

Talking Points Regarding Proposed High-Rise at Pear Street

Core Discussion Points:

- (A) Permanent harm to the view -- negatively impacting city residents, tourists, property values and our economy. View is highly valued and very valuable to the city.
- (B) Non-compliance with the city's Downtown Plan, zoning ordinance and requirements for granting a Special Use Permit (SUP).
- (C) Approval would create a precedent for other landowners to seek approval for similar heights including on the old Echo Harbor site and other sites near and along the riverfront in the east end.
- (D) Approval would represent "arbitrary and capricious" action by the City Council, which will have failed to adhere to its own Downtown Plan, zoning and SUP requirements, creating a potential cause of action by those harmed by the city's approval of the SUP.

Points to Make:

(A) Permanent harm to the view and to Tobacco Row:

(1) Building is inappropriate in mass and scale to Libby Hill Park and its historic view and in mass and scale to historic Tobacco Row:

- From our illustrations it is easy to see how incompatible the height is in relation to the park and Tobacco Row. It would tower over Libby Hill Park interrupting the 180 degree sweeping panorama currently enjoyed by city residents and tourists.
- Contrary to the submissions by the developer and the initial reviews, it now appears that the proposed ordinance would allow not a 13 story building from Main Street, but 16 stories and as much as 14 feet per story for a total of 224 feet above Main Street. This would make the building taller even than the smokestack.
- City should have required, analyzed and distributed a range of viewshed studies, but instead the community had to commission these elevations. Our planning student volunteers took great care to ensure they were accurate. Not until release of the staff report has the public seen the city's own elevation study, but these still do not substitute for viewshed studies.

(2) The view is of tremendous value to the city and its residents:

- The city explicitly established the park in 1851 to ensure residents could enjoy the panoramic view of the whole city. As reported at the time, "It affords a commanding and picturesque view of the lower portion of the City, the river, the falls, the railroad bridges." Today the panoramic view allows for the contemplation of the sweep of history as described earlier.
- How many of you have visited the park on a sunny spring or fall day, or during the evening to watch the sunset? Are you aware of the vast diversity of people who enjoy the park?
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- On a daily basis, visitors to the park enjoy sunsets, views of the entire city, running the steps, picnics, dates and weddings. For fireworks and festivals.
- The views are a major contributor to our tourism economy with tour buses, trolleys, Segways and carloads of visitors coming up to view the panorama of our city and river.

- From Libby Hill Park, one can contemplate the full sweep of our complicated history -- a history from slavery to freedom. Imagine a panoramic photographic plaque that can be studied while observing the 180 degree view. It could include Native American history and the sites of the original villages, the arrival of Christopher Newport, the naming of the city by William Byrd, the arrival of enslaved peoples and the equally tragic shipping of people in continued bondage to the deep South, but also the arrival of President Lincoln in April 1865 (149 years ago this month) on Admiral Porter's flagship to the captured Confederate Navy Yard at Rockett's below Libby Hill Park, from whence President Lincoln and his son Tad were rowed upstream where they disembarked to joyous welcome by newly freed African-Americans.
- As stewards of the view, today's citizens and our council should not allow a developer to deprive the public of a view for the sake of a few.

(3) Property Values:

- Are you aware that the views from Libby Hill Park are a contributing element to the property values not just of homes around the park but of homes many blocks deep in Church Hill? It's what makes Church Hill stand-out as a great neighborhood among many great neighborhoods in our city. The presence of the park and the views are an amenity that enhances property values and the addition of a banal high-rise would surely decrease property values -- at a minimum for homes around the park.
- We have surveyed the change in property values over time and just the 80 homes between 1977 and 2013 have increased in total value from just \$2.1m to \$24.1m Do you want to put this at risk? Certainly homeowners will have a right to request a downward appraisal of their property values if this building is approved and built.

