June 7, 2014

To: City of Richmond Planning Commissioners: Rodney Poole, Doug Cole, Jane Ferrera, Kathy Graziano, Amy Howard, Dave Johannas, Melvin Law, Lynn McAteer, and Jeffrey Sadler
To: Land Use Administration: Mark Olinger, Matthew Ebinger, and Lory Markham

Subject: Subdivision development, Villas at Archer Springs; Ordinance 2012-72-2013-132 and Preliminary Plat for Villas at Archer Springs, 10502 Duryea Drive, File #9432B-Revision dated April 29, 2014.

Important background: The Planning Commission last considered the subject development at its July 15, 2013, meeting. Proffers #17 and 18 of Ordinance 2012-72-2013-132 addressing tree preservation and grading plans were accepted by the developer, StyleCraft Homes, as requested by the commissioners. Those proffers, #17 and 18, commit StyleCraft to a tree preservation and grading plan to be submitted for review and approval by the Planning Commission prior to its consideration of a subdivision plat. The Ordinance was forwarded to City Council on a split vote, 4-4, and approved by City Council unanimously on July 22, 2013. In recommending the Ordinance to the Council, Councilwoman Graziano extolled the value of proffers #17 and 18 as a great tool to make this development the best it can be, the first such requirement of a developer that she knew of in Richmond. She pledged that the Planning Commission would "hold the developer's feet to the fire" on tree preservation even perhaps requiring changes in the site plan to preserve more trees, if the Council approved the developer's request for re-zoning. At the same July 22 Council meeting Councilman Agelasto clearly stated that his support of the re-zoning was conditional on the Planning Commission's enforcement of proffers #17 and 18, which could likely result in changes to the existing site plan. If you have any questions about the assertions I am making, the City Council discussion of July 22, 2013 is available via online video at the Council website. Mrs Graziano's testimony runs from video time of 1:30 hours to 1:37, and Mr. Agelasto's testimony runs from video time of 1:37 to 1:39 hours.

In the near future StyleCraft will come to you for approval of its subdivision preliminary plat, which includes its tree preservation and grading plans generated during the past year. **The neighborhood surrounding the proposed development is still strongly opposed to the current site plan, which has not significantly changed since it was first presented two years ago.** This letter focuses on the site plan and its relationship to proffers #17 and 18. Our current criticisms are outlined in more detail in the accompanying letter, written to StyleCraft on April 28, 2014.

On June 4, at the invitation of StyleCraft, neighbors, two Planning Commissioners and two Land Use Administration staff toured the site with StyleCraft representatives. In addition I arranged for a local licensed arborist, Mr. Joel Koci, to accompany us and offer comments. In the various discussions on the tour between myself and Joel Koci and Attorney Mullen or other StyleCraft representatives, three significant points were made clear.

First, StyleCraft has interpreted the Ordinance to give the site plan preeminence over proffers #17 and 18.

Second, the tree inventory performed by StyleCraft subcontractor H&G was done with a laser rangefinder, which is a poor methodology for measuring tree height in a forest. My assertion is based on two decades of professional experience developing and using such lasers as a research laboratory director with a PhD in engineering from Stanford University. I know that the rangefinder cannot "see" just the targeted tree top in a dense forest because the laser beam diverges sufficiently to reflect off many lower lying branches as well as the topmost branches (with a field of view of at least ten foot diameter for a tree 75 ft. tall), giving rise to apparent height measurements that are too low. The arborist, Joel Koci, agrees with me that the laser rangefinder is the wrong tool for the tree inventory in a forest and that we were observing many trees (more than one hundred I contend) on the site that should have been included in the inventory but were not because of the errors that arise with a laser rangefinder. (There are traditional methods of measuring tree height that have been utilized since the invention of geometry.) In addition to undercounting the specimen trees H&G marked the trees with flimsy plastic tape that has not remained secured to many trees due to weather degradation over the few months since the initial inventory was performed last October. How will those trees be accurately accounted for once construction begins? Why did H&G not use the durable standard practice of marking trees with numbered aluminum tags affixed with aluminum nails?

