

August 18, 2004

080104ConceptPlan2

To: Community Design Commission
From: Seymour Freed

Comment on i-40 Noise and Sunrise Road Subdivision Concept Plan C1

I have analyzed Concept Plan C1 to determine existing and future I-40 traffic noise impacts on the proposed project. My basic source of data is the NCDOT I-40 Widening Categorical Exclusion dated March 29, 2000. I have incorporated the data for predicted post-widening noise levels into a chart labeled "FHWA Noise Predictions."

The spreadsheet "SUNRISE ROAD SUBDIVISION – CONCEPT PLAN C1" lists the data derived from this chart in Column 10. The Ambient Noise Level (Column 9) is 3 dBA less than Column 10. The SF Predicted HOV Noise Level is the noise reading of Column 10 moved 40-feet closer to the project. I believe that the noise levels listed in Columns 9 through 11 are accurate within +/- 2 dBA. The NCDOT data is skimpy and out-dated. A current ambient noise level study should be made at the exact locations of representative proposed units, if any, that are approved by the Commission..

4 Times Distance from CenterLine Near Lane (Column 4) lists the maximum distance from which noise is transmitted linearly to the individual unit by FHWA standards. This distance is always to the west since the roadway is rising at a 2.0% grade westward. The major predominating noise will come from the west of the project. There will be noise shielding to the east because a depressed roadway commences in the easterly direction about 200-feet east of the east property line.

The Highest Roadway Elevation (Column 6) is always at the far west end of the 4 Times Distance. Diesel exhaust elevation, which is a major, year round source of noise, is 11-feet above the roadway. The Diesel Exhaust Above Ground is the maximum distance a diesel exhaust will be above ground level at each unit. This varies between 19-feet and 41-feet. Ground level noise attenuation is ineffective above 10-feet.

I have numbered the units according to the enclosed sketch. 19 of the proposed units currently are exposed to a noise level of 68 to 73 dBA. These are all noise-impacted by NCDOT standards, and would be eligible for consideration for noise abatement if they had existed before the roadway was constructed. A noise level of 66 or more decibels is considered not suitable for housing or outdoor play areas by the FHWA. Thus units 1 through 8 are currently unsuitable for habitation without noise abatement. The only viable noise abatement for these units would be a noise wall approximately 2100-feet long at the I-40 Right-of-Way line.

A total of 36 units will be unsuitable for habitation after the widening and/or the installation of HOV lanes without noise abatement. The only viable noise abatement for these units would be a noise wall approximately 2700-feet-long.

Since noise walls are not forthcoming from NCDOT, 38% of the units in this Concept Plan are in locations that are not now, and 72% of the units are in locations that will not be suitable for their intended use in the next ten to fifteen years. This Concept Plan needs more consideration and should go back to the drawing board.

080104ConceptPlan1
08/04/2004

SUNRISE ROAD SUBDIVISION - CONCEPT PLAN C1
I-40 Traffic Noise - Existing and Predicted

Unit #	Dwelling Units	Dist. CL Near Lane Ft.	4 Times Dist. CL Near Lane Ft.	Ground Elevation	Highest Roadway Elevation	7 Diesel Exhaust Elevation	8 Diesel Exhaust Above Ground Ft.	9 Ambient Noise Level dBA	10 NCDOT Predicted Widening Noise Level	11 SF Predicted HOV Noise Level
3	3	211	844	466	478	489	23	73	76	78
2	3	216	864	465	480	489	24	72	75	77
4	2	250	1000	468	480	491	23	70	73	75
1	3	265	1060	469	488	499	30	69	72	74
7	3	269	1076	468	477	488	20	69	72	73
6	3	283	1132	468	479	490	22	69	72	73
5	2	293	1172	469	482	493	24	68	71	73
11	19	Currently Noise-Impacted								
12	2	345	1380	470	490	501	31	65	68	70
8	2	355	1420	471	491	502	31	65	68	70
13	3	364	1456	474	482	493	19	65	68	69
10	2	372	1488	473	493	504	31	65	68	69
14	2	385	1540	470	491	502	32	65	68	68
9	3	410	1640	474	497	508	34	64	67	68
33	33	Total Noise-Impacted After Widening								
9	3	455	1820	474	492	503	29	63	66	67
36	36	Total Noise-Impacted After HOV Lanes								
15	1	520	2080	479	504	515	36	60	63	64
28	1	540	2160	478	504	515	37	60	63	64
16	1	550	2200	481	510	521	40	60	63	64
27	1	555	2220	480	504	515	35	60	63	64
26	1	568	2272	482	506	517	35	60	63	64
25	1	572	2288	482	506	517	35	60	63	64
24	1	585	2340	484	510	521	37	59	62	63
17	1	588	2352	484	515	526	42	59	62	62
18	1	600	2400	486	514	525	39	59	62	62
19	1	608	2432	485	515	526	41	59	62	62
20	1	615	2460	486	515	526	40	58	61	61
21	1	620	2480	486	515	526	40	58	61	61
22	1	625	2500	486	515	526	40	58	61	61
23	1	645	2580	486	512	523	37	57	60	61

081404ConceptPlan3

August 18, 2004

SUNRISE ROAD SUBDIVISION – CONCEPT PLAN C1
Comparison – Dwelling Unit Distances from I-40 CenterLine Near Lane

Distance (Ft.) CL Near Lane	Habitat Dwelling Units	Chandler's Green, etc. Dwelling Units	Carol Woods Dwelling Units
211	3		
216	3		
250	2		
253		1	
265	3		
269	3	1	
283	3		
293	2		
Currently Noise- Impacted	19	2	0
328		1	
345	2		
354		2	
355	2		
358		1	
360			4
361		4	
364	3		
367		1	
372	2		
374		2	
385	2		
394		1	
410	3		
426		1	
430			4
455	3		
Future Noise- Impacted	36	15	8

476		1	
478			3
501			3
514		1	
520	1		
540	1		
548		2	
550	1		
551		1	
555	1		
557			3
568	1		
572	1		
574		1	
581			4
585	1		
588	1		
600	1		
608	1		
615	1		4
620	1		3
625	1		
645	1		
646			4
700			3
707			4
735			3
Total Units*	50	21*	42*
Weighted Average Distance from CL Near Lane	276	371	574

* These are not the total units in Chandler's Green, etc., nor in Carol Woods. They are only the units in closest proximity to I-40 which were considered by NCDOT for possible traffic noise-impact. They represent a fraction of Chandler's Green, etc. and Carol Woods total dwelling units.

My name is Steve Herman and my family and I have lived on Pine Tree Lane off Sunrise Road for over 25 years.

I want to tell you my thoughts on this project and suggest the one action your committee can take tonight to get things on the right track.

I am totally in favor of locating affordable housing in our neighborhood, and I welcome a Habitat community. I'd even like to help build it—I'm good with tools. But the development we build must be a nurturant and safe environment for those who will live there, and it must be an addition to our neighborhood that is welcomed by its current residents. It should not be something that is imposed on us over our objections. That would not be the way to build a neighborhood—it's the way to destroy it.

Unfortunately, Habitat's approach has been misguided from day one--and things are getting worse. The neighbors are displeased with the current concept plan but even more displeased with the way Habitat has refused us genuine involvement in the planning process. The HHOC board viewed us from the start as a bunch of bigoted, selfish rich folks who will do anything to keep this project out of our backyards, and this is how they've approached us—not as potential allies but as adversaries. And so they never let us in the door.

Now, Habitat will list all the steps they've taken to "include the neighbors", But ask the neighbors and they will tell you that the steps Habitat took effectively blocked real inclusion—the charette process was nothing more than a strategic sham.

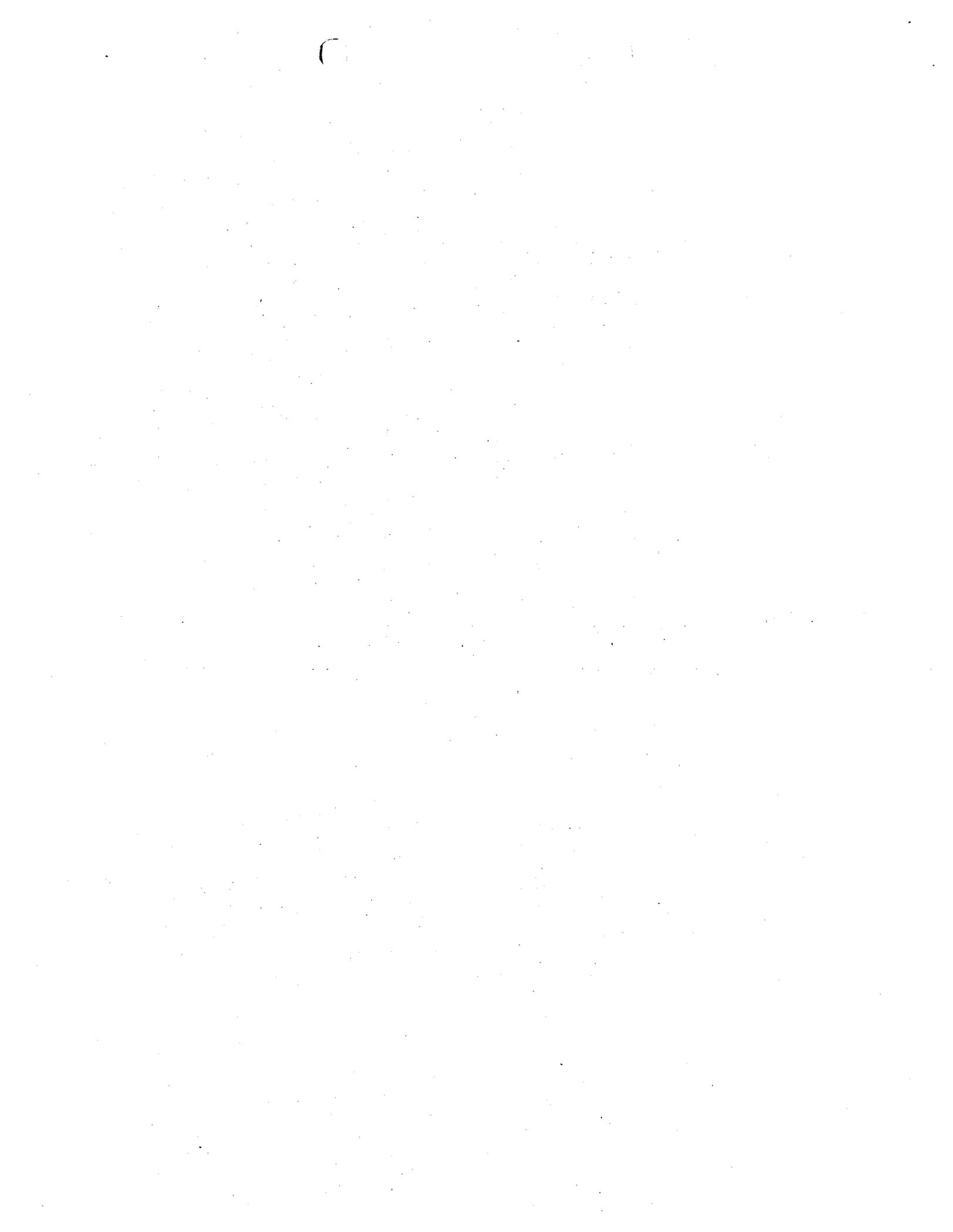
Habitat believes it has a strong mandate from the Town and County to pursue aggressively their vision for meeting the affordable housing demand in Chapel Hill; they are counting on this political support from above to render support from the neighbors unnecessary.

Habitat says the two sides will just have to "agree to disagree", but the fact is, they haven't really been trying.

This attitude doesn't sit well with the neighbors, some of whom are concluding that their only recourse will be through the courts. We don't need this divisiveness--it's not the way to build a cohesive neighborhood.

So here's my recommendation. I ask that instead of approving this proposal you send Habitat back to the drawing board to try again...but not by themselves. You need to tell them to REALLY work with the neighbors this time and come up with a plan that all can support. Some folks in our neighborhood have considerable professional skills and knowledge that could help generate a better proposal. But this will never happen unless your committee and the Town Council make it clear to Habitat that you want to see a plan that's been generated in true cooperation with the area's residents. I believe this can happen—and it NEEDS to happen. Not just in this case but in every case where a developer wants to alter an existing neighborhood in ways that are irreversible.

8/18/04



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Gene Poveromo

From: DSchworer@aol.com
Sent: Monday, August 23, 2004 9:13 AM
To: Gene Poveromo
Subject: August 18th Doug Schworer

Doug Schworer
CDC August 18th
Amesbury Drive

The Sunrise Property has many challenges.

The real question we are dealing with tonight is how the CDC would respond to this development if the design was not for affordable housing. We are asking each member of this committee to remove the words affordable housing and habitat from this design and objectively view the development as you would view any other development.

Last year, the CDC reviewed a development with topography much like the Sunrise Road land. The land was located at Erwin road and I-40. The developer submitted a concept plan. It was 31 acres and 41 units and folks were concerned about density. We need to view all developments objectively and apply the same standards.

The Sunrise Road Dev is not a Meadowmont, Southern Village, or a retirement home site such as Carol Woods. In fact, this development is located in a semi rural area where the city limits boarder the county. Where density decreases as we approach the county and not increases.

The current concept plans is for 26 units and 50 families.

On the map, I have cut out a colored piece of paper showing where all the homes will be build on this property.

When compared to adjacent properties on Ginger Road, we see nine units or three depending on which side we used. If we compare the same area to Chandlers Green we see approximately 12 homes. Compared to Carol Woods we see about 10 duplexes. Remember, in Carol Woods we have no children and approximately 1 car per household. When compared to the county, it is about 2 homes in the same area.

Based on this concept plan, the developer wants to place 50 families and kids, infrastruce, cars, retention ponds, and common area on an area approximately the size of East Chapel Hill football field. Imaging 50 families with kids, pets, cars, etc. living in an area the size of a football field.

We as the surrounding community want to minimize the impact of this development to our community. Not maximize the impact.

We are requesting CDC recommend that this developer redesign the concept and plan and resubmit with a smaller less dense community.

My name is Sandra Cummings. I have lived in Chapel Hill for over 25 years. I am a resident of Chandler's Green and a member of the Sunrise Coalition.

First of all, I would like to thank you for volunteering your time to our community. As I understand your role, it is to review design proposals for all new developments in the town with the goal of making sure that they are well thought out, adhere to environmental regulations, are sustainable, and that they will not adversely affect the immediate neighbors or the town at large. It is my hope that you will look at this proposal with the same critical eye that you use for all other projects.

I would like to speak about 2 aspects of the plan which trouble me.

First of all, is the proximity of the high density development to the property line. I would like to request that you recommend a larger buffer on the south and west, since the actual back walls of many of the HHOC homes are only 20-25 feet from the actual property line, including the 15 foot buffer. This leaves insufficient room for a back yard or a deck for these families. Another option would be to move the homes towards the center of the property 25 feet or more.

My second concern is parking. The Sunrise Coalition has always welcomed a modest development of single family homes in the model for which Habitat is known. We, along with most people in Chapel Hill, have envisioned a Habitat neighborhood similar to the one on Rogers Road, where there are approximately 12 single family homes on a piece of property similar in size to the buildable area on the Sunrise Road property. Each of these homes has its own driveway. The single family homes proposed here are so close together that they might as well be town homes, and they do not have driveways. Imagine 50 housing units in a space as large as the Rogers Road subdivision! Then imagine on street parking for the majority of these 50 families and 200 children darting out between parked cars.

We have visited the Habitat communities on Rogers Road and in Efland. These homes have on average 3 cars in their driveways on any given day. Many have more than that. Allowing 2.2 spaces per housing unit is clearly insufficient. What will happen to the overflow? Furthermore, having all of these cars on the street or away from their homes in the parking lots, presents a very real safety issue for the children of this neighborhood. Please take a look at these photos to envision the reality of the proposed development. Please recommend reducing the number of housing units, so that Habitat can spread the homes out, and give each family its own driveway and room for a deck or back yard.

I sincerely believe that HHOC intentions are noble. However, it is so focused on providing new housing for as many families as possible that it is blind to the problems that will result if this proposal is approved. We are looking for your objectivity to uncover and eliminate these potential problems before they happen. Before this concept plan goes to the Town Council, please send HHOC back to the drawing board with its surrounding neighbors, so that they can build a development that will be safe, sustainable

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and attractive for those who will live there, and will be a welcome addition to our neighborhood. Thank you.

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Remarks to Town of Chapel Hill, Community Design Commission

Rob Nelson

I thank you for your time and your attention. My name is Rob Nelson, I live adjacent to the developer's site, and I am a member of the Sunrise Coalition.

I am going to speak briefly and then you are going to hear from others about some details that we think will be useful. The **details** concern I-40 noise, storm water run off, environmental issues, access, parking, clear cutting of trees, and the livability and sustainability of this community. Documents are being submitted that further clarify each concern. We respectfully request that all these documents be incorporated into your minutes and forwarded to Town Council with the Commission's comments.

I have three themes. Community, misconception and irony.

The concept plan you have **does not have the support of the neighbors** or the 100 or so members of the Sunrise Coalition. Our conclusion is that the developer's concept plan **needs more work** before it can be thoughtfully considered by the Town Council and their staff.

Right after the news became public that the developer was going to use \$300,000 of public funds to buy the Sunrise Road tract, a member of the developer's board said to a neighbor of mine..."you can't stop us, we're Habitat."

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This is an unfortunate misconception. The Sunrise Coalition is not here to stop Habitat. The Sunrise Coalition is made up of people just like you. We work hard in stressful jobs. We raise our families as best we can. We're on the PTA; we are Scout leaders and Little League coaches. We donate generously with our time and money to non-profit organizations, including Habitat.

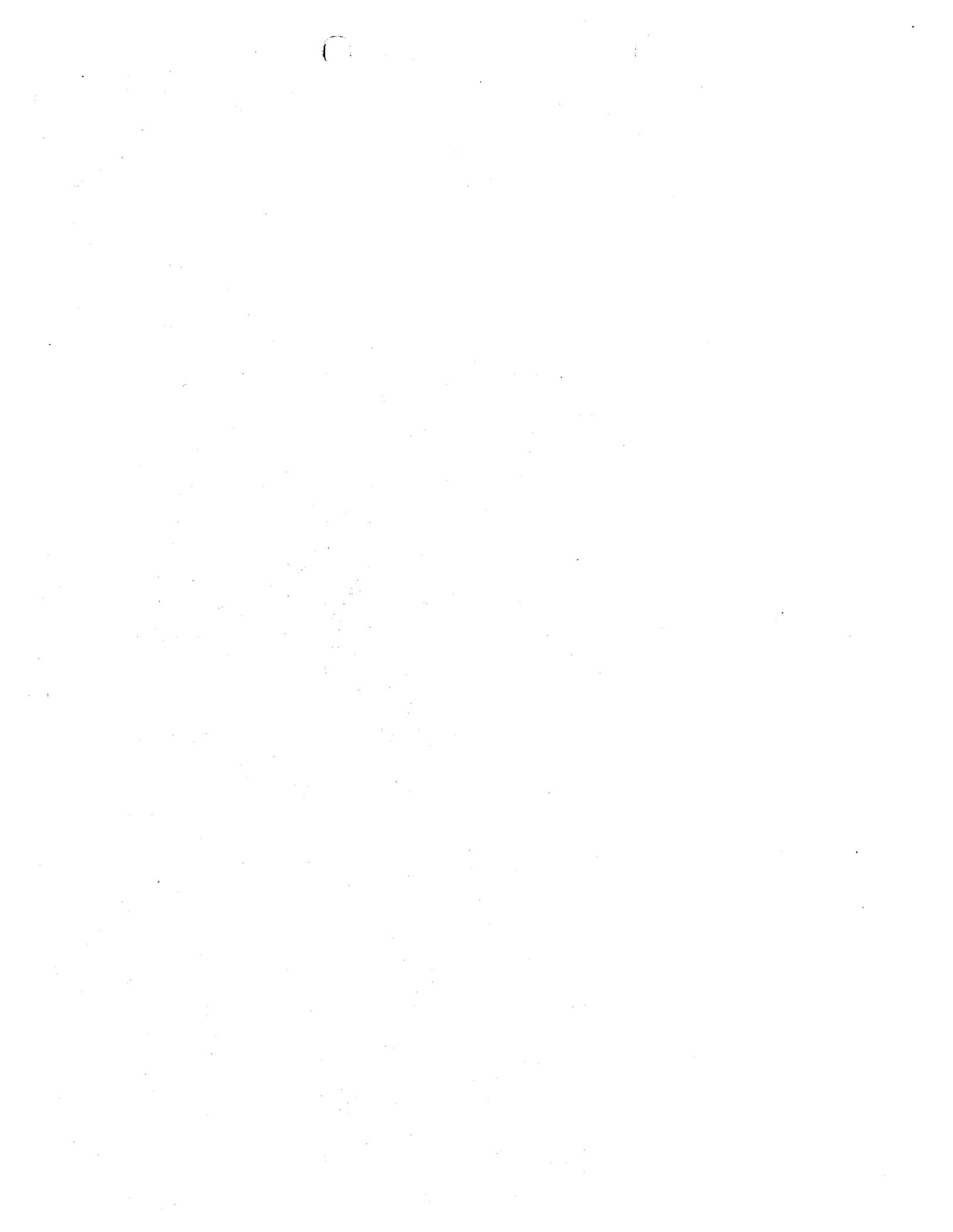
No, we are not here to stop affordable housing. **Our concern is density.** Our concern is that the developer's project, as proposed, is the wrong size for Habitat families. **It's ironic** that just 25 miles away, Habitat for Humanity of Wake County issued a study supporting **their philosophy of NOT building large and densely populated developments** like their colleagues here in Chapel Hill are recommending to you.

We have stated often that we will support an affordable housing community in our backyards as long as it is consistent with the surrounding land uses, which would mean using the buildable land with ¼ acre lots and roughly one housing unit per lot. The developer's plan is at the other end of the density spectrum. We even offered our own concept plan for an affordable housing community on Sunrise Road.

Which brings me to another apparent **irony.** Sounding more like a "for profit" developer rather than the Habitat we all know about, they told us they could not accept our plan for a smaller development on Sunrise Road because "the numbers just don't work". We believe there are reasons other than money to support a smaller development.

And now about **Community**. Good governments produce compromise and look after the general good – the collective interests of the community. We sincerely appreciate the fact that you volunteer your time and talent to serve on this Commission to do just that.

Now, we're going to offer you some reasons to support the Sunrise Coalition's position that this developer's current proposal is not in the best interest of the community. **We recommend the developer re-design this project to make it smaller.**



Emma Battle
Christian
Mother of 2 Boys
Chandlers' Green Resident
Former Low income development inhabitant
Habitat Supporter

from the Crime Smart Library

(<http://www.crime.smartlibrary.org/NewInterface/segment.cfm?segment=168>): "Too many people and High concentrations of multiunit buildings are correlated with high rates of crime in Cleveland and San Diego regardless of the average age of residents or racial composition of the community (Roncek 1981). Crime rates also rose in Los Angeles neighborhoods as their population became increasingly concentrated (Schuerman and Kobrin 1986). This correlation between population density and violent crime is "significant and large" even when many other socioeconomic factors are held constant, Sampson says..."

The livability issues with the proposed Habitat Design are enormous for potential residents and neighbors. Not only does the density promise to raise the violent crime rate but:

- Habitat has never taken on an initiative like this, thus making it an experiment
- From my experience, most Habitat families want traditional single family homes and not this urban design which sticks out like a sore thumb in the area.
- The project is completely out of character with the surrounding neighborhoods and screams "housing project" which gives the prospective residents an instant negative stigma that will only worsen as the community ages and property values continue to be artificially depressed.
- As surrounding neighbors we are completely opposed to this design, not on board, not bought in, not happy and completely disappointed.
- Finally, this design is in total opposition to your, the Town Council's development guideline explicitly requiring Habitat to "Develop Designs that Promote Inclusion: "*Seek designs that will promote interaction between this proposed development and surrounding areas; avoid designs that would serve to isolate residents of this proposed development*"

You recognized the potential problem when you drafted the guidelines. This is why you required that the design promote inclusion. This design in no way meets that specific inclusion requirement. To approve this design as is would not be living up to even your own basic requirements and, with all due respect, if you can't live up to your own expectations think about what that might say about your ability to live up to the expectations of the citizens of the town of Chapel Hill as a whole?

Thank you for your time

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SC, Inc.

Sunrise Coalition, Inc.
P.O Box 16722
Chapel Hill N.C 27514
919 401-3554

02/02/04

Dear Commissioner:

The Sunrise Coalition was formed in February 2003 in response to the purchase by Habitat for Humanity of Orange County of a 17-acre property on Sunrise Road for development as a high-density housing project. Sunrise Road is located at the northern end of Chapel Hill, and the property resides adjacent to I-40 in the joint jurisdictional planning area. Neighbors of the Habitat property formed the Coalition to investigate the implications of a high-density development there, and to provide a single voice for expressing neighborhood concerns and issues.

The enclosed document is a summary of these concerns, and represents an effort by our group to steer Habitat toward building an affordable housing development that respects, and is consistent with, the existing Sunrise Road neighborhood. Also enclosed is some correspondence between our attorney Mike Brough and Habitat, addressing Habitat's unfortunate unwillingness to engage in a direct dialog with immediate neighbors of the proposed development. Habitat has persisted to date in pursuing a high-density plan that we feel is completely unsuited to the property in question and would have both immediate and long-term adverse effects on our neighborhood.

Orange County has provided financial assistance to this project, and the County Planning Office will eventually play a role in determining the form the development will take. We feel it is important that our County leaders stay informed about the controversies surrounding this project, and to that end we urge you to read the enclosed Summary and supporting documents. Please let us know if you have any questions, comments, or advice for us.

Thank you.

For the Sunrise Coalition Board,

Doug Schworer

SUNRISE COALITION

**SUMMARY OF NEIGHBORHOOD CONCERNS
RELATED TO HHOC PLANS
FOR A HIGH-DENSITY HOUSING PROJECT ON SUNRISE ROAD**

1. Background

Sunrise Road connects Weaver Dairy Road in Chapel Hill to Whitfield Road in Orange County. Side streets are Sweeten Creek Road, Ginger Lane, Northridge Lane, Pine Tree Lane, Oak Hill Road, and Duck Pond Lane.

The Sunrise Road neighborhood has a unique semi-rural character and a wide range of home sizes and prices. The neighborhood includes (a) the Cedar Village convenience store at the intersection of Sunrise and Weaver Dairy; (b) the campuses of the Carol Woods retirement community and East Chapel Hill High School; and (c) the Chapel Hill Wesleyan Church. The rest of the neighborhood consists of detached single-family homes on large lots. Typical lot sizes are one-half acre in Chandler's Green and one to three acres elsewhere.

Habitat for Humanity of Orange County (HHOC) purchased a 17-acre property in the center of the Sunrise Road neighborhood in February 2003 for \$400,000 (Figure 1). The purchase was enabled by loans from Orange County (\$250,000) and the Town of Chapel Hill (\$50,000).

HHOC has repeatedly indicated its intent to develop a high-density project on Sunrise Road. HHOC has clung to its high-density project concept despite strong opposition from neighbors concerned about impacts of a high-density project on the environment, public safety, neighborhood character, and property values. HHOC has refused to acknowledge legitimate concerns of neighbors, and has responded instead by accusing neighbors of being elitist, paranoid, and misinformed.

Concerned neighbors formed the Sunrise Coalition, Inc. on February 19, 2003 in a coordinated effort to maintain the semi-rural character of the Sunrise Road neighborhood. The Coalition agrees with the need for affordable housing in the Chapel Hill area, and is willing to endorse a low-density Habitat development on Sunrise Road that is compatible with the semi-rural character of the existing neighborhood, provided such development holds to current zoning standards and associated environmental protections.

In March 2003, Mayor Foy established the Mayor's Committee on Proposed Habitat Development in response to issues and concerns raised by the Sunrise Coalition and others. The Mayor's Committee suggested several goals / principles for HHOC's Sunrise Road Project, including goal # 1 "Retain present zoning." The goals / principles suggested by the Mayor's Committee were formally adopted by the Town Council by unanimous vote in May 2003.

The Sunrise Coalition has conducted extensive research into various issues associated with HHOC's Sunrise Road project. Much has been learned. Many questions remain unanswered. This report summarizes our concerns, initial research findings, and priorities for ongoing investigations.

2. Overview of Constraints to Development of HHOC's Sunrise Road Property

HHOC submitted an appraisal and other documents in support of its applications to the County and Town for funding to purchase the Sunrise Road property. These documents painted an inaccurate and misleading picture of the property as a site for a large-scale housing project. The only limitation to development mentioned by HHOC in its funding applications is the high-voltage electric transmission

line that bisects the property. HHOC failed to discover and disclose other limitations that are both important and obvious. These include:

- A perennial stream (described as a “dry creek bed” by HHOC).
- Substantial areas of RCDs associated with the perennial stream and an intermittent stream.
- Areas with characteristics of wetlands (e.g., poorly drained soils) outside the RCDs.
- Significant noise issues related to the property’s proximity and adjacency to Interstate 40.
- Significant traffic and access issues.
- Significant neighborhood opposition to a high-density development plan of any kind that is incompatible with neighborhood character and damaging to the environment, public safety, and property values.

Almost a year after purchasing its Sunrise Road property, HHOC still has not provided a comprehensive assessment of limitations to development. The Sunrise Coalition has gathered and analyzed information from various sources. Our best estimate is that HHOC’s property contains only 4 to 6 buildable acres.

3. Water Resources

HHOC’s Sunrise Road property is environmentally sensitive. The property contains a perennial stream, at least one intermittent stream, and wetlands. The streams and wetlands are headwaters for New Hope Creek, which drains into Jordan Lake, an important regional water supply. Approximate locations of the streams and RCDs are shown in Figure 2.

Some parts of HHOC’s property outside the RCDs have characteristics of wetlands including poorly drained soils in the Helena soil series. Helena soils have low development potential due to seasonally high water tables.

Stormwater runoff from Sunrise Road and potentially Carol Woods has contributed to erosion in the perennial stream. Additional runoff associated with development of HHOC’s property would exacerbate stream erosion and increase loads of sediment and nutrients to New Hope Creek and Jordan Lake.

A preliminary analysis of potential impacts on water resources from developing HHOC’s Sunrise Road property has been conducted by Dr. Larry Band using standard hydrologic models (Attachment 1 – Dr. Band’s report). Key assumptions in the analysis include: (a) there are six buildable acres on HHOC’s property; (b) HHOC will build single-family houses on either 1/4 acre lots or 1/8 acre lots; and (c) the two-year design storm occurs during a period of normal antecedent moisture and not soon after another large storm. Results indicate that peak flow generated from the HHOC property for the two-year storm would increase from a current undeveloped rate of less than one cubic foot per second (cfs) to more than 3 cfs with development of 1/4 acre lots. Reducing lot size to 1/8 acre increases predicted peak flow to almost 6 cfs, or nearly double the peak flow with 1/4 acre lots. Annual runoff and nutrient generation rates also increase significantly with development, with impacts of 1/8 acre lots nearly double those of 1/4 acre lots.

Careful analysis of water resource issues is prerequisite to responsible development of HHOC’s environmentally-sensitive property on Sunrise Road. An accurate delineation of RCDs, wetlands, poorly drained soils, and other areas with restrictions is required to fully assess how much area can be developed and how much land is needed for implementation of stormwater detention and other BMPs to mitigate runoff and pollutant loadings to local streams and ultimately the Jordan Lake water supply.

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Our preliminary analysis of water resource issues demonstrates potential for significant impacts. Reducing lot size from 1/4 acre to 1/8 acre would significantly increase peak flow and total annual volume of runoff, and would require special site design or BMPs to comply with stormwater ordinances. Topics for future study include (a) effects of development on wildlife habitat and (b) potential exposure of people living on HHOC's property to mosquitoes that may carry disease and may be abundant in and around the wetlands.

4. Traffic and Access Issues

HHOC's Sunrise Road property abuts I-40 on its northeastern boundary and private property on its southern, northern, and eastern boundaries (Figure 2). The HHOC property's only road access is to Sunrise Road on its western boundary. The property is unsuitable for a high-density project because it has only one access / egress point.

All of the property's frontage on Sunrise Road is situated on a curve in a high-speed travel area and is partially obscured in the southbound direction by the I-40 overpass with its guard walls. The Town of Chapel Hill did not allow Carol Woods to place its secondary rear entrance in this dangerous curve.

Most of the property's road frontage is within the RCD of a perennial stream or in the right-of-way of the high-voltage transmission line (Figure 2). An access road to HHOC's property would have to cross the RCD and the stream. It would be necessary, in our view, to construct a permanent bridge and roadway across the RCD at the outset of any development activity to allow heavy equipment and materials to reach the property's buildable acres. A temporary roadway using fill and culverts would probably damage the wetlands in the RCD and exacerbate impacts of stormwater runoff on stream erosion.

Building a large housing project on HHOC's property implies a potentially significant increase in traffic on Sunrise Road. At a minimum, additional traffic from the project would aggravate rush hour congestion at the already-dangerous intersection of Sunrise Road and Weaver Dairy Road adjacent to East Chapel Hill High School. Presumably the traffic impacts of HHOC's project would be roughly proportional to the size of the project.

HHOC's Sunrise Road property is about 0.4 miles north of Weaver Dairy Road. There are no sidewalks on Sunrise Road north of Sweeten Creek Road. Shopping opportunities within walking distance are limited. There is a convenience store with gas pumps at the corner of Weaver Dairy and Sunrise; and a small complex on Weaver Dairy with a bagel shop, barbecue restaurant, ice cream shop, insurance office, and Weight Watchers store. The closest bus stop for Chapel Hill Transit is on Weaver Dairy Road. Bringing school or city buses into and out of HHOC's property would create a safety issue given the location of the property's frontage entirely in a dangerous curve on Sunrise Road.

5. Highway Noise

Interstate 40 runs along the northeastern boundary of HHOC's Sunrise Road property. It is our understanding that HHOC cannot build within a 100 foot buffer adjacent to I-40.

Highway noise is an unpleasant fact of life for many properties in the Sunrise Road neighborhood. Noise levels at HHOC's property and others immediately adjacent to I-40 are especially high and will increase substantially when I-40 is expanded from four to six lanes between I-85 and 15-501 in Orange County. This expansion is *Part A* of the overall project to widen I-40 from I-85 to NC 147 in Durham and Orange Counties. *Part B* of the project from 15-501 east to NC 147 is nearing completion. *Part A* construction west of 15-501 will commence when funding becomes available.

The Sunrise Coalition has reviewed several documents related to the ongoing expansion of I-40 from four to six lanes in Durham and Orange Counties. A key document is known as the *Categorical Exclusion*¹. This document includes a study of predicted noise levels along I-40 in Orange and Durham Counties after widening to six lanes is complete. Results indicate that noise levels incompatible with new residential development (>66 dBA) will extend more than 400 feet from center line of I-40 between NC 86 (Airport Road) and 15-501. Implications for HHOC's Sunrise Road property are shown in Figure 3 prepared by Mr. Seymour Freed of Chapel Hill. It is clear that a substantial portion of HHOC's property will have noise levels at or above 66 dBA. Details of this analysis were submitted to the Chapel Hill Town Council by Mr. Freed on August 10, 2003 (Attachment 2 – Mr. Freed's report).

It is important to note that the Categorical Exclusion's publication date (March 2000) is considered the "Date of Public Knowledge" of the location of potential noise impacts of the I-40 widening project in Orange County. The significance of the "Date of Public Knowledge" is described in the NCDOT's *Traffic Noise Abatement Policy* (<http://www.ncdot.org/planning/pe/ohe/noiseair/abatement.html>).

- "After this date, the federal and state governments are no longer responsible for providing noise abatement for new development within the noise impact area of the proposed highway project."
- "It is the responsibility of local governments and private landowners to ensure that noise compatible designs are used for development permitted after the Date of Public Knowledge."

The clear implications of the information summarized above are that: (a) a substantial portion of HHOC's Sunrise Road property will soon have noise levels incompatible with new residential development without costly noise abatement measures; (b) federal and state governments have no responsibility to provide noise abatement for a new development along I-40 in Orange County such as HHOC's Sunrise Road project; and (c) any liability for noise abatement that may arise will rest solely with the Town, County and / or HHOC. It is certainly questionable whether the Town and County should support development of affordable housing where it is known that projected noise levels are considered incompatible with residential development by state and federal authorities.

The current / ongoing project to widen I-40 is probably not the end of I-40 expansion in Orange County. The NCDOT is already evaluating the feasibility of building HOV travel lanes on both sides of the existing roadway (*I-40 High Occupancy Vehicle / Congestion Management Study*, North Carolina Department of Transportation, May 2000, www.ncdot.org/hov/i40/reports.htm). A likely scenario is outward expansion by approximately 40 feet in the direction of existing property lines.

One final point about highway noise merits serious consideration. Development of HHOC's property will inevitably involve removal of some trees and whatever barrier to noise transmission those trees provide. Neighbors are concerned about the impacts of HHOC's project on noise levels reaching their properties. Presumably a small project would have less impact on trees and ambient noise levels than a large project.

¹ Full citation: Interstate 40 Widening to Six Lanes from I-85 to NC 147 (Buck Dean Freeway) Durham and Orange Counties; Federal-Aid Project NHF-40-4(107)259; State Project 8.1501601; TIP Project Number I-3306; CATEGORICAL EXCLUSION; US Department of Transportation Federal Highway Administration and N.C. Department of Transportation Division of Highways. March 2000.

There is a compelling need for a detailed study of highway noise issues associated with HHOC's Sunrise Road project. In summary, the key issues are: (a) exposure of HHOC project residents to highway noise; (b) potential impacts of site development on noise levels reaching neighboring properties; and (c) liability of the Town, County and /or HHOC for costly noise abatement if adequate abatement measures are not part of the initial project plan. The study should consider the possibility that noise exposure is increased by the "bowl shape" topography of HHOC's property, in contrast to the "bluff setting" of neighboring properties proximate to I-40.

6. Sewage Pump Station and Emergency Power

The topography of HHOC's property is such that a pump station would be necessary to move sewage across the perennial stream and RCD to a connection with the OWASA system on Sunrise Road. Presumably an emergency power supply for the pump station would be required because power outages lasting several days are fairly common in the Sunrise Road neighborhood. HHOC has not yet provided an estimate of the environmental risks and economic costs associated with building and maintaining a sewage pump station large enough for a high-density project.

7. Impacts on Neighborhood Character, Property Values, and Quality of Life

It is now clear that well over half of HHOC's Sunrise Road Property is not suitable for development of any kind. Nevertheless, HHOC continues to indicate a strong desire to build as many units as possible on its property. Apartments, townhouses, and other approaches to increasing density have all been mentioned as possibilities in HHOC documents.

The six homes immediately adjacent to HHOC's Sunrise Road property are all single-family houses on lots ranging in size from 0.8 to 3 acres. These homes vary greatly in size and price range. The home on the southwest corner of HHOC's property is an historic farmhouse built around 1840 that has been restored beautifully in recent years by the current owners.

The owners of the homes immediately adjacent to HHOC's Sunrise Road property are distressed (to say the least) by HHOC's stated intent to build a high density project. The semi-rural character of the neighborhood would be seriously damaged if HHOC is successful in fulfilling its misguided vision, with the greatest impacts on immediate neighbors. Imagine the noise, lights and commotion associated with a high density project almost literally in your back yard. Such distractions are perhaps less noticeable in higher density neighborhoods like Meadowmont in which residents value close proximity to neighbors, shopping and entertainment. The residents of the Sunrise Road neighborhood have different priorities that are equally valid – privacy and solitude, space for gardens or pets, views of trees and sky largely unobstructed by human creations. Diversity among neighborhoods in the Chapel Hill area is a good thing. It should be respected and nurtured, not trampled.

Perhaps the most perplexing aspect of HHOC's Sunrise Road project is the apparent insensitivity or indifference of the HHOC board and staff to the enormous adverse impacts of its high-density plans on the character of the Sunrise Road neighborhood and especially the immediate neighbors. It is noteworthy that not one member of HHOC's Board currently lives in the Sunrise Road neighborhood.

8. Sustainability of High-Density Projects for Affordable Housing

HHOC has no experience building and maintaining high-density housing projects. Sunrise area neighbors are concerned about the sustainability of HHOC's high-density project concept. What will a high-density project be like in ten or twenty years?

Wake County's affiliate of Habitat for Humanity has similar concerns. The Wake affiliate recently charged a task force to look into the question "how do we avoid, at all costs, building tomorrow's slums?" The task group studied questions such as "Can a neighborhood become too densely packed with Habitat houses, and would a dense concentration of Habitat houses pose threats to the social and economic well being of that neighborhood's own residents?"

The task group's findings are presented in a report entitled *Wake Habitat's Approach to Building "Ideal" Communities: A Report from the Ideal Community Task Group*. The report includes the following observations:

"Some [Habitat] affiliates felt their goal was to build as many homes as possible on whatever parcels of land were available to them. They did not have any stated regard for the long-term issues to the community or the families living in the community. It is clear that this committee is not in agreement with that approach."

"We did not identify a magic number concerning the density of Habitat homes in an ideal community. The committee felt -- based on our discussions, research and limited interviews -- that 25-30 homes was the limit that we should consider. We feel that this represents a manageable number of homes; a small development that is more likely to be sustainable over time, allowing homeowners to maintain a safe, attractive and vibrant community."

9. **Need for Formal Analysis of Project Sustainability and Impacts**

There is a need for a formal analysis of (a) the sustainability of a high-density project on HHOC's Sunrise Road property, and (b) the impacts of a high-density project on neighborhood property values and quality of life. The Sunrise Coalition plans to undertake such an analysis in 2004. Elements of the analysis may include:

- A review of academic and other studies of high-density affordable housing projects in the United States to assess project sustainability and impacts on neighbors.
- An analysis of the quality of life in a high-density project on HHOC's property including health and safety risks that may be associated with noise and diesel exhaust from I-40; a high-voltage electric transmission line; and mosquitoes that breed in wetlands and sometimes carry disease.
- Interviews with the immediate neighbors of HHOC's Sunrise Road property to document their concerns about a high-density development.
- Interviews with immediate neighbors of other HHOC projects to document their feelings and experiences.
- Interviews with real estate professionals, developers and others to gather expert opinion on the likely impacts on neighboring property values of a high-density affordable housing project on HHOC's Sunrise Road property.

10. **Concerns about Process**

Our experiences as neighbors affected by a proposed HHOC project initiated with public financing have been very unsatisfactory and indicate an urgent need to improve the processes used to create affordable housing in Chapel Hill and Orange County. Several facts merit careful examination.



- HHOC failed to discover and disclose important limitations to development when it applied for the public funding that enabled acquisition of the Sunrise Road property. We understand a similar problem exists with property on Erwin Road acquired recently by the Orange Community Housing and Land Trust.
- Limitations to development of HHOC's Sunrise Road property were well known to neighbors and local developers. We know of two developers that studied the property, one in 1989 and the other in 2002. Both concluded the land is not buildable.
- HHOC made no effort to consult with neighbors in the period June to November 2002 when HHOC was developing its initial project concept and preparing requests for funding. Neighbors were not aware of HHOC's plans until the Town made it known that the Town Council would be considering a funding request from HHOC for a project on Sunrise Road.
- Since November 2002, HHOC has refused to engage in substantive discussions of neighborhood concerns such as density. HHOC has often insisted "we have no plans" despite clear documentary evidence to the contrary. Substantive discussion of neighborhood concerns was explicitly NOT on the agenda at the "charrette" hosted by HHOC in October 2003. Participants in the charrette were assigned to work groups and allowed to watch designers make sketches of mostly high-density development concepts pre-selected by HHOC. Participants could offer suggestions and comments to the designers, but substantive discussion of fundamental issues was squelched or glossed over. No questions were allowed during plenary sessions at the beginning and end of the charrette. The Sunrise Coalition's attorney has articulated these concerns in a letter to HHOC ([Attachment 3](#) – Mike Brough's letter).
- HHOC and Orange County signed a Development Agreement in February 2003 for HHOC's Sunrise Road project in which HHOC "agrees to utilize the funds provided by the County for the purpose of acquiring property for the purpose of constructing 25 dwelling units for first-time home buyer families..." Despite this clear agreement, HHOC has continued to press for a much larger project.
- HHOC has not offered any evidence that it is capable of maintaining a large-scale project and associated infrastructure over the long term.

11. Conclusions

- HHOC's Sunrise Road property is not suitable for high-density development of any kind. The property is environmentally sensitive, with over half its surface area occupied by headwater streams, RCDs, wetlands, and poorly drained soils. A large project would have serious impacts on water resources.
- HHOC's Sunrise Road property has road access only on Sunrise Road. The property's road frontage is situated entirely in a dangerous curve. This adds further support to the conclusion that HHOC's property is not suitable for high-density residential development of any kind.
- Ongoing expansion of I-40 to six lanes in Durham and Orange Counties will increase noise exposures on a substantial portion of HHOC's property to levels considered unsuitable for new residential development without noise abatement. A thorough noise study is prerequisite to responsible development of the property.

- Children living on HHOC's Sunrise Road property will be exposed to uncertain health and safety risks associated with highway noise and diesel exhaust from I-40; a high-voltage electric transmission line; and mosquitoes that breed in wetlands and sometimes carry disease. Careful evaluation of these uncertain risks is prerequisite to responsible development of the property.
- The costs of development on HHOC's Sunrise Road property will be unusually high. Known and potential cost factors include (a) need to minimize environmental impacts of the site access road where it crosses streams, RCDs and wetlands; (b) need for stormwater detention structures and other BMPs to mitigate the impacts of new impervious surfaces on water resources; (c) need for a sewage pump station with backup power supply; (d) demands to extend sidewalks and bus service up Sunrise Road to HHOC's property; (e) liability for I-40 noise abatement; (f) measures to prevent children from playing in unsafe areas such as the I-40 corridor and on-site wetlands; and (g) liability for damage to neighborhood property values. Impacts of a large project on school enrollment and redistricting should also be considered.
- A large project on HHOC's Sunrise Road property would damage severely the semi-rural character of the neighborhood, with greatest impacts on immediate neighbors. HHOC's apparent indifference to these and other impacts is perplexing.
- The sustainability of high-density projects for affordable housing is questionable and should be evaluated carefully.
- The Sunrise Coalition has been and remains willing to endorse a low-density Habitat development on Sunrise Road that is compatible with the semi-rural character of the existing neighborhood, provided such development holds to current zoning standards and associated environmental protections.

Figure 1. Map showing location of HHOC's Sunrise Road property. Note low density of housing on Sunrise Road and its side streets.

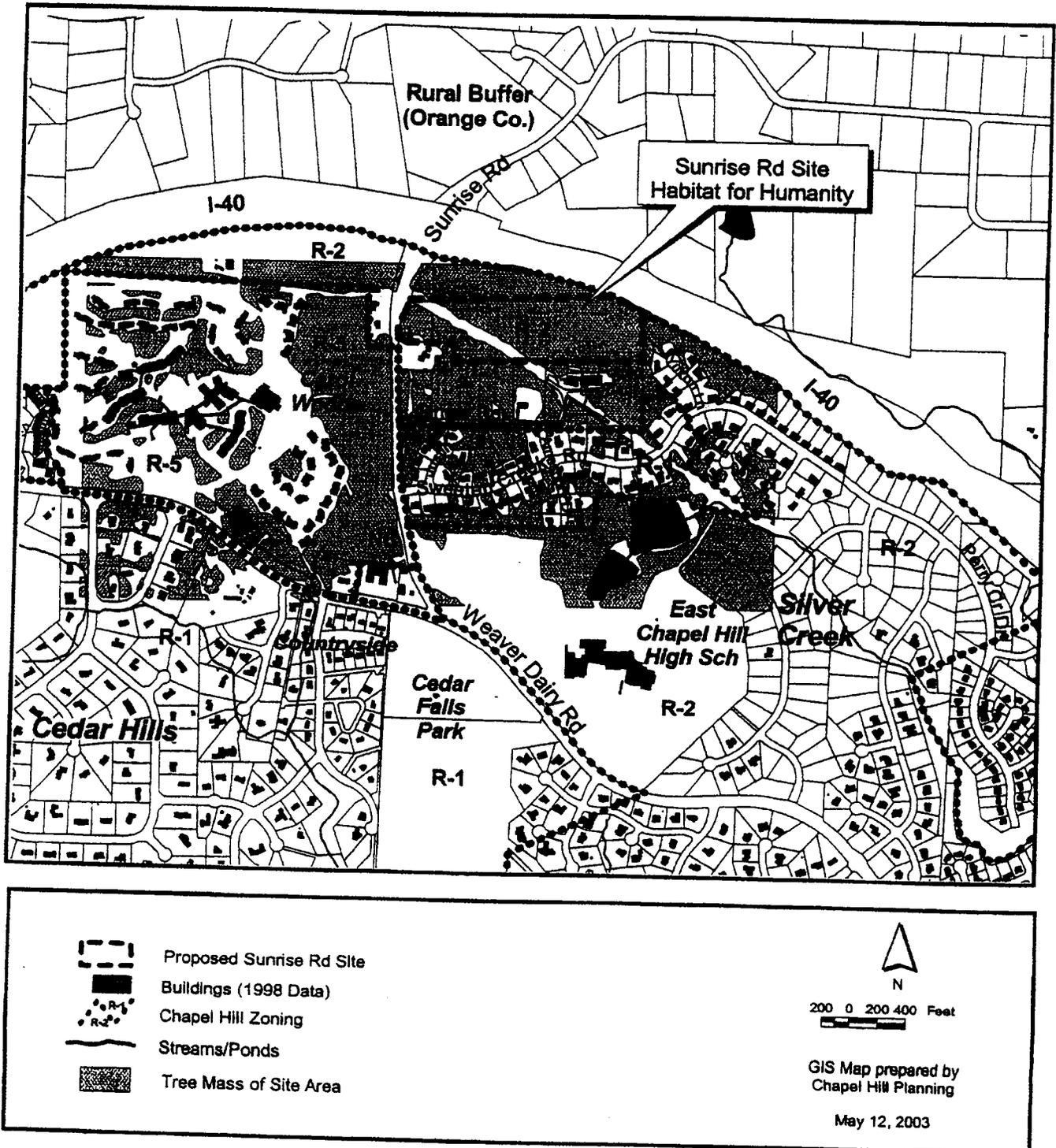


Figure 2. Map showing high-voltage powerline corridor, streams, RCD boundaries, and topography of HHOC's Sunrise Road property.

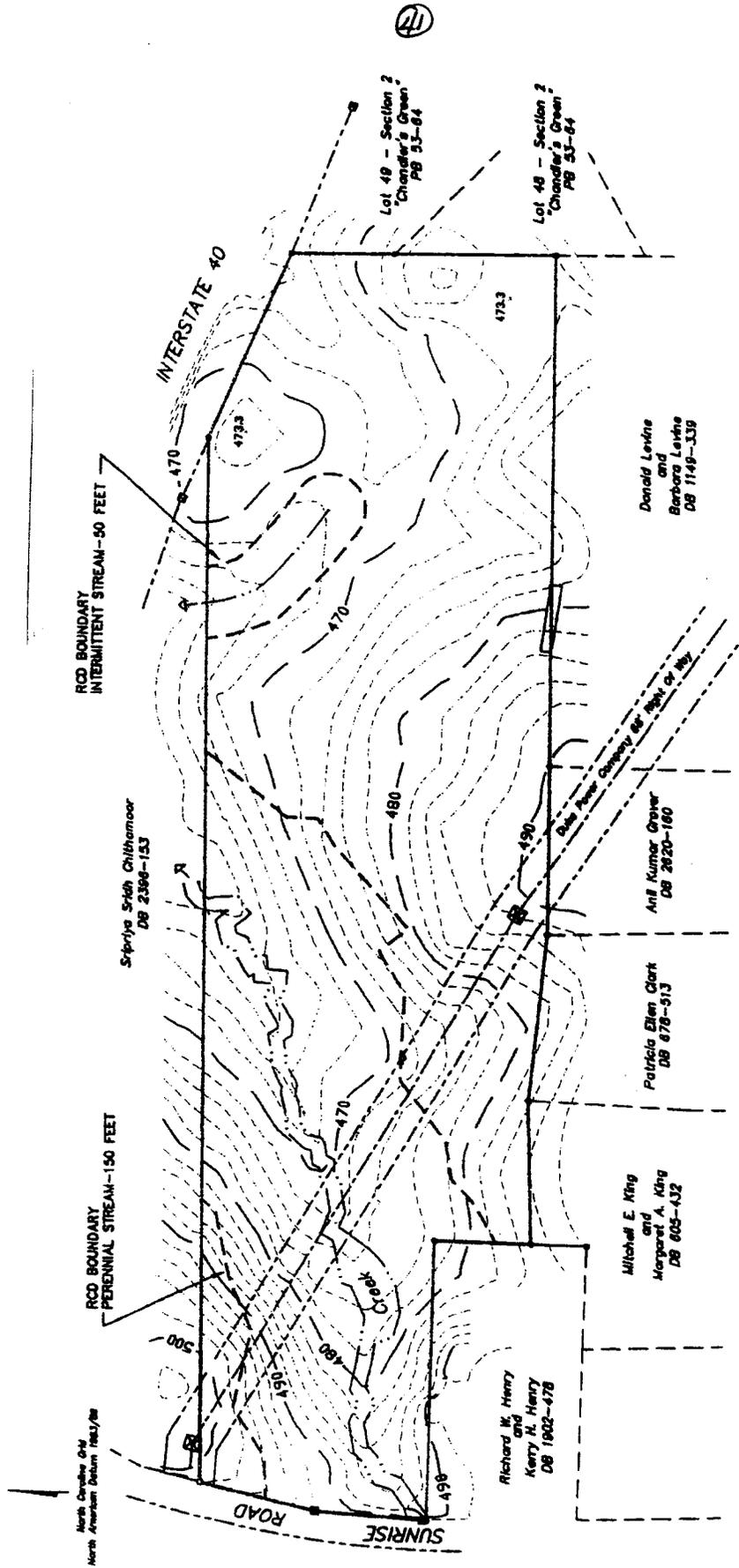
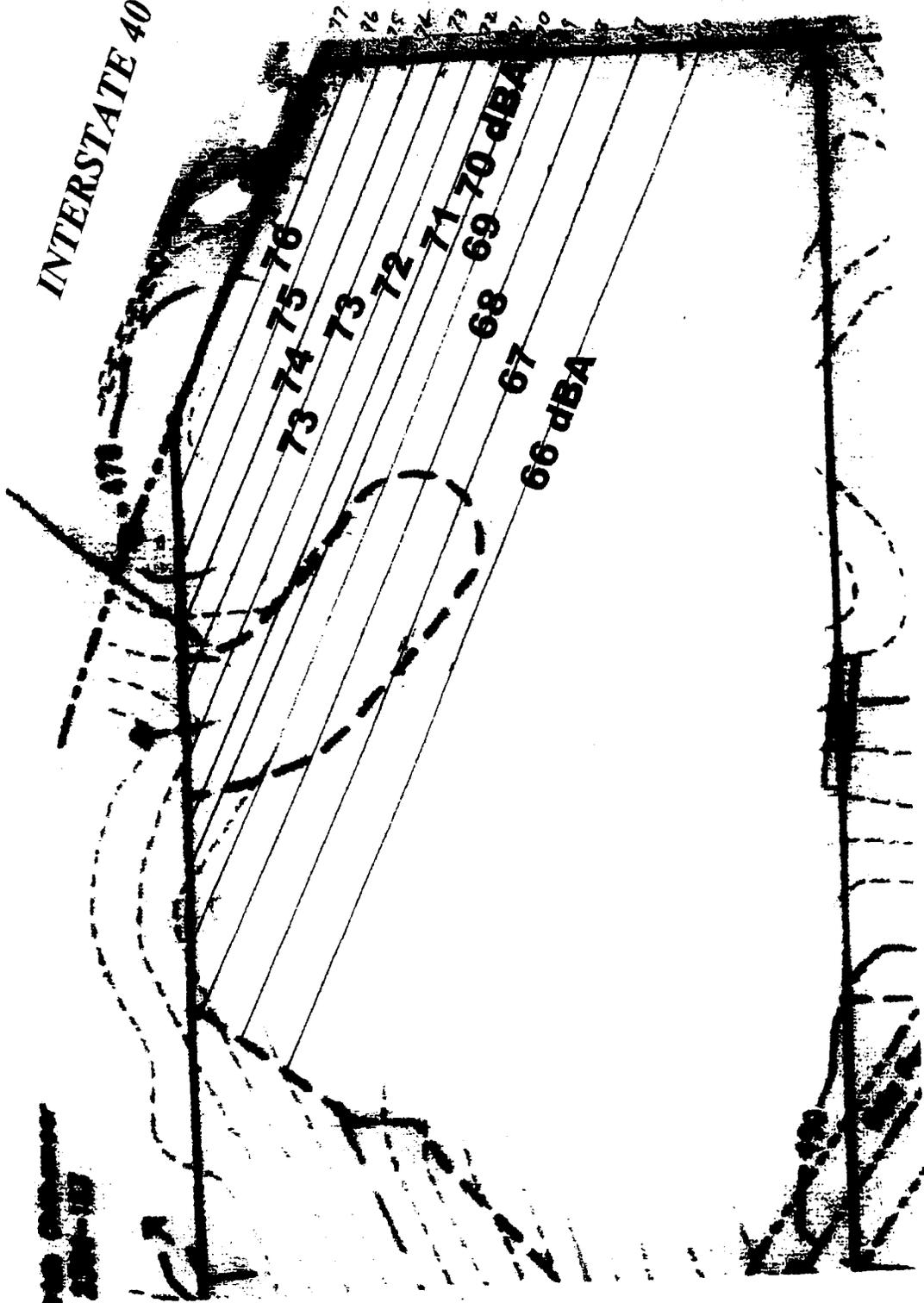


Figure 3. Map prepared by Mr. Seymour Freed showing projected noise contours after widening of I-40 to six lanes. Map based on data in NCDOT noise study reported in Categorical Exclusion for the ongoing I-40 widening project in Durham and Orange Counties.



**Sunrise property development:
hydrology and stormwater impacts**

**Larry Band
3812 Sweeten Creek Rd.**

This report summarizes a set of observations and computer modeling of the potential development of the property off of Sunrise Road. The nature of the topography, soils and vegetation are first described, along with existing drainage lines. Previous information presented as part of the development funding requests are also reviewed and evaluated. A set of scenarios for development using ¼ acre and 1/8 acre parcels for a portion of the property are evaluated for stormwater increases using standard urban stormwater models. These models are widely available and web-enabled (<http://www.ecn.purdue.edu/runoff/>), so that comparisons and additional scenarios can be specified. It is important to note that this report makes no recommendations regarding development, but attempts to describe potential impacts of alternative development strategies.

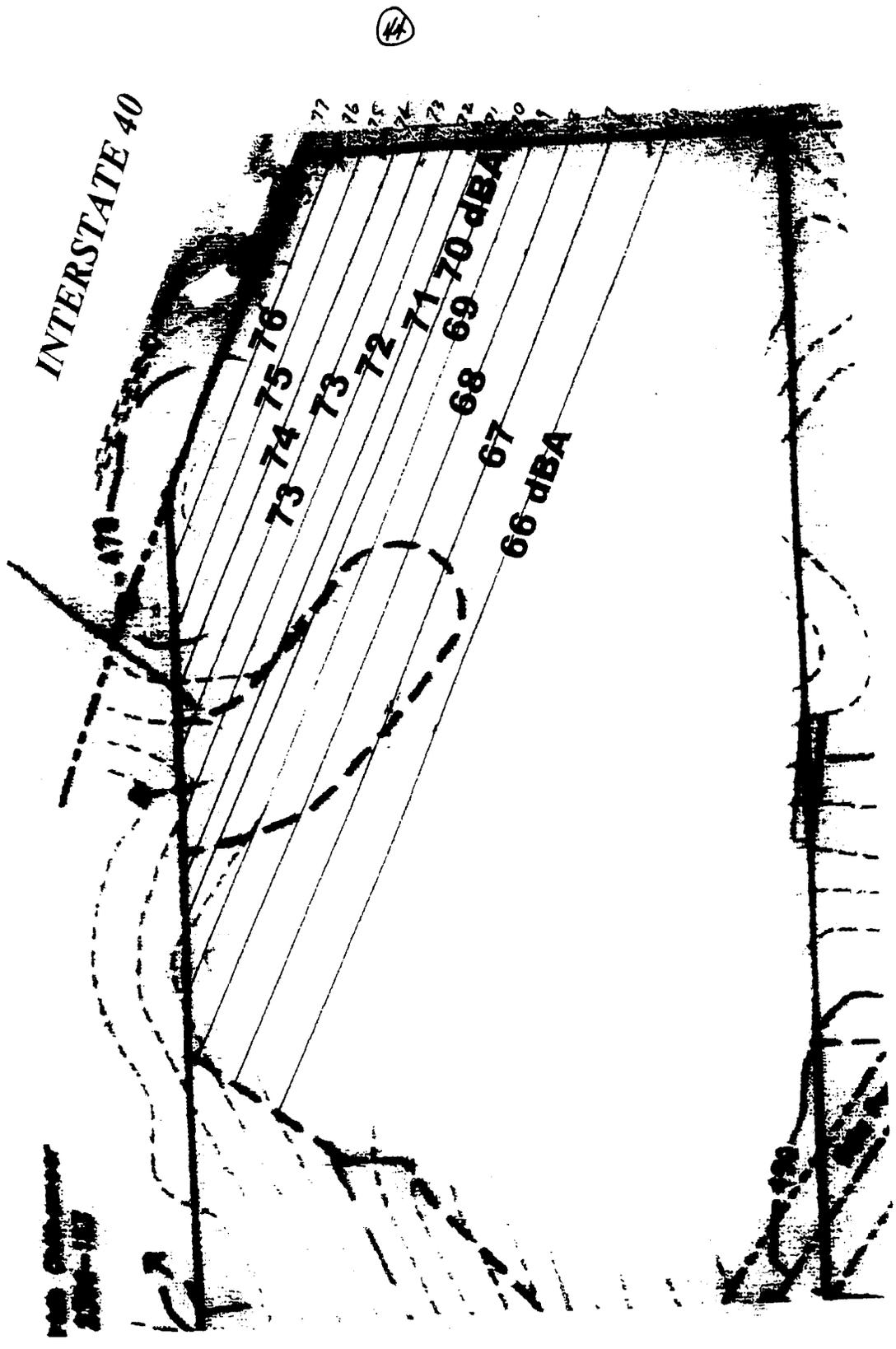
Site description

The area of the parcel is between 16 and 17 acres, located immediately adjacent to I-40. The area is a headwater source region for New Hope Creek, which drains into Jordan Lake, an important regional water supply reservoir. Noise from the interstate is high. The property contains a set of perennial and intermittent streams which drain through a culvert under I-40. In addition to the streams which would require setbacks according to Chapel Hill stormwater regulations, there are a few acres of wetlands, complicating or reducing the area of potential construction. The soils are made up of a mix of the Appling and Helena soil series. The Appling forms the upland regions and is described as a well drained to moderately well drained soil with good potential for urban development. The Helena soil is described as a poorly drained soil with low development potential due to seasonally high water tables. The area was formerly farmed and is now largely forested with a mix of broadleaf and pines, as well as wetlands surrounding the drainage lines.

An important point to make is that the property was first inspected by the current developers towards the end of an historic drought, when the site appeared to be significantly drier than its normal state. While the property was evaluated by an environmental consultant (Terraquest) for HH, the presence of a perennial stream, wetlands and hydromorphic soils was apparently not noted, and the hydrographic mapping of the site that was prepared was in serious error. A map submitted to Orange County of the property (see attachment) listed the perennial stream as a "dry stream bed" flowing out of a pond, which does not exist. The "pond" drawn in on the map submitted as part of the funding request was apparently mistakenly interpreted from air photographs, and is actually a lawn directly off of Sunrise Road. This indicates that the site may not have been inspected by the environmental consultants hired by HH. No wetlands were noted on the map despite the presence of wetland vegetation. Apparently no investigation of the soils were made as hydromorphic soils are easily seen in parts of the property (even under dry conditions), but were not reported. At the present time, the lack of a carefully done environmental assessment is an impediment to both site planning and the evaluation of site feasibility for development.

Stormwater runoff from Sunrise Road and potentially Carol Woods have contributed to erosion in the perennial stream and is likely to be exacerbated by the addition of additional storm runoff by development. Stormwater experts (e.g. Center for Watershed Protection www.cwp.org) commonly cite 20-25% impervious surfaces as a threshold for significant stream erosion to

Figure 3. Map prepared by Mr. Seymour Freed showing projected noise contours after widening of I-40 to six lanes. Map based on data in NCDOT noise study reported in Categorical Exclusion for the ongoing I-40 widening project in Durham and Orange Counties.



initiate. Increases in impervious surface area will need to be mitigated by stormwater controls to avoid increased loading of sediment into the Jordan Lake watershed.

Model forecasts of development impacts

Model simulations using standardly available and used urban runoff models indicates significant increases in stormwater runoff generation, as well as nitrogen and phosphorus, which should be expected of any development. However, there is a significant increase in runoff, nitrogen and phosphorus generation between ¼ acre parcel development and 1/8 acre development. On both an annual basis and for the two year storm, expected increases are almost double for runoff and nutrients. Note that these results pertain to a specified development outlined below, and results will change based on the amount of developed land (greater impacts if more than 6 acres are developed) and the effectiveness of Best Management Practices (e.g. BMPs such as detention ponds, infiltration trenches, swale drains) which would require additional area for implementation.

Computations for the short term hydrologic impacts of design storms have been run using the TR-55 method. Here we show only the 2 year event under the following assumptions:

- 1. Land use is 6 acres of developed land (1/4 acre or 1/8 acre scenarios on hydrologic B soils)
- 2. 7 acres of residual forest (hydrologic B soils)
- 3. 4 acres of wetlands and seasonal wetlands (hydrologic D soils).

Figure 1: Simulated change in runoff from current conditions to ¼ acre development on 6 acres for the two year storm.

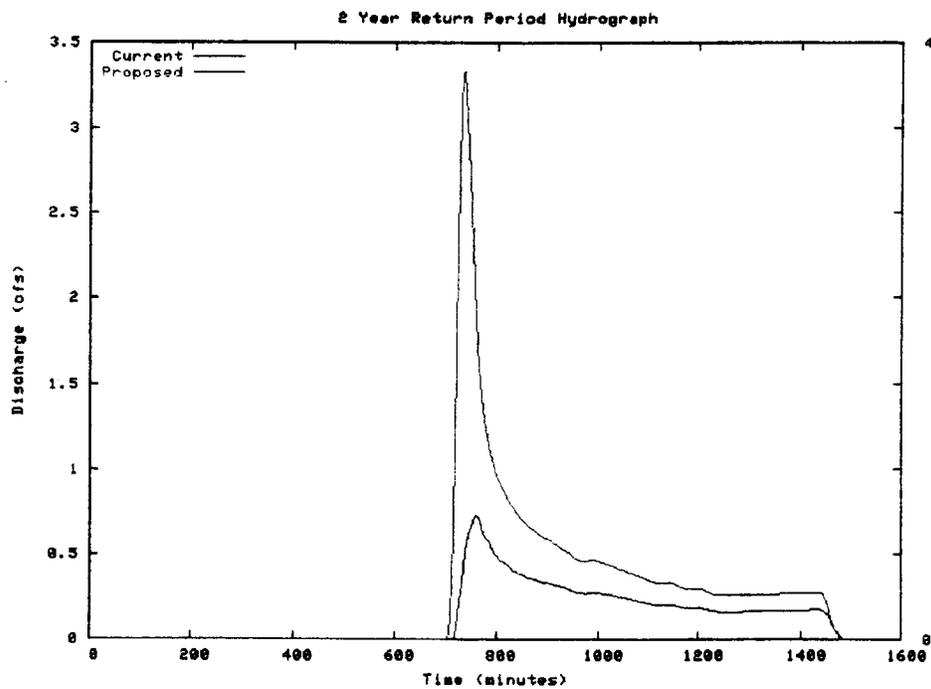
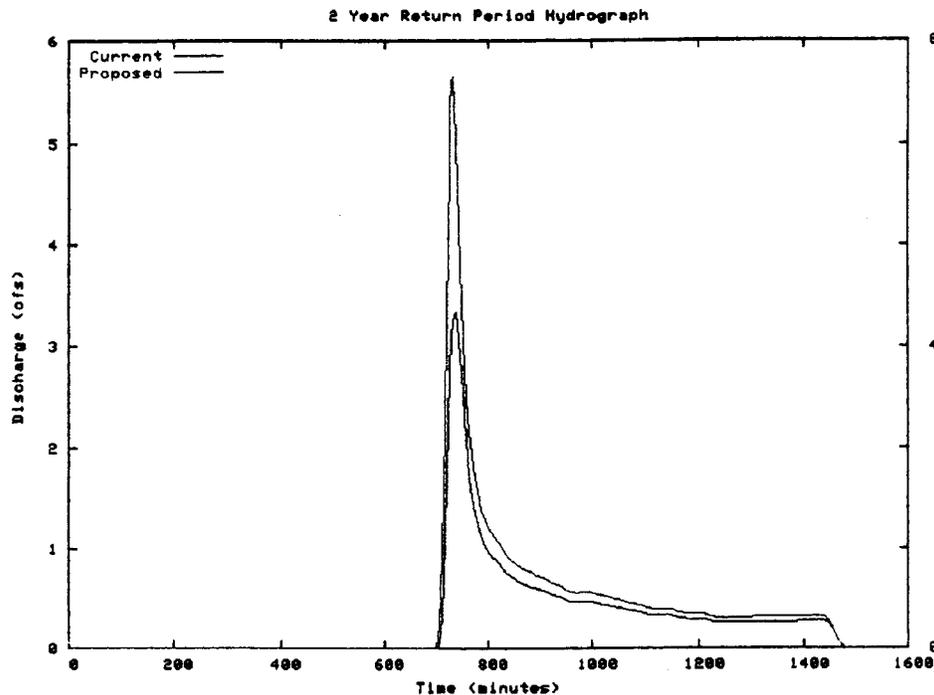


Figure 2: Simulated difference in runoff between 1/4 acre and 1/8 acre development on 6 acres showing near doubling of peak runoff rates.



Under progressively wetter antecedent conditions or longer return periods, the differences between 1/4 acre and 1/8 acre development persist, although they are not as pronounced.

Long term differences in (annual) runoff and nutrient generation under each scenario computed with standardly used runoff and loading estimation methods (e.g. curve numbers and land use loading coefficients), show significant increases from current conditions to 1/4 acre development in both runoff and nutrients. 1/8 acre development is estimated to show just under a doubling of annual runoff, nitrogen and phosphorus loading compared to 1/4 acre development.

Summary

Annual runoff and nutrient increases under the design scenario used in this report almost doubles between 1/4 acre and 1/8 acre development (assuming six acres of residential area development) while peak flow for the two year storm is also just less than double under the higher density development. The combination of short term (two year design storm) and long term (annual) increases in runoff and nutrient generation under higher density development will require corresponding extensions of best management practices to accommodate additional flow and loading. This would require either larger detention ponds or other BMPs that would require additional area set aside. The calculations shown here are specific to the development conditions outlined and do not account for the effects of entrance and exit roads which will need to cross perennial and intermittent streams and wetlands. A careful evaluation of the actual amount of buildable land is required initially in order to assess how much area can be developed and how much land is available for implementation of BMPs to mitigate runoff and pollutant loading of local streams, and ultimately the Jordan Lake water supply.

080606chapelhilli40noise

August 10, 2003

To: Chapel Hill Town Council

From: Seymour Freed

"Local governing bodies are responsible to insure that noise compatible designs are utilized along the (I-40 widening project)..." NCDOT

A. Local Government Responsibility

The first phase of the widening of I-40 is almost half finished. The second phase has been designed and it will commence within a few years.

80 % of the funds for the widening come from the federal government. They set various environmental standards which must be met in **23CFR Part 772—Procedures for Abatement of Highway Traffic Noise and Construction Noise**. **23 CFR§772.15 Information for local officials** states:

In an effort to prevent future traffic noise impacts on currently undeveloped lands, highway agencies shall inform local officials within whose jurisdiction the highway project is located of the following:

- (a) The best estimation of future noise levels (for various distances from the highway improvements) for both developed and undeveloped lands or properties in the immediate vicinity of the project,*
- (b) Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels...*

B. NCDOT/FHWA Predictions of Noise at Habitat Site

In compliance with 23CFR§772.15, NCDOT in its Categorical Exclusion Interstate 40 Widening to six-lanes of March 2000 (CE) predicted in its TABLE N4 that there will be an increase in noise levels of approximately 3 to 4 decibels (dBA) at adjacent properties in the Habitat vicinity by the year 2020 as a result of the widening. In addition, in Table 11 on page 34, NCDOT has indicated that the maximum distance from the center of I-40 of the future 67 dBA noise contour will be 126.4 meters (414.7 feet) between NC 86 to US 15-501.

NCDOT stated that: "This information should assist local authorities in exercising land use control over the remaining undeveloped lands adjacent to the roadway within local jurisdiction. For example, with the proper information on noise, the local authorities can prevent further development of incompatible activities and land uses with the predicted noise levels of an adjacent highway." (CE p. 34).

What is an incompatible land use with respect to predicted noise levels? The federal government defines it in Highway Traffic Noise in the U.S. Problem and Response by U.S. Dept. of Transportation and FHA, April 2000 (HTN). It states: "Highway Project Noise Mitigation...The regulations contain noise abatement criteria which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities." (p. 1) (NOTE: Underlining added).

What are the Noise Abatement Criteria for both the federal government and NCDOT with respect to residences, parks, picnic and recreation areas, active sports areas and playgrounds? 67 dBA. (HTN, p.1 and NCDOT Traffic Noise Abatement Policy (NCDOT TNAP). But NCDOT went one step further in the CE (p. 33) which stated: "Traffic noise impacts occur when the predicted traffic noise levels either (a) approach or exceed the FHWA noise abatement criteria value (with 'approach' meaning within 1 dBA), or (b) substantially exceed existing noise levels."

Thus, according to federal and NCDOT criteria, those areas of the Habitat site which will be subjected to future noise levels of 66 dBA, as estimated by NCDOT in their CE (not including the 100-foot no-build I-40 buffer, approximately two acres of the developable land) are unsuitable for use as "residences, parks, picnic and recreation areas, active sports areas and playgrounds" without noise abatement. (Refer to a map I prepared, "Maximum Noise Levels in dBA for Year 2020 Predicted by NCDOT in Tables 11 & N4 of CE", and a graph I prepared, "FHWA Noise Predictions").

C. Chapel Hill's Response to I-40 Widening Categorical Exclusion

Since March 2000, in compliance with federal and state requirements, the Town of Chapel Hill has been put on notice by NCDOT of an increased future noise problem in the I-40 corridor. This information was provided to Chapel Hill in order to "protect future land development" (CFR§772.13(b) (FHWA) and to "plan, design and construct noise-compatible development" (NCDOT TNAP).

It follows that the Chapel Hill town government thus has a mandate from the federal and State governments to deal responsibly with noise from I-40. Other than providing a 100-foot I-40 no-build buffer, which protects the residents from noise over 72 dBA, I am unaware of any positive actions which have been taken by the Town as part of its I-40 noise responsibility, either before or after March of 2000 on I-40 noise.

The town council has stated that other developers have not been required to conduct noise studies. This bears discussion. The CE stated: (p. 33) "In accordance with NCDOT TNAP, the federal/State governments are no longer responsible for providing noise abatement measures for new development which building permits are issued within the noise impact area of a proposed highway

after the Date of Public Knowledge. The Date of Public Knowledge of the location of this proposed highway project will be the approval date of the CE...For development occurring after this public knowledge date, local governing bodies are responsible to insure that noise compatible designs are utilized along the proposed facility.”

There was no reason for developers to conduct noise studies for projects filed prior to March 2000. For all projects which have been filed or will be filed after that date, ignoring NCDOT I-40 noise estimates by the Town is not in the interest of Chapel Hill citizens. The Town was given information in accordance with **23CFR §772.1** “Purpose. To provide procedures for noise studies and noise abatement measures to help protect the public health and welfare, to supply noise abatement criteria, and to establish requirements for information to be given to local officials...”

If, as stated at the Town Council, there is no consideration given to I-40 noise in this and other projects, it means that developers are given carte blanche to design housing in locations that are defined by the federal government as unsuitable for housing, this policy should be reviewed and corrected. If the Town knowingly allows housing to be built in areas which exceed the upper limit of acceptable noise for residences it, as well as the developers, could be assuming a liability. As NCDOT pointed out in the CE page 33, “local governing bodies are responsible to insure that noise compatible designs are utilized along the proposed facility.” Control is needed to prevent more housing being built too close to I-40.

D. The Need for Noise Abatement

For arguments sake, let us agree that noise abatement is necessary for the Habitat site. How can it be accomplished? Because of the topography of the site, including grades and wetlands, it is physically impossible for Habitat to provide noise abatement along its property line. As stated above there is no federal or State funding available for noise abatement along the Right-of-Way (ROW). ~~There is always the Town and County funding.~~ NCDOT TNAP, Noise barrier Construction, Materials and Aesthetics states: “If a local government insists on the provision of a noise abatement measure deemed not reasonable by NCDOT, a noise barrier may be installed provided the local government assumes 100% of the costs...”

E. A Brief, Sad History of I-40

But is there another way? A short review of the history of I-40 might be of interest. The files are closed- why bring up ancient history? The fact is, that NCDOT never built I-40 in accordance with its commitments as incorporated into the Final Environmental Impact Statement (FEIS). It has done many things to

make I-40 noisier than it should be, and they even discriminated against Orange County in the ROW acquisition.

NCDOT has not complied with its original I-40 contract (FEIS) with the people of Chapel Hill. Even today, over two miles of noise walls are under construction in Durham on I-85, and yet not one-foot has ever been built or planned for I-40 in Orange County although there are many residences that are noise impacted by NCDOT assessment. At least one noise wall in Durham that did not meet NCDOT economic feasibility criteria is now being built at a site less noisy than the Habitat site (Club Boulevard School). It was accomplished by major political and media pressure.

NCDOT picked the routing of I-40 after a decade of controversy. "The residents of southern Durham and Orange Counties expressed intense opposition to the I-40 (final alignment) through their area. This opposition included the submission of petitions containing over 3000 signatures....The (final alignment was) opposed by the governments and planning boards of Chapel Hill and Orange County. They expressed the opinion that the interstate route was incompatible with the land use plans and the type of development they foresaw for their area." (Final Environmental Impact Statement- FEIS p.204).

The present routing was selected primarily because a wide Right-of-Way (ROW) could be provided, whereas it could not be in the existing Durham I-85 route. NCDOT acknowledged the environmental sensitivity when it chose the route, and promised it would act responsibly in an area where there was sufficient land available. It committed NCDOT to provide a ROW of approximately 400-feet (FEIS, p. 12), and a grassy median with a minimum of 70-feet (FEIS, p.12) or 88-feet (FEIS, p. 142).

Contrary to environmental law, NCDOT reduced the ROW from 400-feet to an average of 280-feet in Orange County. Durham fared better with their ROW reduced to an average of 320-feet throughout the majority of the County (CE, p. 4). There was no valid engineering reason for this disparity. The median was reduced from 70/88-feet to 42-feet (CE, p.4). When this undocumented change was called to the attention of the NCDOT Secretary, he responded on August 16, 2001:

You noted in your letter that the final design plans for the road were not identical to the proposed road design plans. The I-9 (I-40 Original Construction) Final Environmental Impact Statement which was approved February 16, 1979 estimates for the right of way and median widths was NCDOT's best approximations at the time of the document approval. When the change occurred, our staff determined that the changes to the right of way and median widths had no added impacts on the environment. The Design Noise Report (DNR) was completed using the final design plans which reflected changes in the horizontal alignment. (NOTE: Thus, NCDOT apparently defines Final as preliminary, or best approximation. The reason for the 400-foot ROW

(57)

was environmental. To have reduced the ROW without environmental impact was a truly magical achievement of NCDOT.)

Chapel Hill citizens will be paying dearly for this major reduction in median width once the widening is completed. If the median had been built at 70-feet, as committed in the FEIS, a grassy median of 46-feet would still remain after the widening. Instead, we can look forward to a 138-foot wide Jersey Turnpike-like expanse of concrete. This increases the noise transmission considerably.

The reduction in Right of Way has resulted in increased noise levels, since an average of 120-feet of noise buffering was removed from Orange County. With the additional Right of Way, it might have also been possible to save the existing heavily wooded areas, a good noise buffer, as was done on the northern portions of I-85,

The original I-40 Design Noise Report (DNR) had many gross errors, all of which resulted in underestimates of future noise levels. The most serious was NCDOT's failure to use the correct FHWA future noise prediction figures in its calculations. Consequently, the future noise predictions were consistently under-calculated by 6.5, 5, 2, 5, 5, 7, 10, 12, 10, 13, 12, and 10 dBA at all twelve relevant receptors in my study. (A Reasonable and Feasible Request for Abatement of Significant I-40 Traffic Noise Impacts, June 11, 2001, pages 19, 20). NCDOT also predicted that the noise level in year 2000, 581-feet from the roadway would remain unchanged at 42 dBA. (DNR Table 1). The result of a flawed DNR was to underestimate the number of receptors that were noise impacted and to guarantee that noise abatement would be economically unfeasible along the entire 20-miles of the project. NCDOT estimates of year 2000 noise were much lower than they should have been due to NCDOT's many consistently low calculations.

After construction was underway, NCDOT decided to raise a section of the roadway rather than truck out excess fill. Again, without public notification, the highest elevation of local roadway at Sta.607+00 was raised by 3.35-feet and the other heights were increased accordingly. In responding to a questioning of this change from the elevations used in the DNR, the NCDOT Secretary, stated in August 16, 2001 letter:

The vertical elevation of I-40 was raised approximately three feet during construction. The height of the earth berms parallel to I-40 were increased three to four feet so the relationship between the road surface and the top of the road berms remained as originally proposed. These berms were raised to offset any increased noise levels resulting from the changes in vertical elevation but were not part of noise abatement measures for the I-9 construction project. Also, as mentioned in the April 11, 1989 letter from D.R.Morton, our analysis indicated the noise level at Receptor #35C (closest to I-40) experienced an increase of only 0.1 dBA with the change in vertical elevation. This analysis indicates that raising the berms nearly offsets the entire

increase in noise caused by the change in vertical elevation. (NCDOT never answered my response which disagreed with the "facts" presented and the logic).

E. Possible Courses of Action for Chapel Hill

The original contract NCDOT made with the citizens of Chapel Hill (FEIS) was never completed due to flagrant NCDOT unilateral changes. For the both the original construction and the current widening, NCDOT did not consider the use of earth berms, despite the specific "EARTH BERMS" section in the NCDOT NAP which states: Consideration should be given to providing earth berms for noise abatement purposes on projects that have earth waste and where sufficient right-of-way exists to construct the berm." The widening of I-40 will result in the center grassy median being removed and replaced with concrete. This excess material, ten miles long, could be used to build an earth berm which would not only mitigate noise at Habitat, but should also be built to alleviate the noise at neighboring communities on both sides of the project. It would make economically feasible noise abatement for residences identified by NCDOT as noise impacted but economically unfeasible for abatement.

I believe that if Durham can get NCDOT to change its mind and add noise abatement, Chapel Hill can the same for areas that are at least, and possibly more, deserving. There are many people who are currently impacted by I-40 noise, and there will be many more.

The Chapel Hill town government has the choice of ignoring I-40 noise, or dealing with the issue at Habitat as well as in the entire I-40 corridor, trying to better control unsuitable land use, and possibly attempting to get noise abatement from the NCDOT. The present NCDOT administration should be persuaded to repair some of the environmental damage done by previous administrations.

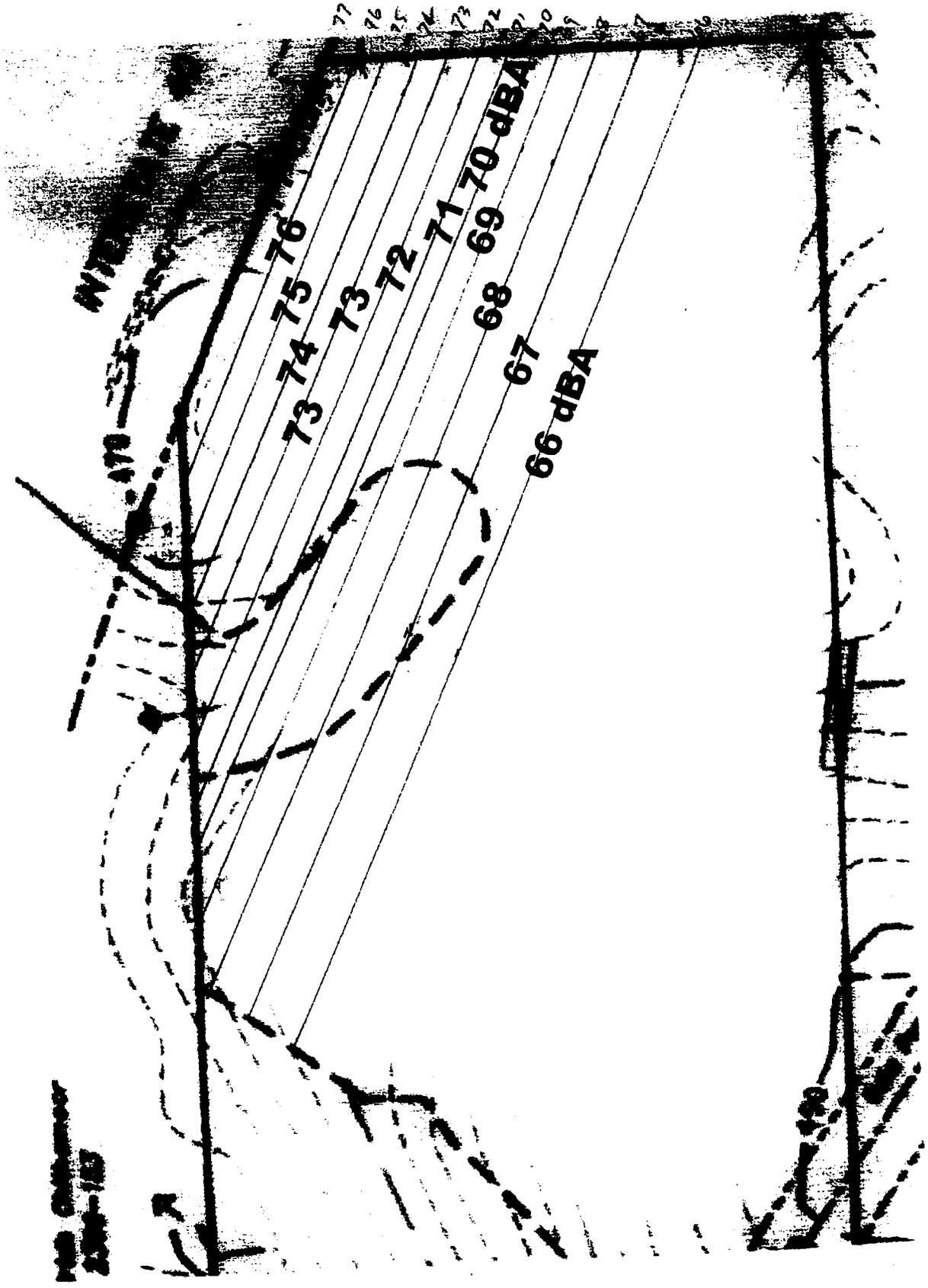
I believe there is a need for Chapel Hill to act on the impending increased I-40 noise, starting with Habitat, as well as others, future and filed since 3/2000.

