

**TOWN OF HERNDON, VIRGINIA
PUBLIC HEARING AGENDA
HERNDON COUNCIL CHAMBERS BUILDING
765 LYNN STREET
MARCH 26, 2019
7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance to the Flag of the United States of America

PRESENTATIONS

3. Proclamation, to recognize "Vietnam Veterans Day," March 29, 2019
4. Proclamation, to recognize the 40th Anniversary of the Herndon Community Center, March 25, 2019
5. Proclamation, to recognize "National Volunteer Week," April 7 – April 13, 2019
6. Proclamation, to recognize "Local Government Education Week," April 1 – April 7, 2019
7. Proclamation, to recognize "Earth Day/Arbor Day," March 31, 2019

COMMENTS

8. Comments from the Town Manager
9. Comments from the Town Council
10. Comments from the Audience

PUBLIC HEARINGS

11. Ordinance 19-O-06, to grant a first franchise amendment to Level 3 Communications of Virginia, Inc., for a route expansion for three conduit lines
12. Ordinance 19-O-07, to adopt Development Plan DP #17-01, an application for a Herndon Transit-Oriented Core (HTOC) Development Plan with proffered conditions to allow a mixed-use development located at 555 Herndon Parkway. Owner: 555 Herndon LLC; Representative: Frank J. Poli, Senior Vice President, Penzance Management, LLC; Agent: Kenneth W. Wire, Esq. Wire Gill, LLP.
13. Ordinance 19-O-08, to amend Chapter 63 (SOLID WASTE), Sections 63-2, 63-4, 63-5, 63-8, and 63-9 of the Herndon Town Code, regarding definitions, general requirements and responsibilities of owners, residential collection times and placement, schedule of fees for recyclables, special collection, and violations

14. Resolution 19-G-28, to consider Special Exception SE #19-03, 281 Sunset Park Drive, to allow a fitness facility; Applicant: Kavitha Maddi & Yogender Rakasi; Business Entity: Koko FitClub Herndon; Property Owner: Skyvish Square, LLC.

GENERAL

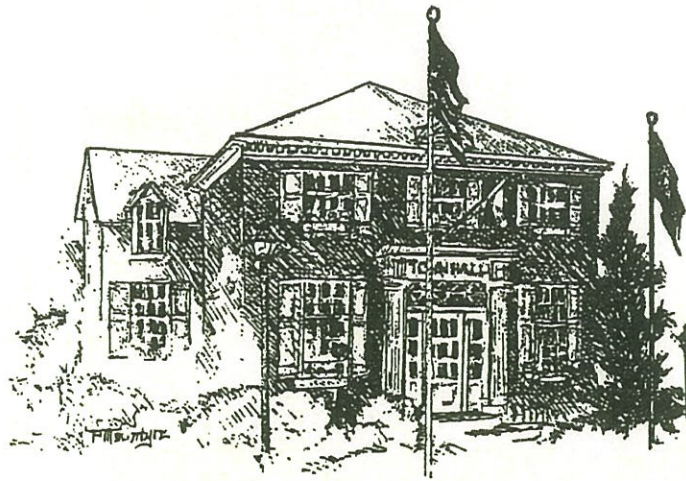
15. Resolution 19-G-29, to amend the Parks and Recreation Fees - Special Facilities Use and Facility Rental Fees

CONSENT AGENDA

16. Resolution 19-G-30, to consider authorization to submit Creative Communities Partnership Grant to the Virginia Commission for the Arts (formerly the Local Government Challenge Grant)

Future Town Council Meetings

April 2, 2019	Town Council Work Session	7:00 p.m.
April 9, 2019	Town Council Public Hearing	7:00 p.m.
April 16, 2019	Town Council Work Session	7:00 p.m.
April 23, 2019	Town Council Public Hearing	7:00 p.m.



**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
VIETNAM VETERANS DAY
MARCH 29, 2019**

The Vietnam War began on January 12, 1962 with "Operation Chopper" near Saigon and the last American troops left Vietnam on March 29, 1973. Through more than a decade of difficult conflict, the dedication and service of our men and women in uniform stood true. These brave patriots faced the line of fire; cast themselves into harm's way to save a friend; and fought hour after hour, day after day, to preserve the liberties we hold dear. The Vietnam War is a story of service members from different backgrounds, races, and creeds ~ from all across the country ~ who came together to complete a daunting mission and to serve the country they loved. During this conflict, more than 58,000 brave soldiers laid down their lives in service to our nation.

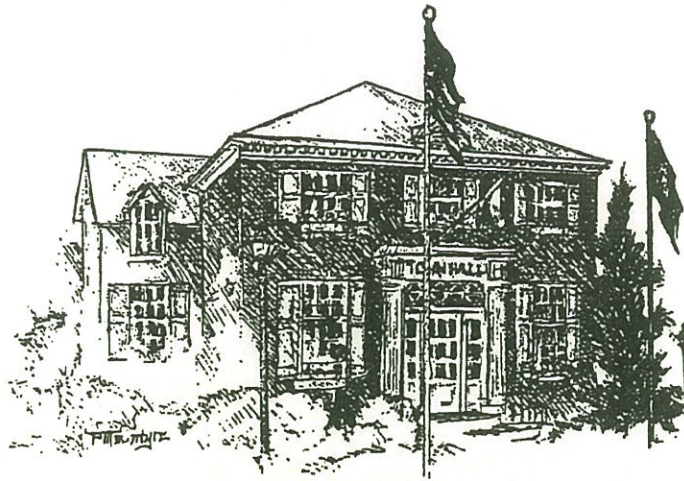
Eleven years of combat left an imprint on a generation. Thousands of soldiers returned home bearing battle wounds; however, still more were burdened by the invisible wounds of post-traumatic stress; Agent Orange; and memories that would never fade. Yet, in one of the war's most profound tragedies, many of these men and women came home to be shunned or neglected, to face treatment unbefitting their courage and a welcome unworthy of their example. This must never happen again.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, proclaim March 29, 2019, as **Vietnam Veterans Day** in the Town of Herndon; pay tribute to the fallen, the missing, the wounded, the millions who served, and those who anxiously awaited their return; and reaffirm one of our most fundamental obligations ~ to show all who have worn the uniform of the United States the respect and dignity they deserve.

Further, the Mayor and the Town Council of the Town of Herndon, Virginia, call on all citizens to observe **Vietnam Veterans Day** with appropriate programs, ceremonies, and activities, and encourage the display of the flag of the United States of America ~ to honor our nation's courageous veterans.



Lisa C. Merkel, Mayor
March 26, 2019



TOWN OF HERNDON, VIRGINIA
PROCLAMATION
40TH ANNIVERSARY
THE HERNDON COMMUNITY CENTER
MARCH 25, 2019

The Mayor and Town Council of the Town of Herndon, Virginia, hereby honor and celebrate the **40th Anniversary of the Herndon Community Center**; highlight the flagship facility for the Town of Herndon's Department of Parks and Recreation, which opened in 1979; express our appreciation to the staff and volunteers at the Herndon Community Center ~ who maintain this community facility, provide outstanding customer service seven days a week, produce programs for all ages, encourage outdoor activity, educate citizens on behaviors and practices that support a healthy lifestyle, and collaborate with community groups to enhance and provide recreation programs, events and services at the Herndon Community Center ~ which bring all citizens together and generate a sense of community, preserve our town's heritage and sense of place, and enhance our quality of life.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby congratulate the Department of Parks and Recreation ~ a nationally-accredited comprehensive parks and recreation system ~ on 40 years of excellence; and promote the Herndon Community Center's diverse and accessible amenities and programs, which fulfill the physical, psychological and social needs of our entire community, helping to promote overall wellness and a healthier Herndon.


Sheila A. Olem, Vice Mayor

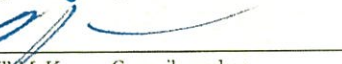

Jennifer K. Baker, Councilmember


Cesar del Aguila, Councilmember

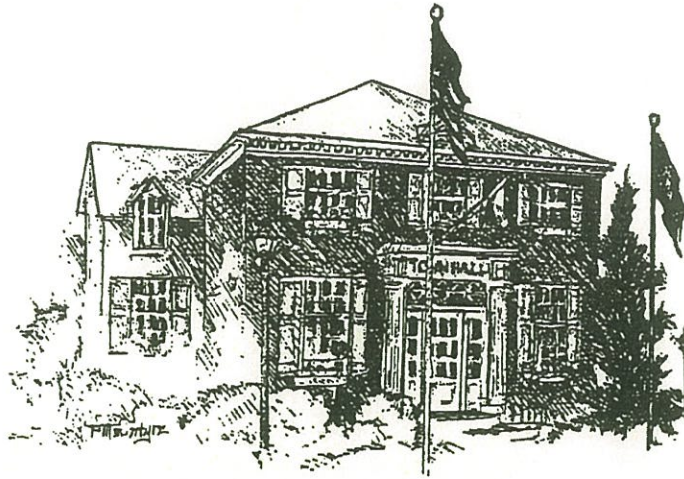

Lisa C. Merkel, Mayor


Pradip Bhakal, Councilmember


Signe Friedrichs, Councilmember


Bill McKenna, Councilmember





**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
NATIONAL VOLUNTEER WEEK
APRIL 7-APRIL 13, 2019**

President Richard Nixon established **National Volunteer Week** by executive order in 1974 as a way to recognize and celebrate the efforts of volunteers. Now in its 45th year, **National Volunteer Week** has grown exponentially, with thousands of volunteer projects and special events scheduled throughout the country. Together with the theme ~ Celebrate Service ~ **National Volunteer Week** aims to inspire, recognize and encourage citizens to join together and seek out creative ways to serve their communities. During this important week, we celebrate the impact of volunteer service and the power of changemakers to come together to tackle tough challenges, and build stronger, more vibrant communities.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim the week of April 7 through April 13, 2019, as **National Volunteer Week** in the Town of Herndon; and promote the opportunity to honor the many volunteers who engage in the Herndon community ~ selflessly dedicating themselves to the service of helping others.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby encourage all individuals to take action by supporting volunteer programs that benefit Herndon residents of all ages, including the fields of health, history, recreation, safety, social services, sports, the arts, and the environment.

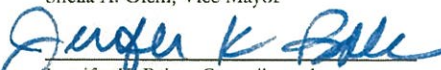
Further, the Mayor and Town Council of the Town of Herndon, Virginia, are keenly aware of and appreciate the dedication and contributions that Herndon's many volunteers ~ past and present ~ make toward improving our quality of life and making Herndon a special place to live, work and recreate; and for the 35th consecutive year, the town looks forward to honoring Herndon's outstanding and distinguished individual and corporate volunteers at the Mayor's Volunteer Appreciation Reception on Sunday, April 7, 2019.



Sheila A. Olem, Vice Mayor



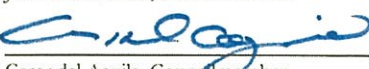
Pradip Dhakal, Councilmember



Jennifer K. Baker, Councilmember



Signe Friedrichs, Councilmember



Cesar del Aguila, Councilmember



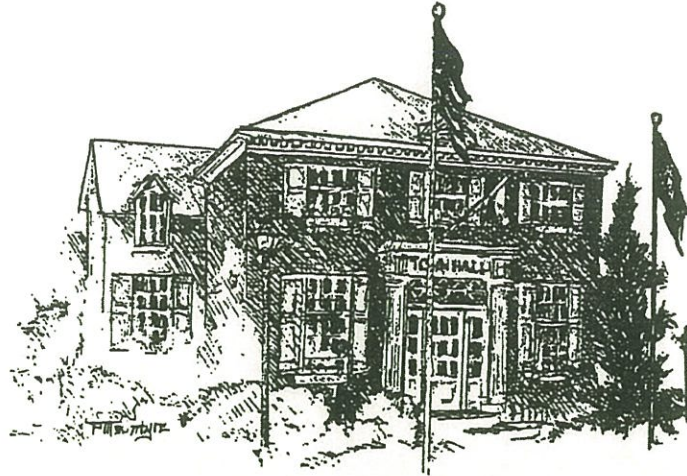
Bill McKenna, Councilmember



Lisa C. Merkel, Mayor



Proclaimed by the Herndon Town Council March 26, 2019.



TOWN OF HERNDON, VIRGINIA
PROCLAMATION
LOCAL GOVERNMENT EDUCATION WEEK
APRIL 1 - APRIL 7, 2019

On February 29, 2012, the Virginia General Assembly designated the first week of April as **Local Government Education Week** throughout the Commonwealth of Virginia. This week was selected because on April 2, 1908, the Council-Manager form of government was created in the City of Staunton, Virginia. During **Local Government Education Week**, municipalities throughout the Commonwealth are recognized for the valuable services provided to the residents and communities they serve.

Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, proclaim the week of April 1 – April 7, 2019, as **Local Government Education Week** in the Town of Herndon; express appreciation to the town staff for the vital role they play in educating our community through initiatives, such as ~ youth and citizen police academies; National Night Out; participation in local school activities; providing internship opportunities to students; promoting career opportunities at the town; safety, building and home maintenance workshops; enforcement of state and local laws; and community meetings on matters of importance to our citizens.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, express gratitude to the town staff for their dedication to our residents; recognize that citizen services ~ including law enforcement, public health and safety, recreation, and educating local children ~ are best delivered at the local level; and encourage increased civic education and engagement to strengthen our sense of community throughout Herndon, both during **Local Government Education Week** and throughout the year.

