



APPLICATION ACCEPTED: March 5, 2009
PLANNING COMMISSION: July 8, 2009
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

June 24, 2009

STAFF REPORT

SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 79-V-073-04

MOUNT VERNON DISTRICT

APPLICANT: American Horticultural Society

ZONING: R-2

PARCEL(S): 102-2 ((1)) 20

ACREAGE: 24.69 acres

PLAN MAP: Private Recreation

SE CATEGORY: Category 3, Public Benefit Association

PROPOSAL: To amend SE 79-V-073, previously approved for a public benefit association, to permit site modifications and modifications to the development conditions

STAFF RECOMMENDATION:

Staff recommends approval of SEA 79-V-073-04, subject to the proposed development conditions contained in Appendix 1.

Staff recommends reaffirmation of the modification of transitional screening requirements in favor of the existing vegetation, as shown on the SEA Plat.

Staff recommends approval of a waiver of the barrier requirements along the northern and southern property lines of the site, in favor of the existing vegetation, as shown on the SEA Plat.

Brenda J Cho

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 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.

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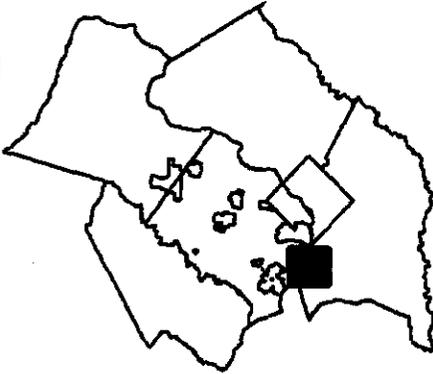
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception Amendment

SEA 79-V-073-04

Applicant:
Accepted:
Proposed:

AMERICAN HORTICULTURAL SOCIETY
03/05/2009
AMEND SE 79-V-073 PREVIOUSLY APPROVED FOR A PUBLIC BENEFIT ASSOCIATION TO PERMIT MODIFICATION OF DEVELOPMENT CONDITIONS AND SITE MODIFICATIONS



Area: 24.69 AC OF LAND; DISTRICT - MOUNT VERNON

Zoning Dist Sect: 03-0204

Art 9 Group and Use: 3-07

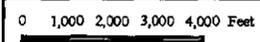
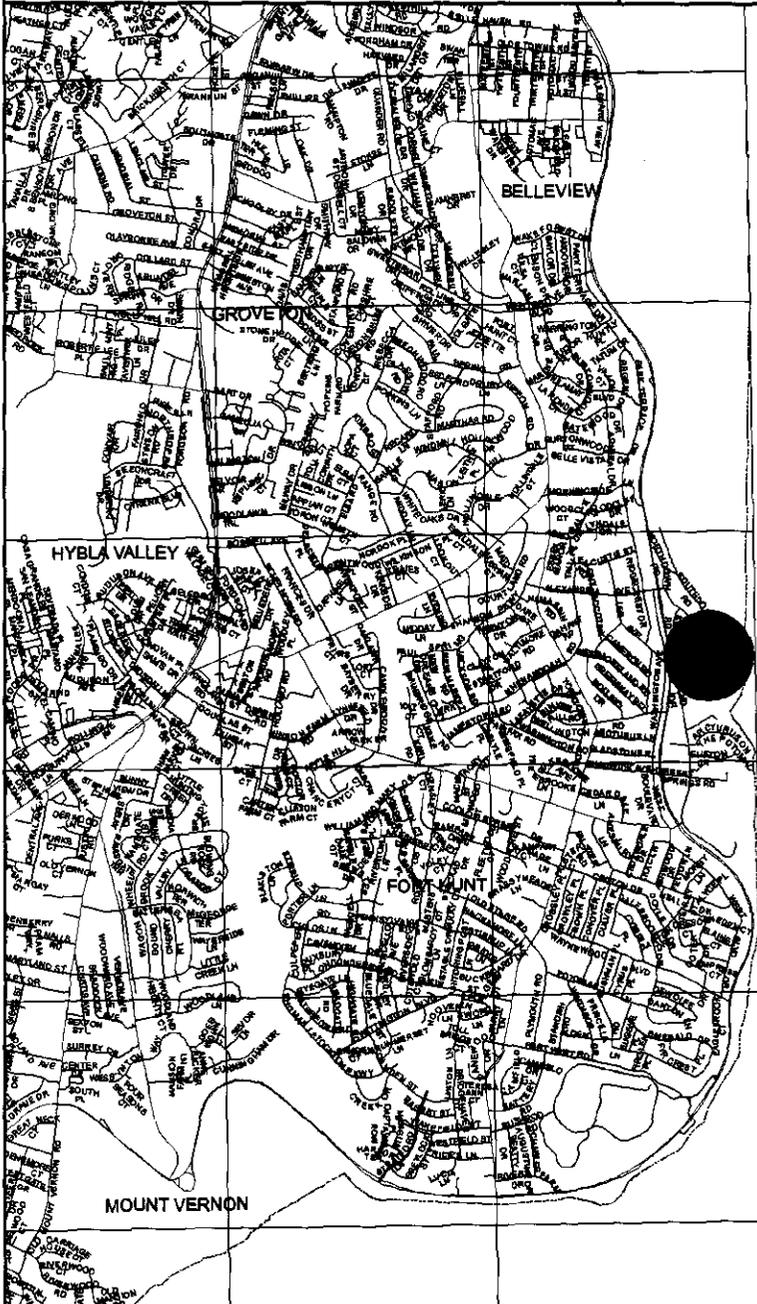
Located: 7931 EAST BOULEVARD DRIVE

Zoning: R-2

Plan Area: 4,

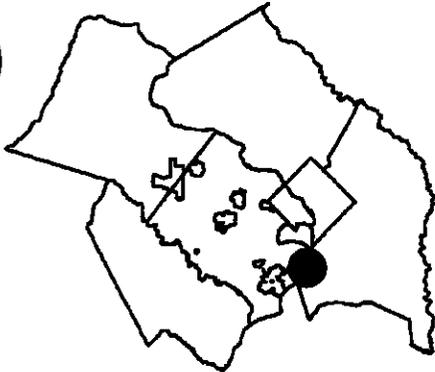
Overlay Dist:

Map Ref Num: 102-2-/01/ /0020



Special Exception Amendment

SEA 79-V-073-04



Applicant:
Accepted:
Proposed:

AMERICAN HORTICULTURAL SOCIETY
03/05/2009
AMEND SE 79-V-073 PREVIOUSLY APPROVED
FOR A PUBLIC BENEFIT ASSOCIATION TO
PERMIT MODIFICATION OF DEVELOPMENT
CONDITIONS AND SITE MODIFICATIONS

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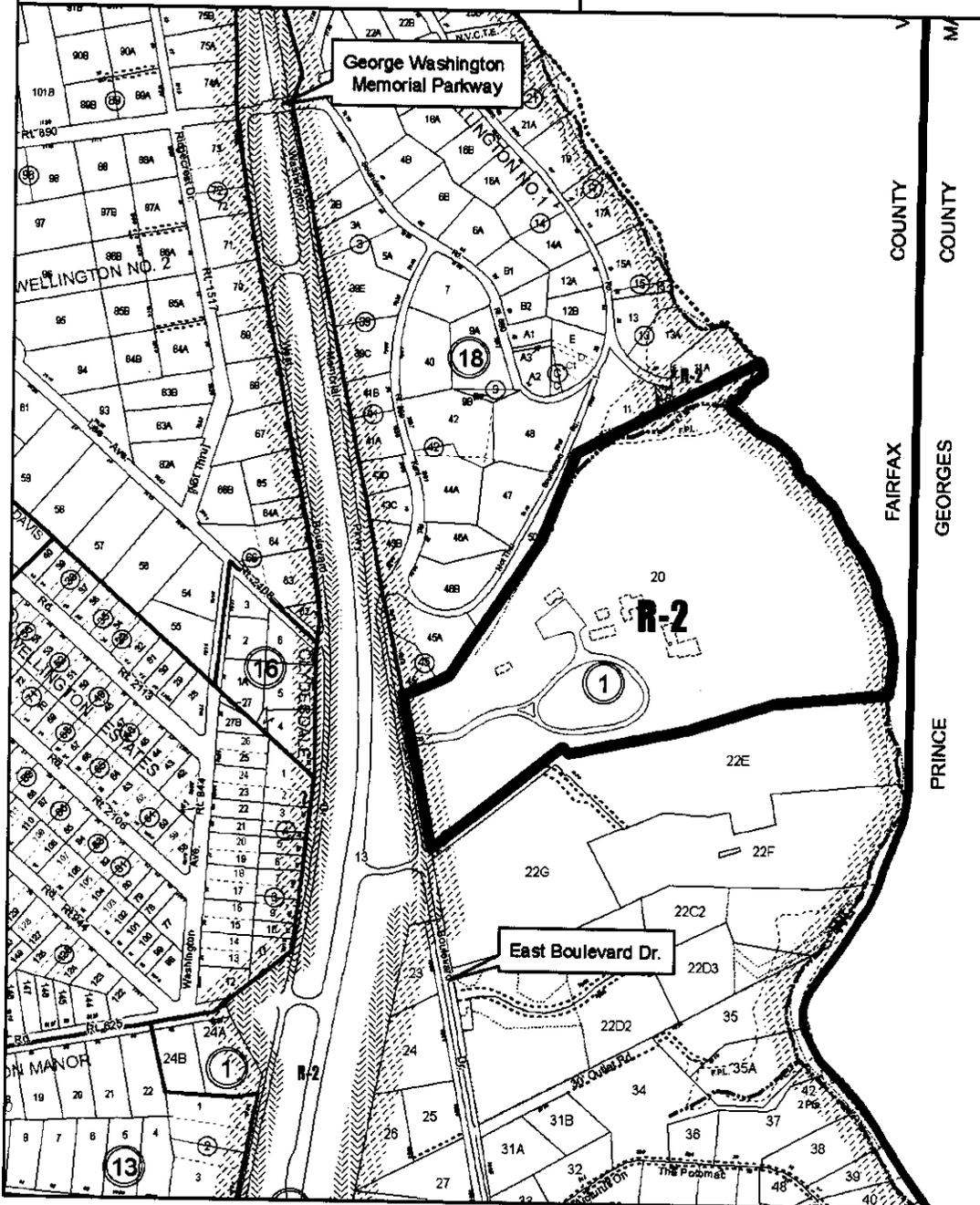
Located: 7931 EAST BOULEVARD DRIVE

Zoning: R-2

Plan Area: 4,

Overlay Dist:

Map Ref Num: 102-2- /01/ /0020



FAIRFAX COUNTY
GEORGES COUNTY
PRINCE GEORGES COUNTY

0 100 200 300 400 500 Feet

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

DESCRIPTION OF THE APPLICATION

Proposal: The applicant, American Horticultural Society (AHS), requests to amend SE 79-V-073, previously approved for a public benefit association, to permit site modifications and modifications to the development conditions. The applicant seeks to modify the development conditions and previously approved plat which proposed a new greenhouse and relocated site entrance. The applicant no longer intends build the greenhouse nor relocated site entrance, and no new building construction is currently proposed.

The applicant proposes to continue the hours of operation of 8:00 a.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 4:00 p.m., Saturday and Sunday. Hours of operation for on-site special events will remain 8:30 a.m. to 10:00 p.m., Sunday through Thursday and 8:30 a.m. to 11:00 p.m., Friday and Saturday. Four (4) horticultural events will continue to be held annually, with up to 250 attendees for some events.

A public benefit association is a Category 3 Special Exception use and is subject to the provisions of Section 3-204 Special Exception Uses, Section 9-006 General Standards, and Section 9-304 Standards for all Category 3 Uses, among others. A copy of these provisions is provided in Appendix 8.

Waivers and Modifications:

- Modification of the transitional screening requirements to the north and south in favor of the existing vegetation as shown on the SEA Plat.
- Modification of the barrier requirements to the north and south in favor of the existing vegetation as shown on the SEA Plat.

LOCATION AND CHARACTER

Site Description:

The property is located at 7931 East Boulevard Drive, just southeast of the intersection of the George Washington Memorial Parkway and East Boulevard Drive. The subject property measures 24.69 acres and is surrounded by single-family detached residences to the north and south, the George Washington

Memorial Parkway to the west and the Potomac River to the east. The property is zoned R-2, Residential District, Two Dwelling Units/Acre.

