



APPLICATION ACCEPTED: April 16, 2008
PLANNING COMMISSION: October 2, 2008
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

September 18, 2008

STAFF REPORT

SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 95-P-045

PROVIDENCE DISTRICT

APPLICANT: Aircell, LLC

ZONING: C-4, HC, SC

PARCEL(S): 29-4 ((1)) 2

ADDRESS: 1753 Pinnacle Drive

ACREAGE: 6.68

PLAN MAP: Office

SE CATEGORY: Category 1, Use 8, Mobile and Land Based Telecommunications Facility

PROPOSAL: To permit a telecommunications facility consisting of panel building mounted antennas, on the penthouse of an existing office building.

STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 95-P-045 subject to the proposed development conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Suzanne Lin

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

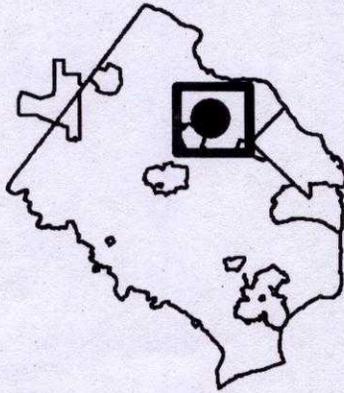
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

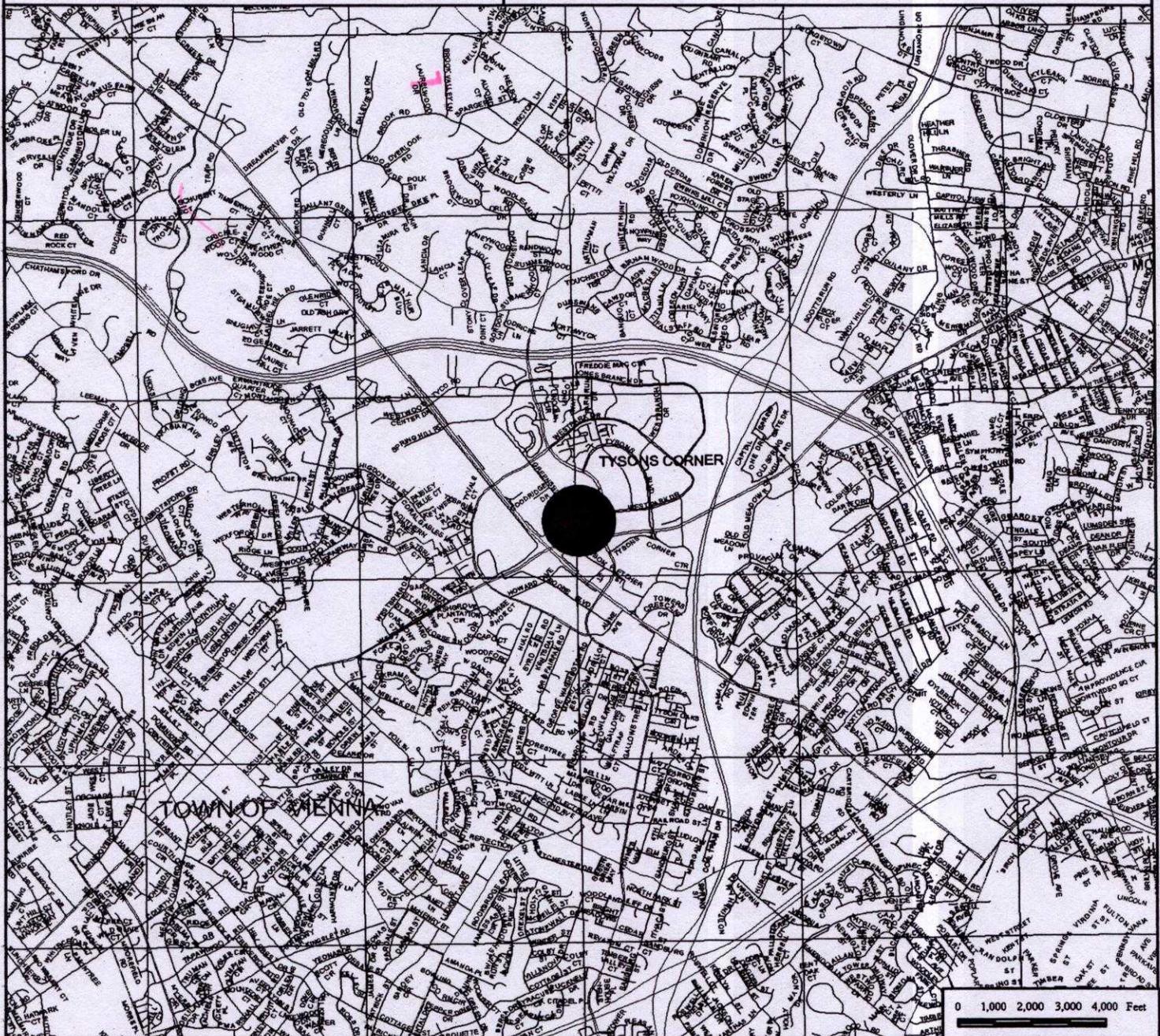
Special Exception Amendment

SEA 95-P-045



Applicant: AIRCELL LLC
Accepted: 04/16/2008
Proposed: AMMEND SE 95-P-045 PREVIOUSLY APPROVED FOR WAIVER OF CERTAIN SIGN REGULATIONS TO PERMIT A TELECOMMUNICATIONS FACILITY

Area: 6.68 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect: 04-0404
Art 9 Group and Use: 1-05
Located: 1753 PINNACLE DRIVE
Zoning: C-4
Plan Area: 2,
Overlay Dist:
Map Ref Num: 029-4 /01/ /0002

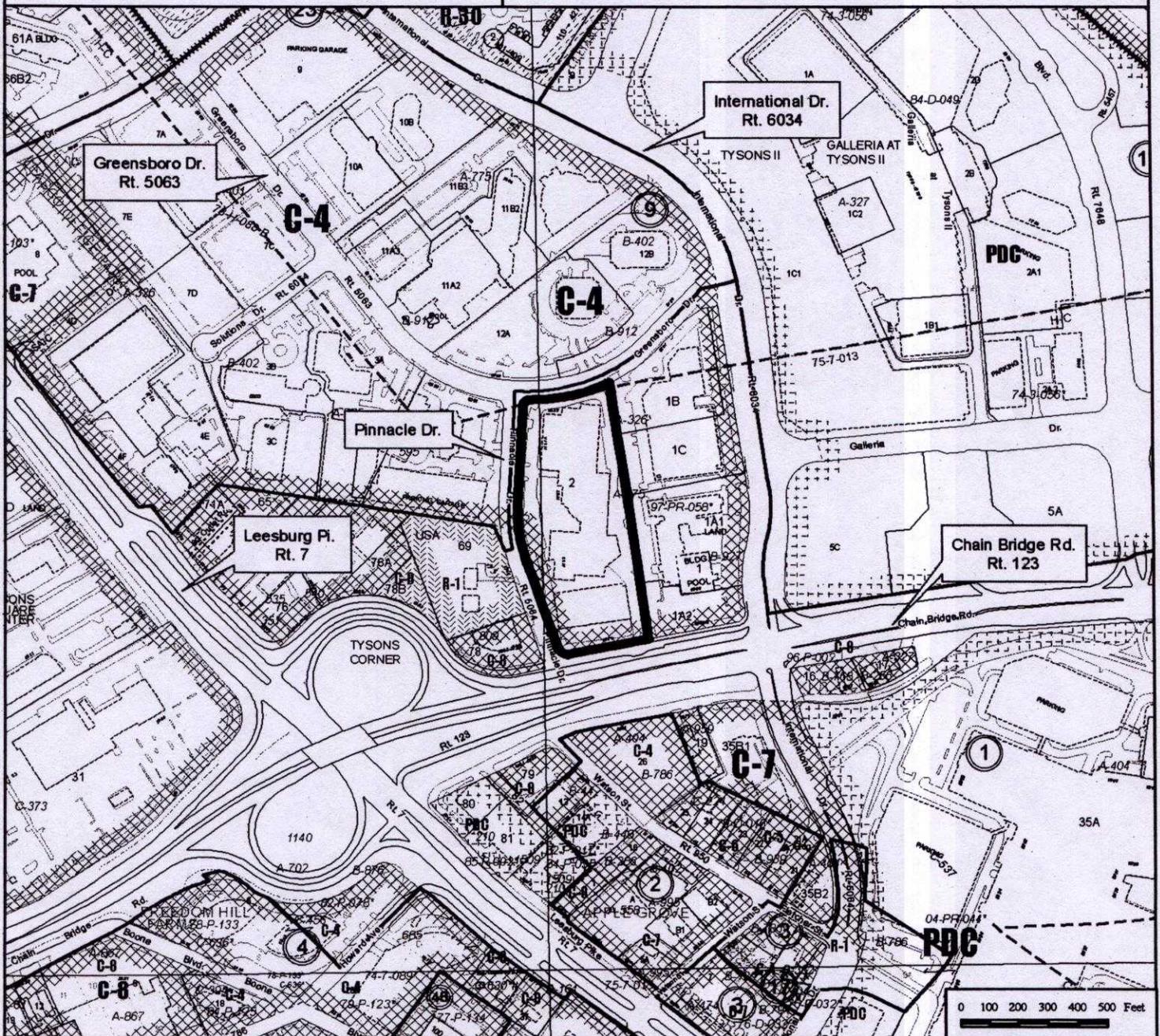
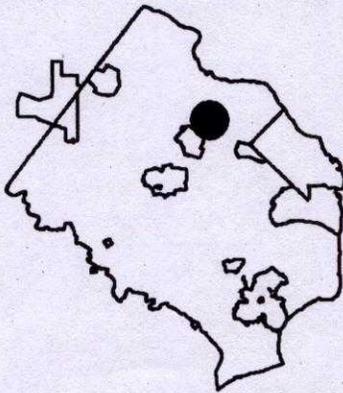


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DATE: 12/11/07
 SHEET NO: 1071435
 PROJECT: TYSON'S CORNER
 DRAWING NO: SEA
 DRAWING TO: EAST ELEVATION PLAN