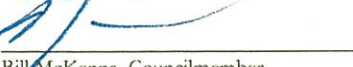

Sheila A. Olem, Vice Mayor


Pradip Dhakal, Councilmember


Jennifer K. Baker, Councilmember


Signe Friedrichs, Councilmember


Cesar del Aguila, Councilmember

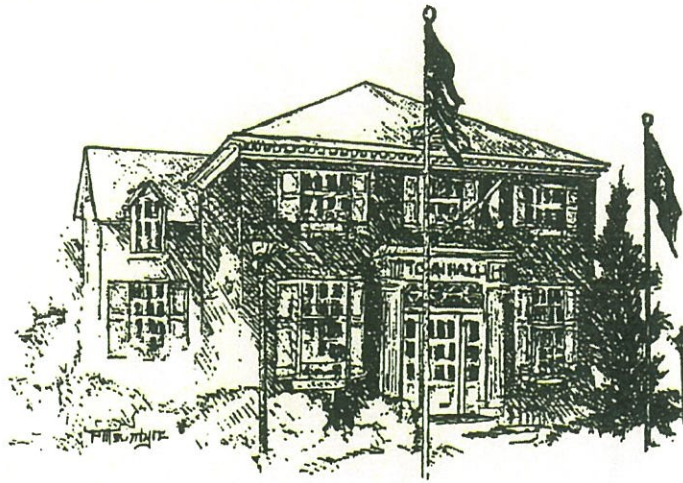

Bill McKenna, Councilmember


Lisa C. Merkel, Mayor



Proclaimed by the Herndon Town Council March 26, 2019.

Please visit the Town of Herndon's website at www.herndon-va.gov, to learn more about government in the Town of Herndon and our commitment to educating and serving the community.



**TOWN OF HERNDON, VIRGINIA
PROCLAMATION
EARTH DAY/ARBOR DAY
MARCH 31, 2019**

Celebrated each year since 1970, when likeminded groups of Americans brought environmental protection to the forefront, "Earth Day" supports environmental programs, rekindles public commitment, and builds community activism. This year's theme, "Protect Our Species," highlights the issue of protecting threatened and endangered species ~ emphasizing the value of all living things and their unique roles in the earth's ecosystems. "Arbor Day" started in 1872, when J. Sterling Morton called on farmers and homesteaders to replenish the tree population. By observing "Arbor Day," we emphasize the importance of beautifying our town through landscaping and trees, as we serve as the trustees for future generations.

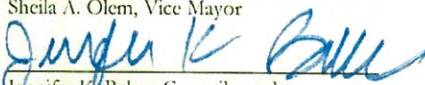
Therefore, the Mayor and Town Council of the Town of Herndon, Virginia, hereby proclaim March 31, 2019, as **Earth Day/Arbor Day** in the Town of Herndon; encourage community enhancement projects; and recognize all the dedicated volunteers that helped with tree and shrub planting, litter cleanup, and other environmental work efforts; and highlight that the town was designated a "Tree City USA" by the Arbor Day Foundation for the 30th year in a row.

Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby encourage all residents to participate in **Earth Day/Arbor Day** activities all year long, and especially on the town's official Earth Day/Arbor Day on Sunday, March 31.

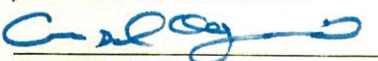
Further, the Mayor and Town Council of the Town of Herndon, Virginia, hereby encourage all individuals, businesses, civic and service associations, to recycle, celebrate nature, and support efforts promoting awareness of the value of trees and our environment.



Sheila A. Olem, Vice Mayor



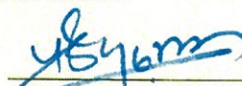
Jennifer K. Baker, Councilmember



Cesar del Aguila, Councilmember



Lisa C. Merkel, Mayor



Pradip Dhalak, Councilmember



Signe Friedrichs, Councilmember



Bill McKenna, Councilmember



TOWN OF HERNDON, VIRGINIA

ORDINANCE

MARCH 26, 2019

Ordinance- to grant a first franchise amendment to Level 3 Communications of Virginia, Inc., for a route expansion for three conduit lines.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

1. The Town Council approves this First Amendment to the Franchise Agreement dated August 4, 2015.
2. This instrument allows for a route expansion of 68 linear feet for three conduit lines from the inner loop of the Herndon Parkway to the Right of way line at 365 Herndon Parkway (As reflected on Exhibit A)
3. Exhibit A dated March 26, 2019, attached hereto, replaces any previous exhibit(s).
4. In all other respects, the original franchise remains in effect.
5. The Mayor is authorized to sign and deliver the franchise and any ancillary instruments necessary to effectuate the franchise.
6. This ordinance shall be in effect on and after the date of its adoption.

FIRST FRANCHISE AMENDMENT

THIS FIRST AMENDMENT dated for identification this 26th day of March 2019 is hereby made to the Franchise Agreement dated August 4th 2015, by and between the TOWN OF HERNDON, a Virginia municipal corporation (the "Town") and LEVEL 3 COMMUNICATIONS OF VIRGINIA, INC, a Virginia corporation, on behalf of itself and its Affiliates who are parties to the Affiliate Franchise Agreements ("Franchisee").

WHEREAS, WilTel Communications of Virginia, Inc. ("WilTel") entered a Franchise Agreement with the Town dated August 13, 2004; and

WHEREAS, Looking Glass Networks of Virginia, Inc. ("LGN") entered into a Franchise Agreement with the Town dated December 1, 2005; and

WHEREAS, TW Telecom of Virginia LLC (formerly known as Time Warner Telecom of Virginia, LLC, formerly known as Xspedius Management Co. of Virginia, LLC) ("TW") dated November 10, 2003, as amended on October 22, 2007 and April 23, 2013; and

WHEREAS, Level 3 Communications, LLC ("Level 3") entered into a Franchise Agreement with the Town dated March 25, 2005; and

WHEREAS, Level 3 Communications of Virginia, Inc consolidated affiliates, WilTel, LGN, and TW and respective agreements with the town in agreement dated August 4, 2015, as approved by Ordinance 15-O-27, expiring on August 4, 2025.

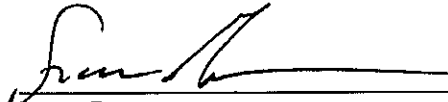
NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:.

1. Subject to all the terms and conditions contained in the Agreement, the route is hereby amended to reflect a route expansion of 68 linear feet for 3 conduit lines. (As reflected in Exhibit A)
2. Exhibit A dated March 26, 2019, attached hereto, replaces any previous exhibit(s).
3. Except as specifically amended or modified herein, the terms and conditions of the Agreement will remain in full force and effect through the term.

[Signatures on following page]

LEVEL 3 COMMUNICATIONS OF VIRGINIA, INC

By:


Sean Gerson
Senior Manager

TOWN OF HERNDON, VIRGINIA

By:

Lisa C. Merkel
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Lesa J. Yeatts
Town Attorney

Exhibit A – March 26, 2019



CenturyLink Trade Secret
CONFIDENTIAL USE ONLY -- Disclose and distribute only to CenturyLink and Town of Herndon, Virginia employees and authorized persons working on behalf of CenturyLink and Town of Herndon, Virginia having a legitimate business need to know. Disclosure and distribution is prohibited without authorization.

The following diagram depicts a proposed route configuration and while reasonably believed to be final may be subject to modifications before construction. The final route will be determined based on fiber availability and construction obligations, including but not limited to permitting and other requirements. CenturyLink does not represent or warrant the accuracy of the fiber route and has not made physical verification. This map depicts the vicinity of the route based on our inventory records.

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— Proposed New Build
— Existing Routes



MEMORANDUM

To: William H. Ashton II, Town Manager

From: Bryce A. Perry, Deputy Director of Community Development 
Elizabeth M. Gilleran, Director of Community Development 

Date: March 21, 2019

Subject: Development Plan Application, DP#17-01, 555 Herndon Parkway

This memo serves as an addendum to the Town Council staff report, dated March 19, 2019, which was considered by the Town Council in its review of the above referenced case at its March 19, 2019 work session. The applicant has since submitted revised application materials to address the remaining items identified by staff that required more information and clarification.

Application Update:

A revised signed Proffer Statement (included in draft ordinance as Attachment #1) has been submitted that includes language addressing the design of the pedestrian passages. The new proffer is on page 4 of the statement. Staff believes the new language will help ensure that the passages are designed to create a comfortable and inviting environment for pedestrians.

A revised Traffic Impact Analysis and revised Transportation Demand Management Plan (Attachment #2) have been submitted. As revised, these documents address the additional information and request for clarification requested by staff and the town's traffic consultant. In the Traffic Impact Analysis, additional modeling was conducted to refine some of the vehicle queuing calculations. In the Transportation Demand Management Plan, the applicant included additional information regarding program outreach and awareness and refined the process for issuing reports to the Town on the program progress.

Updated Staff Recommendation:

Staff is recommending approval of this application, DP#17-01, in accordance with the attached ordinance (Attachment #1).

Attachments:

1. Draft Ordinance (including signed Proffer Statement and Metes and Bounds Description)
2. Revised Transportation Demand Management Plan

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MARCH 26, 2019

Ordinance- to adopt Herndon Transit-Oriented Core (HTOC) Development Plan DP #17-01. To amend the zoning of the property located at 555 Herndon Parkway identified as Fairfax County Tax Map Reference Number 0164-10-0002C to allow a mixed-use development at a 4.3 FAR. The subject parcel contains an area of 4.3439 acres, and is zoned PD-TOC, Planned Development – Transit-Oriented Core. It is designated in the Town of Herndon 2030 Comprehensive Plan as Regional Corridor Mixed Use.

In adopting this Ordinance, the Town Council has considered the factors set out in 15.2-2284, Code of Virginia (1950) as amended.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

A. The zoning of the property described below, lying in the Town of Herndon, Fairfax County, Virginia, is amended to allow the mixed use redevelopment at a 4.3 FAR as proposed in the Penzance/Christopher Consultants/DCS Design/Wire Gill Development Plan dated March 14, 2019 and the Proffer Statement dated March 20, 2019 for DP#17-01 and in accordance with the Section 78-50.8 of the Town of Herndon Zoning Ordinance.

The property is shown on the above referenced Development Plan and described in the land records of Fairfax County in Deed Book 23971 page 0001. The property is further described in the metes and bounds dated November 25, 2015 included as an attachment to this ordinance. Total land area of the property is 4.3439 acres (189,220 square feet).

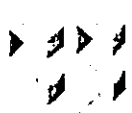
B. This rezoning shall be governed by this ordinance, the Town of Herndon Zoning Ordinance, the above referenced Proffer Statement for DP#17-01 and the above referenced Development Plan for DP#17-01. The Proffer Statement is included as an attachment to this ordinance. This rezoning is consistent with the 2030 Comprehensive Plan of the Town of Herndon and the incorporated Herndon Metro Station Area Study and Herndon Transit-Oriented Core Plan adopted February 28, 2012. It is generally compliant with the Urban Design and Architectural Guidelines for the Herndon Transit-Oriented Core adopted November 26, 2013.

C. The Town Council approves the following modification to the zoning regulations, as allowed under Section 78-50.2(d):

A modification to Section 78-50.8(g)(4)(a) *Dimensional Standards* to allow tower separation for buildings over 80 feet in height be reduced from 65 feet to not less than 55 feet.

D. As to the modification set out in item C. above, the Town Council finds that such modification will afford equal or greater assurance of meeting the goals of the zoning ordinance, Town of Herndon, Virginia, as set out in the preamble of that ordinance and the goals of the statement of intent of the PD-TOC Planned Development – Transit-Oriented Core zoning district.

E. This ordinance shall be effective on and after its adoption.



**christopher
consultants**

**DESCRIPTION OF PARCEL 2C
PARKWAY TRADE CENTER
TOWN OF HERNDON
FAIRFAX COUNTY, VA
NOVEMBER 25, 2015**

BEGINNING at a point on the southerly right of way line of Herndon Parkway State Route #924, said point being the northeast corner of Lot 6 Parkway Trade center and the northwest corner of the property herein described;

Thence with the southerly line of Herndon Parkway S 79°09'53" E a distance of 238.40 feet to a point of curvature;

Thence with a curve turning to the left with an arc length of 138.18 feet, with a radius of 840.00 feet, with a chord bearing of S 83°52'38" E, with a chord length of 138.02 feet, with a delta angle of 9°25'30" to a point;

Thence departing the southerly right of way line of Herndon Parkway and running with the westerly line of Lot 3 Parkway Trade Center S 03°17'45" E a distance of 405.22 feet to a point on the northerly line of the Dulles Toll Road Route #267;

Thence with the northerly line of the Dulles Toll Road with a curve turning to the right with an arc length of 486.05 feet, with a radius of 7439.44 feet, with a chord bearing of S 88°34'33" W, with a chord length of 485.97 feet, with a delta angle of 3°44'36" to a point;

Thence departing the northerly line of the Dulles Toll Road and running with the easterly line of Lot 6 Parkway Trade Center N 10°50'07" E a distance of 484.81 feet to the point of beginning.

Containing an area of 189,218 square feet or 4.3439 acres.

