

Cullison, David

From: Owner <tlcromeans@aol.com>
Sent: Friday, June 16, 2017 9:34 AM
To: Cullison, David
Cc: tlcromeans@aol.com
Subject: CoA 21354

I respectfully submit to the DeKalb County Historic Preservation Commission this statement in opposition to the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC ("minerva USA"), I strongly recommend that the commissioners deny the application.

I have lived and worked in this area for many years and currently live a couple miles away at 1328 Middlesex Ave, 30306. This area of metro Atlanta including city of Atlanta and western DeKalb county is a beautiful area with large trees and historic shady neighborhoods. This is a large part of why I chose to live in this area of metro Atlanta. Unfortunately these are vanishing with rapid development and lack of planning for the future tree canopy of the area. These small forested areas are such an integral part of the old neighborhoods. The character and contribution of these little forest plots cannot be replaced ever because the integrated vegetation and soil supporting these areas is destroyed by development.

Please look forward and contribute to the preservation of the character of these neighborhoods. Other areas lacking such quality forest should be used for intense development or redevelopment rather than destruction of such large tracts of tree canopy for development.

Areas such as this should be preserved for nature areas for all to enjoy.

Thank you for your attention to this matter, Theresa Cromeans, Ph.D.

From: **Brenda Dawson** zacshouse@icloud.com
Subject: **Fwd: Tonight's Hearing on Minerva Development - Old Briarcliff Safety Committee**
Date: **June 19, 2017 at 5:27 PM**
To: **Carol Tarver** ctarver@me.com

JUN 19 REC'D

at meeting
DC

Begin forwarded message:

From: Brenda Dawson <zacshouse@icloud.com>
Subject: Tonight's Hearing on Minerva Development - Old Briarcliff Safety Committee
Date: June 19, 2017 at 5:22:19 PM EDT
To: dccullis@dekalbcountyga.gov

David, my name is Brenda Dawson and I live at 790 Briarpark Court. I respectfully wish to submit to the DeKalb County Historic Preservation Commission the following statement in opposition to the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC ("Minerva USA").

I strongly recommend that the commissioners deny the application. As you can tell from the number of attendees to all the meetings with the Commission and with one of the Commissioners, there is extremely strong and loud community opposition to this development. The amount of destruction of the current property's topography will be overwhelming. They will have to cart in many tons of dirt to level off the current slope of the property, which has the potential of ruining the watershed of Peavine Creek.

In addition, to build a 4-story, 4,000 square foot condominium structure and parking deck across a very small 2-lane street from our neighborhood does not seem to be in line with the Historic Preservation Commission's mission as a preservationist organization; that is, to identify and protect areas, buildings, and site of significant in our county. They are tearing out compelling numbers of large trees in an area where Civil War blood was spilled, where a few trees are taller than the tallest skyscraper in Atlanta, and where owls, hawks, deer and rabbits coexist. To hear the developer say he is only concerned with trees because they could fall on him, is heartbreaking and misguided. And the building they propose looks very similar to the Emory Conference Center building - a hotel.

I am also concerned that this property will have the same future as that which Minerva is/was developing on the other side of the Channel 5 property. That property, having been leveled last Fall, has remained dormant since mid-December. Only the sewer pipes are sticking up, and not a tree remains on the property. We do not want the same fate for the currently heavily wooded area on Old Briarcliff.

Thank you, David, for this opportunity to provide my written opinion. I hope this is in time for tonight's meeting.

Brenda Dawson

Cullison, David

From: GeorgiaSlick . <drewdeman@gmail.com>
Sent: Monday, June 19, 2017 4:47 PM
To: Cullison, David
Subject: Old Briarcliff Woods

Mr. Cullison,

I'm writing to you regarding the proposed development at 1551 Old Briarcliff Rd. I strongly recommend that the DHPC and all other concerned governing bodies reject the proposal by Minerva Homes and the landowner. The woodland parcel they intend to destroy is part of a dwindling, sensitive urban ecosystem that is rare in our country and must be preserved at all costs. There are plenty of unused parking lots, shuttered strip malls and abandoned areas located within the perimeter that could be developed while preserving urban ecology. We have reached a tipping point where the environment is concerned and it is a huge responsibility for people involved in development decision-making to stand firm against the slow-and-steady destruction of Atlanta's "City In The Forest" before it is all gone.

Thank you.

Drew de Man
Former DeKalb resident, concerned citizen

My name is Russ Haynie and I live at 751 Briar Park Court NE, Atlanta GA 30306. I respectfully wish to submit to the DeKalb County Historic Preservation Commission the following statement in opposition to the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”).

I strongly recommend that the commissioners deny the application. When our community alliance, the Old Briarcliff Safety Alliance, expressed our dissatisfaction with the decision of the Historic Preservation Commission to approve this application at the April Hearing, the chair hushed our members and instructed us to appeal if we did not like it. So, we did and now we’re back and it is now time for the commission members to correct the abuse of their discretion that we argued they made in our appeals and that the DeKalb County Board of Commissioners unanimously agreed with.