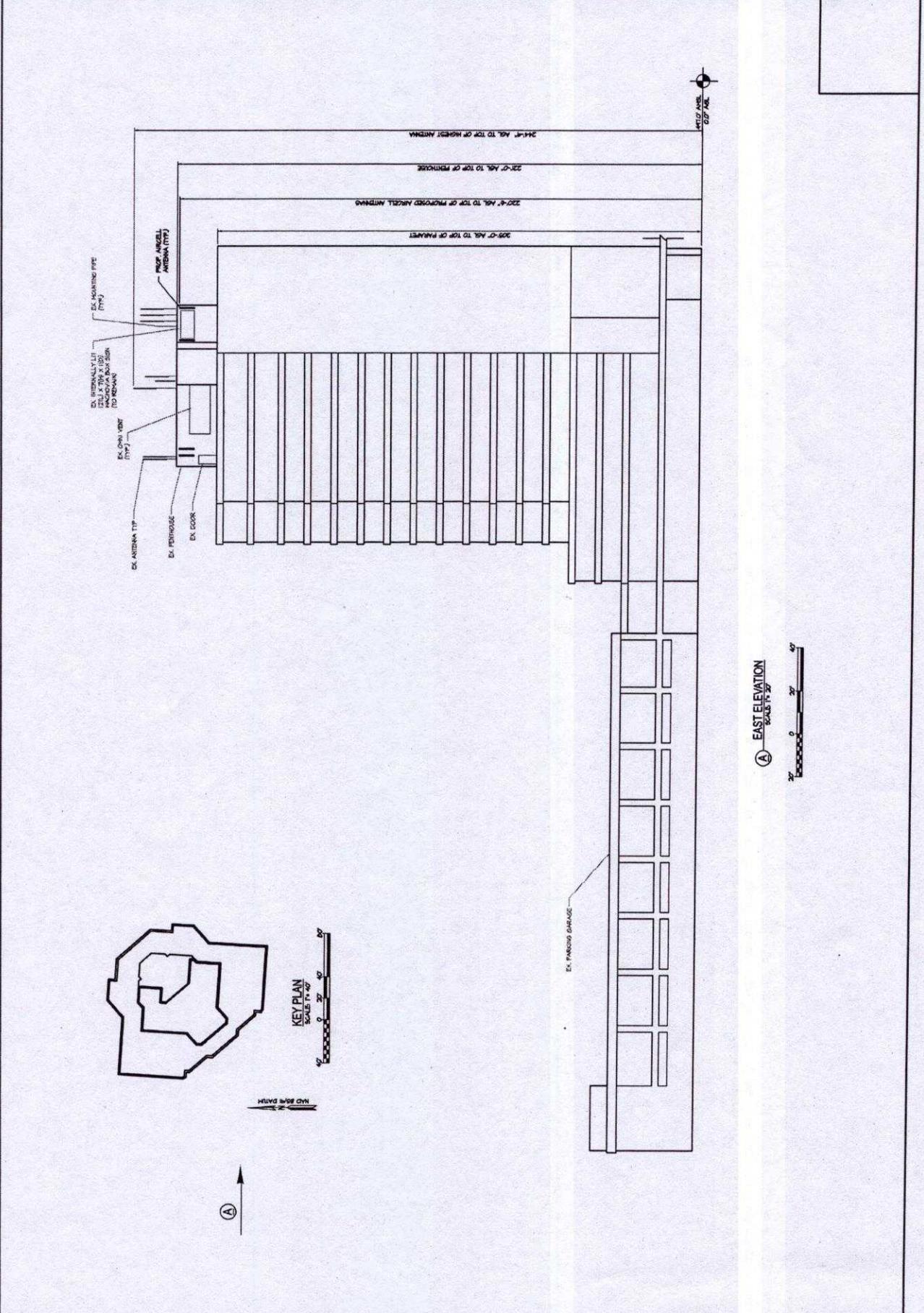
UN-ANNOUNCED WIRELESS COMMUNICATION SITE
 TYSON'S CORNER
 180 PARKSIDE DRIVE
 FALLS CHURCH, VA 22046

Air-Cell
 AIRCELL LLC
 2800 N. ARLINGTON HEIGHTS ROAD, SUITE 300
 FARMER'S BLVD. 2ND FLOOR
 (800) 647-1400 FAX: (800) 647-1887

KCI TECHNOLOGIES
 14000 Greenleaf Plaza, Suite 100
 Fairfax, VA 22031
 (703) 433-1200 FAX: (703) 433-1200
 LARRY HIGDON, P.E. (P)
 PROJECT MANAGER
 SCOTT W. HARRIS
 PROJECT MANAGER
 BUSINESS

NO.	DATE	DESCRIPTION
1	12/11/07	SE REV. A 12/11/07
2		SE REV. B 02/02/08

DATE DATE
 PROJECT OF REVISED
 1071435
 TYSON'S CORNER
 UN-ANNOUNCED WIRELESS COMMUNICATION SITE



① EAST ELEVATION
 SCALE: 1" = 20'

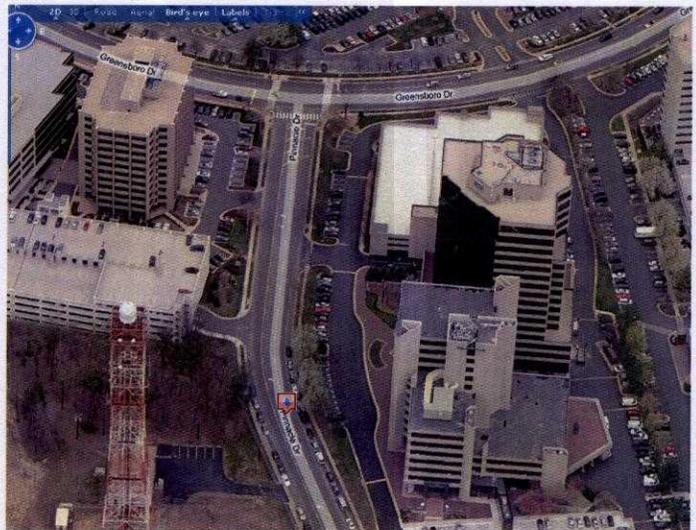
**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

Proposal:	To collocate twelve (12) panel antennas flush mounted to penthouse façade of the office building (Wachovia Towers) located at 1753 Pinnacle Drive, in Tysons Corner
Number:	12 panel antennas
Hours:	24 hours a day, 7 days a week (unmanned) with periodic, visits by employees for maintenance
Employees:	Only those employees necessary for periodic maintenance
Waivers and Modifications:	This application does not include any requested waivers and/or modifications

LOCATION AND CHARACTER

The applicant proposes to place 12 panel antennas on the existing office building located at 1753 Pinnacle Drive in the northeast quadrant of the intersection of Pinnacle Drive and Chain Bridge Road. The subject property is zoned C-4 and many of the parcels surrounding this site are also zoned C-4. A telecommunications tower is located to the west of the subject site on another parcel; an existing hotel abuts the site to the east.



The site is currently developed as a 221-foot high office building. The subject site contains two office buildings, with the main entrance to the complex via Pinnacle Drive. The buildings are flanked to the north and south by parking structures and there is surface parking on the periphery of the subject site. This application proposes no changes to the office building and layout other than the addition of the 12 panel antennae. The applicant's proposed panels are to be custom made with each being approximately ninety-six (96) inches in height and sixteen (16) to twenty-four (24) inches in width. The proposed panel

antennae would be flush-mounted against the existing office building's penthouse walls and any associated equipment would be located within the existing office building.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Office	C-4	Office
South	Office	C-4	Office
East	Hotel/Office	C-4	Office
West	Telecommunications Tower, Restaurant	C-8, R-1	Retail and Other

BACKGROUND

Site History:

The Board of Supervisors has approved two prior Special Exceptions for the subject site. The Board of Supervisors approved Special Exception (SE) 84-D-003 on April 23, 1984, for an increase in building height. The maximum height allowed per the Zoning Ordinance in this C-4 zoning district was, and remains, 120 feet. However, the Zoning Ordinance allows an increase by Special Exception and the Board approved an increase in the allowed height to 214 feet. A copy of the approval letter is attached at the end of this staff report in Appendix 4. The proposed office building was constructed, with the building's height at 221 feet, including the penthouse. (Per Section 2-506 of the Zoning Ordinance, the height limitations of shall not apply to penthouses in certain circumstances.)

On October 30, 1995, the Board of Supervisors approved SE 94-P-045 for a waiver of certain sign regulations to permit a total of 292 SF of sign area. A copy of the approval letter is attached at the end of this staff report in Appendix 5.

On April 3, 1996, the Board of Zoning Appeals approved a variance (VC 96-P-005) for this site to permit the peripheral parking lot landscaping to remain 7.9 feet from the street line of a corner lot (ten feet is required per Par. 8 of Sect 11-102 of the Zoning Ordinance). The BZA resolution can be found attached to the end of this staff report in Appendix 6.

Current Application:

The subject application arises due to the height of the proposed antennas. Specifically, the Zoning Ordinance notes that if the antennas exceed the maximum building height limitations, the panels shall not exceed six (6) feet in height or two (2)

feet in width without approval of a Category 1 Special Exception. As noted earlier, the proposed panels exceed this height by 2 feet (although they meet the width requirement). While the panels will not add height to the building itself, they will be placed in the area of the building which exceeds building height limitations. A copy of the Zoning Administrator's decision can be found at the end of the staff report in Appendix 7.

As noted previously, the principal structure, the office building, is already constructed and this application requests no additional waivers and/or modifications. Staff also notes that other antenna are already present on this site; these antennas were allowed by-right in this C-4 Zoning District.

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	II
Planning Sector:	Tysons Corner Urban Center
Plan Map:	Office
Plan Text:	

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the area, which is located in Land Unit M, Subunit M-1. On pages 123 through 125 of the Tysons Corner Urban Center of the 2003 edition of the Area II Plan, under the heading, "Land Unit Recommendations" under the sub-heading "Land Unit M," the Plan states:

Land Unit M is comprised of about 90 acres, bounded by Westpark Drive on the west; International Drive on the north and east; and Route 123 and Route 7 on the south. Office use is the predominant land use, although a small number of freestanding retail uses are concentrated in the area adjacent to the Route 7/Route 123 interchange. Two hotels are situated at opposite ends of the land unit, one on the east side and one on the west. Land Unit M contains the highest natural elevation in the County and its skyline is visible from great distances.

ANALYSIS

Special Exception Amendment Plat (Copy at front of staff report)

Title of SEA Plat:	Aircell Special Exception Plan Proposed Unmanned Wireless Communication Site Tysons' Corner
Prepared By:	KCI Technologies
Original and Revision Dates:	December 11, 2007 and revised through May 2, 2008

Aircell	
Cover Sheet	Vicinity Map, Sheet Index, Project Summary
Sheet 1	Site Layout, Site Notes
Sheet 2	Roof Plan
Sheet 3	Antenna and Supporting Mount details
Sheet 4	East Elevation depicting panel antennae
Sheet 5	West Elevation depicting panel antennae
Sheet 6	Penthouse Interior Room Build-Out Plan
Sheet 7	Comprehensive Plan Maps

Layout: The SEA Plat depicts the proposed antennas to be flush mounted to the penthouse of the existing office building. These panels will be visible from on all sides of the building. The addition of the antennae will result in no changes to the layout of the site, including parking, access and building location.

