

**Community Response to Albemarle County Planning Commission  
re: Revised/Amended RST Development Proposal**

**Recommendation:** On behalf of the Forest Lakes and Hollymead communities, comprising 2,000+ housing units and 6,000+ residents who are adjacent to the proposed RST development, as revised and amended as of June 1, 2021, we respectfully request the Albemarle County Planning Commission deny outright, or at a minimum, continue to accept a deferral if offered again by the developer, to address the many continuing issues involved with this proposal.

**Summary Overview:**

The proposal is simply too dense, with too many tall buildings in too small a space, grossly out of scale with the surrounding community, and creates potentially significant traffic and other problems for the residents of Forest Lakes South who use Ashwood Boulevard on a daily basis.

Despite the recommendation by the Commission for RST to engage the community, we received no emails or phone calls from RST or its agents following the March meeting. (This was unlike the developers of Brookhill, who met with residents of Forest Lakes multiple times early in the approval process to discuss concerns.) We were very surprised the developer would submit a revised proposal so quickly and with no consultation, especially after such a wide-ranging and comprehensive critique. Therefore, we established a small committee of residents and reached out to RST in May to commence a dialogue we hoped could lead toward a development design supportable by Forest Lakes and Hollymead. Unfortunately, despite extended discussions, we have not been able to reach a consensus.

It must be stressed the Forest Lakes community is not opposed to general development in the area, and applauds RST for its commitment to meeting and even surpassing affordable housing goals. But we strongly feel this development and process need not be an “either/or” situation. We believe with some more refinement, the development can be a profitable venture for RST, increase needed and truly livable housing in Albemarle County, comply with the Places29 Master Plan, and blend into the existing local community with minimal impact. Indeed if done correctly, this can be a model for future development adjoining existing communities on the Route 29 corridor.

**Specific Comments on the RST Revised Proposal of June 1, 2021:**

In summary, the revised proposal:

- Is better in several areas of prior concern, though some added ‘tightening’ of language and commitment is still needed.
- Is worse now than the prior proposal in several areas – in part due to the developer’s continued strong desire to retain a high – and unsustainable – total unit count.
- Fails to address a variety of other areas that have been extensively pointed out in prior presentations, discussions, and supporting materials.

After directly addressing the revised proposal we also offer some over-arching concerns.

### **Areas of Improvement in the Revised Proposal:**

- (1) **Aesthetics Along Ashwood Boulevard:** The commitment to aesthetics along Ashwood Boulevard, including retaining the existing berm and tree screening, eliminating townhouse buildings and increasing the distance of townhouses from Ashwood Boulevard to improve the sightlines for residents coming home along Ashwood, is a significant improvement. Our prior concern is now alleviated, subject to confirmation that the view from the street level does predominately screen these townhouses, via a computer simulation similar to what we developed in order to visualize the original proposal (which RST has committed to furnish), and provided the language in the revised submission is binding on the developer rather than being 'illustrative' and 'conceptual only.' In addition, the berm to be retained exists both east and west of the proposed new Archer Avenue entry, even though only the part to the east is marked on the plan. Clearly marking retention of the berm to the west is also needed.
- (2) **The Increased Buffer:** The tree buffer between the 4 story townhouse row and the one and two story Ashland townhouse community to the west was increased from 20 feet to 40 feet, although still falls short of our request for 100 feet. The revised proposal will now supplement existing plantings on an 'as needed' basis. A few townhouse units were also removed – based on Forest Lakes advising RST of an error in their resubmission – where the townhouses were actually closer to Ashland than they had been before.

We are gratified RST agrees a reasonable tree buffer is appropriate here to provide a transition from dense, tall buildings, to much smaller existing buildings. While the new proposal is a significant improvement, we recommend an independent professional arborist be retained. That expert can assess the extent to which this buffer is adequate to retain a full tree canopy in this buffer area, without substantially disturbing the roots of the trees within the buffer and leading to their later death, and recommend, if necessary, a requisite increase in the buffer width and suggestions on added plantings.

We remain concerned, however, that the language for what can be done within the 'buffer' is replete with too many caveats and must be more narrowly drafted. Currently the buffer paragraph in the cover page to the resubmission states that buffers: "shall also allow uses such as fences, dog parks, pedestrian / multiuse paths and SWM facilities." Clearly it would not be a tree buffer if any of these construction activities were to take place.

- (3) **Additional Green Space and Amenities to Meet Minimum County Code Requirements:** While we appreciate RST's limited improvements to green space and amenities, we note they are still modest at best and do not seem consistent with providing a healthy, livable community for residents that our county would be proud of. As noted below, the design features for affordable housing, more broadly, need more community discussion and consensus.

### **Areas Made Worse by the Revised Proposal:**

- (1) Height of the Townhomes: The proposed Townhomes are now shown as 55 feet tall, including chimneys. This is well over the 45-foot maximum level allowed in this area. Although RST notes one top floor unit has been taken out to provide a slight visual transition for Ashland, since Ashland residents face the ‘end’ of those buildings that fact has minimal value. For reference this is nearly a 45-degree angle – half way up to the sky if you are looking straight ahead. While the distance of the buildings from the Ashland property line has been increased to 97 feet (57 feet, as shown in the drawing on page 7 of the legally binding application plan, plus the widened 40-foot buffer), this still represents a steep overhanging angle. Some combination of lower building heights, increased setbacks, and wider tree buffers is needed here to mitigate the looming nature of the proposed town homes over the existing two-story Ashland townhouses.
- (2) Height of the Apartment Buildings: The proposed Apartment buildings are actually taller than before – the prior 3 story buildings are now 4 stories, resulting in a dense cluster of (3) 4-story and (2) 5-story buildings (65 feet tall) with over 250 units. This is the densest and tallest set of buildings anywhere in the area and is unprecedented, way out of scale for our residential area and a terrible precedent. The County would need to provide waivers for these heights to be allowed and to waive various step-back requirements, and we oppose granting of waivers for this proposal. The Commission should require that the development be designed with no waivers whatsoever, and the developer should continue to ‘right size’ the design and reduce the building heights and corresponding number of units – which will also reduce the traffic problems that the current proposal creates, as detailed before and again below.

### **Concerns Still Not Addressed by the Revised Proposal:**

- (1) Density: The overall density is virtually unchanged, with a net reduction of just 38 units (out of 370 total) or 10 percent. Until this density issue is resolved, the following concerns remain unaddressed:
  - a. Traffic Impact: We find RST’s conclusion that adding an additional 332 units (perhaps 600 cars - the overwhelming majority of which will filter onto Ashwood Boulevard) will have no impact on traffic to be simply lacking credibility, and casts significant doubts on the assumptions made for their traffic study.

With this dense of a development the potential for significant traffic problems remains at the Ashwood and 29 stoplight to go south on 29. That intersection is already facing a significant increase in traffic load onto Ashwood from the new Archer Avenue being connected north into Ashwood from the new, and very large, Brookhill Commons development complex to our south. Adding yet another connector road to Ashwood from the RST Development – an increase of as much as 60 or 70%, at an intersection that has a limited 25 second green light cycle, will only serve to exacerbate the traffic problem and could cause accidents as cars are attempting to turn and merge together in a rather confined area of space, where there is a bend in the road and some difficult visibility areas.

Today, the traffic is generally limited to the 850 existing houses in Forest Lakes South. With the added developments of the northern end of Brookhill and the proposed RST development, traffic from about 1400 units would flow through this intersection - more than one and a half times current numbers and overwhelming the intersection. It should also be noted that residents of Hollymead and Forest Lakes North also use this intersection especially in the morning, as part of downtown commutes. Under current conditions, traffic normally flows well in the morning rush hour, with some minor current backups. Asserting there will be no effect on Ashwood traffic does not pass a reality test.

Forest Lakes and Hollymead commissioned an independent traffic study for just these reasons and found morning rush hour back-ups of 400 feet – up to 10 minutes – could occur at the Ashwood stoplight to go south on 29.

There has been a lot of misunderstanding on the basis and details of the independent study. It used the same underlying VDOT model, was executed with great care, and just makes some different, and more realistic, assumptions about possible or likely everyday traffic flows and driver behavior. These will be documented in greater detail in a separate set of comments being sent to the Commission.

This issue is too important to allow approval of the RST proposal at this time. The Commission should instruct VDOT to work with both RST and Forest Lakes to review the assumptions in the model and develop several scenarios that show the range of potential traffic impacts from the RST proposal, in conjunction with the added Brookhill traffic and report back to the Commission.

- b. Storm Water Management: Storm water management methods, details and commitments remain vague and concerning to our communities. We understand storm water management is normally handled at a later stage in the process, but as the Commission will recall, Forest Lakes and Hollymead have previously suffered massive siltation of Lake Hollymead as a result of failures to control erosion and surface water runoff from the Hollymead Town Center site. The RST site is currently heavily wooded, but would be clear cut under the developer's proposal, drastically decreasing the ability of the site to absorb rainwater and instead creating a huge need to manage it on site such that it does not further pollute the lakes that our communities own and must maintain.

The details of storm water management plans to date have been disconcerting. Several small areas are listed as "SWM facilities" which we gather are underground retention basins – with no further detail or explanation – and in several cases appear to be cited within tree buffer areas. More detail is needed, together with strong commitments and written assurances that our communities will not be damaged by the developer's actions.