This proposal is inappropriate and contrary to the preservation mandates of the Druid Hills Historic District Design Manual. Clearly all cited sections in the Board of Commissioners decision (4.1.2, 4.1.3, 8.1 and 8.2) give the HPC a mandate, in fact an obligation, to uphold its charter and deny this inappropriate proposal that would destroy a key forested character area in our community. Section 4.1.2 states, “...the open space surrounding Peavine Creek ... create[s] a network of green, open space areas that comprise a historic design feature of Olmsted”. The HPC must recognize that it is the context of the Olmsted design, not just the core design areas themselves, that the Design Manual establishes as a target of the preservation mandate of the Manual.

Further, section 8.1 states, “It is imperative that the large scale, historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and also to protect the stream corridors.” Illustration F: Peavine/Lullwater Creek Watershed Map shows the extent of the entire watershed on a USGS base map. This hydrological system was protected by F. L. Olmsted in his original design for Druid Hills and by the later subdivision designers as well. Significant expanses of the natural landscape surrounding the creek corridors were preserved in the overall plan.

The design principles directly attributed to Olmsted and his Kauffman, his protégé, in the plat for the Springdale and Oakdale area, and repeated by other designers in later sections of the Druid Hills subdivision, Emory Grove, and Woodland Park., should be extended edge to edge within the border of the district. The HPC wrongly concluded that the subject parcel is undeserving of the same scrutiny that would be applied to similar proposals in the core areas of the district. This would be like arguing that the U.S. Constitution only applies to the original 13 colonies. In fact, those who founded the district took great care and had the progressive forethought to specifically describe the forested land this parcel is a part of and stated that it is imperative that such greenspaces and stream corridors be preserved. This proposal is clearly counter to that goal. It would clear a key edge of the contiguous forest that defines the character of this portion of the district and would introduce a significant expanse of built and impervious surface area that would strain the health of the stream bed along the southeastern edge of the property that feeds directly into Peavine Creek.

Lastly, it was stated during one of the earlier hearings by a member that she, “ ...wasn’t going to tell Fox 5 what they could do with their land.” Surely, if this commission feels empowered to tell any homeowner in the district what they can do with their property, then Fox 5 should be subject to the same, if not more, oversight in how the use of their property would impact the character and use of adjacent properties. We appreciate that the HPC members volunteered for this role, but this is exactly the role you are supposed to play. It is time to embrace the mandate you were given and deny this inappropriate application once and for all. Anything less will be a gross failure of your obligations to uphold the spirit and letter of the Design Manual and the ingenious design concepts that perpetuated the creation of the district and inspired its creators to have the progressive forethought to extend its preservation goals to the unbuilt environments same as the built.

From Jean Krugman; 741 Briarpark Court.

We are grateful to have an opportunity to urge the HPC to reconsider their COA for Minerva's development of the currently wooded site on Old Briarcliff Road. I am aware that your authority does not extend to major common-sense issues such as safety, traffic congestion, air quality and noise pollution. However there is ample room in the DHCA guidelines issues to consider factors more significant than the codified design elements that have been your main focus in discussing this destructive proposal, which will add to the blight already created by the developer in the neighboring site on Briarcliff Road.

Although we are also aware that this particular site is not within the original Olmstead planning area, it is clear from the guidelines which you have before you that those design elements were and should be incorporated in later neighborhood and subdivision design. We believe that your original dismissal of our opposition demonstrates an unnecessarily narrow interpretation of the guidelines and that you will fulfil your mandate to preserve the beauty and character of Druid Hills by denying a COA for an unneeded and destructive development.

In earlier hearings, the HPC also dismissed the value of the forest on the grounds that it is not "old growth". Material from a professor of Environmental Sciences addressing the ecological importance of the forest also supports its consideration as a factor in historic preservation; finally, the clause headed 'Recommendation' in Section 8.1 regarding consideration of 'conservation easements...to preserve open spaces' has not been discussed by the Commission.

In support of my opposition I ask you to refer to the sections in bold below.

4.1.2 Natural Landscape

The Druid Hills Local Historic District is a cultural landscape within a natural setting that contains remnants of a mature hardwood forest within a system of creek corridors. The district is located in the Georgia Piedmont within the Peavine and Lullwater Creek Watershed. The district; portions of Edgewood, Kirkwood, Candler Park, Lake Claire, and Poncey Highlands; and the City of Decatur are included in this watershed. This watershed is located near the subcontinental divide, which separates the Atlantic Ocean and Gulf of Mexico drainage areas.

Illustration F: Peavine/Lullwater Creek Watershed Map shows the extent of the entire watershed on a USGS base map.

