reston town Center.
- d. TDM Account: Concurrent with the designation of the PM, the Applicant shall establish a fund for a TDM account (the "TDM Account") in the initial amount of ten thousand dollars (\$10,000). Funds in the TDM Account shall be utilized by the PM each year to implement the TDM strategies. The TDM Account shall be controlled by the PM. A line item for the further funding of the TDM Account shall be included in the annual condominium association budget upon the establishment of the condominium association should that occur. The condominium association documents shall provide the TDM Account shall not be eliminated as a line item in the condominium association budget, and the funds in the TDM Account shall not be utilized for purposes other than for funding of the TDM Plan. The PM shall consult with the FCDOT to develop and implement the initial TDM strategies.
- e. Tenant and Employee Surveys: Between March and May beginning with the year following issuance of the first Non-RUP for the first use on the Application Property or at 80% occupancy of the residential building the PM shall conduct a survey of tenants and employees (the "Survey") to evaluate the effectiveness of the TDM measures in meeting the Mode Split Goal and to evaluate the need for changes, if any, to the TDM measures then in place. The PM shall coordinate the draft survey materials and methodology for validating survey results with FCDOT at least (30) days prior to each year's survey. The PM shall submit as part of each County Report (defined below) an analysis of the surveys to FCDOT. Such analysis should include at a minimum:
1. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;
 2. The number of people surveyed and the number of people who responded further stratified by tenant or employee;
 3. The results of the surveys taken during the survey period;
 4. The number of tenants and employees engaging in NonSOV travel during the Peak Hours, displayed by category and mode of use;
 5. An evaluation of the effectiveness of the TDM program elements in place, including their effectiveness in achieving the Mode Split goal, and if necessary, proposed modifications.

6. A description of the uses constructed and occupied on the Application Property at the time the survey was conducted.
- f. County Report: The PM shall report annually to FCDOT on the TDM measures (the "County Report") no later than October 31st of the calendar year within which the survey was completed. The County Report shall include (a) a description of the prior year's TDM strategic efforts, including, as applicable, sample marketing materials; (b) a financial statement that includes the budget for the TDM measures and an accounting of the TDM revenues and expenditures for the preceding year; (c) an analysis of the survey for that year; (d) discussion of any changes to the TDM measures for the upcoming year; and (e) the budget for TDM implementation for the upcoming year.
 - g. Adjustments to Calendar and Due Dates: Upon mutual agreement between the FCDOT and PM, the due dates for the Employee Survey and/or delivery of the County Report may be extended by up to sixty (60) days.
 - h. Meeting with FCDOT: The PM shall meet with FCDOT annually, as applicable, or as mutually agreed, to discuss the results of the survey, the County Report and the TDM measures.
 - i. Trip Counts: If the Tenant/Employee Survey reveals either (a) a Mode Split that is two (2) or more percentage points lower than the Mode Split Goal; or (b) a survey respond rate is less than 20%, then the PM shall conduct a trip count to further evaluate the effectiveness of the TDM program. Such trip count shall be measured on three (3) days over a maximum two week period (but not including a week containing a county/state/federal holiday or when area public schools are not in session) during the weekday Peak Hours as defined in this Development Condition. At least thirty (30) days prior to conducting the trip count, the PM shall meet with FCDOT to review and reach agreement on the dates and methodology for the trip count and the analyses to be done after the trip count is complete. The trip count shall include, but not limited to, traffic counts at tenant and employee parking areas, tenant and employee vehicle occupancy counts, adjacent bus boarding and alighting counts, and pedestrian and bicycle counts. The trip counts shall be conducted so that only trips generated by tenants and employees on the application Property shall be accounted for (i.e. visitor and customer trips and any other trip not applicable to mode Split Goal shall be excluded).
 - j. Evaluation/Revisions to TDM Measures: In the event surveys and/or trip counts reveal that the Mode Split Goal is met, then the applicant or successor condominium association shall continue to administer the TDM measures in accordance with this Development Condition. In the event surveys and trip counts reveal that the Mode Split Goal is not met, then the PM shall convene a meeting with FCDOT within thirty (30) days of the completion of the surveys and trip count to review the results of the analyses as well as the TDM measures then in place in order to develop modifications to existing TDM measures and additional TDM measures as necessary including, but not limited to, financial incentives to use alternate form of transportation.
 - k. The PM shall submit any such revisions to FCDOT within thirty (30) days following this meeting and request in writing FCDOT's review and concurrence. If no written response is provided by FCDOT within sixty

(60) days, the PM's revisions shall be deemed approved. Following approval of revisions, the PM shall implement the TDM provisions as developed in consultation with FCDOT.