The site is developed with six different buildings and structures as well as gardens owned and operated by the American Horticultural Society. There are 78 paved parking spaces and room for 275 off-pavement parking spaces available on site. All vehicle parking is limited to on-site parking only.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential; single-family detached residence	R-2	Residential; 2-3 du/ac
South	Residential; single-family detached residence	R-2	Residential; 2-3 du/ac
East	George Washington Memorial Parkway	R-2	Residential; 2-3 du/ac
West	Potomac River	N/A	N/A

BACKGROUND (See Appendix 4)

Site History:

Application	Use	BOS/BZA Action	Date of Action
S-3-73	Cultural Center for American Horticultural Society	Approved	February 14, 1973
S-348-77	Expansion; additional structures and parking, site modifications	Approved	April 18, 1978
SE 78-V-116; SE 78-V-117	To lease the site to other public benefit associations	Denied	April 9, 1979
S-348-77	Extension of time	Denied	August 16, 1979
SE 79-V-073	Public benefit association	Approved*	October 22, 1979
SEA 79-V-073	To add one charitable event per year	Approved*	October 29, 1991
SEA 79-V-073-2	Expansion of hours of operation and permitted activities. Given temporary status and permitted to apply for 3 three-year extensions	Approved*	November 22, 1993
SEA 79-V-073-3	Modification of development conditions; building addition; site modification; and the addition and deletion of land area	Approved*	December 3, 2001

* Approved with development conditions

On July 12, 2004, the Board approved the applicant's request for additional time to commence construction with a new expiration date of June 3, 2006. The Zoning Administration Division sent a letter dated April 13, 2006, to the applicant regarding the lack of construction on the greenhouse and relocated entrance and a notice of the SEA's expiration date on June 3, 2006. On November 5, 2007, the American Horticultural Society wrote to the Department of Planning and Zoning regarding an interpretation on the status of their SEA. On November 30, 2007, the Zoning Evaluation Division determined that the SEA expired on June 3, 2006, and that a new application would be required.

In a letter dated February 13, 2008, a representative for the applicant requested a response to the applicant's original November 5, 2007, letter and to also confirm the status of the SEA. On May 2, 2008, the Zoning Evaluation Division opined that SEA 79-V-073-3 was still valid but that violations of two development conditions were cause for revocation of the Special Exception unless the applicant complied with said conditions (see Appendix 5). Specifically, Development Conditions #6 and #22 stated that the relocated entrance would replace the existing entrance, unless it was denied by the Virginia Department of Transportation (VDOT) or the National Park Service, and that a second Non-RUP must be issued for the relocated entrance, the new greenhouse and the land swap within 30 months of approval of the SEA. The greenhouse and relocated entrance were not constructed, but the land swap was completed.

For these reasons, the applicant has filed the current application seeking to amend Development Condition #6 and to delete Development Condition #22 and to allow the existing site entrance and building footprints to remain in its current condition.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Mount Vernon Planning District; Area IV
Planning Sector: Wellington Community Planning Sector (MV4)
Plan Map: Private recreation

The Wellington Community Planning Sector contains stable residential neighborhoods. Infill development in this sector should be of a compatible use, type and intensity in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

2. Any new development having visual impact upon the George Washington Memorial Parkway should be compatible with the historic and scenic character of the Parkway. New development within a quarter-mile of the Parkway should be low density, detached single-family residential dwellings and no additional non-residential uses should be permitted, nor any expansion to or intensification of existing non-residential uses should be

permitted, in order to preserve the unique scenic character of this parkway. Areas that are outside of the quarter-mile boundary, but still have a visual impact on the Parkway, should mitigate the visual impact to the extent possible through use of techniques such as vegetated buffering along the Parkway.

ANALYSIS

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

Title of SE Plat: The American Horticultural Society
Prepared By: Huntley, Nyce & Associates, Ltd.
Original and Revision Dates: October 28, 2008 and revised through May 27, 2009

Description of SEA Plat

The SEA Plat consists of two (2) sheets. Sheet One includes a vicinity map, soils map, tax map, RPA map, general notes, site tabulations, additional application notes, and requested waivers and modifications. Sheet Two illustrates the existing site layout since no changes are proposed including the adjusted lot lines from the previous land swap that occurred.

The existing buildings, which include the main estate house and several smaller administrative buildings, are located in the center of the site. The previously proposed greenhouse which was not previously constructed, is no longer proposed. No other new buildings or structures, are proposed with this application. In addition, the applicant is no longer proposing to relocate the site entrance as was proposed under SEA 79-V-073-03. Instead, the site entrance will remain in its existing location off of East Boulevard in the center of the site.

The entire site is within a Resource Management Area (RMA) and a portion of the site fronting along the Potomac River is within the Resource Protection Area (RPA), according to the Fairfax County Chesapeake Bay Map. Due to the lack of new buildings or increased pervious surfaces, the site will not produce any additional impacts.

Land Use and Environmental Analysis

Issue: Trails

The trails plan map depicts a major regional trail and major paved trail along the George Washington Memorial Parkway adjacent to the property.

Resolution:

The Potomac National Scenic Trail/Mount Vernon Trail and a major paved trail are designated along George Washington Memorial Parkway. Since the property fronts on East Boulevard Drive, the trail requirements do not apply to the petitioned site. Furthermore, in staff's opinion, the existing parkway trail satisfies these requirements. Therefore, this issue has been resolved.

Transportation Analysis (see Appendix 6)

Previously, the applicant proposed a relocated site entrance to be merged with the site entrance of the adjoining property owner to the south. While the Fairfax County Department of Transportation (FCDOT) did not have any objections to the relocated site entrance, the Virginia Department of Transportation (VDOT) had recommended retention of the existing site entrance.

The applicant is now seeking to retain the existing site entrance. FCDOT and VDOT have no objections to this proposal and VDOT only recommended that the entrance should be designed and constructed in accordance with VDOT's *Minimum Standards of Entrances to State Highways*.

There are no other transportation issues raised by this application.

ZONING ORDINANCE PROVISIONS (Appendix 9)

Bulk Standards (R-2 District)		
Standard	Required	Provided
Lot Size	15,000 square feet	24.69 acres
Lot Width	Interior lot – 100 feet Corner lot – 125 feet	Approx. 464 feet
Building Height	60 feet (non single-family dwellings)	33 feet
Front Yard	40° ABP ≥ 35 feet	282 feet
Side Yard	40° ABP ≥ 15 feet	90 feet
Rear Yard	40° ABP ≥ 25 feet	574 feet
FAR	0.25 (for public uses)	.02
Open Space	25%	996,300 square feet (92.6%)

Bulk Standards (R-2 District)		
Standard	Required	Provided
Parking Parking Spaces	As determined by the Director ¹	78 paved spaces and 275 off-pavement spaces
Transitional Screening North (Single-family detached dwelling)	TS – 2 (35 feet in width)	Modification to permit existing vegetation requested
South (Single-family detached dwelling)	TS – 2 (35 feet in width)	Modification to permit existing vegetation requested
East (Potomac River)	No requirement	Existing vegetation
West (East Boulevard Drive)	No requirement	Existing trees
Barrier North (Single-family detached dwelling)	D, E or F (6 feet high)	Modification to permit existing (partial) fence and vegetation requested
South (Single-family detached dwelling)	D, E or F (6 feet high)	Modification to permit existing vegetation requested
East (Potomac River)	No requirement	Modification to permit existing vegetation requested
West (East Boulevard Drive)	No requirement	Existing wooden fence

Waivers/Modifications:

- Modification of the transitional screening requirements to the north and south in favor of the existing vegetation as shown on the SEA Plat.

The applicant seeks a modification of the transitional screening requirements along the northern and southern property lines in lieu of the existing vegetation. Par. 3 of Sect. 13-305 states that transitional screening may be modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques. The applicant does not propose any changes to the existing tree cover and landscaping on site which staff believes adequately screens the adjacent residences. This modification was previously approved with the previous SEA application, and staff supports the continuation of the requested modification.

- Modification of the barrier requirements to the north and south in favor of the existing vegetation as shown on the SEA Plat.

¹ According to Article 11, Section 11-106 Part 21, the number of required parking spaces based on a review by the Director of each proposal to include such factors as the number of spaces required to accommodate employees, public use vehicles anticipated to be on site at any one time, visitor parking and the availability of areas on site that can be used for auxiliary parking in times of peak demand.

The applicant is seeking a modification of the barrier requirements along the northern and southern property lines in lieu of the existing vegetation along the property lines. Par. 12 of Sect.13-305 states that barriers may be modified where the topography of the lot providing the transitional screening and the lot being protected is such that a barrier would not be effective. Along the southern boundary of the site, there is an existing low planter "wall" that partially runs between the petitioned site and the single-family residence, but this form of landscaping hardscape is not a formal barrier. Due to existing tree lines along the north and south property lines, barriers would not be effective, and in fact, the installation of barriers may negatively impact the existing trees' growth. Given the quality of the existing vegetation in this area, staff believes that the requested modification of the barrier requirements is justified to preserve the existing tree line.

Special Exception Requirements (Appendix 8)

- General Special Exception Standards (Sect. 9-006)
- Category 3 Standards (Sect. 9-304)

The existing use is classified as a "public benefit association" as part of Category 3, Quasi-Public uses. It is permitted in the R-2 District with the approval of a Special Exception.

General Special Exception Standards (Sect. 9-006)

Overall, staff finds that the existing public benefit association use satisfies the general standards for special exceptions. The existing use is in harmony with the Comprehensive Plan and with the zoning district regulations. The applicant does not propose any changes to the existing site, limiting further impacts to adjoining properties and traffic and pedestrian safety. Over 90% of the site is open space, and adequate facilities, including parking and drainage, are available. No new signage is proposed.

Standards for All Category 3 Uses (Sect. 9-304)

The proposed use is not a public use. As shown in the preceding chart, the site complies with the lot size regulations and bulk regulations with the implementation of the proposed development conditions. The applicant does not propose any new buildings, landscaping, or other site alterations which will trigger a site plan.

Summary of Zoning Ordinance Provisions

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

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

With the implementation of the proposed development conditions, staff finds that the existing public benefit association use is in harmony with the Comprehensive Plan and in conformance with the application Zoning Ordinance provisions.

Recommendation

Staff recommends approval of SEA 79-V-073-04 subject to the proposed development conditions in Appendix 1.

Staff recommends modification of transitional screening requirements along the northern and southern property lines in favor of the existing vegetation, as shown on the SEA Plat.

Staff recommends approval of a waiver of the barrier requirements along the northern and southern property lines of the site, in favor of the existing vegetation shown on the SEA Plat.

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. SEA 79-V-073-03 Approved Plat and Development Conditions
5. ZED Interpretation Letter (May 2, 2008) and Applicant's Letter
6. Transportation Analysis
7. Stormwater Management Analysis
8. Sanitary Sewer Analysis
9. Applicable Zoning Ordinance Provisions
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SEA 79-V-073-4****June 24, 2009**

If it is the intent of the Board of Supervisors to approve SEA 79-V-073-4, previously approved for a public benefit association, located at 7931 East Boulevard Drive (Tax Map 102-2 ((1)) 20) to allow modification of development conditions, pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions. Previously approved conditions or those slightly modified are marked with an asterisk (*).

- *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 this application, as qualified by these development conditions.
- *3. A copy of this Special Exception Amendment and the Non-Residential Use Permit shall be posted in a conspicuous space on the property of the use and be made available to all departments of Fairfax County during the hours of operation of the permitted use.
- *4. This Special Exception Amendment is granted for the buildings and uses indicated on the plat submitted with this application only. This Special Exception Amendment is granted to the American Horticultural Society (AHS) only, and is not transferable without another action by appropriate County authorities. 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 Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled The American Horticultural Society and prepared by Huntley, Nyce, & Associated, Ltd. which is dated October 28, 2008 and revised through May 27, 2009 and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
- *5. The maximum hours of operation for the American Horticultural Society (AHS) shall be 8:00 am to 6:00 pm Monday through Friday, and 9:00 am to 4:00 pm Saturday and Sunday, which does not include the hours permitted for special events. The maximum hours of operation for special events of the AHS, including the house and grounds, shall be limited to 8:30 am to 10:00 pm Sunday – Thursday, and 8:30 am to 11:00 pm Friday and Saturday.