- c. Effects on Schools: Effects of this proposal on elementary, middle, and high school overcrowding have not been fully addressed. The developer has generated some new data on elementary school enrollment that suggests this development would not lead to elementary school overcrowding, and we hope that data is correct – but it has not

been validated or commented upon by the Albemarle County Public School system. In any case, absorbing significant new students in this area depends heavily on the approval and timely construction of a new elementary school within Brookhill, which has been proffered but has received no added funding or comment from the school system. In addition, the more significant issues involved middle school and high school levels, which are already overcrowded county-wide. RST generated no new data on those grade levels.

- d. Public Transportation: Public transportation remains mostly undefined and unsupported in the RST proposal. RST did include three potential sites for bus stops in this area in response to the Commission's instructions, but with no apparent efforts to provide or enable more bus or other improved transit for the many hundreds of added workers who would live in the RST buildings.
- e. Lack of Legally Enforceable Commitments: Finally, we are concerned the RST materials contain few true commitments and legal obligations. There is very little in the proposal that is legally binding by the developer, as far as we can tell. We have been advised by the County Planning Department that the only materials that are binding on the developer is the Application Plan – the set of sheets from Bohler with detailed drawings on them. Apparently the narratives and exhibits are all simply for general information purposes, which is disconcerting. Even the Application Plan is rife with annotations such as “For Concept Purposes Only” and “not to scale” and “illustrative” and (in incredibly small print) “this drawing is intended for municipal and/or agency review and approval. It is not intended as a construction document unless indicated otherwise.”

### **Overarching Concerns**

Finally, we would like to note a few overarching concerns:

- (1) Affordable Housing: We have no opinion per se on RST's proposal, first offered the day of the prior Planning Commission hearing, and since revised, that the apartment buildings predominantly be designated and priced as affordable housing. Affordable housing is a clear need in Albemarle County, which we support. None of our comments relate to whether many, few, or none of the units on this particular site are designated as affordable.

Rather, we believe it is simply premature to approve this proposal with the affordable housing component as stated. What's called for is a more robust community-wide discussion on whether we want affordable housing concentrated in a single parcel versus more broadly interspersed in developments throughout the area, including the over 8,000 new units that are in the current construction pipeline. Additionally, there are many important, unanswered questions regarding what design and features are appropriate in a post-COVID world for new affordable housing, particularly how to balance density, costs, and livability and desirability. These topics all need much greater discussion.

- (2) Places 29 and Zoning Density: This is the first of potentially many small parcels in the Places 29 area that will ultimately be developed, and as such represents an important

precedent. It will be important for the Commission to ensure it is done with appropriate density, scale, and design, that it be harmonious with existing communities, and that it will not cause undue problems for existing residents. These are all specific pillars of the Places 29 charter, the stated objectives of the Comprehensive Plan, and in several cases, local statutes as well.

While RST repeatedly cites the density is within the Places 29 plan levels of 6 -34 units per acre, no one seems to know how those figures were developed a decade or so ago, and seeing them applied here for the first time here gives us pause. It is a tight mass of apartment buildings that would dwarf all other development in the entire area, and rely on waivers to do so, plus a dense row of massive townhouses, constructed as ‘two over two’ apartments (what others historically call ‘third floor walk ups’ - a unique and unproven concept for our area) in order to maximize the number of units that can be sold.

- (3) CAC Involvement: The newly constituted 29 North Community Advisory Committee should also be engaged in this issue. We note the sister CAC for Crozet, facing similar development problems, has proposed a new transitional zoning designation of 2-12 units per acre. We concur that this level would be appropriate in our area – and should be a benchmark applied to the RST proposal at this time, subject to study and recommendations by the CAC.
- (4) Breezy Hill as a Model for Continued Attention: We note the Commission denied the initial proposal for this site, and then again denied a slightly revised proposal – and we now understand the developer has at last gone back to the drawing board and substantially reworked the design to incorporate a major decrease in density. The process works, and we urge the Commission to apply the same discipline here and anticipate the same, improved, results from RST.
- (5) Livability: Beyond simply the number of units and the configuration of the site, there are broader questions about what our values and goals are for Albemarle County, especially in a post-COVID world where physical space is so much more important. We were struck by the comments by Mr. Randolph at the prior meeting that this must “not just [be] a place where you warehouse people during the day” and cited failed 1970’s tall, dense style developments. A number of prior commenters also focused on livability and features as much as on the total unit count.

In conclusion, we respectfully request the Albemarle County Planning Commission deny outright, or at a minimum, continue to accept a deferral if offered again by the developer, to address the many continuing issues involved with this proposal.

Respectfully submitted,

For Forest Lakes Community Association:

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/s/

For Hollymead Citizens Association:

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/s/