(4) Tobacco Row and the Monument:

- Tobacco Row is a remarkably intact array of historic warehouses in perfect alignment, visible from downtown, from the downtown expressway, from the River and from I-95.
- Certainly, many visitors coming northward see the monument and Tobacco Row and decide to get off the highway to see just what this striking array of buildings, Monument and hill are all about. The high rise would stick out like a sore thumb and mar the entire historic tableau.
- The building would be as tall, or taller, than the historic monument and diminish this prominent piece of historical architecture. Typically, monuments on prominent points like this one, are meant to hold the most prominent position, not be diminished.

(5) Architecture:

- The high-rise is ponderous. Even banal. There is nothing iconic about what the developer proposes. Just because he says it is iconic, doesn't make it so.
- It has been designed from the inside out to favor views for the high-rise residents, while turning its back on Church Hill and failing to provide the proud terminus of Cary Street that the developer claims.

- Before such a huge exception to the existing heights and architecture should be approved, shouldn't the city have done viewshed studies, done an area plan for the entire area between the end of Tobacco Row and the new Rockett's Landing?
- A building similar in size and height to the Lucky Strike buildings would be more appropriate here.
 - Light-colored brick, and strong glass and steel elements, like what is currently being built in DC would certainly be able to offer an iconic statement at this location.
 - An archway over the extension of Cary Street that could allow for a cobbled or paved pedestrian ramp and/or steps up to a courtyard would be an excellent terminating element to Cary Street.
 - The archway, whether curved or squared could serve to support a hyphen of residential space connecting two otherwise distinct buildings.

(B) Non-compliance with the city's Downtown Plan, zoning ordinance and requirements for granting a Special Use Permit (SUP).

- This project is not consistent with the Downtown Plan as noted in the staff's report to you and in their August 20, 2013 letter to the developer. Therefore it should not be approved.
- Over 800 people participated in the development of the Downtown Master Plan, and many also participated in the development of the Riverfront Plan. Throughout ... people clearly stated that they wanted to see significant views protected and specifically the view from Libby Hill Park. Time and again the public has come out to tell you this, indicating that the public would certainly feel that approval of this high-rise would harm the general welfare.
- The surrounding parcels at Lucky Strike and Shiplock Watch are in the B-5 zoning category which limits heights to five stories, so why should this developer get approved for 16 stories above Main Street?
- The RF-2 zoning overlay, also provides for "... development on relatively large sites in close proximity to the riverfront in a manner that will protect prominent views of the James River from public spaces." Clearly this project does not.
- You cannot grant a Special Use permit if you find that it would be:
 - 1) Detrimental to the general welfare of the community

You must further find that it meets the following tests as well:

- 2) Not to create congestion in the streets
- 5) Not to adversely affect parks, public requirements and convenience
- 6) Not to interfere with adequate light and air

1) *Detrimental to the general welfare of the community*

- The city has broad authority to deny a Special Use Permit for applications that fail to meet the "general welfare" tests defined under the City Charter for SUPs.
- City plans and zoning ordinances are an important touchstone in evaluating the general welfare. The Downtown Plan, citywide Master Plan, and RF-1 and RF-2 zoning focus on the general welfare in making protection of river views from public spaces a top priority.

- Public sentiment expressed during the development of the Downtown Plan and Riverfront Plan and in the debate over Echo Harbor/USP repeatedly demonstrated the strong support for protecting the panoramic views from Libby Hill Park. Construction of this high-rise would harm the general welfare of the community by permanently degrading the panoramic historic view and the fabric of Tobacco Row. By irreparably detracting from the experience of those who use the park every day to enjoy the panoramic view and sweep of history, including people from across the city and tourists from across the globe. Tourism dollars are an increasingly important part of our Richmond economy, and essential to our ability to increase our tax base to invest in our schools and public services. So we should not degrade the best and most historic vista of our city.
- It will also harm the general welfare by reducing the property values of those who live near the park -- both adjacent to the park and for blocks around, not only because of the intrusion of the high-rise in the foreground of the view but also due to the deplorable aesthetics of the architecture. The quality and views from Libby Hill Park play a key role in the decision of many to buy homes in Church Hill, even if they live blocks away, and the intrusive high-rise could have some dampening effect on the market values for homes in Church Hill. CHA members, both long-time and newer residents, who have invested so much in the neighborhood, in the parks, and in their homes, are legitimately concerned about the negative impact on their property values of this intrusive high-rise. (see Encl. (1), spreadsheet of Church Hill home values 1977 to date).
- The applicant argues that because they are "owner-occupied units" they will improve the general welfare and deter crime. Yet, this building does not contribute to the urban fabric at the street level or add to the urban fabric overall. The owners will most likely be driving into the garage and never leave, simply spending time in their units and enjoying their expansive balconies. A mid-rise building with ground floor retail that better relates to Main and Pear will likely ensure a safer and more active street than a sterile high-rise.