PROFFER STATEMENT

555 Herndon Parkway

March 20, 2019

Pursuant to Section 15.2-2303 of the Code of Virginia (1950, as amended) and Section 78-50.8 of the Town of Herndon Zoning Ordinance, as amended (the "Zoning Ordinance"), the undersigned, for themselves and their successors and/or assigns (referred to hereafter, both collectively and, where appropriate, individually, as the "Applicant"), hereby proffers that the development (the "Development") of the parcels that are the subject of this application, which are shown on the Fairfax County 2015 Tax Map as parcels 16-4(10))2C (the "Property") shall be in substantial conformance with the conditions set forth below (the "Proffers") if and only if Development Plan #17-01 ("Development Plan") is approved.

1. DEVELOPMENT PLAN.

- a. The Property shall be developed in substantial conformance with the development plan entitled 555 Herndon Parkway prepared by Christopher Consultants and Davis Carter Scott dated February 14, 2019 (the "Development Plan") and these Proffers. It is understood by the Applicant that all other applicable regulations and policies governing land development within the Town of Herndon (the "Town") shall apply to the Property and its development unless specifically modified by the language of this approval.
- b. Minor modifications of the Development Plan may be permitted without the need for an amendment to this approval when necessitated by final engineering or site design provided that the development is in substantial conformance with the Development Plan, these Proffers, and as approved by the Architectural Review Board ("ARB"), if applicable. Substantial conformity shall be determined as provided in the Zoning Ordinance.
- c. The Applicant may proceed with the approval of a unified commercial subdivision development plan without the need to amend these Proffers, provided that the proposed subdivision does not adversely impact the ability of the site to develop in accordance with the Development Plan and these proffers.

2. ARCHITECTURE AND URBAN DESIGN

- a. The final architectural treatment and exterior design of all buildings within the Development Plan shall create a sense of identity and place through the use of unifying elements such as materials, textures, color, lighting, and landscaping as

generally reflected on the materials and exhibits contained in the Development Plan and the HTOC Urban Design & Architectural Guidelines.

- b. Architectural plans may be revised subsequent to the final approval of the Development Plan and pursuant to approval by the ARB.
- c. Development Phasing. The Applicant shall construct the streets and provide pedestrian improvements, public accessible parks, private amenities and public accessible facilities on the Property in conjunction with the development of each new building in a manner that reflects the intent of that shown within the Phasing Exhibits contained in the Development Plan. Development may proceed in any order provided that each building provides the phasing conditions depicted on the Phasing Exhibits. Each phase of the project shall also comply with the minimum parking requirements. Adjustments to the phasing boundaries may be approved with the site plan approvals provided that the adjustments do not materially adversely affect the other phases.
- d. Conceptual Open Space Plan. The Development Plan includes a conceptual landscape plan for the Property as shown on Sheet 8.0 consisting of approximately 1 acre and including details for streetscapes, plazas, publicly accessible park areas, courtyards and private amenity areas. As part of each plan approval, more detailed landscape plans for each building phase shall be provided and subject to the review and approval of the ARB, provided that the detailed landscaping and hardscape plans are found to be in substantial conformance with the concepts included in the Development Plan.
- e. Garage Screening.
 - i. The Applicant shall screen the interim phases of the parking garages with temporary decorative treatments such as fabric panels or decorative designs subject to the review and approval of the ARB.
 - ii. The permanent garage facades shall be treated with architectural enhancements that integrate the garage into the overall project design. Such enhancements may include, continuing design elements for the primary use above down through the garage façade, incorporating decorative paneling within garage openings, landscaping, lighting or metal designs subject to the review and approval of the ARB.
- f. First Floor Activation. The Applicant shall include active first floor uses in the areas shown in the Development Plan facing and turning the corner of Herndon

Parkway and facing the internal open space courtyard. Active first floor uses shall incorporate transparent exterior store fronts and lobbies accessible from the abutting streetscape.

- g. Interior Noise Attenuation. The Applicant shall submit highway noise studies, prepared by a qualified acoustical consultant, at the time of each building permit submission to determine what if any noise attenuation measures are needed to achieve Day-Night Average Sound Levels (DNL) of no more than 45 dBA for interior residential uses or hotel uses and no more than 55 dBA for interior office uses. Based on the findings of the studies, the Applicant shall incorporate the appropriate noise attenuation elements into the design and construction documents to achieve the recommended DNL for the applicable building(s) or portions thereof.
- h. Streetscape Furnishings, Materials and Lighting. Streetscape furnishing, materials and lighting plans shall be provided as part of the site plan and shall be in substantial conformance with the HTOC Urban Design & Architectural Guidelines and the Herndon Streetscape Manual and subject to review and approval by the ARB. Unified and high-quality streetscape materials shall be provided and may include, but not be limited to, unit pavers, seat walls, tree space edging, lighting, traffic signal poles, benches, trash receptacles and other hardscape elements. These plans shall include general product information and approximate locations of furnishings and materials to be located in the streetscape between the building face and the curb.
- i. Sugarland Trail Run fence and Lighting. The Applicant shall install a metal fence and lighting along the southern border of the Property. The style of the components shall reflect the HTOC Urban and Design and Architectural Guidelines and are subject to the review and approval of the ARB. The proposed fence and lighting shall be incorporated in the first site plan for the Property and shall be built with the first phase of the project.
- j. Decorative Surface Treatments. The Applicant shall utilize decorative pavers for high visibility crosswalks at all intersections. Similar crosswalks designed to blend with the adjoining streetscape pavements shall extend over aprons and curb cuts to loading docks or similar vehicular entrances and exits. Within the roadway a special decorative surface treatment or pavers shall highlight the pedestrian/vehicular entrance into the garage and/or pedestrian connections. The style of the crosswalks and special surface treatments shall reflect the HTOC Urban Design Guidelines and are subject to the review and approval of the ARB.

- k. Design of Central Plaza and Internal Street. The plaza will include decorative pavers and crosswalks, flush curbs, bollards and other design elements as shown, subject to the review and final approval of the ARB. The internal street installed with Building A shall include final materials including the decorative pavers within the drive aisle as shown on Sheet 7.0 of the development plan.
 - l. Pedestrian Passageways. The Applicant will continue to refine the pedestrian passageways to increase visibility through the use of lighting and distinct building materials. The Applicant will work with the Town to increase passageway ceiling height on the eastern passageway where possible.
3. USES. Unless modified by an amendment to the approved Development Plan, any use or combination of uses permitted in the PD-TOC may be established on the Property so long as the Project is in substantial conformance with graphics and notes on Development Plan Sheet 4.0 and the following:
- a. The total maximum project floor area is limited to 813,637 square feet of GFA which is a 4.3 FAR based on a lot area of 189,218 square feet.
 - b. Total residential development shall not exceed 488,182 square feet of GFA;
 - c. Total office development shall not be less than 200,000 square feet of GFA.
 - d. Total retail development shall not be less than the minimums shown on Sheet 4.0 of the Development Plan.
 - e. Incorporation of a hotel use is permitted but shall be in lieu of the residential GFA.
 - f. Subject to Zoning Ordinance Article IX, Temporary uses and Structures, the Applicant, or its designee, shall be permitted to operate or hold festivals, fairs farmers' markets, food trucks/carts or similar activities on the Property, either in the interim surface parking lots or within publicly-accessible privately-owned open spaces, pedestrian ways and private streets. Portions of the private street network may be closed for such activities, provided that alternate circulation, garage and parking access is maintained.
 - g. The interim surface parking lots on the Property as shown on Sheets 5.1 through 5.6 of the development plan may remain as-is until each phase is completely built-out. Parking may only be used for on-site uses and shall not be used for Metro

parking.

4. TRANSPORTATION.

- a. Off-Site Transportation Improvement Contribution. The Applicant shall make a per GFA foot contribution of \$1.50 to the Town to address off-site transportation improvements. This contribution shall be paid on a pro-rata basis upon or prior to the issuance of an occupancy permit for each building based on the actual GFA of the building.
- b. The Applicant shall receive a full credit towards the contribution provided in Proffer 4(a) for any other requested off-site transportation improvement expenditures, except for improvements required by Zoning Ordinance and HTOC Urban Design & Architectural Guidelines.
- c. Traffic Signal. Concurrent with the submission of the site plan for Office Building B, the Applicant shall prepare and submit to the Town the appropriate traffic signal warrant analysis for a traffic signal at the western entrance to the Property and Herndon Parkway and diligently pursue any off-site easements and permission needed to construct the signal. If the applicable warrants are met, the signal warrant study is approved by the Town all design exceptions and waivers necessary for installation of the signal are approved, and all necessary off-site easements and permission are obtained, then the Applicant shall install the signal prior to the first certificate of occupancy for Building B. The Applicant shall deduct 50% of the total cost of the signal from the Off-Site Transportation Improvement contribution in Proffer 4(a) up to a total signal cost of Four Hundred Thousand Dollars (\$400,000.00). If the cost of the signal exceeds Four Hundred Thousand Dollars (\$400,000.00), the Applicant will shall deduct 100% of the costs above \$400,000.00 from the Off-Site Transportation Improvement contribution in Proffer 4(a).
- d. Right of Way Dedication. The Applicant shall dedicate the right-of-way along the Herndon Parkway frontage shown as Public Dedication Area on Sheet 8.1 of the Development Plan prior to the first site plan approval. Notwithstanding the foregoing, the existing eastern entrance as shown on Sheet 3.0 shall remain operational until the issuance of a building permit for Building B and C. The Applicant reserves future density credit from the Right-of-Way dedication in accordance with the terms and conditions of Zoning Ordinance Section 78-155.9 in affect as of the date of the approval of these Proffers.

- e. Public Pedestrian Access. The Applicant shall provide public pedestrian access to the at-grade Public Accessible Space areas as shown on Sheet 8.1 of the Development Plan. Such access may be closed temporarily for private events and for construction and staging of the various phases. The Applicant will work with the Town to establish reasonable rules and hours for use of the Public Accessible Space.
- f. Private Street and Utility Easements.
 - a. The Applicant will grant public vehicular access and utility easements over the project's perimeter streets shown as Street and Utility Easement Area on Sheet 8.1 of the Development Plan.
 - b. These easements will enable the Applicant to close the perimeter street for the construction of future phases and street maintenance.
 - c. The Applicant will reasonably cooperate with the immediately adjacent property owners to permit the final construction and widening of the private streets to their full street cross sections, as well as address any maintenance, insurance and liability issues.
- g. Sidewalk Improvements. As shown on the Development Plan, the Applicant will construct the sidewalk and bicycle track improvements along the Herndon Parkway frontage between the eastern and western Project entrances prior to the issuance of the first certificate of occupancy for the first phase of the project.
- h. Transportation Demand Management. This Proffer sets forth the programmatic elements of a transportation demand management program (the "TDM Program") that shall be implemented by the Applicant to encourage the use of transit (Metrorail, Fairfax Connector, Metrobus, or other public transit service), other high-occupant vehicle commuting modes, walking, biking and teleworking, all in order to reduce automobile trips generated by the multifamily dwelling and the office uses constructed on the Property. The proffered elements of the TDM Program will be implemented through a Transportation Demand Management Work Plan (the "TDM Work Plan") developed by the Applicant with input from and approval by the Town of Herndon Department of Community Development. It is the intent of this Proffer that the TDM Work Plan will be adapted over time to respond to the changing transportation related circumstances of the Property, the surrounding community and the region, as well as to technological and/or other improvements. The Applicant's TDM Work Plan has the objective of meeting the

trip reduction goals for signal occupancy vehicles measured at the peak AM/PM hours by 35% for residential uses and 25% for office and commercial uses. The TDM Work Plan shall incorporate any combination of the following elements:

- a. Contributions to resident and employee Metro fare cards.
 - b. Contributions to Fairfax Connector, WMATA, or other public transit service approved by the Town.
 - c. Ride sharing and carpool parking spaces.
 - d. Bicycle racks and bicycle share stations.
 - e. Bicycle storage rooms and office tenant shower and changing rooms.
 - f. Tenant incentives to participate in yearly transportation management surveys.
- i. Parking. Parking shall be provided in phases concurrent with development of the Property and in substantial conformance with the Development Plan and these proffers. Notwithstanding the above, Applicant reserves the right to provide parking at revised ratios as may be permitted at time of site plan by the Town of Herndon Zoning Ordinance or may seek future parking reductions for the Property as permitted by the Town of Herndon Zoning Ordinance, either of which shall not require a Development Plan amendment.

5. GREEN BUILDING.

- a. Residential Building Certifications. The Applicant shall design and construct each residential building to achieve either LEED v4 New Construction or Multifamily Midrise certification from U.S. Green Building Council, Multifamily Building certification from National Green Building Standard (NGBS), EarthCraft Multifamily certification, or an equivalent green building program as determined by the Applicant and the Town.
- b. Office Building Certifications. The Applicant shall design and construct the office base building to achieve either LEED v4 Core and Shell Development or New Construction Silver certification from U.S. Green Building Council, or an equivalent green building program as determined by the Applicant and the Town.
- c. The Applicant shall include, at the time of application for a building permit for each building, a list of specific credits or design elements incorporated into the building using the then current documentation of the selected green building program for each multifamily building and the office building.
- d. The Applicant shall meet with the Town following application for each site plan to coordinate green building strategies and priority credits, such priorities shall

include evaluating green infrastructure for stormwater management and potential bird-friendly design features, and the installation of at least 2 electric vehicle charging stations per garage.