6. All vehicle parking shall occur on-site. At no time shall vehicles be parked on East Boulevard Drive. A maximum of fifteen (15) times per year, but no more than two (2) times per month, as referenced in Development Conditions 8, 9, and 12-14, vehicles may be parked on designated grassed areas of the site. At all other times, vehicles shall be parked on the paved parking surfaces, as shown on the Special Exception Amendment Plat.
- *7. As it applies to this Special Exception Amendment, the term "attendance" shall be interpreted to mean the total number of persons who attend any particular event from its beginning to end, not the total number of persons in attendance at any one time. A single event shall not exceed one twenty-four (24) hour time period.
- *8. AHS shall be permitted to have outdoor special event functions, provided they are directly related to the advancement of horticulture, on a maximum of four (4) days per calendar year during the normal hours of operation, but in no event shall such functions be permitted to be located any closer to the house on Tax Map Parcel 102-1 ((1)) 22 (immediately to the south) than the main house of the American Horticultural Society. If parking overflows into grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.
- *9. Social functions which are directly related to the advancement of horticulture may be held on the property, provided total attendance at any such function does not exceed 250 persons, and provided such functions are concluded by 10:00 pm Sunday through Thursday, and by 11:00 pm Friday and Saturday. During these functions all vehicle parking shall be on paved parking surfaces. If parking overflows into grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.
- *10. Social functions which are non-horticulture or related events may be held on the property between the hours of 11:00 am to 2:00 pm, provided total attendance at any such function does not exceed fifty (50) persons. During these functions all vehicle parking shall be on paved parking surfaces.
- *11. The AHS shall be permitted to rent the facility, including the house and grounds, for non-horticulture or related events with a maximum attendance of sixty (60) during the normal hours of operation, seven (7) days per week. During these events all vehicle parking shall be on paved surfaces.
- *12. The AHS shall be permitted to rent the facility, including the house and grounds, for non-horticulture or related events with attendance of between sixty (60) and two-hundred fifty (250) persons during the normal operating hours on Friday, Saturday, and Sunday as long as all vehicle parking is confined to paved parking areas. Contracts between the AHS and lessees for these events shall specify the restrictions on attendance, parking and noise contained in these conditions. If parking overflows onto grassed areas of the site, the event shall be counted as

one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.

- *13 The AHS shall be permitted to rent the facility, including the house and grounds, for non-horticulture or related events with attendance between two-hundred fifty (250) and five-hundred (500) during the hours of 5:00 pm to 11:00 pm Friday, from 12:00 noon until 11:00 pm Saturday, and from 12:00 noon until 10:00 pm Sunday. Contracts between the AHS and lessees for these events shall specify the restrictions on attendance, parking, and noise contained in these conditions. If parking overflows onto grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.
- *14 The AHS shall be permitted to rent the facility, including the house and grounds, to a civic and charitable organization for two (2) special event functions per year with a maximum attendance of eight-hundred (800) persons during the normal hours of operation on Saturday or Sunday. For these events maximum attendance shall be controlled by a ticketing system which permits no more than 800 tickets to be sold for admission. Persons without tickets, with the exception of staff, shall not be admitted to the ground during these events. Contracts between the AHS and lessees for these events shall specify the restrictions on attendance, parking, and noise contained in these conditions. During these events vehicles may be parked on designated grassy areas of the site, as referenced in Development Condition 6.
- *15 Outdoor rental events shall not occur any closer to the house located on Tax Map Parcel 102-2 ((1)) 22 than the main house of the AHS.
- *16 A minimum of two (2) hours shall be allowed between any scheduled events to avoid any overlapping of vehicles needing to park and to reduce vehicle conflict at the site entrance and on East Boulevard Drive. No events shall be scheduled so that they overlap.
- *17 The AHS shall be permitted to prepare, serve, and/or sell food and/or beverages for only its own functions. During rental events all food and beverages shall be provided by outside caterers and all food preparation, with the exception of coffee and tea service, shall be done off-site.
- *18 Signs shall be limited to those of a colonial character and should direct traffic to the entrance of the facility.
- *19 The use of loudspeakers or electronic or amplified music during outdoor events shall not be permitted. Further, during all outdoor events, AHS shall have a representative on the grounds who can be reached via telephone and/or pager to ensure that this condition is enforced. The name and number for this contact person shall be provided to the Mount Vernon District Supervisor's office and to the Wellington Civic Association.

- *20 Clean-up after all outdoor events held on-site must be completed within one hour of the scheduled conclusion of the event, if such time is the conclusion of the hours of operation of the facility.
- *21 Any new outdoor lighting fixtures shall be fully shielded and directed downward and/or inward to prevent glare and light spillover onto the surrounding residential properties. Any parking lot lighting, with the exception of necessary security lighting, shall be turned off within one hour of the last scheduled evening event.
- 21. This Special Exception Amendment (SEA 79-V-073-4) shall be valid from the date of issuance of the Non-RUP.
- *22. Any violation of the conditions of this Special Exception Amendment that has not been resolved satisfactorily may be cause for revocation of this Special Exception Amendment approval by the Board pursuant to Paragraph 2 of Section 9-016

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.

Pursuant to Sect. 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 as evidenced by the issuance of the Non-RUP. 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 Amendment. 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.



County of Fairfax, Virginia

Appendix 2

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: June 8, 2009

TO: Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal *[Signature]*
Office of the County Attorney

SUBJECT: Revised Affidavit
SEA 79-V-073-04
Applicant: American Horticultural Society
PC Hearing Date: 7/8/09
BOS Hearing Date: *NYS*

REF.: 103896

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 6/5/09, which bears my initials and is numbered 103896c, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: Meredith Amonson, Planning Technician
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5, 2009
(enter date affidavit is notarized)

I, Michelle A. Rosati, Esq., Applicant's Authorized Agent, 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 103896 c

in Application No.(s): SEA 79-V-073-04
(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.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Rows include The American Horticultural Society, Patricia S. Gibson, Thomas W. Underwood, Robert L. Sproles, and Huntley, Nyce & Associates, Ltd.

(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 Attachment to Par. 1(a)

DATE: June 5, 2009
(enter date affidavit is notarized)

103896 c

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))

(NOTE: All relationships to the application 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)
Holland & Knight LLP	1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Applicant's Authorized Agent/Attorney
Michelle A. Rosati, Esq.	Holland & Knight LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Applicant's Authorized Agent/Attorney
Alice G. Haase	Holland & Knight LLP 1600 Tysons Boulevard, Suite 700 McLean, Virginia 22102	Applicant's Authorized Agent/Attorney

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5, 2009
(enter date affidavit is notarized)

1038960

for Application No. (s): SEA 79-V-073-04
(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)
The American Horticultural Society
7931 East Boulevard Drive
Alexandria, Virginia 22308

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 SHAREHOLDERS: (enter first name, middle initial and last name)
N/A The American Horticultural Society is a non-profit organization and has no shareholders

(check if applicable) 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: June 5, 2009
(enter date affidavit is notarized)

103896

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))

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

Huntley, Nyce & Associates, Ltd
14428 Albemarle Pointe Place, Suite 120
Chantilly, Virginia 20151

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)

Charles J. Huntley, Sr., Chairman of the Board
Robert L. Sproles, Senior Vice President
(Employee Stock Option Plan no employee owns more than 10% of any class of stock)

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 AFFIDAVIT

DATE: June 5, 2009
(enter date affidavit is notarized)

1038960

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

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

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

Table with 2 columns: Name and Title. Includes entries for Abbott, Charles W (Senior Partner Retired), Abel, Michael (Equity Partner), Adams, Alfred B III (Equity Partner), Adams, Barbara (Equity Partner), Adams, Glenn (Equity Partner), Adams, Nathan (Senior Counsel), Adkins, Crystal J (Senior Counsel), Alexander, Mark G (Equity Partner), Alexander, Martin J (Equity Partner), Allderdice, Linda Auerbach (Non Equity Partner), Allen, Roz (Non Equity Partner), Allswang, David B (Non Equity Partner), Andersen, Anne-Mette (Non Equity Partner), Andersen, Barbara (Non Equity Partner), Anderson, Rod (Equity Partner), Angius, Christopher (Equity Partner), Annunziato, Christopher (Non Equity Partner).

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

DATE: June 5, 2009
(enter date affidavit is notarized)

103-8962

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

(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)

Arco, Barbara Mary	Non Equity Partner
Arden, Thomas P	Equity Partner
Aronson, Mark I	Equity Partner
Arouh, Jeffrey A.	Equity Partner
Atcity, Shenan Rae	Equity Partner
August, Adam	Non Equity Partner
Bachelor, Chester E	Equity Partner
Baez, Braulio	Senior Counsel
Bailey, R. Gregory	Non Equity Partner
Baker, Mark E	Non Equity Partner
Baker-Shenk, Philip M	Equity Partner
Baldwin, Gregory	Equity Partner
Baldy, Anderson L.	Equity Partner
Ball, Stephen	Equity Partner
Banghart, Douglas	Non Equity Partner
Barfield, Brett Alan	Non Equity Partner
Barnard, Deborah E.	Equity Partner
Barnett, Martha	Equity Partner
Barton, Bernard	Equity Partner
Basha, Leigh-Alexandra	Equity Partner
Bean, Daniel K.	Equity Partner
Beaton, Neal Nathan	Equity Partner
Beers, Meredith	Equity Partner
Bell, Rodney H	Equity Partner
Bellows, Christopher	Non Equity Partner
Bentz, Thomas H. Jr.	Non Equity Partner
Bevington, Elizabeth L	Equity Partner
Black, David Scott	Non Equity Partner
Blank, Stacy D	Equity Partner
Blechman, Rachel S	Senior Partner Retired
Bloom, William R	Equity Partner
Boeke, Noel Robert	Equity Partner
Bogorad, Stephen A	Equity Partner
Bohrer, Sanford L	Equity Partner
Boland, Michael J	Equity Partner
Booth, Susan Jennifer	Equity Partner
Boothe, Jeffrey F	Equity Partner
Borden, Jennifer C	Non Equity Partner
Boroughs, Thomas	Senior Partner
Borucke, David C	Non Equity Partner
Boyett, Christopher	Equity 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: June 5, 2009
(enter date affidavit is notarized)

103896c

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102(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)

Bradley, Lawrence D	Non Equity Partner
Bradner, Robert	Non Equity Partner
Braid, Frederick	Equity Partner
Branch, Thomas B III	Senior Partner
Briggs, David W	Non Equity Partner
Brittin, Jocelyn	Non Equity Partner
Brockman, Christopher C	Equity Partner
Brooke, Thomas W	Non Equity Partner
Brooks, Malcolm	Equity Partner
Brothers, Henry J II	Equity Partner
Brown, Mary Carolyn	Non Equity Partner
Brownell, Thomas M	Non Equity Partner
Bucholtz, Harold	Equity Partner
Burkland, Mark E.	Equity Partner
Butler, J. Todd	Non Equity Partner
Byrne, William P	Equity Partner
Cadwalader, Lynn K	Equity Partner
Calkins, Lynn E.	Equity Partner
Camarra, Christopher L	Equity Partner
Cannon, L. Kinder III	Equity Partner
Carr, James	Non Equity Partner
Carroll, Brett D	Non Equity Partner
Cartwright, Kelly-Ann	Equity Partner
Casal, Jose A	Equity Partner
Cason, Warren	Senior Partner
Castleman, Howard J	Non Equity Partner
Castro, Tanja H	Non Equity Partner
Cavanaugh, J. Michael	Equity Partner
Chapman, Michael	Equity Partner
Chasnow, Robert M	Equity Partner
Clapp, Douglas W	Equity Partner
Clary, Donald M.	Non Equity Partner
Cleven, Jeffrey P	Non Equity Partner
Colan, Bruce Jay	Equity Partner
Colandreo, Brian J	Non Equity Partner
Colao, Ivan	Equity Partner
Coleman, Charles L. III	Equity Partner
Coleman, Hume F	Senior Partner Retired
Collins, Christopher H	Equity Partner
Commander, Christopher	Non Equity Partner
Compagno, John	Equity 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: June 5, 2009
 (enter date affidavit is notarized)

1038900

for Application No. (s): SEA 79-V-073-04
 (enter County-assigned application number (s))

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

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLean, Virginia 22102

(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**)