Panel Details: The details provided show that the panels will be 96 inches (8 feet) by 16.1 and 24 inches (1.34 and 2 feet respectively). The notes on the plat indicate that these panels will be painted to match the penthouse façade. The plat also depicts the layout of the interior of the penthouse, which is proposed to house all of the equipment associated with the proposed panels. The roof layout depicts that the interior of the penthouse will be retrofitted to house new racks, batteries and power packs. The panels will be used to provide in-flight wireless broadband internet data service to aircraft in approximately 140 miles in all directions including approaches to Reagan, Dulles and BWI Airports.

Land Use Analysis

There are no land use issues related to this use. A copy of the Features Shown report, FSA-P07-53-1, detailing the land use analysis will be forwarded under separate cover. However, staff notes that antenna use is already present on this site. In staff's opinion, the proposed use will have a relatively minor visual impact on the existing office building.

To minimize any visual impact, staff has requested that the antennas and their supporting mounts be of a material or color which closely matches and blends with the exterior of the building or structure. The SE Plat notes indicate that the applicant will paint the antennas and support structures to match the building. To ensure conformance, staff has proposed a development condition to that effect. With the implementation of this development condition, this issue is resolved.

Transportation Analysis (Appendix 8)

This application presents no transportation issues.

Environmental Analysis

This application presents no environmental issues.

ZONING ORDINANCE PROVISIONS (Appendix 9)

The proposed panel antennae will not alter the building layout, parking or landscaping associated with the existing office building development.

Bulk Standards Zoning C-4		
Standard	Required	Provided
Lot Size	40,000 SF	291,116 SF
Lot Width	200 ft.	265.30 ft.
Front Yard	25°ABP not less than 40 feet	53 ft.
Side Yard	No requirement	N/A
Rear Yard	20° ABP not less than 25 feet	39 ft.
Building Height	SE 84-D-003 allows maximum height of 214 feet	203 ft at top of parapet (penthouse is 221.0 feet, SE approved)
FAR	1.65	1.65
Open Space	15%	16%
Tree Cover	10%	Calculation not provided
Parking Spaces	None for Telecommunications Facility	1463
Loading Spaces	None for Telecommunications Facility	Not labeled or calculated on the SEA plat.
There are no Transitional Screening or Barrier Requirements between this use and surrounding uses		

Waivers/Modifications

No modifications and/or waivers are associated with this request.

Other Zoning Ordinance Requirements:

Special Exception Requirements (Appendix 9)

General Special Exception Standards (Sect. 9-006)
 Category 1 Standards (Sect. 9-104)

Additional Standards for Mobile and Land-Based Telecommunications Facilities
(Sect. 9-105)

General Special Exception Standards (Sect. 9-006)

General Standard 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and the general purpose and intent of the applicable zoning district regulations. The Policy Plan of the Comprehensive Plan provides that telecommunications facilities should be co-located to the extent possible, especially in commercial zoning districts. This applicant proposes to place the panels on an existing office building which already contains telecommunications antennae. Staff finds that the proposed application is in harmony with the adopted Comprehensive Plan and the general purpose and intent of the applicable zoning district regulations.

General Standard 3 requires that the proposed use be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties. Staff has recommended a development condition requiring the panel antennas to be of a material or color which closely matches and blends with the exterior of the building or structure. In light of the placement of these antennae on the penthouse of the existing office building, there will be little visibility from surrounding properties. With the implementation of this proposed development condition, staff believes that this standard is satisfied.

General Standards 4, 5, 6, 7, and 8 relate to traffic impact, landscaping and screening, open space, drainage, utilities, parking and loading, and signage. These standards are not applicable to this application because the proposed antennae would not result in additional trips, would not impact the existing landscaping and screening or open space, would not cause a change in drainage, would not result in parking and loading changes, and would not change the existing signage as granted under SE 94-P-045.

Category 1 Standards (Sect 9-104)

Standard 1 notes that these uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located. This standard is noted.

Standard 2 provides a prohibition of the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility. The applicant is not proposing any storage of materials or equipment and has indicated that maintenance personnel would be onsite only rarely for routine maintenance. Staff has also proposed a development condition prohibiting storage of materials and equipment on-site. Therefore, this standard is satisfied.

Standard 3 applies to such uses when located in an R district and does not apply in this instance as this use is proposed in a C-4 Zoning District.

Standard 4 notes that before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans. This requirement is also noted in the proposed development conditions and, as such, this standard is satisfied.

Additional Standards for Mobile and Land Based Telecommunication Facilities (Sect. 9-105)

Additional Standard 1 provides that, except for antennae completely enclosed within a structure, all antennae and their supporting mounts shall be of a material or color that closely matches and blends with the structure on which it is mounted. A proposed development condition provides that the antennae and their supporting mounts shall be of a material or color which closely matches and blends with the exterior of the building or structure. This standard is satisfied.

Additional Standard 2 provides that, except for a flag mounted on a flagpole as permitted under the provisions of Par. 2 of Sect. 12-203, no commercial advertising or signs shall be allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure. A proposed development condition prohibits such advertising and/or signage and thus this standard is satisfied.

Additional Standard 3 notes that if there are any additions, changes or modifications to monopoles or towers, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code. A proposed development condition requires such submittal and thus this standard is satisfied.

Additional Standard 4 provides that no signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the County, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light. A proposed development condition prohibits signals, lights or illumination except for the steady red marker light as required; thus, this standard is satisfied.

Additional Standard 5 provides that all antennae and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use. A proposed development condition notes this requirement and thus this standard is satisfied.

Overlay District Requirements**Sign Control (SC) (Sect. 7-500)**

The Sign Control Overlay District has been established in this area to restrict freestanding signs. There are no freestanding signs associated with this application as it solely relates to the installation of panel antennae. Therefore, the proposal is in conformance with the Sign Control Overlay District.

Highway Corridor (HC) (Sect. 7 600)

The Highway Corridor Overlay District has been established in this are to limit certain automobile oriented, fast service, or quick turn-over uses. The proposed use in this application does not include these types of uses. Therefore, this proposal is in conformance with the Highway Corridor Overlay District.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with this application and the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS**Staff Conclusions**

Staff finds that SEA 95-P-045 is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendation

Staff recommends that SEA 95-P-045 be approved subject to the proposed development conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Approval Letter and Conditions for SE 84-D-003
5. Approval Letter and Conditions for SE 95-P-045
6. Variance Resolution approving VC 96-P-005
7. Determination from Zoning Administrator regarding Zoning Requirements
8. Transportation Analysis
9. Applicable Zoning Ordinance Provisions
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SEA 95-P-045

September 18, 2008

If it is the intent of the Board of Supervisors to approve SEA 95-P-045 located at 1753 Pinnacle Drive (Tax Map 29-4 ((1)) 2) for a land based telecommunications facility pursuant to Sect. 9-105 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These conditions shall be in addition to previously conditions approved pursuant to SE 84 84-D-003 and SE 95-P-045 .

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception amendment plat approved with the application, as qualified by these development conditions.
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Aircell Special Exception Plan Proposed Unmanned Wireless Communication Site Tysons" Corner, prepared by KCI Technologies and dated December 11, 2007, as revised through May 2, 2008, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Unless waived by the Zoning Administrator, a steady red marker light shall be installed on the facility and operated at all times. No other signals, lights or illumination shall be permitted unless required by the Federal Communications Commission, Federal Aviation Administration or the County. Any such light shall be shielded to prevent the downward transmission of light.
5. The panel antennas and their supporting mounts shall be of a material or color which closely matches and blends with the exterior of the building or structure.
6. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunications facility. No commercial advertising or sign shall be allowed on the antennae, antennae support structures or related equipment cabinet or structure.
7. Should the need arise to alter panel antennas from that shown on the SEA Plat, the applicant shall submit engineering and structural data affirming to the Zoning Administrator that said alterations conform to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code to DPWES prior to alteration.

APPENDIX 1

8. Any component(s) of the telecommunications facility shall be removed within 120 days after such component(s) are no longer in use.
9. Additional antennae may be permitted without an amendment to this SEA provided the 2232 Features Shown Provisions can be satisfied.
10. There shall be no outdoor storage of materials, equipment, or vehicles within the wireless compound for the telecommunications facility.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with abrogate or amend any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception amendment shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8.26.08
 (enter date affidavit is notarized)

I, Edward L. Donohue, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

998106

in Application No.(s): SEA-95-P-045
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Aircell LLC	1250 North Arlington Heights Road Suite 500 Itasca, IL 60143	Applicant/Lessee
TRC Pinnacle Towers, LLC	6711 Columbia Gateway Drive Suite 300 c/o Corporate Office Property Trust Columbia, MD 21046	Owner/Lessor
Donohue & Blue, PLC Edward L. Donohue Catherine A. Blue	801 North Fairfax Street Suite 209 Alexandria, VA 22314	Attorney/Agent Attorney/ Agent Attorney/Agent

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8.26.08
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)
Aircell LLC
1250 North Arlington Heights Road
Suite 500
Itasca, IL 60143

DESCRIPTION OF CORPORATION: (check one statement)

- [X] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

AC Holdco, LLC

(check if applicable) [X] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: 8.26.08
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

AC Holdco, LLC
1250 North Arlington Heights Road
Suite 500
Itasca, IL 60143

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

AC Partners L.P.
Thorne Entities
Ripplewood Holdings L.L.C.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Sycamore Management Corporation
845 Alexandar Road
Princeton, NJ 08540

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

John Whitman
Peter G. Gerry
Kilin To

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 8-26-2008
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Thorne Entities
2700 Lake Cook Road
River Woods, IL 60015

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Oakleigh B. Thorne
Charlotte T. Bordeaux
Daniel K. Thorne

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Ripplewood Holdings, LLC,
712 Fifth Avenue
49th Floor
New York, NY 10019

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

AC Acquisition I, LLC, Member
AC Acquisition II, LLC, Member

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 8-26-2008
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

AC Acquisition I, LLC
1250 North Arlington Heights Road
Suite 500
Itasca, IL 60143

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Ripplewood Partners II, L.P.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

AC Acquisition II, LLC
1250 North Arlington Heights Road
Suite 500
Itasca, IL 60143

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Ripplewood Partners II Parallel Fund, L.P.
Ripplewood Partners II Offshore Parallel
Fund, L.P.

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 8-26-2008
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

TRC Pinnacle Towers, LLC
6711 Columbia Gateway Drive
Suite 300
Columbia, MD 21046

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Corporate Office Properties L.P., sole member

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Donohue & Blue, PLC
801 N. Fairfax Street
Suite 209
Alexandria, VA 22314

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Edward L. Donohue
Catherine A. Blue

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: 8-26-2008
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Corporate Office Properties Trust
6711 Columbia Gateway Drive
Suite 300
Columbia, MD 21046

(real estate investment trust)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(c)

DATE: 8.26.08
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Corporate Office Properties, L.P.
6711 Columbia Gateway Drive
Suite 300
Columbia, MD 21046

(check if applicable) [] The above-listed partnership has no limited partners

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

None of the limited partners/preferred
limited partners owns 10% or more of the
title owner, TRC Pinnacle Towers, L.L.C.