Third, in response to questions posed by arborist Joel Koci about StyleCraft plans for actually preserving inventoried trees utilizing recognized preservation procedures during and after all construction phases, the developer representatives present didn't seemed to have thought through this issue yet and offered no substantial reassurance that they would in the future. Nor had they considered penalty clauses for subcontracters that don't properly perform tree preservation methods.

The crux of the issue before you is that StyleCraft has chosen to adhere to the same basic site plan and not to the intent of Proffers #17 and 18. Specifically, the developer has used an inadequate methodology for performing the tree inventory and for marking the inventoried trees. Then the developer's plan includes a "Tree Removal Summary" table, which lists many trees to be destroyed for the reason that they are in the wrong place for the present site plan. In our view the Ordinance requires a tree preservation plan, not preservation of the site plan. The tree preservation plan requires a **complete** inventory of specimen trees and proceeds through actual preservation of designated trees. The site plan is a drawing on paper, backed up by some engineering effort, which can be revised. The site plan does not have status comparable to the woodlands, which the developer has committed to preserving insofar as possible. He has made some accommodations for tree preservation, but not nearly what a genuine commitment would have led to.

Conclusion: As the Planning Commission is aware, this project is the first to incorporate an effort to preserve woodlands and minimize run-off to the James River as a condition for development. Your decision is likely to establish precedent for future development approval processes within the city.

- We ask the Planning Commission to enforce the mandate from City Council provided by proffers #17 and 18 and require the developer to do a complete tree inventory and to modify the site plan substantially, if necessary, to preserve as many trees and protect the RPA as much as possible.

- Given the unimpressive commitment to the process demonstrated by the developer, we also ask the Planning Commission to require performance bonds with penalty provisions of the developer and his subcontractors in their activities to preserve the trees that are designated for preservation. This requirement has become standard procedure in parts of Northern Virginia following painful experiences with non-compliant developers and loss of urban tree canopy.

- Finally we ask the Planning Commission to require the developer to proceed with development in at least two stages, as shown in his Preliminary Plat, sheet 2 of 14, dated October 1, 2013. Along with that plat, Mitchell Bode of StyleCraft stated in a letter to me their intention to clear designated trees and extend roads in the construction zone in at least two stages to leave as much of the woodlands undisturbed as long as possible. The latest Preliminary Plat no longer contains that drawing showing two stages of construction.

Respectfully submitted, on behalf of the Duryea Drive neighborhoods,

Hugh MacMillan, 10400 Duryea Drive, Richmond, (804)272-0220

Cc: Councilman Parker Agelasto.

April 28, 2014

To: StyleCraft Homes, Inc.
To: City of Richmond Planning Commissioners: Rodney Poole, Doug Cole, Jane Ferrera, Kathy Graziano, Amy Howard, Dave Johannas, Melvin Law, Lynn McAteer, and Jeffrey Sadler
To: Land Use Administration: Mark Olinger, Matthew Ebinger, and Lory Markham

Ref. 1: Ordinance 2012-72-2013-132, Proffers 17 and 18.
Ref. 2: Preliminary Plat for Villas at Archer Springs (96 Lots), 10502 Duryea Drive, File #9432B, December 3, 2013
Ref. 3: City of Richmond Planning and Development Review, February 12, 2014
Ref. 4: Preliminary Plat for Villas at Archer Springs (96 Lots), 10502 Duryea Drive, File #9432B- Revision 1, March 3, 2014.

Many neighbors in the community surrounding and adjacent to the subject development have criticized the plan for "Villas at Archer Springs" from the beginning. The primary reasons have been (1) it proposes too many houses for this site, (2) it is too inconsistent with the existing community, and (3) it will cause extensive destruction of the site's slopes and woodlands with detrimental impact on streams draining to the James River and ultimately the Chesapeake Bay.

After almost two years of efforts by neighbors, city staff, and planning commissioners to improve this project, the primary concerns of the neighboring community remain unchanged. The StyleCraft plan still has 96 building sites (many of these on slopes and/or in the forest) and thus extensive destruction remains inevitable.