This hydrological system was protected by F. L. Olmsted in his original design for Druid Hills and by the later subdivision designers as well. Roads and subdivision lots followed the natural topography, causing minimal disruption to the landscape. Long rectangular lots with houses sited toward the front of their lots fostered the preservation of drainage ways and stream corridors within rear yard spaces. **Significant expanses of the natural landscape surrounding the creek corridors** were preserved in the overall plan. Fernbank Forest, Druid Hills Golf and Country Club, the chain of parks along and adjacent to Ponce de Leon Avenue, **and the open space surrounding Peavine Creek within the campus of Emory University create a network of green, open space areas that comprise a historic design feature of Olmsted.**

Trees throughout the study area were originally part of an Oak-Hickory Climax Forest typical to the rolling terrain of the Georgia Piedmont. Remnants of this forest are still the predominant vegetation throughout the study area. The forest is characterized by white oak, southern and northern red oak, blackjack oak, post oak, sycamore, sweet gum, beech, mockernut hickory, pignut hickory, tulip poplar, black gum, white ash, sourwood, dogwood, redbud, and red maple.

From Jean Krugman; 741 Briarpark Court.

Olmsted's influence is evident throughout the Druid Hills Local Historic District, **even in neighborhoods outside the boundaries of the original planning area.**

Many of these subsequent neighborhoods were designed by O. F. Kauffman, a civil engineer, who assisted in the 1905 plan. Kauffman's association with Olmsted **resulted in the incorporation of many Olmstedian principles in these later neighborhoods. In most cases, Kauffman's layouts were sensitive to the existing terrain and hydrology. The preservation of open spaces from Olmsted's original concepts was retained** in Kauffman's detailed plat designs. Olmsted's original streetscape form with designated spaces for street tree plantings and pedestrian paths was also an element in Kauffman's neighborhoods and others in the district.

8.1 Open Space and Parkland Preservation and Conservation

Open Space Linkages - The open spaces, preserved in Olmsted's original concepts for Druid Hills, remain as major open spaces today. These green spaces are connected by the stream corridors that extend through them. **It is imperative that the large scale, historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and also to protect the stream corridors. The park-like character created by these large open spaces is** reinforced by the unbroken landscapes of the residential settings.

Passive Use of Open Spaces - The natural character of these open spaces is best protected by passive use activities.

Intensive sports activities, such as ballfields and large-scale playgrounds, would damage the character of these spaces and should be avoided.

Eradication of Exotic Species - The open spaces are comprised primarily of native plant communities. Several open spaces have been damaged by a proliferation of exotic species, particularly privet, ivy, elaeagnus and kudzu. The persuasiveness of these species threatens the bio-diversity. A mono-culture environment is created, resulting in a negative impact to the ecology of the district's open spaces. The predominance of English Ivy within the Fernbank Forest is an example of the invasion by exotic species in a natural environment. These exotic species should be removed by the most environmentally responsive approach possible. (See Eradication of Kudzu in the Appendix.)

Guideline - The original layout of Druid Hills **should be preserved through the conservation of major open spaces and the linear system of parks and green spaces that buffer the stream corridors. Retaining these spaces, both public and private, by limiting their uses to passive** activities will perpetuate the parklike character in the district today. An exclusive palette of native vegetation is recommended for these spaces to protect and enhance the ecology

Recommendation - **The Druid Hills Civic Association or the DeKalb County Historic Preservation Commission should consider discussing with private property owners the concept of conservation easements, in combination with tax credits, to preserve the private "open spaces."**

8.2 Tree Conservation

The Druid Hills Local District is characterized by remnants of a mature hardwood forest contained within its public open spaces and privately-owned, institutional and residential lots. The management of this vegetative resource

From Jean Krugman; 741 Briarpark Court.

within the district will assist in the perpetuation of this significant historic and character-defining feature. A management plan should be developed for the Druid Hills Local Historic District to promote the conservation of the mature hardwood forest. Management of the district's tree resources, both pines and hardwoods, can be accomplished through a variety of techniques - voluntary as well as mandatory.

A tree ordinance is one

8.3 Protection of the Historic Watershed

Design and Design Concept

Most of the Druid Hills Historic District is contained within the Peavine and Lullwater Creeks Watershed. Peavine and Lullwater Creeks extend through the district's major open spaces including the woods along Peavine Creek at Emory University, Druid Hills Golf and Country Club, Fernbank Forest, and Deepdene Park. The watershed is further comprised of a system of secondary and tertiary streams that feed these major creeks. Olmsted's design placed rear lot lines along these streams and natural drainage ways as a method of protection and flood control.

River protection legislation at the state level requires a 25' setback from the top of a creek bank in the construction of new buildings. This rule should be applied to all drainage ways within the Druid Hills Historic District as a method of limiting development in these environmentally sensitive zones. Tax maps provide a general location for floodprone zones.