Conner, Timothy J	Equity Partner
Connolly, Peter M	Equity Partner
Conti, Louis T. M.	Equity Partner
Cooper, Scott E.	Equity Partner
Cosio, J. Raul	Equity Partner
Costanzo, Vito A	Non Equity Partner
Costello, Francis W	Equity Partner
Coventon, Kevin E	Equity Partner
Craft, Randal Robert Jr.	Equity Partner
Craig, Sharon Nelson	Equity Partner
Crowley, Richard A	Equity Partner
Currier, Maria T	Equity Partner
Curtin, Lawrence	Equity Partner
Daniel, Harold T	Equity Partner
Daniel, Laurie Webb	Equity Partner
Dannenberg, Harry S	Equity Partner
Darbut, Douglas F	Equity Partner
Davidson, M. Katharine	Non Equity Partner
Davis, Jim	Non Equity Partner
DeKuiper, Kristin A	Equity Partner
DeLacy, Christopher	Non Equity Partner
DelFranco, Randolph A	Non Equity Partner
deMeza, William B Jr.	Equity Partner
Dempsey, David	Equity Partner
Detwiler, Harry R	Non Equity Partner
Dewey, Josias	Non Equity Partner
Diaz, Edward	Equity Partner
Dickson, Alan	Non Equity Partner
Dierking, John R	Non Equity Partner
Digel, Gregory J	Equity Partner
Dilweg, Rory Emerson	Non Equity Partner
Donoghue, Robert D	Non Equity Partner
Dube, Steven L.	Non Equity Partner
Duckworth, Pamela A	Non Equity Partner
Dufoe, William	Equity Partner
Dunnells, G. Richard	Senior Partner
Durkin, Martin	Equity Partner
Duvall, Homer III	Equity Partner
Duvall, Richard O.	Equity Partner
Dye, Stuart	Senior Partner
Eckhard, Richard D	Equity 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: June 5, 2009

(enter date affidavit is notarized)

1038962

for Application No. (s): SEA 79-V-073-04

(enter County-assigned application number (s))

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

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLean, Virginia 22102

(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**)

Edson, Kelli A	Non Equity Partner
Edwards, Amy L	Non Equity Partner
Edwards, Oliver	Equity Partner
Elledge, Brandon H	Non Equity Partner
Elrod, Steven M	Equity Partner
Epstein, Jonathan	Non Equity Partner
Ervin, James M	Equity Partner
Evans, Philip Tucker	Equity Partner
Faigenblat, Frances Gail	Non Equity Partner
Fayne, Irwin J	Equity Partner
Feagin, Robert R III	Senior Partner
Fendrick, William K	Equity Partner
Ferris, Richard Jay Jr.	Equity Partner
Ferris, Robert E	Equity Partner
Filippini, Victor P	Equity Partner
Fine, Martin	Senior Partner
Fishman, Eric	Non Equity Partner
Foley, Vincent J	Non Equity Partner
Fonseca, Michelle	Non Equity Partner
Forsberg, Lars	Non Equity Partner
Fox, Shayle P	Senior Partner
Freedman, Anthony S.	Equity Partner
Frevola, Michael J	Non Equity Partner
Fridman, Daniel S	Non Equity Partner
Friedman, Peter	Equity Partner
Friedman, Robert	Equity Partner
Frink, Anthony Lewis	Equity Partner
Gaba, Michael M.	Equity Partner
Gabel, George D Jr	Equity Partner
Gallástegui Armella, Eduardo J.	Partner
Garcia, Brian M	Non Equity Partner
Garcia, Michael E	Non Equity Partner
Garrett, Steffanie	Non Equity Partner
Geller, Mitchell Jed	Non Equity Partner
Gelman, Andrew R.	Equity Partner
Germany, John F	Senior Partner Retired
Gerstein, Robert H	Senior Partner
Gibbs, Charles F	Senior Partner
Gilbert, Leonard H	Senior Partner
Gilbert, Suzanne E	Equity Partner
Gilleece, Mary Ann	Non Equity 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: June 5, 2009
(enter date affidavit is notarized)

1038960

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

(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**)

Gillman, Steven L.	Equity Partner
Glasgow, Norman M	Senior Partner Retired
Glasgow, Norman M Jr.	Equity Partner
Glass, W. Reeder	Senior Partner
Goeddel, Stacie Andra	Non Equity Partner
Gold, Richard	Equity Partner
Goldsmith, Donald	Senior Partner
Goldstein, Joseph Gary	Equity Partner
Gomez-Pinzon, Enrique	Non Equity Partner
Gonzalez, Alex	Equity Partner
Gordon, Steven	Equity Partner
Gorham, Robert L.	Equity Partner
Grady, Frederick J	Equity Partner
Grammig, Robert J	Equity Partner
Gravenhorst, Paul	Equity Partner
Gray, T. Wayne	Senior Partner
Green, Laurie L	Non Equity Partner
Gregores, George J	Equity Partner
Grimes, Stephen H	Senior Partner
Groh, James S	Equity Partner
Guasch, Frances F	Non Equity Partner
Guay, Joseph	Equity Partner
Hadlow, Richard B.	Equity Partner
Haire, Dirk	Equity Partner
Halula, John F	Equity Partner
Hamblin Schiave, Anne	Senior Partner
Hamilton, Lawrence J II	Equity Partner
Hamilton, William F	Equity Partner
Hanback, Christopher B	Equity Partner
Hanlon, Stephen	Senior Partner
Hanselman, Theodore F	Equity Partner
Hargitai, Peter P	Equity Partner
Harrington, David J	Non Equity Partner
Harris, Patricia Ann	Non Equity Partner
Harris, Robert	Equity Partner
Hart, Damon P	Non Equity Partner
Hart, Shane	Non Equity Partner
Hayes, G. Calvin	Equity Partner
Hayes, Robin B	Non Equity Partner
Henderson, Victor	Equity Partner
Hengen, Nancy L	Equity 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: June 5, 2009
(enter date affidavit is notarized)

1038962

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

(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)

Hernandez, Alberto M	Equity Partner
Hernandez, Jennifer	Equity Partner
Hernandez-Toraño, Jorge	Equity Partner
Herr, Mitchell E.	Equity Partner
Heskett, Sara Christina	Non Equity Partner
Hickey, Edward R	Equity Partner
Hickey, J. Michelle	Non Equity Partner
Higgins, Sean K	Non Equity Partner
Highsmith, Robert S Jr.	Equity Partner
Hindlian, Richard J	Equity Partner
Hoffman, Jerome	Equity Partner
Hoffman, Kenneth B	Equity Partner
Hogan, John M	Equity Partner
Hohenstein, James	Equity Partner
Hole, Brian K	Equity Partner
Holifield, Marilyn J	Equity Partner
Holmes, Andrew	Non Equity Partner
Honan, William J.	Equity Partner
Hooper, Chester D	Senior Partner
Horn, Dennis	Equity Partner
Hornyak, Joseph	Non Equity Partner
Howell, George B III	Non Equity Partner
Hughes, Dennis Russell	Non Equity Partner
Husbands, Joshua	Non Equity Partner
Hutchison, Richard	Equity Partner
Ivey, Robert L.	Equity Partner
Jackson Batties, Leila Marie	Non Equity Partner
Jackson, Hank E	Equity Partner
James, Paul M	Equity Partner
Jaron, Martin J Jr	Equity Partner
Jenero, Kenneth	Equity Partner
Jensen, Frode	Non Equity Partner
Jensen, J. Alan	Senior Partner
Jimenez, Adolfo E.	Equity Partner
Joern, Charles E.	Equity Partner
Johnson, Charles S. III	Equity Partner
Johnson, Scott J	Equity Partner
Johnston, R. Scott	Non Equity Partner
Johnston, Thomas M	Non Equity Partner
Jones, David A	Equity Partner
Jones, John Arthur	Senior 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: June 5, 2009

(enter date affidavit is notarized)

103896

for Application No. (s): SEA 79-V-073-04

(enter County-assigned application number (s))

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

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLean, Virginia 22102

(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**)

Jones, Thomas J	Senior Partner Retired
Judas, Suzanne M	Non Equity Partner
Jung, Bryan T D	Non Equity Partner
Kahn, David S	Equity Partner
Kastner, Samuel Paul	Equity Partner
Katz, Gordon P	Equity Partner
Katz, Naomi F.	Non Equity Partner
Kaufman, Bonni	Non Equity Partner
Kecskes, Kenneth A	Non Equity Partner
Kehoe, Kerry S	Equity Partner
Keldermans, Francis	Equity Partner
Kelley, John D	Non Equity Partner
Kelly, Christopher G	Equity Partner
Kennicott, Donald	Equity Partner
Kibler, D Burke III	Senior Partner Retired
Kiernan, Paul J	Equity Partner
Kilmer, Paul F	Equity Partner
Kimbro, Bradford	Equity Partner
Kinasz, Thomas John	Equity Partner
Kittleson, Henry M	Senior Partner Retired
Klein, Larry A	Non Equity Partner
Knight, Tammy	Equity Partner
Kokolis, Jerry	Non Equity Partner
Kolos, Chris	Equity Partner
Kominers, William	Equity Partner
Korchin, Judith	Equity Partner
Koren, Edward	Equity Partner
Kreitzer, Judith E	Non Equity Partner
Krischer, Alan Samuel	Non Equity Partner
Krumholz, Joshua	Equity Partner
Kuppersmith, Michael P	Non Equity Partner
Kuta, Jeffrey T	Non Equity Partner
Labate, Robert	Non Equity Partner
Lake, Elizabeth	Equity Partner
Lambert, Lyndall M	Non Equity Partner
Landau, Allan	Senior Partner
Lane, William R Jr.	Equity Partner
Lang, Robert H	Non Equity Partner
Lannon, Paul	Equity Partner
Lansner, Ruth L.	Equity Partner
Lapatin, Philip S	Equity 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: June 5, 2009

(enter date affidavit is notarized)

103896c

for Application No. (s): SEA 79-V-073-04

(enter County-assigned application number (s))

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

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLean, Virginia 22102

(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**)

Laughlin, James Harold Jr.	Non Equity Partner
Lawrence, Frank Ronald	Equity Partner
Lawrence, Richard H III	Non Equity Partner
Lazarus, Jason D.	Non Equity Partner
Lear, Richard E	Non Equity Partner
Lee, Sunwoo	Equity Partner
Lee, Tiffani G	Non Equity Partner
Lefere, Marie	Equity Partner
Lehman, Kathryn Hazeem	Non Equity Partner
Leixner, Timothy C	Senior Partner
Leonard, Sean Brendan	Non Equity Partner
Lepore, Ralph T. III	Equity Partner
Leventhal, Norman P	Non Equity Partner
Levine, Jack A	Equity Partner
Levine, Jerome L	Equity Partner
Levitan, Shari	Equity Partner
Lhota, Janna Peters	Non Equity Partner
Liebesman, Lawrence R	Equity Partner
Litschgi, Byrne	Senior Partner Retired
Long, James E Jr.	Non Equity Partner
Long, Mary Chrysa	Equity Partner
Loring, Bruce	Equity Partner
Lotterhos, Fred J III	Equity Partner
Lozano Alarcón, Gerardo	Partner
Lynch, Vernon Sylvester III	Non Equity Partner
Lyon, Richard Elgar Jr	Non Equity Partner
MacCullough, Kara	Equity Partner
Machen, William F	Equity Partner
MacKenzie, Dominic C	Equity Partner
MacKichan, Robert C. Jr.	Non Equity Partner
MacLeod, Scott R	Equity Partner
Mahony, Gael	Senior Partner
Mahony, Ieuan	Equity Partner
Main, James L.	Equity Partner
Mann, David	Senior Partner
Mannix, Michael	Equity Partner
Mansfield, Jennifer A	Non Equity Partner
Manthei, Michael R	Non Equity Partner
Manuelian, Haig	Senior Partner
Marcus, Jonathan S	Equity Partner
Marinelli, Marisa	Non Equity 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: June 5, 2009
(enter date affidavit is notarized)

103846

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

(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**)

Maroney, Michael T.	Non Equity Partner
Marrero Priegues, Ines	Non Equity Partner
Martin, Stanley A	Equity Partner
Matsakis, Elias	Equity Partner
Matuszewski, David	Non Equity Partner
May, D. Bruce Jr.	Equity Partner
Mayer, James	Equity Partner
Mayol Lopez, Juan	Equity Partner
Mays, C. Parkhill Jr.	Senior Partner
McAleavey, Tom	Equity Partner
McAlpin, Louise	Equity Partner
McCarthy, Bridget	Non Equity Partner
McCarty, Christopher J	Non Equity Partner
McCauley, Robert G	Non Equity Partner
McCorkhill, C. Grant	Equity Partner
McDermott, James E.	Equity Partner
McDermott, John J	Senior Partner
McDowell, Brian A	Equity Partner
McKendall, Miriam	Equity Partner
Meeder, Gregory R	Equity Partner
Meehan, K. Patrick	Non Equity Partner
Melton, Howell W. Jr.	Equity Partner
Mencio, George	Equity Partner
Mendelsohn, Stuart	Equity Partner
Mercier, Judith M	Non Equity Partner
Michalowski, Mark C	Equity Partner
Milano, Nicholas G	Equity Partner
Millea, James F	Non Equity Partner
Miller, Morris H.	Equity Partner
Miner, Martin P	Equity Partner
Mitchell, Elizabeth M	Non Equity Partner
Mittleman, Jeffrey	Equity Partner
Moehling, James A	Equity Partner
Monaghan, John J	Equity Partner
Monchamp, Amanda	Non Equity Partner
Moore, Donald P	Non Equity Partner
Moran, John Paul	Non Equity Partner
Morante, Thomas F	Non Equity Partner
Moreno, Esther L	Non Equity Partner
Morreale, Frank	Non Equity Partner
Morris, Francesca	Non Equity 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: June 5, 2009
(enter date affidavit is notarized)