2) Not to create congestion in the streets

- This is an important issue, but not adequately addressed in the application. The applicant asserts that vehicular traffic will be minimal compared to other buildings on Tobacco Row, but provides no supporting information, no traffic study, and no vehicular ownership estimates per unit. He notes his on-site parking, but that doesn't address the traffic issue and the number of daily trips in and out. During the peak hour there is significant traffic on both Main and Dock Streets and combining resident trips with deliveries and other service support, could create challenges.

5) Not to adversely affect parks, public requirements and convenience

- The applicant maintains that this project does not adversely affect parks, public requirements or conveniences. However, many have noted in detail the significant park resources and values that are at risk with this proposal.
- The Church Hill Association, representing the largest and most affected neighboring community, voted overwhelmingly to oppose the applicant's proposed high-rise on this site, primarily because of the significant impact on Libby Hill Park. The CHA resolution offered to continue to work with the applicant on a structure which would offer economic return while protecting the panoramic views from Libby Hill Park. (Encl. (2), Church Hill Association Resolution of June 2013).

6) *Not to interfere with adequate light and air*

- The dominance of this structure in the view from the hill, would interfere with the light and air of every Richmond resident who seeks to enjoy the park. One could not help but experience the building's jarring impact as one's eyes swept from downriver to upriver or the reverse.
- The applicant maintains that the high-rise will not be visible from the park, as it is hidden by trees, but that is true only in some limited vantage points; and when the leaves are shed each year the views open up.
- The applicant also asserts that the building would help block the view of the treatment plant across the river. But the three brick buildings partially visible through the trees in the summer, and even the ground level treatment ponds visible in winter, are neither as obtrusive and harmful to the experience of the view as the proposed building.

(C) Approval would create a precedent for other landowners to seek approval for similar heights including on the old Echo Harbor site and other sites near and along the riverfront in the east end.

- The old Echo Harbor development was recently approved by staff with no public notice to the community at large as a by-right office development, with three high-rises. If this Pear Street high-rise residential project were to be approved, the owners of the Echo Harbor site would certainly come back to you arguing that they too deserved similar approval for a residential high rise of greater height than then could achieve by-right.
- Similarly, the owners of other parcels along the riverfront or in lower Fulton could ask for equal treatment and seek high rise approvals.

(D) Approval would represent "arbitrary and capricious" action by the City Council, which will have failed to adhere to its own Downtown Plan, zoning and SUP requirements, creating a potential cause of action by those harmed by the city's approval of the SUP.

- Summarize Virginia land use law on "arbitrary and capricious" actions -- Stewart
- Note the potential negative impact on property values and the potential that city residents/taxpayers who are harmed by the decision could have standing to sue.
 - Are you aware that the views from Libby Hill Park are a contributing element to the property values not just of homes around the park but of homes many blocks deep in Church Hill? It's what makes Church Hill stand-out as a great neighborhood among many great neighborhoods in our city. The presence of the park and the views are an amenity that enhances property values and the addition of a banal high-rise would surely decrease property values -- at a minimum for homes around the park..
 - - We have surveyed the change in property values over time for just the 80 homes around Libby Park between 1977 and 2013 and they have increased in total value from just \$2.1m to \$24.1m Do you want to put this at risk? Certainly homeowners will have a right to request a downward appraisal of their property values if this building is approved and built.