The district's major creek corridors, the floodprone zones taken from tax maps, and other identified drainage ways have been noted on the official "Historic District Map." These primary, secondary, and tertiary system of streams should be considered in all undertakings within the local historic district with the recommended 25' setback maintained.

ABOUT THE DHCA

The Druid Hills Civic Association was founded in 1938 to preserve the Druid Hills neighborhood for residential use and to protect the unique heritage of the area. Much of our work involves exercising vigilance in land use and zoning matters, communicating with local and state officials, informing the residents about community issues, **and promoting the general welfare of the neighborhood for the enjoyment of its residents today and in the future.**

HISTORICAL FOREST PRESERVATION

A naturalist has defined this property as **historical forest with old-growth remnants. A professor of environmental sciences at Emory mentions how "Fernbank Forest and Emory Forest are often noted as perhaps *the best remaining examples* of native Piedmont Forest in the *entire* eastern United States, and these two forests are linked by Peavine Creek which borders the Fox property."** As a point of interest, Fernbank Forest was inducted into the Old Growth Forest Network on Tuesday night.

The naturalist's reason for defining this area as a classical historical forest with old-growth remnants is because of its intact original historical forest soil, and the following are indicators of such: (a) presence of umbrella magnolia (indicator of

From Jean Krugman; 741 Briarpark Court.

original forest soil); (b) a Northern Red Oak that, at a minimum, is 125 years old; (c) trees growing out of the *original old-growth root ball*, and (d) slope area covered with communities of native plants, i.e., bloodroot, trillium, jack-in-the-pulpit, native red mulberry, etc.

The Emory professor indicates how this area has "a guild of native plants that are of special interest, including American Starvine, which has threatened status in Georgia" and how it is a wildlife corridor for beaver, otter, whitetail deer, etc.

These two issues might not generate much interest; however, ecologically and economically speaking, I would assume the following two concerns are of great import for this area and should be raised in people's appeals. Now I quote from the Emory professor:

*****this section of the forest serves as a SPONGE/FILTER FOR WATER entering Southfork Peachtree Creek and**

*****developing the property would INCREASE GROUND IMPERMEABILITY which would result in even more flash runoff into Peavine and Southfork Peachtree Creeks**

Dear Mr. Cullison and members of the HPC,

My name is Justine Lyons and I live at 1573 Frazier Road in Decatur. I respectfully wish to submit to the DeKalb County Historic Preservation Commission the following statement in strong, unconditional opposition to the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”).

I strongly recommend that the commissioners deny the application.

My parents purchased our home on Briarpark Court, the cul de sac that extends off of Old Briarcliff Road, in 1989; my parents still live there. I have attended several of the hearings pertaining to the issue of developing this property, including the last one on May 22 in which you approved the proposal from Minerva. I have been reflecting upon your reasons for approving the proposal and cannot find any sound logic. The claim that no old growth trees were noted in a survey, indicating that the area had likely been disturbed before, therefore implying that no archaeological artifacts would remain, is weak and reflects poorly on the purpose of the HPC: to preserve the historic beauty of our neighborhood. Even my 12 year old daughter saw the absence of logic in the reasons for approving the development plans; I was completely unable to formulate decent answers to her questions about why you approved it.

Allowing a developer, whose sole purpose is to line his pockets, to destroy this rare and precious tract of natural land, acts completely counter to preserving the natural and historic beauty and serves absolutely no benefit to our community. There is certainly nothing appropriate about this application. Preservation is not only accomplished by focusing on the past; it is also a look towards the future. Our city is being swallowed by development at an alarming rate. Please take to heart the pleas of this community and deny this proposal.

Sincerely,

Justine Lyons

My name is Cathy McCabe, and I live in Druid Hills. I respectfully wish to submit to the DeKalb County Historic Preservation Commission the following statement in opposition to the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC ("Minerva USA").

I strongly recommend that the Commissioners deny the application for the following reasons:

Allow me to begin by thanking the Commissioners for considering the reasons for my opposition to the development at 1551 Briarcliff Rd. under question. Unfortunately my work commitments will prevent me from appearing before you personally at the Monday evening meeting.

The Minerva responses seem to revolve around the idea that "the subject property was not included in either the original Olmstead subdivision design boundaries or in the subsequent expanded Kauffman subdivision boundaries." However, it appears as if the property is included within the boundaries considered in the Druid Hills Design Manual and, thus, is within its purview. Further to the point, the O.F. Kaufman plats in the Design Manual (p. 24) seem to indicate that the subject property lies within the DH Historic District boundaries, as do several illustrations of the Historic District included in the Manual, such as Illustration J on p. 102.