10389600

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102(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)

Mosner, Anita M	Equity Partner
Moss, Stephen B	Equity Partner
Mueller, James T	Non Equity Partner
Murdoch, Christopher J	Equity Partner
Murphy, Anne M	Equity Partner
Murphy, Martin P	Non Equity Partner
Mussman, John R	Non Equity Partner
Mutryn, William	Equity Partner
Myers, Christopher	Equity Partner
Myers, Lance D	Non Equity Partner
Naftalin, Alan Y	Senior Partner Retired
Naftalin, Charles	Equity Partner
Neff, A. Guy	Equity Partner
Nesbitt, La Fonte	Equity Partner
Nesmith, Steven	Non Equity Partner
Neumann, Carl A	Equity Partner
Newman, Michael Brill	Equity Partner
Newman, Robbin	Non Equity Partner
Newman, Scott	Equity Partner
Nichols, Tracy A	Equity Partner
Niles, Stephen	Non Equity Partner
Nilles, Kathleen	Equity Partner
Norman, James M	Equity Partner
Norton, Matthew E.	Equity Partner
Notopoulos, Philip J	Equity Partner
O'Neill, John P	Non Equity Partner
Oberto, Kathryn W	Equity Partner
Oleynik, Ronald	Equity Partner
Ordman, Morgan J	Senior Partner Retired
Pabian, Ilene Linda	Non Equity Partner
Packman, Kevin	Non Equity Partner
Page, Frederick D	Equity Partner
Park, James A III	Equity Partner
Parlin, Barbra Rachel	Non Equity Partner
Parrish, Paul E	Non Equity Partner
Pearce, George	Equity Partner
Perez, Richard	Non Equity Partner
Perez, Victor	Non Equity Partner
Perlman, Ronald S.	Non Equity Partner
Perry, David L	Equity Partner
Petersen, Rafe	Non Equity 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: June 5, 2009
(enter date affidavit is notarized)

1038960

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102(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)

Petersen, Scott W	Non Equity Partner
Phillips, Dianne R	Non Equity Partner
Piels, William	Equity Partner
Pike, Larry	Senior Partner
Pisacreta, Edward A	Non Equity Partner
Plume, Tamsen	Equity Partner
Pollock, James	Senior Partner
Ponce, Scott D	Non Equity Partner
Potter, Harold W	Equity Partner
Poust, Teresa	Non Equity Partner
Prieto, Peter	Equity Partner
Pritchard, John F	Equity Partner
Pupo, Roberto R	Equity Partner
Quin, Wayne	Equity Partner
Rambusch, Lennard K	Senior Partner Retired
Ramos, Eduardo A	Non Equity Partner
Raymond, Mark E	Non Equity Partner
Raysman, Richard	Non Equity Partner
Rechtin, Michael Jr.	Non Equity Partner
Redmond, Richard	Equity Partner
Reed, M. Kasim	Non Equity Partner
Reisler, Marc S	Non Equity Partner
Reitzfeld, Alan D	Equity Partner
Reynolds, Christopher J	Non Equity Partner
Rhodes, Robert	Senior Partner
Rich, William M	Senior Partner
Richie, Kenneth R	Non Equity Partner
Riddle, James A	Non Equity Partner
Ríos Espinosa, Maria E.	Partner
Ritter, Adam Charles	Non Equity Partner
Robbin, Robert S	Senior Partner
Rohn, Frederick	Equity Partner
Rollins, James H	Equity Partner
Rosati, Michelle A	Non Equity Partner
Rosenberg, Arthur E	Non Equity Partner
Ross, Bruce S	Equity Partner
Rothenberg, Frederick M	Non Equity Partner
Rowley, John P. III	Equity Partner
Royal, Erika	Non Equity Partner
Royce, Raymond W	Senior Partner
Ruane, Michael	Equity 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: June 5, 2009
(enter date affidavit is notarized)

103846c

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102(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)

Rubinger, Jeffrey	Non Equity Partner
Russell, Gilda Tuoni	Non Equity Partner
Ryan, Rory C	Equity Partner
Rydzewski, Leo	Non Equity Partner
Salaman, Alban	Equity Partner
Salimone, Shannon Hartsfield	Non Equity Partner
Sano, Curtis L	Non Equity Partner
Santeusanio, David J	Non Equity Partner
Santiago, Louis	Non Equity Partner
Saunders, Allyson Gail	Non Equity Partner
Scanlon, Tara A	Equity Partner
Schiff, Janis Boyarsky	Equity Partner
Schneider, Todd	Non Equity Partner
Schreiber, Phillip	Non Equity Partner
Schulz, George E Jr	Senior Partner
Sciarra, Vanessa Patton	Non Equity Partner
Seay, James E. L.	Equity Partner
Segall, Harold A	Senior Partner Retired
Seligson, Damon M	Non Equity Partner
Sellers, Lawrence	Equity Partner
Sessions, William S.	Senior Partner
Soul, Jeffrey R.	Non Equity Partner
Shapiro, Mark	Equity Partner
Shapiro, Stephen	Equity Partner
Sheely, Sean C	Equity Partner
Sherman, William B	Equity Partner
Shiker, Christine	Non Equity Partner
Shimberg, James Jr.	Equity Partner
Short, Jennifer A.	Non Equity Partner
Shotzberger, Keith S	Non Equity Partner
Sikorski, Gerry	Equity Partner
Silber, Stacy Plotkin	Non Equity Partner
Sills, Richard	Senior Partner
Silver, David C	Equity Partner
Sims, Roger W	Senior Partner
Singleton, David R	Equity Partner
Sirven, Jose	Equity Partner
Skallas, A Thomas	Non Equity Partner
Skelton, Patrick W	Equity Partner
Sloan, David Scott	Equity Partner
Small, Daniel I	Equity 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: June 5, 2009
(enter date affidavit is notarized)

1038400

for Application No. (s): SEA 79-V-073-04
(enter County-assigned application number (s))

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

Holland & Knight LLP
1600 Tysons Boulevard, Suite 700
McLean, Virginia 22102

(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**)

Smeallie, James D.	Equity Partner
Smith, Bernard Lee	Non Equity Partner
Smith, Colin P.	Equity Partner
Smith, Lee S	Equity Partner
Smith, R. Troy	Non Equity Partner
Smith, Robert H	Equity Partner
Snively, Stephen W	Equity Partner
Solaun, Emma	Non Equity Partner
Sonberg, Steven	Equity Partner
Sorondo, Rodolfo Jr.	Equity Partner
Spelliscy, M.J.	Equity Partner
Spitzer, Jr., M. James	Equity Partner
Starr, Michael	Non Equity Partner
Steenon, Todd D.	Non Equity Partner
Steger, Mark J	Non Equity Partner
Stein, Melvin	Senior Partner Retired
Stephens, Richard B	Equity Partner
Stephenson, Andrew	Equity Partner
Sterling, Scott Andrew	Equity Partner
Stern, Jeffrey Blake	Equity Partner
Stevens, William M	Equity Partner
Stockton, Richard	Non Equity Partner
Stone, Mark	Non Equity Partner
Strouse, Jonathan E.	Non Equity Partner
Studley, Janet R	Senior Partner
Stutts, Charles L	Equity Partner
Subin, Ben	Equity Partner
Sung, Audrey	Non Equity Partner
Swaim, C. Thomas	Senior Partner
Taber, Stephen	Non Equity Partner
Taisey, Robert D	Senior Partner
Tam, Jane K.P.	Non Equity Partner
Tanner, Caroline J	Non Equity Partner
Tanzer, Michelle F	Non Equity Partner
Targ, Nicholas William	Non Equity Partner
Taub, Steven P	Non Equity Partner
Taylor, Michael George	Non Equity Partner
Teichner, Lee Philip	Equity Partner
Tellechea, Albert F.	Non Equity Partner
Tenev, Jovi	Equity Partner
Terrenzi, Marisa C	Non Equity 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: June 5, 2009

(enter date affidavit is notarized)

1038960

for Application No. (s): SEA 79-V-073-04

(enter County-assigned application number (s))

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

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLean, Virginia 22102

(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**)

Theberge, John	Equity Partner
Thomas, Joi M.	Associate
Thomas, Natalie P	Non Equity Partner
Thomas, Paul	Non Equity Partner
Tiedemann, Charles W	Equity Partner
Tobin, Charles D.	Equity Partner
Tofil, Lisa	Non Equity Partner
Tonn, Robert	Non Equity Partner
Toriello, John M	Equity Partner
Turra, Melissa S.	Equity Partner
Vafidis, Matthew	Equity Partner
Van Buren, Bradley	Non Equity Partner
Varick, Steven Bruce	Equity Partner
Varner, Joseph H III	Equity Partner
Vasios, H. Barry	Equity Partner
Verhey, David M	Non Equity Partner
Vogel, Edward W III	Equity Partner
Volinski, Benjamin	Equity Partner
von Bergen, Mark A.	Equity Partner
Voss, Susan L	Senior Partner
Vyverberg, Robert W.	Equity Partner
Wachter, Charles A	Non Equity Partner
Walker, Karen	Equity Partner
Wang, David	Non Equity Partner
Warram, Robert Allan	Equity Partner
Warren, Stephen Patrick	Non Equity Partner
Watson, Alan J	Non Equity Partner
Webb, Paul	Senior Partner Retired
Weber, Steven John	Equity Partner
Wechselblatt, Eric	Equity Partner
Weinberger, Mel S	Equity Partner
Weinstein, Andrew H.	Senior Partner
Weiss, Alan M	Equity Partner
Weiss, Christopher J	Equity Partner
Weiss, Stephen J.	Senior Partner Retired
Werner, Michael J	Non Equity Partner
Wheeler, George	Equity Partner
Whitebread, Joseph B Jr.	Equity Partner
Whitstone, David	Equity Partner
Wiener, Keith M	Equity Partner
Wilkie, Austin T.	Non Equity 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: June 5, 2009

(enter date affidavit is notarized)

for Application No. (s): SEA 79-V-073-04

(enter County-assigned application number (s))

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

Holland & Knight LLP
 1600 Tysons Boulevard, Suite 700
 McLea, Virginia 22102

(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**)

Williams, Richard	Equity Partner	Former Partners (con't)
Wilson, William B	Equity Partner	Fly, James L, Non Equity Partner
Wing, James D	Equity Partner	Ganguly, Jeffrey K, Non Equity Partner
Winter, Richard R	Equity Partner	Hampton, Daniel K., Non Equity Partner
Wolcott, Jonathan F	Non Equity Partner	Hartsfield, Shannon, Non Equity Partner
Wolk, Lawrence J	Equity Partner	Harvey, Kenneth L, Non Equity Partner
Wood, Florence	Non Equity Partner	Howe, David D, Non Equity Partner
Woodrow, Thomas R.	Equity Partner	Jonas, W. James, III, Non Equity Partner
Woodson, Roderic	Non Equity Partner	Kiser, Curt, Non Equity Partner
Workman, Paul C	Equity Partner	Kolz, Tamara, Non Equity Partner
Wright, Douglas A	Non Equity Partner	Krasnow, Frances, Non Equity Partner
Wright, R. Douglas	Equity Partner	Kuntz, C. Edward, Non Equity Partner
Wright, Steven	Equity Partner	Kurtz, Daniel L, Equity Partner
Yadley, Barbara M	Equity Partner	Levin, Jeffrey Steven, Non Equity Partner
Yanofsky, Richard M	Equity Partner	Lewis, James, Non Equity Partner
Yates, Leighton D	Non Equity Partner	Libby, Gerold W, Senior Partner
Young, Paul	Senior Partner	Locke, Barbara Ehrich, Equity Partner
Young, Stephen	Equity Partner	Magee, George T, Non Equity Partner
Zanger, Larry Zarin,	Equity Partner	Mayerson, Sandra E, Equity Partner
Don Zdeb, Michael J	Equity Partner	McGuone, James R, Non Equity Partner
Zhang, Hongjun Ph.D.	Equity Partner	McLean, Jack Linden, Non Equity Partner
Zimmer, Thomas	Equity Partner	Miller, Marc Edmund, Non Equity Partner
Zusmann, Samuel	Senior Partner	Millstein, Larry, Non Equity Partner
Former Partner		Mintz, Robert, Equity Partner
Albritton A. Brian, Equity Partner		Nyweide, Jack, Non Equity Partner
Barnhart, Constance, Non Equity Partner		Orr, A. Summey III, Equity Partner
Baron, Alan Irvin, Equity Partner		Paul, Sarah E, Equity Partner
Bleicher, Robert Alfred Samuel, Non Equity		Philbrick, Charles L, Non Equity Partner
Brannock, Steven L, Equity Partner		Poznansky, Roslyn, Non Equity Partner
Bulher, Mark J, Non Equity Partner		Ranallo, Michael J, Equity Partner
Carpenter, Raymond P, Senior Partner		Reilly, John J, Senior Partner
Colitz, Michael, Non Equity Partner		Rodio, James, Non Equity Partner
Cutler, Stephanie C, Senior Counsel		Ryan, Edward F, Equity Partner
Daniel, Harold T, Equity Partner		Shirley, James T, Senior Partner
de Ross, Shelli Willis, Non Equity Partner		Sibley, Gonzales Michele, Non Equity
Dorkin, Eric, Non Equity Partner		Stein, Stefan V, Equity Partner
Doyle, Sara L., Equity Partner		Taylor, Robin Marie, Senior Counsel
Eady, Edsell M, Jr, Non Equity Partner		Vollmann, Alan P, Non Equity Partner
Fanner, Guy, Non Equity Partner		(Now of Counsel Effective 1/09)
		Washington, Lynn C, Equity Partner
		West, Teno A, Equity 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 AFFIDAVIT