- I. Penalties: In the event the survey and/or trip count conducted in the successive year following the implementation of the modifications to the TDM program reveal that Mode Split Goal is not met, the Applicant or successor condominium association shall pay a penalty for non-attainment according to the following schedule:
 1. \$250 for each one-tenth of a percentage points less that the TDM Goal but greater than or equal to a 15% reduction in PM Peak hour trips. For Example a reduction of 16.3% would result in a contribution of \$9,250 $(20.0 - 16.3 \times 10 \times \$250)$; plus
 2. \$500 for each one-tenth of a percentage points less that the 15% but greater than or equal to a 10% reduction in PM Peak hour trips. For Example a reduction of 12.5% would result in a contribution of \$25,000 $\{ (20.0 - 15.0 \times 10 \times \$250) + (15.0 - 12.5 \times 10 \times \$500) \}$; plus
 3. \$750 for each one-tenth of a percentage points less than 10% reduction in PM Peak hour trips. For Example a reduction of 7.5% would result in a contribution of \$56,250 $\{ (20.0 - 15.0 \times 10 \times \$250) + (15.0 - 10.5 \times 10 \times \$500) + (10.0 - 7.5 \times 10 \times \$750) \}$
 4. This penalty provision shall remain in effect for so long as Development Condition 17 requires the Survey and Reporting Requirements to be met; provided, however there shall be a cap of \$100,000 on the aggregate of all contributions required to be paid hereunder. Any contribution payments made pursuant to Development Condition 17 shall be paid to Fairfax County for the use in supporting TDM/transportation enhancements in the Reston Area.

- m. Continuation of Survey and Reporting Requirements: The PM shall continue the surveys, County Reports and, if applicable, the trip counts on an annual basis until such time as two (2) consecutive surveys conducted starting at least one (1) full calendar year after the residential portion of the building has been 80% occupied. Following such time, the PM shall conduct additional surveys and make County Reports at three (3) year intervals. If it is reasonably determined through any of the tri-annual surveys/reports that the Mode Split Goal is no longer being met, the Applicant or successor condominium association shall revert to the process of annual surveys and County Reports, as well as implementing additional strategies until such time as two (2) consecutive surveys show that the Mode Split Goal has been met, whereupon the process of tri-annual surveys/reports shall be resumed. Upon such time that three (3) consecutive tri-annual surveys/reports show that the Mode Split Goal continues to be met, no additional surveys/reports shall be required.

19. Universal Design

The following features may be incorporated into the proposed development:

- a) Interior doors and hallways wide enough to accommodate a wheel chair

- b) Lever handles for openings rather than twisting knobs
- c) Light switches with large flat panels rather than small toggle switches
- d) Buttons on control panels that can be distinguished by touch
- e) Bright and appropriate lighting, particularly task lighting
- f) Auditory output redundant with information with visual displays
- g) Contrast controls on visual output
- h) Ramp access to swimming pools
- i) Purchase appliances with large print control
- j) Install lighting near outside walkways, stairs and entrances
- k) Use nightlights where appropriate
- l) Use handrails on both sides of the stairways
- m) Give sidewalks and driveways a textured surface to increase traction and stability
- n) Install lever faucet handles or single lever faucets that are easy to turn