It should also be noted that the Druid Hills Historic District and the adjacent Emory University Historic District (indicated on Illustration C, p. 12 of the Druid Hills Design Manual) are **both** listed on the National Park Service's *National Register of Historic Places*. This Register "*is the official list of the **Nation's historic places worthy of preservation**. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.*"

With this background, it should be noted that the following three issues are of concern in this development.

Ecological issues:

Although Minerva contends this property was not "identified as a stream corridor" in the original Olmstead design, the DH Design Manual indicates that the "the Peavine and Lullwater Creeks Watershed...is further comprised of a system of secondary and tertiary streams that feed these major creeks," and as such, is included within the Druid Hills parameters considered under the Design Manual.

Quoting from the Druid Hills Design Manual, Section 4.1.2, "The Druid Hills Local Historic District is a cultural landscape within a natural setting that contains **remnants of a mature hardwood forest** within a system of creek corridors. *The district is located in the Georgia Piedmont within the Peavine and Lullwater Creek Watershed. This hydrological system was protected by F. L. Olmsted in his original design for Druid Hills and by the later subdivision designers as well.*"

The DH Design Manual Guideline under Section 8.1 states how: "the original layout of Druid Hills should be preserved through the conservation of MAJOR OPEN SPACES and the **linear system of parks and green spaces that BUFFER the stream corridors.**"

Development at the subject property, if allowed, will leave the Druid Hills area with few, if any "remnants of a mature hardwood forest" areas and would jeopardize the conservation of a major open space. Additionally, the archaeological study submitted does not seem to provide any consideration of remediation efforts to counteract any potential increase in ground impermeability caused by the deforestation of this property. Such an increase could entail more runoff into Peavine and Southfork Peachtree Creeks, which, in turn, could mean potential remediation costs in the future for the County.

Human-safety issues:

There is no mention of the human-safety factor of this development. The presence of an income-producing (which would assume its permanence) 1140-ft broadcast tower on this property exposes homeowners to dangers from falling ice and debris, as well as to possible structural failure. In the past, ice storms in the area have prevented both homeowners and Fox Channel employees from safely traveling the area due to the falling ice.

Quality-of-life issues:

As has been stated, the DH Design Manual states how "it is IMPERATIVE that the *large scale, historic, public, and private open spaces be preserved* to provide a rich habitat for plants and wildlife and TO PROTECT THE STREAM CORRIDORS." Nothing has been included in this statement about how this development will affect plant and wildlife habitat, but these words encompass the quality-of-life vision embraced in this imperative.

The possibility of future infrastructure costs to the County, given the increased traffic and ground impermeability issues that could come with this development, should be taken into account. If, at some point in the future, the County were to be found negligent for having granted a building permit for homes under a 1140-ft. broadcast tower that had the potential to expose homeowners to dangers such as falling ice or debris due to ice storms or to possible structural failure, the costs of such a lawsuit might not be offset by future tax revenue from this development.

Thank you for your time and consideration of this issue, one of importance to both current and future DeKalb County homeowners who appreciate the opportunity to settle in this "City in a Forest."

Regards,

A handwritten signature in black ink that reads "Cathy McCabe". The signature is written in a cursive, flowing style.

Dear David Cullis,

Please accept this letter of opposition to the proposed development by Minerva USA of land parcels on Old Briarcliff Road. I live less than a mile away from this proposed development and as a long-time tax payer and local resident in Dekalb County I respectfully ask that the board deny this construction. This construction, like many others in the area that have already been approved and built, is just not sustainable. Beyond the environmental damage, our roads, electricity grid and water supply cannot sustain this much new construction. In the last 10 years, my commute time on Briarcliff Road has more than doubled. And more roads are not the answer.

As you know, there has been an explosion of new multi-unit developments in near by neighborhoods, Cheshire Bridge and Lindbergh alone have easily tripled the capacity of what it was 5 years ago.

Also, as Dekalb County has not revisited its Tree Ordinance in many years this needs to be done before a construction project of this nature is approved.

The tree canopy of our city is what differentiates Atlanta from other cities. We have an opportunity to save an intown forest that will be gone forever is this project is approved.

Please make the vote to stop this project from reaching approval.

Thank you,

Diane Milla
1380 Stephens Drive, ne
Atlanta, GA 30329

Cullison, David

From: melanie@bassdesigns.com
Sent: Monday, June 19, 2017 3:45 PM
To: Cullison, David
Subject: CoA 21354

I respectfully submit to the DeKalb County Historic Preservation Commission this statement in opposition to the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC ("minerva USA"). I strongly recommend that the commissioners deny the application for multiple reasons related to high value forests, community impact, stormwater, and long term health risks - to name just a few.

This area of metro Atlanta including city of Atlanta and western DeKalb county is a beautiful area with large trees and historic shady neighborhoods. This is a large part of why I (we) chose to live in this area of metro Atlanta. Unfortunately these are vanishing rapidly with high-impact, fast-paced development and lack of planning for the future tree canopy of the area. Our area of Pine Hills continues to have mature healthy specimen trees fall to soil disturbances and high-impact clear cutting development patterns that open up surrounding trees to winds. The more we cut, the more will fall.