DATE: June 5, 2009
(enter date affidavit is notarized)

103896 c

for Application No. (s): SEA 79-V-073-04
(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 if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 5, 2009
(enter date affidavit is notarized)

103596

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

- Richard O. Duvall, a partner at Holland & Knight LLP, made a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to the public hearing
- Mark E. Baker, a partner at Holland & Knight LLP, made a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to the public hearing
- John P. Rowley II, a partner at Holland & Knight LLP, made a contribution in excess of \$100 to Supervisor Pat Herrity within the twelve-month period prior to the public hearing

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one) Michelle A. Rosati
 Applicant Applicant's Authorized Agent

Michelle A. Rosati, Esq., Applicant's Authorized Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 5th day of June, 2009, in the State/Comm. of Virginia, County/City of Fairfax

Paige A. Rice
Notary Public

My commission expires: 10-31-2010

Paige A. Rice
NOTARY PUBLIC
Commonwealth of Virginia
My Commission Expires 10/31/10
Reg # 7009628

Appendix 3

Michelle A. Rosati
703 720 8079
michelle.rosati@hklaw.com

February 24, 2009

RECEIVED
Department of Planning & Zoning

FEB 26 2009

Zoning Evaluation Division

VIA HAND DELIVERY

Eileen McLane, Zoning Administrator
Fairfax County Department of Planning and Zoning
Zoning Administration Division
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22305

Re: Special Exception Amendment Application
American Horticultural Society

Dear Ms. McLane:

The following is submitted in justification and support of the above referenced Special Exception Amendment application.

I. Property

The subject property is identified as Tax Map Number 102-2 ((1)) 20., the entirety of which consists of 24.6937 acres (the "Subject Parcel" or the "SE Property"), as shown on the plat submitted herewith, entitled "American Horticultural Society Special Exception Plat, Mount Vernon District, Fairfax County, Virginia", prepared by Huntley Nyce and Associates, and dated October 28, 2008 as revised through February 20, 2009 (the "Plat"). The SE Property is zoned R-2.

FEB 26 2009

Zoning Evaluation Division

Page 2
February 24, 2009

II. Statement of Proposed Use

A. Description of Use

The American Horticultural Society ("Applicant" or "AHS") operates the facility known as George Washington's River Farm located at 7931 East Boulevard Drive. The River Farm is one of the remnants of the northernmost of George Washington's five farms, and now serves as the headquarters of the American Horticultural Society. This facility consists of 24.69 beautifully landscaped acres and buildings that are reminiscent of the former country estates that they once were. The land and buildings were purchased by the Applicant from the previous owner in 1971, with the agreement that the land and buildings would be kept open for the enjoyment of the American people. The Applicant has had approval of a special exception for a public benefit association since 1973. Subsequent to that first approval, the Fairfax County Board of Supervisors has approved three amendments to their special exception, to allow the expansion of their hours of operation and to host additional events. The last Special Exception Amendment, SEA 79-V-073-3, was approved to allow expanded hours and events, to permit a land exchange with a neighboring property, to construct a greenhouse and to relocate the entrance to the Property. AHS obtained a Non-Residential Use Permit ("NRUP") immediately after the approval of SEA 79-V-073-3; however, since the approval, the Horticultural Society determined it would not proceed with the construction of the greenhouse or the relocation of the site entrance. The land swap contemplated previously was completed.

In light of the decisions to not proceed with the construction of the greenhouse and relocation of the entrance, AHS requested an opinion from the County regarding the validity of the expanded hours and events. Pursuant to AHS's letter dated February 11, 2008 to that effect,

Regina Coyle, Director of Zoning Evaluation, responded that, because the construction of the greenhouse and relocation of the site entrance did not occur, SEA 79-V-073-3 had expired and a new Special Exception Amendment must be submitted for approval.

Therefore, the Applicant requests approval of an amendment to special exception in order to preserve the SE Property in its existing condition, with the events, hours of operation, and the modification to the land area to be maintained as approved pursuant to SEA 79-V-07-3.

B. Hours of Operation

The maximum hours of operation for the facility are 8:00 am to 6:00 pm Monday through Friday, and 9:00 am to 4:00 pm Saturday and Sunday. The maximum hours of operation for special events, including the house and grounds are 8:30 am to 10:00 pm Sunday through Thursday, and 8:30 am to 11:00 pm Friday and Saturday.

C. Estimated Attendance

Attendance at the facility will continue in accordance with the development conditions approved with SEA 79-V-073-3, and are as follows:

1. Outdoor special event functions directly related to the advancement of horticulture may occur four times a year during the normal hours of operation.
2. Social functions directly related to the advancement of horticulture with an attendance not to exceed 250 persons ,may be held, provided that they are concluded by 10:00 pm Sunday through Thursday, and by 11:00 pm Friday and Saturday.
3. Social functions that are non-horticultural or related events with an attendance not to exceed 50 persons, may occur between the hours of 11:00am and 2:00 pm.

4. Rental of the facility, including the house and grounds, for non-horticulture or related events with an attendance not to exceed 60 persons during normal hours of operation, may occur seven days a week.
5. The facility, including the house and grounds, may be rented for non-horticulture or related events with an attendance between 60 and 250 persons during normal operating hours on Friday, Saturday and Sunday.
6. The facility, including the house and grounds, may also be rented for non-horticulture or related events with an attendance between 250 and 500 persons, during the hours of 5:00 pm to 11:00 pm Friday, from 12:00 noon until 11:00 pm Saturday, and from 12:00 noon until 10:00 pm Sunday.
7. Two times a year the facility, including the house and grounds, may be rented to a civic or charitable organization for special event functions with a maximum attendance of 800 persons, during the normal hours of operation on Saturday or Sunday.

D. Proposed Number of Employees/Attendants

There is no change proposed to the number of employees or attendants who currently operate the facility.

E. Estimate of Traffic Impact of Proposed Use

Ingress and egress for the facility will be provided generally as shown on the Plat, with an entrance on East Boulevard. A traffic analysis prepared by Gorove Slade Associates, Inc., dated September 12, 2008, and submitted with this application, showed that on a worst-case scenario, traffic generated by the use would total approximately 135 to 145 peak hour trips

during a weekday peak hour. This trip generation is below the threshold of 250 vehicle trips per hour in the peak hour specified by VDOT for a full traffic analysis.

F. Vicinity or General Area of Proposed Use

The existing public benefit association will continue to operate in the location and manner as previously approved, in keeping with the scenic character of the area.

G. Description of Building Façade and Architecture of Proposed Building

The existing buildings and grounds will remain as shown on the Plat. A listing of the structures on the property, and their approximate dates of construction are included on the Plat as well.

H. Listing of Hazardous or Toxic Substances

There are no known hazardous or toxic substances generated, stored, treated and/or disposed of on the site. Those substances commonly used for gardening and horticultural purposes are stored and used appropriately on the Subject Parcel.

I. Statement of Conforming Use and Construction

The proposed use conforms to all applicable ordinances, regulations, and adopted standards.

J. Statement of Ownership and Applicant Interest

As previously stated, the Subject Property is owned by the American Horticultural Society.

III. Compliance with Zoning Ordinance

The Applicant respectfully submits that approval of the proposed Special Exception is consistent with, and furthers the overarching goals and intent of, the Fairfax County Zoning Ordinance. Specifically, the proposed use is consistent with the following criteria for the approval of special exceptions as set out in Section 9-006 of the Fairfax County Zoning Ordinance:

1. The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

The Fairfax County Comprehensive Plan (the "Plan") identifies the location of the SE Property within the MV-4 Wellington Community Planning Sector, of the Mount Vernon Planning District. The Land Use recommendations for Sector MV-4 (the Plan, page 132 paragraph 2,) recommend that any new development having a visual impact upon the George Washington Memorial Parkway be compatible with the historic and scenic character of the Parkway. AHS has held title to, and operated the SE Property, since 1973, and proposes to continue with the hours of operation and events granted pursuant to the approval of SEA 79-V-073-3. The grounds and structures promote and enhance the historic and scenic character of the George Washington Parkway, and continuation of the use will further support the aesthetic integrity of the Parkway.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The stated purpose of R-2 zoning district is to provide for single family detached dwellings and to allow other selected uses which are compatible with the low density residential character of the district. The continuation of the public benefit association that promotes

horticultural purposes in a scenic and historic setting complements the low density residential character of the R-2 District. The use is a unique and valuable enhancement to the fabric of the surrounding residential neighborhoods, the Potomac River, East Boulevard Drive and the George Washington Parkway.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of the buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

The use will not have any adverse impact upon the use or development of adjacent or nearby land, nor will it impair the value thereof. In fact, the continuation of the use preserves the nature and character of the surrounding neighborhoods by maintaining the grounds and buildings in a productive manner that also benefits public interest in gardening and horticultural activities.

4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

As previously stated, vehicular traffic will be controlled through the continuation of the previously approved development conditions, hours of operation, attendance and parking. Based on the traffic analysis submitted with this application, weekday peak hour trips generated by the use range between 135 to 145 vehicles per hour (vph). As such, neither the pedestrian or vehicular traffic will conflict with the existing neighborhood traffic patterns.

5. In addition to the standards which may be set forth in this Article for a particular group or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

The primary purpose of the public benefit association to promote gardening and horticultural activities. Therefore, the Applicant will continue to provide landscaping and screening in accordance with the amenities shown on the Plat

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

The public benefit association will continue to provide open space far in excess of the amount specified in the R-2 Zoning District.

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

Adequate utility and drainage will continue to be provided to the subject property in order to serve the existing use. As shown on the Plat, parking has been provided in accordance with the previous approvals.

8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

Signage shall be maintained as required by Article 12.

IV. Request for Waivers and Modifications

Due to the nature of the proposed application for a Special Exception Amendment, the Applicant requests approval of waivers or modifications to the following submission requirements:

Section 9-011 Par. 2, J Stormwater Management Graphic and Narrative

The Applicant requests a waiver of the submission requirements for stormwater management because no physical disturbance of the site is proposed. Approval of the Special Exception will not cause any change in the drainage area to the outfall and thus, necessitate review of stormwater management requirements.

Section 9-011 Par.2 M Existing Vegetation Map

Since there is no physical disturbance of the site proposed, existing vegetation will remain on the site as it does today. Therefore, the Applicant requests a waiver of the requirement to submit an existing vegetation map for the proposed Special Exception Amendment Area.

V. Other Waivers or Modifications

Articles 9 and 17 Requirement of a Site Plan for a Special Exception Use

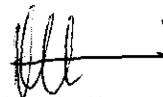
Because the proposed use will not result in any physical disturbance to the site, the Applicant requests that the requirement for provision of a site plan or minor site plan be waived.

Conclusion

AHS' continued operation of the George Washington River Farm as a public benefit association will further the aesthetic enhancement that the use provides to the Mount Vernon area, the Potomac River and the George Washington Parkway, while also providing important service and benefits to the public.

In light of the foregoing, AHS respectfully requests approval of this special exception amendment and associated waivers. Please contact me if you have any questions, or require further information.

