

Herndon's Unfinished Fight For A Small-Town Feel – Part 1

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by

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PART 1 OF THE 4-PART SERIES:

THE DIAMOND HOTEL vs. FORTHCOMING DOWNTOWN DEVELOPMENT

The 2008 rejection of the [Diamond Hotel](#) helps us understand Herndon's long and protracted fight over a small-town feel. The hotel's 49' **height and bulk** had created such great anguish for some citizens that it received its initial rejection by the then-Town Council. The developer had tested the community's resolve and failed. Shortly after the initial rejection, he reduced the height by only 5' and received approval from the weary council.

The 2008 fight should be a cautionary tale for the forthcoming development proposals that are likely to contain structures with higher heights and greater bulk than those of the Diamond Hotel.

SOMEHOW, WE SEEM TO HAVE ENDED UP IN A WORSE SITUATION THAN IN 2008.

This Part 1 of the 4-Part Series discusses the 2008 struggle that led to the development of a community's shared vision of the downtown in 2011

1. APPLICABLE 2008 ZONING REGULATIONS

The following applicable zoning regulations have been a matter of controversy ever since the Hotel was proposed in 2007 and disapproved on September 23, 2008.

a. Increase in Intensity: "The Town Council **may** ... increase the floor area ratio (FAR) up to 2.50 (from 2.0) ..." if the development meets a specified criteria. **(Emphasis added)**

The language of the regulation did not bind the Town Council to approve the hotel even if it had met the prescribed criteria. The regulation did not say the TC **shall** approve the higher FAR. The Council had a duty to make sure that the application of the criteria would overcome the effects of other deficiencies. The height of 49' created a more massive structure than a sizable population of the town was willing to accept. A FAR of less than 2.23 and greater than the by-right FAR of 2.0 could have been met only with a lower height. Therefore, the town council had the legal right to ask the developer to lower the hotel's height or take other actions to reduce its mass and bulk.

b. Set Back at 30’: The then-regulation stated, “At the right of way (ROW) line, no structure shall exceed 30’ in height and the height of the structure shall increase no more than one foot of additional height for each foot of horizontal distance from the ROW line.”

This part of the regulation was designed to ensure that the face of any structure would not be “flat”; however, the proposed hotel’s front elevation was “straight up”, up to the proposed height of 49’. There was no set back at the 30’ level. Even though the hotel may have met the technical requirements, it violated the spirit of the regulation. It presented a 50 ft high and 230 ft wide “flat” elevation to people standing on Monroe Street.

The back and side elevations were even worse. On the Pine Street side, the hotel overwhelmed the existing one or two story structures. In the back, the 65’x250’ façade was particularly noticeable. In a scale model of the building, the hotel appeared to overwhelm the downtown.

Supporters of the hotel still do not acknowledge these concerns, even after all these years.
The HPRB did.

2. THE HERITAGE PRESERVATION REVIEW BOARD (HPRB) REVIEW

In its limited assessment covering the Elden, Monroe and Pine street elevations, the HPRB expressed the following concerns in April 2008:

- **Height:** “The height of the facades should be reduced...” “...The height concerns are most prevalent along Monroe Street and the north elevations facing Pine Street...”
- **Mass & Scale:** “A potentially **overwhelming** mass and scale are the general design concepts that are the areas of greatest concerns.” Its “...**contextual compatibility with the existing built environment** and neighboring historic resources have not yet been achieved ...” (Emphasis added)

The town council did not want to approve the project without a positive vote from the HPRB. Consequently the Board came under considerable pressure to change its recommendations. It provided another review in July even though there was limited agreement among its members. The majority agreed to move forward as long as the proffers do not prohibit the HPRB from achieving adjustments to building design if and when a future application for a Certificate of Appropriateness is presented. Their objections had not changed substantively. [1]

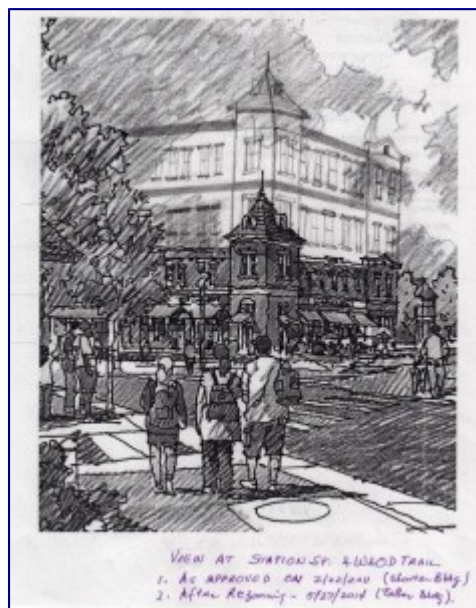
The Council rejected the 49’ high hotel by a vote of 4-3 on September 23rd, 2008. The applicant had tested the community’s resolve and failed. Shortly thereafter, he submitted another application after reducing the height by 5 feet. On November 11th the weary Town Council approved the revised proposal.

**AFTER A LONG AND BITTER FIGHT THAT HAD DIVIDED THE TOWN,
THE TOWN HAD ACHIEVED A REDUCTION IN HEIGHT OF JUST 5 ft.**

3. CALLS FOR DEVELOPING A DOWNTOWN MASTER PLAN

The intense “struggle” over the height and mass of structures generated calls for creating a Downtown Master Plan that would represent the community’s shared vision. During the August 12th, 2008 public hearing, Councilmember Tirrell renewed his call for a master plan for the downtown in order to “...overcome some of the issues that have developed which could be avoided in the future.” Councilmembers Waddell and Downer echoed Mr. Tirrell’s call.

By the end of 2009, the community had articulated its vision for the future of the downtown. In February 2011, the Town Council approved The Downtown Master Plan (DMP). The fight over height and mass of future downtown buildings had come to an end, or, so it appeared. A new town council took office on July 1, 2012. Slowly but surely, it began to make changes to the DMP. The following figure shows how the perspective of a 2-story retail structure, illustrated in the DMP and accepted by the public, is likely to change to a 4-story, up to 64’ high structure under the regulations enacted by the 2012-2014 town council.



Schematic diagram

(visit <https://jpalaha.files.wordpress.com/2016/01/exhibit-station-and-wod-trail-view.jpg> for zoom view)

In the light of the experience with the Diamond hotel, the changes made to the Downtown Master Plan by the 2012-2014 Town Council foretell future public fights over the height and mass of downtown buildings.

[1] The HPRB never had another opportunity to take a look at changing the design, because the Hotel was never built. By the time the Town Council approved the hotel, the national financial markets had collapsed and the great recession had already begun. It wouldn't have been built even if the application had been approved 6-8 months earlier. *Regardless, the supporters of the hotel still blame the then-councilmembers for their apparent failure to bring new development to the town.*