



On July 25, Crystal Spring developers and the landowner filed new plans for the development of the Crystal Spring and Mas Que Farm properties. This plan was rejected by the City on August 11, citing numerous and substantial “deficiencies in the applications [that] must be corrected before the Department is able to send them [for] agency review.” The developers filed updated materials on December 15, but failed to address many deficiencies noted by P&Z and it appears will again be sent back for revisions. The FSD (the one we argued was outdated) was approved, but the Preliminary FCP and Subdivision Plan are in limbo. P&Z is insisting that they file as a planned development rather than a special exception and that they shrink the footprint by taking the main building up to 5 or 6 stories to conserve more forest.

The most recent plans show they propose to clear 38.8 acres of priority forest. The NLCS proposal (shown above right) would destroy 25.47 acres of priority forest to build a large senior development of 383 homes and 48 assisted living units, as well as auxiliary buildings, new roads, and parking for at least 500. **THIS IS NOT JUST A SENIOR DEVELOPMENT!** The filing also includes a subdivision plan that calls for future development of two lots totaling 18.4-acres that will be retained by the owner. See the red X above denoting where another 13.33 acres of forest would be cleared to build up to 147 non-age restricted homes.

PROJECT’S SCALE HAS INCREASED IN NUMBER OF UNITS AND FOOTPRINT:

- Since the last filing in 2014 as part of the mixed-use development, the number of senior housing units has increased from 362 to 383.
- The CCRC building, originally planned to be six stories as part of the mixed-use development, has been reduced to four-stories nearly doubling the footprint and taking down much more forest. NLCS has refused to comply with P&Z’s request to increase the CCRC building’s height and eliminate or move the 18 “cottages” from the southern end and to file as a planned development.
- The senior development would be built on a 73 acre tract and take down 25.47 acres of trees, including 68 large specimen trees (an increase from 65 in the July filing).
- The subdivision plan would add other developable lots that would be retained by the owner. The PFCP shows they are planning to clear 13.33 acres on at least two of these lots (Lots 4 and 5 closest to Forest Drive marked with an X above). These lots total 18.4 acres and are zoned R-3, allowing 8 units per acre—up to 147 non-age restricted homes.
- The design of the CCRC building continues to look like a prison, which the top urban design people have noted previously. And, the single-family two-car garage “cottages” for 2 people would sell for \$1.6 million with 90% back on resale.

TRAFFIC ISSUES AND RELIEF ROAD COMPLETELY IGNORED:

- NLCS notes there will be 500 new residents (perhaps 250 more once other lots are developed by owner), 200 full time or part time employees, plus multiple trucks and service vehicles coming and going.
- Despite this, the developers' plans amazingly include no traffic improvements. They simply allude to a required traffic study in lieu of making any intersection or other traffic improvements.
- The intersections at Forest Drive and Spa Road, as well as Forest Drive and Crystal Spring Farm Road are already operating at overcapacity levels (F rating) during rush hours, which should preclude this development. The City traffic impact study guidelines state: "Improvements are required if the roadway, the intersection, and/or a particular movement will operate below [level of service] D or worse with the proposed development." (*City of Annapolis Traffic Impact Study Guidelines, pg. 14*)
- Compounding this, the developers are alleging for the first time that they are not responsible for planning or even showing the route of the relief road required under the annexation agreement which P&Z has been insisting run from Skipper Lane to Gemini Drive.
- They claim that according to the Comprehensive Plan the road is no longer feasible, but this language is only referring to the originally planned road running all the way from Aris T. Allen. The Comprehensive Plan clearly states that a shorter version of the relief road is still required: "6.3 Forest Drive Opportunity Area: Network improvements are needed to tie the development into the surrounding road network, including the conceptual Forest Drive Relief/Service Route (see Policy 5). Gemini Drive should cross Forest Drive (MD 665), and a road should be constructed parallel to Forest, extending Skipper Drive, to provide redundancy and enhance connectivity." (*City of Annapolis 2009 Comprehensive Plan Update, 2014, pg. 32-33*)
- Further, the Annexation Agreement requires that the developers make "an equitable contribution to the cost of the construction of the relief road." The developers have completely abandoned this responsibility.