This letter will focus on three points:

1. The lack of adherence to Ref. 1 by StyleCraft.
2. An alternative site plan proposal which would create less destruction and still provide StyleCraft its desired number of houses.
3. A request for assurance of the sequence of construction sections.

1. Lack of adherence to Ordinance 2012-72-2013-132, Proffer 17 and 18:

Proffer 17 states, "Tree Preservation. A tree preservation plan shall be submitted to the City Planning Commission for review and approval prior to the approval of the preliminary subdivision plat. All specimen trees exceeding thirty-six (36) inches in diameter or exceeding seventy-five (75) feet in height shall be located on the tree preservation plan and preserved to the extent possible."

Proffer 18 states in part: "Grading Plan….. "The grading plan of the site shall be designed to preserve the maximum number of trees possible."

An initial tree inventory, done in autumn 2013 by StyleCraft and presented in Ref. 2, significantly understated the number of trees on the site that met the diameter and height criteria for inventory. This was pointed out to StyleCraft in the first city review letter (Ref. 3). StyleCraft now shows 60 additional trees on the site plan and inventory in Ref. 4. **It is our contention, based on our own extensive survey of trees on the site, that StyleCraft still significantly understates the number of trees required to be inventoried by Proffer 17.**

It is worth noting that StyleCraft shows only 13 trees to be saved that are within the construction zone ("developed area"). That is a very small number of trees to be saved. It is our contention that an accurate tree inventory would reveal how many more trees within the construction zone StyleCraft will destroy than the 77 currently acknowledged.

It is important to note that the construction zone has not significantly changed during the two year process to date. It appears to us that StyleCraft is more interested in preserving the construction zone than in preserving trees. The great majority of trees to be saved, 151, are outside the construction zone, i.e. outside the "Tree Save Line."

In conclusion, we contend that StyleCraft has not made a good faith effort to comply with the requirements or intentions of Proffers 17 and 18.

2. An alternative site plan proposal:

Since StyleCraft seems to believe that 96 lots are necessary for financial viability, and appears unwilling to offer any options to the existing perimeter, we propose one herein that allows for 96 lots (which we still believe is too many for this site).

At this time the 96 lots occupy the same construction site size as the original plan. No effort has been made to reduce the size of the construction site or zone, especially along its perimeter where Lots A14 through A51 are located. Within the construction zone very few trees are planned to be saved (13). Hence, further tree preservation depends on reducing the size of the construction zone to reduce its intrusion into the woodlands and slopes on the perimeter of the construction zone. **That is particularly our concern in the areas of Lots A14 to A21 and A45 to A51, where the terrain slopes are most steep.**

In the first city review letter, Ref. 3, StyleCraft was authorized to reduce ROW dimensions to 40 ft. from 50 ft to help reduce the size of the construction zone.. Furthermore, StyleCraft has been granted a conditional rezoning to R-5C (Ref. 1), which permits minimum lot sizes of 6000 sq. ft. In spite of these opportunities to reduce the size of the construction zone, the revised plan (Ref. 4) has not moved the perimeter lot locations from the original plan, and has maintained average lot sizes of 9100 sq. ft.

Surely a lot layout for 96 homes with average lot sizes closer to 6000 sq. ft. and reduced ROWs could concentrate lots on the meadow and result in far less intrusion into perimeter woodlands and slopes than the plan currently offered. We estimate

these two steps would provide a land area of approximately 330,000 sq. ft., equivalent to about 50 lots, to "play with" in designing a new site layout for the purpose of preserving the existing natural features of the land.

3. A request for assurance of the sequence of construction sections:

Along with Ref. 2, submitted in December 2013 there was included a preliminary construction section map, dated 10-1-13 (sheet 2 of 14) showing two sequential construction sections or zones. It was our understanding that the first construction section, adjacent to Duryea Drive, would be substantially completed before construction would begin in the second section. It is not clear to us if that original construction section plan is part of Ref. 4. Consequently it is also not clear if the present construction section plan is to postpone tree removal and grading of roads, lots, and the BMP, in a second construction section further from Duryea Drive. This is important to the neighbors because destruction of the entire site, due to tree removal and grading for lots, roads and the BMP, would not occur if the project proves to be unsuccessful.

Respectfully.

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