

February 2, 2018

Jonathan Brown
PDR, Land Use Administration
900 E. Broad St.
Room 511
Richmond, VA 23219

Ord. No. 2018-013
1090 German School Road

Dear Jonathan,

Our client, SJW II, L.L.C., owns the 72-acre parcel developed as St. John's Wood apartments ("St. John's"). St. John's is prized for its naturally wooded landscape and recently completed a major renovation including upgraded kitchens with stainless steel appliances, upgraded bathrooms, and improvements to the amenities and landscaping. The density of St. John's is approximately 10.8 du/acre.

A review of the Special Use Permit (the "SUP") application (the "Application") by Lawson Development (the "Applicant"), the site plans, and the staff report (the "Staff Report") for the German School Road Apartments (the "New Apartments") has raised concerns. While our client has no issues with the actual use, they are concerned about the impact of the New Apartments where abutting St. John's northern and eastern property lines.

Specifically, our client has raised the following concerns.

1. The City's Master Plan designates the property as Multi-family Medium Density up to 20 units/acre. The New Apartments are proposed with a density of 31.3 du/acre, much higher than the Master Plan recommendations, and almost three times the density of St. John's. While the Application states "any concerns of overcrowding is mitigated by examination of the surrounding uses... The two larger multi-family developments that would be most directly relevant to the proposed density [including St. John's] are set back considerable distances from the proposed project..." the current location and size of surrounding and unrelated developments has no bearing on whether the density proposed for the New Apartments is appropriate. It is not. It is well above the proposed density of the area, and would result in excessive density for the area.

2. The Application and the City's Staff Report recognize that uses in the area are predominately multi-family, however, neither document notes that the size, scope and impacts of the existing multifamily developments are significantly less than the New Apartments. When compared to other apartment developments in the area with lower densities and greater yard setbacks, the New Apartments do not fit within existing development patterns even if they are similar to existing uses in the area.
3. The Application references the R-53 zoning district as a point of comparison for the New Apartments as though it is a baseline. If that is the baseline for consideration, then certain R-53 district requirements have been ignored. For example, R-53 requires 15 foot yards; however, the Application and plans proposed are only 7.5 feet in width, half of the R-53 requirement. The New Apartments are four stories, which are in excess of the R-53 height of 35 feet. While R-53 does allow for height increase when on parcels greater than 2 acres, it also restricts the building height by an incline plane from interior side and rear lot lines. The New Apartments do not meet either of these standards. Because the incline plane is not met, it is almost like creating a zero lot line, unprecedented in the area. We are aware that the SUP process allows for variations but find these variations excessive.
4. The New Apartments' height raises concerns that the taller buildings will have direct views into St. John's units, especially with the narrow side yards and lack of screening.
5. The site plan shows installation of Perimeter Buffer A as screening to the parking lot along the western property line. Our client is concerned that the plantings will not provide sufficient screening or buffering to St. John's.
6. The landscaping along the southern boundary provides only building foundation plantings with no additional screening or buffering.
7. Two of the New Apartments buildings will be located within 7.5 feet of the southern property line. The Application states that "there are significant space buffers between the proposed buildings and the neighboring multi-family buildings on all three sides. In addition a tree buffer will remain on the south buffer and a landscape buffer is proposed on the west border." The Applicant cannot rely on existing trees on St. John's property and represent that the "tree buffer" will remain in order to comply with zoning requirements.
8. Because clearing and construction for the New Apartments will need to occur up to the property line, the existing trees on the St. John's property will be negatively impacted. The Application states that "a tree buffer will remain on the south border" but this is misleading as the majority of the few trees on the southern boundary belong to St. John's and they are deciduous. It is quite possible that the larger trees on the St. John's Wood property will have their roots damaged by construction and/or by the improvements and will die. The Applicant's site plans define Tree Protection Zone (the "TPZ") and illustrate the harm that can be done

to the trees during construction. The TPZ graphic indicates there should be a minimum protected radius around trees of "at least 1.5 feet for each inch of trunk diameter." However, the plans do not reflect any TPZ. Due to the close proximity of the St. John's trees to the southern and western property lines of the New Apartments, it appears that these trees as well as the trees on the Applicant's property will not be protected due to the amount of clearing planned along the shared property lines and due to the proximity of the improvements.

9. Security concerns in this area have been an issue for the City and St. John's over a period of years. St. John's has experienced trespassers from the property and has worked diligently with the City Police Department to deter such activity. Clearing of the property with no screening or buffering around the New Apartments could exacerbate such trespass opportunities.
10. The Application states that the "number of units, height and lot coverage are necessary to facilitate financing." The ability to finance a development is not a consideration for an SUP nor should it be the determining factor of allowing excessive density on a limited site.

For the reasons stated herein, St. John's objects to the Application as proposed and respectfully requests that the zoning case be denied. If the Application does go forward, the following additional information should be provided by the Applicant and additional conditions should be added to mitigate our client's concerns.

- A. The Applicant should be required to provide additional details as to the variety and size of plants at the time of planting and ultimate height, growing time, density and location of those plantings to demonstrate screening.
- B. The Applicant should be required to relocate site improvements to increase the setback and lower the height. Installation of a privacy fence and landscaping along the western and southern border should be required to screen the New Apartments and provide security to St. John's.
- C. After construction of the New Apartments, if any trees located along St. John's boundary die, they should be replaced by the Applicant with new trees of similar species and sufficient size. Additionally, the Applicant should be held responsible should any damaged trees result in harm to anyone and/or any property and shall indemnify St. John's accordingly.

Sincerely,



Adena M. Patterson, AICP
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Ann Neil Cosby

- c: Kristen N. Larson, City Council 4th District
Michael J. Jones, City Council 9th District
Rodney M. Poole, Esquire, Chair, Planning Commission
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