Limited Partners and
Preferred Limited Partners
Jay H. Shidler
Shidler Equities, L.P.
Clay W. Hamlin, III
LBCW Limited Partnership
Robert L. Denton
James K. Davis
John E. De B. Blockey, Trustee
of the John E. de B. Blockey
Living Trust dated 9/12/88
Frederick K. Ito Trust
June Y. I. Ito Trust
RP Investments, LLC
Denise J. Liszewski
Samuel Tang
Lawrence J. Taff
Kimberly F. Aquino
M.O.R. 44 Gateway Associates
Limited Partnership
John Parsinen
M.O.R. Commons Limited
Partnership
John Edward De Burgh Blockey
and Sanda Juanita Blockey

Lynn Hamlin
Housing Affiliates, Inc.
Reingle Corp.
Joseph Tawil
The Lovejoy Trust
The Century Trust
A. Charles Wilson & Betty S.
Wilson Trust
Harold & Renee Holland
Irwin Hoffman
Rouse 1988 Trust
CB Management, L.L.C.
Patriot Partner, L.L.C.
Lawrence G. Rief
David D. Jenkins
RA & DM, Inc.
Bernard Manekin
Estate of Harold Manekin
Richard Alter
Donald Manekin
William Winstead
Richard Manekin
Robert Manekin
Charles Manekin
Vivian Manekin
Francine Manekin

Sandy Sirota
Lynn Stern
Louis LaPenna
Jamie Deutsch
Kelly Alter

TRC Associates Limited
Partnership

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: 8-26-2008
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

AC Partners, L.P.
1250 North Arlington Heights Road
Suite 500
Itasca, IL 60143

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Blumenstein/Thorne Information Partners
II, L.P. (General Partner)

Sycamore Venture Capital, L.P. (Limited
Partner)

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: 8-26-2008
(enter date affidavit is notarized)

998104

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Sycamore Venture Capital, L.P.
845 Alexandar Road
Princeton, NJ 08540

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Sycamore Business Partners, L.P.
(Limited Partner)
Sycamore Management Corporation,
(General Partner)

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: 8-26-2008
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Sycamore Business Partners, L.P.
845 Alexandar Road
Princeton, NJ 08540

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Sycamore Management Corp., General and
Limited Partner

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: 8-26-2008
(enter date affidavit is notarized)

998104

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Ripplewood Partners II Parallel Fund, L.P.
712 Fifth Avenue
49th Floor
New York, NY 10019

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Mark M. Collins, Jr. General and Limited
Partner
Mark Goeter Krey, Limited Partner
Charles J. Moore, General Partner

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: 8-26-2008
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Ripplewood Partners II, L.P.
712 Fifth Avenue
49th Floor
New York, NY 10019

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Richard Santuffi, General and Limited
Partner
Robert Mundheim, Limited Partner
Charles M. Collins, Jr. General Partner

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: 8-26-2008
(enter date affidavit is notarized)

998104

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Ripplewood Partners II Offshore Parallel Fund, L.P.
712 Fifth Avenue
49th Floor
New York, NY 10019

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Daniel Thorne, General and Limited Partner

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: 8-26-2008
(enter date affidavit is notarized)

998104

for Application No. (s): SEA-95-P-045
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

Blumenstein/Thorne Information Partners II, L.P.
270 E. Westminister; 2nd Floor
Lake Forest, IL 60045

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Trustee under the will of Oakleigh B.
Thorne, General and Limited Partner,
Daniel Thorne Trustee
Trustee under the will of Charlotte T.
Bordeaux, General and Limited Partner,
Daniel Thorne Trustee
Daniel K. Thorne, Limited Partner

None of the beneficiaries under the
above-named trusts owns 10% or more of
the applicant, Aircell, L.L.C.

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a
"Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 8.26.08
(enter date affidavit is notarized)

998106

for Application No. (s): SEA-95-P-045
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check one) Applicant Applicant's Authorized Agent

Edward C. Davidson
(type or print first name, middle initial, last name, and title of office)

Subscribed and sworn to before me this 26th day of AUGUST, 2008 in the State/County of VIRGINIA, County of Henrico

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA

Statement of Justification in Support of Special Exception Application for
AirCell LLC Antenna Collocation at 1751 Pinnacle Drive, McLean VA
22102

I. Overview:

The subject property ("Property") is Tax Map no. 029-4/01/0002 located at 1751 Pinnacle Drive, Mclean, VA 22102. AirCell, LLC ("AirCell" or the "Applicant") proposes to install antennas and related equipment on the Property as fully described below. Because of the size of the antennas special exception relief is required.

A. Type of Operation:

AirCell LLC, ("AirCell") one of the leading companies in the avionics communications field has been awarded the exclusive FCC license to provide in-flight wireless broadband internet data service in the United States. AirCell will use CDMA – EVDO technology and approximately 100 ground-based antenna sites to provide this service to aircraft throughout the country, including those of commercial airlines and those that are privately owned. Attached is a copy of the license issued to AirCell in October 2006.

AirCell proposes to collocate twelve (12) panel antennas on the penthouse of the building located at 1751 Pinnacle Drive in Tysons Corner. The antennas are approximately ninety-six inches (96") in height and twenty-four inches (24") in width. AirCell has unique size and design requirements due to the need to provide air-to-ground coverage. These antennas must be custom-designed and manufactured to meet the particular needs of the customer, the primary one being the United States Federal Air Marshall. The panel antennas will be mounted against the penthouse walls to mitigate visibility. The associated equipment is located within the penthouse.

This is an air-to-ground wireless data-only communications system that is non-terrestrial, available only in the cabins of private and commercial airlines equipped with AirCell's proprietary equipment.

This site will cover approximately 140 miles in all directions from the antenna site, including approaches to Regan, Dulles and BWI airports. At the present, this is the only site AirCell proposes to install in Fairfax County.

B. Hours of Operation:

The ground equipment will be unmanned and will operate 24 hours a day, 7 days a week. There will be periodic maintenance, but at a minimal frequency.

RECEIVED
Department of Planning & Zoning
MAR 19 2008
Zoning Evaluation Division

C. Estimated Number of Patrons/Clients/Patients/Pupils/etc.

There will be no patrons or clients, only periodic maintenance as stated above.

D. Proposed Number of Employees, etc.

There are no proposed employees, other than maintenance as stated above.

E. Estimated Traffic Impact.

The addition of another carrier to the existing building will result in 1-2 more visits to the Property per month during normal business hours, except for emergency visits that could occur any time as necessitated. These visits will have no material impact on traffic to the Property or the surrounding area.

F. Vicinity or general area to be served by the use.

This site will cover approximately 140 miles in all directions from the antenna site, including approaches to Regan, Dulles and BWI airports. At the present, this is the only site AirCell proposes to install in Fairfax County.

G. Description of building façade and architecture of proposed installation.

As stated above and as shown on the plans, the Applicant proposes to install panel antennas on the existing penthouse. But for the size of the panels, which of necessity exceed the limitations of Section 5-104 of the Zoning Ordinance, this installation would be deemed by-right, subject only to review under Section 15.2-2232 as a "feature shown".

H. A listing, if known of all hazardous or toxic substances as set forth in Title 40, Code of federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated and/or disposed o on site and the size and contents of any existing or proposed storage tanks or containers.

There are no known hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4, and 355; nor any hazardous waste as set forth in Commonwealth of Virginia Department of Waste Management regulations VR 672-10-1- Virginia Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations part 280; to be generated, utilized, stored, treated, and/or disposed of on site and the size and contents of any existing or proposed storage tanks or containers.

I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

As stated above and as shown on the plans, the Applicant proposes to install panel antennas on the existing penthouse. But for the size of the panels, which of necessity exceed the limitations of Section 5-104 of the Zoning Ordinance, this installation would be deemed by-right, subject only to review under Section 15.2-2232 as a "feature shown". The proposed installation and operation of the facilities will comply with all applicable ordinances, regulations, standards and conditions imposed by the County.

II. Compliance with Comprehensive Plan.

AirCell's proposed use is consistent with the objectives under the policy plan element of the Comprehensive Plan regarding Mobile and Land-Based Telecommunications Services.

Objective 42: In order to provide for the mobile and land based telecommunication network for wireless telecommunications systems licensed by the Federal Communications Commission, and in order to achieve opportunities for the collocation of related facilities and the reduction of their visual impact, locate the network's necessary support facilities which include antennas, monopoles, lattice towers and equipment buildings in accordance with the following policies:

Policy a. Avoid the construction of new structures by locating mobile and land-based telecommunications facilities on available existing structures such as building rooftops....when the telecommunications facilities can be placed inconspicuously to blend with such existing structures.

Policy b. Locate new structures that are required to support telecommunication antennas on properties that provide the greatest opportunity to conceal the telecommunication facilities and minimize their visual impact on surrounding areas.

The Property is a high rise office and retail building located in a C-4 zoning district. The antennas will be flush-mounted to the penthouse, the top of which will be 6" below the top of the penthouse wall.

Policy e. Locate mobile and land-based telecommunication facilities operated by different service providers on single sites and/or structures whenever appropriate. Locate single-use structures on a property when a collocation structure for multiple service providers is not desirable or feasible due to site limitations or visual impact concerns.

Other service providers are installed on the Property.

Policy k. Locate telecommunication facilities to ensure the protection of historically significant structures. The views of and vistas from architecturally and/or historically significant structures should not be impaired or diminished by the placement of telecommunication facilities.

Policy l. Site proposed facilities to avoid areas of environmental sensitivity.

AirCell proposes to locate its facilities on an existing structure already approved for, and improved with telecommunications facilities. The Application will not increase the height of the building or penthouse. The antennas will be mounted against the penthouse walls to mitigate visibility. The ancillary equipment will be located within the penthouse and therefore not visible.

Objective 43: Design telecommunications facilities to mitigate their visual presence and prominence, particularly when located in residential areas, by concealing their intended purpose in a way that is consistent with the character of the surrounding areas.

Policy c. Use appropriately other new and existing structures and vegetation of comparable form and style to establish a grouping the complements a camouflaged telecommunication facility and supports its design, location and appearance.

As stated above, the proposed installation is a collocation on a high-rise commercial building.

Objective 44: With planning Commission approval, consider mobile and land-based telecommunication facilities to be located on existing or replacement structures a "feature shown" of the Comprehensive Plan to be processed without a public hearing when placed in conformance with the following policies:

Policy a. Locate telecommunication facilities on existing buildings and structures at the following properties:

- Commercial and industrial zoned property and in the commercial areas of PDH,PDC,PRM and PRC zoning districts.

