

Herndon's Unfinished Fight For A Small-Town Feel – Part 2

January 11, 2016

by

Jasbinder Singh

PART 2 OF THE 4-PART SERIES:

COMMUNITY'S SHARED VISION OF THE FUTURE DOWNTOWN

With the Diamond Hotel problems behind it, the 2008-2010 Town Council set out to develop a downtown master plan. The objective was to develop a shared vision of the future downtown and avoid the height and mass issues that had beset the Hotel.

The downtown planning process was expected to be difficult, because the resolution of decades-old conflict, between those who wanted to maintain a small-town feel and those who wanted high densities, wasn't going to be easy. Consider the comments made by a member of the town staff before selecting the members of the Downtown Master Plan (DMP) Steering Committee:

"We are setting up a situation where opposing forces have to duke it out right on the committee. That is a head-on approach and not easy or comfortable, but probably better than setting up a situation where months and months of work proceeds under a majority that wants significant redevelopment as per past plans, only to have the process then run head on into major opposition when the whole thing gets to the PC and/or the TC level for a decision...I suppose that Downer and others ... may end up being the ones who come out and oppose the final plan."

This Series shows that the conflict remained potent at each step of the development and implementation of the master plan.

1. DEVELOPMENT OF THE RFP

In November 2008, the town staff had expected that the **high** density scenario "... would drop the downtown density a bit...", but the final version of the Request for Proposal contained the following two scenarios¹:

- **Create Master Plan A:** "... Create Master Plan A with a density based on a maximum floor area ratio (FAR) of 2.5. Retain the current height limit of 50' **as a general rule**, but reduce the height for all areas that are adjacent to residential uses..." (**Emphasis added**)
- **Create Master Plan B:** "This plan would reduce the height and density as compared to the density under existing zoning and compared to Master Plan A. For example, the configuration might be limited to a 3-story maximum for all structures. **Height may be**

limited to 40 feet throughout the downtown...FAR for development may be in the range of 1.0-1.5”ⁱⁱ

The staff had also asked the council to provide some guidance on defining the phrase “as a general rule” in the paragraph above. The council did not do so. Perhaps, it just wanted the public and/or the steering committee to establish the criteria.

The Town sent the RFP to firms specializing in “town-scale downtown development” and selected Urban Design Associates of Pittsburgh, PA to develop the Master Plan. One its first task was to work with the town staff, the community at large, and the stakeholders to help develop a consensus vision of the future of the downtown.

2. THE COMMUNITY ARTICULATES ITS VISION

Vision means a sort of “what I want to be when I grow up” unique outcome. *Great visions almost always center on what is special about a place.* Small towns and cities often focus on natural features or extraordinary social amenities, like strong arts and cultural communities, or foodie havens, or quaint main streets built for antiquing and local music. On October 7, 2009, the consultant, after meeting with town officials and several focus groups:

- held a “brain-storming and information-gathering” session with the community to understand its “**vision for the downtown**” and
- allowed the community “...to look over the shoulders of UDA designers and architects at work as they took what they had learned and brought it to life in a 3- dimensional representation of Herndon’s new and vibrant downtown.”

The Town’s promotional literature stated that the “**consultant’s final report would include drawings** ... that would allow a developer ... to know how the town envisions its future downtown development.” (**Emphasis Added**)

Through this public process, the Town created images of the future downtown. These images represented the community’s vision of the downtown.



Sample Perspectives DMP

(visit <https://jspalaha.files.wordpress.com/2016/01/sample-perspectives-dmp1.jpg> for zoom view)

The illustrations had lent a sense of vibrancy to the citizen's expectations of the future downtown. The staff, in one of the emails to the consultants, summarized this feeling by stating, "*...As the (newspaper) articles portray it, a couple of residents were "blown away" by the work. One of them has been active for a number of years and I've never known him to like anything, let alone be blown away. So there you have it...*"

The illustrations were made a part of the draft Downtown Herndon Master Plan dated Dec. 10, 2009. For Herndon citizens, the DMP with the following "small town" characteristics was its vision:

- **"Just 3 stories max for commercial and mixed use, and 4 stories max for residential".**
In an Oct. 3, 2011 email (that is, 8 months after the approval of the DMP), the staff verified this concept by asking the consultants to "drop the "6 stories max" category in favor of just 3 stories max for commercial and mixed use, and 4 stories max for residential..."ⁱⁱⁱ
- **A 2-story commercial and mixed-use building** along Station Street and W&OD trail, representing the view of a person standing near the Depot and looking at the back of the Subaru dealership. This building was supposed to become a significant part of a continuous commercial hub.^{iv}

NONE OF THE ILLUSTRATIONS HAD SHOWN ANYWHERE CLOSE TO 50 FT TALL BUILDINGS, OR, GIVEN THE IMPRESSION THAT THE FUTURE DOWNTOWN BLOCKS WOULD BE AS MASSIVE AS THE DIAMOND HOTEL.