These small forested areas are a critical and integral part of the old neighborhoods and the wildlife corridors remaining that will connect them to the wilderness areas outside of Atlanta. The character and contribution of these little forest plots cannot be replaced - ever - because the integrated vegetation and soil and mycorrhizae supporting these areas is destroyed by development. It will take hundreds of years to achieve this high value greenspace again that was once recognized as important to a community. It cannot be planted back. The destruction of this forest will lead to many more failed trees, habitat loss and animal control expenses, stormwater, light/noise/air pollution. All in perpetuity for this community.

Please look forward and contribute to the preservation of the character of these neighborhoods. Atlanta falls sadly behind in our total percentage of natural green park spaces. Since the majority of canopy exists on private property, it makes areas like this forest even more valuable and crucial to a healthy future for Atlantans and our unique ecosystem that co-exists inside the "City in a Forest". Locate other areas lacking such quality forest and NOT beneath an 1140 foot broadcast tower for this type of high-impact development or redevelopment rather than destroy such large tracts of high value tree canopy.

Natural areas such as this should be preserved for all - now and in the future - to enjoy and live healthy, vibrant lives in a thriving community.

Thank you for your attention to this important precedent-setting hearing for Atlanta's City in A Forest future.

Melanie Pollard
Co-founder of Atlanta Protects Trees
Communications Director of Georgia Native Plant Society



Melanie Bass Pollard

Principal, BASS DESIGNS, INC.

404.816.8300 • 404.668.6464 • melanie@bassdesigns.com

1179 Goodwin Road, NE • Atlanta, Georgia, 30324-2715

Statement of Frederic and Judy Shaw

in Opposition to Resubmitted Certificate of Appropriateness Application 21354

Filed by Residential Recovery Fund, LLC ("Minerva USA").

June 18, 2017

Our names are Frederic and Judy Shaw and we live at 765 Briar Park Court NE, Atlanta, Georgia 30306. We respectfully submit to the DeKalb County Historic Preservation Commission (DCHPC) the following statement in opposition to the resubmittal of Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC ("Minerva USA"). This statement is ours alone and does not necessarily represent the views of any other party or appellant in this matter.

REQUEST

We oppose the resubmitted application and we respectfully request that the DCHPC deny it.

BASIS OF REQUEST AND ADDITIONAL POINTS

1) Minerva USA should not be permitted to make, and the DCHPC should not consider, any arguments that were essentially decided by the DeKalb County Board of Commissioners on May 23, 2017. Virtually all the arguments and information in Minerva USA's renewed application concerning Druid Hills Guidelines Sections 4.1.2,

4.1.3, 8.1, and 8.3 have essentially already been decided by the Board of Commissioners in a unanimous vote when it approved our appeal and the appeals of other persons on May 23. The arguments contained in Minerva USA's resubmitted application on these sections are essentially the same that Minerva USA made to the Board of Commissioners in a document entitled, "Appeal Responses document." The Board of Commissioners adjudicated the appeal in favor of the appellants. Now, Minerva USA is seeking to raise these same issues again with the DCHPC. Because these arguments were essentially rejected by the Board of Commissioners, Minerva USA should not be permitted to submit these same arguments again for consideration by the DCHPC, and the DCHPC should not consider them as part of Minerva USA's renewed application.

2) Even if Minerva USA, in its renewed application, is permitted to make the same arguments that were in effect rejected by the Board of Commissioners, there is no rational basis upon which the DCHPC can now approve the COA based on Druid Hills Guidelines 4.1.2, 4.1.3, 8.1, and 8.3, because the renewed application (except for the archeological evaluation) presents largely the same statements and information as the original application and essentially the same statements and information presented to, and rejected by, the Board of Commissioners unanimously on May 23, 2017.

Minerva USA acted hastily in filing a renewed application with the DCHPC for the June DCHPC meeting, and it is therefore not surprising that, aside from the archeological evaluation, it contains almost nothing new. Instead of carefully examining

the basis for the Board of Commissioners' decision and writing a renewed application with a thorough response to the concerns of the Board of Commissioners (and through the Board of Commissioners, to the concerns of the appellants), Minerva USA chose to hastily submit a new application that, aside from the archeological evaluation, is essentially the same as the previous application and contains approximately the same statements and information it presented earlier. The statements and information that Minerva USA now has provided are also essentially the same as the statements and materials it provided to the Board of Commissioners in rebuttal to the appeals (see Appeal Responses document [responses written by Minerva USA to the Board of Commissioners in response to appeals made by us and other persons]). But these responses by Minerva USA must be considered to be already rejected by the Board of Commissioners in its unanimous decision of May 23. It defies reason that the DCHPC could now issue a COA based on the same statements and information that have already been rejected by the Board of Commissioners.

