

Scott Gustin

From: Michael Long <mjlong@burlingtontelecom.net>
Sent: Monday, March 20, 2017 12:23 PM
To: Scott Gustin
Subject: Reopening the BTC Hearing: Other Business March 21
Attachments: mallblockiness30aug16-3.pdf

Scott,

Since the DRB will be addressing the request to reopen the BTC hearing, please add the following materials to the file on this issue. They include further clarification and/or relevant comments from:

- 1) Ben Falk -- the design professional who wrote the Seven Days letter precipitating my request;
- 2) Diane Gayer -- an architect who has previously raised questions about shadow impacts and the accuracy of materials presented;
- 3) Robert Herenden -- a physicist who has previously drawn attention to the misleading representation of the upper story setback.

My broad concern is with the pattern of deceptive representations, visual and verbal, that form the basis of this project and its application. After the approval last Monday, Mr. Sinex claimed the project was still 225 to 250 million. How can that be when all the buildings closest to Church Street are no longer anticipated? How have the funds originally earmarked for those buildings been redirected? And what IS Phase 2 if these building have been slashed from the plan?

Any approval from the DRB should rest on solid, not questionable or shifting representations of the project.

Thanks,

Michael

Ben Falk wrote:

Additionally - you can't just mistakenly show shadows for buildings in a 3D model one way and then show an entirely different sun location for the building in question. Software doesn't work that way. This had to be intentional and if they say it's not what's the explanation? At best if that's the case than it is a massive mistake. Ben Falk

On Sat, Mar 18, 2017 at 10:49 AM Ben Falk <ben@wholesystemsdesign.com> wrote:

Hi there, I am not sure I can make the meeting, but I would be happy to write up something describing what I think is happening with these renderings.

If a large and very expensive 3-D model doesn't mean anything, then why produce and publish it?

I would want to ask, an answer should be given to the public, as to why the shadow is shown in correctly for the one building question but correctly for every other building in this model.

The shade impact of a large building on a public space is significant and is an obvious and major concern of the public, for good reason.

The model shows shade for all buildings in it correctly except the building in question which it actually does show shade for - shadow is not omitted for the building in question, notably, but it is simply shown much less than it truly is.

Why is this?

The public deserve answers.

What shade impact studies have been offered to the public so far?

The whole situation seems very fishy, and at best misrepresents an actual impact. Producing and publishing a model that shows grossly incorrect impacts on public space of a new project violates professional conduct.

Ben Falk

Diane Gayer wrote:

If renderings drawings don't mean anything why do they bother to require drawings at all for a DRB presentation? Of course drawings aren't always "accurate" but they are meant to convey information as correctly as possible. And they are filed as legal documents. These (drawings) are the only means we currently have to define what is being proposed and the (legal and social) expectation is that they are accurate.

Many of us know that we can make drawings reflect what we want, just as words can emphasize different things... in other words drawings are a design tool that can be used to prove your case (as you want to make it). In this example, the BTC team has chosen to diminish the actual height and impact of the building mass using shadows that fall differently than the adjacent and existing buildings. One example on the plans shows a set of shadows for all the surrounding buildings to be consistent, yet a very different angle and solar inclination for the proposed development. This has the impact of shortening and diminishing the 14-stories building as against the 4-6 stories of other properties in a way that would not co-exist under our sun. To contrive the impact of shadows in this way is not fair to civic needs nor respectful of design ethics.

I have talked about the height and asked for a proper shadow study from the onset of this project because I know from personal experience how winter shadows can be deadly to retail at the street level, pedestrian sidewalk safety, and winter access to parking garages are impacted. To hear that

no shadow study was done with accuracy and that the DRB approved this project regardless is condemnable.

Urban design is not childplay—it is worth a lot of money, especially if it fails. We can not only end up with an unfinished project, we can end up with a new Transit Center permanently in shadow, a Cherry Street that supports no retail life or street trees, and a desolated "top of" Church Street.

There was never any excuse not to do a proper shadow study. It is a normal requirement and would allow us all to know what the issues are. Even if not desirable, the planning study would prepare us for what to expect, but in this case we are still guessing.... and missing city leadership on this urban concern.

Unfortunately, it follows a pattern on this project. The model that was promised came six months too late and unusable.

Diane Gayer – Architect

On Mar 18, 2017, at 10:22 AM, Michael Long <mjlong@burlingtontelecom.net> wrote:

Diane,

In response to questions raised about fraudulent renderings in a letter to Seven Days, I requested last week that the BTC hearings before the DRB be reopened. The DRB summarily dismissed that request and went on to approve the project. Nevertheless, on Tuesday the 21st they are taking it up formally as an agenda item. I'm not sure how meaningful this can be post-approval, but if fraud is at play it's important that it be revealed and this could present an opportunity.

I know you have raised questions about the accuracy of materials presented in the past.

Since I have no special expertise on renderings, anything you could provide by way of written or in-person testimony on the matter would be invaluable. I know the local architect's attitude from a brief interaction with him after the deliberative session on Monday is that it was just a rendering and renderings don't mean anything.

Thanks for your interest in this matter.

Best,

Michael

Robert Herenden wrote: (His study attached)

I've thought some more about "blockiness"-the opposite of "peakedness"- based on Burlington
planning director David White's graphics at the 22 August 2016 City Council working session.

(Mr. White has kindly given me his files from that presentation.) His graphic shows the least possible blockiness as viewed, which requires the most blockiness in the perpendicular direction.

The difficulty arises from using 3D data on a 2D sheet.

Robert Herenden -