Very truly yours,



Michelle A. Rosati
Holland & Knight LLP



FAIRFAX COUNTY

Appendix 4

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

V I R G I N I A

Telephone: 703-324-3151
FAX: 703-324-3926
TTY: 703-324-3903

January 4, 2002

Linda Hallman, President/CEO
American Horticultural Society
7931 East Boulevard Drive
Alexandria, Virginia 23308

RE: Special Exception Amendment Application
Number SEA 79-V-073-3

Dear Ms. Hallman:

At a regular meeting of the Board of Supervisors held on December 3, 2001, the Board approved Special Exception Amendment Application Number SEA 79-V-073-3 in the name of American Horticultural Society, previously approved for a public benefit association located at 7931 East Boulevard Drive, (Tax Map 102-2 ((1)) 20 and Pt. 22) to allow modification of development conditions, building addition, site modification, and the addition and deletion of land area pursuant to Section 3-204 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions. Previously approved conditions or those slightly modified are marked with an asterisk (*).

- *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 this application, as qualified by these development conditions.
- *3. A copy of this Special Exception Amendment and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

- *4. This Special Exception Amendment is granted for the buildings and uses indicated on the plat submitted with this application only. This Special Exception Amendment is granted to the American Horticultural Society (AHS) only, and is not transferable without another action by appropriate County authorities. 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 Amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled **The American Horticultural Society and prepared by Huntley, Nyce, & Associates, Ltd. which is dated May 25, 2001 and revised through October 10, 2001** and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.
- *5. Upon the issuance of a new Non-RUP for this Special Exception Amendment, the maximum hours of operation for the American Horticultural Society (AHS) shall be 8:00 am to 6:00 pm Monday through Friday, and 9:00 am to 4:00 pm Saturday and Sunday, which does not include the hours permitted for special events. The maximum hours of operation for special events of the AHS, including the house and grounds, shall be limited to 8:30 am to 10:00 pm Sunday-Thursday, and 8:30 am to 11:00 pm Friday and Saturday.
6. All vehicle parking shall occur on-site. At no time shall vehicles be parked on East Boulevard Drive. A maximum of fifteen (15) times per year, but no more than two (2) times per month, as referenced in Development Conditions 8, 9, and 12-14, vehicles may be parked on designated grassed areas of the site. At all other times, vehicles shall be parked on the paved parking surfaces, as shown on the Special Exception Amendment Plat.

Future access to the site shall occur at a new entrance on East Boulevard Drive as identified on the Special Exception Amendment Plat, which will replace the existing entrance, and said entrance shall be constructed in accordance with the improvements noted on Exhibit A, attached to these conditions. In the event that construction of said access is denied by either VDOT or the National Park Service, the existing entrance on East Boulevard Drive shall remain, and shall be modified in accordance with the improvements identified on Exhibit B, attached to these conditions.

- *7. As it applies to this Special Exception Amendment, the term "attendance" shall be interpreted to mean the total number of persons who attend any particular event from its beginning to end, not the total number of persons in attendance at any one time. A single event shall not exceed one twenty-four (24) hour time period.

- *8. Upon the issuance of a new Non-RUP for this Special Exception Amendment, the AHS shall be permitted to have outdoor special event functions, provided they are directly related to the advancement of horticulture, on a maximum of four (4) days per calendar year during the normal hours of operation, but in no event shall such functions be permitted to be located any closer to the house on Tax Map Parcel 102-1 ((1)) 22 (immediately to the south) than the main house of the American Horticultural Society. If parking overflows onto grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.
- *9. Upon the issuance of a new Non-RUP for this Special Exception Amendment, social functions which are directly related to the advancement of horticulture may be held on the property, provided total attendance at any such function does not exceed 250 persons, and provided such functions are concluded by 10:00 pm Sunday through Thursday, and by 11:00 pm Friday and Saturday. During these functions all vehicle parking shall be on paved parking surfaces. If parking overflows onto grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.
10. Upon the issuance of a new Non-RUP for this Special Exception Amendment, social functions which are non-horticulture or related events may be held on the property between the hours of 11:00 am to 2:00 pm, provided total attendance at any such function does not exceed fifty (50) persons. During these functions all vehicle parking shall be on paved parking surfaces.
- *11. The AHS shall be permitted to rent the facility, including the house and grounds, for non-horticulture or related events with a maximum attendance of sixty (60) during the normal hours of operation, seven days per week. During these events all vehicle parking shall be on paved surfaces.
- *12. Upon the issuance of a new Non-RUP for this Special Exception Amendment, the AHS shall be permitted to rent the facility, including the house and grounds, for non-horticulture or related events with attendance of between sixty (60) and two-hundred fifty (250) persons during the normal operating hours on Friday, Saturday, and Sunday as long as all vehicle parking is confined to paved parking areas. Contracts between the AHS and lessees for these events shall specify the restrictions on attendance, parking, and noise contained in these conditions. If parking overflows onto grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.

- *13. Upon the issuance of a new Non-RUP for this Special Exception Amendment, the AHS shall be permitted to rent the facility, including the house and grounds, for non-horticulture or related events with attendance between two-hundred fifty (250) and five-hundred (500) during the hours of 5:00 pm to 11:00 pm Friday, from 12:00 noon until 11:00 pm Saturday, and from 12:00 noon until 10:00 pm Sunday. Contracts between the AHS and lessees for these events shall specify the restrictions on attendance, parking, and noise contained in these conditions. If parking overflows onto grassed areas of the site, the event shall be counted as one of the fifteen (15) times per year off-pavement parking is permitted, as referenced in Development Condition 6.
- *14. The AHS shall be permitted to rent the facility, including the house and grounds, to a civic or charitable organization for two (2) special event functions per year with a maximum attendance of eight-hundred (800) persons during the normal hours of operation on Saturday or Sunday. For these events maximum attendance shall be controlled by a ticketing system which permits no more than 800 tickets to be sold for admission. Persons without tickets, with the exception of staff, shall not be admitted to the grounds during these events. Contracts between the AHS and lessees for these events shall specify the restrictions on attendance, parking, and noise contained in these conditions. During these events vehicles may be parked on designated grassy areas of the site, as referenced in Development Condition 6.
- *15. Outdoor rental events shall not occur any closer to the house located on Tax Map Parcel 102-2 ((1)) 22 than the main house of the AHS.
- *16. A minimum of two (2) hours shall be allowed between any two scheduled events to avoid any overlapping of vehicles needing to park and to reduce vehicle conflict at the site entrance and on East Boulevard Drive. No events shall be scheduled so that they overlap.
- *17. The AHS shall be permitted to prepare, serve, and/or sell food and/or beverages for only its own functions. During rental events all food and beverages shall be provided by outside caterers and all food preparation, with the exception of coffee and tea service, shall be done off-site.
- *18. Signs shall be limited to those of a colonial character and should direct traffic to the entrance of the facility.
- 19. The use of loudspeakers or electronic or amplified music during outdoor events shall not be permitted. Further, during all outdoor events, AHS shall have a representative available on the grounds who can be reached via telephone and/or pager to ensure that

this condition is enforced. The name and number for this contact person shall be provided to the Mount Vernon District Supervisor's office and to the Wellington Civic Association.

20. Clean-up after all outdoor events held on-site must be completed within one hour of the scheduled conclusion of the event, if such time is the conclusion of the hours of operation of the facility.
21. Any new outdoor lighting fixtures shall be fully shielded and directed downward and/or inward to prevent glare and light spillover onto the surrounding residential properties. Any parking lot lighting, with the exception of necessary security lighting, shall be turned off within one hour of the last scheduled evening event.
22. This Special Exception Amendment (SEA 79-V-073-3) shall be valid from the date of issuance of the Non-RUP for the expanded events and hours, which must be obtained prior to the current expiration date of SEA 79-V-073-2 in February, 2002. Relocation of the entrance as permitted by development condition number 6, construction of the greenhouse, and the land swap are not required prior to the issuance of the Non-RUP for the expanded events and hours; however, a second Non-RUP must be issued for these items, which must be established or construction commenced within thirty (30) months of the approval of this Special Exception Amendment.
23. Any violation of the conditions of this Special Exception Amendment that has not been resolved satisfactorily may be cause for revocation of this Special Exception Amendment approval by the Board pursuant to Paragraph 2 of Section 9-016.

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. Separate Non-Residential Use Permits (Non-RUPs) shall be required to implement this Special Exception Amendment approval for the expansion of the events and hours, and for construction of the proposed uses as set forth below, if such are not done simultaneously. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permits through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment shall automatically expire, without notice, at the time of expiration of the current special exception amendment in February, 2002, if the expanded events and hours have not been established by obtaining a new Non-RUP. In addition, approval for construction of the greenhouse and/or entrance drive shall expire, without notice, thirty (30) months after the date of approval of

January 4, 2002

- 6 -

this Special Exception Amendment unless those uses have been established or construction of the greenhouse and/or entrance drive 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 Amendment. 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 reaffirmed the modification of the transitional screening requirements in favor of the existing vegetation shown on the Special Exception Amendment Plat.

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning 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

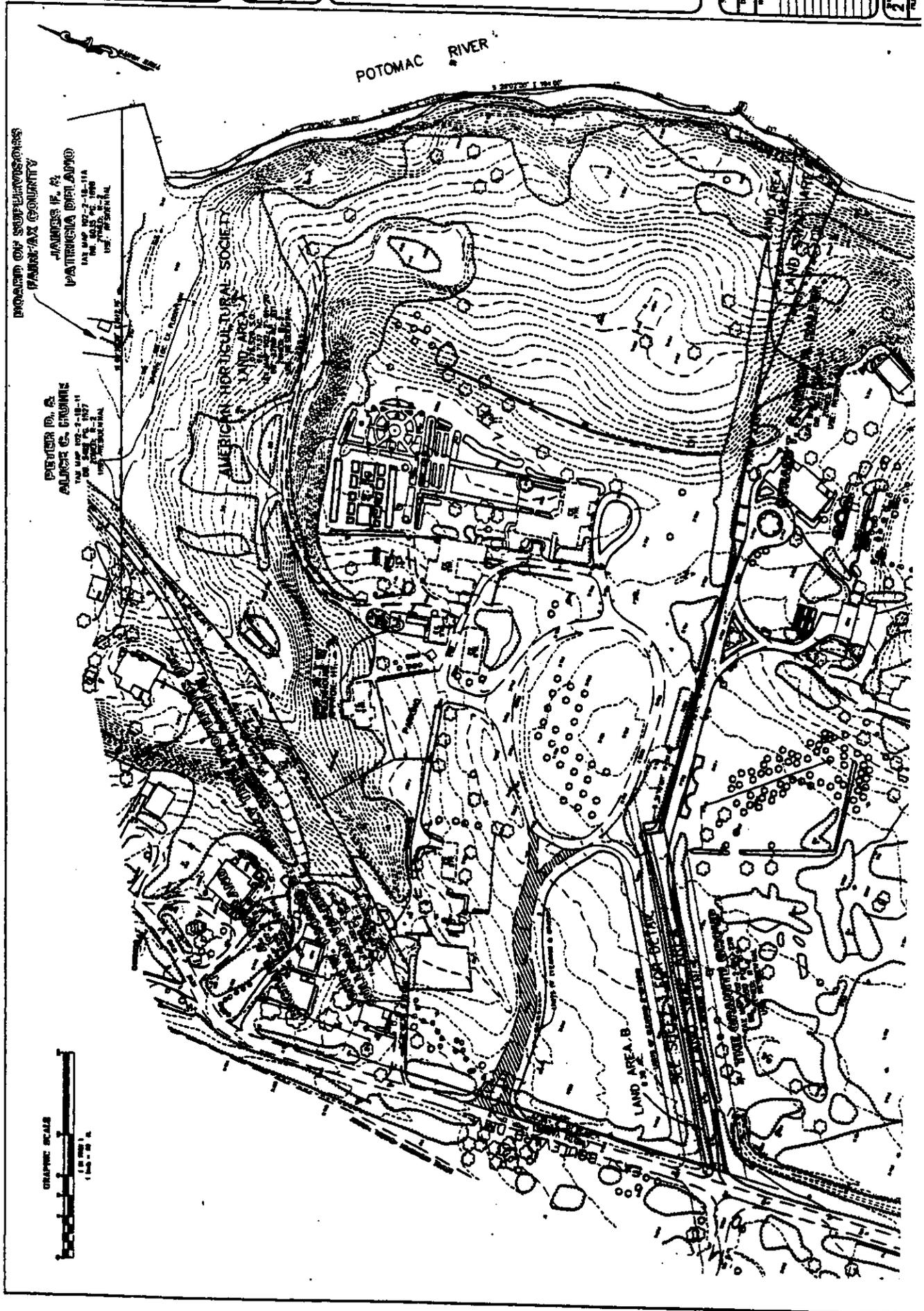
Attachments

cc: Chairman Katherine K. Hanley
Supervisor - Mount Vernon District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
John Crouch, Assistant Chief, PPRB, DPZ
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Robert Moore, Trnsprt'n. Planning Div., Department of Transportation
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES - Bonds & Agreements
Department of Highways, VDOT
Land Acq. & Planning Div., Park Authority
District Planning Commissioner