3) Even if Minerva USA, in its renewed application, is permitted to make the same arguments that were in effect rejected by the Board of Commissioners, it has not responded substantively to certain appellants' arguments upon which the Board of Commissioners' finding was made.

For example, in our appeal to the Board of Commissioners, we wrote,

Section 8.1 of the Manual states that "... the green spaces [of Druid Hills] are connected by the stream corridors that extend through them. It is imperative that the large scale, historic, public and private open spaces be preserved to provide a rich habitat for plants and wildlife and also to protect the stream corridors... (emphasis added) (p. 77)" The drafters were careful to specify not just the green spaces themselves for protection, but also "the stream corridors [i.e., 'linkages'] that extend through them."

We heard expert testimony presented at the Commission indicating that rainwater drains through a steep ravine inside the proposed Minerva building site a short distance north into Peavine Creek. This testimony indicated that the Minerva development could have an adverse environmental effect on drainage through the property into Peavine Creek. As we read the Manual, this violates the Guideline in Section 8.1 that requires, "the conservation of major open spaces and the linear system of parks and green spaces that buffer the stream corridors (p. 77)." We respectfully ask that the COA be remanded to the Commission in accordance with this conservation guideline.

(Shaw appeal statement to the Board of
Commissioners)

But in its “Resubmittal of Application for a Certificate of Appropriateness for 1551 Briarcliff Road, Atlanta GA 30306,” Minerva USA chose not to respond to this argument, that rainwater runoff from the development site could have an adverse environmental on Peavine Creek, even though the Board of Commissioners specifically mentioned Section 8.1 in rendering its May 23 decision. It is difficult to see how the DCHPC can do other than reject the resubmitted application when Minerva USA has chosen not to respond, or even mention, some of the arguments contained appellants’ successful appeal.

4) The statements in Minerva USA’s resubmitted application are, by their own express terms, addressed to the Board of Commissioners’ finding, not to the DCHPC. These statements therefore are inapt for consideration by the DCHPC. The language used in Minerva USA’s “responses” are, by their own express terms, addressed to *the May 23 finding of the Board of Commissioners, not to the findings of the DCHPC* (e.g., “Issue #1: The Board of Board of Commissioners states that the HPC’s approval ‘violated the....’” Resubmittal of Application for a Certificate of Appropriateness for 1551 Briarcliff Road, Atlanta GA 30306, page 2). By addressing its arguments to the Board of Commissioners’ decision, and not to the DCHPC, Minerva USA is essentially asking the DCHPC to rule on the finding of the Board of Commissioners. But the discretion of the DCHPC does not extend to reversing the decisions of the Board of Commissioners. Thus, the DCHPC should not consider any statements made by Minerva USA in the resubmitted application that are addressed to the Board of Commissioners, or for which

Minerva USA is asking the DCHPC to reverse or modify the decision of the Board of Commissioners.

For example, in its statement of why the proposed plans “are in total harmony with the requirements of the Druid Hills Design Guidelines,” Minerva USA argues that “the proposed plan fully meets the requirements of the Druid Hills Design Guidelines 4.1.2 and 4.1.3.” While this conclusion was essentially endorsed by the DCHCP in its April 17 decision, it was, in effect, rejected by the Board of Commissioners on May 23. Thus, Minerva USA should not be permitted to make this statement.

5) The DCHPC should independently assess whether the archeological evaluation required by the Board of Commissioners and provided by Minerva USA meets accepted standards for conflict of interest. We have no reason to doubt the integrity of the firm that conducted the archeological evaluation, and we do not suggest impropriety. But in any such activity it is reasonable for any government entity, including the DCHPC, to assess whether the conduct of the evaluation was done without undue and inherent conflict of interest. Such evaluations must be viewed in the context of a large real estate company seeking an evaluation that will be used to permit a multi-million-dollar real estate. A positive finding could place the entire project on hold and could reduce the return on investment for the investors. The pressure on an archaeology firm to render a response favorable to the company must be enormous. Under general ethics principles, we request that the DCHPC inquire into whether the evaluation was done without a conflict of interest, and whether the evaluation was adequate to rule out any “potential”

archeological or historic implications, as the Design Manual suggests. If there is a possibility of that, the DCHPC should independently seek review of the survey by a disinterested archeologist, or allow the appellants to conduct an archeological evaluation.

6) The DCHPC should require Minerva USA to “minimize disturbance of terrain to reduce the possibility of destroying unknown archaeological materials. (Design Manual Section 10). We wish to point out that, under the Design Manual, a developer’s job is not done by simply conducting a survey. The Section 10 Guideline states, “When planning new construction, additions, site improvements, or demolition, minimize disturbance of terrain to reduce the possibility of destroying unknown archaeological materials.” The survey conducted by Minerva USA does not fulfill the developer’s duty regarding archeological preservation. We have requested that DCHPC reject the resubmitted application. But, if DCHPC does approve it and the project goes forward, we request that Minerva USA be required to minimize disturbance of terrain to reduce the possibility of destroying unknown archaeological materials. Minerva USA should be required to document in detail how it will accomplish this. As Minerva USA’s archeologist consultant admitted, Civil War troops likely moved through this exact ground on their way to Atlanta. There may be “unknown” archaeological resources that are yet to be found.

Cullison, David

From: Greta Sybers <gsybers@bellsouth.net>
Sent: Sunday, June 18, 2017 9:11 PM
To: Cullison, David
Subject: OPPOSITION TO DEVELOPMENT PROPOSAL FOR 1551 BRIARCLIFF ROAD ALONG OLD BRIARCLIFF CASE # 21354

Dear Mr. Cullison,

I would like to thank the The Board of Commissioners and Dept of Planning and Sustainability for making the decision to reconsider the application for development along Old Briarcliff Road and would like to voice my objection to granting approval for development as this would be in flagrant opposition to the design guidelines of the Druid Hills Historic District, particularly that of 8.1 and 8.3. It is imperative that we protect the watershed area and floodplains as well as preserve and protect our disappearing natural open spaces and woodland habitat.

It would be a tragic short-sighted mistake to let this development proceed forward.

Sincerely,

Greta Sybers
1308 N Decatur Road
Atlanta, GA 30306

404-373-9538

My name is Terry Krugman and I live at 741 Briar Park Court. I respectfully wish to submit to the DeKalb County Historic Preservation Commission the following statement in opposition to the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC (“Minerva USA”).

So as not to take up too much of your valuable time, I shall not reiterate point-by-point the valid and cogent arguments made by my neighbors and other opponents of Minerva’s development plans.

I strongly and respectfully ask that the Dekalb County Historic Preservation Commission (DCHPC) deny the resubmitted COA application (21354) filed by Minerva USA.

Minerva is resubmitting this application precisely because the Dekalb County Board of Commissioners agreed with and upheld the appeals of our neighborhood alliance and deemed that the DCHPC too narrowly defined its own mandate regarding preserving the historic and environmental qualities of the area in dispute. These arguments and facts have not changed in the last six weeks:

The proposed development will cause irretrievable environmental damage the 2.2 acre lot. A resubmitted application does not change this simple fact.

In addition to other facts making this development unwise (safety, traffic, etc.), I find it curious that the DCHPC takes interest in various architectural minutiae in residential renovations and yet turn a blind eye to the potential damage that will result from the clear cutting of more than 400 trees, some of which are the

largest in metro Atlanta. This- not the type of material used in replacing a gable or a fence post- undermines the value and integrity of a community my family and neighbors cherish (in fact,the current Minerva 'development' on the south side of 1551 Briarcliff Road- may have already caused several families to put their home for sale; I have seen this walking my dog on Emory Road).

Please show the good sense and courage to stand up to the wholesale destruction of this area. As a native Atlantan, I have seen developers get their way time and again, furthering what some folks hyperbolically call the 'Shermanization' of Atlanta.

Thank you,

Terry Krugman

June 15, 2017

**Mr. David Cullison
DeKalb County Planning Department**

Dear Mr. Cullison,

My name is Lisa Zier and I live in DeKalb County at 1078 Woodbridge Crossing, Atlanta, GA 30306. I respectfully wish to submit to the DeKalb County Historic Preservation Commission the following statement in opposition to the Certificate of Appropriateness application 21354 filed by Residential Recovery Fund, LLC ("Minerva USA").

I strongly recommend that the commissioners deny the Minerva application. I live within a mile of the proposed Minerva project and use Briarcliff Road on a daily basis. The traffic is becoming increasingly heavy and unbearable on Briarcliff as the road has developed into the main thoroughfare for drivers to Emory, Druid Hills, Morningside, Virginia-Highlands, parts of Decatur, Inman Park and Poncey-Highlands. The traffic, speeders and lack of sidewalks already makes it treacherous for pedestrians and for residents of the area trying to turn out of their neighborhoods. Adding development to this road will worsen an already challenging situation.

I'm a lifelong DeKalb County resident and have lived in Druid Hills for over 15 years. I've always considered Briarcliff/Druid Hills/Emory to be a uniquely beautiful and historic part of Atlanta. However, the loss of this mature forest and lush green space coupled with the addition of more traffic, more people and cookie-cutter housing will only turn this distinctive area into just another generic "anywhere USA" part of town.

I hope the commissioners will reject the Minerva project and only consider projects that only endeavor to maintain the beauty, character and well-being of this neighborhood.

Thank you for your consideration.

Lisa Zier

**lisaz003@yahoo.com
770-337-3295**