If anything, future buildings were expected to be only slightly taller than the tallest existing buildings in the downtown. The illustrations had two additional characteristics. They were:

- (1) classified into two Options, A and B, with B representing the lower density scenario, and
- (2) drawn to show how the open space would look and feel on different building blocks

The concept of using Floor Area Ratios (FARs) to define what could be built on a property sort of disappeared by using this approach. The requirement of the RFP to develop two options based on FAR was no longer valid or applicable. This meant the Town would use a relatively new concept in zoning – Form Based Code (see Part 4).

3. APPROVAL OF THE COMMUNITY'S VISION

On February 22, 2011, the Town Council approved the high-density scenario (Illustrative Plan: Option A) of Downtown Master Plan. The preamble of the accompanying Resolution verified that the plan:

- "Was **the community vision** for future of downtown developed through a community based planning process",
- "Reflected **the community's preferred vision** for the future downtown..."

The resolution also articulated how the vision was to be implemented. It stated that the DMP "...

should be interpreted as a vision with flexibility where various land uses may be substituted at specific sites while retaining:

- **consistency as to the placement of buildings**, parking, public streets and spaces, and
- **particularly stringent consistency as to the façade massing and height of structures** and the architectural character and quality of development..." (Emphasis added)

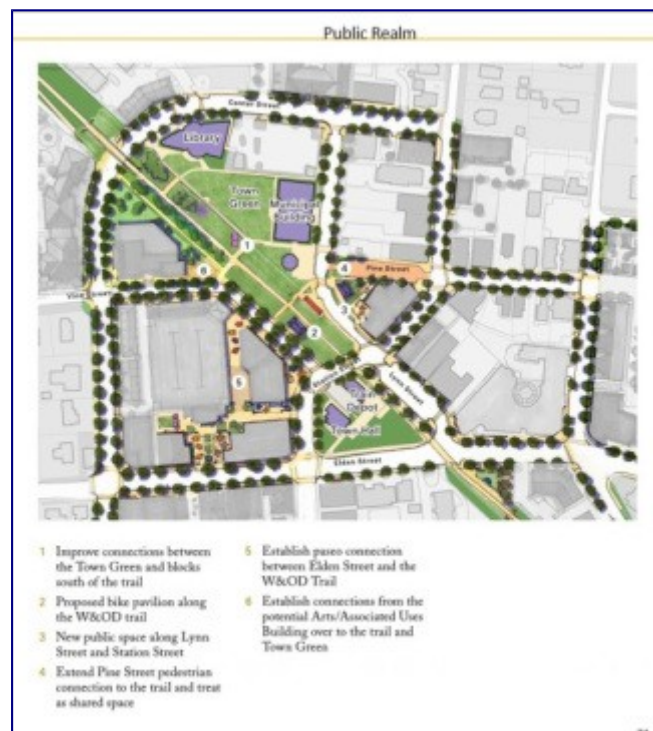
The Resolution also stated that, "...the DMP adopted February 22, 2011 shall govern with regard to **density and other features**..." (Emphasis added)

4. CONVERSION OF COMMUNITY'S VISION TO FORM-BASED CODE

Form-Based Code was not even mentioned before the DMP was approved in February 2011. In fact, the staff did not say a word about it until June 2011, when it made a Power Point presentation to the TC. Even then, the staff did not articulate the basic concepts, and did not show how the concepts were related to the DMP.

Form means the quality of a neighborhood. It either provides for gathering places that **build social capital and local resilience**, or makes for a lonely, disconnected, nowhere. **Form-based codes** have been used to define the public realm, to create gathering places and to help reconnect people with each other. They define what might be considered a "home" ^v. DMP-defined new public places included:

- Walkable downtown with streetscapes
- Plaza like areas such as open spaces (1) within the former Ashwell property and (2) between the Depot and 2-story building described above (see the image below)



Public Realm

(visit <https://jspalaha.files.wordpress.com/2016/01/public-realm.jpg> for zoom view)

- Green space along the W&OD Trail, and
- Commercial spaces along Elden, Station, Monroe and other downtown streets.