Policy c. In determining that proposed telecommunication facilities are a feature shown of the Comprehensive Plan, ensure that the following general factors are met:

- The proposed installation is located and designed to blend with the structure on which it is placed such as flush-mounting antennas or screening the antennas and equipment as appropriate to the site;
- Related equipment cabinets or shelters located on the ground or on a rooftop should be appropriately screened or placed to obscure their visibility from surrounding properties;
- Building rooftop antennas should be either flush mounted to surface walls, screened or placed to not be visible form the surrounding area.

Objective 45: Consider the placement of antennas and their associated equipment to be a “feature shown” of the Comprehensive Plan requiring no further Planning Commission review when the placement of the antennas and the related equipment structures is in full conformance with all Fairfax county zoning Ordinance provisions and the following applicable policies:

Policy a. Locate telecommunication facilities on building surfaces (including water tanks or towers) in accordance with the following standards:

- No part of the antenna shall extend above the surface of the building or tank on which it is placed and no part of the antenna’s mounting shall extend more than 6 inches above the surface of the building on which it is placed;
- The equipment cabinet or shelter shall be located inside the building, building penthouse or inside the building parking structure on a level other than the roof.

The Applicant is well aware that given the size of the panel antennas, the “feature shown” guidelines may not apply directly. In other words, given that this application requires special exception approval, feature shown consideration may not be allowed. However, the guidelines are worth considering, and the application clearly complies with substantially all policies.

III. Requirements for Proposed Use

As this site provides air-to-ground wireless communications, it has some requirements that are significantly different from those of terrestrial wireless networks. First and foremost, each site needs to provide Line of Sight (“LOS”) paths to any aircraft up to 140 miles away, in order to provide effective coverage. The proposed installation on the roof of 1751 Pinnacle Drive was selected as it has the highest available Above Mean Sea Level (AMSL) height in the area.

LOS paths for air-to-ground systems require certain clearance levels, as explained below:

(...for) a 140 mile cell that is intended to serve aircraft at 10,000’ above the base station elevation, the following clearance criteria assure that Line of Sight (LOS) propagation will be provided:

- 50 ft clearance needed over obstructions in the first mile
- 75 ft clearance needed over obstructions within 3 miles
- 100 ft clearance needed over obstructions up to 10 miles
- Horizon clearance needed beyond 10 miles

At the distant edge of a coverage cell, a small intrusion into the vertical clearance criteria has a very large effect on coverage.

As well, each site must be placed so that, when the coverage of surrounding sites (each about 220 miles away) is considered, the network of sites provide continuous coverage to aircraft, allowing for uninterrupted service to served aircraft. This requires that candidate sites

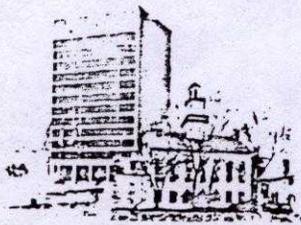
each be limited to a relatively small search area that will permit overall network coverage requirements to be met.

Within such a search area, the clearance requirement generally requires that the site be placed upon the highest available location. Any site other than the highest site will cause the clearance criteria to be violated.

The only impact associated with this proposal will be visual, and will only be minimal as it will be Omni antennas, that will blend in with the existing Omni antennas already on the roof.

IV. **Alternative Sites Considered for the Proposal:**

Due to the RF Clearance requirements described above, there were no other alternatives given serious consideration. The only other structure of comparable height is the tower located nearby, however that structure is owned and occupied by the US Government and not available for lease to private entities.



COMMONWEALTH OF VIRGINIA
 COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
 FAIRFAX, VIRGINIA 22030



April 27, 1984

Mr. Francis A. McDermott
 Hazel, Beckhorn and Hanes
 Post Office Box 547
 Fairfax, Virginia 22030

Re: Special Exception
 Number SE 84-D-003

Dear Mr. McDermott:

At a regular meeting of the Board of Supervisors held on April 23, 1984, the Board approved Special Exception Number SE 84-D-003, in the name of First American Bank of Virginia, located as Tax Map 29-4 ((1)) 2 for an increase in building height pursuant to Section 9-061 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat as revised on April 17, 1984, approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat and these conditions.
4. The number of employees working in the area designated for computer center on the Special Exception Plat shall be limited to sixty. Any change in the use of the computer center area shall be required to provide parking in accordance with the standards for that particular use; should, upon change in said use, additional parking be required by ordinance beyond that shown on the Special Exception Plat and should sufficient additional parking not be available as a result of building/site design, the third level of the south parking garage shall, subject to necessary administrative and/or public hearing approvals, be extended fully over the second level of said garage. It is specifically understood that additional parking shall not be provided at street level adjacent to Pinnacle Drive or Greensboro Drive.

SE 84-D-003

April 27, 1984

5. If constructed, the roof of the computer center shall be landscaped substantially as shown on sheet 2 of the Special Exception Plat and shall be available for use as a pedestrian plaza.

6. In the event that construction of the computer center does not occur in the area designated on the Special Exception Plat, and the third level of the parking garage is not covered by roof, landscaping shall be provided to the extent feasible along the outside of the parapet wall and at each level of the garage exposed to public view.

7. Landscaped open space shall be provided generally as shown on the Special Exception Plat. The caliper and/or height of the plant materials to be used will meet or exceed the standard requirements of the Fairfax County Zoning Ordinance/Public Facilities Manual. The detailed landscape plan (prepared as part of the Site Plan) will be returned to the Board of Supervisors for review as an administrative item.

8. A pedestrian connection shall be provided from the sidewalk to the buildings along Pinnacle Drive.

9. The cafeteria shall be made available to the public to the greatest extent possible and feasible, consistent with the safe, secure, and efficient operation of the bank.

10. Parking decks shall be screened with ample landscape planting including evergreen, shade, and ornamental trees and shrubs, substantially as shown on the Special Exception Plat.

11. Non-mirror reflective window and wall materials shall be utilized in the building facade.

12. At the time of the extension of International Drive, limited access will be provided from International Drive and Route 123 to the service road fronting the First American Bank of Virginia and parallel to Route 123. Entrance only access will be provided by right turn movements from southbound International Drive. It will not be possible to enter the service drive from northbound International Drive or from Route 123. Eastbound traffic on the service road will not be allowed beyond the motel site east of the bank.

13. At the time of final Site Plan approval, applicant or successor shall contribute, at the rate of \$7,500 per acre of the site area involved in subject application, to Fairfax County funds allocated and/or collected for the purpose of transportation improvements in the Tysons Quadrangle.

SE-84-D-003
April 27, 1984

14. Two years following 90% occupancy of the building, the adequacy of on-site parking shall be re-examined through the joint effort of the Applicant and the Department of Environmental Management. Should re-examination result in a finding that on-site parking is not sufficient to accommodate the demands generated by the uses on site, Applicant will provide additional parking as set forth in Number 4 above if requested by the Board of Supervisors.

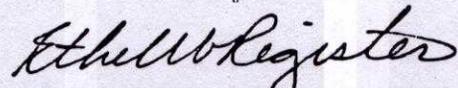
15. Use of the structure for the future installation of radio, television or satellite earth station equipment, or of microwave facilities, will be subject to the controls, limitations and regulations of The Zoning Ordinance, Chapter 112, Code of the County of Fairfax.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Under Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, eighteen (18) months after the approval date of the Special Exception unless the activity authorized has been established, or unless construction has commenced and is diligently pursued, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

If you have any questions concerning this Special Exception, please give me a call.

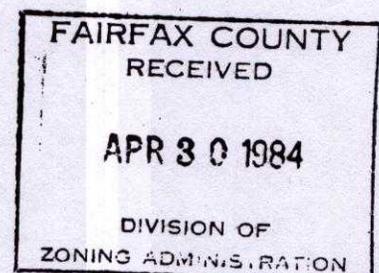
Very truly yours,



Ethel Wilcox Register, CMC
Clerk to the Board of Supervisors

EWR/mmg

cc: Mr. Patteson
Mr. Knowlton
Mr. Covington
Mr. Davis
Mr. Ted Austell, III
Executive Assistant to the County Executive





FAIRFAX COUNTY

OFFICE OF THE CLERK
BOARD OF SUPERVISORS
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035-0072

Tel: 703-324-3151 Fax: 703-324-3926

V I R G I N I A

APPENDIX 5

November 14, 1995

Robert A. Lawrence, Esquire
Hazel and Thomas, P.C.
3110 Fairview Park Drive - Suite 1400
Post Office Box 12001
Falls Church, Virginia 22042-4505

RE: Special Exception
Number SE 95-P-045

Dear Mr. Lawrence :

At a regular meeting of the Board of Supervisors held on October 30, 1995, the Board approved Special Exception Number SE 95-P-045 in the name of RF&P Land II, located at Tax Map 29-4 ((1)) 2 for a waiver of certain sign regulations pursuant to Section 9-620 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. An approved sign permit is required prior to installation of the proposed building-mounted sign.
4. The total maximum allowable building-mounted sign area for the building shall be limited to a maximum of 292 square feet.

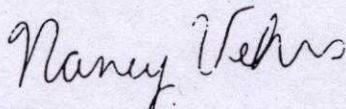
5. In addition to the two (2) existing signs each measuring approximately 109 square feet in area, a third building-mounted sign of approximately 74 square feet in area shall be permitted. This sign shall be a maximum of 22 feet and 9 inches in length, with letters no higher than 3 feet and 3 inches in height.
6. The proposed building-mounted sign shall contain off-white letters and be installed at the top of the existing building as shown on the photo submitted with the application.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Sign Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

SE 95-P-045
November 14, 1995

3.

cc: John M. Yeatman, Director, Real Estate Dvs., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, OCP
Audrey Clark, Chief, Inspection Svcs., BPRB, DEM
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Trnsprt'n. Planning Dvs., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Dvs., Park Authority

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

NOV 17 1995

ZONING EVALUATION DIVISION

9:00 A.M. FIRST UNION NATIONAL BANK OF VIRGINIA, VC 96-P-005 Appl. under Sect(s). 18-401 of the Zoning Ordinance to permit peripheral parking lot landscaping to remain 7.9 ft. from the street line of a corner lot. Located at 1751 Pinnacle Dr. on approx. 6.68 ac. of land zoned C-4, HC and SC. Providence District. Tax Map 29-4 ((1)) 2.

Chairman DiGiulian called the applicant to the podium and asked if the affidavit before the Board of Zoning Appeals (BZA) was complete and accurate. Tom Smith with the law firm of Hazel & Thomas, 9324 West Street, Manassas, Virginia, replied that it was.

David Hunter, Staff Coordinator, made staff's presentation as contained in the staff report dated March 19, 1996. The applicant requested a variance of 2.1 feet to the minimum front yard requirement.

The applicant's agent, Mr. Smith, presented the applicant's request as outlined in the statement of justification submitted with the application.

There were no speakers and Chairman DiGiulian closed the public hearing.

Mr. Pammel moved to grant VC 96-P-005 for the reasons set forth in the Resolution, subject to the Proposed Development Conditions contained in the staff report dated March 19, 1996.

