

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.

- b. 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 frontage. These elements shall include, but not be limited to: approximately 14 foot floor to floor height and a minimum floor to ceiling height of 12 feet, as shown on the revised plans dated November 1, 2005 ~~November 1, 2005~~ with revised plans dated May 19, 2010; access to the service corridor/areas as shown on the architectural plans dated November 1, 2005 with revised plans dated May 19, 2010; direct street frontage and access; 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.

63. **Streetscape and Public Spaces Component**

The developer agrees to provide a component within the site that enhances the streetscape and public spaces with creative details. This component may include integrated elements such as, but not limited to the following: markers, paving designs, seating areas, landscaping, fountains/water features, banners, kiosks, bus shelters, special public places and other aesthetic and functional elements. **The developer agrees to fund this component at a cost of no less than \$75,440.00 (approximately \$20,000.00 of this component is for landscaping and hardscape within the median, and approximately \$55,440.00 will be utilized to construct the public plaza).** The budget amount shall include all reasonable costs of the work, including the direct costs and indirect costs of all costs of design, fabrication, installation, signage, and all costs of any structural enhancements to the building, sidewalk and or median to support said component. Notwithstanding this minimum amount, the developer agrees to fund all costs of this component. **The developer shall coordinate with the Cherrydale Citizen's Association, Maywood Mews and the Maywood Community Association on the selection of the design, fabrication, installation, signage and maintenance plan of the component.** Prior to any installation, the developer shall provide the Zoning Administrator with letters from the neighborhood associations stating their support and approval of the component. The design of the improvements and supporting documentation shall be submitted to the County Manager to the issuance of the above grade building permit, and installed prior to the issuance of the first Certificate of Occupancy for tenant occupancy of the last floor of the residential portion of the project. In addition, the developer agrees to provide maintenance of the landscaping for the life of the site plan.

64. **After-hours Parking in Office Garages**

The developer agrees to make all retail, commercial, and visitor parking in the garage (~~39~~ 37 parking spaces, as described in Condition #49 above) available to the public for parking until the close of business of retail operations. The