County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

February 6, 2013 ***REVISED LETTER**

Ms. Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

RE: Special Exception Amendment Application SEA 94-P-040-02

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on January 29, 2013, the Board approved Special Exception Amendment Application SEA 94-P-040-02 in the name of Gannett Company, Incorporated. The subject property is located at 7950 Jones Branch Drive, McLean, on approximately 16.74 acres of land zoned C-3 in the Providence District [Tax Map 29-2 ((15)) C1]. The Board's action amends Special Exception Application SE 94-P-040 previously approved for an increase in building height, radio and television broadcasting facilities, microwave facilities and satellite earth stations accessory to an office building; a helistop; and waiver of certain sign regulations to permit modification to development conditions and the *deletion of the helistop,* pursuant to Sections 4-304, 9-014, 9-607, and 9-620 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions:

1. This approval is granted for and runs with the land indicated in the 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 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 entitled "Gannett Special Exception Plat," prepared by Skidmore, Owings & Merrill and Dewberry & Davis and dated October 17, 1994, Sheets 1-4, and these development conditions.

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4. **Limitation on Square Footage.** Development of the original site, which includes Tax Map Parcels 29-2 ((15)) A8, C1, and C2, shall not exceed 1,307,223 square feet, or a 1.0 FAR. It is understood that the 30.0097 acre site may be subdivided into two or more lots of record, with one lot consisting of approximately 5.0 acres containing only a stormwater management facility. It is further understood that the entire amount of gross floor area may be located on the remaining 25.01 acres of the site, notwithstanding the fact that this may result in an FAR that exceeds 1.0 when calculated solely on the 25.01 acres. Notwithstanding the subdivision of Land Bay E (as established in PCA 88-D-005), the entire land bay will be considered as a single unit for the purpose of the application of the Fairfax County Zoning Ordinance. Any subdivision or site plan filed in the future on this Land Bay shall include this notation and reference the appropriate record plat unless or until the property is subject to a future rezoning.

   Existing development on the application property (Tax Map Parcel 29-2 ((15)) C1) consists of 769,704 square feet. As a result of condemnation by VDOT that includes compensation, future development in the event of casualty or redevelopment shall be limited to 743,607 square feet. Within the building located on the application property, a maximum of 50% of any cellar space may be utilized for office.

5. **Height of Buildings.** The maximum building height of any portion of building(s) shall not exceed a 14 degree view angle from any property within the McLean Hamlet subdivision or 290 feet, whichever is less. Notwithstanding the above, the maximum building height of any portion of building(s) located between 50 feet and 125 feet from the Dulles Airport Access Road (DAAR) right-of-way shall not exceed 75 feet. The maximum height of any penthouse in this area shall not exceed an additional 30 feet.

   All penthouses shall be screened with an architectural facade similar to that provided on the building.

6. **Building Materials.** The facade of any building that faces the Dulles Airport Access Road (DAAR) shall be constructed to prevent building glare on adjacent residential communities.

7. **Signs.** The following provisions regarding building mounted signs shall apply:

   a. Building mounted signs shall be permitted on a maximum of four sides of any building located on the site. A maximum of one sign shall be permitted on each of these four sides; however, if a building has a side or sides that face onto the DAAR and/or I-495, on one side of the building that faces the DAAR and on one side of the building that faces I-495, a maximum of two signs shall be permitted on each of those sides of the building. No more than one sign shall be permitted on any side of a building that does not face the DAAR or I-495. Building mounted signs shall be back-lit only. No sign shall identify more than one

business entity. The maximum area of any sign shall be determined by tracing the outer edges of the letters and logo, and shall not include the space, if any, between lines of text. The maximum size of any sign shall be 300 square feet and the total maximum sign area of building mounted signs per building shall be 1,800 square feet, as qualified below.

1) Each sign shall have a maximum letter height of 6 feet, except that a logo and the first letter of a name may be up to nine feet tall. The maximum length of the sign shall be 50 feet.

2) When the top of the sign is placed at a building height of more than 150 feet, the maximum total sign area of 1,800 square feet and the maximum area of each sign of 300 square feet shall decrease by one-half of a square foot for each one foot decrease of building height;

3) When the top of the sign is place at a building height of 150 feet or less, the maximum sign area per sign shall not exceed 200 square feet and the maximum total sign area per building shall not exceed 400 square feet.

b. Notwithstanding the above, any building located west of the stormwater management pond shall be further limited to:

1) a maximum of one building mounted sign on any side of the building that faces the McLean Hamlet subdivision, shall not exceed 200 square feet in area, unless the applicant submits to the Board of Supervisors for its review and action a special exception amendment request to increase the area and number of such signs. Such a request shall be accompanied by information depicting and justifying the increase and shall contain sufficient graphic and written information as required.

c. In addition, each building shall be permitted to have a maximum total combined signage area of 215 square feet comprised of the following: signs located on building awnings, building mounted signs located at the first floor level, and/or freestanding signs in accordance with Par. 13B of Sect. 12-203 of the Zoning Ordinance.

Other than as permitted above, all other signs on the site shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.

Sign permits for all signs shall be obtained in accordance with the provisions of Article 12 of the Zoning Ordinance.

8. **Communication Facilities.** Satellite earth stations (including equipment shelters) and communication antennas shall be permitted on site as an accessory use to and for the use of all tenants Such facilities may be ground or building mounted and shall be designed to comply with all applicable federal, state, and local statutes, ordinances,

rules and regulations. Ground-based antenna towers (other than satellite antenna mounting frames no greater than ten feet in height) shall not be permitted on the site. Prior to the issuance of permits for the communication facilities, the applicant shall submit a "Radiation Hazards Assessment" to the County Department of Cable and Consumer Services and to the office of the Magisterial District Supervisor.