6. CONTRIBUTIONS.

- a. Sanitary Sewer. The Applicant shall make a contribution to the Town in the amount of \$120,000.00 for the construction of a new sewer sanitary line along the Project's Herndon Parkway frontage which shall be paid prior to the issuance of a building permit for the first phase of the project.
- b. Recreation/Community Amenities/Civic Facilities. Prior to the issuance of the first certificate of occupancy for each phase, the Applicant shall demonstrate that the value of any proposed recreational on-site amenities/community amenities/civic facilities are equivalent to a minimum of \$1,900.00 per residential unit. The value calculation shall include the cost of amenities such as, but not limited to, benches and seating, outdoor seating and gathering areas, fitness centers, community rooms, swimming pools, decks, artwork, fire pits, trellises, etc. Project building materials are not included in the calculation. The Applicant shall submit the verification of the cost of these improvements to the Town as provided by its general contractor. In the event it is demonstrated that the proposed facilities do not have sufficient value, the Applicant shall provide the remainder in a cash contribution to the Town of Herndon for use on recreational facilities in the Town of Herndon.
- c. Offsite Recreation Contribution. The Applicant shall make a per GFA square foot contribution payment of \$0.35 to the Town for offsite recreation improvements for residential GFA and \$0.15 for offsite recreation improvements for non-residential GFA prior to the issuance of the first certificate of occupancy for each phase based on the actual GFA of the building. Such funds shall be used for the improvements of Town recreational facilities in locations that logically serve the approved development and the HTOC area.
- d. School Contribution.
 - i. Per the Residential Development Criteria Implementation Motion adopted by the Fairfax County Board of Supervisors on January 7, 2003, as amended prior to the issuance of the first certificate of occupancy for each residential phase, the Applicant will contribute funds at an assumed rate of 0.062 students per units for elementary school, 0.019 for middle school, 0.031 students per high school multiplied by \$12,262.00 per student generated to

the Board of Supervisors for transfer to the Fairfax County School Board to be used for capital improvements and capacity enhancements to schools that serve the Town of Herndon. The contributions will be based on the actual number of residential units constructed, as the total amount may vary. Following approval of this Development Plan and prior to the Applicant's payment of the amount(s) set forth in this Proffer, if Fairfax County should modify the ratio of students per units of the amount of the contribution per student, the Applicant will pay the modified contribution amount for that phase of development to reflect the then current ratio and/or contribution.

ii. Prior to beginning construction, the Applicant will notify the Fairfax County Public Schools of the intended construction and anticipated completion date.

e. Fire Department Contribution. The Applicant shall contribute a total of \$10,000.00 to the Fairfax County Fire and Rescue Department towards the cost of preemptive devices within a two-mile radius of the Property. The contribution shall be paid upon site plan approval for the first building to be constructed on the Property.

7. DECLARATION OR OWNERS ASSOCIATION. Prior to any subdivision of the Property, the Applicant shall cause the recordation of one or more declarations creating an owners' association ("OA") and as necessary, condominium owners' associations ("COA") or declarations of covenants and agreements dealing with the governance of maintenance and operation of the Property or other governance documents which will legally bind the Property, (collectively referred to as the "Governance Documents"). Such Governance Documents shall be prepared, be legally effective and recorded prior to the issuance of the first certificate of occupancy. The respective Governance Documents (including budgets provided in any offering or sale materials) shall specify the various proffer and maintenance obligations set forth in the Development plan and these Proffers, including the maintenance of certain streets, bicycle facilities, associated sidewalks and streetscapes, and site amenities such as, but not limited to, the publicly accessible park areas as well as funding, implementation and monitoring of the TDM program, as related to the Property. Purchasers shall be advised in writing of these obligations, and other restrictions, prior to entering into a contract of sale, whether purchasing residential or commercial property. The Governance Documents shall be included in any offering, sale materials or contracts for any condominiums. Purchasers of land or buildings shall be advised of these obligations in the contract of sale.

8. MAINTENANCE. The Applicant shall maintain and replace in-kind all elements within the Development Plan that are shown on Sheet 8.1 as Public Accessible Space and Street Utility Easement Areas. Maintenance commitments include, but are not limited to:

- a. All plantings including trees, shrubs, perennials, and annuals;
 - b. All associated irrigation elements;
 - c. All hard surfaces;
 - d. All streetscape furnishings including benches, bike racks, trash and recycling receptacles and non-standard structures;
 - e. All lighting fixtures, poles and brackets;
 - f. All sign posts, traffic signal poles, pedestrian signal poles, mast arms, signal heads and control boxes;
 - g. Snow removal;
 - h. Leaf removal;
 - i. Trash, recycling and litter removal;
 - j. Decorative and structural retaining walls;
 - k. Special drainage features, such as Low Impact Design facilities; and
 - l. All urban park amenities including horticultural care, maintenance of all water features, irrigation, lighting, furnishings, paving, and art.
9. METRORAIL TAX DISTRICT BUYOUT FOR CERTAIN RESIDENTIAL USES. At least sixty days prior to registration with the Common Interest Community Board of any residential condominium documents that would change the use of all or any portion of the Property to a use that is not subject to the Phase II Dulles Rail Transportation Improvement District (the "Phase II District") tax, the Applicant shall provide a written notice to the Director of the Real Estate Division of the Fairfax County Department of Tax Administration advising that the Applicant intends to register such condominium documents for that portion of the Property. Prior to registering the condominium documents, the Applicant shall pay to Fairfax County a sum equal to the then-present value of Phase II District taxes estimated by the County to be lost as a result of that change in use.
10. ESCALATION. All monetary contributions required by these proffers, with the exception of the proffer relating to the public school contribution, shall escalate on a yearly basis from the base year of 2022 and change effective each January 1 thereafter, based on the Consumer Price Index as published by the Bureau of Labor Statistics, the U.S. Department of Labor for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI"), as permitted by Virginia State Code Section 15.2-2303.3.3.

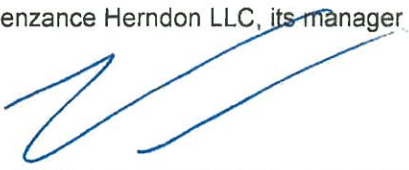
11. SUCCESSORS AND ASSIGNS. These proffers shall bind and inure to the benefit of the Applicant and his/her successors and assigns
12. COUNTERPARTS. These proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original document and all of which taken together shall constitute but one and the same instrument.

TITLE OWNER/APPLICANT SIGNATURE TO FOLLOW ON THE NEXT PAGE:

555 HERNDON LLC,
a Delaware limited liability company

By: DP Herndon LLC, its sole member

By: Penzance Herndon LLC, its manager

By: 

Name:

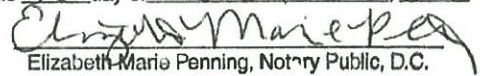
Victor Tolkan

Title:

Manager

District of Columbia: SS

Subscribed and sworn to before me, in my presence,
this 20th day of March, 2019


Elizabeth Marie Penning, Notary Public, D.C.

My commission expires June 30, 2023.



Transportation Demand Management (TDM) Plan

555 Herndon Parkway

Town of Herndon, Virginia

February 8, 2019

Revised: March 14, 2019

Prepared for:

Penzance

2400 N Street, NW Suite 600

Washington, DC 20037



GOROVE / SLADE

Transportation Planners and Engineers

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1.0 | BACKGROUND SUMMARY

This Transportation Demand Management (TDM) Plan is designed to help achieve the ultimate goal of reducing peak hour vehicular trips generated by the 555 Herndon Parkway development as directed by Proffer 4.h. from the 555 Herndon Parkway Proffered Conditions dated February 7, 2019.

TDM is the establishment of measures to influence travel behavior by mode, frequency, time, route, or trip length in order to achieve a maximally efficient use of transportation facilities.

1.1 | Site Location

The 555 Herndon Parkway development is located in the Town of Herndon, Virginia on the south side of Herndon Parkway, between Van Buren Street and Spring Street, and north of the future Herndon Metrorail Station as shown on Figure 1.



Figure 1: Site Location

1.2 | Description of the Parcel

The subject site is composed of one parcel (Tax Map 16-4 ((10)) 2C) and is approximately 4.34 acres. The parcel is zoned PD-TOC (Planned Development – Transit Oriented Core) as shown in Figure 2. Adjacent properties are also zoned PD-TOC, and sites to the north across Herndon Parkway are zoned O&LI.

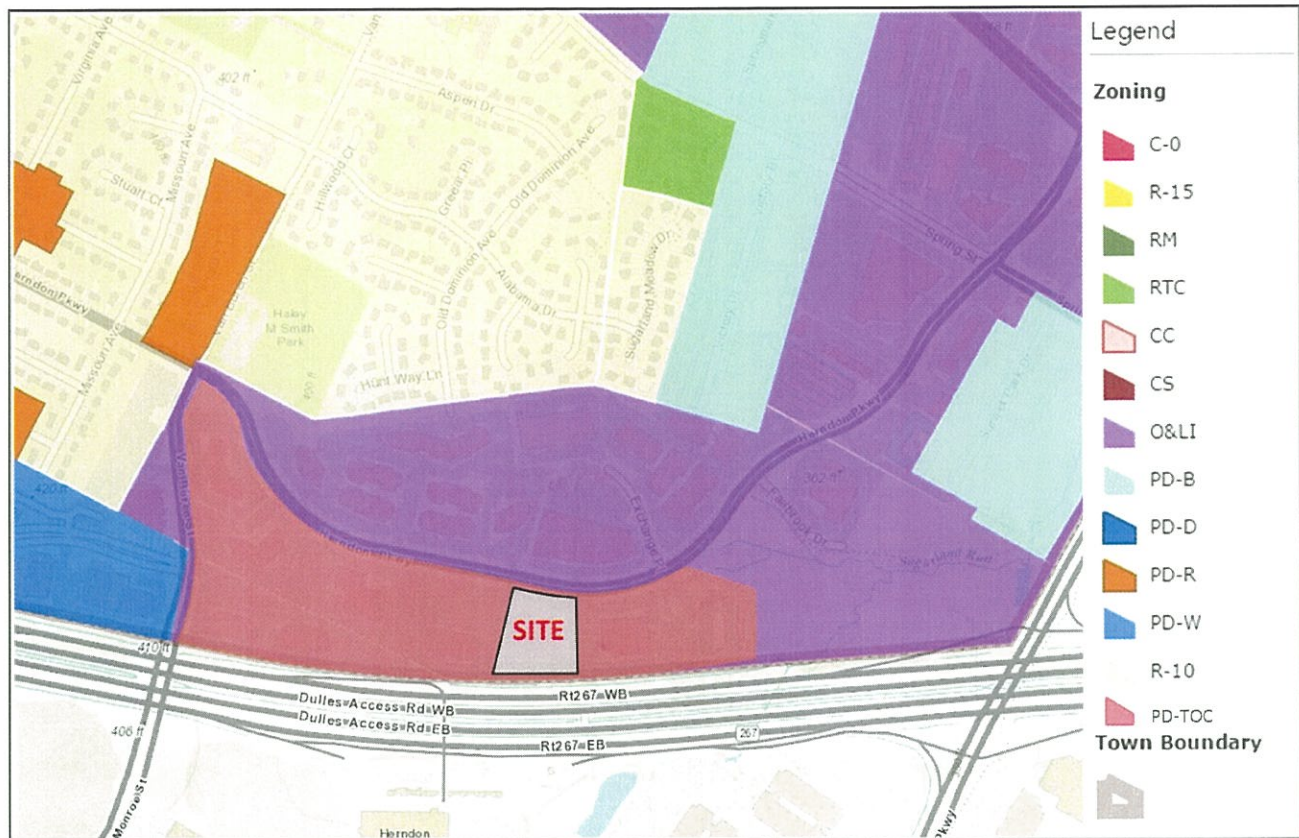


Figure 2: Zoning

1.3 | Proposed Development

The site is currently occupied by 90,000 square feet of office that is to be removed. The proposed program is a mixed-use development comprised of up to 475 residential units, 325,000 SF of office, and 13,000 SF of retail.

2.0 | EXISTING CONDITIONS

In order to make informed recommendations for the property, it is necessary to know the transportation services that are currently available to the site. This section explores the existing programs and services that residents, employees, and patrons of the 555 Herndon Parkway property can utilize for additional transportation options.

2.1 | Vehicular Access

Regional vehicular access to the site is provided via the Dulles Toll Road (Route 267). Local access is provided via Sunset Hills Road. There are some planned transportation improvements in the area, as shown on Figure 3 and Figure 4.