//

COUNTY OF FAIRFAX, VIRGINIA

VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

In Variance Application VC 96-P-005 by FIRST UNION NATIONAL BANK OF VIRGINIA, under Section 18-401 of the Zoning Ordinance to permit peripheral parking lot landscaping to remain 7.9 feet from the street line of a corner lot, on property located at 1751 Pinnacle Drive, Tax Map Reference 29-4((1))2, Mr. Pammel moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 26, 1996; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the lessee of the property.
2. The present zoning is C-4, HC and SC.
3. The area of the lot is 6.68 acres.
4. The applicant met the required standards for a variance.
5. Removing the existing parking structure causing the landscaping strip to be only 7.9 feet in width would cause extreme hardship.
6. The parking structure was located in error.

This application meets all of the following Required Standards for Variances in Section 18-404 of the Zoning Ordinance:

1. That the subject property was acquired in good faith.
2. That the subject property has at least one of the following characteristics:
 - A. Exceptional narrowness at the time of the effective date of the Ordinance;
 - B. Exceptional shallowness at the time of the effective date of the Ordinance;
 - C. Exceptional size at the time of the effective date of the Ordinance;
 - D. Exceptional shape at the time of the effective date of the Ordinance;
 - E. Exceptional topographic conditions;
 - F. An extraordinary situation or condition of the subject property, or
 - G. An extraordinary situation or condition of the use or development of property immediately adjacent to the subject property.

3. That the condition or situation of the subject property or the intended use of the subject property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Board of Supervisors as an amendment to the Zoning Ordinance.
4. That the strict application of this Ordinance would produce undue hardship.
5. That such undue hardship is not shared generally by other properties in the same zoning district and the same vicinity.
6. That:
 - A. The strict application of the Zoning Ordinance would effectively prohibit or unreasonably restrict all reasonable use of the subject property, or
 - B. The granting of a variance will alleviate a clearly demonstrable hardship approaching by confiscation as distinguished from a special privilege or convenience sought by the applicant.
7. That authorization of the variance will not be of substantial detriment to adjacent property.
8. That the character of the zoning district will not be changed by the granting of the variance.
9. That the variance will be in harmony with the intended spirit and purpose of this Ordinance and will not be contrary to the public interest.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has satisfied the Board that physical conditions as listed above exist which under a strict interpretation of the Zoning Ordinance would result in practical difficulty or unnecessary hardship that would deprive the user of all reasonable use of the land and/or buildings involved.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **GRANTED** with the following limitations:

1. This variance is approved for the location of the parking structure shown on the plat prepared by Dewberry & Davis, dated August 10, 1995, and revised through December 29, 1995 submitted with this application and is not transferable to other land.

Pursuant to Sect. 18-407 of the Zoning Ordinance, this variance shall automatically expire, without notice, thirty (30) months after the date of approval* unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the variance. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. McPherson seconded the motion which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on April 3, 1996. This date shall be deemed to be the final approval date of this variance.

//



MEMORANDUM

TO: Zoning Administration Division, DP&Z
Technology Infrastructure Division, DIT
Other: _____

DATE: 9/18/06

RECEIVED
Dept. of Planning & Zoning

FROM: David B. Marshall, Chief
Facilities Planning Branch, DPZ

SEP 19 2006

SUBJECT: Request for Review: 2232 Review Application

Zoning Administration Division

RE: Application Number: FS-POG-67 Tax Map: 29-4 (C) 2

2006-0618

Attached for your review and comment is a 2232 Review application:

RECEIVED FROM: Nextel

PROPOSED USE: Locate 8 antennas on building rooftop

LOCATION OF USE: 1753 Pinnacle Dr.

Please send your comments to David Marshall by: 10/3/06 Additional comments:

ZAD Comments:

Property is zoned C-4

Proposed use is permitted by Zoning Ordinance and meets all zoning requirements.

Proposed use does not meet all Zoning Ordinance requirements as follows:

Pursuant to Part 1 of Sect 2-514, unless the four 81.9 inch tall antennas are reduced to a maximum height of 72 inches, special exception approval is required

Referred to ZED for the following: Must be in substantial conformance

ZAD comments prepared by: LKIRST Date 9-19-06 with SE84-D-005

ZED Comments:

Proposed use is in substantial accord with all development conditions and/or proffers.

Proposed use is not in substantial accord with development conditions and proffers.

SE95-P-045 and
SE96-P-005
10/16/06

ZED comments prepared by: _____ Date: _____

Distributed: ZAD _____ DIT _____ PC Member _____ Other _____

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

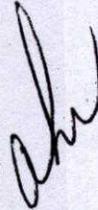


County of Fairfax, Virginia

MEMORANDUM

APPENDIX 8 3

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-5 (SE 95-P-045)

SUBJECT: SEA 95-P-045; AirCell, LLC
Land Identification Map: 29-4 ((01)) 2

DATE: July 22, 2008

This department has reviewed the subject request and has no objection to its approval.

AKR/MAD

GENERAL REGULATIONS

In determining the number of domestic fowl permitted, only fowl six (6) months or older in age shall be counted.

4. The keeping of honeybees in four (4) beehives or less shall be allowed as an accessory use on any lot. On any lot of 10,000 square feet in size or larger, more than four (4) beehives may be kept, provided there is an additional lot area of 2500 square feet for each hive. In all instances, there shall be one (1) adequate and accessible water source provided on site and located within fifty (50) feet of the beehive(s). In addition, if the landing platform of a hive faces and is within ten (10) feet of any lot line, there shall be a flight path barrier, consisting of a fence, structure or plantings not less than six (6) feet in height, located in front of the hive.
5. The keeping of racing, homing, or exhibition (fancy) pigeons shall be allowed as an accessory use on any lot 10,000 square feet or more in size.
6. All accessory structures associated with the keeping or housing of animals shall be located in accordance with the provisions of Part 1 of Article 10.
7. The BZA may approve a special permit to modify the provisions of Paragraphs 1 through 6 above, but only in accordance with Part 9 of Article 8; provided, however, that a kennel, animal shelter or riding or boarding stable shall be subject to the provisions of Part 6 of Article 8.
8. The keeping of wild, exotic, or vicious animals shall not be allowed except as may be permitted by Chapter 41.1 of The Code.

2-513

Churches, Chapels, Temples, Synagogues, and Other Places of Worship

The provisions of this Ordinance that relate to churches, chapels, temples, synagogues and other places of worship shall be deemed to refer to the use of the land, buildings and facilities with such uses. These provisions address land use matters only, and do not affect an individual's right to determine and exercise his or her religious beliefs. To this end, the uses of land, buildings and facilities associated with places of worship shall be protected as a matter of right, as the Ordinance read June 14, 1984, prior to the Zoning Administrator's Interpretation Number 52 except as is required for places of worship to be in compliance with Ordinance provisions regarding special permits or special exceptions and in compliance with provisions covering residential, commercial and industrial districts under this Ordinance. Such protected uses include those activities and functions sponsored and administered directly by the place of worship in furtherance of its religion, and other functions and activities as approved by the governing body of the place of worship, subject to the exceptions noted above.

2-514

Limitations on Mobile and Land Based Telecommunication Facilities

Mobile and land based telecommunication facilities shall be permitted on any lot in the following zoning districts when such use is in accordance with the following limitations and when such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition which limits the number, type and location of antenna and/or related equipment structure. Further provided, however, such use shall be in substantial conformance with any proffered condition, development

FAIRFAX COUNTY ZONING ORDINANCE

condition, special permit or special exception condition. In addition, such uses shall be subject to the requirements of Sect. 15.2-2232 of the Code of Virginia.

1. Structure or rooftop mounted antennas, with related unmanned equipment cabinets and/or structures:
 - A. Shall be permitted:
 - (1) When located on a multiple family dwelling which is thirty-five (35) feet or greater in height.
 - (2) In all C districts, I-1, I-2, I-3, I-4, I-5, and I-6 Districts, and in the commercial areas of PDH, PDC, PRC and PRM Districts.
 - (3) On an existing transmission tower or monopole in any zoning district.
 - (4) In any zoning district on buildings and structures owned or controlled by a public use or Fairfax County governmental unit.
 - (5) In any residential district on nonresidential buildings and structures which are a Group 3 special permit use, except home child care facilities and group housekeeping units, Group 4 special permit use or Category 1, 2, 3, or 4 special exception use, and which are thirty-five (35) feet or greater in height.
 - (6) In any zoning district when the antennas and related equipment are totally enclosed within an existing nonresidential building or structure.
 - (7) In any zoning district when the antennas are totally enclosed within a new or replacement flagpole, bell tower, clock tower, steeple or similar structure designed to disguise antennas which is no more than twenty (20) feet taller than the rooftop or original structure on which it is placed.
 - B. Antennas allowed under Par. 1A(2) above, which do not exceed the maximum building height limitations, and Par. 1A(6) above shall be permitted in accordance with the applicable zoning district regulations and shall not be subject to the provisions listed below. Antennas allowed under Par. 1A(2) above, which exceed the maximum building height limitations, and Paragraphs 1A(1), 1A(3) through 1A(5) and 1A(7) shall be permitted subject to the provisions listed below.
 - C. Except for omnidirectional or whip antennas completely enclosed within a structure, omnidirectional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and the antennas and their supporting mounts shall be of a material or color which closely matches and blends with the exterior of the building or structure.
 - D. Except for directional or panel antennas completely enclosed within a structure, directional or panel antennas shall not exceed six (6) feet in height or two (2) feet in width and the antennas and their supporting mounts shall be of a material or

GENERAL REGULATIONS

color which closely matches and blends with the exterior of the building or structure.

- E. Except for dish antennas completely enclosed within a structure, dish antennas shall not exceed six (6) feet in diameter and when building or rooftop mounted shall be fully screened such that the dish antennas are enclosed on all sides by screening walls which are at least as tall as the dish antennas and the associated supporting mounts; provided, however, that dish antennas up to three (3) feet in diameter with supporting mounts that are of a material or color which closely matches and blends with the exterior of the building or structure shall not be required to be screened.
- F. Except for cylinder type antennas completely enclosed within a structure, cylinder type antennas shall not exceed six (6) feet in height or twelve (12) inches in diameter and shall be of a material or color which closely matches and blends with the exterior of the building or structure.
- G. Except for a flag mounted on a flagpole as permitted under the provisions of Par. 2 of Sect. 12-103, no commercial advertising shall be allowed on any antenna, antenna support structure, or related equipment cabinet or structure.
- H. No signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light.
- I. The related unmanned equipment cabinet or structure for each provider shall not exceed 14 feet in height or a total of 500 square feet of gross floor area when located on the roof of a building, or shall not exceed 12 feet in height or a total of 750 square feet of gross floor area when located on the ground. For multiple family dwellings which are less than sixty-five (65) feet in height, or nonresidential buildings and structures which are less than sixty-five (65) feet in height and which are a Group 3 special permit use, except home child care facilities and group housekeeping units, Group 4 special permit use or Category 1, 2, 3, or 4 special exception use, the related unmanned equipment cabinet or structure, if over seventy (70) cubic feet in volume or four (4) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
- J. If the equipment cabinet or structure is located on the roof of a building, the area of the equipment cabinet or structure and other equipment and structures shall not occupy more than twenty-five (25) percent of the roof area in accordance with the provisions of Par. 1A of Sect. 506 above.
- K. Equipment cabinets or structures located on the ground shall meet the minimum yard requirements of the zoning district in which located, except that equipment

FAIRFAX COUNTY ZONING ORDINANCE

cabinets or structures associated with antennas mounted on existing monopoles and transmission towers located in a utility transmission easement or street right-of-way shall be located a minimum of twenty (20) feet from the utility transmission easement or street right-of-way line.