20. LEED and Green Building Practices

- a. The applicant shall include, as part of the site plan/subdivision plan submission and building plan submission, a list of specific credits (the "Scorecard") within the projects registered version of the U.S. Green Building Council's Leadership in Energy and Environmental Design – New Construction (LEED-NC) rating system, or other LEED rating system determined to be acceptable for residential units and commercial space in the proposed mixed use building by the U.S. Green Building Council (USGBC), that the Applicant anticipates attaining. The Scorecard shall meet at least, the minimum number of credits necessary to attain LEED Silver Certification of the submitted building(s).
- b. (b) The applicant will include, as part of the site plan submission, a statement certifying that a LEED®-accredited professional who is also a professional engineer or architect licensed to practice in the Commonwealth of Virginia is a member of the design team, and that the LEED-accredited professional is working with the team to incorporate sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification. In addition, prior to site plan/subdivision plan approval, the Applicant shall designate the Chief of the Environmental and Development Review Branch of the Department of Planning and Zoning as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.
- c. Prior to building plan approval for the building, the Applicant will submit, to the Environment and Development Review Branch of DPZ, documentation from the U. S. Green Building Council demonstrating that LEED Silver precertification under the New Construction program has been attained for that building. Prior to release of the bond for that building, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating the status of attainment of LEED Certification from the U. S. Green Building Council for the building.
- d. If the Applicant fails to attain LEED Silver precertification prior to building plan approval, the Applicant will, prior to building permit approval, execute

a separate agreement and post a "green building escrow," in the form of a cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$2.00 per gross square foot of building. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the LEED-CS rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within two years (or such longer time if the Applicant provided documentation to the satisfaction of the Environment and Development Review Branch of DPZ that USGBC review of the LEED certification has been delayed through no fault of the Applicant) of issuance of the first Non-RUP, exclusive of core and shell, for the building, the escrow will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

- e. (e) Prior to approval of [non-RUPs/RUPs], the applicant will provide to the Environment and Development Review Branch of DPZ a letter from a LEED®- accredited professional certifying that a green building maintenance reference manual has been prepared for use by future building occupants (including tenants of properties to be rented or leased), that this manual has been written by a LEED- accredited professional, that copies of this manual will be provided to all future building occupants and that this manual, at a minimum:
1. provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
 2. provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
 3. provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and
 4. provides contact information that building occupants can use to obtain further guidance on each green building component.
5. prior to approval of [non-RUPs/RUPs], the applicant will provide an electronic copy of the manual in pdf format to the

Environment and Development Review Branch of the
Department of Planning and Zoning.

- f. If the applicant fails to provide documentation to the Environmental and Development Review Branch of DPZ demonstrating attainment of LEED Core and Shell certification within one (1) year of issuance of a tenant non-RUP for the building, the escrow will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of County environmental initiatives. However, if the Applicant provides evidence that LEED Core and Shell certification has been delayed through no fault of the Applicant, this time frame shall be extended until such time as evidence is obtained and no release of escrow funds shall be made to the Applicant or to the County during this extended time frame.
21. Unreasonable Delay. Upon demonstration by the Applicant that, despite diligent efforts by the Applicant provision of an improvement set forth in these Development Conditions has been delayed due to unforeseen circumstances or circumstances beyond the control of the Applicant, the Zoning Administrator may agree to a later date for the completion of each such improvement.
22. Advance Density Credit. Advanced density credit is reserved consistent with the provisions of the Fairfax County Zoning Ordinance for all the eligible dedications as may be required by Fairfax County or VDOT pursuant to the Public Facilities Manual for Fairfax County, at the time of Final Site Plan approval for the Property.
23. Hours of Construction. The hours of outdoor construction activity on the property shall be limited to between 7.00 am and 9.00 pm. Monday-Saturday, and 9 a.m. to 7 p.m. on Sundays and federal holidays; provided however there shall be no outdoor construction on January 1st, July 4th, Thanksgiving Day and Christmas Day each year. The Applicant shall inform all contractors and subcontractors of the permitted hours of construction, and signs designating such construction hours shall be published in both English and Spanish and posted at all construction entrances to the property.
24. Annual Escalation Clause. For all conditions in this document specifying contribution amounts or budgets for the construction of improvements of facilities, the contribution and/or budget amount shall escalate on a yearly basis from the base year of 2010 and change effective each January 1 thereafter, based on changes in the Marshall and Swift Building Cost Index consistent with the Code of Virginia.