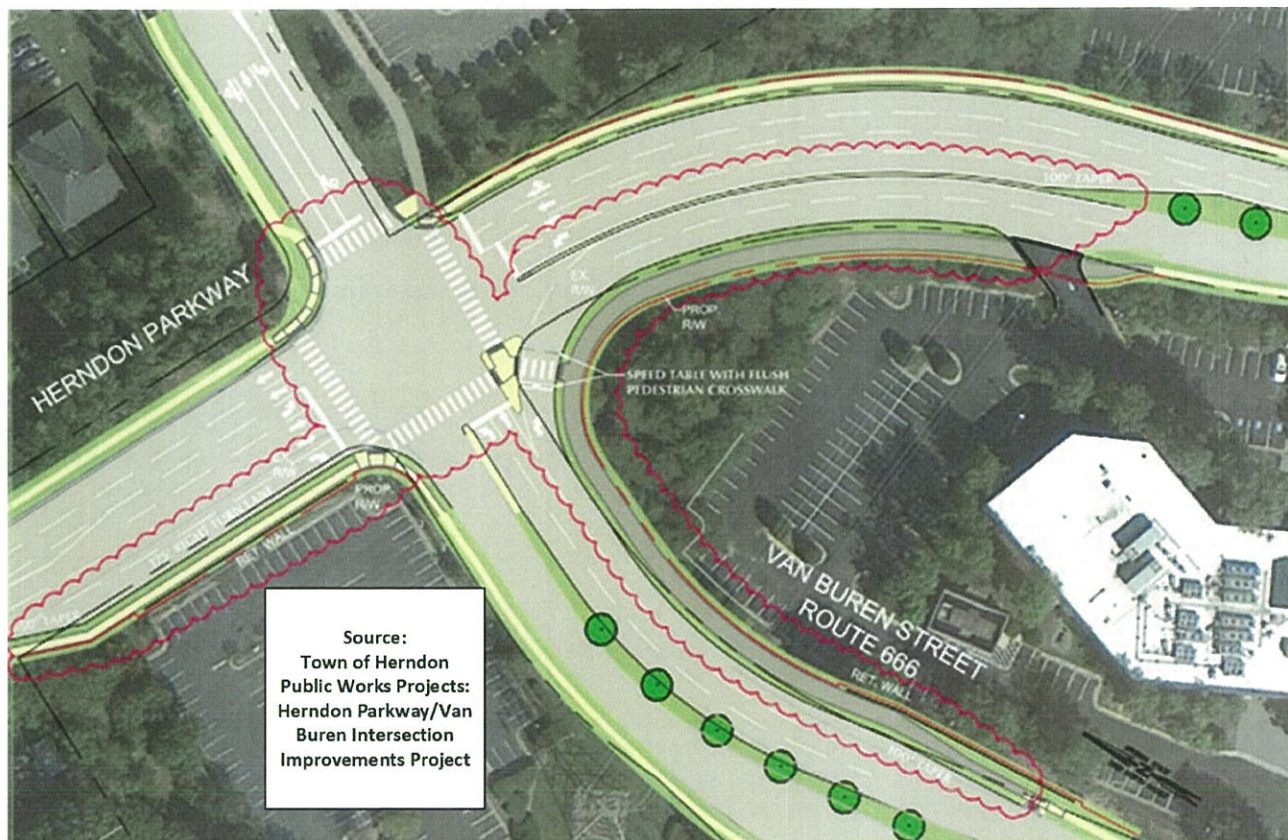


Figure 3: Herndon Parkway/Van Buren Intersection Improvements

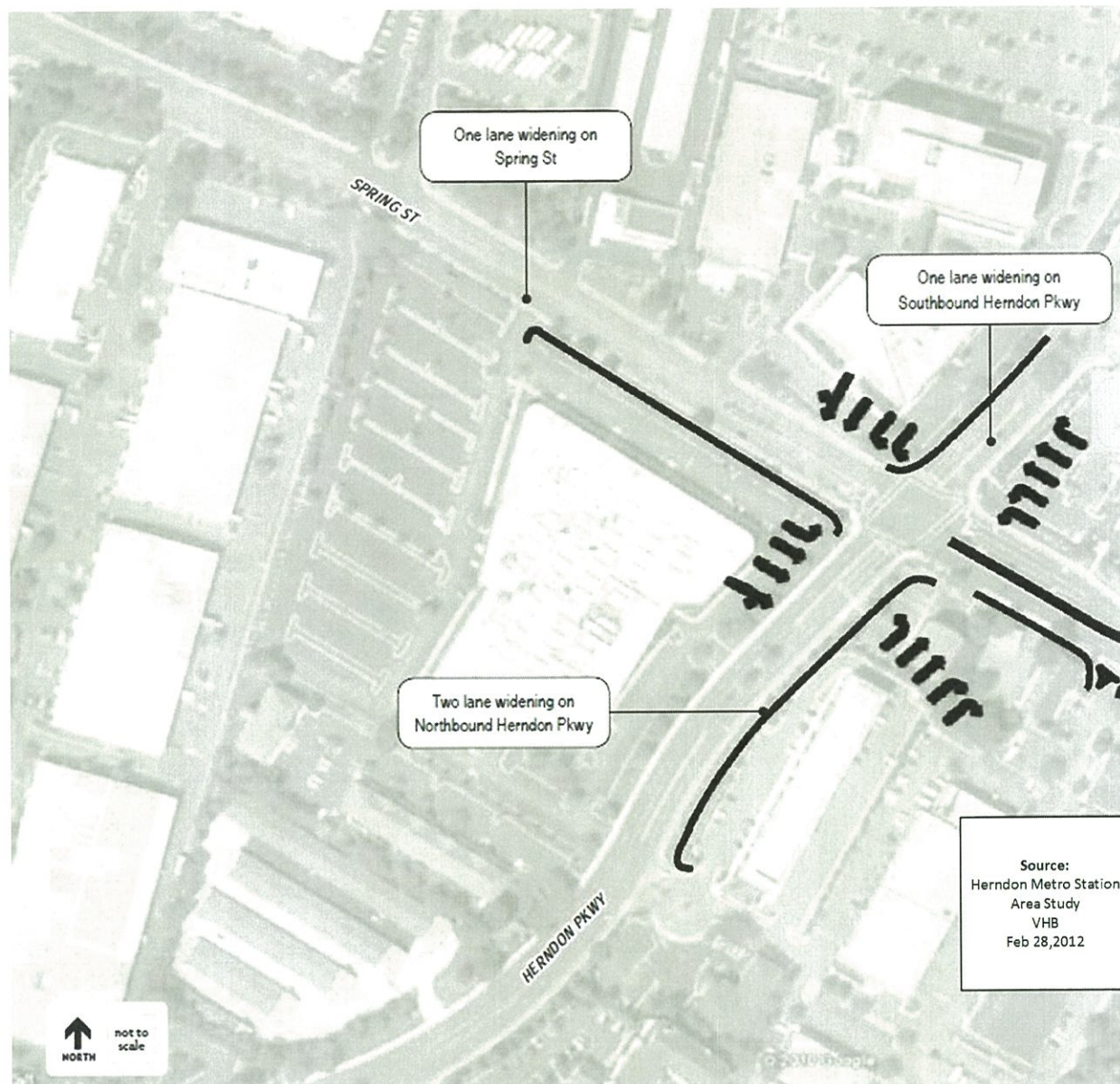


Figure 4: Herndon Parkway/Spring Street Intersection Improvements

2.2 | Transit

The 555 Herndon Parkway property is currently served by one (1) Fairfax Connector Bus in the vicinity of the site as shown in Figure 5. According to the *Fairfax County Transit Development Plan*, dated December 2009, new transit routes are recommended for the area near the site. The routes will be adjusted in accordance to the phased completion of the Dulles Corridor Metrorail Project. Figure 6 show the recommended routes near the study area per the Transit Development Plan.

As part of the Dulles Corridor Metrorail Project Phase 2 development immediately south of the proposed site, the Silver Line will be extended to the west from the Wiehle-Reston East Metro station and located in the median of Dulles Toll Road. A future stop is planned at the existing Herndon-Monroe Park & Ride facility and located less than a quarter of a mile from the site.

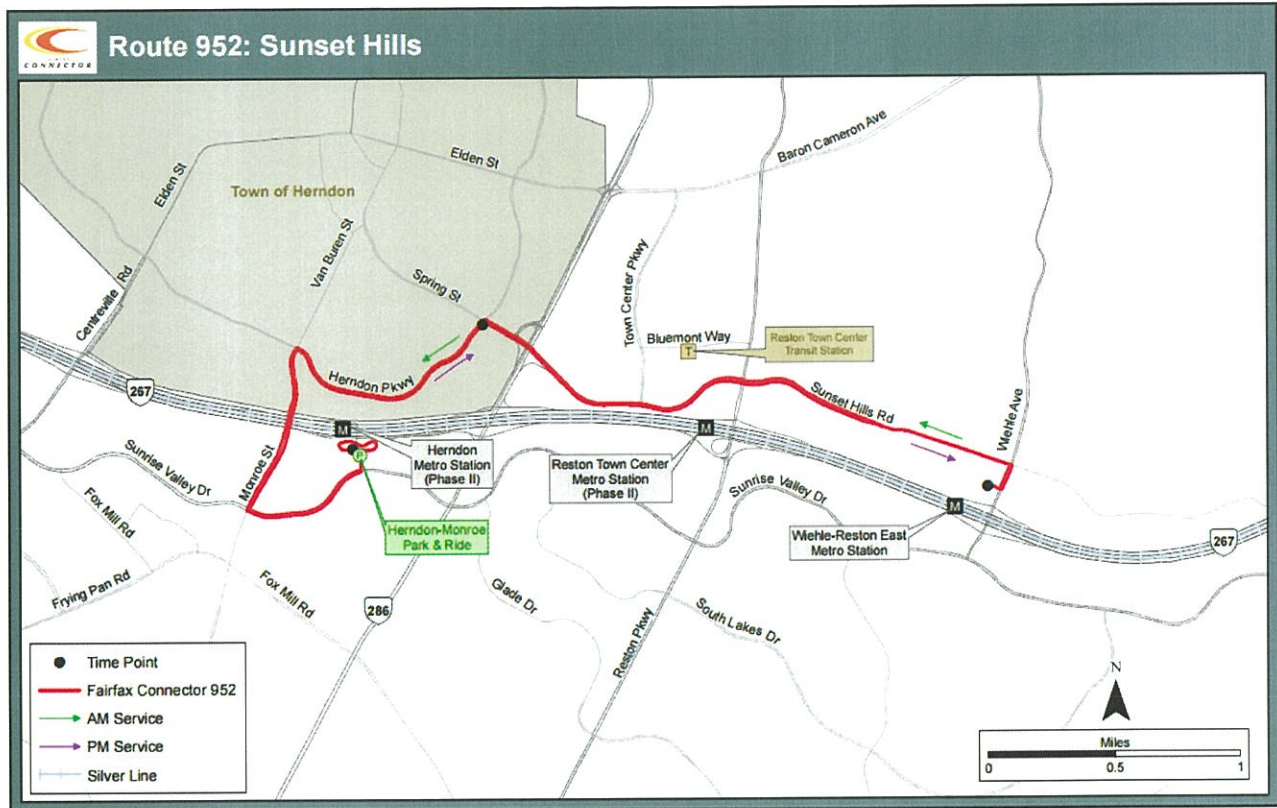


Figure 5: Bus Routes

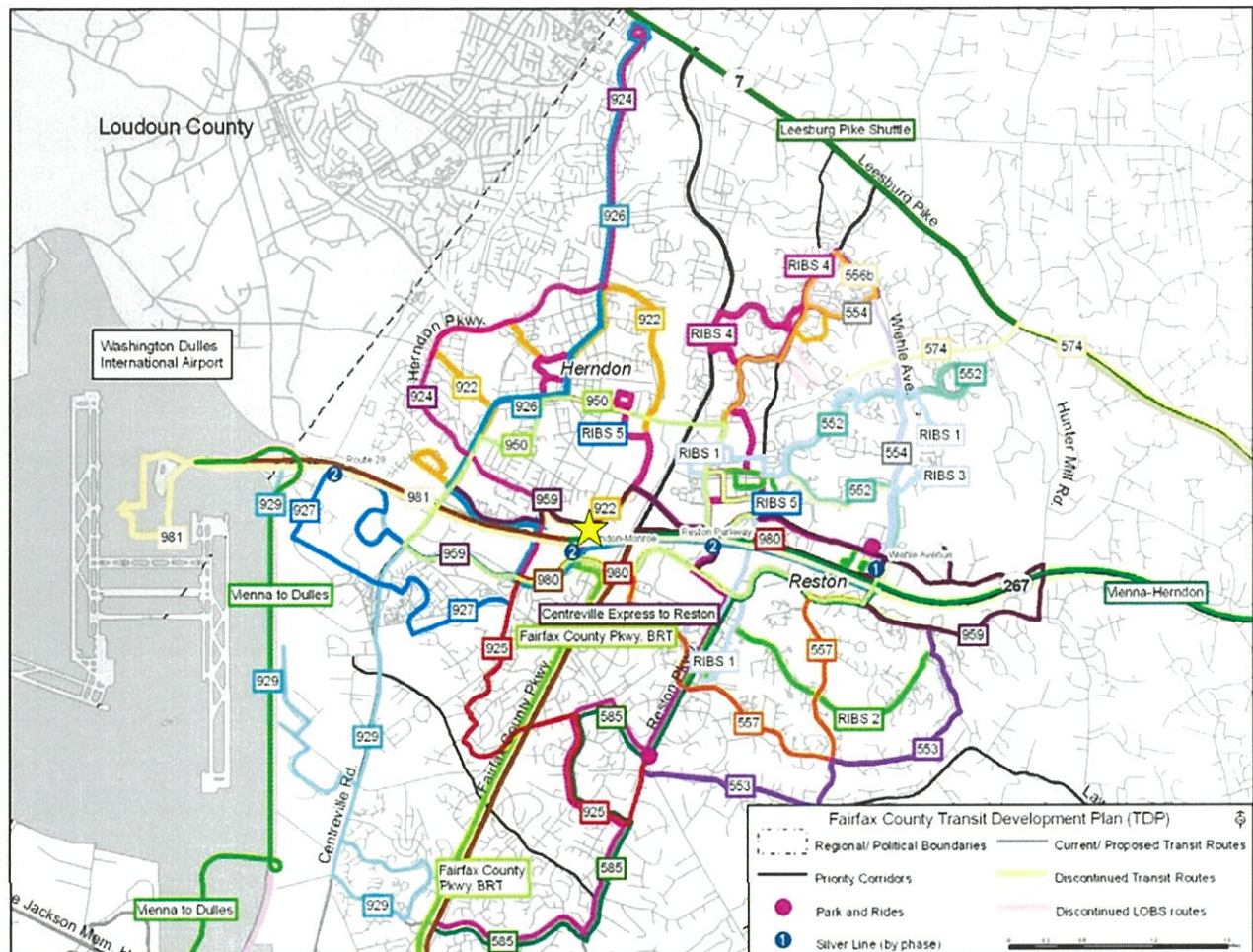


Figure 6: Reston/Herndon Area Recommended Transit Plan

2.3 | Existing Bicycle and Pedestrian Facilities

Herndon Parkway, Van Buren Street, and Spring Street are considered “Less Preferred Streets and Roads” for bicycling as shown in Figure 7. Sidewalks exist on the north and south sides of Herndon Parkway, but most intersections and driveways lack crosswalks. The intersections of Herndon Parkway/Van Buren Street and Herndon Parkway/Spring Street have crosswalks and pedestrian signal heads without countdown timers on all approaches.