- L. Equipment cabinets or structures located on the ground, and notwithstanding the fence/wall height limitations of Sect. 10-104, shall be screened by a solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an ultimate height of at least eight (8) feet and a planted height of at least forty-eight (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping combination, except that equipment cabinets or structures associated with antennas mounted on existing monopoles or towers located outside of a utility transmission easement shall be subject to the transitional screening provisions of Article 13 for a light public utility use. If a new equipment cabinet or structure is added to an existing fenced or screened enclosure that contains telecommunications equipment structures, the screening requirement for the new equipment cabinet or structure may be satisfied with the existing screening, provided that such screening meets the requirements listed above.
 - M. Associated equipment that is located within an existing principal or accessory structure shall not be subject to the above provisions.
 - N. If any additions, changes or modifications are to be made to monopoles or towers, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
 - O. All antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.
2. Antennas mounted on existing or replacement utility distribution and transmission poles (poles) and light/camera standards (standards), with related unmanned equipment cabinets and/or structures, shall be permitted in accordance with the following and may exceed the maximum building height limitations, subject to the following paragraphs:
- A. Omnidirectional/whip antennas not exceeding eight and one-half (8 ½) feet in height or three (3) inches in diameter and panel antennas not exceeding five (5) feet in height or one (1) foot in width shall be permitted on a pole or standard located in any street right-of-way or any utility easement subject to the following and Paragraphs 2D through 2I below:
 - (1) There shall be a maximum of three (3) omnidirectional /whip antennas or four (4) panel antennas.
 - (2) Antennas shall be flush mounted so that the antenna with supporting mount does not extend more than eight and one-half (8 ½) feet above the height of the pole or standard or one (1) foot from the pole or standard.

GENERAL REGULATIONS

- (3) An equipment cabinet or structure not exceeding twenty (20) cubic feet in volume or five (5) feet in height shall be located on or adjacent to the same pole or standard.
 - (4) The height or diameter of a replacement pole or standard shall not exceed the height or diameter of the existing pole or standard
- B. The following antenna types shall be permitted subject to Paragraphs 2C through 2I below:
- (1) Omnidirectional/whip antennas, not exceeding eight and one-half (8 ½) feet in height or three (3) inches in diameter.
 - (2) Directional or panel antennas, not exceeding six (6) feet in height or two (2) feet in width.
 - (3) Cylinder type antennas, not exceeding six (6) feet in height or twelve (12) inches in diameter.
 - (4) Dish antennas, not exceeding two (2) feet in diameter.
- C. The antennas listed in Par. 2B above shall be permitted as follows:
- (1) In districts that are zoned for single family detached or attached dwellings and are residentially developed, vacant or common open space, antennas shall be limited to poles or standards located in the right-of-way of a major thoroughfare or located no more than ten (10) feet from the lot line abutting the major thoroughfare, and the following:
 - (a) When the related equipment cabinet or structure is located on the ground in a front yard or street right-of-way, each provider shall be limited to a cabinet or structure which shall not exceed five (5) feet in height or a total of seventy (70) cubic feet in volume and the cabinet or structure shall be located a minimum of ten (10) feet from all lot lines when located outside of a street right-of-way. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted equipment cabinets or structures shall be screened by a solid fence, wall or berm five (5) feet in height, an evergreen hedge with an ultimate height of five (5) feet and a planted height of forty-eight (48) inches, or a five (5) foot tall fence, wall, berm and/or landscaping combination.

When located on a pole or standard in the front yard, a maximum of one (1) related equipment cabinet or structure shall be permitted that does not exceed five (5) feet in height or twenty (20) cubic feet in volume.

When the related equipment cabinet or structure is located on the ground in a side or rear yard, each provider shall be limited to a cabinet or structure which shall not exceed 12 feet in height or a total of 200 square feet in gross floor area and the cabinet or structure shall be located a minimum of 10 feet from all lot lines. Notwithstanding

FAIRFAX COUNTY ZONING ORDINANCE

the fence/wall height limitations of Sect. 10-104, ground-mounted related equipment cabinets or structures shall be screened by a solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an ultimate height of eight (8) feet and a planted height of forty-eight (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping combination.

If a new equipment cabinet or structure is added to an existing fenced or screened enclosure that contains ground-mounted telecommunications equipment structures, the screening requirement for the new equipment cabinet or structure may be satisfied with the existing screening, provided that such screening meets the requirements listed above.

When located on a pole or standard in a side or rear yard, a maximum of one (1) related equipment cabinet or structure shall be permitted that does not exceed five (5) feet in height or twenty (20) cubic feet in volume.

Equipment located within an existing principal or accessory structure shall not be subject to the provisions of this paragraph.

- (b) The height of a replacement pole or standard, including antennas, shall not exceed eighty (80) feet. The diameter of a replacement pole or standard shall not exceed thirty (30) inches.
- (2) In districts that are zoned for multiple family dwellings and are residentially developed with buildings that are thirty-five (35) feet or less in height, vacant or common open space, to include street right-of-ways, the following shall apply:
- (a) When located on the ground, each provider shall be limited to a related equipment cabinet or structure which shall not exceed 12 feet in height or a total of 500 square feet in gross floor area. In addition, ground-mounted equipment cabinets shall be located a minimum of ten (10) feet from all lot lines when located outside of a street right-of-way. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted related equipment cabinets or structures shall be screened by a solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an ultimate height of eight (8) feet and a planted height of forty-eight (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping combination. If a new ground-mounted equipment cabinet or structure is added to an existing fenced or screened enclosure that contains telecommunications equipment structures, the screening requirement for the new equipment cabinet or structure may be satisfied with the existing screening, provided that such screening meets the requirements listed above.

When located on a pole or standard, a maximum of one (1) related equipment cabinet or structure shall be permitted that does not exceed five (5) feet in height or twenty (20) cubic feet in volume.

Equipment located within an existing principal or accessory structure shall not be subject to the provisions of this paragraph.

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- (b) The height of a replacement pole or standard, including antennas, shall not exceed 100 feet, provided however, if the height of the existing pole or standard exceeds 100 feet, the replacement pole or standard, including antennas, shall be no more than 15 feet higher. The diameter of a replacement pole or standard shall not exceed forty-two (42) inches.
- (3) In commercial or industrial districts; in commercial areas of PDH, PDC, PRC and PRM Districts; in districts zoned for multiple family dwellings and residentially developed with buildings that are greater than thirty-five (35) feet in height; in any zoning district on lots containing: Group 3 special permit uses, except home child care facilities and group housekeeping units, Group 4, 5 or 6 special permit uses, Category 1, 2, 3 or 4 special exception uses, or Category 5 special exception uses of country clubs, golf clubs, commercial golf courses, golf driving ranges, miniature golf ancillary to golf driving ranges, baseball hitting and archery ranges, or kennels and veterinary hospitals ancillary to kennels; or in any zoning district on property owned or controlled by a public use or Fairfax County governmental unit, to include street right-of-ways, the following shall apply:

- (a) When located on the ground, each provider shall be limited to a related equipment cabinet or structure which shall not exceed 12 feet in height or a total of 500 square feet in gross floor area. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted related equipment cabinets or structures shall be screened from view of all residentially zoned and developed or residentially zoned and vacant property which abuts or is directly across the street from the structure or cabinet. Such screening shall consist of a solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an ultimate height of eight (8) feet and a planted height of forty-eight (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping combination. If a new ground-mounted equipment cabinet or structure is added to an existing fenced or screened enclosure that contains telecommunications equipment structures, the screening requirement for the new equipment cabinet or structure may be satisfied with the existing screening, provided that such screening meets the requirements listed above.

When located on a pole or standard, a maximum of one (1) related equipment cabinet or structure shall be permitted that does not exceed five (5) feet in height or twenty (20) cubic feet in volume.

Equipment located within an existing principal or accessory structure shall not be subject to the provisions of this paragraph.

- (b) Except for replacement light/camera standards identified in the following paragraph, the height of a replacement pole or standard, including antennas, shall not exceed 100 feet, provided however, if the height of the existing pole or standard exceeds 100 feet, the replacement pole or standard, including antennas, shall be no more

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than 15 feet higher. The diameter of a replacement pole or standard shall not exceed forty-two (42) inches.

The height of a new or replacement light/camera standard on property used for athletic fields and owned or controlled by a public use or Fairfax County governmental unit, including antennas, shall not exceed 125 feet. The diameter of the light/camera standard shall not exceed forty-two (42) inches.

- (4) In the rights-of-way for interstates highways, the Dulles International Airport Access Highway or the combined Dulles International Airport Access Highway and Dulles Toll Road, the following shall apply:

- (a) When located on the ground, each provider shall be limited to a related equipment cabinet or structure which shall not exceed 12 feet in height or a total of 500 square feet in gross floor area and shall be located a minimum of 20 feet from the street right-of-way line. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted related equipment cabinets or structures shall be screened by a solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an ultimate height of eight (8) feet and a planted height of forty-eight (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping combination. If a new ground-mounted equipment cabinet or structure is added to an existing fenced or screened enclosure that contains telecommunications equipment structures, the screening requirement for the new equipment cabinet or structure may be satisfied with the existing screening, provided that such screening meets the requirements listed above.

When located on a pole or standard, a maximum of one (1) related equipment cabinet or structure shall be permitted that does not exceed five (5) feet in height or twenty (20) cubic feet in volume.

- (b) The height of a replacement pole or standard, including antennas, shall not exceed 100 feet. However, if the height of the existing pole or standard exceeds 100 feet, the replacement pole or standard, including antennas, shall be no more than 15 feet higher. The diameter of a replacement pole or standard shall not exceed forty-two (42) inches.
- (5) In any zoning district, in a utility transmission easement, the following shall apply:
- (a) When located on the ground, each provider shall be limited to a related equipment cabinet or structure which shall not exceed 12 feet in height or a total of 500 square feet in gross floor area and shall be located a minimum of 20 feet from the utility transmission easement line. Notwithstanding the fence/wall height limitations of Sect. 10-104, ground-mounted equipment cabinets or structures shall be screened by a solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an ultimate height of eight (8) feet and a

GENERAL REGULATIONS

planted height of forty-eight (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping combination. If a new ground-mounted equipment cabinet or structure is added to an existing fenced or screened enclosure that contains telecommunications equipment structures, the screening requirement for a new equipment cabinet or structure may be satisfied with the existing screening, provided that such screening meets the requirements listed above.