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
JAN 10 2002
ZONING EVALUATION DIVISION



DATE	
SCALE	
PROJECT	
NO.	
BY	
CHECKED BY	
APPROVED BY	



BOARD OF SUPERVISORS
FARMLEY COUNTY
JAMES W. R.
PATRICIA BRADY
TAX MAP 107-2-18-11
NO. 107-2-18-11
APPROVED BY THE BOARD OF SUPERVISORS

PETER D. G.
ALICE C. GUNN
TAX MAP 107-2-18-11
NO. 107-2-18-11
APPROVED BY THE BOARD OF SUPERVISORS

GRAPHIC SCALE
100 FEET
1:50,000

POTOMAC RIVER

AMERICAN HORTICULTURAL SOCIETY
LAND AREA A

LAND AREA B
LAND AREA C

BOYLE ROAD

THE GRANITE BRIDGE
POINT VENICE DISTRICT



County of Fairfax, Virginia

Appendix 5

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

May 2, 2008

Brian J. Winterhalter
Cooley Godward Kronish LLP
11951 Freedom Drive
Reston, Virginia 20190-5656

Re: Interpretation for SEA 79-V-073-3, American Horticultural Society,
Tax Map 102-2 ((1)) 20, 22: Expiration of Special Exception

Dear Mr. Winterhalter:

This is in response to your letter of February 13, 2008 (attached), requesting an interpretation of the Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors in conjunction with SEA 79-V-073-3. As I understand it, the question is whether the Special Exception Amendment is still valid for the expanded hours and events for the previously approved public benefit association. This determination is based on your letter of February 13, 2008.

SEA 79-V-073-3 was approved by the Board of Supervisors on December 3, 2001, to permit modification of the development conditions, building addition, site modification, and the addition and deletion of land area, for a previously approved public benefit association. The timing of these improvements included the allowance for immediate issuance of a Non-RUP for the expanded hours and events, and the issuance of a subsequent Non-RUP for the proposed site modifications and land swap.

Development Condition #22 states:

“This Special Exception Amendment (SEA 79-V-073-3) shall be valid from the date of issuance of the Non-RUP for the expanded events and hours, which must be obtained prior to the current expiration date of SEA 79-V-073-2 in February, 2002. Relocation of the entrance as permitted by development condition number 6, construction of the greenhouse, and the land swap are not required prior to the issuance of the Non-RUP for the expanded events and hours; however, a second Non-RUP must be issued for these items, which must be established or construction commenced within thirty (30) months of the approval of this SEA.”

Development Condition #6 states, in part:

“Future access to the site shall occur at a new entrance on East Boulevard Drive as identified on the SEA Plat, which will replace the existing entrance, and said entrance shall be constructed in accordance with the improvements noted on Exhibit A, attached to these conditions. In the event that construction of said access is denied by either VDOT or the National Park Service, the existing entrance on East Boulevard shall remain, and shall be modified in accordance with the improvements identified on Exhibit B, attached to these conditions.”

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/

Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Mr. Brian J. Winterhalter
Page 2

A Non-RUP was issued immediately after approval of SEA 79-V-073-3, on December 4, 2001. Therefore, it is my determination that SEA 79-V-073-3 is valid. However, a subsequent Non-RUP has not been issued for the relocation of the entrance, construction of the greenhouse, or land swap, which have not been constructed or established. Therefore, it is my determination that violations of Development Condition #22 and Development Condition #6 exist and are cause for the revocation of this SE by the Board of Supervisors. Par. 2 of Sect. 9-016 of the Zoning Ordinance states:

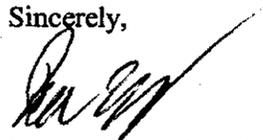
“A special exception shall be revocable by the Board at any time because of the failure of the owner or operator of the use covered by the special exception to comply with the terms or conditions of the special exception. Before revoking any special exception, the Board shall conduct a public hearing and provide notice in accordance with the provisions of Sect. 18-110. The Board or its agent shall give the holder of the special exception at least twenty (20) days advance written notice of the hearing date either by certified mail, return receipt requested, or by hand delivery, and the notice shall contain:

- A. The grounds for the proposed revocation of the special exception; and
- B. The date, time and place of the public hearing.”

Therefore, it is my determination that compliance with the Development Conditions 6 and 22 approved in conjunction with SEA 79-V-073-3 is required, or the SEA is subject to revocation by the Board of Supervisors. If SEA 79-V-073-3 were revoked by the Board of Supervisors, approval of a new Special Exception by the Board of Supervisors would be required to continue operation as a public benefit association. These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Cathy Belgin at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division

RCC/O:\CBELGIN\SEA 79-V-073-3 AHS.DOC

Attachments: A/S

cc: Gerald W. Hyland, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SEA 79-V-073-3, SEI 0802 006, Imaging, Reading File

BRIAN J. WINTERHALTER
(703) 456-8168
bwinterhalter@cooley.com

February 13, 2008

Ms. Regina Coyle
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway
Fairfax, Virginia 22035

RECEIVED
Department of Planning & Zoning
FEB 14 2008
Zoning Evaluation Division

**RE: Special Exception Amendment SEA 79-V-073-3
American Horticultural Society
Tax Map 102-2 ((1)) 20 and 22**

Dear Ms. Coyle:

On behalf of the American Horticultural Society ("AHS"), I am writing to request a response to the enclosed letter to Eileen McLane of the Zoning Administration Division dated November 5, 2007. I also request your confirmation of the status of Special Exception Amendment SEA 79-V-073-3 with respect to the above-referenced property (the "Property"). A copy of the applicable Tax Map with the Property outlined and a copy of the development conditions associated with SEA 79-V-073-3 (the "Development Conditions") are also enclosed with this request.

In 1973, the Fairfax County Board of Supervisors approved Special Exception SE 79-V-073 to allow the operation of a public benefit association (AHS) on the Property. Since that time, the Board of Supervisors has approved three special exception amendments for the Property. The amendments modified the development conditions to allow AHS to operate with expanded hours and host additional events. The most recent special exception amendment, SEA 79-V-073-3, included approval of expanded hours and events, a land exchange, a greenhouse, and relocation of the entrance for the Property.

Based on the Development Conditions, SEA 79-V-073-3 became valid upon Fairfax County's issuance of a Non-Residential Use Permit ("Non-RUP") to AHS on December 4, 2001 for the operation of a public benefit association on the Property. Condition #22 states that SEA 79-V-073-3 "shall be valid from the date of issuance of the Non-RUP for the expanded events and hours." As a result, SEA 79-V-073-3 became valid upon Fairfax County's issuance of a Non-RUP for the operation of a public benefit association regardless of whether AHS subsequently obtained a Non-RUP for the land exchange, relocation of the site entrance, and construction of the greenhouse.

It is our understanding that AHS has not obtained a Non-RUP for the land exchange, relocation of the site entrance, or construction of the greenhouse; however, expiration of the approval for these items does not affect AHS's approval to operate a public benefit association on the Property or to operate such public benefit association during expanded hours. The Development Conditions state that "approval for construction of the greenhouse and/or entrance

Ms. Regina Coyle
February 13, 2008
Page Two

drive shall expire, without notice, thirty (30) months after the date of approval of [SEA 79-V-073-3] unless those uses have been established or construction of the greenhouse and/or entrance drive has commenced and been diligently prosecuted." It is our understanding that approval for the entrance drive relocation, greenhouse, and land exchange expired because AHS did not obtain a Non-RUP for these items prior to June 3, 2006.

Under the terms of the Development Conditions, AHS's operation of a public benefit association and during expanded hours became valid separately from the land exchange, entrance drive relocation, and greenhouse. The Development Conditions state that SEA 79-V-073-3 "shall automatically expire, without notice, at the time of expiration of the current special exception amendment in February, 2002, if the expanded events and hours have not been established by obtaining a new Non-RUP." As discussed above, AHS obtained a Non-RUP for the expanded events and hours well before the February 2002 deadline, and therefore, SEA 79-V-073-3 remains valid under the Development Conditions.

We respectfully request your confirmation that the Property remains subject to SEA 79-V-073-3 and the Development Conditions, with the exception that approval for the land exchange, relocation of the entrance drive, and the greenhouse has expired. We request your further confirmation that the operation of AHS as a public benefit association on the Property and during expanded hours is in conformance with the Development Conditions.

Please contact me at 703-456-8168 if you have any questions or need any additional information. We thank you in advance for your time and attention to this matter.

Best regards,



Brian J. Winterhalter

Enclosures

cc: Gerald Hyland, Mount Vernon District Supervisor
Trish Gibson, American Horticultural Society
Andy Pace, Akridge Development
David Tuchmann, Akridge Development
Antonio J. Calabrese, Cooley Godward Kronish LLP
Colleen Gillis Snow, Cooley Godward Kronish LLP

349417 v2/RE



County of Fairfax, Virginia

Appendix 6

MEMORANDUM

DATE: April 2, 2009

TO: Regina Coyle
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver: *AKR by CAA*
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 79-V-073)

SUBJECT: Transportation Impact

REFERENCE: SEA 79-V-073-4; American Horticultural Society
Traffic Zone: 1559
Land Identification Map: 102-2 ((1)) 20

Transmitted herewith are the comments from the Department of Transportation with respect to the referenced application. These comments are based on plats made available to this office dated October 28, 2008, and revised through February 3, 2009. The applicant wishes to amend SE 79-V-073 previously approved for a public benefit association to permit modification of development conditions.

This department has no transportation issues with this application.

AKR/LAH/lah

cc: Michelle Brickner, Director, Office of Site Development Services, DPW&ES



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

DAVID S. EKERN, P.E.
COMMISSIONER

April 28, 2009

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: SEA 79-V-073-04, American Horticultural Society
Tax Map No.: 102-2 /01/ /0020

Dear Ms. Coyle,

This office has reviewed the special exception plat relative to special exception amendment application 79-V-073-04 and offers the following comment.

The entrance along East Boulevard Drive should be designed and constructed in accordance with VDOT's *Minimum Standards of Entrances to State Highways*.

For additional information please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Noreen H. Maloney".

Noreen H. Maloney
Transportation Engineer

cc: Ms. A. Rodeheaver



County of Fairfax, Virginia

MEMORANDUM

DATE: April 6, 2009

TO: Regina Coyle, Chief
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer *BF*
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Plat Analysis Application #SEA 79-V-073-04, American Horticultural Society, Plat dated February 3, 2009, LDS Project #2335-ZONA-001-1, Tax Map #102-2-01-20, Mount Vernon District

We have reviewed the subject application and offer the following comments:

Chesapeake Bay Preservation Ordinance (CBPO)

There is Resource Protection Area (RPA) on this site. The notes on the first page of the plat indicate that the RPA is delineated on the plat. The RPA boundary is not delineated on the plat.

The notes on the first page of the plat state a water quality waiver will be submitted; the notes also state no water quality facilities are required. These two notes are inconsistent.

Floodplain

There are regulated floodplains on the property. The floodplain limit is delineated on the plat.

Downstream Drainage Complaints

There are no downstream drainage complaints on file.

Stormwater Detention

The notes on the plat state that stormwater detention is not required; the notes also state that a stormwater management waiver will be submitted. These two notes are inconsistent.

Site Outfall

The notes on the plat state that the existing drainage outfall facilities will remain stable and non-erosive. A search of the county records shows that the last time adequate stormwater conveyance was calculated for this site was in 1980.

Please contact me at 703-324-1720 if you have any questions or require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359





County of Fairfax, Virginia

MEMORANDUM

DATE: April 10, 2009

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning & Zoning

FROM: Lana Tran (Tel: 703 324-5008)
Wastewater Planning & Monitoring Division
Department of Public Works & Environmental Services

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. SEA79-V-073-04
Tax Map No. 102-2-/01/ /0020

The proposed application has no impact on the sanitary sewer system. Please contact me at the number above if you have any questions or comments.

Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035-0052
Phone: 703-324-5030, Fax: 703-324-3946



9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.

3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.

4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

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.

Ldn: 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. Ldn 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		