In accordance with the principles of Form Based Coding, these public spaces were supposed to be codified in the regulatory schemes.

THIS MEANS BUILDINGS ON DIFFERENT DOWNTOWN BLOCKS HAD TO CONFORM TO THE SPECIFIED PUBLIC SPACES AND NOT THE OTHER WAY AROUND.

“Maximum Heights” of buildings also define public spaces and give them unique character. A downtown with 100’ tall buildings, for example, would have a very different feel than a downtown with 40’ tall buildings. A difference of 10’ or 15’ in height can have an enormous difference in the feel of the space. It is worth noting that the City of New York, during 1970s and 1980s, had successfully created public plazas in all parts of its downtown and midtown by locating new buildings farther away from the streets.

During the creation of the Vision, the community had seen the illustration of 2, 3 and 4-story perspectives. Most citizens had liked what they had seen and were excited about them. Without saying so explicitly, they had defined the “maximum heights” – one of the key precepts of Form-Based Codes. The illustrations of the future downtown had the look and feel of a small town:

- 3-story, 35’ (or so) tall structures would grace the downtown landscape.
- A 2-story, about 25’ tall structure would define the central retail center, and
- A couple of 4-story, 40-45 ft tall multi-family buildings might dot the center of the downtown

The concept of a maximum height of 50’ was never mentioned during the DMP approval process. The Vision and Form were supposed to be codified in a regulatory plan called the Pattern Book and the PD-TD district.

THE TC HAD DIRECTED THE STAFF “...TO DEVELOP A PD-TD DISTRICT TO ALIGN WITH THE FORM, HEIGHT AND DENSITY PRESCRIBED BY THE DMP (Illustrative Plan: Option A).”

The question is, “**Did the town comply with this and other TC directives or with principles of Form-Based Coding?**” On June 5, 2012, the staff gave an update on the status of the preparation of the Pattern Book. The majority on newly elected Town Council, with Lisa Merkel as Mayor, was of a different mindset. The tone and substance of the decisions was about to change. The approval of significantly taller buildings such as the one shown below were in the offing.



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

i The staff's focus on the FAR and "height of buildings" was misplaced for two reasons. **First**, the use of FAR makes a lot more sense if one wants to guide the development of individual lots than if one wants to develop a very large area (such as the downtown) where consolidation of lots might take place and where large open spaces benefitting the public might be created.

Second, the then prevalent zoning (PD-MU) had been in place for almost 20 years. In spite of permitting high density and 50' high buildings, it had not generated any significant development. The largest structure that was built under the PD-MU zoning was the TPI Center (at the corner of Station and Elden Streets). It was about 34 ft tall. In 2009, office condos that occupied the upper floors of the building went bankrupt. The then market rents for offices could not support new development (in spite of large parking subsidies provided by the Town – see my article on the shared parking program). Consequently, **"building height" was not and is still not a decisive factor that affects the financial viability of future developments in the downtown.** Attracting the right kind of business to the downtown is. Those who advocate taller developments do so because they have other objectives in mind (See, for example, the article on the "Free Art Center – A Wonderful Fantasy or What?"

ii This scenario was based on the notion of a "3-story downtown". The height was pegged at a 40-foot height limit, based on a possible but unrealistic concept of 16-20 foot retail 1st floor and two 10-12 foot floors above..."

iii Notice that the number of stories for institutional uses (the Art Center and the municipal garage) was not specified. Most important of all, "mixed-use" was not defined clearly in the DMP.

iv It is important to note that the Town staff was uncomfortable with the low heights of some of the buildings in some areas. In its August 30, 2009 Staff Report to the PC it had opined that, "...a 4-story multifamily building along Station Street and the W&OD Trail... would greatly increase the return to the town **compared to one-story retail use** as depicted in Option A." We believe the staff should have said "2-story building", because a 1-story building was never under consideration for this location. However, by expressing this concern, the staff had indirectly verified that the community had accepted only 2-story (not, 3 or 4-story) structures for this site.

v The material in this article has been gleaned largely from the documents provided on the <http://www.formbasedcode.org> website. In general, FBCs are applied in two ways: to a site to implement a development project or to several areas as part of a zoning code amendment or update. This second category someAriA involves reconfiguration of the zoning code to retain a set of conventional zones for "automobile-oriented suburban" patterns while adding form-based zones for "walkable-urban" patterns. This is called a hybrid code because it merges the conventional zoning and form-based zoning provisions under one cover, in one set of procedures.