When located on a pole or standard, a maximum of one (1) related equipment cabinet or structure shall be permitted that does not exceed five (5) feet in height or twenty (20) cubic feet in volume.

- (b) The height of a replacement pole or standard, including antennas, shall not exceed eighty (80) feet in zoning districts that are zoned for single family detached or attached dwellings and are residentially developed, vacant or common open space. However if the height of the existing pole or standard exceeds eighty (80) feet, the replacement pole or standard, including antennas shall be no more than fifteen (15) feet higher. The diameter of a replacement pole or standard shall not exceed thirty (30) inches.

In all other instances, the height of a replacement pole or standard, including antennas, shall not exceed 100 feet. However, if the height of the existing pole or standard exceeds 100 feet, the replacement pole or standard, including antennas shall be no more than 15 feet higher. The diameter of a replacement pole or standard shall not exceed forty-two (42) inches.

- D. Except for antennas completely enclosed within a structure, antennas and their supporting mounts shall be of material or color which closely matches and blends with the pole or standard.
- E. Replacement or new cross bars may be permitted on poles and standards provided the cross bar is the same color as that of the existing pole or standard and the width of the cross bar does not exceed ten (10) feet.
- F. No commercial advertising or signs shall be allowed on any antenna, antenna support structure, pole, standard, or related equipment cabinet or structure.
- G. No signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the County, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light.
- H. Placement of all antennas on poles and standards including the placement of related equipment shall be subject to approval of the owner of the property on which the pole or standard or related equipment is located.

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- I. All antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.
3. Monopoles, with related unmanned equipment cabinets and/or structures:
 - A. Shall be permitted as follows and in accordance with the provisions of Paragraphs 3B through 3K below:
 - (1) In all C districts, I-1, I-2, I-3, I-4, I-5 and I-6 Districts, and commercial areas of PDH, PDC, PRC and PRM Districts.
 - (2) In any zoning district in a utility transmission easement which is ninety (90) feet or more in width.
 - (3) In any zoning district on property owned or controlled by a public use or Fairfax County governmental unit.
 - B. The height of a monopole:
 - (1) Allowed under Paragraphs 3A(1) or 3A(3) above shall not exceed 199 feet, including antennas.
 - (2) Allowed under Par. 3A(2) above shall not exceed 199 feet, including antennas, except that the height of the monopole when located in a utility transmission easement of 90 feet or more in width may exceed 199 feet, provided however, the height of the monopole shall not exceed the height of the existing transmission towers by more than 30 feet in any circumstance.
 - C. Dish antennas attached to monopoles shall not exceed three (3) feet in diameter.
 - D. Monopoles shall be subject to the minimum yard requirements, with the exception of the angle of bulk plane, of the zoning district in which located, except that monopoles allowed under Par. 3A(2) above or are located within a street right-of-way shall be located a minimum of twenty (20) feet from the utility transmission easement or street right-of-way line.
 - E. The related unmanned equipment cabinet or structure for each provider shall not exceed 12 feet in height or a total of 750 square feet of gross floor area. Such structure shall be located in accordance with the minimum yard requirements of the zoning district in which located, except that equipment cabinets or structures associated with monopoles allowed under Par. 3A(2) above or are located within a street right-of-way shall be located a minimum of twenty (20) feet from the utility transmission easement or street right-of-way line.
 - F. Transitional screening shall be provided in accordance with the provisions of Article 13 for a light public utility use, provided, however, and notwithstanding the fence/wall height limitations of Sect. 10-104, associated equipment cabinets or structures for monopoles allowed under Par. 3A(2) above shall be screened by a

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solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an ultimate height of eight (8) feet and a planted height of forty-eight (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping combination.

- G. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall have a galvanized finish or be painted silver, gray or brown, or have an exterior finish manufactured and designed to resemble a tree, flagpole, bell tower, clock tower, windmill or other similar structure designed to disguise antennas.
 - H. No signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the County, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light.
 - I. Except for a flag mounted on a flagpole as permitted under the provisions of Par. 2 of Sect. 12-103, no commercial advertising or signs shall be allowed on any monopole, antenna, antenna support structure, or related equipment cabinet or structure.
 - J. If any additions, changes or modifications are to be made to the monopole, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
 - K. All monopoles and related equipment cabinets or structures shall be removed within 120 days after such monopoles or related equipment cabinets or structures are no longer in use.
4. Towers, with related unmanned equipment cabinets and/or structures, shall be permitted in the I-1, I-2, I-3, I-4, I-5 and I-6 Districts but only when in accordance with the following paragraphs:
- A. The Zoning Administrator and the Department of Information Technology determine that there is not an existing alternative structure which will reasonably meet the engineering and service needs of the telecommunications facility applicant.
 - B. The height of such tower shall not exceed 199 feet, including antennas, except that the height of the tower when located in a utility transmission easement of 90 feet or more in width, may exceed 199 feet, provided however, the height of the tower shall not exceed the height of the existing transmission towers by more than 30 feet in any circumstance.
 - C. Dish antennas attached to the towers shall not exceed six (6) feet in diameter.

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- D. Towers shall be subject to the minimum yard requirements, with the exception of the angle of bulk plane, of the zoning district in which located, except that towers located in a utility transmission easement shall be located a minimum of twenty (20) feet from the utility transmission easement line.
 - E. The related unmanned equipment cabinet or structure for each provider shall not exceed 12 feet in height and a total of 750 square feet of gross floor area. Such structure shall be located in accordance with the minimum yard requirements of the zoning district in which located, except that equipment cabinets or structures located in a utility transmission easement shall be located a minimum of twenty (20) feet from the utility transmission easement line.
 - F. Transitional screening shall be provided in accordance with provisions of Article 13 for a light public utility use, provided, however, and notwithstanding the fence/wall height limitations of Sect. 10-104, equipment cabinets or structures associated with towers located in a utility transmission easement shall be screened by a solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an ultimate height of eight (8) feet and a planted height of forty-eight (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping combination.
 - G. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers shall have a galvanized finish or be painted silver, gray or brown.
 - H. No signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the County, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light.
 - I. No commercial advertising or signs shall be allowed on any tower, antenna, antenna support structure, or related equipment cabinet or structure.
 - J. If any additions, changes or modifications are to be made to the tower, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
 - K. All towers and related equipment cabinets or structures shall be removed within 120 days after such towers or related equipment cabinets or structures are no longer in use.
5. For the purposes of this section, a Fairfax County governmental unit shall include, but not be limited to, the Fairfax County Water Authority and Redevelopment and Housing Authority.

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6. For the purposes of this section, the height of related equipment cabinets or structures shall be measured as follows:
 - A. Ground-mounted equipment structure height shall be the vertical distance between the grade and the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.
 - B. Rooftop-mounted equipment structure height shall be measured from the rooftop on which the structure is mounted to the highest point of the equipment cabinet or structure.

Mobile and land based telecommunication facilities other than as permitted above shall require the approval of a special exception in those districts where permitted.

2-515

Limitations in Major Underground Utility Easements

1. After June 27, 1995, no land area which is encumbered by any major underground utility easement and which is located outside of a public right-of-way shall be obstructed, restricted, or impeded in any manner by any new structure, building, plantings, stockpiling of material or use except for the following when approved by the Director. Such approval may include the imposition by the Director of conditions related to maintaining the structural integrity of the transmission pipeline.
 - A. Transmission pipelines and appurtenant structures and facilities, to include temporary structures used in conjunction with the maintenance and/or repair of the underground utility lines.
 - B. Aboveground utility crossings and underground crossings of franchised cable television lines and crossings of underground utilities including, but not limited to storm drains, water and sanitary sewer lines, liquid petroleum lines, gas lines, electric and telephone cables, as specified in Par. 1A of Sect. 104 above.
 - C. Erosion and sediment controls.
 - D. Temporary equipment crossings provided transmission pipelines are adequately protected from any adverse impacts caused by such crossing.
 - E. Crossings of railroad tracks, private streets, driveways, trails, sidewalks and public rights-of-way provided such facilities will not adversely impact the structural integrity of transmission pipelines.
 - F. Trails as shown on the adopted comprehensive plan provided such trails will not adversely impact the structural integrity of transmission pipelines.
 - G. Recreational facilities limited to open play areas and athletic fields not containing any permanent structures other than fencing, backstops, benches, bleachers, scoreboards and other similar accessory structures, provided that under no circumstances shall mechanical equipment of any type be permitted to be used in

SPECIAL EXCEPTIONS

9-105

Additional Standards for Mobile and Land Based Telecommunication Facilities

1. Except for antennas completely enclosed within a structure, all antennas and their supporting mounts shall be of a material or color that closely matches and blends with the structure on which it is mounted.
2. Except for a flag mounted on a flagpole as permitted under the provisions of Par. 2 of Sect. 12-203, no commercial advertising or signs shall be allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
3. If any additions, changes or modifications are to be made to monopoles or towers, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
4. No signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the County, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light.
5. All antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.

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SPECIAL EXCEPTIONS

PART 2 9-200 CATEGORY 2 HEAVY PUBLIC UTILITY USES

9-201 Category 2 Special Exception Uses

1. Electrical generating plants and facilities.
2. Sewage treatment and disposal facilities.
3. Solid waste disposal and treatment facilities including incinerators and landfills.
4. Storage facilities for natural gas, oil and other petroleum products.
5. Supply yards for any public utility.
6. Water purification facilities.
7. Local office space and maintenance facilities incidental to any use set forth above.

9-202 Districts in Which Category 2 Uses May be Located

1. Category 2 uses may be permitted by right in the following districts:

 I-6 District: Limited to uses 1, 2, 3, 5, 6 and 7
2. Category 2 uses may be allowed by special exception in the following districts:

 R-C District: Limited to regional sewage treatment and disposal facilities
 R-E, R-1, R-2 Districts: Limited to uses 1, landfills, and 6

 PRC District: Limited to use 2

 I-I, I-1 Districts: Limited to use 2
 I-2, I-3, I-4 Districts: Limited to uses 1, 2, 3, 6 and 7
 I-5 District: Limited to uses 1, 2, 3, 5, 6 and 7
 I-6 District: Limited to use 4

9-203 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 2 uses shall be accompanied by the following items:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
2. Four (4) copies of a statement, prepared by a certified engineer, giving the exact technical reasons for selecting the particular site as the location of the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

L_{dn}: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. L_{dn} represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		