Figure 7: Bicycle and Trail Network

A cycletrack is recommended along Herndon Parkway in the vicinity of the site. Recommendation of a cycletrack on Herndon Parkway is consistent with the proposed cross-sections for Herndon Parkway as described in the Town's *Urban Design and Architectural Guidelines*.

2.4 | Existing Regional Programs

In addition to transportation services, several regional programs, benefits, and events are currently in place that the 555 Herndon Parkway development can utilize. These external programs include:

- **Commute Assistance**
 - **Commuter Connections Rideshare Program:** This service matches commuters with others who live and work in the same area. (<https://www.commuterconnections.org/commuters/ridesharing/>)
 - **Fairfax Alliance for Better Bicycling:** This organization advocates, educates, and builds public support for better bicycling throughout Fairfax County. They provide cycling resources such as commuter guides, maps, and other education materials. (<http://www.fabb-bikes.org/about/>)
- **Commute Incentives**
 - **Commuter Connections Guaranteed Ride Home (GRH):** This service provides commuters who regularly (twice a week) carpool, vanpool, bike, walk, or take transit to work with a free and reliable ride home when one of life's unexpected emergencies arise. (<https://www.commuterconnections.org/commuters/guaranteed-ride-home/>)
 - **NuRide:** This national rewards program is for commuters who walk, bike, telecommute, carpool, vanpool, take the train, subway, or bus, or work a compressed week. Commuters accrue points with each green trip that may be redeemed for prizes. (<https://www.nuride.com/>)

- **SelectPass:** This WMATA program allows users to save on frequent travel within the Metro system. SelectPass allows users to pay a flat rate for unlimited service on trips that are equal to or less than the amount of the paid segments. (<https://www.wmata.com/fares/selectpass.cfm>)
- **VanStart:** This program provides temporary funding for new vanpools in the critical startup phase to fund empty seats. Non-profit vanpool organizations may apply for assistance through this program within three months, if certain additional criteria are met. (<http://www.fairfaxcounty.gov/fcdot/vanassist.htm>)
- **Qualified Bicycle Commuting Reimbursement:** This reimbursement benefits bicycle commuters that are eligible for the Federal Bicycle Benefit of \$20.00 per month. (<https://www.nctr.usf.edu/programs/clearinghouse/commutebenefits/>)
- **Events**
 - **Earth Day:** This event promotes the environmental movement worldwide and seeks to promote action for health, sustainability, and climate challenges. People are encouraged to make changes in their daily routine to help alleviate these issues, such as using cleaner and more efficient methods of transportation. (<http://www.earthday.org/>)
 - **National Bike to Work Day:** This event takes place in May every year and serves to encourage bicycling as a method of commuting. May is Bike to Work Month as declared by the League of American Bicyclists. The most popular activity is Bike to Work Day, which takes place on the last day (Friday) of Bike to Work Week. (<http://www.biketoworkmetrodc.org/>)
 - **Dump the Pump:** This event is celebrated every June to encourage people to pledge to stop driving their cars and save money on gas ("Dump the Pump") by taking an alternative means to driving. (<http://www.apta.com/members/memberprogramsandservices/advocacyandoutreachtools/dumpthepump/Pages/default.aspx>)
 - **Try Transit Week:** This Virginia event invites residents to pledge to use transit for all of their transportation needs for an entire week. Prizes are offered for participants. (<http://www.trytransitweek.com/>)
 - **International Car Free Day:** Held every September 22, this worldwide event promotes all alternatives to single occupant vehicle use. Carpooling, transit, bicycling, walking, and teleworking are all encouraged in order to reduce carbon emissions. (<http://carfreemetrodc.org/>)

3.0 | TDM PROGRAM RECOMMENDATIONS

The strategies recommended for the 555 Herndon Parkway TDM program are detailed in this section. These strategies are intended to enhance the use of transportation alternatives as opposed to driving alone that may naturally occur.

Fundamentally, TDM strategies reduce and redistribute travel demand by controlling several influences. These influences include financial incentives, providing accurate and accessible information, and time savings. Together, these influences will have a significant impact on the mode of travel used by travelers.

The TDM program recommendations are divided into sections that cover the following TDM elements:

1. Infrastructure
2. Program Management
3. Rideshare
4. Incentives
5. Outreach

3.1 | Infrastructure

Bicycle Accommodations

At a minimum, a secure location will be provided for people to leave their bicycles. The racks will be placed proximate to the building entrances and will be designed to provide support at both the wheel and frame. The applicant will also provide bicycle storage rooms and office tenant shower/changing rooms.

Cycle Track

A cycle track is planned by the Town on the southern side of Herndon Parkway. The applicant will be providing a section of the cycle track across the site frontage.

3.2 | Program Management

Property-wide TDM Program Management

A TDM Program Manager will be appointed to the 555 Herndon Parkway development. Property-wide TDM responsibilities for the Program Manager include:

- Answer resident, guest, and employee questions about all aspects of the TDM program.
- Coordinate with other county TDM providers including DATA, LINK, and MWCOG to avoid duplication of services and obtain support for program implementation.
- Work with leasing staff to train them on TDM programs and information so they can provide appropriate transportation information to tenants as they move in.
- Conduct a survey of residents/employees to evaluate the effectiveness of the TDM Plan in meeting the TDM Goals and to evaluate the need for changes to the TDM Plan.
- Verify that the proffered TDM Goals are being met through the completion of vehicle trip counts.

3.3 | Rideshare

Car/Vanpool

Ridesharing (carpool and vanpool) can be an important vehicle trip reduction strategy. The applicant will work with car/vanpool agencies to provide strategically located parking spaces within the site.

Carsharing

Carsharing refers to a short-term automobile rental service available to the general public. Carsharing operators provide a fleet of vehicles that are placed across defined geographic areas and can be used by members for personal trips that are typically short in length and duration. Carsharing encourages travelers to use alternative transportation methods because they can use carshare vehicles for trips rather than have to rely on their private vehicle. Carsharing programs allow residents and employees to give up their cars and can reduce some of the parking demand.

The applicant will work with carshare agencies to provide strategically located parking spaces within the site. If opportunities exist to coordinate with other property owners in the vicinity, then a joint effort will be pursued.

3.4 | Incentives

Adjusting the cost of travel is the most effective tool in TDM programs. Options can include increasing the cost of undesirable actions (i.e. driving alone) and decreasing the cost of desirable actions. The following is an incentive program that could be implemented:

Metrorail SmarTrip Cards

Temporary transit subsidies have proven successful at encouraging people who normally drive alone to try and subsequently continue to use transit. Preloaded SmarTrip cards could be distributed to new residents and employees on a one-time basis.

3.5 | Outreach

The program management will coordinate with area TDM providers to help assist and implement strategies such as:

- Online ridesharing
- Guaranteed Ride Home
- Employer consultation
- Teleworking program development
- Tabling events to build awareness of commute choices

4.0 | PROGRAM MONITORING

Program monitoring of the site will be implemented in order to ensure performance. The monitoring program will assess whether the implemented TDM strategies meet the forecasted peak hour vehicle trip reduction targets shown in Table 1.

Table 1: TDM Goals

Peak Hour	Residential and Office Use Permits	ITE Land Use Code	Maximum ITE Projected Trips	Target Peak Hour Trip Reduction Percentage	TDM Trip Reduction Goal
AM	1 to 480	220	239	35%	156
PM	1 to 480	220	282	35%	184
AM	up to 324,000 SF	710	490	25%	368
PM	up to 324,000 SF	710	441	25%	331

**Based on ITE 9th Edition*

The monitoring of the TDM Program should consist of surveys, trip counts, and a report. Appropriate monitoring standards for each element are discussed in this section.

4.1 | Surveys

Surveys will be performed by the TPM and analysis of the survey shall include, at minimum, the following items:

1. A description of the TDM strategies in effect for the survey period and a description of how such measures have been implemented.
2. The number of people surveyed and the number of people who responded.
3. The results of the surveys taken during the survey period.
4. The number of people participating in the TDM programs, displayed by category and mode of use.
5. An evaluation of the effectiveness of the TDM program elements in place, including their effectiveness at achieving the TDM goals, and, if necessary, proposed modifications and how they will be implemented.

If a survey reveals that changes to the TDM Plan are needed or advisable, then the TPM shall coordinate with such changes with the Town and, as necessary, implement the revisions.

4.2 | Trip Counts

Traffic counts will be collected for the purpose of verifying that the proffered TDM goals are being met. Trip counts shall be collected yearly until such time as three (3) consecutive trip counts show that the vehicle trips generated are less than or equal to the TDM Goals. Notwithstanding the aforementioned, at any time prior to or after stabilization, the Town may suspend such vehicle traffic counts and/or person surveys if conditions warrant such.

4.3 | Reporting

The Report details the implementation of the TDM Plan. The Report is anticipated to occur in May every other year starting at first occupancy of the first building and will be provided to Town Staff.

The Report shall include, at a minimum, the following items:

1. A description of the current TDM strategies and implementation efforts.

2. Description of the details associated with the monitoring and reporting requirements of the TDM program.
3. Analysis of any applicable surveys and/or trip counts.
4. Description of the TDM strategies that will be put into place.
5. Any revisions to the TDM Plan.
6. An update of the program manager's contact information.
7. The amount of any cash incentives provided.
8. AM and PM peak traffic counts.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

MARCH 26, 2019

Ordinance- to amend Chapter 63 (SOLID WASTE), Sections 63-2, 63-4, 63-5, 63-8, and 63-9 of the Code of the Town of Herndon, regarding definitions, general requirements and responsibilities of owners, residential collection times and placement, schedule of fees for recyclables, special collection, and violations.

BE IT ORDAINED by the Town Council of the Town of Herndon, Virginia, that:

1. The following sections of the Herndon Town Code (2000), as amended, is amended and re-ordained as follows:

Sec. 63-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ashes means residue resulting from the combustion of coal, wood, coke or other combustible materials, including residue from incineration of solid wastes.

Authorized agent means the director of public works or a person designated by the director of public works.

Automated collection route means the route for which the authorized agent or an authorized collector deems suitable to use an automated collection truck.

***Automated/semi-automated cart/container* means a container that is ANSI compliant and compatible with fully-automated truck arms and semi-automated lifters. The maximum allowable size shall be 96 gallons; the container shall be rugged with an attached lid and wheels for easier handling. The container has specific handling points for use with automated and semi-automated collections trucks.**

Batteries means a device which, by electrochemical reaction, provides a type of power. For the definition in relation to this chapter, batteries shall fall into one of three categories: (1) alkaline, (2) automotive, and (3) other.

Brush/yard waste means grass cuttings, shrub clippings, weeds, leaves, tree limbs, tree trunks and stumps (dirt and rock removed).

Bulk MSW and bulk recyclable container means a sturdy, watertight, covered metal container which can only be emptied directly into a collection vehicle by mechanical means, as approved by the town.

~~Cart means a container that is compatible with ANSI compliant fully automated truck arms and semi-automated lifters. The maximum allowable size shall be 96 gallons; the container is rugged with an attached lid and wheels for easier handling. The container has specific handling points for use with automated and semi-automated collection trucks.~~

Collection route means the route an authorized collector follows to collect municipal solid waste and source-separated recyclable materials from customers.

Community cleanup event means an event hosted and managed by an association/organization for municipal solid waste (MSW) and recyclable collection.

Condominium means multifamily attached dwellings organized as condominiums or cooperatives.

Construction/demolition debris (CDD) means solid waste generated during construction, remodeling, repair, or demolition of pavements, houses, commercial buildings or any other structures. CDD includes, but is not limited to: lumber; wire; sheetrock; brick; shingles; glass; pipes; concrete; paving materials; metals; and plastics.

Disposal site means a facility at which municipal solid waste (MSW) is disposed

Household hazardous waste (HHW) means discarded household products that contain corrosive, toxic, ignitable, or reactive ingredients, or are otherwise potentially harmful if released to the environment. Products that fall into this category include, but are not limited to certain paints, cleaners and pesticides. Latex paint is not considered HHW.

Institutional places means cemeteries, community centers, convalescent homes, hospitals, libraries, museums, fine art centers, religious institutions, senior centers, social services, schools and similar community services (See also section 78-401.5)

Material Recovery Facility (MRF) means a facility where source-separated recyclables are either stored until large enough volumes are collected to be shipped to a buyer or processor, or they are processed to meet the specifications of recycling markets.

Municipal solid waste (MSW), more commonly known as *refuse*, trash or garbage, excluding unacceptable materials as defined elsewhere, consists of everyday items used and then thrown away, such as product packaging and food scraps, coming from homes, schools, hospitals (non-infectious materials only), and businesses (non-industrial materials only).

Owner means the owner, lessee, occupant, person in control of the premises, or generator of municipal solid waste and/or recyclables and/or brush/yard waste, for whom the town provides municipal solid waste and/or single-stream recyclables and/or brush/yard waste collection service.

Person means an individual, partnership, firm, association, corporation or agent of any of these.

Rear loaded collection route means the route for which the authorized agent or an authorized collector deems suitable to use a rear loaded collection truck.

Recyclable material or recyclables means the following materials "capable of being diverted or reclaimed from the waste stream and prepared for further beneficial use through the recycling process" 9 VAC 20-140-20 renumbered 9 VAC 15-30-20.

- (1) Single-stream recyclables (single-stream recycling). **May include the following as determined by the MRF (Material Recovery Facility)**
 - a. Multi-material, ~~including~~ **that may include any of the following:** metal food and beverage containers, glass food and beverage containers, and type 1-7 plastic PETE and HDPE translucent bottles.
 - b. Newspapers, corrugated cardboard, magazines, catalogs, cereal & dry food boxes, telephone books, printer and copier paper, mail, or other materials prescribed by the authorized agent **or MRF.**
- (2) Ferrous metals/white goods including, but not limited to: stoves, refrigerators, washing machines, clothes dryers and hot water tanks.
- (3) Scrap metal means any metal object or portion of a metal object or an object containing a significant amount of metal, excluding appliances.
- (4) Brush/yard waste means tree limbs, tree trunks, stumps, grass cutting, shrub clippings, weeds and leaves.

Solid waste means non-liquid, non-soluble materials ranging from municipal solid waste (MSW) to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, and mining residues. Technically, solid waste also refers to liquids and gases in containers.

Standard MSW or single-stream recycling **or brush/yard waste container** means a sturdy, durable metal or plastic container maintained in good physical condition, with a lid which is designed to be emptied directly into a collection vehicle by manual means (or mechanical means, as approved by the town). The size shall not exceed 65 gallons.

***Transfer station* means any MSW storage or collection facility at which MSW is transferred from collection vehicles to other vehicles or means of transportation for shipment to another site for permanent disposal.**

(Ord. No. 16-O-05, § 1, 2-23-2016)

Sec. 63-4. – Disposal, generally.

(4) *Recyclable material*. Recyclables specified by the authorized agent **or MRF** shall be separated prior to collection so as not to become mixed with other solid waste destined for sanitary disposal sites.

Sec. 63-5. - Storage and maintenance.

- (a) *Generally.* It shall be unlawful for any person to store any solid waste or recyclables within the town, except as provided in this chapter. The provisions of this section shall apply to any land or premises where solid waste and/or recycling accumulates or is produced, be it residential, commercial, institutional or industrial, including vacant property.

It shall be unlawful for the owner of any single-family, duplex or townhouse residential unit, multiple-unit dwelling, commercial, institutional and industrial lands and buildings to permit the accumulation of solid waste and/or recyclable material upon such property in any manner which may cause or permit solid waste or recyclable material to be carried or deposited by the elements upon any street, sidewalk or other public place or upon any other private property.

- (1) Single-family, duplex or townhouse residential dwellings.
 - a. All MSW and single-stream recyclables shall be stored between collection days in approved container(s) or cart(s), such that the lids are properly fitted, **in the closed position**, with no overflow.
 - b. Brush/yard waste shall be stored in approved paper bags or container(s). Exception: bundled brush/yard waste, compost and stacked firewood. Loose leaves are only permitted during the **seasonal** leaf ~~pickup~~ **collection** program.
 - c. Owners shall be responsible for the care and protection of their approved containers or carts and for such solid waste and/or recyclables that may become spilled or scattered.
- (2) Multi-unit dwellings, commercial, institutional and industrial lands and buildings.
 - a. All bulk MSW and bulk recyclable containers shall be durable, in good physical condition, and tightly constructed **with operable lid(s)** so as to prevent leakage and unsanitary conditions.

(b) Responsibility of owners.

- (1) Owners of each single-family, duplex or townhouse residential dwelling shall be responsible for the following:
 - a. All carts and containers shall be identified by address or unit number painted in contrasting letters and figures, at least two inches in height, approximately halfway between the bottom and top of the container. The identification on carts shall be placed on the handle side of the cart.
 - b. In rear loaded collection route areas as designated by the town, owners shall provide a sufficient number of approved containers for storage of MSW and single-stream recyclables to prevent overflow or obnoxious odor between times of collection and maintain the premises in accordance with

the provisions of this chapter. The maximum number of containers shall be as specified in section 63-6(a)(1)g**f**.

- c. In automated collection route areas designated by the town, owners shall use and maintain the carts that are provided by the town (one MSW and one single-stream recycling) for storage of MSW and recyclables to prevent overflow or obnoxious odor between times of collection and maintain the premises in accordance with the provisions of this chapter. Town provided carts are the property of the town and shall not be removed from the property to which provided. If additional carts are needed, they may be purchased from the town following receipt of a written request from the owner, at purchase cost with no markup. Additional carts shall not exceed the number specified in section 63-6(a)(1)g**f**.
 - d. Brush/yard waste shall be stored in approved paper bags or container(s). Exception: bundled brush/yard waste, compost and stacked firewood; loose leaves are only permitted during the **seasonal** leaf pickup **collection** program.
 - e. Segregate solid waste and recycling as prescribed by the authorized agent.
- (2) It shall be the joint and severable responsibility of the owner of each multiple-unit dwelling, commercial and industrial land or buildings that does not receive collection from the town's contracted service, to provide a sufficient number of approved containers for storage of MSW and recyclables to prevent overflow or obnoxious odor between times of collection, and maintain the premises in accordance with the provisions of this chapter.
 - (3) The owners of all shopping centers or commercial establishments within the limits of the town are required to install, service and maintain MSW and single-stream recyclable containers at location pre-approved by the town within such shopping center or commercial establishments pursuant to the requirements of the town's zoning ordinance.
 - (4) The owners of all shopping centers or commercial establishments within the limits of the town are required to install and maintain MSW and single-stream recycling containers on the edge of the pedestrian walkway area within such shopping center or commercial establishments. The containers shall be of a type, size and color, and placed at such location as may be required and approved by the authorized agent and clearly designated as receptacles of MSW and recycling. **The Town's Streetscape Manual should be used for guidance on style, number, and placement of containers.**
 - (5) Each multiple-unit dwelling that receives collection from the town's contracted service, must maintain the designated collection sites between times of collection, and maintain the premises in accordance with the provisions of this chapter.

(Ord. No. 16-O-05, § 1, 2-23-2016)

Sec. 63-6. - Collection by town.

(a) *Residential.*

- (1) *Single-family, duplex or townhouse residential dwelling.* Curbside collection of MSW, single-stream recyclables, and brush/yard waste shall be collected no less than once a week from single-family, duplex or townhouse residential dwelling. It shall be collected more frequently if the authorized agent determines that more collections are necessary for the preservation of the public health. Collection days are determined by the town and if needed can be changed to maintain compliance with this chapter. The following requirements shall apply:

- a. Place only approved MSW, single-stream recyclable containers/carts and brush/yard waste at the location(s) designated in subsection (2) below, ~~not~~ **no earlier** than ~~24~~ **12** hours prior to the scheduled collection day, but no later than ~~7~~ **6:00** a.m. of the scheduled collection day and remove all containers/carts **before** 6:00 p **a.m.** ~~ofn~~ the ~~following~~ day after the refuse/recycling has been collected.

b. *Placement.*

1. *Rear loaded collection:* All approved MSW, single-stream recyclable containers/carts and brush/yard waste containers shall be placed within ten feet of the curb-line, the edge of pavement where there is no curb or as designated by the authorized agent.
2. *Automated collection:* All approved MSW, single-stream recyclable containers/carts and brush/yard waste containers shall be placed in the right-of-way, in a location easily accessible by an automated collection truck. ~~Exact~~ **Optimal** locations shall be determined by the authorized agent.
3. MSW, single-stream recyclable containers/carts, automated carts and brush/yard waste shall be placed in a location where they do not block the flow of traffic.
4. MSW, single stream recyclable containers/carts, automated carts and brush/yard waste shall not be placed on the sidewalks.

- c. *Reasonable accommodations collection:* The authorized agent, in consultation with any affected homeowners' association or affected citizen or citizens in a specific case may grant an exception to the requirement in this section in the case of physical limitations of the owner. The exception must address and accommodate physical limitations of the owner. If the authorized agent grants an exception, the owner shall place all approved MSW, single-stream recyclable containers/carts and brush/yard waste as set out in the written exception.

- d. Items requiring special collection for a fee (as defined in section 63-8) or collected during special collection events as designated by the town: Single-family, duplex or townhouse residential dwellings which receive curbside

collection services from the town and multiple-unit (residential condominium) dwellings that receive collection from the town through a contractor and request special collection in writing may place at a location acceptable to the authorized agent the following items for collection:

1. Furniture; couches, chairs, mattresses, tables, etc., **with a corresponding weight not to exceed 100 pounds per item.**
 2. Large appliances; stoves, dishwashers, washing machines, clothes dryers, refrigerators, etc., **with a corresponding weight not to exceed 100 pounds per item.** (Doors which may be hazardous due to the potential for trapping a person inside shall be removed from all appliances prior to set out)
 3. Small amounts of scrap metal that contains no HHW ~~not to exceed 50 pounds~~; lawn mowers, car parts, bed frames, etc., **with a corresponding weight not to exceed 50 pounds per item.**
 4. Large CDD; toilets, sinks, cabinets, fencing, shingles, lumber, carpet, flooring, etc. that are not ~~listed~~ **listed** or deemed unacceptable, **with a corresponding weight not to exceed 100 pounds per item.**
 5. Tires; two per collection.
 6. Tree trunks and limbs with a diameter estimated to be greater than three inches, a length less than four foot, and a corresponding weight of less than 50 pounds.
- e. *Town-wide cleanup events.* The town, at its discretion, may provide pre-scheduled curbside collection of items from single-family, duplex or townhouse residential dwellings normally falling under the category of special collections.

~~The town, at its discretion, may provide pre-scheduled dumpsters and ancillary refuse cleanup supplies to civic, religious and non-profit groups at locations determined by the town. The town, at its discretion, may waive any and all associated costs and fees for this service.~~

- f. ~~*Community cleanup events.* The town will provide and collect, at the request of a homeowners' association, roll off containers for community cleanup events. The location of the containers shall be determined by the town to allow for easy disposal and minimization of traffic impact. The containers provided shall be of 30 cubic yard capacity and an individual fee shall be charged per container, as listed in section 63-8. Items collected shall consist of one of the following categories: acceptable MSW, single stream recycling, brush/yard waste, or bulk items and appliances (furniture or white goods). None of the aforementioned approved categories may be co-mingled: items~~

~~shall be separated per container for each category of MSW or recyclables deposited into the containers.~~

- g.f.** Unless pre-approved in writing (property specific), the following shall be the maximum number of carts/containers allowed to be set out for MSW and single-stream recycling collection (excluding brush/yard waste), per collection. Any additional required collections shall be considered special collections, and shall be charged according to the fees in section 63-8.

1. Properties which are part of the automated collection route shall have a maximum of two MSW carts/**containers meeting the requirements of this ordinance serviced** ~~collected~~-per collection of MSW and shall have a maximum of two single-stream recycling carts/**containers meeting the requirements of this ordinance serviced** ~~collected~~-per collection of single-stream recycling.

2. Properties which are part of the rear loaded collection route shall have a maximum of four MSW containers meeting the requirements listed elsewhere in this ~~section~~ **ordinance serviced** ~~collected~~-per collection of MSW and shall have a maximum of five single-stream recycling containers meeting the requirements listed elsewhere in this **ordinance serviced** ~~section~~ ~~collected~~-per collection of single-stream recycling.

- h.g.** The maximum allowable loaded weight for rear loaded containers ~~s~~ shall not exceed 50 pounds.

- h.h.** Brush/yard waste collection shall be unlimited, as long as it can be verified that the brush/yard waste originates only from the property from which it is collected. Brush/yard waste must be separated from MSW, single-stream recycling and CDD. Brush/yard waste can be placed in containers marked brush/yard waste, brush/yard waste paper bags that do not exceed 50 pounds or bundled, as appropriate. If items are bundled, the bundle cannot exceed four foot lengths, must be tied up with twine, must not exceed 50 pounds and material within the bundles must not exceed sizes below:

- (b) *Condominiums.* The town will collect MSW and single-stream recyclables once a week from ~~those~~ **Condominium Associations** desiring collection **only upon acceptance and approval by the Town of a written request for collection.** ~~by the town. A r~~**Requests** ~~for a second weekly pickup~~ **collections** will only be considered during the annual bid process for the multi-family solid waste contract. The maximum volume for the weekly collection by the town shall not exceed 0.5 cubic yard per unit. Condominiums whose MSW and single-stream recyclables are collected by the town shall use containers approved by the authorized agent.

(Ord. No. 16-O-05, § 1, 2-23-2016)

Sec. 63-8. - Schedule of fees.

- (a) *Fees.* The town council imposes the following fees on the owner, lessee, occupant, person in control of the premises, or the generator of the MSW or recyclables, as appropriate, for MSW and recyclables collected by the town.
- (b) *Miscellaneous fees.* The town council establishes and imposes the following fees:
- (1) Recyclables (per quarter) ~~\$4.00~~ **8.00**
This fee shall not be prorated or refundable and shall be payable with and under the same terms as water bill payments.
 - (2) *Special collection.*
 - a. Bulk items, furniture, excessive volume of MSW, recyclables, white goods, and the like ~~\$35.00~~ **60.00** per each three cubic yards or portion thereof up to nine cubic yards, **and not exceeding weight limits set in Section 63-6 (a)**
 - b. Bulk items, furniture, excessive volumes of MSW, recyclables, white goods, and the like in excess of nine cubic yards, **and not exceeding weight limits set in Section 63-6 (a)** may be collected at the sole discretion of the authorized agent. Upon receipt of a written request for a special collection, a written estimate will be provided.
 - (3) *Condominium association fees for bulk or multi items for special collection.* Fees will be assessed according to the special collection fee schedule in subsection (b) above.
 - (4) ~~*Rental containers for associations and organizations . Up to 30 cubic yard container rental for use by associations/organizations, as requested, to support community cleanup events: (per rental period, maximum of three days to allow for weekends) \$300.00*~~

(Ord. No. 16-O-05, § 1, 2-23-2016)

Sec. 63-9. - Violations; fees and penalties.

- (c) *Violation fee .* The authorized agent on behalf of the town shall charge the person(s) responsible for a violation a fee as listed below.
- (1) The authorized agent on behalf of the town shall charge the person(s) responsible for a violation a fee ~~\$35.00~~ **120.00** (each occurrence).
 - (2) In addition to the violation fee, a fee shall be charged for the removal and disposal of the violation as follows:

Bulk items, furniture, excessive volume of MSW, recyclables, white goods, and the like ~~\\$35.00~~ **\$60.00** per each three cubic yards or portion thereof.

(Ord. No. 16-O-05, § 1, 2-23-2016)

2. This ordinance shall be effective on and after July 1, 2019.

TOWN OF HERNDON, VIRGINIA

DRAFT RESOLUTION

MARCH 26, 2019

Resolution- to consider Special Exception SE #19-03, to allow a fitness facility in an existing commercial space in a PD-B, Planned Development – Business, zoning district.

WHEREAS, the applicants, Kavitha Maddi and Yogender Rakasi, have submitted a request for a special exception to permit a fitness facility in an existing commercial space located at 281 Sunset Park Drive and identified as Fairfax County Tax Map # 0164 21 0281; and

WHEREAS, fitness facilities are permitted in this zoning district subject to the approval of a special exception; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, following the public hearing, the Planning Commission recommended that the application be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3; and

WHEREAS, the Town Council has conducted a public hearing and has reviewed the Planning Commission recommendations.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby:

Approves Special Exception Application SE #19-03, in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3;

a. **Substantial conformity.** The site shall be operated in substantial conformance with the special exception application submitted January 25, 2019, except where modified by these conditions.

b. **Permitted use.** The use shall be limited to a fitness facility.

c. **Number of clients.** The total number of clients at the facility shall not exceed 6 during the hours of 8 a.m. through 6 p.m., Monday through Friday. The total number of clients shall not be limited outside of those

hours provided the total number of occupants does not exceed that listed on the Certificate of Occupancy as determined by the Building Official.

d. **Record of attendance.** The property owner or operator shall, upon reasonable notice by the town, provide a record of attendance or access to the property in order for enforcement staff to determine compliance with condition C above. Any record provided shall not include any personally identifiable information of clients.

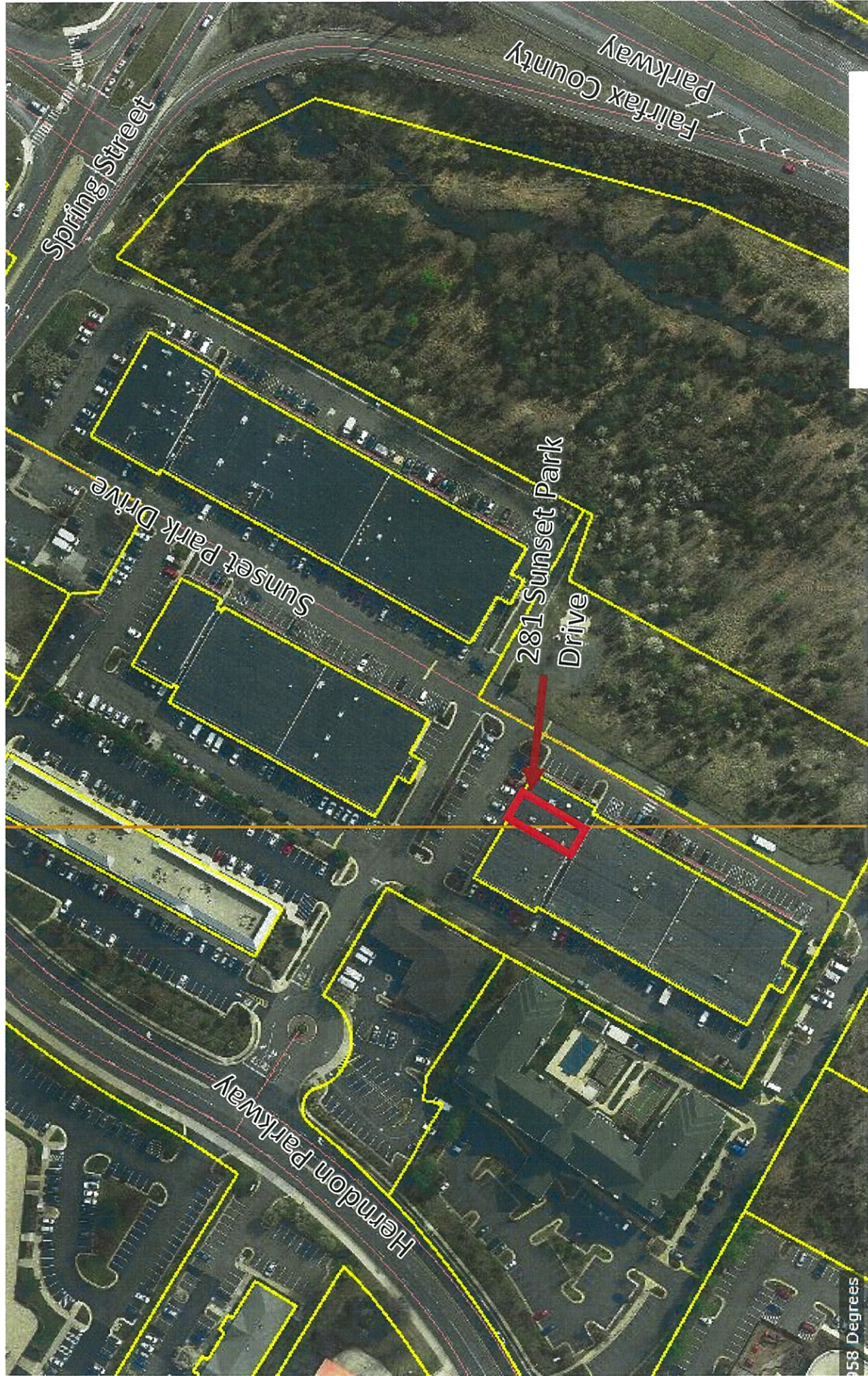
e. **Inspection.** The property owner shall, during hours of operation, make provisions to allow enforcement staff to inspect the property upon reasonable notice by the town.

f. **Expiration.** This Special Exception shall not run with the land and shall expire under the following condition(s):

- i. A discontinuation of the use for which the special exception was granted for a continuous twelve-month period;
- ii. Failure to commence operation of the use within twelve months of approval of the special exception;
- iii. A change in substantial ownership of possession of the subject land.

g. **Revocation.** Any violation of the aforementioned conditions or other sections of the Herndon Town Code shall be grounds for revoking the special exception pursuant to the manner described in Section 78-155.3(h) of the zoning ordinance.

This resolution by its terms shall be effective on and after the date of its adoption.



TOWN OF
Herndon

Photo prepared by Town of Herndon
Department of Community Development
Image source: Fairfax County GIS



SITE LOCATION – AERIAL PHOTO

Case: SE #19-03 – 281 Sunset Park Road

058 Degrees

TOWN OF HERNDON, VIRGINIA

RESOLUTION

MARCH 26, 2019

Resolution- to amend the **Special Facilities Use and Facility Rental Fees at the Department of Parks and Recreation.**

WHEREAS, the Town's Department of Parks and Recreation operates the Herndon Community Center and other town parks and facilities; and

WHEREAS, the department is expected to recover 75 percent of its operating costs through fees and charges for services; and

WHEREAS, the department recommends adoption of the amendments stated below to the *Special Facilities Use and Facility Rental Fees*.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Herndon, Virginia, hereby approves *the Special Facilities Use and Facility Rental Fees* and directs the Department of Parks and Recreation to implement the amended fee schedule effective September 1, 2019.

Daily Rate	TOH	Basis	Non-Resident	Basis
Adult	\$7.00		\$8.00	15% above resident rate
Youth, Senior, Student	\$5.75	discount 20%	\$6.50	discount 20%
Family	\$19.75	2Adult, 1Youth	\$22.50	2Adult, 1Youth
10 - Visit Pass	TOH	discount 10%/visit	NR	discount 10%/visit
Adult	\$63		\$72	
Senior, Youth, Student	\$52		\$59	
25 - Visit Pass	TOH	discount 20%/visit	NR	discount 20%/visit
Adult	\$140		\$160	
Senior	\$115		\$130	
Youth & Student	\$115		\$130	
30-Day Pass				
Adult	\$56	8 monthly visits	\$72	9 monthly visits
Senior	\$46	8 monthly visits	\$59	9 monthly visits
Youth & Student	\$46	8 monthly visits	\$59	9 monthly visits
Adult 2-Person	\$84	50% off 2nd pass	\$108	50% off 2nd pass
Senior 2-Person	\$69	50% off 2nd pass	\$88	50% off 2nd pass
Adult/Senior 2-Person	\$74	50% off adult pass	\$95	50% off adult pass
Dependent Youth	\$14	70% off youth	\$18	70% off youth
6-Month Pass				
Adult	\$294	7 monthly visits	\$384	8 monthly visits
Senior, Youth & Student	\$242	7 monthly visits	\$312	8 monthly visits
Adult 2-Person	\$441	50% off 2nd pass	\$576	50% off 2nd pass
Senior 2-Person	\$362	50% off 2nd pass	\$468	50% off 2nd pass
Adult/Senior 2-Person	\$389	50% off adult pass	\$504	50% off adult pass
Dependent Youth	\$72	70% off youth	\$94	70% off youth
Annual Pass				
Adult	\$504	6 monthly visits	\$672	7 monthly visits
Youth, Senior, Student	\$414	6 monthly visits	\$546	7 monthly visits
Adult 2-Person	\$756	50% off 2nd pass	\$1,008	50% off 2nd pass
Senior 2-Person	\$621	50% off 2nd pass	\$819	50% off 2nd pass
Adult/Senior 2-Person	\$666	50% off adult pass	\$882	50% off adult pass
Dependent Youth	\$124	70% off youth	\$164	70% off youth

- Youth is defined as age 2-18 years.
- Dependent youth fees require a paid adult or senior adult pass.
- A senior adult is defined as age 65 or over.
- For all 25 admission, monthly, six month and annual passes, the amount shall be rounded to the nearest dollar increment. Daily admission fees shall be rounded to the next twenty-five cent increment.
- Daily admission discounts or special use passes may be offered on a limited term basis to encourage attendance during non-peak times, for special uses such as weekday, mid-day gym use, and respond to changes in operating schedule during inclement weather or Fairfax County public school holidays.

Facility Group Rate

Groups of 12-50 with advance reservation and single payment receive 25% off daily admission rate.

Groups of 51 or more with advance reservation and a single payment receive 10% off the daily admission rate.

Room Rental Fees

<i>Facility</i>	<i>Current Hourly Rate</i>	<i>Proposed Hourly Rate</i>
1/2 gym ¹	\$115	\$130
Full Gym ¹	\$225	\$250
Community Room ¹	\$125	\$150
Arts & Crafts Room ²	\$40	\$60

¹Four hour minimum, additional time at \$80/145/125 per hour; 1.5 hours included for set up and clean up

²Two hour minimum, additional time at \$25/hour

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TOWN OF HERNDON, VIRGINIA

RESOLUTION

MARCH 26, 2019

Resolution- to authorize the submission of a Creative Communities Partnership Grant Application/Virginia Commission for the Arts.

WHEREAS, the Virginia Commission for the Arts provides grant monies to Virginia localities under the Creative Communities Partnership Grant (formerly the Local Challenge Grant) for redistribution to nonprofit organizations for arts activities; and

WHEREAS, the Town of Herndon has solicited grant applications from organizations and recommends that a \$4,500 grant be submitted for the proposal submitted by Arts Herndon.

WHEREAS, the funding for this program requires that the Town appropriate an equal amount of funds for arts activities in the community and recommends funding be included in the proposed FY 2020 budget.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, that the Town Manager is hereby authorized to submit a Creative Communities Partnership Grant application to the Virginia Commission for the Arts.