STORMWATER PLANS ARE INADEQUATE:

- Stormwater runoff is the #1 pollutant of Crab Creek and the South River. The developers seem to have failed to meet their pledge to manage 100% of stormwater onsite without exceeding current pollutant loads or the rate and volume of existing flow.
- They plan 57 separate stormwater facilities throughout the project to capture stormwater and mimic and maintain existing drainage patterns and hydrology, plus a stormwater retention "wetland" on Mas Que Farm property for the 10-year or greater storm event. This violates their commitment to on-site stormwater management, plus the City has repeatedly said it will not be permitted.
- They have all but abandoned Green Roofs (there will be two small ones), and it is anticipated that all surface parking will be bituminous concrete surfaces.

75-ACRE CONSERVATION EASEMENT ON MAS-QUE FARM DOESN'T MEET ANNEXATION REQUIREMENTS:

- Under Annexation Condition 19, 75 acres "in the general vicinity of the equestrian center" and "in the area adjacent to Spa Road" shall be placed under a conservation easement once a development plan for the annexed property is approved.
- The filings finally delineate the easement area, but their plan would violate the terms of the Annexation Agreement. A significant portion of the easement area is on the Crystal Spring property far from the area of the equestrian center and Spa Road. This undeveloped area of CS is already supposed to be left undisturbed under terms of the Forest Conservation Law and should not be used toward the 75 acres.
- The terms of the conservation easement have yet to be established and must prohibit any further development on this acreage, as well as any forest clearing for agricultural or any other purposes.

REFORESTATION WILL BE FAR LESS THAN THE 100% PLEDGED:

- NLCS has now completely abandoned their pledge to replant one acre for every acre of forest cleared, and will only provide 15.35 acres of onsite reforestation of the total 38.8 acres to be cleared for a net loss of 23.45 acres. There will be no additional reforestation or payments in lieu of.

- The City's FCA states that for Priority Forest, "There is a rebuttable presumption that priority retention areas shall be retained....If existing forest on the site subject to a forest conservation plan cannot be retained, the applicant shall demonstrate to the satisfaction of the Department: i. How techniques for forest retention have been exhausted; and ii. Why the priority forests and priority areas...cannot be left in an undisturbed condition."
- The filings show the developers are far from meeting this requirement. By decreasing the footprint as the City has repeatedly requested they can easily reduce the amount of acreage to be cleared.

VARIANCE APPLICATIONS FOR CLEARING FALL SHORT OF STATUTORY REQUIREMENTS:

- The PFCP filings question whether a variance is needed to clear priority forest. Our position is that it is required and there are very stringent requirements for such a variance to clear priority forest.
- This very high threshold requirement for "unwarranted hardship" is a major barrier to allowing the destruction of 38.8 acres of forest, especially a large block of contiguous forest given special protection under the law. How can the applicant demonstrate the denial of reasonable and significant use of the property considering the applicant's entire 175 acres? Without doing so, the "unwarranted hardship" variance may not be granted by the City.
- The City also requires an applicant for a variance to verify that the granting of a variance will not adversely affect water quality. How can you clear 38.8 acres of mature, contiguous forest including 68 specimen trees and build acres of impervious surface without adversely affecting water quality, especially with such a questionable stormwater management plan?
- The developers also did not seek any variance whatsoever for the 13.3 acres to be cleared on Lots 4 and 5 under the subdivision plan and PFCP, which will be retained by Mrs. Richardson-Pearson.

NO LARGE DEVELOPMENTS SHOULD BE CONSIDERED UNTIL SECTOR STUDY IS COMPLETED:

- *Last spring the City finally began work on a Forest Drive/Eastport Sector Study, which will use extensive citizen input to develop guidelines that will determine future zoning and development in this overcrowded corridor.*
- *The City's 2009 Comprehensive Plan called for such a sector study to be completed by 2012. Unfortunately, many developments have been approved since then leading to more traffic and school overcrowding problems and environmental degradation. Currently, at least 1,100 more housing units and 190,000 sq. ft. of commercial developments are underway or planned for the Annapolis Neck corridor.*
- *The results of the first survey overwhelmingly showed that people who live here are most concerned about traffic, overcrowding, and the environment.*
- *It is simply backwards to allow any significant developments to proceed in the Forest Drive corridor until this study is completed and its recommendations are implemented. If the City is going to continue to process and possibly approve developments, including the massive Crystal Spring project, before the Sector Study is even completed, it is hard to envision what good the sector study will do.*
- *We are urging the new administration to take this opportunity for a fresh start and to keep their promise to bring changes to the development process in Annapolis, starting with the Sector Study. No prospective or pending development is close to the size of Crystal Spring and this project and all others of more than 4 lots and 10,000 sq. ft. of commercial/retail development should be suspended until the sector study is completed and its recommendations are implemented.*