The assessment shall be prepared by a consultant acceptable to the Department of Cable and Consumer Services and the assessment and installation shall be subject to the Department's approval. Approval or denial shall be based upon the protection of the public health, safety, and welfare. Protective measures, such as fencing warning signs and antenna orientation shall be provided, as determined by the Department. The facilities shall be screened appropriately from public view to the maximum extent feasible without interfering with communications to and from the facilities. The facilities shall not be located within the peripheral yards shown on the Special Exception Plat or within the 75 foot setback from the Dulles Airport Access Road.

Notwithstanding the foregoing, nothing herein shall preclude the establishment by others of structure or roof top mounted mobile and land based telecommunications facilities with related unmanned equipment buildings as permitted by the provisions of Par. 1 of Sect. 2-514 of the Zoning Ordinance.

9. **Tree Preservation.** The applicant shall provide a landscape plan for review and approval by the Urban Forest Management Division, DPWES, depicting the existing trees to be preserved on the site within a 15 foot wide setback or to the extent feasible along the property's Dulles Airport Access Road (DAAR) and I-495 frontages. Such Plan shall also depict revegetation to the extent feasible in consideration of VDOT's permanent slope easement and such supplemental landscaping being provided as a result of the VDOT condemnation.

10. **Landscaping and Open Space.** A minimum of 35% landscaped open space shall be provided. The landscaped open space shall be comprised of peripheral site landscaping and landscaped open space located internal to the site, to include such elements as landscaped site and building entry areas, landscaped seating areas, and plazas.

11. **Parking.** Parking shall be provided in accordance with Article 11. The number of parking spaces provided on-site may be increased above the minimum Zoning Ordinance requirements as long as any additional spaces do not decrease the open space tabulation. The exterior of all parking spaces shall be landscaped.

12. **Setback from the DAAR.** There shall be a minimum distance of 65 feet between all principal buildings and the Dulles Airport Access Road (DAAR) right-of-way. However, freestanding parking structures may be located within 65 feet of the DAAR right-of-way, provided that the height of such structures is governed by a 45 degree angle of bulk plane from the right-of-way and provided that no structures are located within 40 feet of the right-of-way.

13. **Office Transportation Demand Management.** The use of mass transit, ride-sharing and other transportation strategies shall be utilized with a goal towards encouraging the use of alternative transportation modes by 15% or more of employees during the peak hour of the adjacent street network. The baseline number of weekday peak hour commercial vehicle trips shall be derived from the Institute of Transportation Engineers, Trip Generation, 9th Edition for
Land Use Code = 710. Lessees/purchasers shall be advised of this transportation strategy. Transportation coordination duties shall be carried out by a designated property manager(s) or transportation management coordinator(s)
(the "coordinator"). The transportation strategy management position may be a part of other duties assigned to the individual(s). The transportation management strategies shall be implemented upon issuance of certificate of occupancies when more than 15% of the building is occupied by a tenant other than Gannett and its affiliates (subsidiaries and other entities in which the user has a direct or indirect interest of at least 33 1/3%).

Strategies implemented shall include, but not be limited to, the following:

a. Transportation Demand Management materials discussing available transit information, car/van pooling formation, carsharing and the Metrocheck program shall be distributed to lessees/purchasers.

b. Convenient parking in preferred locations of office parking structures shall be designated for car pool/van pool use;

c. Mass transit usage shall be encouraged and promoted by the transportation management coordinator.

d. Pedestrian walkways linking access to adjacent properties shall be provided;

e. Broadband, high capacity data/network connections shall be provided to each office building; and

f. Amenities for bicycle storage and shower facilities shall be provided.

The Applicant shall participate in or otherwise become associated with a larger Transportation Management Association should one be established for this area. The Applicant shall notify the Fairfax County Department of Transportation (FCDOT) of the date that the transportation strategies are implemented. Beginning with the first September one year after the transportation management strategies are implemented, the applicant shall conduct annual multi-modal transportation surveys of employees of the subject site to determine their transportation characteristics. Such initial and subsequent bi-annual surveys shall be conducted between September

1st and November 15th. This survey will help form the basis of the transportation management program to be developed in consultation with FCDOT.

If the results of the first two surveys conducted reveals that at least 15% of employees have utilized alternative modes then the applicant shall continue to administer the TDM strategies then in place and no additional surveys shall be required.

If the first two surveys/traffic counts reveal that less than 15% of employees are using alternative modes, then the applicant shall meet with FCDOT to discuss whether additional strategies may be necessary. In such an event, the applicant shall conduct annual surveys in accordance with the timelines outlined above until such time as two consecutive annual surveys reveal the minimum 15% employee alternative mode use has been met. At that time, no additional surveys shall be required and the TDM strategies then in place shall be continued.

Once every five years the Applicant shall provide a report to FCDOT to show that at least 15% of employees utilize alternative modes. Based on the results of the report, the coordinator shall work with FCDOT to define new strategies to encourage the use by employees of alternative modes as may be necessary.

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.

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 a new Non-RUP has been issued to any occupant/tenant. 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.

The Board also:

- Modified paragraph 1B of Section 2-414 of the Zoning Ordinance, to permit existing structures to be located 65 feet from the Dulles International Airport Access Highway and the Dulles Toll Road.

Sincerely,

Catherine A. Chianese
Clerk to the Board of Supervisors

cc: Chairman Sharon Bulova
Supervisor Lynda Q. Smyth, Providence District
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Donald Stephens, Department of Transportation
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Planning Commission
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation