TOWN COUNCIL WORK SESSION AGENDA

Herndon Police Department – Community Room
397 Herndon Parkway, Herndon, VA 20170

Tuesday, June 6, 2023 | 7:00 p.m.

Closed Meeting – 5:30 p.m.
Work Session - 7:00 p.m.

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1. **Call to Order**

2. **Closed Meeting**
   a. A closed meeting as provided under Section 2.2-3711(A)(1) of the Code of Virginia pertaining to discussion of a specific public employee relative to an annual performance review

3. **Public Hearings**
   a. Resolution to consider an appeal of the Historic District Review Board's (HDRB) Decision on HDRB #23-001. The decision, made at the HDRB public hearing on April 19, 2023, denied a Certificate of Appropriateness to demolish two contributing structures, a two-story house and a single-story accessory structure at 725 Elden Street. Property Owner/Appellant: Adams Herndon Holdings, LLC. Agents: Michael L. O'Reilly, The O'Reilly Law Firm and David Kipper, Golden Real Estate Services

   b. Resolution to approve a 10-year License Agreement between the Town and the Herndon Historical Society for use of designated town-owned public property, commonly known as the Carroll Cabin, for the installation and maintenance of interpretive panels

   c. Resolution to consider Special Exception Amendment Application SE #21-05, to permit an expansion of a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district

   d. Ordinance to amend Chapter 78 (Zoning), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances) to bring the zoning ordinance into alignment with the Code of Virginia and to consider not hearing substantially the same application for a specific period of time, not to exceed one year

4. **General**
   a. Resolution to repeal Resolution 20-G-09 and preceding resolutions, regarding eligibility guidelines for disbursement of town funds to charitable or non-profit organizations

b. Resolution to award and disburse funds to charitable or non-profit organizations for Fiscal Year 2024 for the Town of Herndon

c. Resolution to award and disburse funds to Arts Herndon in support of a Juneteenth event

5. Consent

a. Ordinance to approve and authorize the Mayor to sign a Second Lease Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2024, for space at 397 Herndon Parkway for storage

b. Ordinance to approve and authorize the Mayor to sign a Fourth Lease Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2024, for space at 397 Herndon Parkway for rehearsal

6. Discussion

a. Electric Vehicle (EV) Charging Stations – Councilmember Alam

b. Department of Motor Vehicles (DMV) – Councilmember Alam

c. Green Spaces – Councilmember Alam

d. Scams – Councilmember Alam

e. Sidewalk Maintenance – Councilmember Alam

7. Roundtable

8. Closed Meeting

a. A closed meeting pursuant to the Code of Virginia Section 2.2-3711(A)(1) of the Code of Virginia for discussion of prospective candidates relative to appointments to boards and commissions

9. Adjournment

TOWN OF Herndon VIRGINIA

MEMORANDUM

To: **Mayor Olem and Members of the Town Council**

From: **David Stromberg, AICP, Zoning Administrator** DS

Date: **June 6, 2023**

Subject: **Appeal – Historic District Review Board (HDRB) #23-001**

The Town Council will hear the appeal of Historic District Review Board HDRB #23-001 at its June 13, 2023 public hearing. The record of the HDRB in this matter is attached.

The decision results from a public hearing on the application filed by one of the applicant's agents, Mr. David Kipper, Golden Real Estate Services, for a Certificate of Appropriateness to demolish two contributing structures, a two-story house and a single-story accessory structure at 725 Elden Street. The case was heard and decided by the HDRB on April 19, 2023.

On April 19, 2023, the HDRB voted 6-0 to deny the application for a Certificate of Appropriateness to demolish two contributing structures.

On May 1, 2023, one of the applicant's agents, Mr. Michael L O'Reilly, submitted, and the town received, a request to appeal the decision of the HDRB to the Town Council. The request to appeal was received within the time limit specified by Section 78-60.3(g)(8)(b) of the zoning ordinance.

The Town Attorney will explain the appeal process at your work session on June 6, 2023. As this is an appeal, there will be no staff report at the work session. The facts of the appeal will not be discussed, nor should questions regarding the facts of the appeal be raised.

The appeal will be heard at the June 13, 2023 public hearing, at which time the appellant will present their appeal. Town staff will be present to explain the Board's position. The Town Council may then affirm, modify, or reverse the decision of the HDRB, in whole or in part, or may remand the case back to the HDRB.

Exhibits:

1. Appeal request
2. HDRB Resolution of denial dated April 19, 2023
3. HDRB Memo dated April 19, 2023 with all attachments
4. HDRB Staff Report dated April 5, 2023 with all attachments
5. HDRB April 19, 2023 approved public hearing minutes
6. HDRB April 14, 2023 approved work session minutes
7. Public comments submitted to the HDRB

Exhibit #1

THE O'REILLY LAW FIRM

761-C Monroe Street, Suite 200
Herndon, Virginia 20170

Michael L. O'Reilly
Mike@ORLawfirm.com

Telephone: (703) 766-1991
Fax: (703) 766-1995
www.ORLawfirm.com

RECEIVED ON

MAY 01 2023

DEPARTMENT OF
COMMUNITY DEVELOPMENT

May 1, 2023

David Stromberg, Zoning Administrator
Community Development Department
Town of Herndon
777 Lynn Street
Herndon, VA 20170

Re: Adams Herndon Holdings, LLC
Application for Demolition, HDRB # 23-001

Dear Mr. Stromberg:

I am privileged to have the opportunity to assist Katheryn Adams in connection with the Application that was filed with the HPRB on behalf of Adams Herndon Holdings, LLC. The original Application was filed on or about January 13, 2020, seeking a Certificate of Appropriateness to demolish the small and unusable single-family home located on the Funeral Home property with a street address of 725 Elden Street. The Application was updated by the filing in January 2023. Unfortunately, the Application was denied by the HDRB.

Enclosed please find the Notice of Appeal filed in accordance with Section 78-60.3(g)(7) of the Town of Herndon Zoning Ordinance. Please contact my office immediately in the event you need any additional information in order to have this matter heard by the Town Council.

Sincerely,

THE O'REILLY LAW FIRM

By: _____
Michael L. O'Reilly

Enclosure
Cc: Adams Herndon Holdings, LLC
David Kipper

Exhibit #1

MAY 01 2023

DEPARTMENT OF
DEVELOPMENT

NOTICE OF APPEAL OF THE HERNDON HISTORIC DISTRICT REVIEW BOARD DECISION OF APRIL 19, 2023, DENYING THE APPLICATION OF ADAMS HERNDON HOLDINGS, LLC TO DEMOLISH A NON-CONTRIBUTING STRUCTURE IN THE HISTORIC DISTRICT LOCATED AT 725 ELDEN STREET HERNDON, VA

Adams Herndon Holdings, LLC (the "Applicant") hereby appeals the decision of the Herndon Historic District Review Board ("HDRB") to deny a Certificate of Appropriateness for the demolition of the buildings located at 725 Elden Street and in support hereof provides the following information as the grounds for the appeal as required by Section 78-60.3(g)(7) of the Town of Herndon Zoning Ordinance:

1. The Applicant originally filed an Application for a Certificate of Appropriateness to Demolish two old, dilapidated buildings located at 725 Elden Street on January 13, 2020. After reviewing that Application, Town staff opined that it was necessary for the applicant to file a site plan showing how the property would be stabilized after the demolition.

2. After providing a site plan which showed the property would be stabilized and grass would be planted on the site until the Applicants business plans for use of the property were finalized, the Applicant renewed its Application for a Certificate of Appropriateness with a filing in January 2023.

3. At the Public Hearing on April 19, 2023, the HDRB denied the Application.

4. The grounds for this appeal are:

   A. The HDRB failed to follow and properly consider the requirements of Zoning Ordinance Section 78-60.3(f)(4).
   B. The HDRB failed to consider the Structural Engineering Report submitted with the Application as meeting the requirements of Zoning Ordinance Section 78-60.3(f)(4)(i).
   C. The HDRB improperly attempted to require the applicant to provide a plan for the future use of the property after demolition.
   D. The HDRB failed to consider the fact that the property is zoned for residential use only but is located in the Central Commercial District where residential use is not allowed.

E. The HDRB failed to consider the long-standing business of the funeral home located at the present site which is a fixture in the Historic District and which needs to have additional space to continue to operate its business at the current site.
F. To the extent the HDRB decision reflected a belief that the Application was deficient by not providing an Economic and Structural Report then the Town Staff has deliberately misled the Applicant when acting as the sole arbiter of whether the application was complete and ready to be brought before the HDRB, the staff informed Applicant that the Application was complete. Town staff cannot be permitted to certify that an Application is complete and then argue to the HDRB that the Application should be denied because it is not complete.
G. Any further grounds which may arise during discussions with the Town Council as this matter moves forward.

Respectfully Submitted,

Adams Herndon Holdings, LLC

BY _____

Michael L. O'Reilly
Counsel for Adams Herndon Holdings, LLC

TOWN OF HERNDON, VIRGINIA
HISTORIC DISTRICT REVIEW BOARD

RESOLUTION

April 19, 2023

Resolution- to deny HDRB #23-001, for demolition of a contributing historic house and contributing historic carriage house located at 725 Elden Street, Fairfax County Tax Map Number 0162 02 0091.

WHEREAS, the applicant has submitted an application for demolition of the residence at the above-referenced address; and

WHEREAS, the proposed demolition does not comply with the applicable zoning ordinance regulations as specified in the Town of Herndon Zoning Ordinance; and

WHEREAS, the Town of Herndon Historic District Review Board has determined that the proposed demolition does not comply with the applicable Historic District Overlay Guidelines; and

WHEREAS, the Town of Herndon Historic District Review Board has reviewed this application and has held a duly advertised public hearing on April 19, 2022.

NOW THEREFORE, BE IT RESOLVED that the Historic District Review Board of the Town of Herndon, Virginia, HEREBY:

Denies HDRB #23-001, for demolition of the two historic structures at 725 Elden Street in Herndon, VA, based on the following findings for denial more specifically stated in the April 5, 2023 Staff Report:

1. The 725 Elden Street historic structures do contribute to the character of the historic district as they are both categorized as contributing structures by architectural surveys completed by the Town and the National Register of Historic Places.
2. The 725 Elden Street historic structures qualify as national and state landmarks listed on the National Register of Historic Places and the Virginia Landmarks Register.
3. While modern versions of Folk Victorian houses do exist in the Town, reproduction of a historic house with its unique character and craftmanship could not be easily reproduced.
4. While no historic events occurred in the structures, the 725 Elden Historic Structures are connected with historically significant members of the Town of Herndon community.
5. Sufficient evidence has not been provided to indicate that the 725 Elden Historic Structures are structurally unsound.

6. No information has been provided that details unique or specific conditions that would diminish the practicability of relocating the 725 Elden Historic Structures.
7. The demolition of the 725 Elden Historic Structures would adversely affect the historic district as a whole and particularly adversely affect important viewsheds of the historic district and townscapes of Herndon.
8. Practicable alternatives to demolition do exist for the 725 Elden Street Historic Structures.
9. No report has been provided that includes both an economic and feasibility study concluding that rehabilitating or reusing the 725 Elden Historic Structures is not a practicable alternative.

This is certified to be a true and accurate copy of resolution 23-HDRB-005 associated with HDRB application #23-001, adopted at a legally convened meeting of the Town of Herndon Historic District Review Board on April 19, 2023.

Aaron Zoellick
Clerk of Boards and Commissions

TOWN OF Herndon VIRGINIA

MEMORANDUM

To: Chair Blaker-Glass and Members of the Historic District Review Board

From: Tamsin Himes, Lead Planner / Design and Development

Date: April 19, 2023

Subject: HDRB #23-001, 725 Elden Street, Herndon Virginia

This staff memo is an addendum to the staff report for HDRB #23-001 which was presented to the Board prior to the work session on April 5th, 2023, and is in response to questions regarding this case brought up at the work session.

Updates. In response to questions at the work session regarding the structural report provided in the application, the applicant has provided two documents from Steven D. Goughnour who produced the original report. These documents are attached to this memo (Attachment #4, Attachment #5). An additional memo (Attachment #1) from the Town's Zoning Administrator explains the HDRB's role in applying the applicable standards from the Zoning Ordinance.

Engineering Report. The updated engineering report reiterates its purpose in evaluating the 725 Historic House for commercial use and specifies differences in load requirements for office vs retail commercial uses. The report contains additional general information regarding the observed structural elements and briefly describes options for types of renovation that may be required in order to increase the load capabilities of the structure. The report does not include calculations backing these findings, or any findings that indicate the structure is unsound, or that "detail the onsite conditions that support the demolition" (HDO Guidelines p. 127). It should also be noted that the engineering report update has not been sealed by the engineer.

Economic Feasibility Study/Cost Analysis. When considering an application for most types of alternations to historic structures, the guidelines do not impose upon the board to consider an economic or cost analysis of the proposed work or materials. **However, when considering an application for demolition of a structure in the Historic District Overlay, the guidelines and the zoning ordinance specifically require the property owner to provide a cost analysis and economic feasibility study for the board to consider.** Subsection (i) of the standards in Section 78-60.3(f)(4) of the zoning ordinance states: "An economic and structural feasibility study prepared by a qualified professional is submitted that concludes rehabilitating the building or reusing the building or structure is not a practicable alternative". Additionally, the guidelines on page 127 state the property owner

is to: "Provide a cost analysis of the expense of the rehabilitation versus market value of the property." In the present case, the applicant has not provided an economic feasibility study or a cost analysis for consideration. Since this information has not been submitted the board has no such information to consider and therefore is a basis for denial.

Guidelines Matrix. Staff has re-formatted the comments in the staff report regarding the application of the applicable guidelines into the matrix format as requested by a board member (Attachment #2).

Zoning Ordinance Criteria Matrix. This matrix has been provided again (Attachment #3). The format has been modified to improve clarity on compliance and criteria "d" has been altered to reflect the application's compliance with this one criteria. The Zoning Ordinance states that a Certificate of Appropriateness for demolition should not be approved unless the case meets all nine criteria. The HDRB is charged with applying these criteria to the case as explained in the memo from the Zoning Administrator.

Future Plans for Property. To clarify, this case is strictly for the demolition of the existing structures. The applicant is not proposing to rebuild any new structures on the site at this time. While future plans for the property would likely be included as part of an economic feasibility study or cost analysis, no such study or analysis has been provided. The case should be evaluated on the merits of only what is proposed. Any possible future use should not be considered.

Moving/Relocating the Structures. At the work session, the applicant's representative stated that the applicant would be willing to move the building. This was the first time, staff was made aware of this proposal and is unaware of any activities conducted to pursue this option. Moving historic buildings would first require a COA approved by the HDRB.

History of the Property and Adjacent Properties. Questions were raised at the work session regarding background information of the property and the adjacent funeral home property. To clarify, the brick funeral home on the adjacent property (721 Elden) was built as a house c. 1914 and though not as old as the buildings at 725 Elden Street, is considered contributing to the Herndon Historic District. It was converted from a residence to the funeral home in the 1940s.

The house at 725 Elden Street was used as a residence, it's original use, as recently as 2019. The property was first zoned for commercial use in with the Town's first zoning ordinance in 1959. From that period to 2-years after it stopped being used as a residence, the residential use was allowed as a legal non-conformity.

While the Yellow House[1] and the Print/Purdie House[2] were mentioned at the work session and were at one time adjacent to the 725 Elden Historic Structures, the facts surrounding whether the criteria for relocation or demolition of a historic structure has been met are independent from each other. Each case that comes before the board or Town Council should be evaluated by the application of the zoning ordinance and guideline criteria to the unique set of facts and circumstances of each case.

Staff Recommendation. Staff's recommendation for denial based on the findings cited in the draft resolution remains unchanged however a continuation might be an option if the applicant plans to submit the cited missing application materials, and resubmit a new engineering report that includes the necessary data and analysis to ascertain the condition of the existing structure, the loads necessary for various commercial uses, and the measures needed to alter the structure to increase loads if necessary.

Attachments

1) Zoning Administrator Memo
2) Guidelines Matrix
3) Zoning Ordinance Matrix
4) Adams Green Cover Letter
5) Adams Green Engineering Report Update

[1] The Yellow House was a contributing structure and originally located along the frontage of Elden Street adjacent to the house at 725 Elden Street. The Yellow House was relocated to the back of the same lot to make way for the construction of the current brick house at 721 Elden Street where the existing funeral home business is currently located. The Yellow House was relocated again to a separate lot in its current location at 136 Pearl Street in 2006.

[2] The Printz/Purdie House, located at 727 Elden (the adjacent Main Street Bank location), was a historic house that was demolished in the early 1990s. This demolition was one of the first cases reviewed by the HDRB (then HPRB) after the establishment of the board. The board denied the application for a COA to demolish the structure citing that the application did not meet the applicable criteria in the Zoning Ordinance for demolition. That decision was appealed to the Town Council, which reversed the denial and approved a COA for demolition, with specific conditions based on the facts of the case. While the criteria in the zoning ordinance in effect at the time the case was heard were similar to the criteria in today's ordinance, the criteria were different enough to make a direct comparison inappropriate.

MEMORANDUM

To: Chair Blaker-Glass and Members of the Historic District Review Board

From: David Stromberg, Zoning Administrator

Date: April 19, 2023

Subject: HDRB #23-001, 725 Elden Street, Herndon Virginia

This memo is being provided to clarify the HDRB's role in applying the Zoning Ordinance to demolition cases.

The Code of Virginia, Section 15.2-2306, provides the authority for a locality to adopt a local historic district and a local review board. The "Zoning Ordinance" includes all sections codified in Chapter 78 of the Town of Herndon Code of Ordinances. The zoning ordinance, Section 78-150.4, establishes the Historic District Review Board and specifies powers and duties of the Board. One of these duties is application review for certificates of appropriateness (Section 78-150.4(b)(2)(a)). The Historic District Overlay (HDO) is established in Section 78-60.3 of the zoning ordinance. The HDO promulgates, "No building, structure, or sign located in the historic district overlay shall be erected, reconstructed, altered, demolished, moved, expanded or restored except in accordance with the provisions of Section 78-60.3(g), certificate of appropriateness in the historic district overlay." (Section 78-60.3(b)).

The Historic District Review Board (HDRB) has the authority to consider zoning provisions contained in Section 78-60.3. The HDRB does not have the authority to consider zoning provisions in other sections of the zoning ordinance, such as permitted use, lot coverage, rear and side setbacks, and height. The HDRB also does not have the authority to alter or interpret proffers associated with a conditional rezoning.

The zoning ordinance provides that development in the HDO shall be completed in accordance with the Historic District Overlay Guidelines (Guidelines) ***and*** the following standards (Sections 78-60.3(f)(1-4)). The zoning standards and the Guidelines are complementary, and one must utilize the Guidelines in order to fully evaluate the zoning standards.

As stated in the original Staff Report and the matrix included as Attachment #1 for HDRB #23-001, the specific standards for demolitions applications are in Section 78-60.3(f)(4) and shown below:

(4) Demolition. A certificate of appropriateness to demolish a building or structure may be approved, only after meeting the following standards:

a. The building or structure does not contribute to the character of the historic district.
b. The building or structure would not qualify as a national or state landmark building or structure listed on the National Register of Historic Places or the Virginia Landmarks Register.
c. The building or structure has a common design that could reasonably be reproduced.
d. No historic events occurred in the building or structure.
e. It is determined the building or structure has a degree of structural unsoundness.
f. It is not practicable to relocate the building or structure, or portion thereof.
g. The proposed demolition does not adversely affect other historic landmarks located within the historic district overlay or adversely affect the character of the historic district overlay.
h. Practicable alternatives to demolition do not exist.
i. An economic and structural feasibility study prepared by a qualified professional is submitted that concludes rehabilitating or reusing the building or structure is not a practicable alternative.

When reviewing demolition cases, the Board should identify each criteria and determine whether or not the application meets that criteria. A denial or approval should be made using these findings.

Historic District Overlay Guidelines Review Matrix		
Chapter 10 – Relocation and Demolition (pages 124-127)		
#	**Guidelines**	**Evaluation**
1	The demolition of historic buildings within the HDO is strongly discouraged, as it results in a permanent loss that diminishes the overall integrity of the district. All alternatives should be exhausted before a building is demolished. (Guidelines p. 126)	Staff has not found that alternatives to demolition for the 725 historic structures have been explored and assessed based on the information provided for review. [Similar to ZO Stds. f & h]
2	During the COA application process, the building and its integrity should be re-evaluated to determine if it is still considered a contributing resource to the district; it is possible that if the building is being demolished due to neglect it no longer possesses the level of integrity required to be considered a contributing resource. If during this process it is determined that the building is no longer contributing, then the process for a noncontributing building should be followed. (Guidelines p. 126)	As discussed more robustly in the staff report, staff knows of no current conditions that would jeopardize the buildings' status as contributing within the Historic District. Despite alterations and changes over time, the buildings retain their distinct and recognizable architectural form and basic characteristics. [Similar to ZO Stds. a & b]
3	If, however, the building is found to be contributing, the following factors must be considered before demolition can be approved: Is the building structurally unsound or would it require unreasonable repairs to be deemed salvageable? (Guidelines p. 126)	No information or evidence has been provided suggesting any issues with the condition of the existing structures. The structures appear to be in good condition without any identified areas of repair needed. The engineer's report provided by the applicant is limited in scope and lacks sufficient data or analysis to demonstrate its conclusions. [Similar to ZO Stds. e & i]
	Will the removal of the building negatively impact the historic integrity of the district?	Removing historic buildings that have maintained their original form and design, that remain in good condition,

	(Guidelines p. 126)	and are located at a very prominent location in the Historic District will have a significant negative impact on the Historic District's integrity. Particularly, those buildings that surround the depot area and downtown in general. [Similar to ZO Stds. a & g]
4	How rare is the style or type of resource proposed for demolition? (Guidelines p. 126)	Historic fires in Herndon destroyed many of the historic wood frame buildings in the downtown. The 725 Elden Historic Structures pre-date those incidents and stand as the last remaining 19th century buildings within this block of the Historic District. Their survival serves as a reminder of Herndon's past that would be lost forever if removed. The building type and style represent one of the most character-defining types and styles of the Historic District, cross gable Folk Victorian. [Similar to ZO Std. c]
5	Is it in a visible or prominent location within the district? (Guidelines p. 126)	The 725 Elden Historic Structures are situated in a very prominent location in the center of the Historic District. Their removal would also impact an important character-defining viewshed of the town and Historic District, as for many Herndon's identity is associated with its visibility from the W&OD Regional Trail, from Elden Street in the downtown, and from the Town Hall Square and train depot. The historic house at 725 Elden overlooks and is highly visible from those locations. [Similar to ZO Stds. a & g]
6	Discuss alternatives to demolition with Herndon's Community Development Staff and the HDRB. a. Redesign the project to eliminate the need for demolition. b. Redesign the project to incorporate the building. c. Sell the building.	Staff discussed alternatives with the property owner when the proposal to demolish was originally expressed, however no information has been submitted for review indicating that alternatives to demolition were explored or assessed.

	d. Relocate the building within the HDO. e. Relocate the building outside the HDO. (Guidelines p. 127)	[Similar to ZO Std. f & h]
7	Document the condition of the building to justify its removal and identify any existing hazards (structural unsoundness, abatement needs.) a. Provide reports from professionals discussing their findings; examples include a structural report prepared by an engineer or an abatement report. Any reports should be signed and sealed by the professional who prepared them. Details included in the report should detail the onsite conditions that support the demolition. b. Provide a cost analysis of the expense of the rehabilitation versus market value of the property. (Guidelines p. 127)	The structural report provided by the applicant fails to demonstrate or explain the existing structural assessment of the 725 Elden Historic Structures. It reports on visual observations only on limited portions of the structure. The data and analysis necessary to make structural determinations are not provided nor is the appropriate information to ascertain capabilities to hold commercial loads, and whether they may or may not be feasible. The report also includes no data or analysis on the cited solutions for improving the structure to increase capable loads. No cost analysis of the expense of the rehabilitation versus market value of the property was provided. [Similar to ZO Stds. e & i]
8	Identify the impact of the demolition on the subject project and any adjacent or surrounding properties. a. Provide a streetscape analysis to illustrate how the removal of the building impacts the street and surrounding district. (Guidelines p. 127)	The applicant has not provided an analysis as described here or illustrated how the demolition of the 725 Elden Historic Structures would impact the surrounding area. [Similar to ZO Std. g]

Zoning Ordinance Section Sec. 78-60.3. - Historic District Overlay (HDO)			
Section 78-60.3.(f)(4) – Demolition			
"A certificate of appropriateness to demolish a building or structure may be approved, only after meeting the following standards:"			
#	**Standards**	**Compliance**	**Evaluation**
a.	The building or structure does not contribute to the character of the historic district**.**	Does not comply.	The historic house and historic carriage house at 725 Elden Street (collectively "the 725 Elden Historic Structures") are categorized by the Town of Herndon as contributing structures within the Historic District Overlay. This status is consistent for all architectural surveys for the district which were completed by preservation and architectural professionals and the National Register of Historic Places resource description. The buildings have not been altered to a degree that would warrant a change in the contributing status.
b.	The building or structure would not qualify as a national or state landmark building or structure listed on the National Register of Historic Places or the Virginia Landmarks Register.	Does not comply.	The 725 Elden Historic Structures are both listed as contributing structures in the official National Register of Historic Places and the Virginia Landmarks Register resource description for the Herndon Historic District.
c.	The building or structure has a common design that could reasonably be reproduced.	Does not comply	Though a common style of architecture when constructed, few Folk Victorian structures remain in the Town. **The historic house at 725 Elden Street is one of the last remaining structures of this design and construction in the downtown section of the Historic District.** While modern versions of Folk Victorian houses do exist, reproduction of a historic house with its unique character and craftsmanship would not be reasonable.
d.	No historic events occurred in the building or structure.	Complies.	Staff is not aware of a specific historic event taking place in this building. The 725 Elden Historic Structures were built by Charles Reed, a prominent member of the Herndon community who built many of the oldest buildings in the Historic District and

			whose family started the first funerary business in Town. Staff is unaware of any specific historic events of significance occurring within these buildings.
e.	It is determined the building or structure has a degree of structural unsoundness.	Does not comply.	Staff has not been provided or found any evidence that the historic house at 725 Elden Street is structurally unsound. **The structural report provided by the applicant assesses the property for commercial use but does not discuss the condition of the existing structure.** It also does not include the necessary data or analysis to demonstrate or explain the conclusions drawn.
f.	It is not practicable to relocate the building or structure, or portion thereof.	Does not comply.	Aside from brief comments at the work session no information regarding the consideration, feasibility, or process for potentially relocating the 725 Elden Historic Structures was provided. Several historic buildings in the Herndon Historic District have been relocated in the past though relocation should be a last resort in order to retain a building facing demolition. Relocation in these instances has allowed the retention of contributing and important structures. **Staff is unaware if any unique of specific conditions that would diminish the feasibility of relocating the 725 Elden Historic Structures** or cause the process to exceed normal relocation efforts. Although relocation may be an option, the location of these structure in the historic core of the downtown and adjacent to the town square and historic depot, does make the location particularly noteworthy.
g.	The proposed demolition does not adversely affect other historic landmarks located within the historic district overlay or adversely affect the character of the historic district overlay.	Does not comply.	Demolition of historic structures within the Historic District affects the integrity of the district as a whole. It creates gaps in the fabric of the character that can't be replaced. **The 725 Elden Historic Structures in particular would have significant impacts to important viewsheds of the district and townscapes for Herndon**. The 725 Elden Historic Structures are located prominently near the intersection of three

			highly trafficked rights-of-way. Its placement in the heart of the Town and Historic District facing Town Hall Square with visibility from the Town Hall, The Herndon train depot, and the W&OD Trail greatly enhances the adverse impact it's removal would have on the character of the Historic District and Town.
h.	Practicable alternatives to demolition do not exist.	Does not comply.	The historic house was built as a residence and has continued to function as such until recent years. It is staff's understanding that the owners of the property have opted to use the space for storage associated with a neighboring business which they also own instead of renting to residents as they previously had been doing. Reinstating its historic function as a residence is one alternative to demolition. Currently the 725 Elden Historic Structures are zoned as a commercial property. Town staff would support a rezoning of this lot to accommodate residential use. Relocation could also be an alternative to demolition. Conversion of the historic house into a commercial use and expansion of the building for commercial use may also be an alternative. Information demonstrating that this is not a feasible option has not been provided. See Comment #5 in the staff report for further analysis of alternatives.
i.	An economic and structural feasibility study prepared by a qualified professional is submitted that concludes rehabilitating or reusing the building or structure is not a practicable alternative.	Does not comply.	The applicant has provided a report entitled "Structural Survey and Evaluation for 725 Elden Street" prepared by Goughnour Engineering, PC and dated March 10, 2020. **The study is limited in scope to only address whether the existing structure could hold commercial uses. It is based on visual observations of limited portions of the structure and does not provide adequate data or analysis for staff to verify its findings.** The report concludes that the historic house does not meet structural and load requirements for a commercial building and

			the work to meet those requirements would require rebuilding most of the structure. The report does not address rehabilitation or reuse of the historic house outside of a commercial use nor does it evaluate the physical condition of the structure. It also does not provide any data and analysis for solutions to alter the structure to increase the loads it could hold. Also, contrary to what is indicated in this report, the historic house would not need to be sprinklered or require accessibility upgrades if it was converted to a commercial use. See Comment #8 in the staff report for additional analysis regarding the deficiencies in this report.

GOUGHNOUR
ENGINEERING, PC

April 11, 2023

Mr. David Kipper
Golden Real Estate Services, LLC
761-C Monroe Street
Herndon, VA 20170

Re: Report of Survey and Evaluation
725 Elden Street
20026

Dear Mr. Kipper;

Please find the enclosed report regarding 7125 Elden Street. This report was prepared at the request of Tim McGrath for the purpose of evaluation the suitability of the exiting building and building structure for commercial use,

As discussed in the attached report. The existing structure and foundation do not possess adequate capacity to support the required loads and would require significant demolition and reconstruction of the existing structure. We did not need to know the precise commercial use other than for either retail or meeting rooms and offices because to the condition of the foundation would require the major destructive work described in our report would be required with any increase in required live load above the amount required of a single family home.

Thank you for this opportunity for service. If you have any further questions regarding this matter, please do not hesitate to contact us.

Very Truly Yours,

Steven D. Goughnour, P.E.
President

1 Introduction

Goughnour Engineering, PC has conducted a survey and evaluation of the existing structure located at 725 Elden Street, Herndon, Virginia. This work was requested by Tim McGrath to determine the existing structure and asses the feasibility of converting the building for commercial use.

Goughnour Engineering conducted a survey of the existing structure over a period of several days in February, 2020. During this site visit we conducted visual observations of readily accessible areas of the building. We did not perform any testing of the structure or structural members nor did we perform any selective demolition to expose hidden conditions, nor did we consider such work to be within our scope of work. Permit drawings and construction drawings for this building are unavailable. The recommendations provided in this report are based solely on our understanding of the building structure as determined by our observations and as described herein.

2 Survey& Analysis

The referenced property is a two story, with basement, wood framed structure that has been used as a single-family residence. The floors and roof are framed with wood joists and wood beams supported by wood stud bearing walls. The foundations are constructed of cast in place concrete and mortared stone. There is a basement under the living room, the remainder of the first floor is constructed over a crawl space. The first and second floor framing consists of 1-3/4” x 8” wood joists spaced at 16” o.c. The exterior bearing walls are supported by footings that are approximately 18” wide.

Goughnour Engineering performed an engineering analysis of the structure based on the member sizes observed and using assumed structural properties for the wood based on properties that typically were used in the early 20th century. Are analysis shows that the building, as constructed has a maximum allowable live load of 40 pounds per square foot. This live load is limited by both the joist size and spacing and the foundation size. If the building was to be repurposed for commercial use, the live load on the first floor would have to be increased to a minimum of 100 pounds per square foot for retail use and increased to 50 to 80 pounds per square foot for office use. The second floor live load would have to be increased to a minimum of 50 pounds per square foot. To achieve these love loads the all the floor framing would need to be reinforced and the foundations would need to be underpinned. The mortared stone footings can not be underpinned and would have to be replaced. The replacement of these footings would result in the demolition and reconstruction of significant portion of the existing building. Also, the existing building is not sprinkled and stairs and entrances do meet requirements for accessibility.

3 Conclusions

In our opinion, this building is not a candidate for renovation and commercial reuse. The structure and foundation will not support the required loads for a commercial building. The work to strengthen the structure and foundation and to meet fire code and accessibility requirements will result in the demolition and reconstruction of significant portions of the building to the extent that very little of the existing building will remain to be incorporated in the new structure.

Prepared By:

Steven D. Goughnour, P.E.
Goughnour Engineering, PC
P.O. Box 1817
Herndon, VA 20172

Title: HDRB #23-001; Demolition; 725 Elden Street

Staff Contact: Tamsin Himes
Lead Planner – Development and Design
tamsin.himes@herndon-va.gov
(571) 612-0537

Summary Information

Applicant Request	Demolition		
Address	725 Elden Street		
Fairfax County Tax Map Number	0162 02 0091		
Owner	Adams Herndon Holdings LLC		
Applicant	David Kipper		
Business/Organization	Adams-Green Funeral Home		
Property Use	Storage for funeral home, unoccupied single-family residence, parking lot		
Zoning District	CC, Central Commercial District		
HDO Designation	Contributing		
Adjacent Zoning	**North:** CC, Central Commercial District **South:** CC, Central Commercial District	**East:** CC, Central Commercial District **West:** CC, Central Commercial District	
Building Type(s)	Three story residential	**Date of Construction:**	c. 1888-89
Architectural Style(s)	Folk Victorian		
Principal Exterior Material(s)	Aluminum lap siding, asphalt shingle roofing		
Neighborhood Design Profile	Central downtown		
Comprehensive Plan Land Use Designation	Adaptive area		

Staff Recommendation	Staff is recommending denial.

Case Summary

This case proposes to demolish a historic house and historic outbuilding within the Town of Herndon Historic District. At this time the applicant is not proposing any replacement uses or structures for the property. Evaluation on whether demolition of historic resources is appropriate is based on direction in the Historic District Guidelines and standards within the Zoning Ordinance. This report analyzes this case against those guidelines and standards.

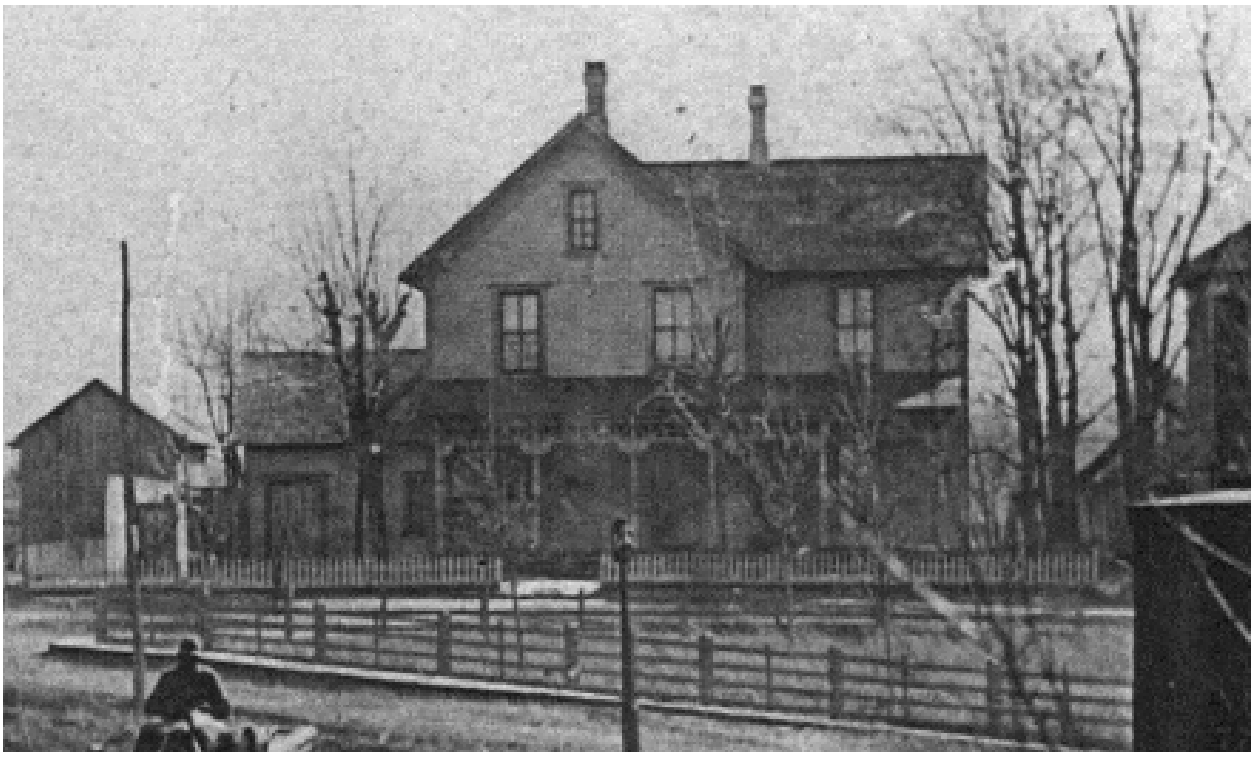
Location Map

Resource Description:

The 725 Elden Historic Structures are the subject of this application and occupy a prominent location along Elden Street in the downtown area. Both structures (a historic house and a historic carriage house) are contributing structures within the Town of Herndon Historic District and were built during the District's period of significance. Tax records indicate that these structures were built c. 1888 by Charles Reed, a prominent member of the Herndon community who built many of the oldest buildings in the Historic District and whose family started the first funerary business in Town. The historic house faces Elden Street across from Town Hall Square. It is visible from three public rights-of-way; Lynn Street, Elden Street and the Washington & Old Dominion Regional Trail. A grade change elevates the house slightly above Elden Street which enhances its prominence especially when viewed from Town Hall and the W&OD train depot. The historic carriage house is behind the house and only partially visible on the left side of the house from those same three rights-of-way. A historic image of the house and outbuilding is provided on page 3 of this report.

The house is a classic and well-preserved example of the Folk Victorian residential architectural style. Folk Victorian was popular and prolifically used throughout the United States from the mid-1800s to early 1900s. Simpler in form and detailing than Queen Anne or other Victorian architecture, Folk Victorian was more accessible to a broader economic range. Typical features of Folk Victorian include a simple L-shape, T-shape or cross gable form, prominent front gables, narrow 2-over-2 windows, simple decorative window surrounds, front porches, decorative porch posts, brackets, and running trim, and narrow reveal lap siding with accents of shingles or other decorative siding. Roofs were often metal or wood shingle.

The historic house at 725 Elden Street is constructed of a wood frame with two-stories, and an attic and partial basement. There have been changes and alterations over time as detailed below, but many of the elements that are characteristic of Folk Victorian are still prominently visible. The form of the house is T- or cross-gabled and later additions are appropriately placed to the rear of the house, allowing for the original form to be un-obstructed when seen from the public right of way. The windows retain a 2-over-2 design with simple window surrounds. A narrow, 4-over-4 sash window sits in the center of the front gable, typical of many Folk Victorian houses. The cladding is aluminum lap siding and while old would not have been the original siding. In its form, the siding is an appropriate replacement with historically typical narrow reveal. It's possible, as would have been standard practice, that the original wood siding remains under the aluminum siding. The house also features green louvered fixed shutters and an asphalt shingle roof. One central chimney remains and is located at the center of the roof of the main gable. The most prominent feature of the house that has changed since its original construction is the removal of the front porch, which is shown in the historic image below.



There are three modern additions to the rear of the historic house. These additions can be seen in aerial images and in images provided by the applicant in the application package attached to this report. One of these additions is two-stories, filling the area between the cross gables to the southwest of the structure and protruding slightly beyond the southern facade of the original main house. This addition also includes two second story windows and a ground floor bay window bump out on the west façade. The second

addition is one-story gable and shed roof that extends south of the main structure and first addition. Both additions feature similar window styles to the original house and the same affixed louvered shutters. An additional horizontal modern window is included in the second addition. The third addition is a small screened in area that extends from the shed roof of the second addition to be level with the east façade of the original structure. This addition features simple wood framing, wood lattice and screen.

The historic carriage house sits behind and slightly to the east of the historic house at 725 Elden Street. The historic carriage house is simple in form, with a gable roof, gables facing east and west, and a small dormer on the north rake of the roof. The dormer is a blind dormer, simple a-frame shape with no window. As with the historic house at 725 Elden, the historic carriage house has undergone changes over time including roof and gutter replacement and siding replacement. Two gables face east and west, with the east façade including the carriage house opening below the gable, large barn-style doors which face parking on the adjoining lot. The cladding on the historic carriage house is not original but has been replaced and is now narrow reveal lap siding with corner boards. The same siding is present on the barn doors and the face of the blind dormer. The historic carriage house can be seen in historic images of the 725 Historic Structures, and it is considered to date from the same time as the historic house at 725 Elden.

Case Details

Proposal:

This application proposes the demolition of the contributing historic house at 725 Elden Street and a contributing historic carriage house located on the same lot (collectively the "725 Elden Historic Structures"). The applicant has provided the following which are attached to this report:

- Approved site plan for the demolition
- Structural report prepared by Goughnour Engineering, PC
- Annotated images of both structures
- Letter from Michael L. O'Reilly, The O'Reilly Law Firm, on behalf of the applicant addressing zoning criteria for demolition in the Historic District.

The applicant is not proposing any new development or construction on this property at this time. The intent, according to the applicant, is to demolish the buildings and secure the site with fill dirt and grass conditions.

Applicable Design Guidance:

- Zoning Ordinance Section 78-60.3. - *Heritage Preservation Overlay District (HP District)*
- Town of Herndon Historic District Overlay Guidelines (Pages 124-127)

Staff Analysis

1. **Ordinance and Guidelines Compliance.** The Zoning Ordinance gives specific criteria that Board members are to use when reviewing an application for demolition. These are to be applied in addition to the Historic District Overlay Guidelines. The Board should be careful to consider and apply both the ordinance standards and the applicable guidelines as they review and assess this application. The comments listed below summarize staff findings. The compliance matrix, provided as Attachment #2 to this report analyzes in more detail the level of compliance for each applicable standard.

2. **Zoning Standards Evaluation.** Section 78-60.3(f)(4) includes the nine standards that must be met in order for the HDRB to approve a Certificate of Appropriateness for demolition. Staff has determined that this application fails to meet the standards as proposed. The analysis is provided in Attachment #2 of this report.

3. **Historic District Overlay Purpose and Intent.** This proposed demolition challenges the purpose and intent of the Historic District as expressed in Section 78-60.3.(a), which states:

   "*The historic district overlay (HDO) is established pursuant to the authority granted to localities by the Code of Virginia § 15.2-2306. It is intended to promote and protect the unique character of the town through the identification, preservation and enhancement of buildings, structures, settings, neighborhoods, places and features with historical architectural significance to the town. The HDO further intends to:*

   (1) Ensure that additions, repairs, modifications, and new construction enhance rather than detract from the town's historic architectural settings.

   (2) Preserve the architectural, artistic, and historic merit of individual structures.

   (3) Protect historic resources from neglect and demolition.

   (4) Retain important townscapes, streetscapes, and viewsheds integral to the identity of Herndon."

   Demolition of two historic buildings within a prominent location of the historic district that do not have any known damage or deterioration issues is an action at odds with each of these noted reasons for the existence of the Historic District.

4. **Loss of District Integrity.** Chapter 10 of The Historic District Overlay Guidelines addresses demolition. It outlines the reasons to avoid demolition and describes the damage it can cause to the Historic District when carried out. It states that the

"demolition of historic buildings within the HDO is strongly discouraged, as it results in a permanent loss that diminishes the overall integrity of the district".

Historic resources once removed are gone forever and create gaps in the fabric of historic neighborhoods. The Historic District is an important vehicle for preserving the Herndon's small town character and unique townscapes and its historic buildings are community defining assets for the Town.

The Guidelines require that when demolition is considered, the applicant should "identify the impact of demolition . . . [and] provide a streetscape analysis to illustrate how the removal of the building impacts the street and the surrounding district." (p. 127) The applicant has not provided an analysis as described here or shown how the demolition of the 725 Elden Historic Structures would impact the surrounding area.

5. **Consideration of Alternatives.** The Guidelines state that "all alternatives should be exhausted before a building is demolished." As a part of exploring other options, the Guidelines state that an applicant should discuss alternatives to demolition with Town staff and the HDRB. The applicant has not sought to collaborate with or discuss this project with staff or the HDRB.

   The Guidelines also state that if there is no other alternative, relocation should be considered prior to demolition. The applicant has provided no information to indicate that alternatives were considered by the applicant. Alternatives may include but aren't limited to:

   - Continuing the, until recent, residential use of the structure (staff would support a zoning change to allow the re-establishment residential uses).
   - Re-using the building for non-residential uses. There is flexibility in the Building Code specific to the re-use of historic buildings. The structural report provided by the applicant does not provide any analysis or data demonstrating that the house could not have a non-residential use, nor does it provide how the flexibility in the code would facilitate the repurposing of the structure to non-residential uses. It should be noted that the structure is currently being used for commercial use as storage for the adjacent funeral home.
   - Using the rear yard for an expansion of any future funeral home uses. The vast majority of the site is a yard and parking lot. The historic structures are situated right along the Elden Street frontage which maximizes the amount of area behind the structures for future expansions or new construction. This open area behind the house is ideal for expansion or new construction. Many historic properties have building towards the center of the site which makes modern expansions much more difficult but that is not the case for this property.

6. **Re-assessment of Building Status.** The Guidelines explain that if a Certificate of Appropriateness is submitted to the Board for the demolition of a contributing structure, its contributing status should be re-assessed. It states that "the building and its integrity should be re-evaluated to determine if it is still considered a contributing resource to the district; it is possible that if the building is being demolished due to neglect it no longer possesses the level of integrity required to be considered a contributing resource."

   Circumstances that could damage a building's historic integrity to the extent that it may be considered non-contributing might include alterations that completely mask or change a building's historic form, removal of all character-defining elements, damage or neglect extensive enough that no practical use is feasible, or loss of a strong majority of historic fabric.

   The 725 Elden Historic Structures have seen alterations over their 135-year lifespan, some of which have been documented in the Resource Description section of this report. Some of these alterations resulted in loss of character defining elements on the house such as the decorative Folk Victorian porch and the replacement of the original roofing with asphalt shingle tiles, both of which occurred sometime prior to the establishment of the Historic District. Despite these changes, the house retains its recognizable character and integrity as a Folk Victorian structure. Most importantly its overall form has been retained. It also maintains its historic context and remains a prominent structure in a central part of the Herndon downtown. The carriage house similarly has maintained its historic form and design with one of the only alterations being new cladding. For those reasons, staff believes that there is no substantial argument for the 725 Elden Historic Structures to be considered non-contributing to the Historic District. This assessment is consistent with the contributing status identified by the architectural surveys conducted by professional architectural history and preservation professionals and the National Register of Historic Places resource description of both structures.

7. **Further Considerations Expressed in the Guidelines**. The guidelines list the following four questions that should be considered in the evaluation of the demolition application.

   a. Is the building structurally unsound, or would it require unreasonable repairs to be deemed salvageable?

      No information or evidence has been provided suggesting any issues with the condition of the existing structures. The structures appear so be in good condition without any identified areas of repair needed. The engineer's report provided by the applicant states that the existing structure could not hold the necessary loads

if the building is used for commercial purposes, however the report does not include any data or analysis demonstrating that assessment. The report also does not identify which types of commercial uses it is assessing the structure for, or provide any structural analysis for uses outside of a commercial.

b. Will the removal of the building negatively impact the historic integrity of the district?

Removing historic buildings that have maintained their original form and design, that remain in good condition, and are located at a very prominent location in the Historic District will certainly have a negative impact on the historic district's integrity. Particularly, those buildings that surround the depot area and downtown in general. The district was established to preserve historic resources and the unique small town character Herndon is known for. Removing historic buildings undermines those objectives.

c. How rare is the style or type of resource proposed for demolition?

Historic fires in Herndon destroyed many of the historic wood frame buildings in the downtown. The 725 Elden Historic Structures pre-date those incidents and stand as the last remaining 19th century buildings within the core of the Historic District. Their survival serves as a reminder of Herndon's past that would be lost forever if removed. The building type and style represent one of the most character-defining types and styles of the Historic District, cross gable Folk Victorian.

d. Is it in a visible or prominent location within the district?

The 725 Elden Historic Structures are situated in a very prominent location in the center of the Historic District. Their removal would also impact an important character-defining viewshed of the town and Historic District, as for many Herndon's identity is associated with its visibility from the W&OD Regional Trail, from Elden Street in the downtown, and from the Town Hall Square and train depot. The historic house at 725 Elden overlooks and is highly visible from those locations.

8. **Engineering Report Deficiencies.** The structural report provided by the applicant fails to demonstrate or explain the existing structural assessment of the 725 Elden Historic Structures. It reports on visual observations only on limited portions of the structure. The data and analysis necessary to make structural determinations are not provided nor is the appropriate information to ascertain capabilities to hold commercial loads, and whether they may or may not be feasible. The report uses the

term "commercial" in an overly generalized way and does not identify what types of commercial uses are used as standards for the structural assessment. Information such as beam sizes, spans, lumber values for the age and type of wood, and all associated calculations for all areas of the structure would be necessary to evaluate how much load an existing structure should hold.

The report also includes no data or analysis on the cited solutions for improving the structure to increase capable loads. Strengthening a structure to accommodate heavier loads can often be accomplished through various solutions with varying degrees of invasiveness. Adding additional beams with additional footings midspan is an example of one possible solution that may be considered. Regardless of the solutions explored, an assessment of their feasibility and impacts to the existing structure can only be made with an analysis of existing structure and an understanding of the loads proposed based on the actual use and layout of the building.

The report also references a minimum live load for commercial uses that is double what may be required. It goes on to suggest the historic house would need to be sprinklered and improved to meet accessibility requirements. In accordance with building and fire codes, the size of the primary structure exempts it from sprinklers if it were converted to commercial. Furthermore, the change in use would not require any accessibility updates.

The report fails to meet the requirements of both the Zoning Ordinance and those in the Historic District Overlay Guidelines which require that the applicant "document the condition of the building to justify its removal and identify any existing hazards (structural unsoundness, abatement needs)" and that the report should "detail the onsite conditions that support the demolition." (p.127)

Staff Recommendation:

HDRB Alternatives:	1. Resolution to deny the application. 2. Resolution to approve the application as submitted. 3. Resolution to approve with condition(s). 4. Continuation of HDRB #23-001 to a future public hearing
Staff Recommendation:	Staff is recommending denial of this application.

Report Attachments

1.	Draft Resolution
2.	Zoning Ordinance Standards Review Matrix
3.	Commercial Structural Report
4.	Application Photos
5.	Applicant Letter

6.	Approved Site Plan
7.	Historic Image

Staff Signatures

Tamsin Himes
Lead Planner/Design and Development

Bryce A. Perry
Deputy Director

TOWN OF HERNDON, VIRGINIA
HISTORIC DISTRICT REVIEW BOARD

DRAFT RESOLUTION

April 19, 2023

Resolution- to deny HDRB #23-001, for demolition of a contributing historic house and contributing historic carriage house located at 725 Elden Street, Fairfax County Tax Map Number 0162 02 0091.

WHEREAS, the applicant has submitted an application for demolition of the residence at the above-referenced address; and

WHEREAS, the proposed demolition does not comply with the applicable zoning ordinance regulations as specified in the Town of Herndon Zoning Ordinance; and

WHEREAS, the Town of Herndon Historic District Review Board has determined that the proposed demolition does not comply with the applicable Historic District Overlay Guidelines; and

WHEREAS, the Town of Herndon Historic District Review Board has reviewed this application and has held a duly advertised public hearing on April 19, 2022.

NOW THEREFORE, BE IT RESOLVED that the Historic District Review Board of the Town of Herndon, Virginia, HEREBY:

Denies HDRB #23-001, for demolition of the two historic structures at 725 Elden Street in Herndon, VA, based on the following findings for denial more specifically stated in the April 5, 2023 Staff Report:

1. The 725 Elden Street historic structures do contribute to the character of the historic district as they are both categorized as contributing structures by architectural surveys completed by the Town and the National Register of Historic Places.
2. The 725 Elden Street historic structures qualify as national and state landmarks listed on the National Register of Historic Places and the Virginia Landmarks Register.
3. While modern versions of Folk Victorian houses do exist in the Town, reproduction of a historic house with its unique character and craftmanship could not be easily reproduced.
4. While no historic events occurred in the structures, the 725 Elden Historic Structures are connected with historically significant members of the Town of Herndon community.
5. Sufficient evidence has not been provided to indicate that the 725 Elden Historic Structures are structurally unsound.

6. No information has been provided that details unique or specific conditions that would diminish the practicability of relocating the 725 Elden Historic Structures.
7. The demolition of the 725 Elden Historic Structures would adversely affect the historic district as a whole and particularly adversely affect important viewsheds of the historic district and townscapes of Herndon.
8. Practicable alternatives to demolition do exist for the 725 Elden Street Historic Structures.
9. No report has been provided that includes both an economic and feasibility study concluding that rehabilitating or reusing the 725 Elden Historic Structures is not a practicable alternative.

Zoning Ordinance Section Sec. 78-60.3. - Historic District Overlay (HDO)		
Section 78-60.3.(f)(4) – Demolition		
"A certificate of appropriateness to demolish a building or structure may be approved, only after meeting the following standards:"		
#	**Standards**	**Evaluation**
a.	The building or structure does not contribute to the character of the historic district**.**	The historic house and historic carriage house at 725 Elden Street (collectively "the 725 Elden Historic Structures) are categorized by the Town of Herndon as contributing structures within the Historic District Overlay. This status is consistent for all architectural surveys for the district which were completed by preservation and architectural professionals and the National Register of Historic Places resource description. The buildings have not been altered to a degree that would warrant a change in the contributing status.
b.	The building or structure would not qualify as a national or state landmark building or structure listed on the National Register of Historic Places or the Virginia Landmarks Register.	The 725 Elden Historic Structures are both listed as contributing structures in the official National Register of Historic Places and the Virginia Landmarks Register resource description for the Herndon Historic District.
c.	The building or structure has a common design that could reasonably be reproduced.	Though a common style of architecture when constructed, few Folk Victorian structures remain in the Town. The historic house at 725 Elden Street is one of the last remaining structures of this design and construction in the downtown section of the Historic District. While modern versions of Folk Victorian houses do exist, reproduction of a historic house with its unique character and craftsmanship would not be reasonable.
d.	No historic events occurred in the building or structure.	The 725 Elden Historic Structures were built by Charles Reed, a prominent member of the Herndon community who built many of the oldest buildings in the Historic District and whose family started the first funerary business in Town. Staff is unaware of any specific historic events

		of significance occurring within these buildings.
e.	It is determined the building or structure has a degree of structural unsoundness.	Staff has not been provided or found any evidence that the historic house at 725 Elden Street is a structurally unsound. The structural report provided by the applicant assesses the property for commercial use but does not discuss the condition of the existing structure. It also does not include the necessary data or analysis to demonstrate or explain the conclusions drawn.
f.	It is not practicable to relocate the building or structure, or portion thereof.	No information regarding the consideration, feasibility, or process for potentially relocating the 725 Elden Historic Structures was provided. Several historic buildings in the Herndon Historic District have been relocated in the past though relocation should be a last resort in order to retain a building facing demolition. Relocation in these instances has allowed the retention of contributing and important structures. Staff is unaware if any unique of specific conditions that would diminish the feasibility of relocating the 725 Elden Historic Structures or cause the process to exceed normal relocation efforts. Although relocation may be an option, the location of these structure in the historic core of the downtown and adjacent to the town square and historic depot, does make the location particularly noteworthy.
g.	The proposed demolition does not adversely affect other historic landmarks located within the historic district overlay or adversely affect the character of the historic district overlay.	Demolition of historic structures within the Historic District affects the integrity of the district as a whole. It creates gaps in the fabric of the character that can't be replaced. The 725 Elden Historic Structures in particular would have significant impacts to important viewsheds of the district and townscapes for Herndon. The 725 Elden Historic Structures are located prominently near the intersection of three highly trafficked rights-of-way. Its placement in the heart of the Town and Historic District facing

		Town Hall Square with visibility from the Town Hall, The Herndon train depot, and the W&OD Trail greatly enhances the adverse impact it's removal would have on the character of the Historic District and Town.
h.	Practicable alternatives to demolition do not exist.	The historic house as built as a residence and has continued to function as such until recent years. It is staff's understanding that the owners of the property have opted to use the space for storage associated with a neighboring business which they also own instead of renting to residents as they previously had been doing. Reinstating its historic function as a residence is one alternative to demolition. Currently the 725 Elden Historic Structures are zoned as a commercial property. Town staff would support a rezoning of this lot to accommodate residential use. Relocation could also be an alternative to demolition. Conversion of the historic house into a commercial use and expansion of the building for commercial use may also be an alternative. Information demonstrating that this is not a feasible option has not been provided. See Comment #5 in the staff report for further analysis of alternatives.
i.	An economic and structural feasibility study prepared by a qualified professional is submitted that concludes rehabilitating or reusing the building or structure is not a practicable alternative.	The applicant has provided a report entitled "Structural Survey and Evaluation for 725 Elden Street" prepared by Goughnour Engineering, PC and dated March 10, 2020. The study is limited in scope to only address whether the existing structure could hold commercial uses. It is based on visual observations of limited portions of the structure and does not provide adequate data or analysis for staff to verify its findings. The report concludes that the historic house does not meet structural and load

		requirements for a commercial building and the work to meet those requirements would require rebuilding most of the structure. The report does not address rehabilitation or reuse of the historic house outside of a commercial use nor does it evaluate the physical condition of the structure. It also does not provide any data and analysis for solutions to alter the structure to increase the loads it could hold. Also, contrary to what is indicated in this report, the historic house would not need to be sprinklered or require accessibility upgrades if it was converted to a commercial use. See Comment #8 in the staff report for additional analysis regarding the deficiencies in this report.

GOUGHNOUR
ENGINEERING, PC

March 10, 2020

Mr. David Kipper
Golden Real Estate Services, LLC
761-C Monroe Street
Herndon, VA 20170

Re: Report of Survey and Evaluation
725 Elden Street
20026

Dear Mr. Kipper;

Please find the enclosed report regarding 7125 Elden Street. This report was prepared at the request of Tim McGrath for the purpose of evaluation the suitability of the exiting building and building structure for commercial use,

As discussed in the attached report. The existing structure and foundation do not possess adequate capacity to support the required loads and would require significant demolition and reconstruction of the existing structure.

Thank you for this opportunity for service. If you have any further questions regarding this matter, please do not hesitate to contact us.

Very Truly Yours,

COMMONWEALTH OF VIRGINIA
STEVEN D. GOUGHNOUR
No. 19245
PROFESSIONAL ENGINEER

Steven D. Goughnour, P.E.
President

REPORT OF
STRUCTRUAL SURVEY AND EVALUATION
FOR
725 ELDEN STREET
HERNDON, VA 20170

DATE: MARCH 10, 2020

PREPARED BY:

GOUGHNOUR ENGINEERING, PC
P O BOX 1817
HERNDON, VA 20172

1 Introduction

Goughnour Engineering, PC has conducted a survey and evaluation of the existing structure located at 725 Elden Street, Herndon, Virginia. This work was requested by Tim McGrath to determine the existing structure and asses the feasibility of converting the building for commercial use.

Goughnour Engineering conducted a survey of the existing structure over a period of several days in February, 2020. During this site visit we conducted visual observations of readily accessible areas of the building. We did not perform any testing of the structure or structural members nor did we perform any selective demolition to expose hidden conditions, nor did we consider such work to be within our scope of work. Permit drawings and construction drawings for this building are unavailable. The recommendations provided in this report are based solely on our understanding of the building structure as determined by our observations and as described herein.

2 Survey& Analysis

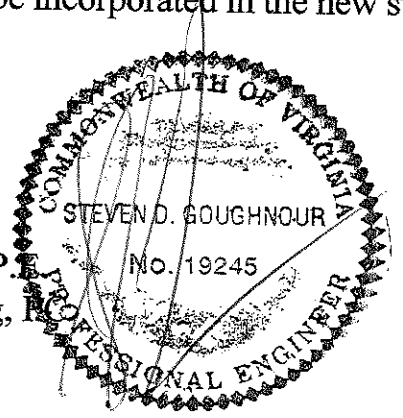
The referenced property is a two story, with basement, wood framed structure that has been used as a single-family residence. The floors and roof are framed with wood joists and wood beams supported by wood stud bearing walls. The foundations are constructed of cast in place concrete and mortared stone. There is a basement under the living room, the remainder of the first floor is constructed over a crawl space. The first and second floor framing consists of 1-3/4" x 8" wood joists spaced at 16" o.c. The exterior bearing walls are supported by footings that are approximately 18" wide.

Goughnour Engineering performed an engineering analysis of the structure based on the member sizes observed and using assumed structural properties for the wood based on properties that typically were used in the early 20th century. Are analysis shows that the building has a minimum allowable live load of 40 pounds per square foot. This live load is limited by both the joist size and spacing and the foundation size. If the building was to be repurposed for commercial use, the live load on the first floor would need be a minimum of 100 pounds per square foot and the second floor live load would need to be a minimum of 50 pounds per square foot. To achieve these love loads the all the floor framing would need to be reinforced and the foundations would need to be underpinned. The mortared stone footings will not be able to be underpinned and would need to be replaced. The replacement of these footings may result in the demolition and reconstruction of significant portion of the existing building. Also, the existing building is not sprinkled and stairs and entrances do meet requirements for accessibility.

3 Conclusions

In our opinion, this building is not a candidate for renovation and commercial reuse. The structure and foundation will not support the required loads for a commercial building. The work to strengthen the structure and foundation and to meet fire code and accessibility requirements will result in the demolition and reconstruction of significant portions of the building to the extent that very little of the existing building will remain to be incorporated in the new structure.

Prepared By:



Steven D. Goughnour, P.E.
Goughnour Engineering, PC
P.O. Box 1817
Herndon, VA 20172

HPRB Application for a demolition permit

Submitted March 10th, 2020

725 Elden Street

Herndon, Va 20170

Front facing structure of 725 Elden Street & Shed behind house

East facing structure of 725 Elden Street

West facing structure of 725 Elden Street

Commercial building to the West is ON the property line of 725 Elden Street

West facing structure of 725 Elden Street

South facing structure of 725 Elden

South East facing structure of 725 Elden Street

Southwest structure of Shed behind 725 Elden Street

Attachment #4 Exhibit #4

West facing structure of shed behind 725 Elden Street

Attachment #4 Exhibit

North facing structure of Shed behind 725 Elden Street

North East facing structure of shed behind 725 Elden Street

East facing structure of shed behind 725 Elden Street

South East facing structure of shed behind 725 Elden Street

Decorative retaining wall, South of both structures

Decorative retaining wall, South East of structures

Decorative retaining wall, South of both structures

Decorative retaining wall, South of both structures

Exhibit
Attachment #4

Attachment #4

Exhibit #4

Exhibit #4

Attachment #4

Exhibit
Attachment #4

Exhibit #4
Attachment #4

Exhibit #4

Attachment #4

MAIN STREET BANK
RIGHT ON! RECORDS

THE O'REILLY LAW FIRM

761-C Monroe Street, Suite 200
Herndon, Virginia 20170

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February 1, 2023

Tamsin Hines
Lead Planner, Design and Development
777 Lynn Street
Herndon, VA 20170

Re: Adams Herndon Holdings, LLC

Dear Ms. Hines:

I am privileged to have the opportunity to assist Katheryn Adams in connection with the Application that was filed with the HPRB on behalf of Adams Herndon Holdings, LLC. The original Application was filed on or about January 3, 2020, seeking a Certificate of Appropriateness to demolish the small and unusable single-family home located on the Funeral Home property with a street address of 725 Elden Street. Unfortunately, the Application has not progressed very far.

I understand that a site plan for the building that will be constructed once the current building is demolished was required by the Town. While I don't see that requirement in the codified requirements for the issuance of a Certificate of Appropriateness for a demolition, I am advised that my client has provided such a plan and that it has been approved. We are working on accommodating the other numerous staff requirements that will allow the matter to move forward.

There are two buildings that are the subject of the Application. The first is a single-family residence that has not been occupied for years and years. It is not visible from Elden Street even though it sits on Elden Street. The building does not contribute to the character of the historic or heritage district. There is nothing unique about the building and it would not qualify as a state or national landmark building. I should also point out that residential use is not permitted in buildings that are in the Central Commercial district.

The building is a two-story wood frame house that is clad in vinyl siding. It has a composition shingle roof with aluminum windows with vinyl trim. Having chaired the HPRB in its early years and having litigated against allowing asphalt shingles to replace metal roofs on behalf of members of the historical society, I can say with certainty that this is not the type of building that the Town is looking for in the historic district.

There is no evidence that any historic or important event occurred in the building or structure. With all of the work done by our Historical Society and others documenting the early days of Herndon we would have known if this building contributed in any way. It did not.

According to the Engineering Report the current structure and foundation would not support the required loads for a commercial building. It is my understanding that the work necessary to strengthen the structure and foundation and to meet the fire code and accessibility requirement would actually result in the demolition and then reconstruction of the building.

It is not practical or cost effective to relocate the building. I should point out the owners of the funeral home have previously relocated a building on their property. In 2004-2006 when they needed more space the Adams, the Town, the neighbors and Stanley Martin Homes all worked together to relocate the Yellow House from the rear of their property onto a lot donated by Stanley Martin. Such an effort was justified for that building. It is not for this building.

The demolition of the single-family home will not have any effect, much less any adverse effect on any other historic landmarks nor will it affect the character of the district. There are no practicable alternatives.

Rehabilitating the structure is not feasible because of the extensive work that would need to be done. If it were done the owner would then have a single family residence in a zoning district that doesn't allow residential use! Legally, that is not something that the Town could require the owner to do.

The second structure that is the subject of the Applications is a 465 square foot storage shed. It has no historical value, is not important for any reason, doesn't contribute and can't be relocated.

Of course, if you have any questions or need further clarifications of any part of the Application please feel free to contact me.

Sincerely,

THE O'REILLY LAW FIRM

By: _____
Michael L. O'Reilly

Cc: Adams Herndon Holdings, LLC
David Kipper

PERFORMANCE BOND ESTIMATE

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	COST
	CLEARING & GRUBBING		ACRES		
	EXCAVATION		CU. YDS.		
	EMBANKMENT		CU. YDS.		
	OVERLOT GRADING		LOTS		
	DRAINAGE STRUCTURES				
	CONCRETE PIPE		LIN. FT.		
	CONCRETE PIPE		LIN. FT.		
	CONCRETE PIPE		LIN. FT.		
	CONCRETE PIPE		LIN. FT.		
	CONCRETE PIPE		LIN. FT.		
	CONCRETE PIPE		LIN. FT.		
	PAVED DITCH		LIN. FT.		
	RIP RAP		SQ. FT.		
	CONCRETE ENDWALL		EACH		
	CONCRETE ENDWALL		EACH		
	CONCRETE ENDWALL		EACH		
	CONCRETE END SECTION		EACH		
	DRIVEWAY ENTRANCE		EACH		
	SIDEWALK		LIN. FT.		
	HEADER CURB		LIN. FT.		
	CURB & GUTTER		LIN. FT.		
	SURFACE TREATMENT		SQ. YDS.		
	BITUMINOUS CONCRETE SURFACE	128	SQ. YDS.	22	2,816.00
	BASE COURSE	28	SQ. YDS.	72	2,016.00
	SUBBASE MATERIALS	28	SQ. YDS.	72	2,016.00
	STREET SIGNS		EACH		
	STREET LIGHTS		EACH		
	ROADSIDE DELINEATORS		EACH		
	TRAFFIC BARRICADE		EACH		
	PIPES OR MONUMENTS AS SHOWN ON PLAT		EACH		
	WATER LINE		LIN. FT.		
	FIRE HYDRANTS		EACH		
	SANITARY SEWER		LIN. FT.		
	AS-BUILT PLAN		LUMP SUM		
	PLUS 10% ENGINEERING FEE & MISC.				$684.8
			TOTAL		$7532.8

CASH ESCROW BOND ESTIMATE

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	COST
1	EROSION/SEDIMENTATION CONTROL (SEE ZONING ORD. FOR APPROPRIATE FEE, MIN. $1000)	1		$1,000	$1,000
2	TREE REPLACEMENT	0	L.S.	$0	$0
3	ARBORIST FEE	1	L.S.	$2,500	$2,500
4	DAMAGE TO EXISTING PUBLIC UTILITIES (TO BE COMPUTED BY THE TOWN OF HERNDON)	_____	L.S.	$5,000	$5,000
5	LANDSCAPING	_____	L.S.	_____	
				TOTAL:	$8,500

APPLICATION FEES

(SEE SECTION 78-201.2 OF THE TOWN CODE FOR FEES)

TYPE OF APPLICATION: MAJOR SITE PLAN

CALCULATION OF APPLICATION FEE: $2,250 ($2,000 BASE FEE PLUS $250 PER 1 ACRE)

APPLICATION FEE PAID (Official Use Only): DATE: _____ AMOUNT: _____

REVIEW AND INSPECTION FEE SCHEDULE

(SEE SECTION 78-201.2 AND SECTION 26-335 OF THE TOWN CODE FOR FEES)

ITEM	QUANTITY	UNIT	FEE PER UNIT FOR SUBDS.	FEE PER UNIT FOR SITE PLANS	FEE
BITUMINOUS SURFACE		SQ. YDS.	$0.51	$0.51	$65.45
CURB & GUTTER OR HEADER CURB		LIN. FT.	$0.92	$0.92	
SIDEWALK		LIN. FT.	$1.35	$1.35	
SANITARY SEWER		LIN. FT.	$2.34	$2.34	
T.V. INSPECTION		LIN. FT.	$2.32	$2.32	
WATERLINE		LIN. FT.	$1.75	$1.75	
STORM DRAINAGE		LIN. FT.	$4.39	$4.39	
VSMP STORMWATER MANAGEMENT FEE (see Town Code Section 26-335)		LUMP SUM	$290.00	$290.00	$290.00
BIORETENTION FACILITIES (RAIN GARDENS)		EACH	$250.00	$250.00	
STORMWATER DETENTION/BMP MEASURES (other than rain gardens)		EACH			
OVERLOT GRADING AND SURFACE DRAINAGE PLAN (per division of land or per disturbed acre, whichever is greater)		LOT/ACRE	$200.00	$200.00	
STREETLIGHTS		PER LIGHT	$50	$50	
MISCELLANY		ACRE	675.00(MIN.)	675.00(MIN.)	
SCREENING		LIN. FT.	$2.34	$2.34	
℄ LINEAR FEET OF STREET		LIN. FT.	$1.20	$1.20	
ESTIMATED FEE – TOTAL					$355.45
INITIAL FEE PAYMENT (50% OF ESTIMATED FEE)	(RECEIPT #		DATE	)	
BALANCE OF FEE (COMPUTED BY TOWN)	(RECEIPT #		DATE	)	

NOTES

1. THE METHODS AND MATERIALS USED IN THE CONSTRUCTION OF THE IMPROVEMENTS HEREIN SHALL CONFORM TO THE CURRENT TOWN OF HERNDON STANDARD SPECIFICATIONS, CURRENT FAIRFAX COUNTY DESIGN AND CONSTRUCTION STANDARDS, AND THE CURRENT VDOT ROAD AND BRIDGE SPECIFICATIONS. IN THE EVENT OF CONFLICT BETWEEN THE STANDARDS AND SPECIFICATIONS, PREVAILING GUIDELINES SHALL BE SELECTED BY THE TOWN OF HERNDON.
2. A PERMIT MUST BE OBTAINED FROM THE TOWN OF HERNDON BEFORE ANY CONSTRUCTION IS STARTED IN CONFORMITY WITH THESE PLANS.
3. A PERMIT MUST BE OBTAINED FROM THE OFFICE OF THE RESIDENT ENGINEER, VDOT, FAIRFAX, VIRGINIA, BEFORE ANY CONSTRUCTION IS STARTED ON ANY EXISTING STATE HIGHWAY.
4. THE DEVELOPER IS REQUIRED TO NOTIFY THE TOWN OF HERNDON, PRIOR TO THE BEGINNING OF CONSTRUCTION. THE DEVELOPER SHALL REQUIRE THAT ALL OF HIS CONTRACTORS SPECIFICALLY REQUEST INSPECTION AT LEAST TWENTY FOUR (24) HOURS BEFORE BEGINNING:
   (A) CLEARING AND GRUBBING
   (B) INSTALLATION OF SILTATION AND EROSION CONTROL MEASURES
   (C) EARTHWORK
   (D) INSTALLATION OF ANY UNDERGROUND UTILITY
   (E) INSTALLATION OF ANY FORMS
   (F) PLACING ANY CONCRETE
   (G) BEFORE PLACING SUBBASE, BASE, OR PAVING SURFACE
   FAILURE TO DO SO FOR ANY REASON SHALL CONSTITUTE REJECTION OF SAID WORK.
5. ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY THE DEVELOPER OR HIS ENGINEER PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF THESE UTILITIES.
6. ALL UTILITIES INSTALLED AS A PART OF THIS DEVELOPMENT SHALL BE PLACED UNDERGROUND.
7. ALL UNDERGROUND UTILITIES WITHIN THE STREET RIGHT OF WAY AND ALL SERVICE CONNECTIONS SHALL BE INSTALLED TO THE REQUIRED DISTANCE BEYOND THE RIGHT OF WAY LINE PRIOR TO THE INSTALLATION OF ANY SUBBASE MATERIAL, CURB AND GUTTER, OR SIDEWALK.
8. ALL UTILITIES TO BE TAKEN OVER BY THE TOWN FOR MAINTENANCE PURPOSES, MUST BE INSPECTED, TESTED AND APPROVED BY THE TOWN BEFORE BEING ACCEPTED INTO THE TOWN'S SYSTEM.
9. CUT SHEETS SHALL BE SUBMITTED TO AND APPROVED BY THE TOWN OF HERNDON PRIOR TO THE START OF CONSTRUCTION OF ANY UNDERGROUND UTILITIES, STREETS, OR CURBS AND GUTTERS.
10. SANITARY SEWERS: ALL SANITARY SEWER MATERIALS AND METHODS OF CONSTRUCTION SHALL COMPLY WITH THE CURRENT TOWN OF HERNDON STANDARDS AND SPECIFICATIONS AS WELL AS WITH THE FAIRFAX COUNTY PUBLIC FACILITIES MANUAL.
11. STORM SEWERS:
   (A) STORM SEWER AND CULVERT PIPE SHALL BE REINFORCED CONCRETE PIPE TO CONFORM TO THE CURRENT A.A.S.H.T.O. DESIGNATION M 170, UNLESS OTHERWISE DESIGNATED ON THE PLANS. CLASS II PIPE WILL BE PERMITTED BEYOND THE LIMITS OF THE STREET RIGHT OF WAY. CLASS III PIPE WILL BE REQUIRED WITHIN THE LIMITS OF THE RIGHT OF WAY.
   (B) UNDERDRAINS AND/OR CROSSDRAINS SHALL BE INSTALLED BY THE DEVELOPER WHERE DEEMED NECESSARY BY THE TOWN OF HERNDON.
12. STREETS:
   (A) ALL BASE AND SUBBASE MATERIAL SHALL BE COMPACTED TO 95% OF THEORETICAL MAXIMUM DENSITY AS DETERMINED BY A.A.S.H.T.O. T-99 METHOD A, WITHIN PLUS OR MINUS 20% OF OPTIMUM MOISTURE FOR THE FULL WIDTH OF ANY DEDICATED RIGHT OF WAY AND ALL TOWNHOUSE STREETS, COMMERCIAL AND INDUSTRIAL PARKING LOTS, PRIVATE STREETS, PARKING BAYS, CURB AND GUTTER, AND SIDEWALKS ADJACENT TO STREETS AND PARKING LOTS (NOT INTENDED TO INCLUDE LEAD SIDEWALKS).
   (B) SOIL REPORTS AND SUBGRADE SPECIFICATIONS SHALL BE SUBMITTED TO THE TOWN OF HERNDON FOR APPROVAL PRIOR TO THE START OF CONSTRUCTION OF ANY SIDEWALKS, CURB AND GUTTER, STREETS OR PARKING AREAS.
   (C) ROADWAY DESIGN IS BASED ON A CBR OF 10. CBR TESTS OF SUBGRADE SOILS MUST BE CONDUCTED FOR ACTUAL DETERMINATION OF ROADWAY DESIGN. ROADWAY DESIGNS SHALL BE IN ACCORDANCE WITH THE CURRENT VDOT PAVEMENT DESIGN GUIDE FOR SUBDIVISION AND SECONDARY ROADS, AND SHALL BE SUBMITTED TO THE TOWN FOR REVIEW AND APPROVAL.
   (D) STANDARD STREET NAME SIGNS SHALL BE APPROVED BY FAIRFAX COUNTY SIGN SHOP AND SHALL BE INSTALLED AT EACH INTERSECTION BY THE DEVELOPER, AS WELL AS REQUIRED TRAFFIC CONTROL SIGNS IN THE DEVELOPMENT. SIGN FASTENERS SHALL BE 5/16" #18 STAINLESS STEEL HEX BOLTS AND NUTS USS-NO RIVETS PERMITTED.
   (E) WHERE INSTALLATION OF ROADWAY SIGN IS ANYTHING OTHER THAN IN SOIL AREA, A PVC SLEEVE SHALL BE INSTALLED. SLEEVE SHALL BE MINIMUM 18" DEEP. SIZE OF PVC SLEEVE SHALL BE APPROPRIATE TO SIZE OF POST BEING INSTALLED, AND SHALL ALLOW FOR WEDGING TO STABILIZE SIGN POST.
   (F) WHERE SIGN IS DESIGNED TO BE INSTALLED IN CONCRETE MEDIAN, A 12" X 12" AREA SHALL BE LEFT VOID OF CONCRETE. PVC SLEEVE SHALL BE INSTALLED AS INDICATED ABOVE.
   (G) SIGN MATERIAL SHALL BE MINIMUM HIGH INTENSITY SHEETING, AND NO ENGINEER GRADE MATERIAL SHALL BE ALLOWED.
   (H) A MINIMUM OF ONE DRIVEWAY ENTRANCE SHALL BE PROVIDED PER LOT. DRIVEWAY ENTRANCES N/A SHALL BE INSTALLED IN CONFORMITY WITH THE STANDARDS. PIPESTEM LOT DRIVEWAYS ARE SUBJECT TO APPROVAL BY THE TOWN OF HERNDON.
   (I) SURFACED STREETS SHALL BE MAINTAINED IN A CLEAN CONDITION, MUD AND DUST FREE AT ALL TIMES, AND ADEQUATE MEANS SHALL BE PROVIDED TO CLEAN TRUCKS AND OTHER EQUIPMENT USING THE COMPLETED STREETS.
   (J) PRIOR TO COMMENCING NEW WORK, THE CONTRACTOR SHALL PROTECT FROM DAMAGE ALL EXISTING ADJACENT AREAS. A PRE-CONSTRUCTION SURVEY SHALL OCCUR WITH CONSTRUCTION AND INSPECTION STAFF TO DOCUMENT EXISTING CONDITIONS. IF TOWN'S EXISTING PUBLIC INFRASTRUCTURE IS DAMAGED DURING CONSTRUCTION, THE APPLICANT SHALL REPAIR THE SAME TO THE SATISFACTION OF THE TOWN.
   (K) ALL STREET CUT AND PATCH WORK LOCATED IN PUBLIC RIGHTS OF WAY SHALL BE PERFORMED IN ACCORDANCE WITH THE TOWN OF HERNDON STANDARDS AND SPECIFICATIONS. LIMITS OF ASPHALT OVERLAY TO BE DETERMINED BY TOWN INSPECTOR.
   (L) STREET LIGHTS SHALL BE INSTALLED ACCORDING TO TOWN OF HERNDON STANDARDS.
   (M) ALL WORK IN THE RIGHT-OF-WAY SHALL BE CONDUCTED BETWEEN 9AM AND 3PM, MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS.
   (N) DEVELOPER SHALL COMPLY WITH STREET CUT PERMIT REQUIREMENTS. COPY OF APPROVED STREET CUT PERMIT MUST BE KEPT ON SITE AT ALL TIMES.
   (O) DEVELOPER SHALL COORDINATE ALL TRAFFIC CONTROL ACTIVITIES WITH THE STREET CUT PERMIT INSPECTION SECTION (703-435-6860).
13. WATER DISTRIBUTION:
   (A) ALL WATER MAIN MATERIALS AND CONSTRUCTION SHALL COMPLY WITH THE REGULATIONS OF THE STANDARD SPECIFICATIONS AND PLANS OF THE TOWN OF HERNDON AND THE CURRENT WATERWORKS REGULATIONS OF THE VIRGINIA STATE BOARD OF HEALTH.
   (B) ALL WATER MAINS SHALL HAVE A MINIMUM COVER OF 4.0 FEET. WATER MAINS SHALL BE INSTALLED EIGHT (8) FEET NORTH OR EAST OF THE CENTERLINE OF THE STREET UNLESS OTHERWISE DESIGNATED ON THE PLANS.
   (C) WORKING PRESSURE SHALL BE >20.0 PSI.
14. LAND CONSERVATION NOTES:
   (A) MEASURES TO CONTROL EROSION AND SILTATION SHALL BE PROVIDED PURSUANT TO AND IN COMPLIANCE WITH CURRENT STATE AND LOCAL REGULATIONS. HOWEVER, THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE DEVELOPER OR HIS AGENT OF ANY LEGAL RESPONSIBILITY WHICH MAY BE REQUIRED BY THE CODE OF VIRGINIA OR ANY ORDINANCE ENACTED BY THE TOWN OF HERNDON.
   (B) NO DISTURBED AREA WILL BE DENUDED FOR MORE THAN 14 CALENDAR DAYS.
   (C) ALL EROSION AND SILTATION CONTROL MEASURES ARE TO BE PLACED PRIOR TO OR AS THE FIRST STEP IN CLEARING.
   (D) ALL STORM AND SANITARY SEWER TRENCHES NOT IN STREETS ARE TO BE MULCHED AND SEEDED WITHIN 7 DAYS AFTER BACKFILL. NO MORE THAN 500 FEET ARE TO BE OPEN AT ANY ONE TIME.
   (E) ELECTRIC POWER, TELEPHONE AND GAS SUPPLY TRENCHES ARE TO BE COMPACTED, SEEDED AND MULCHED, WITHIN 7 DAYS AFTER BACKFILL.
   (F) ALL TEMPORARY EARTH BERM DIVERSIONS AND SILT DAMS ARE TO BE MULCHED AND SEEDED FOR TEMPORARY VEGETATIVE COVER IMMEDIATELY AFTER GRADING. STRAW OR HAY MULCH IS REQUIRED. THE SAME APPLIES FOR ALL STOCKPILES.
   (G) DURING CONSTRUCTION, ALL STORM SEWER INLETS WILL BE PROTECTED BY SILT TRAPS, MAINTAINED AND MODIFIED AS REQUIRED BY CONSTRUCTION PROGRESS.
   (H) ALL DISTURBED AREAS NOT PAVED, SODDED, OR BUILT UPON BY NOVEMBER 1, OR DISTURBED AFTER THAT DATE, IS TO BE SEEDED WITHIN 7 DAYS WITH OATS, ABRUZZI RYE, OR EQUIVALENT AND MULCHED WITH HAY OR STRAW AT THE RATE OF 2 TONS PER ACRE.
   (I) PRIOR TO BEGINNING OF ANY WORK ON THIS SITE, THE CONTRACTOR MUST READ AND ADHERE TO THE "VEGETATION PRESERVATION AND PLANTING" GUIDELINES OF FAIRFAX COUNTY PUBLIC FACILITIES MANUAL, AND SECTION 26, ARTICLE II OF THE TOWN CODE.
   (J) PRIOR TO ANY LAND DISTURBANCE OF THE SITE THAT IS GREATER THAN, OR EQUAL TO 2500 SQ FT, THE CONTRACTOR MUST SUBMIT GENERAL PERMIT REGISTRATION STATEMENT TO VIRGINIA DEQ AND PROVIDE A COPY TO THE TOWN.
   (K) IF REQUIRED BY LAW, THE OWNER/DEVELOPER SHALL PROVIDE STATEMENT CERTIFYING THAT ALL WETLANDS PERMITS WILL BE OBTAINED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.
15. THESE PLANS AND SPECIFICATIONS ARE BASED ON THE MINIMUM REQUIREMENTS FOR CC ZONING. THIS PLAN CONTAINS 0 DWELLING UNITS.
16. ALL ELEVATIONS MUST BE BASED ON THE U.S.G.S. & OR THE N.G.S. MEAN SEA LEVEL DATUM.
17. PRIOR TO ANY APPROVED CLEARING AND GRADING ON A SITE, TREE PROTECTION FENCE SHALL BE ERECTED IN ACCORDANCE WITH FENCE DETAIL ON THE APPROVED LANDSCAPE PLAN, AND BE INSPECTED AND APPROVED BY THE URBAN FORESTER.

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WAIVER REQUESTS

(DESIGNATE EACH SECTION OF THE ZONING ORDINANCE, PUBLIC FACILITIES MANUAL OR SUBDIVISION ORDINANCE FROM WHICH A WAIVER IS REQUESTED. PLEASE NOTE THAT A LETTER OF JUSTIFICATION FOR EACH WAIVER MUST ACCOMPANY THE INITIAL PLAN SUBMISSION)

FEE = $200.00 PER REQUEST

WAIVER FROM SECTION: _____ OF _____ = $200.00

WAIVER FROM SECTION: _____ OF _____ = $200.00

NUMBER OF REQUESTS: _____ X $200.00 = _____

DATE FEE COLLECTED (Official Use Only): _____

EXISTING CONDITION SURVEY NOTES

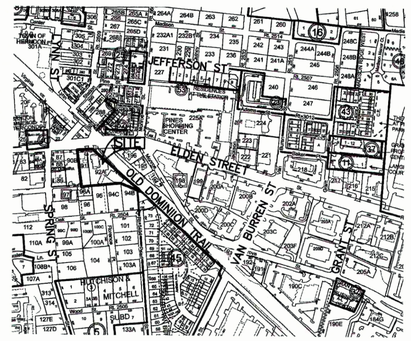
1. HORIZONTAL DATUM RECORDED NORTH
   VERTICAL DATUM NGVD 29
2. UTILITY INFORMATION, AS SHOWN ON THIS PLAN, IS TAKEN FROM THE RECORDS AND/OR FIELD SURVEY COMPLETED BY TRI-TEK ENGINEERING, INC. DATED MAY, 2021; AND CANNOT BE GUARANTEED. FOR EXACT LOCATIONS OF EXISTING UNDERGROUND UTILITIES, NOTIFY "MISS UTILITY" AT 1-800-552-7001, 72 HOURS BEFORE THE START OF ANY EXCAVATION OR CONSTRUCTION.
3. LOCATION AND DEPTH OF ALL EXISTING UNDERGROUND UTILITIES TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
   CONTRACTOR/ENGINEER SHOULD DIG TEST PITS BY HAND AT ALL UTILITY CROSSINGS TO VERIFY EXACT LOCATION.

COMMONWEALTH OF VIRGINIA
THEODORE D. BRITT
Lic. No. 023803
7.14.2022
PROFESSIONAL ENGINEER

PROFESSIONAL SEAL AND SIGNATURE

VICINITY MAP

SCALE: 1" = 500'



LOCATION OF BENCHMARKS

B.M. #1 ELEV. = 372.40
TOP SANITARY SEWER MANHOLE WITHIN ELDEN STREET.

B.M. #2 ELEV. = 370.04
IRON PIPE FOUND NORTHWEST CORNER OF PROPERTY.

APPROVED

FOR SITE CONSTRUCTION UNDER THIS PLAN.
BUILDING PERMITS TO BE ISSUED SEPARATELY.

DATE	FAIRFAX COUNTY FIRE MARSHAL
11/15/22 DATE	DIRECTOR OF PUBLIC WORKS
11.10.2022 DATE	DIRECTOR OF COMMUNITY DEVELOPMENT
11/14/2022 DATE	ZONING ADMINISTRATOR

SECTION 70-203(2)(1): SUBDIVISION APPROVAL VOID IF FINAL SUBDIVISION PLAT IS NOT SUBMITTED WITHIN ONE YEAR OF APPROVAL OF A PRELIMINARY SUBDIVISION PLAN.

SECTION 78-202.6(h): SITE PLAN AND SINGLE LOT DEVELOPMENT PLAN APPROVAL SHALL AUTOMATICALLY EXPIRE AT THE END OF A FIVE-YEAR PERIOD FOLLOWING THE DATE OF ITS APPROVAL BY THE ZONING ADMINISTRATOR FOR ANY PHASE OR PART OF AN APPROVED SITE PLAN FOR WHICH A BUILDING PERMIT HAS NOT BEEN APPROVED.

BEFORE YOU DIG
CALL "MISS UTILITY" 811
OR 1-800-552-7001
Visit online at va811.com

TOWN PLAN #: TP#2115

TOWN OF HERNDON, VIRGINIA
COVER SHEET

SUBDIVISION OR SITE PLAN NAME	ADAMS GREEN FUNERAL HOME
OWNER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	ADAMS HERNDON HOLDINGS, LLC 725 ELDEN ST HERNDON, VA 20170
DEVELOPER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	ADAMS HERNDON HOLDINGS, LLC 725 ELDEN ST HERNDON, VA 20170
CERTIFIED ENGINEER, ARCHITECT OR SURVEYOR SUBMITTING PLAN, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER	TRI-TEK ENGINEERING 690 CENTER STREET, SUITE 300 HERNDON, VIRGINIA 22170 (703) 481-5900
FAIRFAX COUNTY TAX MAP NUMBER	16-2-((2))-0091
TOTAL AREA 0.37 ACRES	PRESENT ZONING CC
DATE: AUGUST 30, 2021	PAGE 1 OF 5 PAGES

F-1946D

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PURPOSE OF PLAN:

TO REMOVE TWO (2) EXISTING STRUCTURES ON THE PROPERTY.

GENERAL NOTES:

1. THE PROPERTY SHOWN ON THIS PLAN IS LOCATED ON FAIRFAX COUNTY TAX MAP NO. 016-2-((2))-0091
2. ZONING: CC, HISTORIC OVERLAY DISTRICT
3. TOTAL SITE AREA: 0.37 AC.
4. OWNER/APPLICANT: ADAMS HERNDON HOLDINGS, LLC
   721 ELDEN ST.
   HERNDON, VA. 20170
   (DB:11341, PG. 1496-PARCEL 91)
   (DB:20124, PG. 2162-PARCEL 92A)
5. OWNER SHALL SUBMIT UTILITY DOCUMENTS FROM APPLICABLE UTILITY COMPANIES (E.G. DOMINION, VERIZON, COX, ETC.). UTILITIES SHALL BE ABANDONED PRIOR TO BUILDING DEMOLITION. PUBLIC UTILITIES (E.G. WATER AND SANITARY SEWER) SHALL BE ABANDONED AT THE MAIN. BE ADVISED THAT A DEMO PERMIT MUST BE OBTAINED PRIOR TO UTILITY ABANDONMENT AND RIGHT-OF-WAY PERMIT MUST BE OBTAINED PRIOR TO ANY WORK IN THE RIGHT-OF-WAY.
6. USE: FUNERAL HOME
7. BOUNDARY AND TOPOGRAPHIC INFORMATION IS BASED ON A FIELD RUN SURVEY BY TRI-TEK ENGINEERING (MAY, 2021).
8. ALL APPROPRIATE PERMITS SHALL BE RECEIVED FROM THE TOWN PRIOR TO REMOVAL OF THE STRUCTURES. TWO STRUCTURES ARE TO BE REMOVED AND ASBESTOS CERTIFICATIONS SHOULD BE PROVIDED TO DOCUMENT ANY ASBESTOS IDENTIFIED THAT WILL BE PROPERLY REMOVED IN ADVANCE OF THE STRUCTURE DEMOLITION.
9. THE EXISTING UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND FOR ANY DAMAGES WHICH OCCUR BY HIS FAILURE TO LOCATE OR PRESERVE THESE UNDERGROUND UTILITIES. IF DURING CONSTRUCTION OPERATIONS THE CONTRACTOR SHOULD ENCOUNTER UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS, HE SHALL IMMEDIATELY NOTIFY THE ENGINEER AND TAKE NECESSARY AND PROPER STEPS TO PROTECT THE FACILITY AND ASSURE THE CONTINUANCE OF SERVICE.
10. ALL UTILITIES AND UTILITY POLES TO BE RELOCATED DUE TO THIS DEVELOPMENT SHALL BE DONE AT THE EXPENSE OF THE DEVELOPER.
11. ANY DAMAGE TO EXISTING STREETS DUE TO THIS DEVELOPMENT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
12. PARKING LOT AND SERVICE AREA ELEVATIONS SHOWN ARE ON STRAIGHT GRADES, THE CONTRACTOR SHALL ROUND ALL VERTICAL BREAKS WITH SMOOTH SPLINE CURVES.
13. A SMOOTH GRADE SHALL BE MAINTAINED FROM CENTERLINE OR ACROSS TRAVELWAY OF PROPOSED ROADS OR PARKING SURFACES TO PROPOSED CURB AND GUTTER TO PRECLUDE THE FORMING OF FALSE GUTTERS AND/OR PONDING OF WATER ON ANY ROAD OR PARKING AREA.
14. ALL CONSTRUCTION DUE TO THIS DEVELOPMENT IS TO BE DONE IN ACCORDANCE WITH THE STANDARDS SET BY THE STATE OF VIRGINIA, AND THE TOWN OF HERNDON.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER AND THE ENGINEER/SURVEYOR OF ANY CHANGES OR CONDITIONS ATTACHED TO PERMITS OBTAINED FROM, THE TOWN OF HERNDON, OR ANY OTHER AUTHORITY ISSUING PERMITS.
16. NO KNOWN GRAVES OR BURIAL SITES ARE ON THIS SITE.
17. THE CONTRACTOR IS REQUIRED TO PERFORM ALL TESTS REQUIRED BY THE TOWN TO SECURE ACCEPTANCE OF ALL UTILITIES.
18. THERE ARE NO RPA ON THIS SITE.
19. UTILITY SERVICES SHALL BE ABANDONED AT THE MAIN AND SHALL BE CUT AND CAPPED AS APPROPRIATE AT THE PROPERTY LINE. ALL METER PITS SHALL BE REMOVED, AND AMR METERS SHALL BE RETURNED TO THE TOWN.
20. REMOVAL OF TWO EXISTING STRUCTURE SHALL BE SUBJECT TO THE ISSUANCE OF HISTORIC DISTRICT DISTRICT CERTIFICATE OF APPROPRIATENESS PRIOR TO ISSUANCE OF A BUILDING PERMIT APPLICATION FOR DEMOLITION.

PARKING NARRATIVE:

THIS PLAN DOES NOT PROPOSE THE LOSS OF ANY PARKING SPACES, NOR DOES IT INCREASE THE NEED FOR PARKING.

STORM WATER MANAGEMENT NARRATIVE:

THE PROPOSED WORK REDUCES THE IMPERVIOUS AREA ON THE SITE BY 2,285 SF. THIS REDUCTION REDUCES THE SITE RUNOFF FROM THE PROPERTY. NO NEW IMPERVIOUS AREA IS PROPOSED. THE AREA WILL BE RESTORED TO GRASS WILL ALSO REDUCE THE POLLUTANT RUNOFF. NO STORM WATER CONTROLS ARE REQUIRED TO BE INSTALLED GIVEN THE ABOVE WORK.

RUNOFF FROM THE PROPERTY WILL GENERALLY FOLLOW THAT WITCH CURRENTLY EXISTS IN SHEET FLOW. GIVEN THE REDUCTION IN IMPERVIOUS AREA/RUNOFF, IS OUR OPINION THERE WILL BE NO ADVERSE INPUT TO DOWN STREAM PROPERTIES.

	EXISTING IMPERVIOUS AREA	PROPOSED IMPERVIOUS AREA
STRUCTURES	6,423 SF (0.147 AC)	4,323 SF (0.010 AC)
PAVEMENT	30,312 SF (0.695 AC)	30,312 SF (0.695 AC)
WALKS	185 SF (0.003 AC)	0
PERCENTAGE IMPERVIOUS	60%	56%

LOD AREA=5,255 SF

STORMWATER ANALYSIS:

PRE DEVELOPMENT RUNOFF (TOTAL SITE):

$Q=CIA \quad C = \frac{0.84\ AC\ (0.90) + 0.56\ AC\ (0.30)}{1.41} = 0.65$

$Q_{2\ YR}$: 0.65 x 5.23 IN/HR x 1.41 AC = 4.79 CFS
$Q_{10\ YR}$: 0.65 x 6.77 IN/HR x 1.41 AC = 6.20 CFS
$V_{2\ YR}$: 0.65 x 2"/12" x 1.41 AC = 0.152 AC-FT

POST DEVELOPMENT RUNOFF:

$C = \frac{0.79\ AC\ (0.90) + 0.62\ AC\ (0.30)}{1.41} = 0.63$

$Q_{2\ YR}$: 0.63 x 5.23 IN/HR x 1.41 AC = 4.64 CFS
$Q_{10\ YR}$: 0.63 x 6.77 IN/HR x 1.41 AC = 6.01 CFS
$V_{2\ YR}$: 0.63 x 2"/12" x 1.41 AC = 0.148 AC-FT

DECREASE DUE TO DEVELOPMENT:

$Q_{2\ YR}$: 4.64 CFS - 4.79 CFS = -0.15 CFS
$Q_{10\ YR}$: 6.01 CFS - 6.20 CFS = -0.19 CFS
$V_{2\ YR}$: 0.148 AC-FT - 0.152 AC-FT = -0.004 AC-FT

PRE DEVELOPMENT LOD SHEET FLOW NORTH:

$Q=CIA \quad C = \frac{0.01AC\ (0.90) + 0.03\ AC\ (0.30)}{0.04} = 0.45$

$Q_{2\ YR}$: 0.45 x 5.23 IN/HR x 0.04 AC = 0.09 CFS
$Q_{10\ YR}$: 0.45 x 6.77 IN/HR x 0.04 AC = 0.12 CFS
$V_{2\ YR}$: 0.45 x 2"/12" x 0.04 AC = 0.003 AC-FT

POST DEVELOPMENT LOD SHEET FLOW NORTH:

$Q=CIA \quad C = 0.30$

$Q_{2\ YR}$: 0.30 x 5.23 IN/HR x 0.04 AC = 0.06 CFS
$Q_{10\ YR}$: 0.30 x 6.77 IN/HR x 0.04 AC = 0.08 CFS
$V_{2\ YR}$: 0.30 x 2"/12" x 0.04 AC = 0.002 AC-FT

PRE DEVELOPMENT LOD SHEET FLOW SOUTH:

$Q=CIA \quad C = \frac{0.03\ AC\ (0.90) + 0.05\ AC\ (0.30)}{0.08} = 0.53$

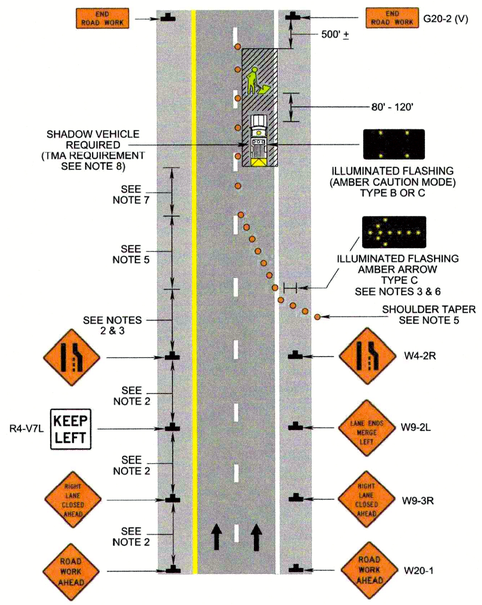
$Q_{2\ YR}$: 0.53 x 5.23 IN/HR x 0.08 AC = 0.22 CFS
$Q_{10\ YR}$: 0.53 x 6.77 IN/HR x 0.08 AC = 0.28 CFS
$V_{2\ YR}$: 0.53 x 2"/12" x 0.08 AC = 0.007 AC-FT

POST DEVELOPMENT LOD SHEET FLOW SOUTH:

$Q=CIA \quad C = 0.30$

$Q_{2\ YR}$: 0.30 x 5.23 IN/HR x 0.08 AC = 0.12 CFS
$Q_{10\ YR}$: 0.30 x 6.77 IN/HR x 0.08 AC = 0.16 CFS
$V_{2\ YR}$: 0.30 x 2"/12" x 0.08 AC = 0.004 AC-FT

Outside Lane Closure Operation on a Four-Lane Roadway
(Figure TTC-16.1)



NARRATIVE FOR TRAFFIC CONTROL ON ELDEN STREET

DURATION: 1 WEEK

1. CLOSE OUTER EASTBOUND LANE FROM START OF THE LANE TO END OF THE WORK AREA AND LEAVE THE LEFT TURNING LANE OPEN FOR PASS THROUGH AND LEFT TURN TRAFFIC.

2. OPEN-CUT THE PAVEMENT AND REMOVE THE WATER AND SEWER PIPES PER THIS PLAN. START FROM C&G UP TO CONNECTION TO MAIN, AND ABANDON AND CUT AND CAPPED THE REMAINING PORTIONS AT THE PROPERTY LINE.

3. INSTALL TRAFFIC CONTROL DEVICES AT THE BEGINNING OF EACH WORKING DAY AND REMOVE AT THE END OF EACH WORKING DAY.

Typical Traffic Control
Outside Lane Closure Operation on a Four-Lane Roadway
(Figure TTC-16.1)
NOTES

Standard:

1. On divided highways having a median wider than 8', right and left sign assemblies shall be required.

Guidance:

2. Sign spacing should be 1300'-1500' for Limited Access highways. For all other roadways, the sign spacing should be 500'-800' where the posted speed limit is greater than 45 mph, and 350'-500' where the posted speed limit is 45 mph or less.

3. Care should be exercised when establishing the limits of the work zone to insure maximum possible sight distance in advance of the transition, based on the posted speed limit and at least equal to or greater than the values in Table 6H-3. For Limited Access highways a minimum of 1000' is desired.

4. All vehicles, equipment, workers, and their activities should be restricted to one side of the pavement.

Standard:

5. Taper Length (L) and Channelizing Device Spacing shall be:

Taper Length (L)				
Speed Limit (mph)	Lane Width (Feet)			
	9	10	11	12
25	95	105	115	125
30	135	150	165	180
35	185	205	225	245
40	240	270	295	320
45	405	450	495	540
50	450	500	550	600
55	495	550	605	660
60	540	600	660	720
65	585	650	715	780
70	630	700	770	840
Minimum taper lengths for Limited Access highways shall be 1000 feet.				
Shoulder Taper = ⅓ L Minimum				

Channelizing Device Spacing		
Location	Speed Limit (mph)	
	0 - 35	36 +
Transition Spacing	20'	40'
Travelway Spacing	40'	80'
Construction Access*	80'	120'
* Spacing may be increased to this distance, but shall not exceed one access per ¼ mile.		

On roadways with paved shoulders having a width of 8 feet or more, channelizing devices shall be used to close the shoulder in advance of the merging taper to direct vehicular traffic to remain within the traveled way.

6. An arrow board shall be used when a lane is closed. When more than one lane is closed, a separate arrow board shall be used for each closed lane (see Figure TTC-18).

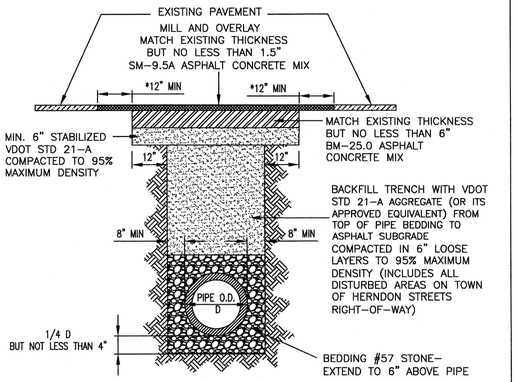
7. The buffer space length shall be shown in Table 6H-3 on Page 6H-5 for the posted speed limit.

8. A shadow vehicle with either a Type B or C arrow board operating in the caution mode, or at least one high intensity amber rotating, flashing, or[1] oscillating light shall be parked 80'-120' in advance of the first work crew. When the posted speed limit is 45 mph or greater, a truck-mounted attenuator shall be used.

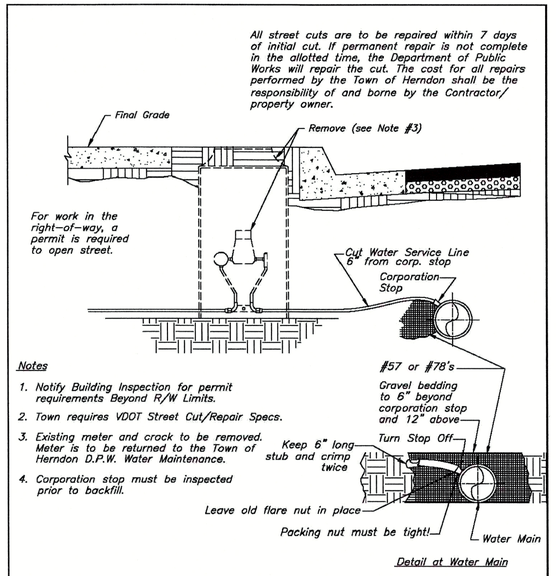
9. Vehicle hazard warning signals shall not be used instead of the vehicle's high-intensity amber rotating, flashing, or[1] oscillating lights but can be used to supplement the amber rotating, flashing, or[1] oscillating lights.

10. When a side road intersects the highway within the TTC zone, additional TTC devices shall be placed as needed.

1: Revision 1 – 4/1/2015



*CONTRACTOR SHALL COORDINATE WITH THE DEPARTMENT OF PUBLIC WORKS TO ESTABLISH THE MILLING AND PAVING LIMITS. AT A MINIMUM THE LIMITS SHALL EXTEND:
1) TO THE EDGE OF A TRAVEL LANE IN THE DIRECTION PERPENDICULAR TO THE CENTERLINE OF THE ROAD, AND
2) 25' BEYOND THE EDGE OF THE TRENCH IN THE DIRECTION OF TRAFFIC.



REVISION BLOCK:
04/24/2019

Herndon
777 LYNN ST. HERNDON, VA 20170

TYPICAL ASPHALT RESTORATION DETAIL | SCALE: None | DWG. No. 1

ADOPTED: FEBRUARY 2004
REVISED: MAY 2009

777 LYNN ST. P.O. BOX 427 HERNDON, VA. 20172

TOWN OF HERNDON
DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION

STANDARD WATER SERVICE DISCONNECT | SCALE: None | DWG. No. 11

TOWN PLAN NUMBER: TP#2115

TRI-TEK Engineering
CIVIL ENVIRONMENTAL LAND PLANNING SURVEYING
690 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com

COMMONWEALTH OF VIRGINIA
THEODORE D. BRITT
NO. 023803
PROFESSIONAL ENGINEER
7.14.22

ADAMS GREEN FUNERAL HOME
FAIRFAX COUNTY, VIRGINIA
TOWN OF HERNDON

NOTES & DETAILS

DATE	REVISION
01/25/22	PER TOWN COMMENTS
05/02/22	PER TOWN COMMENTS
07/14/22	SIGNATURE SET

PM: TDB SCALE: NONE
PE: ASB DATE: 08.30.21
CO: AN SHEET 2 OF 5

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F-1946D

*WATER AND SEWER BENEATH SIDEWALK TO BE ABANDONED, CUT AND CAPPED AT THE PROPERTY LINE. SEE SHEET 2, ON GENERAL NOTE #19.

DEED NORTH D.B. 12536 PG. 2162

ELDEN STREET – ROUTE #228
R/W VARIES

APPROX. WATER LINE LOCATION
LIMITS OF MILL & OVERLAY

B.M. #1
B.M. #2
TOP I.P.P = 370.04

N: 7038104.5252
E: 11799904.3630

TOP=378.25
INV.IN=364.20
INV.OUT=364.13

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHD. BRG.
C1	89.61'	2291.35'	2°14'27"	89.61'	S88°22'07"E

TREE TABLE

T1	9" PINE
T2	8" PINE
T3	8" PINE
T4	11" PINE
T5	10" CEDAR
T6	11" CEDAR
T7	20" CEDAR
T8	20" OAK
T9	11" MAPLE
T10	26" MAPLE
T11	11" MAPLE
T12	25" MAPLE
T13	6" MAPLE
T14	13" MAPLE
T15	10" MAPLE
T16	28" TREE
T17	2" TREE
T18	4" TREE
T19	3" TREE
T20	2" TREE
T21	4" TREE
T22	24" TREE
T23	15" TREE
T24	20" TREE
T25	9" TREE
T26	9" TREE
T27	6" TREE (TO BE REMOVED)
T28	27" TREE
T29	33" ELM
T30	24" HICKORY

LEGEND

- GROUND LIGHT
- SIGN
- AIR CONDITIONER
- LIGHT POLE
- GUY WIRE
- TELEPHONE POLE
- POWER POLE
- FLAG POLE
- BOLLARD
- UTILITY MARKER POST
- CLEAN OUT
- GAS METER
- WATER METER
- WATERVALVE
- WATER MANHOLE
- SANITARY MANHOLE
- DROP INLET GRATE
- HANDICAP PARKING SPACE
- GENCEENCE
- OHE — OVERHEAD ELECTRIC
- UGT — UNDERGROUND TELECOMM
- UGE — UNDERGROUND ELECTRIC
- LIMITS OF DISTURBANCE
- CURB LINE
- GUTTER LINE
- CURB & GUTTER
- TREELINE
- TREE CANOPY
- PROP. MILL AND OVERLAY
- PROP. DRAINAGE DIVIDE

LIMITS OF CLEARING AND GRADING

LIMITS OF CLEARING AND GRADING

2 STORY BRICK #725
FF=371.99

2 STORY BRICK FF=383.29

FF=371.94

FF=372.29

1 STORY BRICK, FRAME & CINDERBLOCK

1 STORY CINDER BLOCK GARAGE FF=378.63

MAP# 16-2-02-0092A
44,837 S.F.
1.0155 AC.
#719

MAP# 16-2-02-0091
17,347 S.F.
0.3982 AC.
#725

TOTAL AREA = 61,594 S.F. 1.4137 AC.

OXFORD SQUARE, LLC
D.B. 12536, PG. 396
MAP# 16-2-02-0092B
ZONE: CC

LOT 6B
GEORGE A. WILLIAMS
RUTH F. WHITE
D.B. 18134, PG. 2025
MAP# 16-2-02-0096A
ZONE: CC

PART LOT 6
HINDLE SUBDIVISION
D.B. I-5, PG. 590
JOHN STEVEN & EMMA MARY PINCOFFS
D.B. 26882, PG. 1422
MAP# 16-2-02-0095
ZONE: R-10

LOT 7A
HINDLE SUBDIVISION
D.B. 18742, PG. 628
KRISTIN EDDY & JOSEPH A. HALIZAK
D.B. 18747, PG. 1713
MAP# 16-2-02-0094C
ZONE: R-10

LOT 7B
HINDLE SUBDIVISION
D.B. 18742, PG. 628
FRANKLIN B. & LAI MING MILES
D.B. 29201, PG. 789
MAP# 16-2-02-0094B
ZONE: R-10

PARCEL A
SOUTH VAN BUREN
D.B. 20016, PG. 1394
N: 7037823.0295
E: 11800211.7853

LEAH L. OATS
D.B. 25215, PG. 198
MAP# 16-2-45-A
ZONE: PD-D

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY
D.B. 5030, PG. 789
(VIRGINIA POWER ESMT.)
D.B. 29-3-01-0051
MAP# 29-3-01-0051
ZONE: CS
100' RIGHT OF WAY

WASHINGTON & OLD DOMINION TRAIL

TOWN PLAN NUMBER: TP#2115

TRI-TEK Engineering
CIVIL
ENVIRONMENTAL
LAND PLANNING
SURVEYING
690 Center Street
Suite 300
Herndon, Virginia 20170
V: (703) 481-5900
F: (703) 481-5901
info@tritekinc.com

COMMONWEALTH OF VIRGINIA
THEODORE D. BRITT
NO. 023603
PROFESSIONAL ENGINEER
7.14.2022

ADAMS GREEN FUNERAL HOME

FAIRFAX COUNTY, VIRGINIA
TOWN OF HERNDON

SITE PLAN

REVISION	DATE
PER TOWN COMMENTS	01/25/22
PER TOWN COMMENTS	05/02/22
SIGNATURE SET	07/14/22

PM: TDB SCALE: 1"=20'
PE: ASB DATE: 08.30.21
CO: AN SHEET 3 OF 5

F-1946D

O:\drawings\F-1946\plots\1946-03-SITE PLAN.dwg, 7/14/2022 1:55:05 PM, anaemi, DWG To PDF.pc3, 1:1, TRI-TEK Engineering, Inc.

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*WATER AND SEWER BENEATH SIDEWALK TO BE ABANDONED, CUT AND CAPPED AT THE PROPERTY LINE. SEE SHEET 2, ON GENERAL NOTE #19.

DEED NORTH D.B. 20124, PG. 2162

ELDEN STREET – ROUTE #228
R/W VARIES

B.M. #1

B.M. #2
TOP I.P.P = 370.04

N: 7038104.5252
E: 11799904.3630

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHD. BRG.
C1	89.61'	2291.35'	2°14'27"	89.61'	S88°22'07"E

WATER SERVICE CONNECTION APPROX. LOCATION. DISCONNECT WATER SERVICE PER STD. DETAIL ON SHEET 2

SAN. SEWAGE CONNECTION APPROX. LOCATION (TO BE REMOVED)

LIMITS OF MILL & OVERLAY

(TO BE REMOVED)

EX. 8"SS

S 89°29'03" E 417.83'

TOP=378.25
INV.IN=364.20
INV.OUT=364.13

LIMITS OF CLEARING AND GRADING

2 STORY BRICK #725

2 STORY FRAME & VINYL FF=372.82 (TO BE REMOVED)

1 STORY FRAME & VINYL FF=378.38 (TO BE REMOVED)

2 STORY BRICK FF=383.29

CONC. WALK (TO BE REMOVED)

WHEEL STOPS PARKING SPACES

CONC. RAMP

BOLLARDS

METAL STEPS

METAL LANDING ABOVE

COV. PORCH

A/C

BLOCK WALL

6 SPACES

14 SPACES

13 SPACES

10 SPACES

8 SPACES

MAP# 16-2-02-0092A
44,237 S.F.
1.0155 AC.
#719

MAP# 16-2-02-0091
12,347 S.F.
0.3982 AC.
#725

TOTAL AREA = 61,584 S.F. 1.4137 AC.

OXFORD SQUARE, LLC
D.B. 25936, PG. 356
MAP# 16-2-02-0093B
ZONE: CC

N 0°03'59" E 287.05'

S 41°03'32" E 416.83'

N 88°45'16" W 281.57'

S 61°57'43" E 115.05'

S 01°01'16" W 9.16'

68.00'

10.11'

215.57'

117.9'

66.0'

1 STORY BRICK, FRAME & CINDERBLOCK

6' WOOD FENCE

CINDER BLOCK WALL

1 STORY CINDERBLOCK GARAGE GF=378.03

SEMI-PERMEABLE CONC. PAVERS

GRAVEL DRIVE

LANDSCAPED AREA

ROLLED ASPHALT CURB

EDGE OF PVMT.

TREELINE

WASHINGTON & OLD DOMINION TRAIL (W&OD) (VIRGINIA POWER ESMT.) DB 6953, PG 765 (VIRGINIA POWER ESMT.) DB 6953, PG 765 (W&OD) 100' RIGHT OF WAY ZONES: CS

NORTHERN VIRGINIA REGIONAL PARK AUTHORITY

FAIRFAX WATER MARKER POST

4 FOOT ASPHALT TRAIL

N: 7037823.0295
E: 11800211.7853

PARCEL A
SOUTH VAN BUREN
D.B. 20016, PG. 1394

LOT 6B
GEORGE A. WILLIAMS

RUTH F. WHITE
D.B. 18134, PG. 2025
MAP# 16-2-02-0096A
ZONE: CC

PART LOT 6
HINDLE SUBDIVISION
D.B. I-5, PG. 590

JOHN STEVEN & EMMA MARY PINCOFFS
D.B. 26882, PG. 1422
MAP# 16-2-02-0095
ZONE: R-10

LOT 7A
HINDLE SUBDIVISION
D.B. 18742, PG. 628

KRISTIN EDDY & JOSEPH A. HALIZAK
D.B. 18747, PG. 1713
MAP# 16-2-02-0094C
ZONE: R-10

LOT 7B
HINDLE SUBDIVISION
D.B. 18742, PG. 628

FRANKLIN B. & LAI MING MILES
D.B. 21901, PG. 1789
MAP# 16-2-02-0094B
ZONE: R-10

LEAH L. OATS
D.B. 25215, PG. 198
MAP# 16-2-45-A
ZONE: PD-D

LEGEND

(TO BE REMOVED)

CONSTRUCTION ENTRANCE

SILT FENCE

PERMANENT SEEDING

MILL AND OVERLAY

EX. DRAINAGE DIVIDE

TREE TABLE

T1	8" PINE
T2	8" PINE
T3	8" PINE
T4	11" PINE
T5	10" CEDAR
T6	11" CEDAR
T7	20" CEDAR
T8	20" OAK
T9	11" MAPLE
T10	26" MAPLE
T11	11" MAPLE
T12	25" MAPLE
T13	6" MAPLE
T14	13" MAPLE
T15	10" MAPLE
T16	28" TREE
T17	2" TREE
T18	4" TREE
T19	3" TREE
T20	2" TREE
T21	4" TREE
T22	24" TREE
T23	15" TREE
T24	20" TREE
T25	9" TREE
T26	9" TREE
T27	6" TREE (TO BE REMOVED)
T28	27" TREE
T29	33" ELM
T30	24" HICKORY

LEGEND

- GROUND LIGHT
- SIGN
- AIR CONDITIONER
- LIGHT POLE
- GUY WIRE
- TELEPHONE POLE
- POWER POLE
- FLAG POLE
- BOLLARD
- UTILITY MARKER POST
- CLEAN OUT
- GAS METER
- WATER METER
- WATERVALVE
- WATER MANHOLE
- SANITARY MANHOLE
- DROP INLET GRATE
- HANDICAP PARKING SPACE
- SSNNSSEENCE
- OHE — OVERHEAD ELECTRIC
- UCT — UNDERGROUND TELECOMM
- UGE — UNDERGROUND ELECTRIC
- GAS LINE
- W — WATERLINE
- CURB
- CURB & GUTTER
- TREELINE
- TREE CANOPY

TOWN PLAN NUMBER: TP#2115

TRI-TEK Engineering
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COMMONWEALTH OF VIRGINIA
THEODORE D. BRITT
NO. 023803
PROFESSIONAL ENGINEER
7-14-2022

ADAMS GREEN FUNERAL HOME

FAIRFAX COUNTY, VIRGINIA
TOWN OF HERNDON

EXISTING CONDITIONS AND EROSION & SEDIMENT CONTROL PLAN

DATE	REVISION
01/25/22	PER TOWN COMMENTS
05/02/22	PER TOWN COMMENTS

PM: TDB SCALE: 1"=20'
PE: ASB DATE: 08.30.21
CO: AN SHEET 4 OF 5

F-1946D

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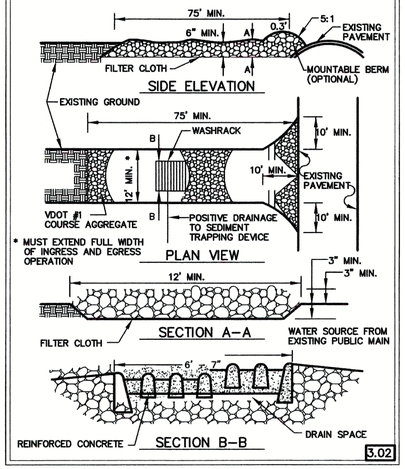
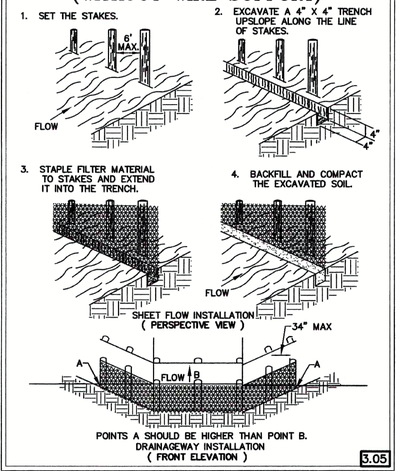
STONE CONSTRUCTION ENTRANCE



3.02

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



3.05

EROSION AND SEDIMENT CONTROL NARRATIVE

PROJECT DESCRIPTION

THIS PLAN PROPOSES THE REMOVAL OF AN EXISTING TWO STORY WOOD STRUCTURE AND A SINGLE STORY WOOD STRUCTURE. APPROXIMATELY 0.12 AC (5,255 SF) WILL BE DISTURBED.

EROSION AND SEDIMENT CONTROL MEASURES

UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS PRESENTED IN THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.

STRUCTURAL PRACTICES

1. Temporary Construction Entrances w/Wash Rack –3.02
   The Contractor shall provide a water source by either a water truck or water tank on–site for washing vehicles before entering the public road.

2. Silt Fence– 3.05
   A temporary sediment barrier consisting of a synthetic filter fabric stretched across and attached to supporting posts and entrenched installed to intercept and detain small amounts of sediment from disturbed areas during construction operations in order to prevent sediment from leaving the site and to decrease the velocity of sheet and channel flows.

3. DUST CONTROL – 3.39
   A WATER TRUCK WILL PERIODICALLY SPRINKLE THE SITE WITH WATER TO PREVENT UNNECESSARY DUST MOVEMENT. ALTERNATE METHODS OF DUST CONTROL CAN BE USED AT THE DISCRETION OF THE SITE INSPECTOR.

VEGETATIVE PRACTICES

1. MULCHING – 3.35
   STRAW MULCH WILL BE PLACED OVER NEWLY SEEDED AREAS FOLLOWING FINAL GRADING TO PREVENT EROSION OF BOTH SOILS AND SEED.
2. PERMANENT SEEDING – 3.32
   PERMANENT SEEDING WILL BE APPLIED TO ALL DISTURBED AREAS AT THE COMPLETION OF FINAL GRADING. RESEEDING OF AREAS WHERE THE PREVIOUS SEED DID NOT GERMINATE SHALL BE PERFORMED TO INSURE AN EVEN GRASS COVER IS PROVIDED ON THE SITE.

MANAGEMENT STRATEGIES

1. CONSTRUCTION WILL BE SEQUENCED SO THAT GRADING OPERATIONS CAN BEGIN AND END AS QUICKLY AS POSSIBLE.
2. AREAS THAT ARE NOT TO BE DISTURBED DURING CONSTRUCTION WILL BE CLEARLY MARKED WITH FLAGS OR OTHER APPROPRIATE SIGNAGE.
3. THE JOB SUPERINTENDENT WILL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES CALLED FOR IN THE EROSION AND SEDIMENT CONTROL PLANS AND DETAILS.
4. AFTER ADEQUATE SITE STABILIZATION HAS BEEN ACCOMPLISHED, THE TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES WILL BE REMOVED.
5. NO EROSION AND SEDIMENT CONTROLS SHALL BE REMOVED WITHOUT THE APPROVAL OF THE TOWN OF HERNDON SITE INSPECTOR.

PERMANENT STABILIZATION

ALL AREAS DISTURBED DURING CONSTRUCTION WILL BE STABILIZED WITH PERMANENT SEEDING IMMEDIATELY FOLLOWING FINISHED GRADING. THE SEEDING SHALL BE COMPLETED IN ACCORDANCE WITH STD. & SPEC. 3.32, PERMANENT SEEDING OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. STRAW MULCH WILL BE EMPLOYED TO PROTECT THE SITE FROM EROSION WHILE THE SEED GERMINATES. IN ALL SEEDING OPERATIONS, SEED, FERTILIZER AND LIME WILL BE APPLIED PRIOR TO MULCHING.

MAINTENANCE

IN GENERAL, ALL EROSION AND SEDIMENT CONTROL STRUCTURES AND MEASURES SHALL BE PERIODICALLY CHECKED AND IMMEDIATELY FOLLOWING ANY STORMS. THE SITE SUPERINTENDENT SHALL HAVE REPAIRS MADE TO ANY CONTROL THAT IS FOUND IN DISREPAIR WITHIN 24 OF THE SUPERINTENDENT'S INSPECTION OF THAT CONTROL. THE FOLLOWING ITEMS REQUIRE SPECIAL ATTENTION:

1. ALL INLET PROTECTION SHALL BE REGULARLY INSPECTED FOR SEDIMENT BUILDUP AND CLOGGING, WHICH MAY PREVENT PROPER DRAINAGE. GRAVEL THAT IS CLOGGED SHALL BE CLEANED OR REPLACE TO PROVIDE ADEQUATE DRAINAGE.
2. ALL AREAS SEEDED SHALL BE INSPECTED TO INSURE PROPER GERMINATION OF THE SEED. RESEEDING AND FERTILIZING SHALL BE ACCOMPLISHED IN THOSE AREAS WHERE THE INITIAL SEEDING HAS FAILED TO TAKE HOLD.

SPECIFICATION FOR SEEDING

PERMANENT SEED: (TO BE APPLIED WITHIN 7 DAYS OF FINAL GRADING)

SEED MIXTURE – 90% TALL FESCUE (KY–31) AND 10% KENTUCKY BLUEGRASS AT SEEDING RATE OF 250 LB/ACRE OR 6 LB/1000 SF
LIME (IF NECESSARY) – 90 LB/1000 SF OF PULVERIZED AGRICULTURAL DOLOMITE
FERTILIZER (IF NECESSARY) – 25 LB/1000 SF OF 5–20–10 AND 7 LB/1000 SF OF 38–8–0 (IN SPRING) OR 25 LB/1000 SF OF 10–20–10 AND 7 LB/1000 SF OF 38–0–0 (IN FALL).
MULCH – APPLY AT RATE OF 79–90 LB/1000 SF

TEMPORARY SEED: TO BE APPLIED ON AREAS WHICH WILL REMAIN DORMANT FOR LONGER THAN 14 DAYS IN ACCORDANCE WITH STATE'S LATEST MINIMUM STANDARD #1.
SPRING PLANTING (FEBRUARY 16 TO APRIL 30) – ANNUAL RYE GRASS SEED (LOLIUM MULTI–FLORUM) AT SEEDING RATE OF 60–100 LB/ACRE
SUMMER PLANTING (MAY 1 TO AUGUST 30) – GERMAN MILLET SEED AT SEEDING RATE OF 50 LB/ACRE
FALL PLANTING (SEPTEMBER 1 TO FEBRUARY 15) – 50/50 MIX OF ANNUAL RYE GRASS (LOLIUM MULTI–FLORUM) AND WINTER RYE (SECALE CEREALE) AT SEEDING RATE OF 50–100 LB/ACRE
MULCH – APPLY STRAW AT A RATE OF 70–90 LB/1000 SF (MUST BE ANCHORED)

TOWN PLAN NUMBER: TP#2115

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7.14.2022

ADAMS GREEN FUNERAL HOME

FAIRFAX COUNTY, VIRGINIA
TOWN OF HERNDON

EROSION AND SEDIMENT CONTROL NOTES & DETAILS

DATE	REVISION
01/25/22	PER TOWN COMMENTS
05/02/22	PER TOWN COMMENTS
07/14/22	SIGNATURE SET

PM: TDB SCALE: NONE
PE: ASB DATE: 08.30.21
CO: AN SHEET 5 OF 5

F–1946D

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Attachment #7

Exhibit #4

This does not represent a verbatim transcript of the Historic District Review Board meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323.

HISTORIC DISTRICT REVIEW BOARD
Wednesday
April 19, 2023

The Historic District Review Board of the Town of Herndon, Virginia, met in public hearing on Wednesday, April 19, 2023, at 7:00 p.m. in the Herndon Council Chambers Building, 765 Lynn Street, Herndon, Virginia. In attendance were: Chair Leslie Blaker-Glass, Vice Chair Eric Boll, and Board Members: Lauren Edmondson, Melody Fetske, Anna Orlando, Matthew Ossolinski, and William Savage.

Staff present during the meeting: Bryce Perry, Deputy Director of Community Development; David Stromberg, Zoning Administrator; Lauri Sigler, Deputy Town Attorney; Tamsin Himes, Lead Planner/Design Development; John Orrison, Building Inspections; Collin Okoniewski, Planning Operations Manager; Dave Bracamonte, Operations Manager, I.T.; and Aaron Zoellick, Clerk of Boards and Commissions.

1. Call to Order

Chair Blaker-Glass called the meeting to order at 7:00 p.m. and stated that seven members were present which constituted a quorum with Chair Blaker-Glass presiding.

2. Approval of the Minutes

a. March 1, 2023, Historic District Review Board Work Session Minutes
b. March 15, 2023, Historic District Review Board Regular Meeting Minutes

On motion by Board Member Fetske, seconded by Board Member Savage, the minutes from the March 1, 2023, Historic District Review Board Work Session, and the March 15, 2023, Historic District Review Board Regular Meeting were approved by a vote of 7-0.

The vote was: Board Members Edmondson, Fetske, Savage, Orlando, Ossolinski, and Chair Blaker-Glass voting "Aye."

3. Comments

a. Comments from the Board Members

Board Member Ossolinski stated that he was unable to find records on the Town's website for past HDRB cases. Chair Blaker-Glass stated that she was also aware of the issue and was informed that staff is working to update the records available on the website.

Board Member Fetske thanked the Town for the recent renovation work to the Town Council Chambers.

b. Comments from the Staff Members

Ms. Himes stated that a public meeting regarding the Transit-Related Growth (TRG) Area revisioning will be held in the Town Council Chambers on May 18, 2023, at 7:00 p.m.

c. Comments from Citizens

Mike McFarlane provided a comment regarding his experience with the sign application process for his business in the Historic District.

April 19, 2023
Regular Meeting

4. Public Hearing

Chair Blaker-Glass asked staff if the public hearing items on the agenda were properly advertised.

Ms. Himes stated that the applications were properly advertised with notices of the public hearing having been duly advertised in the March 31 and April 7, 2023, issues of the Fairfax County Times Newspapers. Certificates of Publication from the Editor of the Fairfax County Times Newspapers will be entered into the record upon receipt.

a. **APPLICATION FOR DEMOLITION, HDRB #23-001,** to consider an application for a Certificate of Appropriateness for the demolition of two contributing structures, a two-story house and a single-story accessory structure at 725 Elden Street, Herndon Virginia, located west of the intersection of Elden Street and Lynn Street. The subject property is further identified as Fairfax County Tax Map 0162 02 0091, is zoned as CC (Central Commercial District) and consists of 16,159 square feet of land area. Owner/Applicant: Kathryn Adams, Adams Herndon Holdings LLC. Agent: David Kipper, Golden Real Estate Services.

Chair Blaker-Glass stated that in order to avoid any appearance of bias or impropriety she would recuse herself from the discussions and action on HDRB #23-001. A copy of the Transactional Disclosure and Disqualification statement is on file in the Department of Community Development.

Chair Blaker-Glass left the dais.

Vice Chair Boll opened the public hearing and called on Ms. Himes for the staff report on HDRB #23-001.

Ms. Himes delivered the staff presentation dated April 19, 2023, for a Certificate of Appropriateness for demolition at 725 Elden Street, Herndon, Virginia, which is on file in the Department of Community Development. This case is to consider an application for a certificate of appropriateness to demolish a contributing historic house and a contributing historic carriage house at 725 Elden St. The property is predominately located on the south side of Elden Street across from the W & OD trail, the old town hall between Monroe St. and Spring St.

Both structures were built in the 1880s and the historic house is a classic example of folk Victorian architecture. Currently, though changes have been made over time the historic house retains many of its character defining features. The history of these two structures and details regarding the application and case materials have been provided to the board previously in the staff report, case files and a staff memo. This presentation will focus on a few key points presented to the board in the staff memo prior to this meeting. Since the work session the Zoning Administrator provided a staff memo to the board to help clarify the board's roll in applying the zoning ordinance in a demolition case.

The applicant has also provided an updated engineering report which has been provided as an attachment to the staff memo prior to this public hearing. The updated engineering report includes some clarifications regarding what types of commercial uses require various types of load capabilities and reiterated its purpose in evaluating for commercial uses only. The updated report does not include detailed formulas, structural descriptions, or sufficient information to determine whether or not the structure would in fact meet code requirements. Should the board have additional questions regarding code requirements or this report or staff's feedback about this report, we have with us the Town Building Official, John Orrison, and he will be able to answer the board's more specific questions.

As a reminder staff wishes to reiterate that this application is for the demolition of those two historic buildings only. Future structures or plans for future work should not be taken into account when determining whether or not this application meets the criteria for demolition. When considering an application for most types of alternations to historic structures the guidelines do not impose upon the board the ability to consider an economic or cost analysis of the proposed work or materials. However, when considering

an application for demolition of a structure the Historic District Overlay guidelines and the zoning ordinance specifically require the property owner to provide a cost analysis and economic feasibility study to the board to consider. In the present case the applicant has not provided an economic feasibility study or cost analysis for consideration, since this info had not been submitted to the board and the board has not such information to consider, this is therefore a basis for denial.

At the work session the applicant's representative brought up the option of moving the structure as an alternative to demolition. This would require a certificate of appropriateness approved by the board. The zoning ordinance states that a certificate of appropriateness for demolition should not be approved unless the case meets all nine of the zoning ordinance criteria. The HDRB is charged with applying these criteria to this case as explained in the memo from the Zoning Administrator. The board has been provided with a matrix for both the zoning ordinance criteria and also the historic district overly guidelines and also the criteria are noted as findings in the draft resolution provided to the board. Staff's recommendation for denial based on the findings cited in the draft resolution remains unchanged. However, a continuation may be an option if the applicant plans to submit additional materials or updates in response to feedback or the staff memo. As proposed the staff is recommending a denial of HDRB #23-001 for the demolition of a contributing historic house and historic carriage house at 725 Elden St. in accordance with the draft resolution. Thank you.

Vice Chair Boll recognized Board Members for questions of staff.

There were no questions.

Vice Chair Boll recognized the applicant for comments.

The applicant's representative, Michael O'Reilly, whose office address is 761 Monroe St. in Herndon, was present.

Mr. O'Reilly's provided the following comments: This case is an application for the demolition of the building at 725 and what I call the garage behind the building. The applicant followed the rules and regulations in submitting the application. The Adams funeral home needs additional space in order to remain competitive in the funeral home industry. The Adams funeral home is the oldest continually operating business in the Town of Herndon. It has been operating since 1885. In the past, when the Adams funeral home needed room, as he reminded that board about the Yellow House that was on the property and twenty years ago was successfully removed and relocated to a parcel not far behind the property with the approval and the assistance of the Adams. When the Yellow House was removed, press articles indicated that they needed the space for a parking lot, anybody who would drive around back realizes that is where the crematorium actually is. Parking is always a problem in downtown Herndon, but parking isn't an issue in connection with this application. The Yellow House wasn't moved so there could be more parking, it was removed so that the business could stay in business and stay in the Town of Herndon. Cremations became popular twenty years ago and now it's the most popular method of burial or the service that Adams provides. They are thinking about the business and that is why they have come before you all to seek permission to demolish the house at 725 because they need commercial space. for a variety of business reasons. The house can't serve them. They commissioned an engineering study of the house to try to determine if they could save the house, if it could be used for commercial purposes. The conclusions of the engineering study and the supplemental engineering study are clear. In the opinion of the engineer, the building is not a candidate for renovation and commercial re-use. The structure and foundation won't require the loads for commercial use. In order to strengthen the structure to support commercial use, it would require the demolition and reconstruction of such a significant portion of the building. Very little of the existing building would even remain. To use it for a commercial purpose doesn't work. You could use it for a residential purpose as the engineer opined. The Adams don't need the residential building on their property and in fact the Town has told them you really can't have residential use there. As I think I pointed out at the work session, it's zoned commercial, you are not allowed to use for a residential purpose on that property. Staff has said we might support you to be able to use it for a residential purpose, but that would not make sense for the business to then operate a residential property on the commercial

property when they need commercial property. There are really two options. Try to move the house and the way the matrix is written it has to be practicable. To move the house would mean there would need to be a place to be moved to, and a way to pay for moving the house. Single family building lots in Herndon are going for $450,000 - $500,000. No one has come forward to say we have a lot, we have a place where you can put the house. We have the ability to help you raise funds in order to try to relocate the building because it is so significant. The relocation really doesn't work. When we moved the Yellow House twenty years ago, we were able to get Stanley Martin to actually donate a lot for free so that the Yellow House could be moved. It is a difficult process, it's potentially doable, we don't see that in the current situation. The other alternative is to take the house down. The third alternative which I would prefer we not have to get to is that the business would just have to move someplace else. I wanted to point out in the public hearing as I did in the work session that in my application, my friend Barbara Glakas pointed out I mentioned that you can't see this house from Elden St. The reason I said that in that letter was because when I was first contacted by the Adams, if I could help them in connection with this house in front of their building, my initial reaction was, what house in front of the building? There's no house in front of the funeral home. And I have lived here a long time, and I have been up and down Elden St., a lot of times. I had to walk over a take a look because it is not a striking building as you come into the downtown. That is why a said visible, I should have said noticeable or something else. School teachers are better sometimes at language than even lawyers. I went through the matrix that staff has presented. We have a residential building in a commercial district in the downtown where residences aren't allowed, which is part of the problem as I said. You got a single-family home in the historic district which is the commercial part of the historic district which isn't allowed, it can't be there and that doesn't make sense. Going through the matrix then each and every item. It's not practicable to move the house. There is no other way for this business to survive without getting the space. We think it's appropriate under the guidelines for this board after hearing public comment, to deny the application. We appreciate your service and we appreciate your consideration of the business as well as the residents comments on this application. I'll be happy to answer any questions.

Vice Chair Boll recognized the Board Members for questions of the applicant.

Board Member Fetske provided the following comments: I'm struggling with how to word this because when you have a historic district, there is a natural tension between people who value the historic structures and also the historic nature of having a historic district and it creates a natural tension between citizens who want to honor the more commercial aspects. That tension creates conflict. It's unfortunate that the conflict has been created by this. I think, ultimately, it is incumbent upon you the applicant to convince us that sufficient effort was made to preserve the structure and that there really are no other alternatives. I think there are other alternatives because I have seen structures be renovated from residential to commercial very successfully. I don't think there are only two choices. The fact is that the structure is contributing and important to the historic character of the district. I actually don't have a question I just have this comment. I still continue to be disappointed that the applicant didn't examine more alternatives, including maintaining the façade of the building and the character that it presents to Elden St., but I need to be true to my responsibilities to this board. You have not convinced me that the applicants value the historic structure as much as we do in the Historic District or maybe as much as we should, because not all structures are fantastic. I just feel like your applicants needed to make more effort.

Mr. O'Reilly provided the following response to Ms. Fetske's comments: I appreciate your comments. I think that really is the role of this board. I think the role of the Town Council is to grapple with the difference between the zoning ordinance and historic regulations and we may need to go there to get a resolution. As I said at the work session, I served for five years on this board and I understand some of the conflicts that can arise between businesses and residents, and between residents and residents, and citizens and citizens, and citizens and non-citizens. We can have conflict and we can still all get along. Thank you Melody.

Board Member Edmondson provided the following comments and questions: You have presented this as a binary, black and white, where either this house, this historic structure, is demolished or the business does not survive. With that in mind, I wonder why the

applicant has not provided us with any plans for what might go in this place if this situation is so dire that we are faced with a, as you put it, a desperate need for space then where are the plans for that space? We could have seen those plans, we would have been happy to see those plans. But we have a plan for grass.

Mr. O'Reilly provided the following response: You are absolutely correct and I think while Tamsin and I have disagreed on a number of items in connection with this application, I think the one thing that we both agree is that what's going to happen on the site in the future is going to come back to this board and there will discussion and resolution. It is not a question of should this building be demolished so that this building can be built, and then you need to vote on what this building will be and if it is not sufficient then you don't allow this to be demolished. The question merely before the board is whether the current building should be demolished under the terms and conditions of the historic district. I'm I correct Tamsin is that?

Ms. Himes provided the following comment: It is correct that this application is only for demolition and future plans shouldn't be considered in the board's judgment of whether or not this application meets the guidelines and the zoning.

Board Member Edmondson provided the following comments and questions: Well I know that, yes I totally understand that, but you are coming to this board saying if we don't get this we will loose the business. If I were the business owner, I would know exactly what is going in there to save my business, exactly. We haven't even gotten it. You say we need more space, what space? What space is insufficient? What kind of commercial use is insufficient for what the engineer just said by looking around that it's insufficient. When you say commercial is this going to be an Air BnB or is this going to be a place where they fix cars? There is a big difference here in commercial.

Mr. O'Reilly provided the following response: No, I agree with you. It will be an expansion of the current funeral home business. I mean that is what it is intended to be. It is intended to meet their needs to stay competitive within the funeral business. They would like to continue operating a funeral home business and provide the service to the Town that been provided since 1885. If they can't continue to meet the needs, like they did when they opened the crematorium, then they don't believe that they can stay in this location and they would need to be in a different location in order to have the ability to provide additional – I'm not in the funeral business – but I do know that people have large meeting rooms, people hold wakes, people do a lot of different things at funeral homes that they didn't do twenty years ago . They are looking to the future and that industry knows what they need. I can't tell you and it really isn't a part of this application.

Board Member Edmondson provided the following comment: No it's not, but you actually brought it because you say, if we don't get this it's not feasible to use the house as it is, but you haven't given us a clear indication of what you are trying to use it for.

Mr. O'Reilly provided the following response: We need commercial space. It can't be used as commercial space when the engineer says it can't be. So that is as far as we need to go.

Ms. Himes provided the following comment: Can I interject? I think your point, Ms. Edmondson, may be included in an economic and feasibility study not necessarily it could be what you are talking about what you wish the applicant would have provided. That could be information that may included in an economic and feasibility study which is something that is required in an application, whereas plans for a specific building would not be. I think there may be some miscommunication in what you are asking the applicant to provide.

Board Member Edmondson provided the following comment: I'm actually not asking the applicant to provide anything. I'm just saying that the applicant has presented this as an either-or and I don't think it is an either - or and I think the applicant knows that as well.

Board Member Savage provided the following comment and question: When we were at the work session, I understood that Tamsin indicated that they didn't feel your engineering report was sufficient. I heard you to say, and I may be wrong, that you had a supplemental engineering report. Have you provided that to the town?

Mr. O'Reilly provided the following response: And staff has provided that to you.

Ms. Himes provided the following comment: That update to the initial report was provided in the dispatch.

Mr. O'Reilly provided the following comment: It was clarification on the issue that I mentioned as to whether or not there were specific commercial uses that could be performed in the existing building or not. We went back to the engineering company and said explain to us a little bit better about the problems with the foundation and the difference between commercial and residential use. They came back with their opinion that commercial use, which requires so much more load, would require so much more work on the foundation, which would require the demolition essentially of a majority of the building. Which was little different just in more detail than the original study.

Board Member Savage provided the following comment: I appreciate that, I am sure that Tamsin must have said in your discussion that that was sufficient since you said the prior one was insufficient.

Ms. Himes provided the following comment: The staff memo did address the update to the engineering report and determined that it was insufficient. Their update to the engineering report was determined that it still did not, still was insufficient in what would be required. We have our building official here if you have more detailed questions about that and he can answer questions about the insufficiency better than I can.

Board Member Savage provided the following question: Did you relay that to the applicant that it was insufficient?

Ms. Himes provided the following response: The applicant was provided with the staff memo.

Board Member Savage provided the following question: When did you provide that to the Applicant?

Ms. Himes provided the following response: That was made public on Friday, the same time the board was provided with it and the applicant was provided a link to it on Monday.

Board Member Savage provided the following comment: The other thing I noted was that this time you noted there was a failure to provide an economic study and feasibility study I believe is what you referenced. I didn't hear that discussed at the work session. Do you have any comment on the absence?

Mr. O'Reilly provided the following comment: I don't think there needed to be a separate study. What it says is an economic and structural feasibility study prepared by a professional submitted that concludes rehabilitating or reusing the building or structure is not a practicable alternative. It doesn't have to have economic numbers in it. It could be a structural feasibility study, which is what we provided. Which is that the foundation is crumbling and as I said, in order to bring the building up to standards to have commercial use it would require the demolition of a majority of the building. The is a structural feasibility study, could it be used for a commercial purpose and our engineer says it is not a candidate for renovation for commercial use. I would argue as opposed to what staff says that we have provided a structural feasibility study in accordance with subparagraph (i) of the matrix that meets that condition. Staff would say that they disagree with our study so they don't think that we have met the burden.

Board Member Savage provided the following comment: That what it seems like doesn't it? We have an agreement to disagree on whether you have a complete application. Staff is telling us that it is not. You are telling us that it is.

Mr. O'Reilly provided the following response: And that makes your job all that much more important.

Board Member Savage provided the following comment: If that's germane to our decision.

Mr. O'Reilly provided the following comment: If it is, yes.

Board Member Ossolinski provided the following comment: I totally agree that we should be looking at this as just a demo permit. I may have misunderstood that in the work session and I am completely satisfied to look at this as if that building is not there only. On the point of the structural report which I understand you are now calling an economic feasibility study.

Mr. O'Reilly provided the following comment: No, it can be an economic feasibility study or a structural feasibility study.

Board Member Ossolinski provided the following comment: Or, so you are saying one or the other.

Mr. O'Reilly provided the following comment: Yes.

Board Member Ossolinski provided the following comment: I thought both were required?

Mr. O'Reilly provided the following comment: I don't think they both need to be included, staff may have a different interpretation. I think that if the economics are that is costs way more, there's no way to do it other than spending so much money that you shouldn't do it. Then maybe it's economics, then there is an economic conclusion. But it's just not feasible is what our structural engineer said.

Board Member Ossolinski provided the following comment: I don't know. I didn't see costs. No costs at all and that seems to be fundamental to economics. I don't know. So maybe staff can?

Ms. Himes provided the following comment: I can speak to that a little bit. First of all in the zoning matrix, criteria (e) specifically requires that it is determined that a building or structure has a degree of structural unsoundness so that specifically addressed structural stability. Then in criteria (i), it speaks specifically to an economic and structural feasibility study prepared by a qualified professional. So that is both economic and structural feasibility.

Board Member Ossolinski provided the following question: Thank you. I am curious, I'm sure you are not a building professional. I don't expect you to be.

Mr. O'Reilly provided the following response: I'm a lawyer.

Board Member Ossolinski provided the following question: I am curious if you have ever seen before structural reports?

Mr. O'Reilly provided the following response: I have worked with engineers through the course of my forty plus years practicing law on hundreds of occasions, doing primarily building deficiency cases. Tried them to juries. I have worked extensively with engineers, architects, and other professionals. I haven't done a lot of HPRB/HDRB structural reports on single-family homes in small residential districts. I have done high-rise condominiums in Arlington. I know that most of the people who are doing studies of this type are trying to keep the cost down rather than having an actual reconstruction. This is a report to determine what could be done. So, yes, I have seen structural reports. I have seen some that are several hundred pages long and I have seen some that are relatively short to look at a specific issue.

Board Member Ossolinski provided the following comments: I have also seen many structural reports for both residential and commercial structures. I'm an architect it's part of my business there is another architect on this board who might have similar experiences or different experiences. In my experiences, a structural report will give specifics as to what codes they are looking at and even code passages. I typically see photographs attached or drawings that were sketched on-site. In this particular case, there's no indication…. I've also seen the document signed by the structural engineer and

mostly stamped with their engineering license number on it. I don't see a signature, on the back-up document. I don't see a stamp on that. I don't see backup photographs. I have no idea if the gentleman is a structural engineer, is actually qualified to look at life safety or look at egress. I don't know that he is an expert in looking at the Virginia existing building code which allows for significant leeway when it comes to an existing structure and even more leeway when it comes to a historic structure. There is no documentation of that. Without even hearing what our building code official will say, which I would like to invite him up, from my perspective it is not a sufficient structural report, much less feasibility study that shows alternatives or anything else that might be possible in this. On that view alone just that it isn't signed and sealed is an entree. I won't even get into the misspellings and the lack of language, usually structural engineers are some of the most thorough people I know both in terms of the language they use for buildings and structures and the language they use in their letters. I think that it's sufficient to say that it's insufficient.

Board Member Ossolinski provided the following question: Moving on to another item, when I asked you in work session what you consider to be the context of this building. You said the Main Street bank on one side and the current funeral home at 721 on the other. Have you revised your thinking on that at all in terms of the surroundings that you feel should be considered when we are looking at this building?

Mr. O'Reilly provided the following response: Have I personally, no.

Board Member Ossolinski provided the following question: Are you aware that if you look at this site from another public way and I am speaking of the W&OD trail, it is one of a row four historic buildings all in a row?

Mr. O'Reilly provided the following response: No, that never dawned on me.

Board Member Ossolinski provided the following comment: It might be good if you or the applicant to consider that. We have 721, if you go from left to right…

Mr. O'Reilly provided the following response: I'm sorry do you have questions for me?

Board Member Ossolinski provided the following comment: I just asked you a question about whether you have revised it and to consider in response to that it is one of four 721, 725, the town hall, and the historic train station all in a row creating quite an assemblage of historic structures all in a row. In the main area of the building. I think that should be considered equally to what Elden St. shows and I think Elden St. more than just the buildings to the right and left should be considered. That's a comment.

Mr. O'Reilly provided the following response: I think most of what you said was a comment not a question but I appreciate your comment.

Vice Chair Boll noted there were no further comments or questions by board members.

Vice Chair Boll called on any comments from the audience.

Barbara Glakas provided the following comment : I Am here to encourage you not to allow the historic house at 725 Elden Street to be demolished. We know the house is historic and has historic value. It was built between 1888 and 1889 and is the second oldest home in downtown Herndon. We know the original owner of the house was Charles Reed a prominent carpenter and homebuilder, a Herndon master mason, and brother of our first undertaker Thomas Reed. Charles not only built his own home, but also other early homes in Herndon. We know that the house is in the historic district and has certain protections. The house is a residence and has always been listed as a residence; even the applicants demolition application has it listed as a residence; even though it oddly sits in the commercial district which is simply an administrative anomaly. We also know that since the house is a contributing structure within our historic district per our HDRB guidelines and zoning ordinances that applicants are required to meet certain standards before they can demolish a historic home. The applicants have not met these standards. They have failed to demonstrate that the home is not salvageable, or not moveable, or not rehab-able. They have not provided an abatement report or cost analysis about any needed

repairs. They have not provided any cost analysis having to do with the relocation of the home or the incorporation of the home into a new plan. They have not shown that they have explored any other relocation properties, other than to say that no one has come to them offering them property. They did not make a good faith, bonafide effort to sell the house. They have submitted an engineering report that says the foundation would not be able to support it if it was to be used as a commercial facility, but this is not a commercial facility, it is a residential home, and the foundation will support a residential home. The crux of the applicants argument seems to be this, 'Our business is growing, we need more room, we can't use this house; therefore, we want to demolish it so we can construct a new building here'. Adams Green Funeral Home is a good business, but that argument does not pass muster when it comes to demolishing our town's historic contributing structures. Jimmy's Old Town Tavern is a good business, but we would never allow them tear down that historic building, which is in good shape. The Nachman Building has always housed good businesses in their building including, currently the Green Lizard Cycling Shop, but we would never allow them to tear down that building, historic building, which is in good shape. The Adams Green Funeral Home does have options available to them, such as moving the home, or building a new structure behind the home, relocating the historic carriage house which would provide them more room to the rear of the building to build. Or they could even demolish part of the back of the home leaving the front façade in order to build a new structure in its rear. I do believe they have more options to them than my friend, Mike O'Reilly, has mentioned. I hope they do explore these options, but meanwhile do not support the demolition of this historic home.

And just an added piece, we keep saying that Adams Green Funeral home is the oldest business since 1885, probably correct, but they did not always operate out of that building. That didn't come until the 1930s.

Vice Chair Boll noting there no other public comments, recognized the applicant for concluding comments.

Mr. O'Reilly provided the following response: No thank you.

Vice Chair Boll recognized staff for concluding comments.

Ms. Himes provided the following comment: None unless the board has a specific questions regarding anything since that staff report.

Vice Chair Boll closed the public hearing and moved to the Board for discussion.

Board Member Edmondson made a motion to deny HDRB #23-001.
The motion was seconded by Board Member Fetske.

Deputy Town Attorney Sigler asked the Chairman for clarification on the motion that was simply a motion to deny without incorporating the draft resolution.

Board Member Edmondson restated her motion to deny HDRB #23-001, in accordance with the draft resolution.

The restated motion was seconded by Board Member Fetske.

Vice Chair Boll asked for discussion on the motion.

Vice Chair Boll began reading the findings from the draft resolution:

1. The 725 Elden Street historic structures do contribute to the character of the historic district as they are both categorized as contributing structures by architectural surveys completed by the Town and the National Register of Historic Places.

Board Member Savage provided the following comment: I had two points of concern on that. One thing I continue to struggle on here is there seems to be an emphasis in here on the cost burden to Adams funeral home. Of course that is something that you always think about are the cost burdens to the individual in this Historic District. But, I am not so sure that is the proper measurement because then otherwise the district would be discretionary, you can opt out or, you can show an economic burden. I'm not certain

where we go with that. The second thing, and Mr. O'Reilly spoke about the streetscape, and I think we can all reach our own conclusions about whether it is visible. It definitely fronts on Elden St., this is definitely a railroad town, and that is definitely in the same manner as any architecture if you have ever walked down the Duke of Gloucester Street in Williamsburg some buildings are less some buildings are more, but together they form a fabric of the community, of the historic structures, so there is that. I know there were analogies with the Yellow House, but I don't believe it was located on the streetscape. I believe the Yellow House was to the rear of the lot and was more easily movable back. So I'm not so sure those are the same. Those are the concerns I had. The third concern had a little bit to do with the apparent back and forth between the applicant and the Town. It would have been helpful for me if we could have gotten some clarity as to whether this was complete application and why it wasn't. It seemed to shift a little bit. I appreciate Mr. O'Reilly's statements and his effort to clarify that.

Vice Chair Boll began reading the findings from the draft resolution:

2. The 725 Elden Street historic structures qualify as national and state landmarks listed on the National Register of Historic Places and the Virginia Landmarks Register.

3. While modern versions of Folk Victorian houses do exist in the Town, reproduction of a historic house with its unique character and craftmanship could not be easily reproduced.

Board Member Fetske provided the following comments: I think as a board our charge is clear, it's also clear that the applicant is going to appeal to the Town Council. To be honest to our charge as board members, I think its supports all of these things.

Board Member Ossolinski provided the following comment: I do want to thank the community for the letters that we've received and the diligence of the Herndon Historical Society in presenting a case to us. We received 16 letters by 14 different parties and in my time here on the board it is rare to see even one person come to oppose something much less all these documented written statements that we've received. I just want to thank the people who had that interest, who felt they were part of the community and felt that the Historic District was important to them. I hope that should this get appealed that they continue to present those cases to Council.

Vice Chair Boll provided the following comment: Thank you, Mr. Ossolinski. From my perspective looking at the engineer's reports there does not appear to be anything there that states the building structure itself is at all deficient in any way that would merit on that perspective alone demolition. We have had some buildings in the district which were in really, really, bad shape, but there is nothing in the engineering reports per se that made it clear that the building itself was structurally unsound. So, I wanted to bring that out.

There being no further comments from board members, Vice Chair Boll called for the vote on the motion, which was carried by a vote of 6-0.

The vote was: Board Members Edmondson, Fetske, Orlando, Ossolinski, Savage, and Vice Chair Boll voting "Aye."

b. **APPLICATION FOR AN APPEAL OF AN ADMINISTRATIVE DECISION, HDRB #23-004**, an appeal of an administrative decision pursuant to Sec. 78-60.3(g)9(7) of the Town of Herndon Zoning Ordinance to deny an application for window replacement at 898 Station Street, Herndon, Virginia, located in the southeast quadrant of the intersection of Park Avenue and Station Street. The subject property is further identified as Fairfax County Tax Map 0104 34 0001, is zoned as R-10 (Residential Single family-10 District) and consists of 15,802 square feet of land area. Owners/Applicants: Kevin G Moses, Paige L Moses.

Chair Blaker-Glass returned to the dais.

Chair Blaker-Glass opened the public hearing and called on Ms. Himes for updates on the staff report.

Ms. Himes presented the appeal of an administrative decision pursuant to Sec. 78-60.3(g)9(7) of the Town of Herndon Zoning Ordinance to deny an application for window replacement at 898 Station Street, Herndon, Virginia. Ms. Himes delivered the staff presentation dated April 19, 2023, which is on file in the Department of Community Development.

Ms. Himes stated that the applicant is requesting the appeal be continued to the May 17, 2023, HDRB public hearing.

Chair Blaker-Glass recognized the audience for comments.

No comments were provided.

Chair Blaker-Glass left the public hearing open and moved to the Board for discussion.

Board Member Fetske made a motion to continue HDRB #23-004 to the May 17, 2023, public hearing. The motion was seconded by Board Member Edmondson.

The question was called on the motion, which was carried by a vote of 7-0.

The vote was: Board Members Edmondson, Fetske, Orlando, Ossolinski, Savage, Vice Chair Boll, and Chair Blaker-Glass voting "Aye."

c. **APPLICATION FOR ALTERATION, HDRB #23-007**, to consider an application for a Certificate of Appropriateness for an alteration at 610 Spring Street, Herndon, Virginia, located on the east side of Spring Street between Nash Street and Van Buren Street. The subject property is further identified as Fairfax County Tax Map 0162 02 0140A, is zoned as R-10 (Residential Single family-10 District) and consists of 9,069 square feet of land area. Owner/Applicant: Robert C. Matthews.

Chair Blaker-Glass opened the public hearing and called on Ms. Himes for the staff report.

Ms. Himes presented the application for a Certificate of Appropriateness for an alteration at 610 Spring Street, Herndon, Virginia. Ms. Himes delivered the staff presentation dated April 19, 2023, which is on file in the Department of Community Development.

Staff recommended approval of HDRB #23-007 with conditions, in accordance with the draft resolution.

Chair Blaker-Glass recognized Board Members for questions of staff.

Board Members offered questions regarding the distinction between "street facing" and "visible from a public way," what language is used by the zoning ordinance, reference guide, and Historic District Guidelines, and whether the work proposed for the rear windows in this application fall under staff or HDRB review.

Ms. Himes responded to the Board Members' questions and comments.

Chair Blaker-Glass recognized the applicant for comments.

The applicant was not present.

Chair Blaker-Glass recognized the audience for comments.

No comments were provided.

Chair Blaker-Glass closed the public hearing and moved to the Board for discussion.

Board Member Fetske made a motion to approve HDRB #23-007, in accordance with the draft resolution. The motion was seconded by Board Member Savage.

The question was called on the motion, which was carried by a vote of 7-0.

The vote was: Board Members Edmondson, Fetske, Orlando, Ossolinski, Savage, Vice Chair Boll, and Chair Blaker-Glass voting "Aye."

d. **APPLICATION FOR SIGNAGE, HDRB #23-008**, to consider an application for a Certificate of Appropriateness for a wall sign at 754 Elden Street, Suite 201, Herndon, Virginia, further identified as Fairfax County Tax Map 0162-40-0201. The site is located within the Herndon Commerce Center Condominium and is situated in the northwest quadrant of the intersection of Elden Street and Center Street. The subject property is zoned PD-D (Planned Development – Downtown) and consists of approximately 11,477 square feet of land area. Owner: Probity II LLC. Applicant: Jay Crockett, Probity.

Chair Blaker-Glass opened the public hearing and called on Ms. Himes for updates on the staff report.

Ms. Himes presented the application for a Certificate of Appropriateness for a wall sign at 754 Elden Street, Suite 201, Herndon, Virginia. Ms. Himes delivered the staff presentation dated April 19, 2023, which is on file in the Department of Community Development.

Ms. Himes provided a sample of the proposed wall sign material to the Board Members.

Staff recommended HDRB #23-008 be continued to the May 17, 2023, HDRB public hearing.

Chair Blaker-Glass recognized Board Members for questions of staff.

Board Members offered questions and comments regarding the optimal location for the proposed sign, how much of the building the applicant owned or leased, and encouraged the applicant and staff to work together to find a solution.
Ms. Himes responded to the Board Members' questions and comments.

Chair Blaker-Glass recognized the applicant for comments.

The applicant's representative, Jay Crocket, was present and provided brief comments.

Mr. Crocket stated that the applicant owns the entire building, utilizes two floors, and is considering changing the name of the building.

Chair Blaker-Glass recognized the Board Members for questions of the applicant.

Board Members encouraged the applicant to work with staff to find a solution.

Chair Blaker-Glass recognized the audience for comments.

No comments were provided.

Chair Blaker-Glass left the public hearing open and moved to the Board for discussion.

Board Member Fetske made a motion to continue HDRB #23-008 to the May 17, 2023, HDRB public hearing. The motion was seconded by Board Member Savage.

The question was called on the motion, which was carried by a vote of 7-0.

The vote was: Board Members Edmondson, Fetske, Orlando, Ossolinski, Savage, Vice Chair Boll, and Chair Blaker-Glass voting "Aye."

5. Adjournment

April 19, 2023
Regular Meeting

There being no further business, and without objection, the April 19, 2023, Historic District Review Board regular meeting was adjourned at 8:44 p.m. on the motion of Board Member Fetske, seconded by Board Member Savage.

Aaron Zoellick
Clerk of Boards and Commissions

Minutes approved by the Historic District Review Board: May 17, 2023

This does not represent a verbatim transcript of the Historic District Review Board meeting. Visit www.herndon-va.gov "agendas & minutes" to view agendas and videos. Copies of videotapes of the public hearing meetings are available on request by contacting HCTV at 703-689-2323.

HISTORIC DISTRICT REVIEW BOARD
Work Session
April 5, 2023

The Historic District Review Board of the Town of Herndon, Virginia, met in work session on Wednesday, April 5, 2023, at 7:00 p.m. in the Town of Herndon Municipal Building, large conference room, 2nd floor, 777 Lynn Street, Herndon, Virginia. In attendance were: Chair Leslie Blaker-Glass, Vice Chair Eric Boll, and Board Members Lauren Edmondson, Melody Fetske, Anna Orlando, Matthew Ossolinski, and William Savage.

Staff present during the meeting: Bryce Perry, Deputy Director of Community Development; Lauri Sigler, Deputy Town Attorney; Tamsin Himes, Lead Planner/Design Development; and Aaron Zoellick, Clerk of Boards and Commissions.

1. Call to Order

Chair Blaker-Glass called the April 5, 2023, Historic District Review Board work session to order.

Chair Leslie Blaker-Glass stated that seven members were present, which constituted a quorum.

2. Public Hearings

a. **APPLICATION FOR DEMOLITION, HDRB #23-001,** to consider an application for a Certificate of Appropriateness for the demolition of two contributing structures, a two-story house and a single-story accessory structure at 725 Elden Street, Herndon Virginia, located west of the intersection of Elden Street and Lynn Street. The subject property is further identified as Fairfax County Tax Map 0162 02 0091, is zoned as CC (Central Commercial District) and consists of 16,159 square feet of land area. Owner/Applicant: Kathryn Adams, Adams Herndon Holdings LLC. Agent: David Kipper, Golden Real Estate Services.

Chair Blaker-Glass stated that in order to avoid any appearance of bias or impropriety she would recuse herself from the discussions and action on HDRB #23-001. A copy of the Transactional Disclosure and Disqualification statement is on file in the Department of Community Development.

Chair Blaker-Glass left the conference room.

Vice Chair Boll opened the work session and called on Ms. Himes for the staff report.

Ms. Himes delivered the staff report and staff presentation dated April 5, 2023, which are on file with the Department of Community Development.

Ms. Himes stated that the application was for a Certificate of Appropriateness for the demolition of two contributing structures at 725 Elden Street, Herndon.

Staff is recommending denial of HDRB #23-001, in accordance with the draft resolution.

Vice Chair Boll recognized the Board Members for any questions of the staff.

Board Members offered questions and comments about existing siding materials, the zoning classification of the property, the condition of the existing windows, and the Zoning Ordinance Standards Review Matrix. Ms. Himes responded to the Board Members' questions.

April 5, 2023
Work Session

Vice Chair Boll called on the applicant to provide any questions or comments.

The applicant's representative Michael O'Reilly was present and provided brief comments. The applicant requested approval of HDRB #23-001.

Vice Chair Boll recognized the Board Members for any questions of the applicant.

Board Members offered questions and comments regarding the Board's ability to take into account business financial considerations when evaluating an application, the lack of distinction between the Board's review for a business or private applicant, whether the applicant has considered requesting a change in zoning classification, the location of the property in the center of town and its impact on the streetscape, alternative uses for the property, available options to preserve the structure, whether the Historic District Overlay existed when the property was acquired, the engineer's report, the purpose of the Historic District, and the absence of plans to expand or build on the property. Ms. Sigler, Ms. Himes, and Mr. O'Reilly responded to the Board Members' questions and comments.

b. **APPLICATION FOR AN APPEAL OF AN ADMINISTRATIVE DECISION, HDRB #23-004**, an appeal of an administrative decision pursuant to Sec. 78-60.3(g)9(7) of the Town of Herndon Zoning Ordinance to deny an application for window replacement at 898 Station Street, Herndon, Virginia, located in the southeast quadrant of the intersection of Park Avenue and Station Street. The subject property is further identified as Fairfax County Tax Map 0104 34 0001, is zoned as R-10 (Residential Single family-10 District) and consists of 15,802 square feet of land area. Owners/Applicants: Kevin G Moses, Paige L Moses.

Chair Blaker-Glass returned to the conference room.

Chair Blaker-Glass opened the work session and called on Ms. Himes for the staff report.

Ms. Himes delivered the staff report and staff presentation dated April 5, 2023, which are on file with the Department of Community Development.

Ms. Himes stated that the appeal was in response to an administrative decision to deny an application for window replacement at 898 Station Street, Herndon.

Staff is withholding a recommendation pending further information from the applicant.

Chair Blaker-Glass recognized the Board Members for any questions of the staff.

Board Members offered questions and comments about a sample of the replacement windows, the condition of the windows that were replaced, the visibility of the previous windows from the right of way, the timeline of the application, window installation, and appeal, the applicant's knowledge regarding vinyl windows being not acceptable and why the applicant preferred vinyl windows, and the location of the muntins on the original and replacement windows. Ms. Himes responded to the Board Members' questions.

Chair Blaker-Glass called on the applicant to provide any questions or comments.

The applicant Paige Moses was present and provided brief comments.

Chair Blaker-Glass recognized the Board Members for any questions of the applicant.

Board Members offered questions and comments regarding the reason the applicant chose the replacement windows, whether the applicant could have appealed the administrative decision prior to the installation of the replacement windows, and whether a sample of the replacement windows can be provided. Ms. Moses responded to the Board Members' questions.

c. **APPLICATION FOR ALTERATION, HDRB #23-007**, to consider an application for a Certificate of Appropriateness for an alteration at 610 Spring Street, Herndon, Virginia, located on the east side of Spring Street between Nash Street and Van Buren Street. The subject property is further identified as Fairfax County Tax Map 0162 02 0140A, is zoned as R-10 (Residential Single family-10

District) and consists of 9,069 square feet of land area. Owner/Applicant: Robert C. Matthews.

Chair Blaker-Glass opened the work session and called on Ms. Himes for the staff report.

Ms. Himes delivered the staff report and staff presentation dated April 5, 2023, which are on file with the Department of Community Development.

Ms. Himes stated that the proposed application was for a Certificate of Appropriateness for alteration at 610 Spring Street, Herndon.

Staff is withholding a recommendation pending further information from the applicant.

Chair Blaker-Glass recognized the Board Members for any questions of the staff.

Board Members offered questions and comments regarding whether some of the replacement windows would be restorative, whether storm windows are placed over the existing windows, and the visibility of some windows on the rear of the property. Ms. Himes responded to the Board Members' questions.

Chair Blaker-Glass called on the applicant to provide any questions or comments.

The applicant Robert Matthews was present and provided brief comments.

Chair Blaker-Glass recognized the Board Members for any questions of the applicant.

Board Members offered questions and comments regarding the relocation of the electrical panel, the motivations for the proposed project, and the importance of maintaining the glassy enclosure aspect of the porch. Mr. Matthews responded to the Board Members' questions.

d. **APPLICATION FOR SIGNAGE, HDRB #23-008**, to consider an application for a Certificate of Appropriateness for a wall sign at 754 Elden Street, Suite 201, Herndon, Virginia, further identified as Fairfax County Tax Map 0162-40-0201. The site is located within the Herndon Commerce Center Condominium and is situated in the northwest quadrant of the intersection of Elden Street and Center Street. The subject property is zoned PD-D (Planned Development – Downtown) and consists of approximately 11,477 square feet of land area. Owner: Probity II LLC. Applicant: Jay Crockett, Probity.

Chair Blaker-Glass opened the work session and called on Ms. Himes for the staff report.

Ms. Himes delivered the staff report and staff presentation dated April 5, 2023, which are on file with the Department of Community Development.

Ms. Himes stated that the proposed application was for a Certificate of Appropriateness for a wall sign at 754 Elden Street, Suite 201, Herndon.

Staff is withholding a recommendation pending further information from the applicant.

Chair Blaker-Glass recognized the Board Members for any questions of the staff.

Board Members offered questions and comments about whether other signs on the property comply with the guidelines, whether the Master Sign Plan allows for major tenant signs, comparisons with previous applications, the recently adopted Zoning Ordinance Text Amendment regarding wall signs, and when the Master Sign Plan was adopted. Board Members requested that the Master Sign Plan be provided to them. Ms. Himes responded to the Board Members' questions.

Chair Blaker-Glass called on the applicant to provide any questions or comments.

The applicant was not present.

April 5, 2023
Work Session

3. Comments

a. Comments from the Staff Members

There were no comments provided by staff members.

b. Comments from the Board Members

There were no comments provided by Board Members.

4. Adjournment

On the motion Board Member Fetske seconded by Vice Chair Boll, the April 5, 2023, HDRB work session was adjourned at 9:26 p.m.

Aaron Zoellick

Aaron Zoellick
Clerk of Boards and Commissions

Minutes approved by the Historic District Review Board: May 17, 2023

Exhibit #7

MEMORANDUM

To: Vice Chair Boll and Members of the Historic District Review Board

From: Aaron Zoellick, Clerk of Boards and Commissions

Date: April 14, 2023

Subject: Public Comments Received Regarding HDRB #23-001, 725 Elden St

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Before dispatch on April 14, 2023, staff received the attached public comments regarding HDRB #23-001, 725 Elden St. Any additional comments received will be compiled and presented to the Historic District Review Board at the April 19, 2023, public hearing.

Attachments:

1. February 6, 2023, Comment submitted by Ellen Kabat
2. February 7, 2023, Comment submitted by Andrea W. John
3. February 7, 2023, Comment submitted by Carol Wright
4. February 8, 2023, Comment submitted by Annie John
5. February 12, 2023, Comment submitted by Catherine Caden
6. February 14, 2023, Comment submitted by Jimmy Rice
7. February 15, 2023, Comment submitted by Barbara Glakas
8. February 15, 2023, Comment submitted by Ellen Findley
9. February 20, 2023, Comment submitted by Eric Fielding
10. February 23, 2023, Comment submitted by Barbara Glakas
11. February 23, 2023, Comment submitted by Scott Tilton
12. February 24, 2023, Comment submitted by Alexandra Cumming
13. March 2, 2023, Comment submitted by Herndon Historical Society
14. March 16, 2023, Comment submitted by Barbara Glakas
15. April 3, 2023, Comment submitted by Nick Nicholson
16. April 6, 2023, Comment submitted by Barbara Glakas

Attachment Exhibit #7

FW: 725 Elden Street

Community Development <community.development@herndon-va.gov>
Tue 2/7/2023 8:09 AM

To: Himes, Tamsin <tamsin.himes@herndon-va.gov>;Perry, Bryce <bryce.perry@herndon-va.gov>;Gilleran, Lisa <lisa.gilleran@herndon-va.gov>;Zoellick, Aaron <aaron.zoellick@herndon-va.gov>;Stromberg, David <david.stromberg@herndon-va.gov>

Cc: Webster, Lisa <lisa.webster@herndon-va.gov>

To all:

Below is an email to the HDRB board related to 725 Elden Street. Can someone respond as to the handling of email.

Thank you,

Tammy Jackson
Tammy Jackson, Office Assistant III
Community Development
703-787-7380
https://nam11.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.herndon-va.gov%2F&data=05%7C01%7Caaron.zoellick%40herndon-va.gov%7Ce7a6b1c5038544d9dbe708db090c9010%7C81d03b99a7a64e3f9d44e05ee33196c7%7C0%7C0%7C638113721801427164%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=cqDpU3PoeIyZLZvtG7mXitZo7wirXlgy9Jtxg18WRfY%3D&reserved=0

-----Original Message-----
From: Ellen Kabat <ellenkabat@gmail.com>
Sent: Monday, February 6, 2023 8:47 PM
To: Community Development <community.development@herndon-va.gov>
Subject: 725 Elden Street

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

To the Board,

I am writing to say that I am opposed to the demolition of the Historic house at 725 Elden Street.

There are many other options. This house is the second oldest house in Herndon. It also sits at the gateway to the historic downtown from that direction.

We, and the Town have worked hard to preserve and value our unique history. If this house is lost,we

Attachment Exhibit #7

lose that history forever, and it would set a horrible

precedent for other historic structures.

Thank you.

Ellen Kabat

878 Station St.

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Attachment Exhibit #7

FW: 725 Elden St

Town Clerk <town.clerk@herndon-va.gov>
Wed 2/8/2023 8:19 AM

To: Zoellick, Aaron <aaron.zoellick@herndon-va.gov>;Okoniewski, Collin <collin.okoniewski@herndon-va.gov>

Cc: Jovanovich, Kirstyn <Kirstyn.Jovanovich@herndon-va.gov>

From: Annie John <msanniejohn@gmail.com>
Sent: Tuesday, February 7, 2023 6:57 PM
To: Town Clerk <town.clerk@herndon-va.gov>; Community Development <community.development@herndon-va.gov>
Subject: 725 Elden St

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

I was sad to learn that Adams Green is applying to tear down the beautiful home at 725 Elden St. This historic house has extensive history in Herndon and the aesthetics of the house help Herndon feel quaint and welcoming, unlike the newer construction in the Town, and, likely, whatever they would propose in its place.

As a resident of the historic district myself, I know we have strict rules around historic preservation, and I appreciate that 725 Elden contributes to this style and community that we are trying to preserve. There are so many uses for the house in its current form that would not justify the need to tear it down.

If Adams Green needs more space, I would propose they move to a property that is more suitable to their needs, not destroying the characteric of our charming historic downtown.

I hope the Board will closely consider the historic value of the house and protect it, as well as considering the potential economic impact - and all the income that property could generate if preserved and used more appropriately.

Sincerely,

Andrea "Annie" W. John
642 Wood St, Herndon
847-772-8432

Attachment Exhibit #7

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Attachment Exhibit #3

FW: Save 725 Elden

Town Clerk <town.clerk@herndon-va.gov>
Tue 2/7/2023 11:47 AM

To: Zoellick, Aaron <aaron.zoellick@herndon-va.gov>;Okoniewski, Collin <collin.okoniewski@herndon-va.gov>

Cc: Jovanovich, Kirstyn <Kirstyn.Jovanovich@herndon-va.gov>

From: Carol Wesley Wright <carolwesleywright@gmail.com>
Sent: Tuesday, February 7, 2023 11:37 AM
To: Town Clerk <town.clerk@herndon-va.gov>; Community Development <community.development@herndon-va.gov>
Subject: Save 725 Elden

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Dear Herndon Friends,

Bill and I are sad to hear Adams Green wants to demolish this historic home. There are various possible options for the home, other than total demolition. We are familiar with the effort needed to maintain one of our towns historic homes and feel if you are an owner you are responsible to keep it upright and obey the guidelines of HDRB. We believe it would set a bad precedent - especially in downtown Herndon - to allow the demolition.

Blessings,
Carol

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Attachment Exhibit #7

FW: 725 Elden St

Town Clerk <town.clerk@herndon-va.gov>
Wed 2/8/2023 8:19 AM

To: Zoellick, Aaron <aaron.zoellick@herndon-va.gov>;Okoniewski, Collin <collin.okoniewski@herndon-va.gov>

Cc: Jovanovich, Kirstyn <Kirstyn.Jovanovich@herndon-va.gov>

From: Annie John <msanniejohn@gmail.com>
Sent: Tuesday, February 7, 2023 6:57 PM
To: Town Clerk <town.clerk@herndon-va.gov>; Community Development <community.development@herndon-va.gov>
Subject: 725 Elden St

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern:

I was sad to learn that Adams Green is applying to tear down the beautiful home at 725 Elden St. This historic house has extensive history in Herndon and the aesthetics of the house help Herndon feel quaint and welcoming, unlike the newer construction in the Town, and, likely, whatever they would propose in its place.

As a resident of the historic district myself, I know we have strict rules around historic preservation, and I appreciate that 725 Elden contributes to this style and community that we are trying to preserve. There are so many uses for the house in its current form that would not justify the need to tear it down.

If Adams Green needs more space, I would propose they move to a property that is more suitable to their needs, not destroying the characteric of our charming historic downtown.

I hope the Board will closely consider the historic value of the house and protect it, as well as considering the potential economic impact - and all the income that property could generate if preserved and used more appropriately.

Sincerely,

Andrea "Annie" W. John
642 Wood St, Herndon
847-772-8432

Attachment Exhibit #7

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Attachment Exhibit #7

FW: 725 Elden Street

Community Development <community.development@herndon-va.gov>
Mon 2/13/2023 9:39 AM

To: Okoniewski, Collin <collin.okoniewski@herndon-va.gov>;Zoellick, Aaron <aaron.zoellick@herndon-va.gov>

Aaron & Collin,

Please handle email below.

Thank you,

Tammy Jackson
Tammy Jackson, Office Assistant III
Community Development
703-787-7380
www.herndon-va.gov

From: catherine caden <ccaden@msn.com>
Sent: Sunday, February 12, 2023 9:03 AM
To: Community Development <community.development@herndon-va.gov>
Cc: Town Clerk <town.clerk@herndon-va.gov>
Subject: 725 Elden Street

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

To: Historic District Review Board
cc: Town Clerk

Hello,
In my view, the ideal for 725 Elden Street is to be sold, by its owner, as a residential property.
I'm aware that the owner is Adams-Green, and that that business would like to optimize the property in a commercial manner.
Although Adams-Green is a stanchion business of Herndon, I would rather they take their expansion ambitions to another location if possible.
The house at 725 Elden Street is a community asset. I'm grateful to the owners for having kept it in good condition.
It is a beautiful historic house and deserves preservation.
I would rather not see it relocated, altered, any parts of it removed, or any such violations of its position and existence.
I trust the members of the preservation board feel the same.

Attachment Exhibit #7

Thank you.
Best regards,
Catherine Caden,
813 Monroe Street.

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Attachment #6 Exhibit #6

FW: 725 Elden Street

Community Development <community.development@herndon-va.gov>
Tue 2/14/2023 4:04 PM

To: Okoniewski, Collin <collin.okoniewski@herndon-va.gov>;Zoellick, Aaron <aaron.zoellick@herndon-va.gov>

Collin & Aaron,

Here's another email related to 725 Elden Street (Adams-Green Funeral Home).

Thank you,

Tammy Jackson
Tammy Jackson, Office Assistant III
Community Development
703-787-7380
www.herndon-va.gov

From: Jimmy <jimmycr509@gmail.com>
Sent: Tuesday, February 14, 2023 3:46 PM
To: Town Clerk <town.clerk@herndon-va.gov>; Community Development <community.development@herndon-va.gov>
Subject: 725 Elden Street

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

My name is Jimmy Rice, and I've been a Herndon resident my whole life.
It has come to my attention that the owners of 725 Elden Street are wishing to tear it down. This house dates back to 1888 and is possibly the second oldest home still standing. Why would the owners want to tear down such a historic home, that is right in Herndon's historic district?

What is worse, is it seems the owners have made no concerned effort to try and save the house at all. They had it on the market for the year but didn't advertise it on a residential real estate site or put a for sale sign out so no one knew. Also, in their application, they have many inaccuracies. They say the house is not visible from Elden, which is categorically false. They claim it has not been occupied for years, but that is because they are using it for storage. They claim it does not contribute to the character of the historic district, but it is right there in downtown herndon.

Preservation of this home should definitely be considered. Maybe they could sell it as a residential home for real, or they could move it to another lot which has been done with other historic Herndon homes. Maybe even keep the front facade of the building but demolish the rear to remake it to their needs.
Please do not let them demolish this historic home.

Attachment Exhibit #6

Thank you,
-James Rice

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Attachment Exhibit #7

FW: Comments to HDRB about the history of 725 Elden Street, Take 2

Community Development <community.development@herndon-va.gov>
Thu 2/16/2023 8:30 AM

To: Zoellick, Aaron <aaron.zoellick@herndon-va.gov>;Okoniewski, Collin <collin.okoniewski@herndon-va.gov>

Cc: Jackson, Tammy <tammy.jackson@herndon-va.gov>

Please see attached.

Lisa Webster

Lisa Webster, Administrative Assistant
Community Development
703-787-7380
703-481-5280 (fax)
www.herndon-va.gov

From: bglakas@verizon.net <bglakas@verizon.net>
Sent: Wednesday, February 15, 2023 8:09 PM
To: Town Clerk <town.clerk@herndon-va.gov>; Community Development <community.development@herndon-va.gov>
Cc: Gilleran, Lisa <lisa.gilleran@herndon-va.gov>; Perry, Bryce <bryce.perry@herndon-va.gov>; Himes, Tamsin <tamsin.himes@herndon-va.gov>
Subject: FW: Comments to HDRB about the history of 725 Elden Street, Take 2

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Dear Town of Herndon Staff,

I was disappointed that the HDRB members did not receive the comments that I emailed to you yesterday about the history of 725 Elden Street.

I was hoping that they would have seen the history document before I made my comments at the HDRB meeting that was held tonight.

I am re-attaching the history document to this email, as well as the comments that I made to the HDRB this evening. I would appreciate it of you would forward both attached documents to the HDRB as soon as possible, and not wait until their March work session.

Thank you.

Barbara G.

Attachment Exhibit #7

From: bglakas@verizon.net <bglakas@verizon.net>
Sent: Tuesday, February 14, 2023 5:46 PM
To: 'Town Clerk' <town.clerk@herndon-va.gov>; community.development@herndon-va.gov
Cc: 'Gilleran, Lisa' <lisa.gilleran@herndon-va.gov>; 'Perry, Bryce' <bryce.perry@herndon-va.gov>; 'Himes, Tamsin' <tamsin.himes@herndon-va.gov>
Subject: Comments to HDRB about the history of 725 Elden Street

Dear Town of Herndon Staff,

Please send my attached comments about the history of the home at 725 Elden Street to the HDRB.

Thank you.

Barbara Glakas

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Letter to the HDRB About the History of 725 Elden Street

Dear Members of the Historic District Review Board (HDRB),

Regarding the potential demolition of the historic home at 725 Elden Street, I was disappointed to read several of the assertions made in the February 1st letter written to you by one of the owner's representatives (Mike O'Reilly).

Amongst those assertions he stated:

- "The building does not contribute to the character of the historic or heritage district."
- "… it would not qualify as a state or national landmark building."
- "There is no evidence that any historic or important event occurred in the building or structure."
- 'With all of the work done by our Historical Society and others documenting the early days pf Herndon we would have known if this building contributed in any way."

To those assertions I would like to make the following comments.

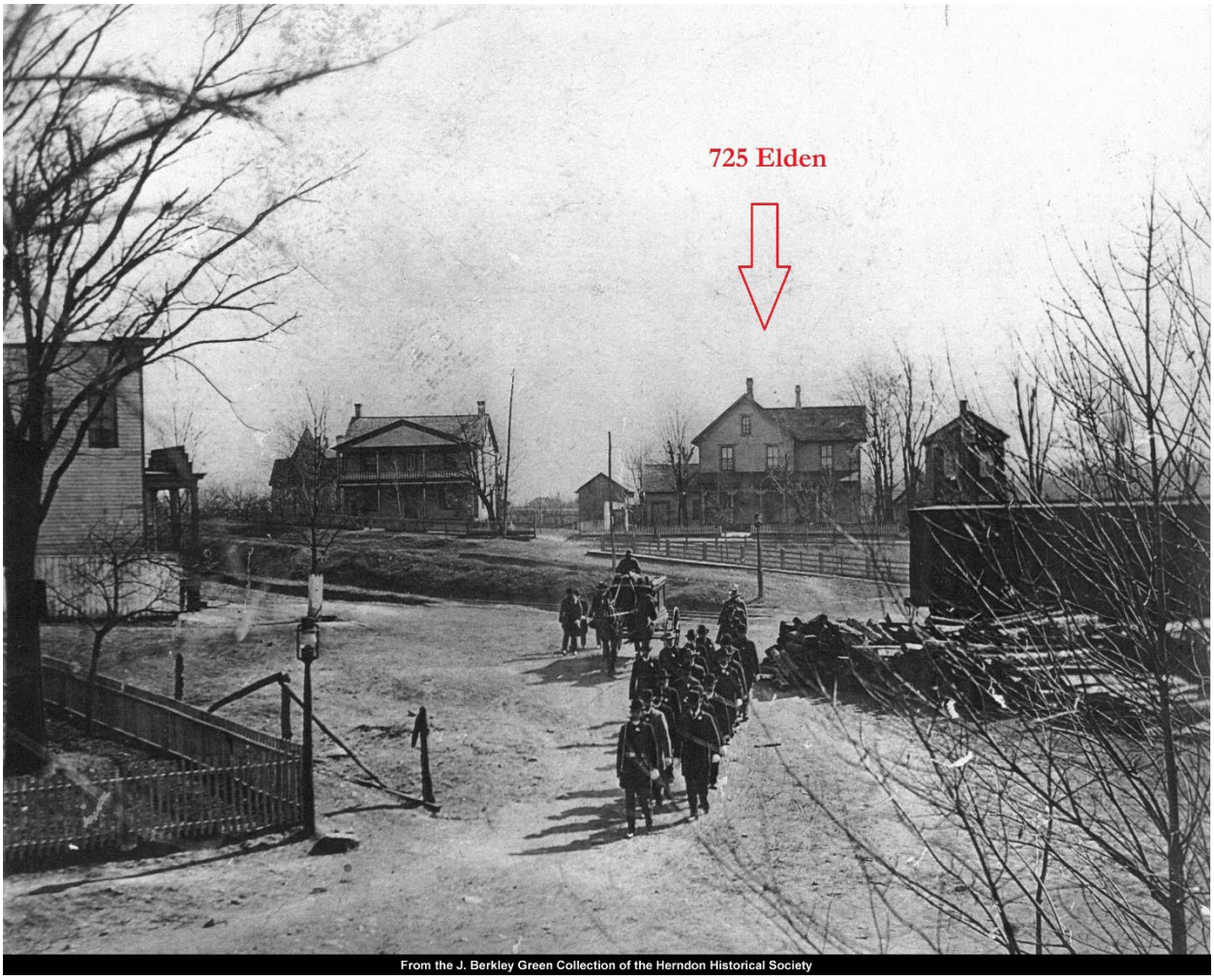
As a member, and Historian, of the Herndon Historical Society, I can say that the applicant has not reached out to the Historical Society to find out about the home's history.

This house is believed to be the second oldest home in downtown Herndon. According to property tax records it dates to 1888-1889. It was owned – and likely built by - Charles H. Reed, who was a carpenter/home builder. His photo is at right.

Charles Reed was the brother of Thomas Reed Sr., the town's first undertaker. They grew up in Loudoun County. The Reed brothers, together with another brother, John Reed, started investing in Herndon land in the late 1880s. When all was said and done, the Reeds owned several lots of land along the south side of Elden Street, which are now the lots that stretch from the Adams Green Funeral Home, westward to the lot where the Upholstery Shop now sits.

The Jimmy's Old Town Tavern building was built under the Reed's ownership. And the Upholstery Shop building was built by the Reeds, originally serving as Herndon's first movie theater. The Yellow House, which formerly sat where the Adams Green Funeral Home is now, was the home to Thomas Reed and his family. In 1887 Charles Reed bought the lot next door, at 725 Elden Street. Property tax records show the home was present by 1888-1889 and census records indicate he owned his own house.

Charles and his wife, Annie, lived at 725 Elden Street for the rest of their lives. They had a daughter (Rose), a son (Charles Jr.) and another son (Frederick, who died as a child). Annie was known to have operated a millinery (hat making) business out of her home. In the below photo, which is dated c. 1901-1909, you can see Charles's house at 725 Elden Street, marked by the red arrow. To the left of his home is his brother Thomas's home, the Yellow House. And to the right of the Charles's house is another historic home that was later replaced by the Main Street Bank.



Although there was no known historic "event" that occurred at 725 Elden Street, such events are not prerequisites to saving a historic/contributing home from demolition. There are many contributing structures in Herndon that are protected under our HDRB guidelines, despite the lack of any historic events occurring there.

However, the contributions of Charles Reed and the Reed family to Herndon are large. As mentioned earlier, members of the Reed family started Herndon's first undertaker business, started the town's first movie theatre, served on the town council and built many Herndon structures.

On census documents Charles is always listed as a carpenter, contractor and/or home builder. Lottie Dyer Schneider, an early Herndon resident who was born in 1879, once wrote about Charles Reed, saying he was, "among the leading carpenters." She said,

> "Charlie Reed built our house and store, which Mrs. Dudding now owns [*referring to the old hardware store formerly on Lynn Street].* I have never seen such heavy timbers as he used. The beams in that attic are of immense size."

I have seen such grande, massive beams myself in the attics of some early Herndon homes, such as at 810 Elden Street, which was built in 1916. I know Charles Reed built the 1908 home at 652 Spring Street, formerly belonging to Dr. Hugh Barbour Hutchinson. This is believed to be the first home in Herndon to have indoor plumbing. Reed is also believed to be the builder of 904 Elden Street, once belonging to Herndon's first pharmacist, Ernest Robey. I would not be surprised if Reed may have constructed the Jimmy's Tavern building because Charles was the one who initially bought that lot, which later went to his brother, Thomas. The Reeds owned the lot when the tavern was built in c. 1899.

It would be such an ironic shame to demolish the home of an early Herndon resident who, in effect, helped build early Herndon.

In the early 1900s Charles Reed served twice as the Master of the Herndon Masonic Lodge. You can see in the above photo a Masonic funeral, crossing Lynn Street. The funeral carriage being pulled by a horse in the photo belonged to Charles Reed's brother, Thomas. The carriage still exists today, kept in storage by the Adams Green Funeral Home.

Charles Reed's home at 725 Elden Street is a 2.5 story, T-shaped, Folk Victorian home with three bays with an associated carriage house. Both the home and the carriage house are contributing structures. They were noted as contributing structures in previous architectural surveys conducted by independent architectural historians over the years, including in the last survey conducted in 2018 in which the home was listed to be in "good condition." The house is also listed as a contributing structure in the Herndon's Pattern Book. Herndon's historic district has been part of the state and national historic registry since the early 1990s and 725 Elden Street and its carriage house are specifically mentioned on the registry form, both as contributing structures.

Charles Reed died in 1939. He left his land to his daughter, Rose, "subject to the 'life estate' of his wife Annie" as long as she lived. Charle's wife, Annie, died in 1941. Daughter, Rose, sold it in 1943. Charles and Annie Reed are both buried in Herndon's Chestnut Grove Cemetery. The home continued to be used as a residence for many decades, and was also the residence of the Adams family until they built their new home.

To conclude, the home at 725 Elden Street does contribute to the character of Herndon's historic district. It is a contributing structure that his part of our state and national historic registry. And the builder and long-time owner of the home was from a prominent family who contributed greatly to the town in its early years. It is a dangerous precedent to allow such structures to be destroyed. For those reasons alone, the house should not be allowed to be demolished. There are other reasons why the house should not be demolished, which has to do with whether or not the applicant has fulfilled its obligations per the HDRB guidelines, which I will address is a separate email.

As you know, part of the purpose of the HDRB is to help protect such historic/contributing structures. I respectfully hope the Board will fulfill that obligation in its recommendations.

Sincerely,

Barbara Glakas
Herndon, VA

Speech, HDRB Mtg., 2/15/23, about 725 Elden Street

Good evening, Madam Chairwoman and Members of the HDRB. I am Barbara Glakas of 935 Barton Oaks Place.

I am here to make some comments about the certificate of appropriateness for demolition for the historic home at 725 Elden Street. I do not support the demolition of this home for a variety of reasons.

I read the recent letter that the applicant's representative wrote to you on February 1st. He said:

1. The house is "not visible from Elden Street." That is unabashedly not true. It is perfectly visible from the Elden Street. it's set-back is about 21 feet from the sidewalk and the home is not obstructed from view.

2. He said, it has "not been occupied for years and years." This house was a residence for the vast majority of its 135-year-old life. The applicant's family even lived in it for many years. But for the past several years it was not rented out and was used by the funeral home, I believe for storage.

3. He said, "I point out that residential use is not permitted in buildings that are in the Central Commercial district." And yet this house was used as a residential building for most of its life. The lot could simply be re-zoned as a residential lot if need be. That is simple.

4. He said, "The building does not contribute to the character of the historic or heritage district." This house is the second oldest house in downtown Herndon. And it sits in a key spot right by the hike and bike trail so that visitors who walk or ride by the house can see it as they enter the town. It dates back to 1888-89 and is a 2.5 story T-shaped Folk Victorian home with 3 bays with an associated historic carriage house.

5. He said, "There is nothing unique about the building and it would not qualify as a state or national landmark building." And yet the town's historic district IS on the state and national historic registry since the early 1990s and 725 Elden Street and its carriage house, is specifically mentioned in the registry form, both as contributing structures. And in our Downtown Pattern Book, this house is listed as a contributing structure.

6. He said, "the 465 SF storage shed… had no historical value… and can't be relocated." It is not a storage shed, it is a historic carriage house, later used as a garage, that goes with the house and is considered a contributing structure. I hope the applicant has submitted documentation to you to support the claim that it can't be relocated.

7. He said, “With all the work done by our Historical Society and others, documenting the early days of Herndon, we would have known of those building contributed in any way.” Two things on that: First, multiple times it has been surveyed by independent architectural historians and identified as a contributing structure, and included on historic registries. In the last survey in 2019 the house was rated to be in good condition. Secondly, as the Historian of the Herndon Historical Society, I can say that the applicant has not reached out to us to discover any history about this house. I provided historical information on this house in an email I sent to you yesterday.

8. He said, “According to the Engineering Report the current structure and foundation would not support the required loads for a commercial building.” I have looked into this already and the applicant did not have the engineer evaluate the building as *residential* building. The house WOULD meet the load requirements of a *residential* building.

9. He said, “It is not practical or cost effective to relocate the building.” I hope the applicant has provided the documentation to you that supports the why the home can’t be relocated, other than assertions of cost effectiveness or practicality. I am not even sure those are two acceptable considerations.

10. He said, “Rehabilitating the structure is not feasible because of the extensive work that would need to be done.” I hope the applicant had provide documentation to you as to extent of the rehab needed, both as a commercial structure AND as a residential structure, with a cost analysis.

There are so many other things I could say about this historic house and why it is important to the historic district, and why it should not be demolished, and why there are other options to explore, but I am limited tonight by time. I will follow-up with you in writing.

Thank you.

Barbara Glakas

Attachment #8 Exhibit #8

FW: Historic District Review Board (HDRB) and town staff consideration of an application to demolish the historic home at 725 Elden Street

Community Development <community.development@herndon-va.gov>
Wed 2/15/2023 8:20 AM

To: Okoniewski, Collin <collin.okoniewski@herndon-va.gov>;Zoellick, Aaron <aaron.zoellick@herndon-va.gov>

Collin & Aaron,

Attached is comments related to 725 Elden Street.

Thank you,

Tammy Jackson

Tammy Jackson, Office Assistant III
Community Development
703-787-7380
www.herndon-va.gov

From: Ellen Findley <efindley@verizon.net>
Sent: Wednesday, February 15, 2023 6:30 AM
To: Community Development <community.development@herndon-va.gov>; Town Clerk <town.clerk@herndon-va.gov>
Cc: efindley@verizon.net
Subject: Historic District Review Board (HDRB) and town staff consideration of an application to demolish the historic home at 725 Elden Street

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Dear HDRB staff,

I have concerns about the process underway for potentially demolishing the historic home and carriage house at 725 Elden Street.

The subject property has been used for commercial purposes for some time. I understand the business need for a different structure to grow the business. I cannot speak to the physical structure and its soundness or lack thereof. But the home and carriage house are historic structures in the Town.

I believe it is pretty clear that not all architectural possibilities have been considered for this property.

I was just in Ushuaia, Argentina. Ushuaia is a port town that is one of the main departure points to Antarctica. Like Herndon, the Town is wrestling with how to incorporate historic buildings while refurbishing old buildings and

Attachment #8 Exhibit #8

updating structures to grow and modernize the Town.

I am submitting some pictures of one building that is undergoing a remarkable restructuring and enlargement while maintaining and reusing the original structure. The new building is very modern, very large, and makes a bold statement. I really like the style of saving the old and surrounding it with very modern addition so there's no question in your mind about what's, what.

In Colonia, Uruguay where the city is a UNESCO site. As the city went through the certification process one of the items that was emphasized by UNESCO architects is that the city makes it clear what is old and what is new. There are no new, fake old buildings permitted when a new building is designed and built.

The Town of Herndon has many talented people—let's use the skills and see if we can incorporate the old and the necessary new structures as we build a strong economic base.

Sincerely,

Ellen Findley

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Attachment Exhibit #7

FW: 725 Elden St

Community Development <community.development@herndon-va.gov>
Mon 2/20/2023 11:36 AM

To: Okoniewski, Collin <collin.okoniewski@herndon-va.gov>;Zoellick, Aaron <aaron.zoellick@herndon-va.gov>

Collin & Aaron,

Comments for 725 Elden Street.

Thank you,

Tammy Jackson

Tammy Jackson, Office Assistant III
Community Development
703-787-7380
www.herndon-va.gov

TOWN OF Herndon VIRGINIA

From: Eric Fielding <fieldinge@gmail.com>
Sent: Monday, February 20, 2023 11:18 AM
To: Community Development <community.development@herndon-va.gov>
Subject: 725 Elden St

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Please forward this email to the historic board members. As a former member of the HPRB, I encourage the board to look for ways to preserve the house at 725 Elden St. Eric Fielding

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Attachment Exhibit #7

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Attachment Exhibit #7

FW: Comments to HDRB about 725 Elden St., about options

Community Development <community.development@herndon-va.gov>
Thu 2/23/2023 11:37 AM

To: Zoellick, Aaron <aaron.zoellick@herndon-va.gov>

Cc: Okoniewski, Collin <collin.okoniewski@herndon-va.gov>

1 attachments (25 KB)

Letter to the HDRB, 725 Elden St., options.docx;

From: Jovanovich, Kirstyn <Kirstyn.Jovanovich@herndon-va.gov>
Sent: Thursday, February 23, 2023 11:29 AM
To: Town Clerk <town.clerk@herndon-va.gov>
Cc: Yeatts, Lesa <lesa.yeatts@herndon-va.gov>; Ashton, Bill <bill.ashton@herndon-va.gov>; Community Development <community.development@herndon-va.gov>
Subject: FW: Comments to HDRB about 725 Elden St., about options

Good morning, Mayor and Town Council.

Please see the comments attached from Ms. Glakas regarding 725 Elden Street.

Thank you,
Kirstyn

Kirstyn Barr Jovanovich
Town Clerk
Town of Herndon
PH: (703) 435-6800 x 2080
kirstyn.jovanovich@herndon-va.gov
www.herndon-va.gov

From: bglakas@verizon.net <bglakas@verizon.net>
Sent: Thursday, February 23, 2023 11:25 AM
To: Jovanovich, Kirstyn <Kirstyn.Jovanovich@herndon-va.gov>; Gilleran, Lisa <lisa.gilleran@herndon-va.gov>; Perry, Bryce <bryce.perry@herndon-va.gov>; Himes, Tamsin <tamsin.himes@herndon-va.gov>; Town Clerk <town.clerk@herndon-va.gov>
Subject: Comments to HDRB about 725 Elden St., about options

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Dear Town of Herndon Staff,

Please send my attached comments to the HDRB members as soon as possible. These comments are about HDRB requirements for demolition and potential options to demolition with regards to 725 Elden Street.

Thank you.

Barbara Glakas

Attachment #7 Exhibit #7

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Letter to the HDRB About 725 Elden Street, Options to Demolition

Dear Members of the Historic Preservation Review Board,

I have written to you before about my opposition to the demolition of the historic home at 725 Elden Street, and about the history of its original owner, Charles H. Reed. In this letter I will be writing about HDRB requirements for demolition and potential options to demolition.

Chapter 10 of the HDRB guidelines speaks to the demolition of contributing structures. It talks about how demolition is strongly discouraged as it results in a permanent loss that diminishes the overall integrity of the historic district. It also says that all alternatives should be exhausted before a building is demolished.

The home at 725 Elden Street has not lost its status as a contributing structure, and on the last architectural survey in 2018, conducted by an independent company of historic preservation consultants, the house was listed to be in good condition. In other words, there is no reason that this home must be demolished due to lack of structural integrity. The HDRB guidelines also ask the following questions when considering the question of demolition:

1. "Is the building structurally sound?" (The answer would be yes).
2. Is the building "deemed salvageable?" (Yes.)
3. "Will the removal of the building negatively impact the historic integrity of the district?" (Yes.)
4. "Is it in a visible or prominent location within the district?" (Yes.)

According to the HDRB guidelines, the following alternatives to demolition are also supposed to be explored:

1. Redesign the project to eliminate the need for demolition.
2. Redesign the project to incorporate the building.
3. Sell the building.
4. Relocate the building within the HDO.
5. Relocate the building outside the HDO.

I am not aware of any documentation that shows the applicant's effort to redesign the home or to try to incorporate the home into a new structure. I am also not aware of any documentation that shows the applicant's effort to relocate the home.

A representative to the applicant wrote a letter to the town staff on February 1, saying that it would not be "practical or cost effective" to relocate the building. But I am not aware of any documentation that has been submitted by the applicant to support that assertion.

In the same letter, the representative stated that "rehabilitating the structure is not feasible because of the extensive work that would need to be done," although I am not aware of any documentation that indicates what "extensive work" needs to be done. Also, such work would presumably be needed to bring the house up to *commercial* standards, not residential standards. Again, the last architectural survey listed it to be in good condition. It is reasonable to assume that any old building would need

repairs. But the applicant could also sell the property "as is." To my knowledge, the applicant has not submitted a cost analysis.

The 2018 survey was not the only one conducted on this house. Periodically the town hires independent companies who specialize in historic/architectural preservation. In all of these surveys 725 Elden Street has always been listed as a *residential* home (not as a commercial structure), as does the applicant's demolition application, and as does the 1990 National Register of Historic Places Registration Form. In previous surveys this home was considered to be in good condition, with the desecration of its original design noted to be "none to little," with its compatibility to the environment noted to be "high," and with its preservation category noted to be "should be retained." This home represents a typical turn of the century residence in Herndon.

The applicant's representative also spoke about an engineering report that said that the foundation of the building would not support the required loads of a *commercial* building. However, the applicant did *not* have the building evaluated by the engineer as a *residential* building. The building WOULD support the required loads for a residential building. And 725 Elden Street has been used as a residential building for the vast majority of its 135-year-old life. Also, there was no cost analysis included the engineer's report about the cost of improving the foundation, *if* it were to be used for commercial purposes.

Moreover, on the applicant's demolition application, under the "Subject Property Information" section, where the form asks the question: "Type of Use (please specify whether commercial, industrial, office, residential or other)," the applicant's answer was "Residential." This flies in the face of their argument that one of the reasons the house cannot be saved is because the foundation it does not meet the load standards for a *commercial* property. Not to mention, again, this house has been used as a residential property for the vast majority of its 135-year-old life.

Maybe the applicant is trying to convey that they don't *want* to use this house as their new reception building. Or maybe the applicant is trying to convey that they *cannot* use the house as a reception building because the foundation will not meet commercial load standards and they don't want to pay to reinforce the foundation. Regardless, either of those reasons does not justify demolishing this historic residential home which can be salvaged, moved, added onto or repurposed. The argument "We can't use this building as reception area so we want to demolish it and replace it with something else" should not be accepted when the house is still salvageable.

The HDRB Guidelines require that the applicant:

> "Provide reports from professionals discussing their findings; examples include a structural report prepared by an engineer or an abatement report. Any reports should be signed and sealed by the professional who prepared them. Details included in the report should detail the on-site conditions that support the demolition. Provide a cost analysis of the expense of the rehabilitation versus market value of the property."

The only report I have seen is the engineering report which analyzed the foundation load requirements for a commercial building. There was no engineering analysis for use of this building as a residential building, nor any cost analysis for any other rehabilitation aspect of the building.

With regards to the topic of the applicant trying to sell the property, I do not believe the applicant has made a *bona fide* or *good faith* effort to sell the property. Conversely, I have many reasons to believe that the applicant has made efforts to *discourage* the sale of the property.

I discovered a couple of years ago that an application was submitted for a demolition permit for this property and that the house was for sale. There were no "For Sale" signs on the property. I searched the Internet and for a long while I could not initially find the property on any typical real estate websites which usually come up when you type an address into a search engine.

After much searching, I finally found the property listed on a website called "Homesnap." The house was assessed at $424K but the owner had it listed for $550K. There were no interior photos of the house. No commissions were being offered for real estate agents. The real estate posting also noted how the house had foundation issues.

I notified some Herndon friends that the house was for sale. I had two Herndon friends express interest in the house. In 2021, one Herndon friend of mine told me that she and her husband "look at commercial properties regularly and have never seen this listed. It also is listed as 'not for sale' in various databases. I think lots of people would be interested." She told me she went to look at the property. She said there were coffins stored inside the home and the applicant's real estate agent pointed out to her things that were wrong with the house. She also said, "The house would never have appraised for the price they asked and the agent said they wouldn't negotiate price with us, but we would have bought it."

A second friend of mine, who knew the owner, also expressed interest in the property. I told the owner about that, although the owner never reached out to her. This second person did go to look at the house. She told me… "I went and looked at the house. It was full of coffins in 2 of the rooms and smelled (possibly formaldehyde). None the less… I still liked the property. The house itself needs a fair amount of work. We had discussed making an offer and tried to arrange that with their realtor but did not hear back after numerous attempts. After understanding that they weren't really interested in selling, I kind of let it rest."

It eventually became apparent to me that the applicant was not really trying to sell the house, but only wanted to have it quietly listed for a year, while discouraging buyers, so that they could ultimately demolish it.

Later, the owner of the house asked to meet with me. At one point in the conversation, I told her that it appeared to me that she wasn't really trying to sell the house after all, but simply wanted to demolish it so that she could build her new reception building there. To that she said nothing, but shrugged her shoulders and lifted her eye brows. That confirmed my suspicions.

I know that the Adams-Green Funeral Home has been a great business in town for many years, and I am not by any means trying to insinuate otherwise. However, this does not mean that they – or any other good business in town – should be allowed to demolish a contributing structure in our historic district.

Near the end of the representative's letter, he simply states, "There are no practicable alternatives." I do not believe that to be true. I do not believe that all options have been exhausted. And I am not sure that the Town has insisted that the applicant exhaust all options, other than to accept the applicant's

undocumented assertions. I also do not think the town should accept the applicant's lack of a good faith effort to sell the house, when they were *clearly discouraging* a sale.

Possible options:

- Relocate the house and build a new reception building on the site.

- Leave the house in its current location and rent it as a residential building. Build the new reception building in a different location.

- Explore other nearby empty lots as relocation areas for either the 725 house or the carriage house. Two nearby lots are 628 Oak Street (next to the Yellow House), and the triangular grassy lot on the south side of 681 Monroe Street (the historic Kitty Kitchen house, now the Skate shop). There are other empty lots around downtown Herndon that could be explored.

- Approach the owners of the lot on the east side of the funeral home (Anita's restaurant at 701 Elden Street) to see if they want to sell their property, for a possible reception building location.

- A new reception building could be added onto the rear of the house. The house takes up less than half of the lot. A new building could be added to the rear (and upwards) of the lot, making a large new reception building that is just as large (if not larger) than the house. The rear porch of the house could be removed from the house, giving them even more space to add a new addition. The historic carriage house in the back yard could be moved to the rear of the lot, or relocated to another nearby location, allowing them even more room to expand to the rear of the lot. The new reception building could even be extended into a portion of the funeral home's rear parking lot, which would result on the loss of six of their parking spaces, but give them an additional ~14 feet of space.

- Although this is not my favorite option, the front façade of the house – or even the front portion of the house that includes the front room – could be retained and the rear of the house could be demolished. The new reception building could be built behind the front façade. The engineer's report said that the house would not meet foundation load requirements for a commercial property, however, Adams-Green has been using this building as a commercial property for the last several years. Regardless, if the façade was kept, load requirements would be less of an issue because a new foundation would be laid for the new addition that would be built behind the façade.

As I mentioned in my previous letter about the history of the house, it would be the irony of all ironies to demolish this historic home that belonged to a prominent figure in Herndon's past, the man who helped build may historic buildings in Herndon, during the town of Herndon's historical period of significance.

Additionally, demolishing this historic home at 725 Elden Street would be a very bad precedent to set. If this is allowed to happen, then any home owner of a contributing structure in Herndon could do the same thing in the future -- use different tactics to *discourage* the sale of their home just so they can

ultimately get permission to demolish it. This is all gaming the system. And, inch by inch, it could lead to the demise of our historic district.

Although the house may belong to the homeowner, we must keep in mind that the historic district essentially "belongs" to all Herndon residents. The district is what makes Herndon attractive. The district is what attracts new residents and businesses to town. The district acts as an economic developer. The historic district helps us maintain our town's history. The exact reason the HDRB was established was for this very purpose - to help protect the contributing structures in town. Once this house is gone it can never be replaced.

Please do not allow the full demolition of this home or its carriage house, but continue working with the applicant to explore possible options.

Sincerely,

Barbara Glakas
Herndon, VA

From: Scott Tilton
To: Community Development
Cc: Town Clerk
Subject: 725 Elden Street
Date: Thursday, February 23, 2023 1:08:08 PM

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm writing to you today because I am very concerned about the way that the owners of 725 Elden street have gone about trying to sell the property that they are now seeking permission to demolish.

Their interests and the Town Of Herndon's interests are not aligned in this case.
That house is in a prominent part of the historic downtown district and adds to the character and feel of the downtown.

I have been made aware of some of the assertions made by the property owners that seem patently incorrect:

- "The house is not visible from Elden Street"
- "It does not contribute to the character of the Historic District"
- "With all the work by the Historical Society they would have known if the house contributed in any way."

Note - I've been a board member for the historical society for a few years now.
I'm not aware of anyone asking the Historical society about this house or it's "contributions"

I'm not judging whether these assertions made by the property owners are intentionally misleading or rather the result of honest mistakes or simple lack of diligence.

Regardless of the cause, the result is the same for me: Their claims and assertions should not be accepted without some degree of skepticism and verification.

Please do not grant permission for these historic structures to be demolished without some much more intensive investigation.

For the record, I personally do not want these buildings demolished.

Thank you

Scott Tilton
884 Station Street
Herndon, VA 20170

Attachment Exhibit #7

FW: In Support of Protecting 725 Elden Street

Community Development <community.development@herndon-va.gov>
Fri 2/24/2023 8:09 AM

To: Zoellick, Aaron <aaron.zoellick@herndon-va.gov>

Cc: Okoniewski, Collin <collin.okoniewski@herndon-va.gov>

From: Alexandra.Cummings <Alexandra.Cummings@protonmail.com>
Sent: Thursday, February 23, 2023 11:34 PM
To: Town Clerk <town.clerk@herndon-va.gov>; Community Development <community.development@herndon-va.gov>
Subject: In Support of Protecting 725 Elden Street

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Dear HDRB Members,

I am writing to you today to voice my support for the protection of 725 Elden Street in its current location. My husband and I chose to move to Herndon in summer of 2018 for the unique historical character of the area and saw Herndon as an island of beauty in a land of beige strip malls and generic developments in Northern Virginia. We purchased 803 Elden Street and have slowly worked to restore it, respecting the responsibility that our family is a temporary steward of an increasingly rare piece of our town's identity. While we have temporarily accepted a foreign service position in Japan (2022-2025) and are renting our place out to similarly appreciative tenants, many other young families from DC have expressed that they would love to live in a historic home, especially on an increasingly vibrant main street and ask, specifically, if I know of any historic homes for sale in the area as they are not interested in non-historic properties.

Many of those families would love to live in 725 Elden Street *even next to the mortuary and knowing the history of corpse storage and potential neglect by its current owners.* My husband and I considered buying the home to fix up and rent out when we heard it was on the market through the Historical Society.

The listing was almost impossible to find but was eventually located by our realtor, it was being sold as a commercial property on one site, and our calls were ignored. We eventually physically walked down to look at the place, and talked to the Mortuary in-person multiple times requesting someone contact us. We were finally granted a brief, uncomfortable tour where the contact made a show of the uncleaned, unmaintained space and coffins and talked about how they wouldn't consider lowering the price (which was ridiculously above likely market value and would never be financeable), wouldn't offer any standard fees for real estate professionals, etc. The whole focus was on why we should not buy the house and how they only had a few minutes for the showing. It was clear to me and my realtor (Diane Rulka) that they had no intention of selling the property, and I am concerned their "attempt" was a bad faith effort to skirt protections for historic buildings. This house was never visibly listed anywhere near market value on the housing market for a month, much less the year required by state law.

I ask that the HDRB refuse demolition, not only for the sake of the historical importance of 725 Elden, but to prevent a precedent of unethical, regulation-dodging practices in Herndon. If the current owners would still like to sell, the house should be appraised (and structurally evaluated) as a potential residence and commercial space as it is likely suitable for both, then *appropriately* listed through a reputable real estate agent with industry-standard fees covered across a range of mainstream real estate listings for a full year. I

Attachment Exhibit #7

suspect the home will sell much more quickly than that if bare minimum effort is made.

Adams-Green Funeral Home & Crematory has behaved shamefully, especially in an affordable housing crisis when young families like mine are eager to restore historic homes and contribute to the town for decades as tax payers. There are plenty of non-historic, increasingly empty commercial property that could serve the mortuary's purposes for commercial property and wouldn't require the destruction or removal of a contributing structure along one of our most visible streets. If the owners insist on attempting to destroy this structure, I ask that you require 725 Elden Street to be given a real chance to be appreciated for what it is, a home that deserves to host another family and hold life in its walls again.

Sincerely,

Alexandra & Ronald Cummings
202-520-2584
alexandra.cummings@protonmail.com

Sent with Proton Mail secure email.

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From: Herndon Historical Society
To: Community Development
Subject: Letter to HDRB from HHS
Date: Thursday, March 2, 2023 7:55:50 PM
Attachments: Letter to HDRB from HHS.docx

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

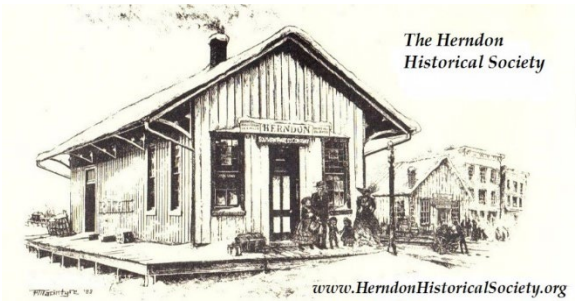
To the Community Development Dept. -

Please forward this email with the attached letter to the HDRB members on behalf of the Herndon Historical Society.

Thank you,

The Board of Directors
The Herndon Historical Society

Herndon Historical Society Inc.
PO Box 99, Herndon, VA 20172
http://www.herndonhistoricalsociety.org/
https://www.facebook.com/HerndonHistory
https://www.instagram.com/herndonhistoricalsociety



March 3, 2023

The Herndon Historical Society
P.O. Box 99
Herndon, VA 20172

Dear Members of the Heritage District Review Board (HDRB),

It is our understanding that the historic home located at 725 Elden Street is under consideration for demolition. We do not support the demolition of this home.

This is believed to be the second oldest home in downtown Herndon and dates back to c. 1888-1889. It once belonged to members of Herndon's prominent Reed family.

It is a T-shaped Victorian Folk style home with three bays, a style house that signifies Herndon's early time period. This home is part of Herndon's Historic District. On many town documents, including in various independent architectural surveys, in Herndon's Downtown Pattern Book, and in the state and national historic registries, this house – along with its associated carriage house - is listed as a contributing structure.

In its earliest years, the home belonged to carpenter/contractor/home builder, Charles H. Reed, brother of Thomas Reed. The Reed family owned many lots along the south side of Elden Street, stretching from the Adams-Green Funeral Home lot to the Upholstery Shop lot. The Reeds were a very prominent family in town, starting the first Undertaker business, starting the town's first movie theatre, serving on the town council, and building homes.

We hope the HDRB will choose to recognize the importance of this home to our Historic District and not allow this historic home to be demolished.

Thank you for your consideration.

The Board of Directors

The Herndon Historical Society

Attachment Exhibit #7

Comments for the HDRB

bglakas@verizon.net <bglakas@verizon.net>

Thu 3/16/2023 10:54 AM

To: Town Clerk <town.clerk@herndon-va.gov>

Cc: Zoellick, Aaron <aaron.zoellick@herndon-va.gov>;Gilleran, Lisa <lisa.gilleran@herndon-va.gov>;Perry, Bryce <bryce.perry@herndon-va.gov>;Himes, Tamsin <tamsin.himes@herndon-va.gov>;Community Development <community.development@herndon-va.gov>

1 attachments (20 KB)

Speech, HDRB 3-15-23, 725 Elden.docx;

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Dear Town Clerk,

Please provide the attached comments to the HDRB.

Thank you.

Barbara Glakas

Comments to HDRB, re: 725 Elden, 3-15-23

Good Evening, Members of the HDRB. My name is Barbara Glakas from 935 Barton Oaks Place.

I am here to advocate against the demolition of the historic home at 725 Elden Street.

I have sent you information on the history of the home and its original owner, how it was built in 1888-1889, by an early and prominent Herndon home builder, carpenter and contractor, Charles H. Reed. He was a former Master of the Herndon Masons, and was also the brother of Thomas Reed, the town's first undertaker. The Reeds were a prominent Herndon family and the two brothers lived side-by-side on Elden Street.

I also have sent you information about the home itself, how the home and its associated historic carriage house are both contributing structures in our historic district; how it has been architecturally surveyed as being in good condition; how it is included in our historic district's state and national historic registry; how it is a T-shaped Folk Victorian home with 3 bays; how it sits on a prominent spot on Elden Street; and how it is the second oldest home in downtown Herndon.

I have spoken to you about how I think the applicant has NOT satisfied the requirements of the HDRB guidelines that would allow this home to be demolished, because the applicant has NOT demonstrated or provided documentation to show that:

- The home is not salvageable, or not moveable or not rehab-able.
- Or provided an abatement report or cost analysis about any needed repairs.
- Or provided any cost analysis having to do with relocation or the incorporation of the house into a new plan.
- Or shown that they have explored any other re-location properties.

Moreover, the applicant did NOT make a good faith effort to sell the house, but appeared to make every effort NOT to sell the house.

- It was not widely advertised.
- There was no for-sale signs on the property.
- It was priced very high.
- They would not allow commissions for the real estate agents.
- They were only trying to sell it as a commercial property - and not as a residential property - even though the applicants themselves described the house as being "residential" in their demolition application.
- They had coffins in the house when they showed it, and pointed out things that were wrong with the house.
- And when I suggested to the owner that it appeared they were actually trying NOT to sell it, they did not deny that to me.

The only known report, to my knowledge, that has been submitted is an engineer's report that said the house would not support the required loads for a *commercial* building. Although it

would support the required loads for a *residential* building. And there was not a cost analysis for foundation abatement in the engineer's report.

Therefore, other than the one engineer's report, the only thing I believe the HDRB has received are unsubstantiated assertions from the applicant's representatives that there are no "practicable alternatives." I do not believe that, and I have provided a list of possible alternatives to you that range from the relocation of the house to lots I have identified, to building on the rear of the lot, to keeping the façade of the house and adding a new building to the façade's rear.

Once this home is gone, we cannot get it back. And imagine the dangerous precedent it would set if other owners of contributing structures in our historic district provided little to no documentation to justify the demolition of a historic home, and made little to no effort to sell it, just so they could demolish it.

I hope you will continue working with this applicant to find a more acceptable solution.
Thank you.

Attachment #7 Exhibit #7

FW: House at 725 Elden St.

Kertz, Amanda <Amanda.Kertz@herndon-va.gov>
Mon 4/3/2023 12:40 PM

To: Community Development <community.development@herndon-va.gov>

Cc: Zoellick, Aaron <aaron.zoellick@herndon-va.gov>;Okoniewski, Collin <collin.okoniewski@herndon-va.gov>;Jovanovich, Kirstyn <Kirstyn.Jovanovich@herndon-va.gov>

Good afternoon,

Below are comments regarding 725 Elden Street that were submitted to the Town Clerk's office for the HDRB. The comments have been provided to the Town Council.

~Amanda

From: Nick Nicholson <n2direct2@gmail.com>
Sent: Monday, April 3, 2023 12:33 PM
To: Town Clerk <town.clerk@herndon-va.gov>
Subject: House at 725 Elden St.

To Herndon Town Clerk,

We've been living at 504 Bowers Lane for over 40 years. Obviously there's been much change to Herndon, most of it good. Having local governance bodies, and a historical review board that care deeply about our hometown is a huge asset. We're lucky. But as the character of the town evolves, it's important that the pieces that make up our "small town charm" are preserved. My wife Susan and I strongly believe that the house at 725 Elden St. should NOT be demolished.

As the downtown develops, the historic nature of Herndon depends on these original buildings. They are a vital link between our past and future. 725 Elden is an anchor to our identity as a small town. That house is a buffer against the faceless look of suburban commercial spaces. It should stay in its present location.

We acknowledge that Adams-Greene has been a long time lynchpin business in our downtown space. Hopefully they can be persuaded to do what it takes to utilize 725 Elden in its existing form. Current and future Herndon residents and visitors will all benefit.

Thanks for considering our request.

Phil & Susan Nicholson

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persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

From: bglakas@verizon.net
To: Town Clerk; Community Development
Cc: Gilleran, Lisa; Perry, Bryce; Himes, Tamsin; Okoniewski, Collin
Subject: Comments to HDRB about April 5 Work Session (re: 725 Elden St.)
Date: Thursday, April 6, 2023 3:58:21 PM

CAUTION: External Email: Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the HDRB,

I am writing to send you some comments and responses to some of the questions and comments that were made by various HDRB members and the applicant's attorney, Mike O'Reilly, at the recent April 5th work session, regarding 725 Elden Street.

1. *An HDRB member asked if the funeral home is a historic structure.* Yes, the brick funeral home at 721 Elden, as well as and the house next door at 725 Elden, are both contributing structures.

2. *An HDRB member asked if the Adams knew that 725 Elden was a contributing structure when they bought it.* According to online line real estate tax records, the Adams bought 725 Elden Street from the heirs of J. Berkley Green in the year 2000. According to the HDRB Guidelines, the Historic Overlay District was put into place in 1989. Herndon's historic district was listed in the Virginia Landmarks Register and the National Register of Historic Places in the early 1990s. The house at 725 Elden Street was listed on that registry form.

3. *The attorney said when he wrote in his letter that 725 Elden could not be seen from the street, he actually meant that the house was "not noticeable" from the street*. I am not sure what the significant difference is between those two statements.

4. *The attorney said the house would make more of a historic difference if it was located about 3 blocks further west on Elden Street.* The house sits directly across from our old Town Hall Green, and is about 65 yards from our Town Hall and former train station, the historic center of town. Also, the boundaries of the historic district extend *beyond* Monroe Street on the east side.

5. *The attorney said that I made a mistake about the Yellow House in one of my letters to the town.* I later asked him what the mistake was and he indicated to me that I had written, "A new location for the [Yellow] house was identified at the corner of Pearl and Oak Streets. The adjacent property owner agreed to subdivide her lot to accommodate the structure." He told me that, "Stanley Martin gave the Town the lot and set up the utilities." I stand corrected.

6. *The attorney said that the funeral business is the oldest continuing business in town, dating back to 1885.* That is likely correct. But just to be clear, the funeral business did not operate out of the Yellow House (which used to sit on the 721 lot), nor did it always operate out of the brick funeral home (that currently sits on the 721 lot today). The Yellow House (built in the

1860s) was the residence of Thomas Reed and his family. After Mr. Reed died in 1918 his sons moved the Yellow House to the rear of the property and built a new brick home for their mother. Mrs. Reed died in 1937 and it was likely sometime after her death that the brick home at 721 Elden Street started being used as the family's funeral business. In other words, the Yellow House, the current brick funeral home, and Charles Reed's house next door at 725 Elden Street, were all originally residential homes.

7. *The Attorney said that the applicant would be happy to work with anyone who wants to move the house.* However, I am unaware of any initiative on the applicant's part to reach out to the community to seek anyone who may want to relocate the house. The two closest vacant lots are: a) 628 Oak Street (next to the Yellow House), and b) the southern half of 681 Monroe Street. Both of those lots are located in the Historic District and both are between 150 to 200 yards away from the current location of 725 Elden Street. I know that moving a house is not an inexpensive adventure, but I think all options should be explored.

8. *The Attorney said that it is a unique situation that the house is in the Central Commercial District.* I agree it is unique. However, although I do not recall the exact date that the Central Commercial District was formed, I believe it is a modern construct. The earliest I see it referred to in the town code is 2017. (I could be wrong, or it could have possibly gone by some other name prior to that). Regardless, the house was used as a residential home up until recent years, without any concern about it being in the Central Commercial District. And if the lot needs to be re-zoned, that could be done. However, the Attorney did not express any interest in re-zoning the lot because he said it would not help the funeral home business get the extra space they need. In short, the applicant is using the CC district as a reason that the building cannot be used, but they also say they don't want to re-zone it because it does not satisfy their purposes.

9. *The Attorney said in 1990 the funeral home owners did not understand where the industry would go and that they would need more space.* That may be true, and I am sure that it is not the first time that a good business in Herndon has outgrown its space. But no matter how much we like the Adams and their funeral home business, it does not mean that they – or any other good business – should be allowed to demolish a contributing structure in our town. An example of a Herndon business that outgrew its space and repurposed an old town building is the Aslin Beer Company; that business moved out of its warehouse that used to be located off Spring Street, and repurposed the old Horn NAPA Auto Parts building on Elden Street, to beautiful effect.

10. *An HDRB member stated that she was disappointed that there were no attempts to save the house.* I agree with that sentiment, as is seems that the applicant's energies have been focused on demolishing the house. One option is one that the HDRB member mentioned – keeping the façade of the building and constructing a new building behind it. I hope the applicant will continue to explore various options.

Sincerely,

Barbara Glakas

Herndon
PARKS & RECREATION

STAFF REPORT

Town Council
June 6, 2023

Title:

Resolution to approve a 10-year License Agreement between the Town and the Herndon Historical Society for use of designated town-owned public property, commonly known as the Carroll Cabin, for the installation and maintenance of interpretive panels.

Staff Contact:

Cindy S. Roeder, Director of Parks & Recreation
703-435-6800 ext. 2123
cindy.roeder@herndon-va.gov

Description:

Runnymede Park is one of eleven parks in the Town of Herndon. Consisting of 58 acres of mostly wooded areas, the park encompasses two former residences. This resolution centers around the Carroll Cabin, or Carroll House, built between 1909 and 1910 and served as home to James Albert Hawkins, his wife and stepson. The stone cabin was sold several times up until 1953 when it was purchased by Frank Carroll. Mr. Carroll's son sold the property in 1986 to a developer who had plans to build a multi-home development. Following the passage of a bond referendum to develop a park and preserve open space, in 1988 the Town purchased 58 acres surrounding both the Carroll Cabin and the other home, the Atkins House. The park was ultimately named Runnymede Park, in honor of Herndon's Sister City, Runnymede, England.

The original stone cabin has a unique design and several heraldic markings on the door and window lintels, which show the Royal Arms of France.

The proposed Resolution would approve a license agreement allowing the Historical Society to install and maintain interpretive panels on the Carroll Cabin's door and window. The agreement will be for a 10-year term beginning on May 23, 2023 and expiring on May 23, 2033.

Fiscal Impact:

None. Consideration for this agreement is the Historical Society's maintenance of the interpretive panels.

Staff Recommendation:

The Mayor and Town Council approve the attached Resolution as proposed.

Attachments:

1. Resolution
2. Agreement w/ Exhibits

Prepared and Approved by:

Cindy S. Roeder, Director of Parks & Recreation

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JUNE 13, 2023

Resolution– to approve a 10-year License Agreement between the Town and the Herndon Historical Society for use of designated town-owned public property, commonly known as the Carroll Cabin, for the installation and maintenance of interpretive panels.

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

1. The Town Council approves a temporary license agreement dated May 23, 2023, between the Town of Herndon and the Herndon Historical Society for use of designated town-owned public property, commonly known as the Carroll Cabin, for the installation and maintenance of interpretive panels. The agreement shall be for a 10-year term, expiring on May 23, 2033.

2. The Mayor is authorized to sign and deliver this license agreement and any other instrument to evidence or support the license agreement.

LICENSE AGREEMENT FOR USE OF PUBLIC PROPERTY

This License Agreement ("Agreement") is made this 13th day of June 2023 by and between the TOWN OF HERNDON, VIRGINIA, a municipal corporation ("Town") and the HERNDON HISTORICAL SOCIETY, a Virginia corporation ("Historical Society").

RECITALS

Town, as a municipal corporation, has the authority and statutory obligation to regulate the use of public property within its territorial boundaries.

Town is the owner of a structure, commonly known as the "Carroll Cabin", situated on town owned public property located in Runnymede Park, Herndon, Virginia, (collectively "Public Facilities"). Historical Society desires to install interpretive panels ("Panels") on the structure and the Town is willing to permit the installation of said Panels subject to the terms of this License Agreement.

The parties agree as follows:

Section 1. TERM OF LICENSE

The term of this license shall be for 10 years. The term will commence on June 13, 2023, and in no event shall extend beyond June 13, 2033. This Agreement may be revoked by either party upon 60 days' written notice.

Section 2. CONSIDERATION AND MAINTENANCE

The consideration for this agreement shall be Historical Society's continuous maintenance and repair of Panels, which shall be defined as activities associated with the routine care and upkeep of the of the Panels to keep them in clean and good condition, to include removing graffiti. Repair or replacement of components or entire panels when damaged.

Section 3. LOCATION AND INSTALLATION

Panels authorized by this License to be installed, shall be located in accordance with "Exhibit A" and "Exhibit B", attached and incorporated by reference.

The installation of the Panels shall be performed by the Town or the Town's contractor. The Town shall bill Historical Society for the cost of the installation, not to exceed $200, by invoice payable in full within 30 days of receipt.

Section 4. DAMAGE TO PUBLIC FACILITIES

If during the course of maintenance, repair, or removal damage is caused to the Public Facilities belonging to the Town, Historical Society shall promptly notify the Town Manager and the appropriate safety agency (e.g., police department) of any damage or injury to any Public Facilities or the Panels.

Section 6. INSURANCE

Historical Society shall keep in effect a General Liability insurance policy with a minimum limit of $1,000,000 of coverage. The policy or policies shall be endorsed to name the Town of Herndon as an additional insured. The insurance required shall be maintained in effect during the duration of this Agreement. Insurance Policy(s) shall contain a valid provision or endorsement that the policy may not be canceled, terminated, changed or modified without giving thirty (30) calendar days advance written notice thereof to the Town. Satisfactory proof of insurance will be required.

Section 6. INDEMNIFICATION

Historical Society shall indemnify the Town, its officers, officials and employees (for purposes of this Section only, collectively the Town), and shall hold the Town harmless from liability on account of injury, death or damage to persons or property arising out of maintenance, repair, removal or operation of its Panels.

Section 7. LOSS AND DAMAGE

Save for the negligent acts or omissions of Town, its agents, employees or contractors, Town shall not be liable for any damage to property of Historical Society located on the Public Facilities or for loss or damage to any property of Historical Society or of others by theft or otherwise. Town shall not be liable for any injury, death, or damage to any persons or property resulting from fire, explosion, steam, electricity, water, rain, snow or leaks from any part of the installation.

Section 8. ASSIGNMENT AND TRANSFER OF INTEREST

This agreement is not assignable or transferable without the express written permission of the Town.

Section 9. REMOVAL AND RESTORATION UPON EXPIRATION OR TERMINATION

Unless released by the Town, Historical Society shall remove all its Panels and restore the Town's Public Facilities to satisfactory condition upon expiration or termination within of this agreement.

Section 10. NOTICES

Any notice to be given under this License shall be mailed or delivered to the Town of Herndon, Attention: Town Manager, 777 Lynn St., Herndon, Virginia 20170 and to Herndon Historical Society, Attention: President, P.O. Box 99, Herndon, Virginia 20172-0099 by registered or certified mail, if mailed, return receipt requested, with postage prepaid.

HERNDON HISTORICAL SOCIETY

Nancy Saunders, President

APPROVED AS TO FORM:

Lesa J. Yeatts, Town Attorney

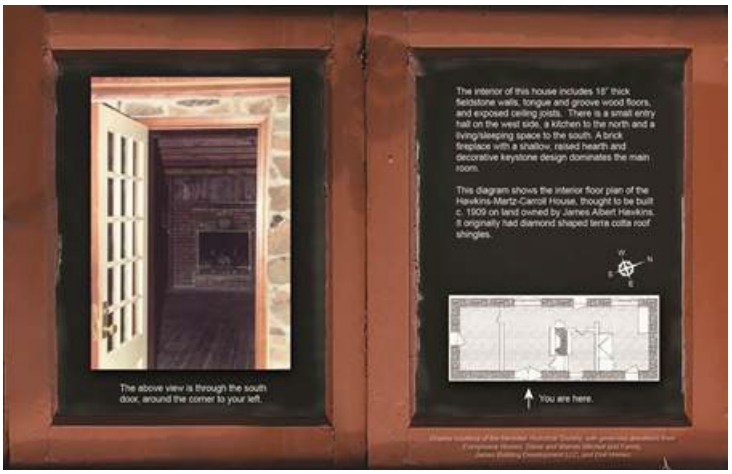
TOWN OF HERNDON, VIRGINIA

Sheila A. Olem, Mayor

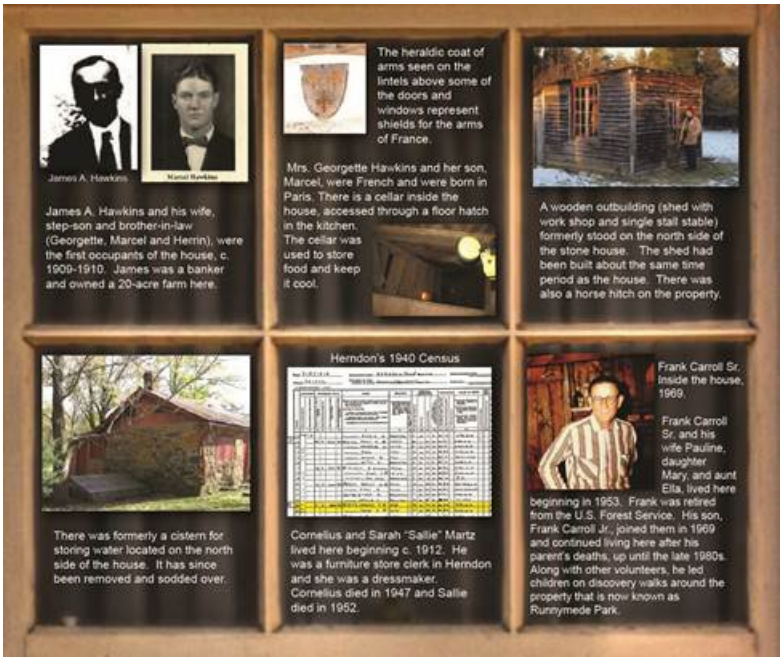
EXHIBT A

Herndon Historical Society Interpretive Panel Project

This first panel below that has two pictures on it and it will go on the upper portion of the door. It will measure 50" x 32."



This next panel below will go on the window. As you can see there are 6 sections, made to look like muntins. This panel will be 32" x 38".



These panels will both be on the East side of the Carroll cabin. The top rendering is for the top half of the double-door, and the bottom rendering is for the adjacent window. As you can see, they were designed to look like a door frame and windowpanes. Our plan is for them to be attached to the plywood that is already on the Carroll cabin door/window.

The font used is Arial.

Location of interpretive panels on the Cabin

EXHIBIT B

TOWN OF Herndon VIRGINIA

STAFF REPORT
Town Council
June 6, 2023

Title

Resolution to consider Special Exception Amendment Application SE #21-05, to permit an expansion of a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district.

Staff Contacts

Fadrique Iglesias, Community Planner; fadrique.iglesias@herndon-va.gov
David Stromberg, AICP – Zoning Administrator; david.stromberg@herndon-va.gov

Summary

This application is to consider an amendment to a special exception approved by Town Council on November 16, 2021, to allow an expansion of personal service use consisting of cosmetics and aesthetic services, from unit 108 to include unit 107 within the first floor of the multi-tenant commercial office building. The site is located within the Herndon Park Condominium Center. This amendment seeks to expand the footprint of the existing Unit 108 (approximately 966 square feet) by adding the recently acquired adjacent Unit 107 (approximately 933 square feet) and connecting them by an interior entrance door. Both units are within a multi-unit building (Building 2).

Staff and the planning commission recommend approval with conditions of SE #21-05.

Background

A complete background and analysis of this application is contained in the October 18, 2021, Planning Commission Staff Report. Staff, the Planning Commission, and Town Council determined that the original application complied with the criteria of Section 78-155.3(e), Review Standards for Special Exceptions and Section 78-40.3 - CO - Commercial office district.

Anticipated Impacts

This application, as proposed and with conditions recommended by staff, would not adversely impact adjacent properties.

Location Map

Staff Analysis

Zoning Ordinance Compliance

The proposed personal services use, and retail sales use is only allowed by special exception in accordance with the Town's Zoning Ordinance 78-40.3 - *CO – Commercial office district*, Table 78-40.3(c)(3).

The zoning ordinance allows for flexibility for instances like this, when businesses that are traditionally located with other commercial service and retail sales uses have operational characteristics that make them appropriate to operate in traditional office park developments, provided there are adequate development and land use controls. In this case, the proposed personal services and retail sales uses are consistent with the purpose and intent of the Commercial Office Zoning District and the additional controls that can be implemented through the special exception process.

Based upon the application, which was submitted and reviewed for compliance with the aforementioned Town Code sections, staff believes this proposal complies with the referenced Town of Herndon Zoning Ordinance section and will be compatible with the existing uses on site and not negatively impact adjacent residential uses to the north of the site. Staff also evaluated the criteria for review of special exceptions found in Zoning Ordinance Section 78-153.3(e).

Comprehensive Plan Adherence

The proposal is consistent with the Herndon 2030 Comprehensive Plan Business Corridor Land Use Policies and encourage uses that provide a variety of goods and

services as well as promote economic development that helps increase employment and add to the community tax base. Most particularly, the proposal aligns with Land Use Policies for Business Corridor #1 and #3 (Herndon 2030 Comprehensive Plan, pages III-11 through III-12).

Transportation

The property contains a parking lot with 108 spaces. Additionally, the business is located approximately 100 feet from the nearest Fairfax Connector bus stop along Route 926 on Elden Street and 200 feet from the nearest Fairfax Connector bus stop along Route 924 on Herndon Parkway.

Analysis of Conditions

Staff is recommending three conditions for this special exception, listed in the following conditions analysis table. Staff believes these conditions provide reasonable ways in which the proposed use can be permitted while properly mitigating potential impacts, as well as achieving the purpose and intent of the applicable zoning district.

#	Condition	Covered by language in the Zoning Code	Reason for Condition
1	Substantial conformance with the submitted application	No	This condition is what gives the town the authority to ensure the proposed use is developed in the way that is presented to the Planning Commission and the Town Council.
2	Business operations shall be conducted by appointment only and limited to 12 total people, inclusive of employees, occupying the space at any given time.	No	Personal service typically generates more land use impacts than office uses. Conditions to limit occupancy and requiring appointments will maintain a similar intensity as uses that are allowed by right in this zoning district. SE·21-05 allowed 6 total people, therefore is reasonable to increase the limit proportionally.
3	Allocation of retail sales to not more than 50 square feet within the tenant space.	No	Limiting retail space will allow the owner to have accessory retail associated with their provided services without the impacts generated by a full retail outlet. There will not be any additional retail in Suite 107.

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). The Town has not received any complaints or issued any violations for the business since its original special exception approval.

Town Council Alternatives

The following alternatives are available to the town council for its decision on Special Exception Amendment SE#21-05:

1. Recommend approval of the amended conditions of SE #21-05.
2. Recommend denial of the amended conditions of SE #21-05. The original conditions of SE #21-05 will remain in effect for Unit 108.
3. Continue the public hearing on this case to the July 18, 2023 public hearing.

Planning Commission Recommendation

During the May 24, 2023 public hearing, the Planning Commission voted 5-0 recommending that the Town Council approve the amendment of the SE #21-05.

Staff Recommendation

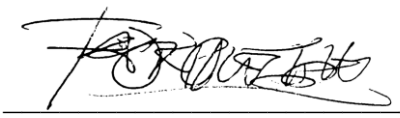
Staff is recommending approval of Special Exception amendment, SE #21-05 in accordance with Alternative #1, maintaining and updating the following conditions:

1. The personal services business space (Units 107 and 108) shall be utilized in substantial conformance with the amended proposal and updated first floor plan received on April 8, 2023.
2. The business operations shall be conducted by appointment only and limited to 12 total people, including employees, occupying the space at any given time; and
3. The allocation of retail sales floor space shall be limited to not more than 50 square feet within the tenant space, as stated in the original SE #21-05.

Attachments

1. Draft resolution of approval
2. Applicant Narrative
3. Proposed Special Exception Floor Plan, dated April 08, 2023
4. Special Exception SE #21-05 Town Council Resolution
5. TP #86-08

Staff Signature



Fadrique Iglesias, Community Planner

TOWN OF HERNDON, VIRGINIA

TOWN COUNCIL

RESOLUTION

JUNE 13, 2023

Resolution- to consider Special Exception Amendment Application SE #21-05, to permit an expansion of a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district.

The applicant, Phuong Le Tran and Tommy Nguyen, have submitted a request for a special exception amendment to permit an expansion of personal service use consisting of cosmetics and aesthetic services from Suite 108 to include Suite 107 within the multi-tenant commercial office building at **299 Herndon Parkway**, building 2, and identified as Fairfax County Tax Maps #0171 13 0108 and #0171 13 0107.

The Town Council has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code and recommended that the application be approved with amended conditions based upon the finding that the amended conditions still meet the purpose and intent of the Zoning Ordinance, in particular Section 78-155.3(f)(3) or Section 78-155.3(e)

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

The Town Council approves amended of Special Exception Application SE #21-05 that shall run with the land and not be voided or extinguished from a change in ownership of the property in accordance with the conditions set forth below to achieve compliance with the standards found in Section 78-155.3;

1. The personal services business space shall be constructed and utilized in substantial conformance with the submitted application;
2. The business operations shall be conducted by appointment only and limited to 12 total people, including employees, occupying the space at any given time; and
3. The allocation of retail sales floor space shall be limited to not more than 50 square feet within the tenant space in Suite 108. There will not be any additional retail in Suite 107.

November 2017

TOWN OF Herndon VIRGINIA

Department of Community Development
777 Lynn Street
Herndon, Virginia 20172-4602

APPLICATION FOR A SPECIAL EXCEPTION

Submittal of this form with **original signatures is required**. ***PLEASE PRINT OR TYPE*** *(Unless otherwise indicated.)*

For the purpose of operating/conducting (type of business): Personal use

As provided for in Town Code Section:

Project Name: Fancy Lashes and Beyond,LLC

Zoning of Subject Property: C/O

Address of the Subject Property (including apt/suite #): 299 Herndon Pkwy, Suite 107, Herndon - VA -20170

Detailed Description of the Proposed Use: Our business will be provided service to clients such as Eyelash Extensions,Lash Litf and Tint,Facial ...

Lot area (site area):

Are any site alterations or any alterations to the building's exterior or interior planned or underway in connection with this use (or were any alterations done)? ■ No □ Yes Please describe

Name of Business Owner conducting the Special Exception Use or Representative (Applicant): Tommy Nguyen

Mailing Address: 8866 Olde Mill Run, Manassas,VA - 20110

just.tommy8725@gmail.com — E-mail address

703-477-3786 — Telephone # — FAX #

The undersigned hereby applies for a Special Exception under the provisions of § 78-202.3 of the Herndon Town Code.

I hereby affirm and certify that:

- *The information provided on this form is true and correct to the best of my knowledge.*
- *The requirements associated with this application have been read and are understood.*
- *The use and occupancy of buildings and/or the use of land noted above is proposed in conformance with all provisions of the Town of Herndon, Virginia Zoning Ordinance regulations to the best of my knowledge.*

PLT		04/08/2023
Print Name	**Signature of Business Owner Conducting the Special Exception Use (Applicant)**	**Date**

APPLICATION FOR A SPECIAL EXCEPTION – continued

Name and Title of Property Owner: Phuong Le Tran (Owner) ; Tommy Nguyen (Co-owner)

Mailing Address: 299 Herndon Pkwy, Unit 108, Herndon VA 20170

fancylashesandbeyond@gmail.com (E-mail address) | 703-477-3784 (Telephone) | FAX #

Site is located in: *(please check any that apply)*

- ☐ the Floodplain Overlay District, in accordance with § 78-60.2
- ☐ the Heritage Preservation Overlay District, in accordance with §78-60.3
- ☐ the Chesapeake Bay Overlay District: Resource Protection District or Intensely Developed Area, in accordance with § 78-60.4
- ☐ Downtown Transition Area, in accordance with § 78-512
- ☐ Landmark Business Area, in accordance with § 78-510

FOR SPECIAL EXCEPTIONS IN THE FLOODPLAIN OVERLAY DISTRICT

Notice from the Zoning Administrator: The issuance of a Special Exception to develop a structure within the Floodplain Overlay District may increase the risks to life and property and will result in increased premium rates for flood insurance.

Acknowledged:

4/8/2023
Signature of Property Owner & Date

04/08/2023
Signature of Business Owner (if different than Property Owner) & Date

TO BE SUBMITTED WITH THIS APPLICATION

_____ A letter signed by the business owner or owner's agent consenting to the application for the Special Exception Use;

_____ A floodplain study (if the use is located in the Floodplain Overlay District) and fee;

_____ If the purpose of the Special Exception is to allow a use in the Floodplain Overlay District, the application materials shall include information requested in Zoning Ordinance § 78-60.2 and the proposal must meet the standards in the Floodplain Overlay District in Zoning Ordinance § 78-60.2;

REQUIREMENTS FOR ALL APPLICATIONS (Zoning Ordinance §78-152.2)

_____ A statement from the landowner(s) authorizing an agent to act on their behalf (if applicable);

_____ If a pre-application conference took place, a statement indicating the date and time a pre-application conference was held with the Town, as well as a list of participants in the conference;

_____ If a neighborhood meeting was held prior to application submittal, a statement indicating the date, time, location, invitation list, number of attendees, and outcome of the meeting;

APPLICATION FOR A SPECIAL EXCEPTION – continued

REQUIREMENTS FOR ALL APPLICATIONS - continued (Zoning Ordinance § 78-152.2)

_____ A receipt or other documentation indicating that taxes have been paid on lands subject to the application (may be obtained when application is filed);

_____ If the application requires a plan or drawing, nine sets of plans or drawings prepared in accordance with the standards specified in the Zoning Ordinance;

_____ All other items listed in Zoning Ordinance § 78-152.2;

_____ Application Fee;

_____ An RPA Permit if (a) Resource Protection Area zoning is located on the property; or (b) it is determined by the Zoning Administrator that an assessment is warranted because of the unique characteristic of the site or intensity of the proposed use or development.

Certification, in a form prescribed by the Zoning Administrator, that public notification regarding a public hearing has been given in accordance with § 78-153.2.H, Public Notification, shall be submitted upon completion of proper notification by the applicant.

For Office Use Only:

Received by:	Fee paid:	Date:	Case No.:
Tax Map Reference:		Status of Taxes: □ Paid	□ Delinquent
Date of public hearing at which Town Council approved the Special Exception, if approved:			
Date of expiration of Special Exception: (a) as specified by Town Council, or (b) resulting date if a Building Permit for the development approved by the Special Exception is not issued within one year from date of approval by the Town Council or the development is not completed within the time allowed under the Town's Building Regulations.			
Deadline for applicant to make a written request for an extension not to exceed six months (30 days prior to date of expiration):			

Distribution after approval: Applicant | Community Development | Fire Department | Finance

703-787-7380. 777 Lynn Street, Herndon, Virginia 20170-4602. FAX 703-481-5280. www.herndon-va.gov

APPLICATION FOR A SPECIAL EXCEPTION – continued

WEEK TWELVE	Town Manager conducts final review of application and staff report.
WEEK THIRTEEN	The staff presents the application to the Town Council at the work session. The applicant usually attends to hear concerns expressed by Council members.
WEEK FOURTEEN	The Town Council considers the application at a public hearing. If the application is changed by the applicant, or if more time is needed for the Council to obtain additional information, the application may be deferred. Otherwise, the Town Council makes a decision on the application.

If you have additional questions or to arrange for an appointment, please contact the Town of Herndon Department of Community Development by calling (703) 787-7380 or through e-mail at community.development@herndon-va.gov . Town offices are located at 777 Lynn Street and are open from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Fancy Lashes and Beyond LLC
299 Herndon Parkway, Suite 108
Herndon, VA 20170

Community Development Department
Town of Herndon
777 Lynn Street, 2nd floor
Herndon, VA 20170

Dear Committee:

Please consider this letter as an application to the 'Special Exception' status for Fancy Lashes and Beyond LLC to conduct business and expand into 299 Herndon Parkway, Suite 107, Herndon, VA 20170. As business owners, we understand the challenges of business expansion and gracefully embraced it. Fancy Lashes and Beyond LLC has now been established since November of 2021. We greatly feel the need to expand during this timeline of the business. Our plan is to add another approximately 1000 square feet of space right next door to 299 Herndon Parkway, Suite 108, Herndon, VA 20170. The business will continue to provide personal use services such as lash artistry and Aesthetic on a greater scale. This expansion will include more employees to provide our signature services to our clients.

Fancy Lashes and Beyond LLC went through the proper channels during this time with the Herndon Park Unit Owners Association and its due diligence for the answers to the Committee's questions during the pre-application virtual meeting. According to the floor plan of the business, it shows the layout of how the 1000 square foot space of the unit will be renovated for the business expansion. The renovation is currently being conducted by a licensed commercial contractor with the experience to comply with the rules and regulations issued by the local county and state government. The business expansion will be set up to serve at a maximum of six customers simultaneously at Unit 107 being combined with Unit 108 as an anticipation. The newly expanded unit is not restricted to the limitation of parking spaces by the Condo Association. However, Fancy Lashes and Beyond LLC will take the proper precaution of limiting its services to customers by appointments only. The floor plan maps out all of the available exit points and 'EXIT' signs being placed in the front door of the unit. Air recirculation is only within the unit since it is being partitioned from the units above, left and right of it. The exhaust system includes a vent in the front of the unit for proper emission from the vacuum vent within the restroom. The electrical panel was replaced by the previous owner and has many vacant panels for expansion. There will be a vanity sink, a janitorial sink and two hair shampoo sinks in the unit. The current water heater having the capacity to supply an adequate amount of hot water to each sink simultaneously. All appliances and equipment are powered by electricity. There will be three recliners designed to provide the clients with the safest laying position for lash artistry service. There also will be two installed Shampoo Therapy beds. Neither natural gas nor propane is being used to power any of the equipment within. Proper sanitization will be conducted and practiced on a daily basis which will include proper anti-bacterial wipes and cleaning products. Trash disposal will be handled with the proper precaution allowed by the State Health Department and the Condo Association. Trash will be disposed into an eight cubic yard

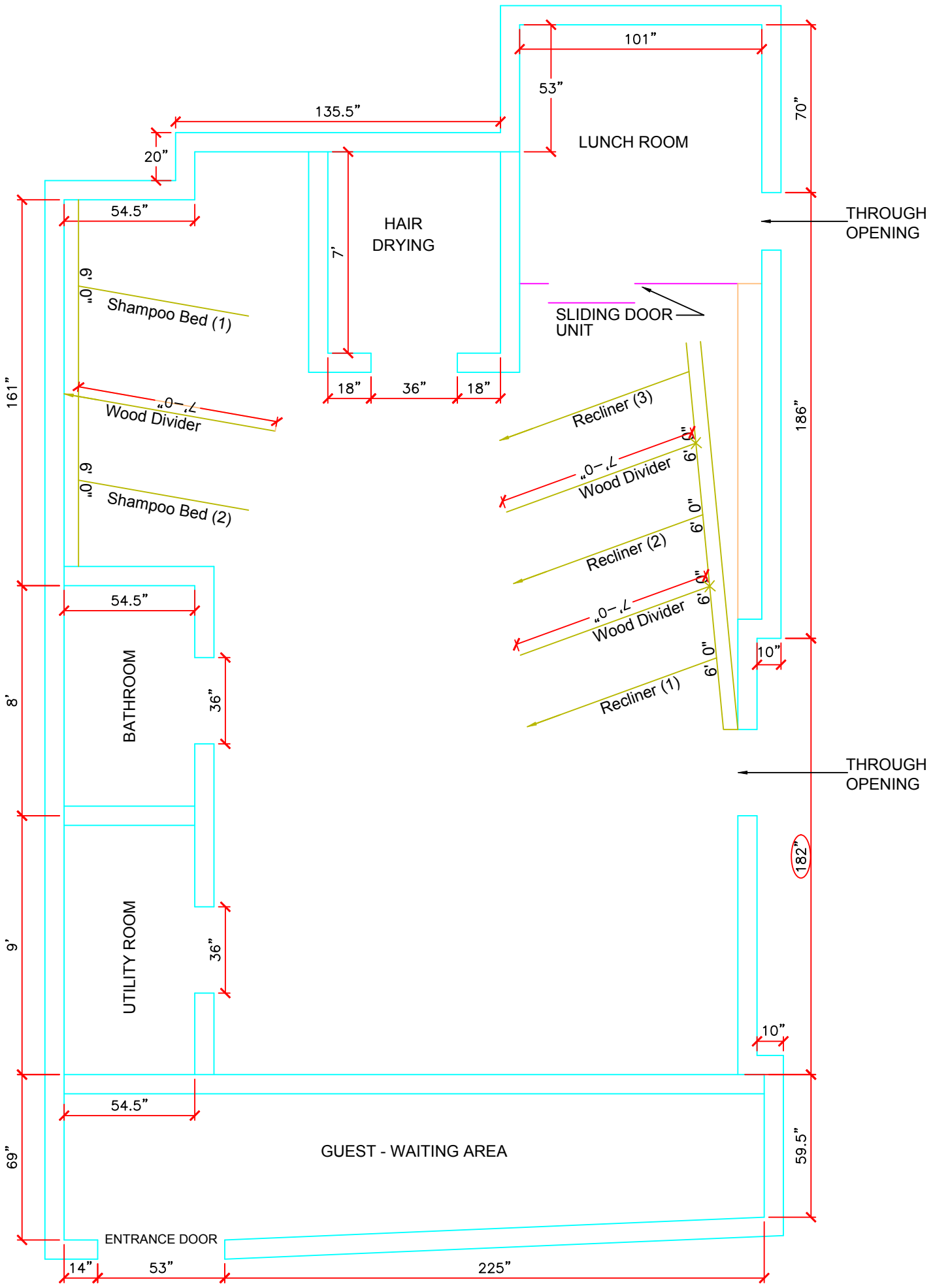
dumpster positioned outside of the building and collected on a weekly basis. The business expansion will have the proper amount of fire extinguisher(s) and precautionary equipment recommended by the Fire Marshals once when the renovation is completed.

Services provided to the clients include but not limited to lash artistry and aesthetic practices with highly reviewed and recommended equipment by renowned trainers and instructors. We also will offer our newly signature service of Shampoo Therapy. A therapeutic art to relax and unwind the mind from stress. Each employee will be held to the highest standards of proper licensing, trained profession and customer service. Again, Fancy Lashes and Beyond LLC would like to give a special thank you to the Town of Herndon Community Development Department Committee and all of those taking part in this process. As a gratitude, Fancy Lashes and Beyond LLC is looking forward to become another successful story and continue to make contributions to the Town of Herndon in the future.

Sincerely,

Phuong Le Tran
Owner

Tommy Nguyen
Co-Owner



FLOOR PLAN UNIT 107

SCALE 1/4" = 1'-0"

FANCY LASHES + BEYOND

299 HERNDON PKWY #107

HERNDON, VA 20170

TOWN OF HERNDON, VIRGINIA

RESOLUTION

NOVEMBER 16, 2021

Resolution- to consider Special Exception Application SE #21-05, to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building in a Commercial Office, CO, zoning district.

WHEREAS, the applicants, Phuong Le Tran and Tommy Nguyen, have submitted a request for a special exception to permit a personal service use consisting of cosmetics and aesthetic services within the multi-tenant commercial office building at 299 Herndon Parkway, Suite 108, and identified as Fairfax County Tax Map #0171-13-0108; 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 has recommended that the application for the special exception be approved with conditions based upon the finding that the proposed use meets the purpose and intent of the Zoning Ordinance, in particular, Sections 78-40.3 and 78-155.3; and

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

WHEREAS, the property and special exception shall be regulated under any future amendments to Section 78-40.3 and is not limited in perpetuity to the language in effect on the date of this resolution; and

WHEREAS, if granted, the uses permitted under the special exception are pursuant to the Zoning Ordinance and this resolution; and

WHEREAS, if granted, the special exception may expire pursuant to Sections 78-155.3(f)(3) or Section 78-155.3(g) of the Zoning Ordinance; and

WHEREAS, if granted, the special exception may be amended pursuant to Section 78-155.3(j) of the Zoning Ordinance; and

WHEREAS, if granted, special exception may be revoked pursuant to Section 78-155.3(h) of the Zoning Ordinance.

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

Approves Special Exception Application SE #21-05, in accordance with the conditions set forth below to achieve compliance with the standards found in Zoning Ordinance Section 78-155.3;

1. The personal services business space shall be constructed and utilized in substantial conformance with the original application and updated first floor plan received on August 17, 2021;

2. The business operations shall be conducted by appointment only and limited to six [6] total people, to include employees, occupying the space at any given time; and

3. The allocation of retail sales floor space shall be limited to not more than 50 square feet within the tenant space.

This is certified to be a true and accurate copy of Resolution 21-G-84 adopted at a legally convened meeting of the Town Council of the Town of Herndon on November 16, 2021.

Margie C. Tacci, Deputy Town Clerk

TOWN OF HERNDON, VIRGINIA 1879

PERFORMANCE BOND ESTIMATE

ITEM NO.		ITEM	QUANTITY	UNIT	UNIT PRICE	COST
		CLEARING & GRUBBING	1.3	ACRES	2060	2678
		EXCAVATION		CU. YDS.		
		EMBANKMENT		CU.YDS.		
		OVERLOT GRADING	1	LOTS	150	150
	STRUCTURES	D1-3D	1	Ea.	2060	2060
	DRAINAGE	CONCRETE PIPE 15" CL. II	19	LIN.FT.	51	969
		CONCRETE PIPE		LIN.FT.		
		CONCRETE PIPE		LIN.FT.		
		CONCRETE PIPE		LIN.FT.		
		CONCRETE PIPE		LIN.FT.		
		CONCRETE PIPE		LIN. FT.		
		PAVED DITCH		LIN.FT.		
		RIP RAP	180	SQ.FT.	4.5	810.
		SODDED SWALE				
		CONCRETE ENDWALL		EACH		
		CONCRETE ENDWALL		EACH		
		CONCRETE ENDWALL		EACH		
		CONCRETE ENDSECTION		EACH		
		RELOCATION OF TRAFFIC LIGHT	1	L.S	35,000	35,000
		DRIVEWAY ENTRANCE, TYPE CG-10A	2	EACH	2500	5000
		SIDEWALK	200	LIN.FT.	90	1800
		HEADER CURB	170	LIN.FT.	10	1700
		CURB & GUTTER	200	LIN.FT.	11	2200
		VALLEY GUTTER		EACH		
		GRAVEL BASE		SQ.YDS.		
		GRAVEL BASE		LIN.FT.		
		GRAVEL SHOULDERS		SQ. YDS.		
		SURFACE TREATMENT		SQ. YDS.		
		BITUMINOUS CONCRETE SURFACE 2" S-5	660	SQ. YDS.	4.6	303.6
		BASE COURSE 6" B-3	660	SQ.YDS.	13.8	9108
		SUBBASE MATERIALS 10" 21-A	182	CU. YDS.	20.5	3731
		STREET SIGNS		EACH		
		STREET LIGHTS		EACH		
		ROADSIDE DELINEATORS		EACH		
		TRAFFIC BARRICADE		EACH		
		SCREENING & REFORESTATION				
		PIPES AS SHOWN ON PLAT	8	EACH	63.00	504.00
		MONUMENTS AS SHOWN ON PLAT		EACH		
		WATER LINE	110	LIN.FT.	29	3190
		FIRE HYDRANTS	1	EACH	1490	1490
		SANITARY SEWER	260	LIN. FT.	34.	8840
		AS BUILT PLAN	1.75 AC.	LUMP SUM	570/AC	997.50
		PLUS 10% ENGRG. FEE & MISC.				8326.35
					TOTAL	$ 91589.85

I HEREBY CERTIFY THAT THE FOREGOING IS MY BEST ESTIMATE OF THE QUANTITIES OF IMPROVEMENTS IN THIS SUBDIVISION OR SITE PLAN.

SIGNATURE: _____ DATE: 9-8-86

CASH ESCROW BOND ESTIMATE

ITEM NO	ITEM	QUANTITY	UNIT	UNIT PRC	COST
1.	EROSION/SEDIMENTATION CONTROL (SEE ZONING ORD. FOR APPROPRIATE FEE)	175		300	1000 MIN.
2.	ARBORIST FEE (PER L.F. OF TREED CLEARING LINE)		L.F.	1.00	
3.	DAMAGE TO EXISTING PUB. UTILITIES (TO BE COMPUTED BY TOWN OF HERNDON.)	———	L.S.	———	10,000
4.	LANDSCAPING	———	L.S.	———	14,950.00
				TOTAL:	24,950.00

FEE SCHEDULE

ITEM	QUANTITY	UNIT	FEE PER UNIT FOR SUBDIS.	FEE PER UNIT FOR SITE PLANS	FEE
BITUMINOUS SURFACE	3780	SQ. YD.		.35	1323
CURB & GUTTER	1600	LIN. FT.	.60	.60	960
HEADER CURB	150	LIN. FT.		.60	90
SANITARY SEWER	260	LIN. FT.	1.60	1.60	416
SIDEWALK	630	LIN. FT.	.60	.60	378
STORM DRAINAGE	—	LIN. FT.	2.90	2.90	—
T.V. INSPECTION	260	LIN. FT.	1.35	1.35	351
WATERLINE	68	LIN. FT.	1.35	1.35	91.8
OVERLOT GRADING AND SURFACE DRAINAGE PLAN (per division of land or per disturbed acre, whichever is greater)	13	LOT/ACRE	100.00	100.00	130
MISCELLANY		ACRE		520.00(min)	
SCREENING		LIN. FT.	1.60	1.60	
℄ LINEAR FEET OF STREET		LIN. FT.	1.20		
ESTIMATED FEE - TOTAL					$ 4090.8
INITIAL FEE PAYMENT (50% OF ESTIMATED FEE)	(RECEIPT #		DATE	)	$ 2045.4
BALANCE OF FEE (COMPUTED BY TOWN)	(RECEIPT #		DATE	)	

NOTES

1. The methods and materials used in the construction of the improvements herein shall conform to the current Town of Herndon Standard Specifications, current Fairfax County Design and Construction Standards, and the current VDH&T Road and Bridge Specifications. In the event of conflict between the standards and specifications, prevailing guidelines shall be selected by the Town of Herndon.
2. A permit must be obtained from the Town of Herndon before any construction is started in conformity with these plans.
3. A permit must be obtained from the office of the Resident Engineer, VDH&T, Fairfax, Virginia, before any construction is started on any existing state highway.
4. The Developer is required to notify the Town of Herndon, in writing, three (3) days prior to the beginning of construction. The Developer shall require that all of his contractors specifically request inspection at least twenty four (24) hours before beginning:
   (A) Clearing and grubbing
   (B) Installation of siltation and erosion control measures
   (C) Earth work
   (D) Installation of any underground utility
   (E) Installation of any forms
   (F) Placing any concrete
   (G) Before placing subbase, base, or paving surface
   Failure to do so for any reason shall constitute rejection of said work.
5. All existing underground utilities shall be physically located by the Developer or his engineer prior to the beginning of any construction in the vicinity of these utilities.
6. All utilities installed as a part of this development shall be placed underground.
7. All underground utilities within the street right-of-way and all service connections shall be installed to the required distance beyond the right-of-way line prior to the installation of any subbase material, curb and gutter, or sidewalk.
8. All utilities to be taken over by the Town for maintenance purposes must be inspected, tested and approved by the Town before being accepted into the Town's system.
9. Cut sheets shall be submitted and approved by the Town of Herndon prior to the start of construction of any underground utilities, streets, or curbs and gutters.
10. Sanitary Sewers: All sanitary sewer materials and methods of construction shall comply with the current Town of Herndon Standards and Specifications.
11. Storm Sewers: (A) Storm sewer and culvert pipe shall be reinforced concrete pipe to conform to the current A.A.S.H.T.O. designation M 170, unless otherwise designated on the plans. Class II pipe will be permitted beyond the limits of the street right-of-way. Class III pipe will be required within the limits of the right-of-way.
    (B) Underdrains and/or crossdrains shall be installed by the Developer where deemed necessary by the Town of Herndon.
12. Streets: (A) All base and subbase material shall be compacted to 95% of theoretical maximum density as determined by A.A.S.H.T.O. T-99 method A, within plus or minus 2% of optimum moisture for the full width of any dedicated right-of-way and all townhouse streets, commercial and industrial parking lots, private streets, parking bays, curb and gutter, and sidewalks adjacent to streets and parking lots (not intended to include lead sidewalks).
    (B) Soil reports and subgrade specifications shall be submitted to the Town of Herndon for approval prior to the start of construction of any sidewalks, curb and gutter, streets or parking areas.
    (C) Subbase depth is based on a CBR of 10. Where CBR is less than 10, one inch of subbase or base material shall be added for each point below CBR 10. Where CBR is greater than 10, subbase may be reduced one inch for each five points above CBR 10. All special designs are subject to approval by the Town of Herndon.
    (D) Standard street name signs shall be installed at each intersection by the Developer, as well as required traffic control signs in the development.
    (E) A minimum of one driveway entrance shall be provided per lot. Driveway entrances, CG-10A, shall be installed in conformity with the standards. Pipestem lot driveways are subject to approval by the Town of Herndon.
    (F) Surfaced streets shall be maintained in a clean condition, mud and dust free at all times, and adequate means shall be provided to clean trucks and other equipment using the completed streets.
    (G) Street names shall be approved by Fairfax County.
    (H) Street lights shall be installed according to Town of Herndon standards.
13. Water Distribution: (A) All water main materials and construction shall comply with the regulations of the standard specifications and plans of the Town of Herndon and the current Waterworks Regulations of the Virginia State Board of Health.
    (B) All water mains shall have a minimum cover of 4.0 feet. Water mains shall be installed eight (8) feet north or east of the centerline of the street unless otherwise designated on the plans.
    (C) Working pressure shall be >20 psi.
14. Land Conservation Notes: (A) Measures to control erosion and siltation shall be provided pursuant to and in compliance with current state and local regulations. However, the approval of these plans shall in no way relieve the Developer or his agent of any legal responsibility which may be required by the Code of Virginia or any ordinance enacted by the Town of Herndon.
    (B) No disturbed area will be denuded for more than 60 calendar days.
    (C) All erosion and siltation control measures are to be placed prior to or as the first step in clearing.
    (D) All storm and sanitary sewer lines not in streets are to be mulched and seeded within 15 days after backfill. No more than 500 feet are to be open at any one time.
    (E) Electric power, telephone and gas supply trenches are to be compacted, seeded and mulched, within 15 days after backfill.
    (F) All temporary earth berm diversions and silt dams are to be mulched and seeded for temporary vegetative cover within 10 days after grading. Straw or hay mulch is required. The same applies for all stock piles.
    (G) During construction, all storm sewer inlets will be protected by silt traps, maintained and modified as required by construction progress.
    (H) All disturbed area not paved, sodded, or built upon by November 1, or disturbed after that date, is to be seeded within 15 days with oats, abruzzi rye, or equivalent and mulched with hay or straw at the rate of 2 tons per acre.
    (I) Prior to beginning any work on this site, the Contractor must read and adhere to the "Protection of Trees" Guidelines, Volume III, Fairfax County Public Facilities Manual, and Section 28-22A of the Town of Herndon Zoning Ordinance.
15. These plans and specifications are based on the minimum requirements for CO. zoning. This plan contains NO dwelling units.
16. All elevations must be based on the U.S.G.S. or the U.S.C. & G.S. mean sea level datum.
17. Prior to any approved clearing and grading on a site, a tree protection fence shall be erected in accordance with the fence detail on the approved landscape plan.

FIRE FLOW INFORMATION

FH # 1528 (APPROX. 750' FROM ELDEN STREET INTERSECTION)
STATIC 75 PSI RESIDUAL 65 PSI
FLOW = 1250 GPM
Q20 = 3138 GPM

Construction Type - 3B
Gross floor area of each building 15,000 Sq. Ft.
Maximum Height of building - 35'
Number of stories - 3 1/2
Building shall not be sprinklered.

INDEX

	PAGE
COVER SHEET	1
SITE PLAN	2

I HEREBY CERTIFY THAT THIS AS-BUILT CONFORMS WITH THE APPROVED SITE PLAN EXCEPT AS SHOWN AND REPRESENTS ACTUAL FIELD CONDITIONS ON THE SITE.

DATE _____ HAROLD A. LOGAN

INDICATES "AS-BUILT"

COMMONWEALTH OF VIRGINIA
HAROLD A. LOGAN
CERTIFICATES
1111 & 191

STORM DRAINAGE PRO-RATA SHARE TABULATION

Project: HERNDON PARK
Watershed: SUGARLAND RUN
Pro-Rata Share 2000.00 per impervious acre
Area 1.75 acre
% impervious 90 %
2000.00 x 1.75 x 0.90 = 3150.00

DATE COMPUTED 7-24-86

EMERGENCY

POLICE — FIRE — RESCUE

911

HERNDON POLICE 437-1118

THE DESIGNING FIRM HAS CONTACTED ALL UTILITY OPERATORS FOR THE HORIZONTAL LOCATION OF THEIR UNDERGROUND UTILITIES, IF ANY, AND THIS PLAN SHOWS THEIR LOCATION IS MARKED BY THE OPERATIONS.

NOTICE REQUIRED

Contractors shall notify operators who maintain underground utility lines in the area of proposed excavation or blasting at least two working days, but not more than ten working days prior to commencement of excavation or demolition in accordance with Section 10(a) of Chapter 6B of the Fairfax County Code. Names and telephone numbers of the operators of the underground utility lines in Fairfax County appear below. These numbers shall also be used to serve in an emergency condition, as required by Section 15(b) of Chapter 6B of the Code.

COLUMBIA GAS PIPELINE CO	759-2115
FAIRFAX CITY WATER SERVICE	385-7915
TOWN OF HERNDON DPW	435-6856
A.T. & T. CO.	
CHESAPEAKE & POTOMAC TELE. CO.	
COLONIAL PIPELINE CO.	
COLUMBIA GAS OF VA.	
CONTINENTAL TELEPHONE OF VA.	
PLANTATION PIPELINE CO.	
TRANSCO GAS PIPELINE CO.	
VEPCO	

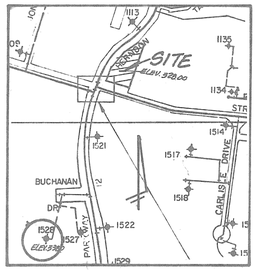
Miss Utility (301) 559-0100

LEGEND

- CENTERLINE(℄)
- LEFT BLDG RESTRICTION LINE
- RIGHT BLDG RESTRICTION LINE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- PROPOSED DRAINAGE DIVIDES
- EXISTING WATER MAINS AND APPURTENANCES (VALVES, TEE, HYDRANT, VALVE, REDUCER)
- PROPOSED WATER MAINS AND APPURTENANCES (VALVES, TEE, HYDRANT, VALVE, REDUCER)

PLAN APPROVAL SHALL NOT BE GIVEN UNTIL ALL DEDICATIONS AND EASEMENTS HAVE BEEN RECORDED AND DEED BOOK AND PAGE NUMBER PROVIDED TO THE PLANNING DEPARTMENT OF THE TOWN OF HERNDON.

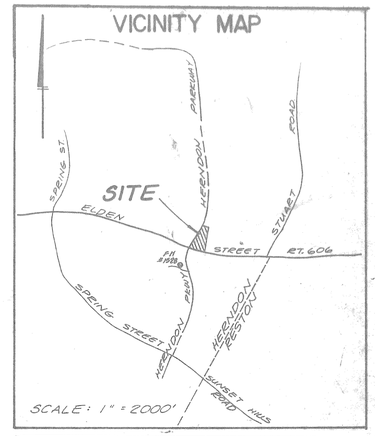
THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER



WATER LINE VICINITY MAP

SCALE: 1" = 500'

VICINITY MAP



SCALE: 1" = 2000'

LOCATION OF BENCHMARKS:

EXISTING SANITARY MANHOLE AT ELDEN STREET. TOP OF MANHOLE ELEVATION 318.75 U.S.G.S. DATUM.

RECOMMENDED FOR APPROVAL

DATE _____ FAIRFAX COUNTY FIRE MARSHAL

DATE _____ DIRECTOR OF PUBLIC WORKS

DATE _____ DIRECTOR OF PLANNING

PUBLIC HEARINGS

DATE	BODY	ACTION TAKEN

APPROVED
FOR CONSTRUCTION AND ISSUANCE OF BUILDING PERMITS
TOWN OF HERNDON, VIRGINIA

DATE _____ TOWN PLANNER

SITE PLAN APPROVAL VOID IF FINAL BUILDING PERMITS HAVE NOT BEEN OBTAINED WITHIN ONE YEAR.
SUBDIVISION APPROVAL VOID IF FINAL SUBDIVISION PLAT IS NOT RECORDED WITHIN ONE YEAR AFTER APPROVAL OF PRELIMINARY PLAN.

SITE PLAN #86-S SUBDIVISION

TOWN OF HERNDON, VIRGINIA

COVER SHEET

SUBDIVISION NAME OR SITE PLAN AND NUMBER.	HERNDON PARK
OWNER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER.	RESTON/HERNDON LIMITED PARTNERSHIP 8150 LEESBURG PIKE SUITE 1200 VIENNA, VIRGINIA 22180 TELEPHONE: [illegible]
DEVELOPER, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER.	SAME AS ABOVE
CERTIFIED ENGINEER, ARCHITECT OR SURVEYOR SUBMITTING PLAN, ADDRESS, INCLUDE ZIP CODE AND TELEPHONE NUMBER.	HAROLD A. LOGAN ASSOCIATES - P.C. 4200 DANIELS AVE. ANNANDALE, VIRGINIA 22003 PHONE: (703) 941-3531
TAX MAP SECTION NUMBER 17-1, DOUBLE CIRCLE NUMBER 4, PARCEL NUMBER [illegible]	
TOTAL AREA 1.75 AC.	PRESENT ZONING CO.

DRAWN JUNE, 1977 (DSP), REVISED DEC., 1977(DSP), REVISED JAN., 1979(DSP), REV. NOV. 1981, REV. AUG., 1982, REV. DEC. 1982, REV. NOV. 1984

PAGE 1 OF 5 PAGES

AS BUILT

APPROVED 3-21-88 (Subdiv.) Herndon Park Engr. Tech. I

SANITARY SEWER PROFILE

SCALE: VERT. 1"= 5'
HORIZ. 1' = 30'

I HEREBY CERTIFY THAT THIS AS-BUILT CONFORMS WITH THE APPROVED SITE PLAN EXCEPT AS SHOWN AND REPRESENTS ACTUAL FIELD CONDITIONS ON THE SITE.

2/10/87
DATE: HAROLD A. LOGAN C.L.S.

INDICATES "AS-BUILT"

HINGE DETAIL (no scale)

- STEEL BOLLARD
- FREE-MOVING STEEL BAND
- BRACING ARM WELDED TO BAND
- STATIONARY BAND WELDED TO BOLLARD
- WOOD BOLTED TO ARM

DESIGN FOR TRASH RECEPTACLE ENCLOSURE
NO SCALE

COMMONWEALTH OF VIRGINIA — HAROLD A. LOGAN — CERTIFICATES 1111 & 191 — CERTIFIED LAND SURVEYOR

EXTERIOR DETERMINED BY A OR B (brick shown)
8" CONCRETE BLOCK

6" DIA STEEL BOLLARD (TYP.)
DUMPSTER
CONCRETE PAD
6'-0"
WOOD & STEEL GATE (2x6 slats)
2'-3" 6'-6" 2'-3"
13'-0"

DESIGN FOR TRASH RECEPTACLE ENCLOSURE
NO SCALE

DETAIL · CURB BREAK
NO SCALE

HANDICAP SPACE NO SCALE

WALK, C&G SYMBOLS
NO SCALE

- STD CONC. WALK
- TOP OF CURB ELEV.
- REVERSE PITCH
- ST'D C6-6
- GUTTER TRANSITION

2" BITUM. CONC. TYPE S-5 SURFACE
8" CRUSHED STONE VDH & T SPEC. 209 TYPE I, 21A BASE
ALT. SEC 3"S-5 (2-1½" LIFTS)
6" 21 A
SUBGRADE — COMPACT SUBGRADE TO 95% MAXIMUM DRY DENSITY AT OPTIMUM MOISTURE (PER MODIFIED PROCTOR TEST ASTM - D 1557) SUBGRADE TO HAVE MINIMUM CBR= 10.
TEST RESULTS TO BE SENT TO ENGINEER FOR REVIEW AND RECOGNIZATION.

TYPICAL SECTION: ON-SITE PAVING
NOTE: THIS PAVING SECTION IS SUBJECT TO REVISION AS SOILS TEST RESULTS ARE MADE AVAILABLE.
NO SCALE

TOWN OF HERNDON
730 ELDEN STREET
P.O. BOX 427
HERNDON, VIRGINIA 22070

STANDARDS AND PROCEDURES FOR CONSTRUCTION IN THE RIGHT OF WAY

1. No excavation will be left open overnight. All excavations shall either be backfilled or covered with a steel plate.
2. All excavations shall be protected from storm water, so that the excavation does not serve as a collection point for surrounding areas.
3. All excavations must have a temporary bituminous concrete patch within 24 hours of being backfilled.
4. All excavations shall be backfilled and compacted in 6 inch lifts. Compaction will be to 95% of maximum density (AASHTO-T-99).
5. All excavation in the street shall be repaired with a permenant bituminous concrete patch within 24 hours of completion of work.
6. All excavations outside of the pavement shall be returned to its previous condition within 24 hours of completion of work. All grass areas shall be seeded and mulched.
7. All excavations beneath sidewalks shall be backfilled in 6 inch lifts and compacted to 95% of maximum density (AASHTO-T-99).
8. All permenant patches and concrete sidewalk shall be inspected by a representative of The Department of Public Works prior to placing patch or sidewalk. Inspections should be requested 24 hours in advance.

GENERAL NOTES

1. AREA OF SITE IS 1.715 ACRES AND IS ZONED C-O.
2. THE PROPERTY DELINEATED ON THIS PLAN IS SHOWN ON TAX MAP 17-1-004-3 AND 25 AND 17-1-005-A3.
3. ELEVATION DATUM- U.S.G.S. (SAN. SEW. AS-BUILT)
4. CONTOUR INTERVAL IS 2 FEET.
5. THESE PLANS AND THE CONTRACT SPECIFICATIONS SHALL BE MUTUALLY SUPPLEMENTARY.
6. ALL CONSTRUCTION SHALL CONFORM TO CURRENT TOWN OF HERNDON AND VDH & T STANDARDS AND SPECIFICATIONS EXCEPT AS ALTERED BY NOTES OR DETAILS HEREON.
7. ALL FINISH GRADING & PLANTING SHALL BE DONE IN SUCH A MANNER SO AS TO PRECLUDE THE PONDING OF WATER ON THE SITE, ESPECIALLY ADJACENT TO THE BUILDING.
8. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO PERFORM THE WORK IN SUCH A MANNER SO AS TO PREVENT THE WASHING OF ANY TOPSOIL, SILT OR DEBRIS ONTO THE ADJACENT PROPERTIES, AND HE SHALL BE HELD RESPONSIBLE FOR ANY DAMAGE INCURRED FOR A PERIOD OF ONE YEAR AFTER ACCEPTANCE OF THE WORK.
9. PARKING LOT AND SERVICE AREA ELEVATIONS SHOWN ARE ON STRAIGHT GRADES, THE CONTRACTOR SHALL ROUND ALL VERTICAL BREAKS WITH SMOOTH SPLINE CURVES.
10. ALL EXISTING POWER POLES ON SITE WILL BE REMOVED AND/OR RELOCATED AS NECESSARY. AT DEVELOPER'S EXPENSES.
11. THE PERMITTEE SHALL PROVIDE ADEQUATE MEANS OF CLEANING TRUCKS AND/OR OTHER EQUIPMENT PRIOR TO ENTERING THE VDH & T R/W, AND IT IS THE PERMITTEE'S RESPONSIBILITY TO CLEAN STREETS AND ALLAY DUST AND TO TAKE WHATEVER MEASURES NECESSARY TO INSURE THAT THE ROAD IS MAINTAINED IN A CLEAN, MUD & DUST FREE CONDITION, AT ALL TIMES.
11. FINISHED GRADES SHOWN IN PROFILE FOR FINISHED TOP OF CURB GRADE ON EXISTING HIGHWAY SHALL BE FIELD ADJUSTED AS REQUIRED TO CONFORM TO THE INTENT OF THE TYPICAL SECTION USING THE EXISTING EDGE OF PAVEMENT AS THE CONTROL POINT. A SMOOTH GRADE SHALL BE MAINTAINED FROM THE EXISTING EDGE OF PAVEMENT TO THE FACE OF CURB TO PRECLUDE THE PONDING OF WATER OR FALSE CUTTERS AND/OR THE PONDING OF WATER ON THE ROADWAY. ALL CURB FORMS SHALL BE INSPECTED AND APPROVED FOR HORIZONTAL AND VERTICAL ALIGNMENT BY THE Town Of Herndon DIRECTOR OF PUBLIC WORKS OR THEIR AUTHORIZED REPRESENTATIVES PRIOR TO PLACING OF CONCRETE.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER AND THE SURVEYOR/ENGINEER OF ANY CHANGES OR CONDITIONS ATTACHED TO PERMITS OBTAINED FROM THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION, THE TOWN OF HERNDON, OR ANY OTHER AUTHORITY ISSUING PERMITS.
13. THE CONTRACTOR IS ADVISED THAT THE VIRGINIA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION AND/OR THE TOWN OF HERNDON MAY REQUIRE AS A PART OF THEIR PERMITS THAT TO THE MAXIMUM EXTENT POSSIBLE ALL NEW UTILITIES WILL BE BORED, TUNNELED OR JACKED AND THAT NO PAVEMENT CUTS WILL BE ALLOWED.
14. NO SUB-SOIL INVESTIGATIONS HAVE BEEN MADE BY HAROLD A. LOGAN ASSOCIATES.
15. THE CONTRACTOR SHALL VISIT THE SITE AND SHALL VERIFY EXISTING CONDITIONS PRIOR TO STARTING CONSTRUCTION.
16. THE CONTRACTOR SHALL CLEAR THE SITE OF ALL TREES, BUILDINGS, FOUNDATIONS, ETC. WITHIN THE LIMITS OF CONSTRUCTION AND SHALL BE RESPONSIBLE FOR CAUSING EXISTING UTILITIES TO BE DISCONNECTED.

STORM SEWER PROFILE
Scale Vert 1"=5' Horiz 1"=30'

WATERMAIN PROFILE
SCALE VERT. 1"= 5' HORIZ. 1"= 50'

* Note
4" Ex. San Lat Capped & Poured in Conc @ the main

SITE TABULATION

Site Area:	1.715 Ac.	
Floor Area:	Gross: 30,000	S.F.
	Net: 24,000	S.F.
Proposed Use:	Office	
Parking required:	1 sp/300 S.F. x 30,000 = 100 spaces	
	Handicap Required: 3 spaces	
Parking provided:	Regular: 105	
	Handicap: 3	
	TOTAL 108	
Loading:	1	

NOTE:
AS-BUILT GRADING IN THE FLOOD PLAIN AREA IS IN COMPLIANCE WITH THE APPROVED SITE PLAN.

3) FIRE HYDRANTS ARE TO BE MULLER CENTURION OR KENNEDY K-81
4) ALL STREET CUTS ARE TO BE REPAIRED WITHIN 7 DAYS OF THE INITIAL CUT, IF PERMANENT REPAIR IS NOT COMPLETE IN THE ALLOTED TIME THE DEPARTMENT OF PUBLIC WORKS WILL REPAIR THE CUT AT A COST OF $ 100.00 PER SQUARE YARD TO THE OWNER.

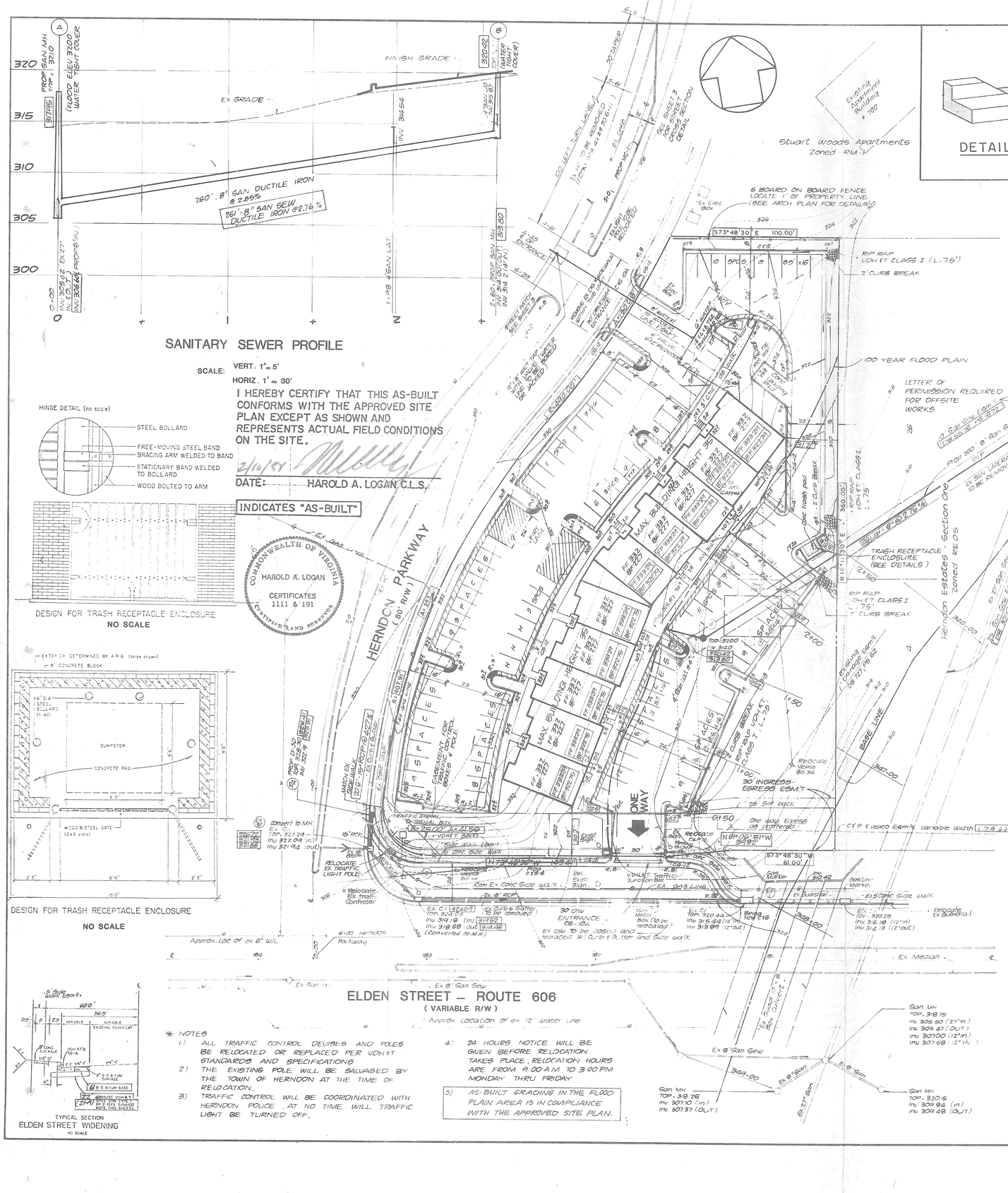
THIS PROPERTY IS LOCATED ON TAX MAP 17-1 ((4)) 3 & 25 & 17-1 ((5)) A3 AND IS PRESENTLY ZONED C-O

NOTES:
1) ALL CONNECTIONS TO EXISTING UTILITIES ON HERNDON PARKWAY TO BE TUNNELLED, THIS ROAD CANNOT BE OPEN CUT.
2) WATER METER TYPE IS TO BE APPROVED BY THE TOWN OF HERNDON PRIOR TO PURCHASE AND INSTALLATION.

TYPICAL SECTION
ELDEN STREET WIDENING
NO SCALE

ELDEN STREET – ROUTE 606
(VARIABLE R/W)

* NOTES
1) ALL TRAFFIC CONTROL DEVISES AND POLES BE RELOCATED OR REPLACED PER VDH&T STANDARDS AND SPECIFICATIONS
2) THE EXISTING POLE WILL BE SALVAGED BY THE TOWN OF HERNDON AT THE TIME OF RELOCATION.
3) TRAFFIC CONTROL WILL BE COORDINATED WITH HERNDON POLICE, AT NO TIME WILL TRAFFIC LIGHT BE TURNED OFF.
4) 24 HOURS NOTICE WILL BE GIVEN BEFORE RELOCATION TAKES PLACE. RELOCATION HOURS ARE FROM 9:00 A.M. TO 3:00 P.M. MONDAY THRU FRIDAY.
5) AS-BUILT GRADING IN THE FLOOD PLAIN AREA IS IN COMPLIANCE WITH THE APPROVED SITE PLAN.


Stuart Woods Apartments Zoned RM-V
Existing Apartment Building # 700
Herndon Estates - Section One Zoned R-E 0.5
HERNDON PARKWAY (90' R/W)
ELDEN STREET
S73°48'30"E 100.00'
N73°48'30"W 143.00'
S73°48'30"W 61.00'
N16°11'30"E 360.00'
S16°11'30"W 346.00'
N73°48'30"W 348.00'
S73°48'30"E 348.00'
BASE LINE
ONE WAY
30' INGRESS EGRESS EASEMENT
26 Set back
Curb Break
RIP RAP VDH&T CLASS I (L.75')
2' CURB BREAK
100 YEAR FLOOD PLAIN
LETTER OF PERMISSION REQUIRED FOR OFFSITE WORKS
NOTE BLASTING WITHIN 50' OF SANITARY SEWER TRUNKLINE
TRASH RECEPTACLE ENCLOSURE (SEE DETAILS)
6' BOARD ON BOARD FENCE LOCATE 1' OF PROPERTY LINE (SEE ARCH PLAN FOR DETAILS)
Ex Elec Box
Ex Curb & Gutter To be removed
30' GW ENTRANCE - C6-10A
Ex. DW To be removed and replaced w/ Curb & Gutter and Side walk
Ex. Median
Ex. 8" San Sew
Ex. 12" Water Line
Ex. Guardrail
Ex. Conc Side Walk
Relocate Ex. Traffic Controller
Relocate Ex. Traffic Light Pole
Relocate Vepco Esm't
Relocate Vepco Eq.
Relocate Ex Guardrail
Ex. Curb Inlet
Ex. Drop Inlet
Ex. Manhole
Ex. Fire Hydrant
Ex. Gas Line
Ex. Overhead Wires
Ex. Underground Elec.
Ex. Telephone
Ex. Gas Valve
Ex. Water Valve
Ex. Water Meter
Ex. Sign
Ex. Light Pole
Ex. Traffic Light
Ex. Traffic Junction Box
Ex. Traffic Control Box
Ex. Vepco Esm't
Ex. Vepco Pole
Ex. Vepco Transformer
Ex. Vepco Guy Wire
Ex. Vepco Underground Elec.
Ex. Vepco Manhole
Ex. Vepco Vault
Ex. Vepco Pull Box
Ex. Vepco Switch Gear
Ex. Vepco Meter
Ex. Vepco Light
Ex. Vepco Sign
Ex. Vepco Guy Anchor
Ex. Vepco Underground Conduit
Ex. Vepco Underground Vault
Ex. Vepco Underground Manhole
Ex. Vepco Underground Pull Box
Ex. Vepco Underground Switch Gear
Ex. Vepco Underground Meter
Ex. Vepco Underground Light
Ex. Vepco Underground Sign
Ex. Vepco Underground Guy Anchor
Ex. Vepco Underground Guy Wire
Ex. Vepco Underground Transformer
Ex. Vepco Underground Pole
Ex. Vepco Underground Esm't

TOWN OF HERNDON, VIRGINIA

ORDINANCE

JUNE 14, 1983

REZONING APPLICATION #Z-83-101, WITH PROFFERS - AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PARCELS 3 AND 25, FAIRFAX COUNTY TAX MAP REFERENCE 17-1-004, FROM RE-0.5, RESIDENTIAL DISTRICT, TO C-O, COMMERCIAL OFFICE, WITH PROFFERS AND TO AMEND THE OFFICIAL ZONING MAP SO AS TO SHOW THEREON THIS CHANGE OF ZONING CLASSIFICATION

BE IT ORDAINED by the Town Council of the Town of Herndon as follows:

1. That the zoning classification of the property identified as Fairfax County Tax Map Reference 17-1-004, Parcels 3 and 25, is hereby changed from RE-0.5, Residential District, to C-O, Commercial Office, with the following proffers.

The undersigned hereby proffer that in the event the subject property is rezoned to C-O zoning category by the Town of Herndon Town Council, development of the property shall be in accordance with the following conditions pursuant to Virginia Code Section 15.1-491(a) and the Zoning Ordinance of the Town of Herndon:

1. Clinics (without overnight care of patients) and telephone exchanges and dial centers shall be deleted from uses of right on the subject property.
2. The height of the buildings on the property shall not exceed forty feet.
3. The applicant shall construct a one-way exit only (egress) to Elden Street.
4. Parking of vehicles shall be for passenger vehicles only on property as shown in the flood plain.
5. Prior to the approval of final site plan on the subject property a new hydraulic study shall be submitted regarding the flood plain as shown.
6. The total square footage of office space for the site, including parcels, Tax Map 17-1-004-3 and 25, and Tax Map 17-1-005-25 shall not exceed 20,000 square feet. The development of the site shall conform to all applicable ordinances and development standards of the Town of Herndon.

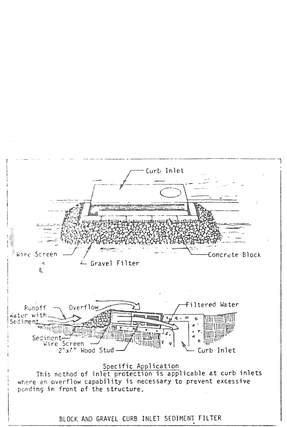
2. That the official zoning map is hereby amended to show thereon this change of zoning classification with proffers, and

3. That this ordinance shall become effective on June 15, 1983.

R3-06-C83

This is certified to be a true and accurate copy of Ordinance [illegible] adopted at a [illegible] meeting of the Town Council of the Town of Herndon on June 14, 1983.

[illegible]



BLOCK AND GRAVEL CURB INLET SEDIMENT FILTER

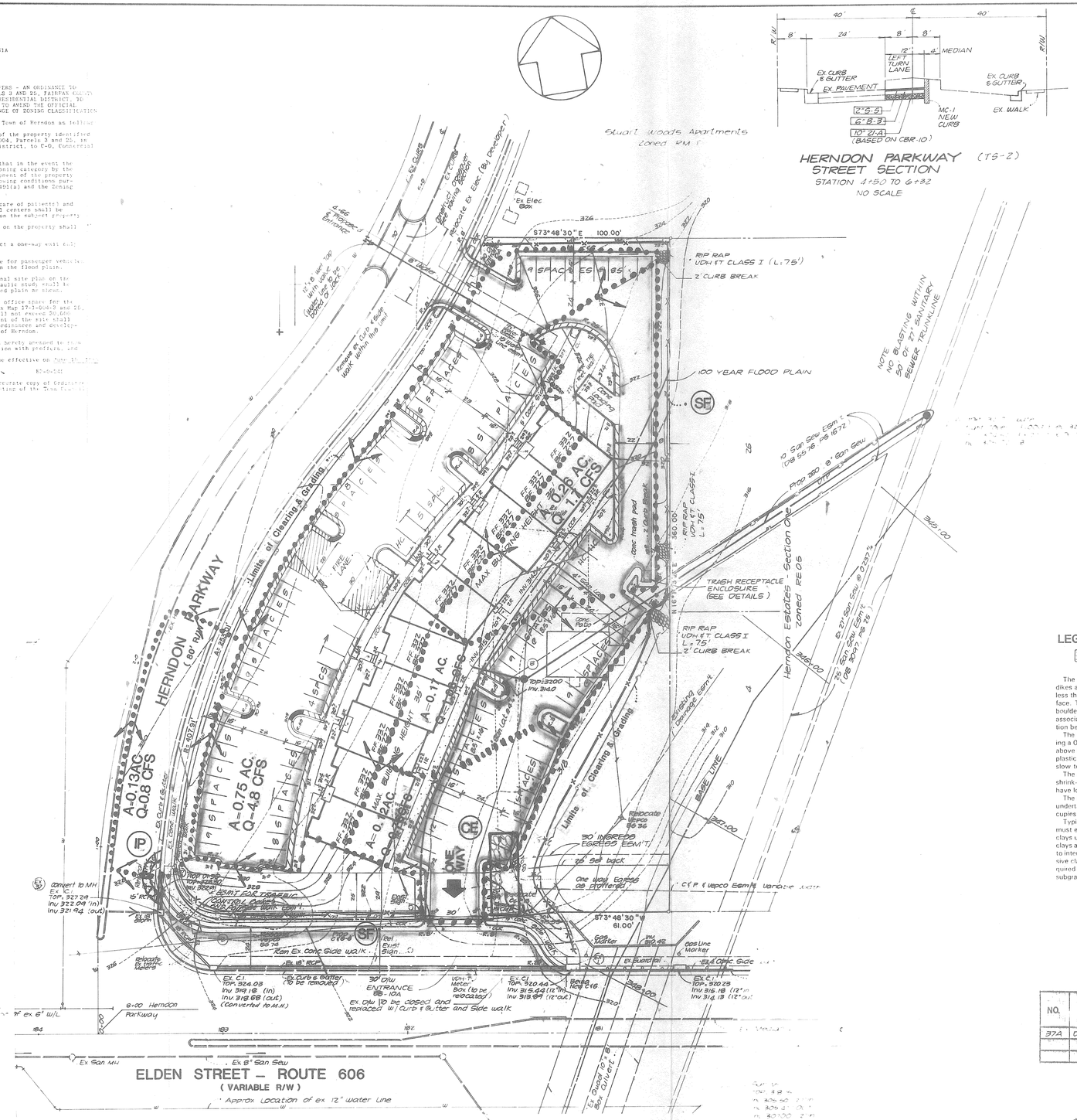
Source: Va SWCC Plate 1.08h

Specific Application

This method of inlet protection is applicable at curb inlets where an overflow capability is necessary to prevent excessive ponding in front of the structure.

Maintenance

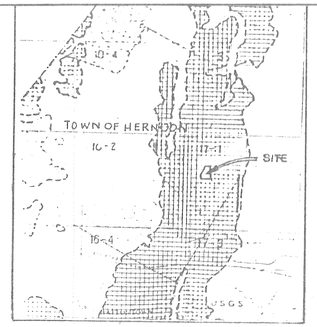
1. The structure shall be inspected after each rain and repairs made as needed.
2. Sediment shall be removed and the trap restored to its original dimensions when the sediment has accumulated to 1/2 the design depth of the trap. Removed sediment shall be deposited in a suitable area and in such a manner that it will not erode.
3. Structures shall be removed and the area stabilized when the remaining drainage area has been properly stabilized.



HERNDON PARKWAY (TS-2) STREET SECTION

STATION 4+50 TO 6+32

NO SCALE



SOIL MAP

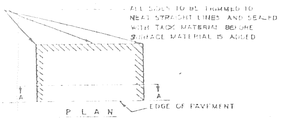
SCALE 1"=2000'

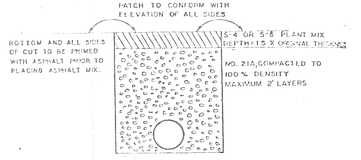
LEGEND:

SF SILT FENCE

CE CONSTRUCTION ENTRANCE WITH WASH RACK – WATER SUPPLY FROM TEMP WATER SERVICE TO BE METERED AND PAID FOR

IP INLET PROTECTION





SECTION A-A

STREET PATCH DETAILS (NO SCALE)

NOTES

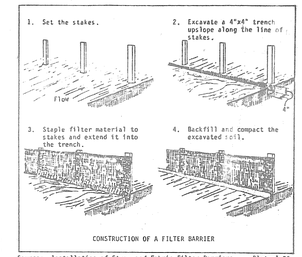
SHOULDER AND DITCH LINES TO BE REPLACED TO CONFORM WITH EXISTING SHOULDERS AND DITCHES. ADD CRUSHER RUN STONE TO SHOULDERS.

EACH PAVEMENT CUT SHALL BE COVERED WITH A TEMPORARY OR PERMANENT ASPHALT PATCH THE SAME DAY EXCAVATION IS MADE.

NO BITUMINOUS MATERIAL SHALL BE APPLIED EXCEPT WHEN THE ATMOSPHERIC TEMPERATURE IS ABOVE 50 DEGREES AND WHEN THE WEATHER IS NOT FOGGY OR DAMP.

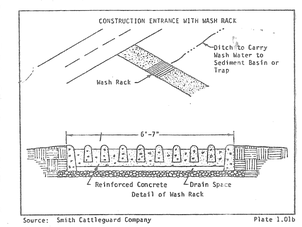
LAND CONSERVATION NOTES-LINEAR PROJECTS

1. No disturbed area to be denuded for more than 30 days.
2. Temporary diversions, seeded and mulched or staked straw bale diversions and other control measures as necessary are to be placed as indicated on the drawings prior to or as the first step in excavation.
3. Where consistent with job safety requirements, all excavated material is to be placed on the uphill side of trenches. No material is to be placed in streambeds. Any stockpiled material which will remain in place longer than 30 days is to be seeded for temporary vegetation and mulched with straw mulch. Where spoil is placed on downhill side of trench it is to be back-sloped to drain toward trench. When necessary to dewater the trench, the pump discharge hose must outlet in a stabilized area or a sediment basin.
4. Where stream crossings are required for equipment, temporary culverts will be provided.
5. No more than 500 feet of trench are to be open at any one time.
6. All disturbed areas are to be seeded and mulched within 15 days after backfill of the applicable trench section. Speed is the essential land conservation element for linear projects.



CONSTRUCTION OF A FILTER BARRIER

Source: Installation of Straw and Fabric Filter Barriers for Sediment Control, Sherwood and Wyant Plate 1.06a



Source: Smith Cattleguard Company Plate 1.01b

LEGEND

IREDELL SOILS GROUP

The soils within this group have developed primarily from materials weathered from intrusive diabase dikes and sills. The depth of weathering over the diabase bedrock is usually 3 to 15 feet but ranges from less than 1 to over 20 feet. Joints in the bedrock are near-verticle with subhorizontal joints near the surface. The rock weathering at the deeper depth range is primarily along the near-verticle joints. Large boulders or massive bedrock will often present excavation difficulties in areas of the Iredell and other associated soils within this group. Boulders or bedrock are typically encountered at 3 to 5 feet and excavation below this depth may require blasting.

The Iredell and similar soils within this group typically have a 1 to 3 feet thick plastic clay strata underlying a 0.5 to 1.0 thick silty surface layer. Weathered rock materials lying below the plastic clay strata and above hard diabase bedrock are usually sandy clay or clayey sand. The plastic clay strata typically has plasticity indices of greater than 30 and liquid limits of 50-95. Permeability in and below the clay strata is slow to very slow.

The clay type in these soils is predominantly montmorillinite which gives the clay strata a very high shrink-swell potential during changes in soil moisture content. The clays become soft when saturated and have low bearing values. Ground water readily perches in the soil profile during wet periods of the year.

The Fairfax County Code requires that investigation, site recommendations and inspections must be undertaken by a qualified geotechnical engineer in problem areas of these soils. The Iredell soils group occupies approximately 10,400 acres in Fairfax County.

Typical recommendations for residential construction in these soils are as follows: All house foundations must extend through any expansive clay subsoils to weathered or unweathered diabase rock. Expansive clays under floor slab subgrades should be removed and replaced with select structural fill. No expansive clays are to be used as back fill behind basement or retaining walls. Exterior perimeter drains should be used to intercept and remove perched ground water. Underslab drains may be required in some areas. No expansive clay soils should be used as backfill over utility trenches or for structural fill. Rock blasting may be required for excavation of utility trenches. Soil stabilization, fills or soil removal may be required for street subgrade improvement.

STORM DRAINAGE COMPS

LINE		PAVE	TURF	PAVE	TURF		DISCHARGE		SLOPE	SIZE	V	CAP
FROM	TO	AC.	AC.	"C"	"C"	I	ΔQ	ΣQ	%	in.	fps	cfs
37A	E37	013	—	.09	—	71	08	08	3	15	78	95

STORM WATER INLET COMPUTATIONS

NO.	INLET TYPE	DRAINAGE AREA	C	I	Q	CARRY-OVER Q	GUTTER FLOW Q	STREET SLOPE %	SPREAD	Intercepted %	Intercepted Q	Carryover Q	INLET No.	REMARKS
37A	DI-3D	013	09	71	08	—	08	16	38	100	08	—	—	L=4'

THIS SHEET TO BE USED FOR DRAINAGE DIVIDES & EROSION CONTROL PURPOSE ONLY !!

I HEREBY CERTIFY THAT THIS AS-BUILT CONFORMS WITH THE APPROVED SITE PLAN EXCEPT AS SHOWN AND REPRESENTS ACTUAL FIELD CONDITIONS ON THE SITE.

3/16/84

DATE HAROLD A. LOGAN

INDICATES "AS-BUILT"

COMMONWEALTH OF VIRGINIA HAROLD A. LOGAN CERTIFICATES 1111 & 191 CERTIFIED LAND SURVEYOR

COMMONWEALTH OF VIRGINIA HAROLD A. LOGAN CERTIFICATE 1111 & 191 CERTIFIED LAND SURVEYOR

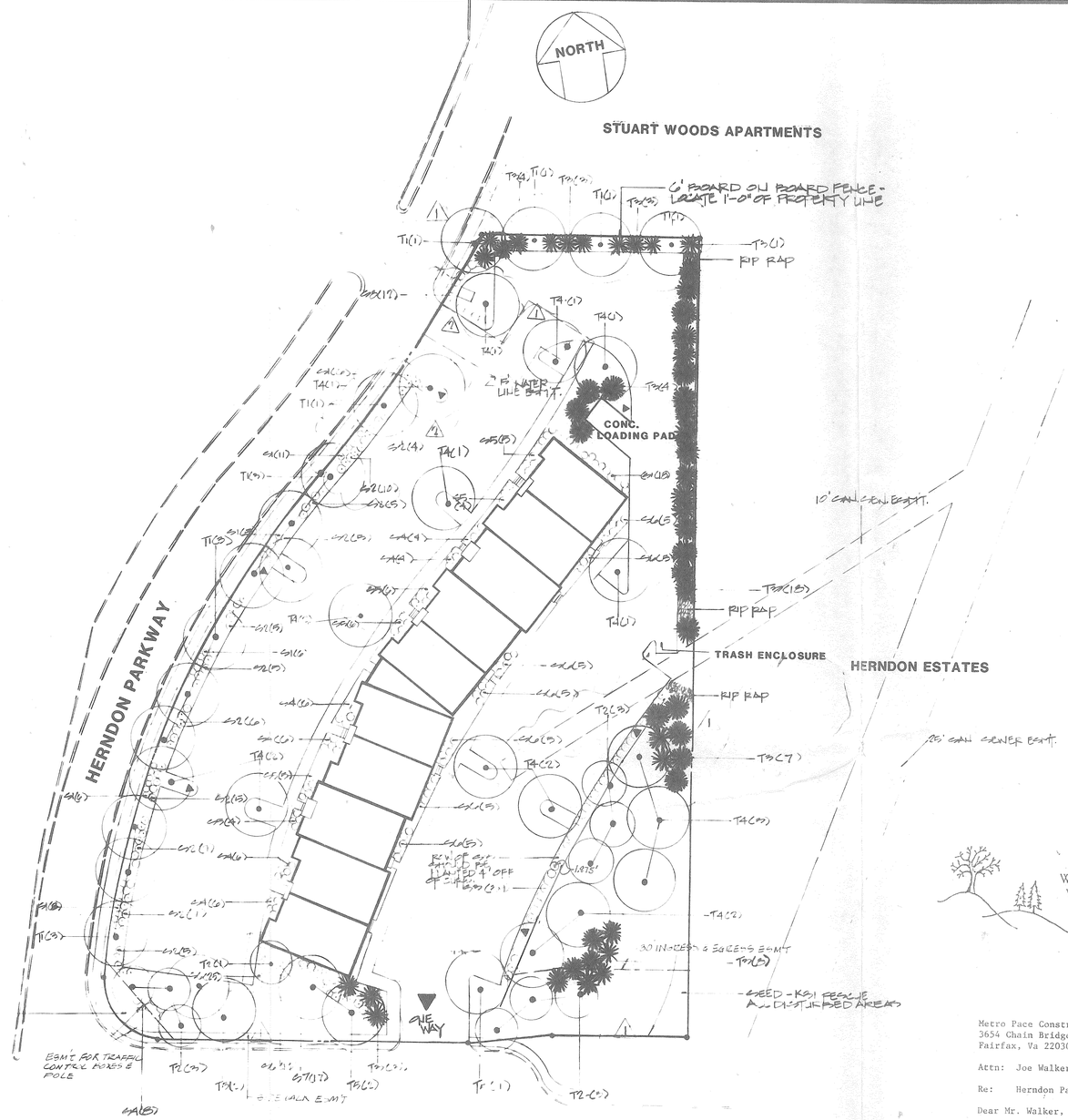
SCALE: 1"=30'
BY: VAN
DATE: 4-1-86
REVISIONS:
4-4-86
7-8-86
Add Fire Lane and Revise Fence Islands

HERNDON PARK
TOWN OF HERNDON, VIRGINIA
DRAINAGE DIVIDES & EROSION CONTROL PLAN

HAROLD A. LOGAN – ASSOCIATES P.C.
LAND SURVEYING – SITE PLANNING – SUBDIVISION DESIGN
4200 DANIELS AVENUE
ANNANDALE, VIRGINIA 22003 941-3531

SHEET 3 OF 5

AB 330



PLANTING SCHEDULE						
KEY	COMMON NAME	BOTANIC NAME	QTY.	SIZE	ROOT	COMMENTS
T1	RED MAPLE	ACER RUBRUM	15	2-2½"	B&B	'RED SUNSET'
T2	KWANZAN CHERRY	PRUNUS SERRULATA	10	2-2½"	B&B	'KWANZAN'
T3	AUSTRIAN PINE	PINUS NIGRA	51	5-8'	B&B	'NIGRA'
T4	PIN OAK	QUERCUS PALUSTRIS	17	2-2½"	B&B	
T5	WILLOW LEAF PEAR	PYRUS SALICIFOLIA	5	2-1½"	B&B	'PENDULA'
S1	SEA GREEN JUNIPER	JUNIPERUS CHINENSIS	60	18-24"	CONT.	'SEA GREEN'
S2	DOUBLEFILE VIBURNUM	VIBURNUM PLICATUM TOMENTOSUM	64	24-30"	CONT	
S3	DWARF EUONYMUS	EUONYMUS ALATUS	39	18-24"	CONT	'COMPACTA'
S4	AZALEA	AZALEA OBTUSUM	34	18-24"	CONT.	'ROSEBUD'
S5	AZALEA	AZALEA OBTUSUM	29	18-24"	CONT.	'DELAWARE VALLEY WHITE'
S6	GARGENTI JUNIPER	JUNIPERUS CHINENSIS	7½	18-24"	CONT.	'SARGENTII'
S7	ABELIA	ABELIA GRANDIFLORA	17	24-30"	CONT.	
S8	HICKS YEW	TAXUS X MEDIA	12	30-36"	CONT.	'HICKSII'

ALL TREES TO BE WELL-BRANCHED AND FULL CROWN.

▲ - POLE LIGHT - 20' HIGH POLE FERM 10, SHOE BOX ; 175 W METAL HALIDE.

NOTE:

1. NO LANDSCAPING IS TO BE PLANTED WITHIN 4' OF FIRE HYDRANT OR SIAMESE CONNECTION
2. NO SIGNIFICANT LANDSCAPING IS TO BE PLANTED IN EASEMENTS

WEST WINDS NURSERY
12105 Bennett Road
Herndon, Va. 22071
703/620-8899

RECEIVED
MAR 11 1988
METRO PACE CONSTRUCTION

March 11,1988

Metro Pace Construction, Inc.
3654 Chain Bridge Road, Suite 103
Fairfax, Va 22030

Attn: Joe Walker

Re: Herndon Park

Dear Mr. Walker,

This is to certify the trees and shrubs installed at Herndon Park; 299 Herndon Parkway; Herndon, Virginia are according to the Landscape plans prepared by Harold A. Logan Associates dated March 16,1988 and numbered SP 330-4. There were no substitutions, additions or deletions made.

If further information is needed, please let us know.

Sincerely,

Cecilia A. Welch

CAW/mag

LANDSCAPING REQUIREMENTS

Interior Requirements	Required	Provided
16 Deciduous trees per acre	27	47
10 Evergreen Trees per acre	17	51
1 Shrub at the rate of 1 for every 5 feet of building perimeter	118	150
Landscape Buffer Requirements		
1 Evergreen tree at the rate of 1 for ever, 15 feet along the entire distance of the buffer strip	74	ELDEN ST & HERNDON PKW. DECIDUOUS TREES 27 EVERGREEN TREES 3 DECIDUOUS SHRUBS 94 EVERGREEN SHRUBS 82 STUARTWOODS APTS & HERNDON ESTATES EVERGREEN TREES 44 DECIDUOUS TREES 11 DECIDUOUS SHRUBS 39
Screening Requirements		
1 Deciduous tree at the rate of 1 tree per 30 linear feet of property adjoining the residential district	3	3
1 Evergreen tree at the rate of 1 tree per 10 linear feet of property adjoining the residential district	10	11
Parking Lot Requirements		
1 Deciduous tree for every eight parking spaces	14	13

I HEREBY CERTIFY THAT THIS AS-BUILT CONFORMS WITH THE APPROVED SITE PLAN EXCEPT AS SHOWN AND REPRESENTS ACTUAL FIELD CONDITIONS ON THE SITE.

3/6/88
DATE HAROLD A. LOGAN

INDICATES "AS-BUILT"

COMMONWEALTH OF VIRGINIA
HAROLD A. LOGAN
CERTIFICATES
1111 & 191
CERTIFIED LAND SURVEYOR

THIS SHEET TO BE USED FOR LANDSCAPING PURPOSES ONLY!

HERNDON PARK
HERNDON, VIRGINIA

PACE DESIGN
6820 ELM STREET
McLEAN, VIRGINIA 22101
703/442-7373

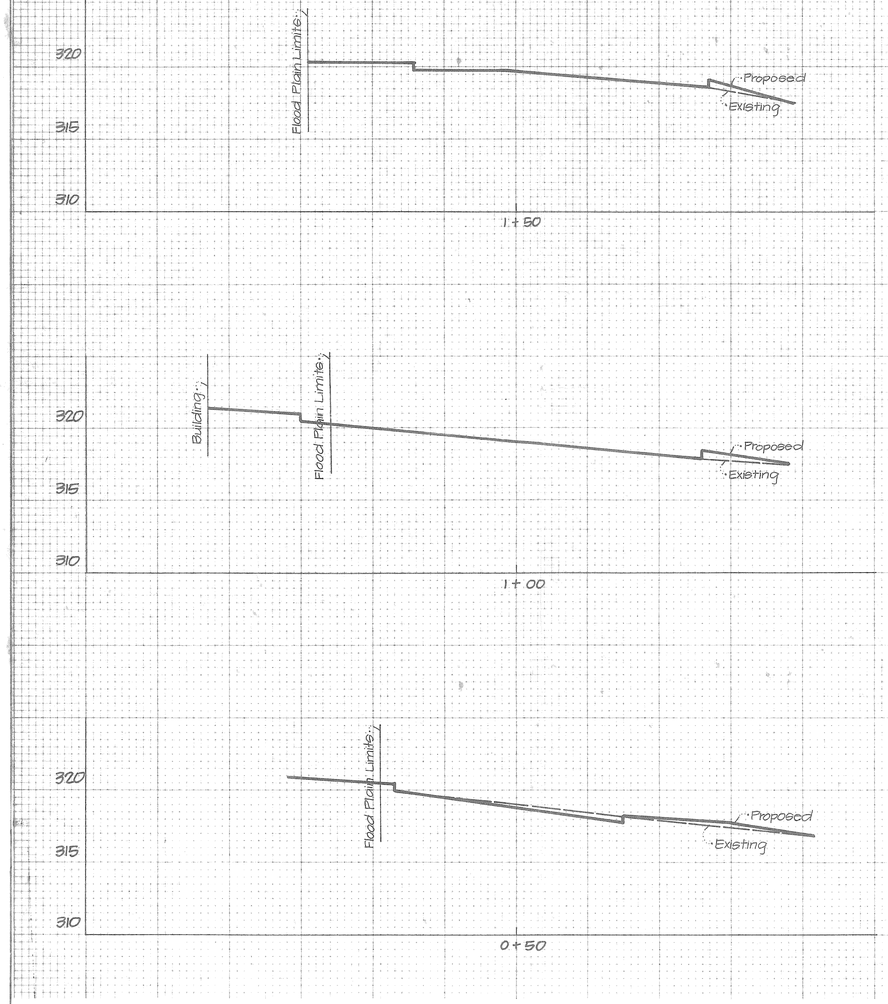
NO.	DATE	REVISIONS
	5-22-86	
	7-21-86	PERMIT SET
	8-20-86	PERMIT SET REVISION - BLANK RE-ENTERED
1	9-6-86	PER TWP. OF HERNDON REQ.
	1-15-87	REV LIGHTING PER TWP. OF HERNDON REQ.
2	1-15-88	REV TO ENTRANCE

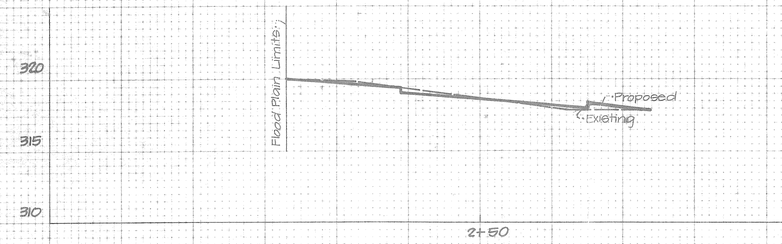
COMMONWEALTH OF VIRGINIA
HAROLD A. LOGAN
CERTIFICATES
1111 & 191
CERTIFIED LAND SURVEYOR

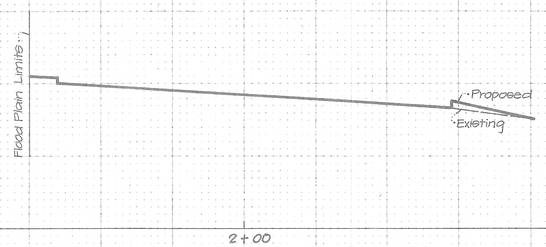
TITLE
LANDSCAPE PLAN

SCALE 1":30'-0"
APPROVED BY
DRAWN BY DED

JOB NUMBER 51410
SHEET NUMBER 4 OF 5







STATION	AREA	E AREA	LENGTH	VOL (CU. FT.)
0 + 00	0	3.5	50	175
0 + 50	7.00	6.3		318
1 + 00	5.75	5.8		290
1 + 50	6.00	5.9		295
2 + 00	5.90	4.0		200
2 + 50	2.00	1.0		50
3 + 00	0			

TOTAL = 1,328 CU. FT
= 49.18 CU YD

I HEREBY CERTIFY THAT THIS AS-BUILT CONFORMS WITH THE APPROVED SITE PLAN EXCEPT AS SHOWN AND REPRESENTS ACTUAL FIELD CONDITIONS ON THE SITE.

3/16/154
DATE

HAROLD A. LOGAN

INDICATES "AS-BUILT"

COMMONWEALTH OF VIRGINIA
HAROLD A. LOGAN
CERTIFICATE
1111 or 191
CERTIFIED LAND SURVEYOR

SCALE: 1"= 10' HOR.
1"= 5' VERT.
BY: JLW
DATE: 3-15-88
REVISIONS:

HERNDON PARK
TOWN OF HERNDON, VIRGINIA

FLOOD PLAIN CROSS SECTIONS

HAROLD A. LOGAN – ASSOCIATES P.C.
LAND SURVEYING – SITE PLANNING – SUBDIVISION DESIGN
4200 DANIELS AVENUE
ANNANDALE, VIRGINIA 22003 941-3531

SHEET 5 OF 5
AB 330

STAFF REPORT

Town Council
June 6, 2023

Title

Ordinance to amend Chapter 78 (Zoning), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances) to bring the zoning ordinance into alignment with the Code of Virginia and to consider not hearing substantially the same application for a specific period of time, not to exceed one year.

Staff Contact

David Stromberg, AICP – Zoning Administrator; david.stromberg@herndon-va.gov

Summary Information

This zoning ordinance text amendment (ZOTA) will bring applicable sections related to the Board of Zoning Appeals (BZA), into alignment with changes made to the Code of Virginia by the Virginia General Assembly. The specific sections in the Code of Virginia are Section 15.2-2309, Powers and Duties of Boards of Zoning Appeals, and Section 15.2-2310, Applications for Special Exceptions and Variances.

Staff informed the Town Council during the April 11, 2023 initiation of this item that the ZOTA would include optional language for consideration. That optional language would adopt a time limit that restricts the reapplication of a substantially the same variance after it has been denied by the BZA. Two versions of the draft language are before the Town Council tonight: one with the optional language and one without the optional language. Staff and Planning Commission recommend the version without the optional language.

Background

Zoning History

The bulk of this zoning ordinance text amendment is to bring the section of the zoning ordinance pertaining to variances into alignment with the Code of Virginia. As the General Assembly makes changes to the Code of Virginia, the Town must update its zoning ordinance to remain current with state regulations. The last time the zoning ordinance section on variances has been updated was November 2015.

This text amendment includes a version with an optional provision in the Code of Virginia that allows a locality to restrict the amount of time before substantially the same variance

will be heard again, after said variance has been denied by the BZA. The time limit allowed by the Code of Virginia is up to one year. The draft language is shown on lines 95-97 of Alternate A. This language is optional, not mandatory. Alternate B does not contain the optional language.

Recently, the BZA heard three variance applications on the same property within an approximate six-month period. The three variance requests were all denied by the BZA. If a variance is denied by the BZA, an applicant has the right to appeal the decision of the BZA to Fairfax County Circuit Court. In the recent cases, a new variance that was slightly different than the previous request was submitted to BZA rather than appealing the BZA's decision in Circuit Court. This occurred twice, for a total of three variance requests that could be considered substantially the same.

Upon request by the BZA, staff prepared a memo outlining the options available to prevent an applicant from resubmitting substantially the same application to the BZA, after the Board had already denied the initial request. The BZA met at their regular public meeting on March 23, 2023 to discuss the pros and cons of amending the zoning ordinance to prohibit rehearing substantially the same application after a denial. After discussion, the BZA was unable to come to a consensus on a recommendation for the optional language restricting reapplications.

Staff Analysis

Consistency with the Comprehensive Plan
The comprehensive plan does not specifically address variances, as the plan is general in nature.

Meets Regulations
The housekeeping amendments will bring the zoning ordinance into better alignment with the Code of Virginia. Regarding the reapplication time limit, Section 15.2-2310 of the Code of Virginia states, "Any locality may provide by ordinance that substantially the same application will of be considered by the board within a specified period, not exceeding one year."

Need for Current Amendment
Virginia is a Dillon Rule state, so the Town's zoning ordinance must be in alignment with the Code of Virginia. This text amendment will amend the following two provisions in order to achieve that goal.

1. Delete Section 78-155.4(d)(1)(f), which is one of the seven required findings for the granting of a variance, and states, *"The character of the zoning district in which the property is located will not be changed by the granting of the variance."* This criterion is no longer a required finding in deciding a variance pursuant to the Code of Virginia.
2. Add Section 78-155.4(d)(3), regarding variances granted to provide reasonable accommodation for persons with a disability, and states, *"Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. §12131 et. Seq.), as applicable."* This language is not in the zoning ordinance and must be added.

Impact if Approved
If approved, the zoning ordinance section for variances will be brought into alignment with the Code of Virginia.

Adopting the optional draft language, Section 78-155.4(k), Reapplication time limit, (lines 95-97 on Alternate A) may result in a reduction of the public frustration and fatigue from adjacent property owners who repeatedly receive notice regarding applications and wish to make the time to provide comment. Alternatively, adopting the optional language may have negative unintended consequences. The Code of Virginia uses the term, "substantially the same application." The zoning administrator is responsible for determining whether an application is "substantially the same." This determination could be appealed and would be heard by the BZA, so there would still be another meeting and it would likely be confusing to the public because the meeting would be about the determination, not the original variance request. If the BZA overturned the zoning administrator's determination that the variance application is not "substantially the same," then the variance request could be brought forward at the next available public hearing.

Town Council Alternatives

The following alternatives are available to the Town Council for its decision on Zoning Ordinance Text Amendment ZOTA #23-02:

1. Approve the draft ordinance **with** Section 78-155.4(k), reapplication time limit (**Alternate A**).

2. Approve the draft ordinance **without** Section 78-155.4(k), reapplication time limit (**Alternate B**).
3. Deny the draft ordinance.
4. Continue the public hearing on this draft ordinance to the July 18, 2023 public hearing.

Planning Commission Recommendation

At its public hearing on May 22, 2023, the Planning Commission voted 5-0 to recommend the Town Council adopt ZOTA #23-02 without the optional language regarding the reapplication time limit.

Staff Recommendation

Staff recommends the Town Council approve ZOTA #23-02, without the optional language, in accordance with **Alternate B.**

Attachments

1. Alternate A - Draft Ordinance with optional language
2. Alternate B - Draft Ordinance without optional language

David Stromberg, AICP
Zoning Administrator

TOWN OF HERNDON, VIRGINIA

ORDINANCE

JUNE 13, 2023

Ordinance – to amend Chapter 78 (Zoning), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances) to bring the zoning ordinance into alignment with the Code of Virginia and to consider not hearing substantially the same application for a specific period of time, not to exceed one year.

Section 78-150.3 – Board of Zoning Appeals

***

(b) *Membership*. The membership of the board of zoning appeals shall be as follows.

***

(5) *Training*. Newly appointed members of the board of zoning appeals shall be offered training and certification by the ~~Citizens Planning Education Association of Virginia~~ *Virginia Commonwealth University Center for Urban and Regional Analysis Land Use Education Program* or similar certification to be completed within two years of appointment.

***

Section 78-155.4 – Variances.

(a) Purpose and intent. The purpose and intent of this section is to establish procedures for the review of variances*, as authorized pursuant to the Code of Virginia.*

***

(c) *Variance procedures.*

***

(2) *Board of zoning appeals public hearing, review, and action.* After public notification and scheduling a public hearing, the zoning administrator shall transmit a copy of the application to the board of zoning appeals, which shall conduct a public hearing on the application and review the application as follows:

***

b. After the close of the public hearing, the board of zoning appeals shall approve, approve with conditions, or disapprove the application based on the standards in Section 78-155.4(d), ~~standards~~ *Variance review standards,* ~~as well as any other information deemed to be relevant.~~ *and Section 15.2-2309(2) of the Code of Virginia.*

(d) *Variance review standards.*

(1) *Variance criteria.* Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of

the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the applicable provision of this chapter, *or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability,* and all of the following:

(a) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

(b) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(c) The condition or situation of the property concerned is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the *zoning* ordinance;

(d) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;

(e) The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

~~(f) The character of the zoning district in which the property is located will not be changed by the granting of the variance.~~

(2) *Variances in the floodplain overlay district.* In the floodplain overlay district, variances shall be issued only in accord with the standards above and evaluated and processed as follows:

(a) In passing upon applications for variances related to floodplain districts, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

***

13. *Variances will not be issued for any accessory structure with the SFHA.*

14. Such other factors which are relevant to the purposes of this section.

(3) Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with disabilities Act of 1990 (42 U.S.C. § 12131 et. Seq.), as applicable.

***

(e) *Limitations on expansions once variance is granted.* Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance on or after July 1, 2006 shall be treated as conforming for all purposes under state law and town ordinance;

however, the use or the structure permitted by variance may not be expanded *unless the expansion is within an area of the site or part of the structure for which no variance is required under the zoning ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.* ~~For this subsection, "property" means only the zoning rights affected by the variance and the real estate rights directly supporting or related to these zoning rights, as determined by the zoning administrator. "Property" shall not necessarily mean the entire parcel of real estate that is the subject of a variance.~~

***

(g) *Appeal to circuit court.* Any person jointly or severally aggrieved by any decision of the board of zoning appeals, or any *aggrieved* taxpayer or any officer, department, board, or agency of Fairfax County or the town, may *file a petition* ~~appeal the decision to~~ *with the clerk of* the Circuit Court of Fairfax County *that shall be styled "In Re: date Decision of the Board of Zoning Appeals of Town of Herndon"* pursuant to, and within the time limits specified in, Code of Virginia §15.2-2314.

(1) If appealed, the petition shall specify the grounds on which the petitioner is aggrieved and be received by the clerk of the Circuit Court of Fairfax County within 30 days after the final decision of the board.

***

(k) Reapplication time limit. A variance application that is substantially the same as a denied application will not be considered by the board within a 12-month period from the date of denial.

TOWN OF HERNDON, VIRGINIA

ORDINANCE

JUNE 13, 2023

Ordinance – to amend Chapter 78 (Zoning), Article XV (Decision-Making Authorities, Application Review, and Permitting), Section 78-150.3 (Board of Zoning Appeals), and Section 78-155.4 (Variances) to bring the zoning ordinance into alignment with the Code of Virginia. ~~and to consider not hearing substantially the same application for a specific period of time, not to exceed one year.~~

Section 78-150.3 – Board of Zoning Appeals

***

(b) *Membership*. The membership of the board of zoning appeals shall be as follows.

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(5) *Training*. Newly appointed members of the board of zoning appeals shall be offered training and certification by the ~~Citizens Planning Education Association of Virginia~~ *Virginia Commonwealth University Center for Urban and Regional Analysis Land Use Education Program* or similar certification to be completed within two years of appointment.

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Section 78-155.4 – Variances.

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(c) *Variance procedures.*

***

(2) *Board of zoning appeals public hearing, review, and action.* After public notification and scheduling a public hearing, the zoning administrator shall transmit a copy of the application to the board of zoning appeals, which shall conduct a public hearing on the application and review the application as follows:

***

b. After the close of the public hearing, the board of zoning appeals shall approve, approve with conditions, or disapprove the application based on the standards in Section 78-155.4(d), ~~standards~~ *Variance review standards,* ~~as well as any other information deemed to be relevant.~~ *and Section 15.2-2309(2) of the Code of Virginia.*

(d) *Variance review standards.*

(1) *Variance criteria.* Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of

the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the applicable provision of this chapter, *or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability,* and all of the following:

(a) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

(b) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(c) The condition or situation of the property concerned is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the *zoning* ordinance;

(d) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property;

(e) The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

~~(f) The character of the zoning district in which the property is located will not be changed by the granting of the variance.~~

(2) *Variances in the floodplain overlay district.* In the floodplain overlay district, variances shall be issued only in accord with the standards above and evaluated and processed as follows:

(a) In passing upon applications for variances related to floodplain districts, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

***

13. *Variances will not be issued for any accessory structure with the SFHA.*

14. Such other factors which are relevant to the purposes of this section.

(3) Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with disabilities Act of 1990 (42 U.S.C. § 12131 et. Seq.), as applicable.

***

(e) *Limitations on expansions once variance is granted.* Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance on or after July 1, 2006 shall be treated as conforming for all purposes under state law and town ordinance;

however, the use or the structure permitted by variance may not be expanded *unless the expansion is within an area of the site or part of the structure for which no variance is required under the zoning ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.* ~~For this subsection, "property" means only the zoning rights affected by the variance and the real estate rights directly supporting or related to these zoning rights, as determined by the zoning administrator. "Property" shall not necessarily mean the entire parcel of real estate that is the subject of a variance.~~

***

(g) *Appeal to circuit court.* Any person jointly or severally aggrieved by any decision of the board of zoning appeals, or any *aggrieved* taxpayer or any officer, department, board, or agency of Fairfax County or the town, may *file a petition* ~~appeal the decision to~~ *with the clerk of* the Circuit Court of Fairfax County *that shall be styled "In Re: date Decision of the Board of Zoning Appeals of Town of Herndon"* pursuant to, and within the time limits specified in, Code of Virginia §15.2-2314.

(1) If appealed, the petition shall specify the grounds on which the petitioner is aggrieved and be received by the clerk of the Circuit Court of Fairfax County within 30 days after the final decision of the board.

TOWN OF Herndon VIRGINIA

STAFF REPORT

Town Council
June 6, 2023

Title:

The following items will be presented concurrently:

Resolution to repeal Resolution 20-G-09 and preceding resolutions, regarding eligibility guidelines for disbursement of town funds to charitable or non-profit organizations.

Resolution to award and disburse funds to charitable or non-profit organizations for Fiscal Year 2024 for the Town of Herndon.

Staff Contact:

Marjorie Sloan, Director of Finance
Telephone: (703) 435-6898
E-mail: Marjorie.Sloan@herndon-va.gov

Description:

Town Council adopted Resolution 20-G-09 on February 11, 2020, amending the established eligibility guidelines for disbursement of Town funds to non-profit and charitable organizations. This resolution effectively outlines the application process and eligibility guidelines that community organizations follow to be considered for donations from the Town of Herndon.

On April 25, 2023, Town Council adopted Resolution 23-G-32, awarding and disbursing funds to charitable or non-profit organizations for Fiscal Year (FY) 2023 utilizing the established donation program process. Under the current donation process, Town Council must adopt by resolution the disbursement allocations, specifying award recipients and amounts, each fiscal year.

After the completion of the FY 2023 donation disbursement process in April, during the Town Council Work Session on May 2, 2023, the Town Council discussed reframing the community donations line item in future fiscal years into an annual equal donation to Arts Herndon and NextStop Theatre. As part of the FY 2024 Fiscal Planning Resolution expenditure reduction discussion, staff was directed to establish an Arts Donation category in FY 2024, utilizing the approved community donations funding to be disbursed equally between Arts Herndon and NextStop Theatre.

As a result of this direction, the existing donation policy outlining the eligibility guidelines under Resolution 20-G-09 is no longer applicable and staff is recommending the repeal of

Resolution 20-G-09 and all preceding resolutions applicable to the community donation process.

In addition, as the FY 2024 budget has been adopted to include $80,000 in funding for community donations, staff is recommending approval of a Resolution to award and disburse funds in equal amounts to Arts Herndon and NextStop Theatre for FY 2024.

In FY 2025, an "Arts Donation" line item will be included in the proposed budget for equal disbursement to Arts Herndon and NextStop Theatre, reallocating the community donation funding to the Arts Donation line item. Once included in the budget, separate annual resolutions will no longer be needed, as it will be included within the annual Budget process.

Fiscal Impact:

Not applicable.

Staff Recommendation:

Staff recommends the Mayor and Town Council approve the resolution to repeal the existing donations program eligibility guidelines and the resolution to finalize the planned FY 2024 disbursement.

Staff:

Marjorie Sloan
Marjorie Sloan
Director of Finance

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JUNE 13, 2023

Resolution- to repeal Resolution 20-G-09 and preceding resolutions, regarding eligibility guidelines for disbursement of town funds to charitable or non-profit organizations.

Under the Code of Virginia, localities may appropriate public funds to any charitable or non-profit organization if the organization provides services to residents of the locality and if such organizations are not controlled in whole or in part by any church or sectarian society. The current program eligibility guidelines, as amended, were approved by Town Council in Resolution 20-G-09.

THEREFORE, BE IT RESOLVED, by the Town Council for the Town of Herndon, Virginia that:

1. Resolution 20-G-09 and preceding resolutions regarding adopted eligibility guidelines for disbursement of town funds to charitable or non-profit organizations, are repealed.

2. This Resolution shall be in effect from the date of its adoption.

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JUNE 13, 2023

Resolution- to award and disburse funds to charitable or non-profit organizations for Fiscal Year 2024 for the Town of Herndon.

Under the Code of Virginia, localities may appropriate public funds to any charitable or non-profit organization if the organization provides services to residents of the locality and if such organizations are not controlled in whole or in part by any church or sectarian society.

As stewards for the arts, the Town Council disbursed equal donation amounts to Arts Herndon and Next Stop Theater through the Fiscal Year (FY) 2023 donation program. During its May 2, 2023 Work Session, Town Council indicated its intention to equally fund these non-profit arts organizations within the Herndon community through the Town's FY 2024 donation program. The FY 2024 Adopted Budget includes $80,000 in available donations funding.

THEREFORE, BE IT RESOLVED, by the Town Council for the Town of Herndon, Virginia that:

1. The FY 2024 donation program funding will be disbursed after July 1, 2023 per the table below:

GL Account	Organization	Amount
420571	Arts Herndon	$40,000
420571	Next Stop Theatre	$40,000
	Total	**$80,000**

2. This Resolution shall be in effect from the date of its adoption.

TOWN OF Herndon VIRGINIA

STAFF REPORT

Town Council
June 6, 2023

Title:

Resolution to award and disburse funds to Arts Herndon in support of a Juneteenth event.

Staff Contact:

Kirstyn Barr Jovanovich, Town Clerk
Telephone: (703) 435-6804
E-mail: Kirstyn.Jovanovich@herndon-va.gov

Description:

A Juneteenth event is being held at ArtSpace, 750 Center Street, on June 17, 2023. Arts Herndon has requested a donation in the amount of $3,300 from the Town of Herndon to support Juneteenth event logistics.

Fiscal Impact:

Total donation requested: $3,300.

Staff Recommendation:

Donation disbursements are at the discretion of Town Council.

Attachments:

1. Draft Resolution
2. Invoice, funding request

Staff:

Kirstyn Barr Jovanovich
Town Clerk

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JUNE 13, 2023

Resolution- to award and disburse funds to Arts Herndon in support of a Juneteenth event.

A Juneteenth event is being held at ArtSpace on June 17, 2023. Arts Herndon has requested a donation from the Town in support of event logistics.

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

1. The Town Council approves a donation total of $3,300 to Arts Herndon in support of the Juneteenth event on June 17, 2023.

TOWN OF Herndon
OFFICE OF THE TOWN ATTORNEY

STAFF REPORT

Town Council
June 6, 2023

Title:

Ordinance to approve and authorize the Mayor to sign a Second Lease Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2024, for space at 397 Herndon Parkway for storage.

Staff Contact:

Lesa J. Yeatts, Town Attorney
(703) 787-7370
lesa.yeatts@herndon-va.gov

Scott Robinson, Director of Public Works
(703) 787-7388
scott.robinson@herndon-va.gov

Description:

Provided to you is a proposed Second Lease Extension between the Town and NextStop and a draft approving ordinance for consideration.

NextStop currently leases approximately 250 sq. ft. of space at the Town's building at 397 Herndon Parkway that is solely used for storage. They also have an additional lease for space that is used for rehearsal in the same building that is up for consideration tonight as well.

The current lease for storage space will expire on June 30, 2023. As there were no other changes requested for the current lease, it was determined that an extension was desired and agreeable to all parties. This lease extension extends the current lease term so that it will expire on June 30, 2024. The rent for this space is currently $1.00 per lease term, consistent with similar leases on Town property and is proposed to remain the same.

Fiscal Impact:

Economic Development staff estimates market rent for this space to currently be valued at $22.21 per square foot based on recent comparable rental spaces in the area.

Staff Recommendation:

The Mayor and Town Council adopt the attached ordinance as proposed.

Attachments:

1. Draft Ordinance
2. Second Lease Extension

Prepared and Approved by:

Lesa J. Yeatts, Town Attorney

Scott Robinson, Director of Public Works

TOWN OF HERNDON, VIRGINIA

ORDINANCE

JUNE 13, 2023

Ordinance – to approve and authorize the Mayor to sign a Second Lease Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2024, for space at 397 Herndon Parkway for storage.

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

1. The Town Council approves this Second Extension of Lease dated June 13, 2023. This instrument extends the expiration date of the original Lease Agreement dated June 8, 2021, as extended by the Extension of Lease dated June 14, 2022, for a period of 1 year, to June 30, 2024.

2. In all other respects the original lease remains in effect.

3. The Mayor is authorized to sign and deliver the Second Extension of Lease as described in paragraph 1 above and any related document necessary to evidence or effect the lease extension.

4. This ordinance shall be effective on and after the date of its adoption.

Second Extension of Lease

This Second Extension of Lease dated June 13, 2023, hereby extends the June 30, 2023 termination date of the existing Lease between the Town of Herndon, a Virginia municipal corporation (Town) and The Elden Street Players d/b/a NextStop Theatre Company (Tenant), dated June 8, 2021, and as extended by the Extension of Lease dated June 14, 2022, for space in a portion of the Town's building located at 397 Herndon Parkway for storage (Lease) for a period of 1 year (Extension).

THEREFORE, for the consideration stated in the Lease and herein, the parties agree as follows:

1. The Lease is incorporated by reference.
2. The Lease shall terminate on **June 30, 2024**.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA _____ Sheila A. Olem, Mayor	**THE ELDEN STREET PLAYERS D/B/A NEXTSTOP THEATRE COMPANY** _____ Melody Fetske, President
	APPROVED AS TO FORM _____ Lesa J. Yeatts, Town Attorney

TOWN OF Herndon
OFFICE OF THE TOWN ATTORNEY

STAFF REPORT

Town Council
June 6, 2023

Title:

Ordinance to approve and authorize the Mayor to sign a Fourth Lease Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2024, for space at 397 Herndon Parkway for rehearsal.

Staff Contact:

Lesa J. Yeatts, Town Attorney
(703) 787-7370
lesa.yeatts@herndon-va.gov

Scott Robinson, Director of Public Works
(703) 787-7388
scott.robinson@herndon-va.gov

Description:

Provided to you is a proposed Fourth Lease Extension between the Town and NextStop and a draft approving ordinance for consideration.

NextStop currently leases 1,275 sq. ft of space that is used for rehearsal in the Town's building at 397 Herndon Parkway. They also have an additional lease for space that is used for storage in the same building that is up for consideration tonight as well.

The current lease for rehearsal space will expire on June 30, 2023. As there were no other changes requested for the current lease, it was determined that another extension was desired and agreeable to all parties. This fourth lease extension extends the current lease term so that it will expire on June 30, 2024. The rent for this space is currently $1.00 per lease term, consistent with similar leases on Town property and is proposed to remain the same.

Fiscal Impact:

Economic Development staff estimates market rent for this space to currently be valued at $22.21 per square foot based on recent comparable rental spaces in the area.

Staff Recommendation:

The Mayor and Town Council adopt the attached ordinance as proposed.

Attachments:

1. Ordinance
2. Fourth Extension of Lease

Prepared and Approved by:

Lesa J. Yeatts, Town Attorney

Scott Robinson, Director of Public Works

TOWN OF HERNDON, VIRGINIA

ORDINANCE

JUNE 13, 2023

Ordinance – to approve and authorize the Mayor to sign a Fourth Lease Extension between Town of Herndon and The Elden Street Players d/b/a NextStop Theatre Company, to extend the expiration date to June 30, 2024, for space at 397 Herndon Parkway for rehearsal.

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

1. The Town Council approves this Fourth Extension of Lease dated June 13, 2023. This instrument extends the expiration date of the original Lease Agreement dated October 15, 2019, as amended by the Emergency Extension dated September 18, 2020, as amended by the Second Extension dated October 8, 2021, and as extended by the Third Extension dated June 14, 2022, for a period of 1 year, to June 30, 2024.

2. In all other respects the original lease remains in effect.

3. The Mayor is authorized to sign and deliver the Fourth Extension of Lease as described in paragraph 1 above and any related document necessary to evidence or effect the lease extension.

4. This ordinance shall be effective on and after the date of its adoption.

Fourth Extension of Lease

This Fourth Extension of Lease dated June 13, 2023, hereby extends the June 30, 2023 termination date of the existing Lease between the Town of Herndon, a Virginia municipal corporation (Town) and The Elden Street Players d/b/a NextStop Theatre Company (Tenant), dated October 15, 2019, as extended by the Emergency Extension dated September 18, 2020, as extended by the Second Extension dated October 8, 2021, and as extended by the Third Extension dated June 14, 2022, space in a portion of the Town's building located at 397 Herndon Parkway for rehearsal (Lease) for a period of 1 year (Extension).

THEREFORE, for the consideration stated in the Lease and herein, the parties agree as follows:

1. The Lease is incorporated by reference.
2. The Lease shall terminate on **June 30, 2024**.
3. In all other respects, the Lease is confirmed.

TOWN OF HERNDON, VIRGINIA _____ Sheila A. Olem, Mayor	**THE ELDEN STREET PLAYERS D/B/A NEXTSTOP THEATRE COMPANY** Melody Fetske Melody Fetske, President
	APPROVED AS TO FORM Lesa J. Yeatts Lesa J. Yeatts, Town Attorney

Discussion Item: 6c

Title: Green Spaces

Greens are an important aspect for a healthy lifestyle in a town setting due to their benefits such as:

1. It eliminates pollution
2. It gives benefits to the humankind
3. It gives positive energy to mind and body
4. I am a frequent visitor of the Loudoun County as my sister resides there and it is always pleasant passing by and enjoying greens and the flower beds, that gives me positive energy.
5. The residents living in the heart of the town, that is close to the restaurants, grocery stores and shops, suffer more air pollution which is caused by the waste management and cleaning trucks leading to lots of health concerns.

ADVANTAGES

A town surrounded by greens have many advantages such as:

1. Alzheimer's is a common disease and one of the factors that can decrease its risk is the green
2. Brings joys and happiness by releasing stress and its feast for the eyes and soul
3. Overcomes loneliness and isolation
4. Brings closer to the Nature and the Creator
5. Brings more birds and create eco systems
6. Fragrance and clean oxygen and are highly effective in the absorption of carbon dioxide and other air pollutants.

Therefore, I request the council to approve planting more greens in the town.

Thank you

Discussion Item: 6d

Title: Scams

What is the problem? Despite the fact that town residents may have received flyers to alert them about scams, they are still targeted based on their lack of awareness. Many people have contacted me, and I want to make sure that each and every one, are made aware of these scams which are mostly elderly, and those with language barriers. Sadly, they will remain the main targets of these scammers.

Why we need? So that they do not become victims, listen to them and are depleted of their savings. These are the ones who are hardworking people and we don't want them to become prey to these scammers.

Why to fix? Scams will be with us forever, what we need to do is to educate our residents to prepare them to differentiate between genuine communications versus scam messages. People are overburdened with mortgage and other liabilities, and they may get frightened if they don't respond in a timely manner. They think they may end up in more trouble like: being arrested, deportation, cancellation of work permit, or revoking of their green card. By using these tactics, scammers try to trap our residents, and they have done this successfully

Discussion Item: 6e

Title: Sidewalk Maintenance

Why is it important? In the USA everyone has equal rights, then why do we ignore and deprive people who use wheelchairs and cannot walk on the ground. There are some sidewalks which are very crooked and uneven and it becomes difficult to push the wheelchair, Therefore, I want to bring to your kind notice.

People want to live normal life such as voting, shopping, going to festivals, dining at their favorite restaurants with their loved ones and watching movies.

Why to fix? The town should take care of all the sidewalks, to make them nice and smooth. The uneven sidewalks cause a lot of discomfort such as head and body pain.