Abbreviations, acronyms

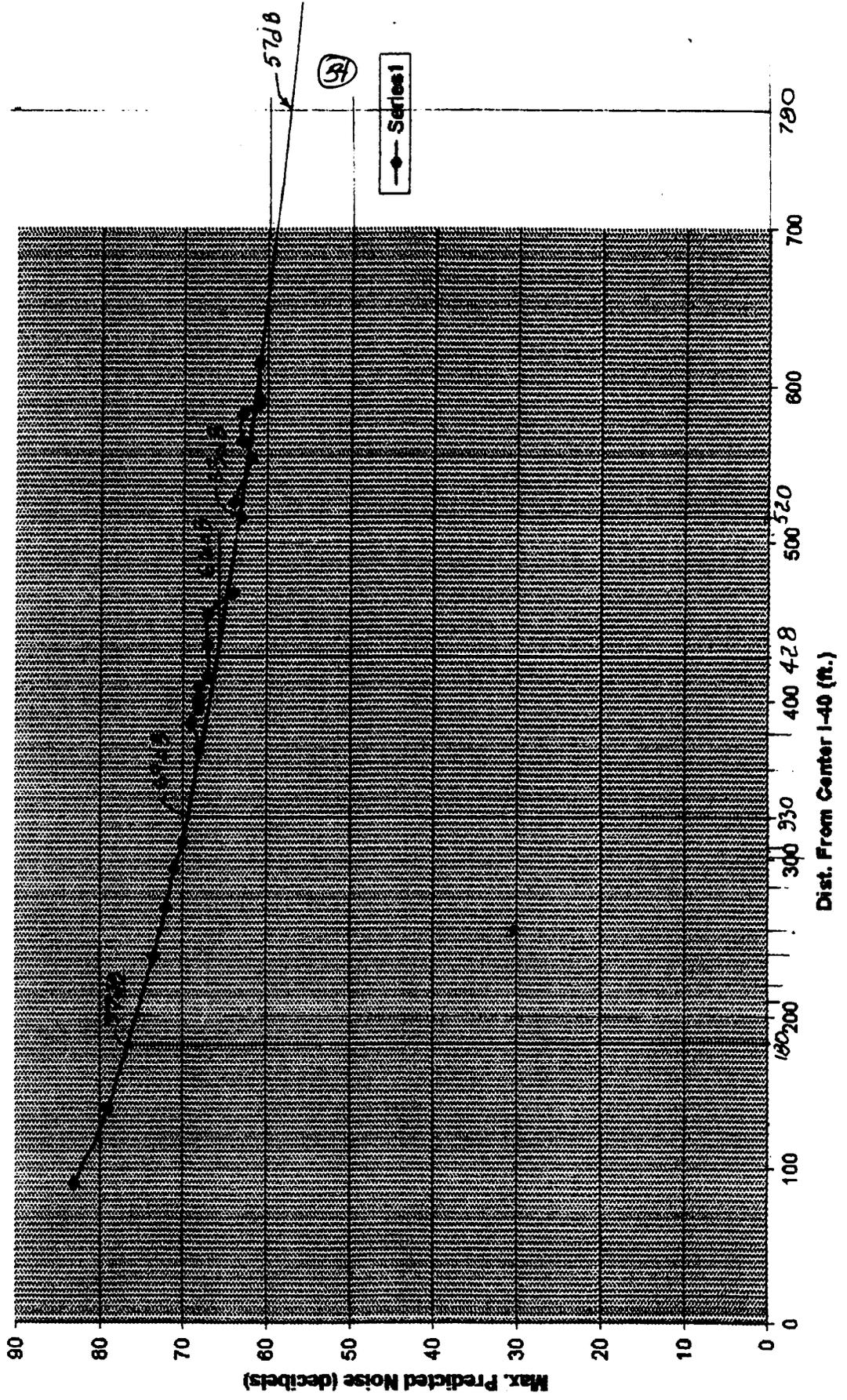
CE	<u>Categorical Exclusion Interstate 40 Widening to six-lanes From I-85 to NC 147 (Buck Dean Freeway), Durham and Orange Counties, State Project 8.1501601, TIP Project Number I-3306 of March 2000</u>
CFR	Code of Federal regulations
dBA	decibels (A-Weighted)
HTN	<u>Highway Traffic Noise in the U.S. Problem and Response by U.S. Dept. of Transportation and Federal Highway Administration, April 2000</u>
NCDOT	North Carolina Department of Transportation
TNAP	NCDOT Traffic Noise Abatement Policy

Maximum Noise Levels in Decibels (dBA) for Year 2020 Predicted by NCDOT
in Tables 11 & N4 of Categorical Exclusion, I-40 Widening to Six-Lanes dated
March 2000...Habitat for Humanities Site

14th October
2004-113



FHWA Noise Predictions



Series 1

(5)

57dB

Dist. From Center I-40 (ft.)

Max. Predicted Noise (decibels)

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December 29, 2003

Mr. John Tyrrell
President, Board of Directors
Habitat for Humanity, Orange Co. NC, Inc.
P.O. Box 459
Hillsborough, N.C. 27278

Re: Sunrise Road Property

Dear Mr. Tyrrell:

I have been asked by Mr. Doug Schworer, on behalf of the Sunrise Coalition, to respond to your letter of December 11, 2003. In that letter, you decline the request to meet with three Coalition members in advance of the second charrette on possible development plans for Habitat's Sunrise Road property. Let me explain what the Coalition's concerns are and why the request for a meeting was made, and then suggest an alternative approach that may help to allay those concerns.

As you know, the residents surrounding the property Habitat proposes to develop have essentially the same concerns that any existing neighborhood would have when a new development is proposed. In an e-mail to Habitat's Executive Director, Susan Levy, dated 4/29/03, Doug Schworer expressed the Coalition's position as follows:

The Coalition agrees with the need for affordable housing in the Chapel Hill area, and is willing to support an affordable housing development and/or Habitat homes being built on the Sunrise Road site, provided that such a development is consistent with the existing character of the surrounding area and holds to current R-2 zoning standards and associated environmental protections. The Coalition believes that any development – whether affordable housing or not – must not have a negative impact on the immediately surrounding neighborhood. This includes, but is not limited to, real estate value, quality of life, and safety.

That position has not changed in the ensuing months.

As you are also aware, both Orange County and Chapel Hill have urged Habitat to consider input from the neighbors in preparing a proposed development plan for this property. Indeed, the Development Agreement between Orange County and Habitat requires that, when a

Mr. John Tyrrell
December 29, 2003
Page 2

site-specific development plan is submitted, "Habitat must provide evidence that the surrounding community has been involved in development plans." And the "Suggested Goals and Principles" for the development of the property approved by the Chapel Hill Town Council on May 12, 2003 urges Habitat "to sponsor a workshop, involving neighbors of this property, to consider possible designs for use of this property prior to preparation and submittal of a Concept Plan." Habitat has responded by holding one charrette to consider development options and I understand a follow-up charrette is scheduled for early next year. While a charrette can sometimes provide a vehicle for a productive interchange between a developer and the surrounding neighborhood, the Coalition members who attended the first charrette are concerned that the development plan that emerges from this process may be completely inconsistent with their core principles expressed above. Frankly, my clients remain interested in meaningful dialogue and are eager to work with Habitat to develop a proposal that could be endorsed by the neighborhood, but if the pre-ordained result of the charrette process is a proposal that is inconsistent with the principles expressed above, they do not wish to run the risk of having it said down the road that they have in any meaningful sense been "involved" in the development of the proposal that emerges.

The principal issue for the Coalition is density, because density will be the most significant factor in determining the impact of the proposed development on traffic safety, property values, and the environment, and therefore will be the key determinant in how the development of this property will affect the quality of life of those who already reside in this neighborhood. The commitment Habitat has made to Orange County is to construct twenty-five affordable homes. Given the developmental constraints that affect this property, including a major power transmission line, two streams, and the setbacks required from I-40, a target density for this tract of around twenty-five units is entirely reasonable. However, the density of all but one of the development scenarios discussed at the previous charrette was far greater than this, and two of the subgroups in the charrette process were directed to develop "blue sky" proposals that ignored both the existing environmental and other constraints as well as the Chapel Hill Town Council's admonition that the proposed development should be consistent with the current zoning of the property (R-2). Coalition members by no means believe that they can or should be able to dictate to Habitat (or any developer) precisely what form the development should take. But the first charrette has not inspired confidence that their legitimate concerns are being addressed, and my clients are seeking some assurance that their continued participation in the charrette process is well advised.

That is the reason three individuals representing the Coalition sought to meet with you. However, their objective can probably be achieved without a meeting. My understanding is that the next charrette will be convened to review perhaps two or three of the development alternatives considered at the last charrette, but beyond that the agenda for the next meeting is not clear. Is the purpose of the next meeting to attempt to reach consensus on a single development proposal? If so, what will the process be? If not, what is the purpose of the meeting? And most importantly, my clients need to know at least ten days in advance of the

Mr. John Tyrrell
December 29, 2003
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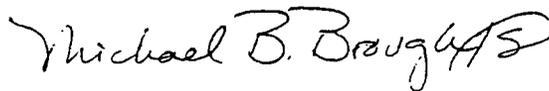
charrette what development proposals remain "on the table" for further consideration by the charrette participants (particularly in terms of proposed density). Obviously, if none of the proposals selected by Habitat for further consideration bears any resemblance to a development the neighborhood could support based upon the principals expressed above, then further participation by Coalition members in the charrette process does not seem warranted.

I will be out of town until January 12th, but will be in contact with my office, should you have any questions. Also, please feel free to contact Doug Schworer regarding any matters raised in this letter.

I appreciate your consideration. Best wishes for the holiday season.

Sincerely,

THE BROUGH LAW FIRM



Michael B. Brough

MBB:sc

Cc: Mr. Doug Schworer

June 26, 2003

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Sunrise Coalition, Inc.
P.O Box 16722
Chapel Hill, N.C 27514

Ms. S. Levy
Executive Director
Habitat For Humanity For Orange County
Hillsborough, N.C 27278

Delivery via Fax

Subject: Sunrise Road Development

Dear Susan:

The Sunrise Coalition Board recently met to review and discuss the suggested goals/principles that were endorsed by the Town Council on May 12th. Goal number 17 calls for Habitat to meet with neighbors of the property to consider possible designs prior to preparation and submittal of a "Concept Plan". Several weeks ago, in a Chapel Hill Herald article you were quoted as stating that Habitat planned to submit a concept plan in the fall, and you endorsed the idea of working on this together with residents of the Sunrise Rd area.

The Sunrise Coalition believes it is in all parties best interest for us to be involved as early as possible in the planning process. In this regard, Dick Henry, a Coalition Board member, has agreed to serve as the initial point of contact between our organization and Habitat.

Please contact Dick at 490-0866 at your earliest convenience to discuss the current status of your development plans and how we can begin to work with you on this.

Sincerely,



Doug Schworer
For the Board of Sunrise Coalition

cc: Town Council Members
Mayor Foy
Town Manger - Cal Horton

December 11, 2003

Doug Schworer
7614 Amesbury Drive
Chapel Hill, NC 27514

Dear Doug:

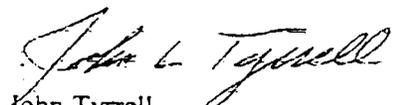
I am following up on your request that some Habitat for Humanity Site Committee members meet with you, Sandra and Rob. The committee met this week, and all members believe that it would be inappropriate to meet privately with three charrette participants, when in fact more than 60 people with a variety of goals and interests participated in the public process on Oct. 4.

We consulted with Professor David Godschalk about your request. He counseled us against having any private meeting with select groups. As he explained, the public nature of the charrette process was established on Oct. 4. We are now in the preliminary design phase, and the charrette process will resume and conclude with a session where design options are presented.

We believe we must follow his advice and maintain the openness of the process. The designers are at work and we hope to soon announce a date for the presentation of designs.

Thanks for understanding our position.

Sincerely,


John Tyrrell
President, Board of Directors
Habitat for Humanity, Orange Co.

cc: Mayor and Council, Town of Chapel Hill
Board of County Commissioners



Habitat for Humanity
Orange County, NC, Inc.

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P.O. Box 459 • Hillsborough, NC 27278 • (919)732-6767, FAX: (919)732-2337 • ochabitat@earthlink.net

January 14, 2004

Michael B. Brough
The Brough Law Firm
1829 E. Franklin Street
Suite 800-A
Chapel Hill, NC 27514

Dear Mr. Brough:

On behalf of Habitat for Humanity of Orange County, I am responding to your letter of December 29, 2003. For your information, I am attaching my letter to Doug Schworer, dated December 11, 2003, in which I explain why HHOC believes it inappropriate to hold a private meeting with any select group of charrette participants.

As my letter stated, the public nature of the charrette process was established on Oct. 4 at the session. More than 60 persons with a variety of interests participated. Our professional facilitator counseled us not to hold private meetings with any select groups.

As you correctly note, the Chapel Hill Town Council asked us "to sponsor a workshop, involving neighbors of this property, to consider possible designs for use of this property prior to preparation and submittal of a Concept Plan." We chose to meet this request by holding a professionally facilitated charrette and making the process open to the general public.

I am happy to respond to your question about the nature of the concluding part of this process, the presentation of designs which will be held on Feb. 26. At the Oct. 4 session, our facilitator explained the process to the assembled group as one that includes three key elements:

1. A session of intense design activity that welcomes any participants and yields a variety of potential design concepts for a piece of property
2. Refinement of the design concepts (by professionals) into multiple draft designs
3. Public presentation of these designs

At the public presentation, now scheduled for Feb. 26, there will be opportunity for questions and comments from persons attending. Your clients and others who participated in the charrette will be receiving an invitation and agenda within the week.

I hope this answers your questions and that your clients will attend the presentation.

Sincerely,

John Tyrrell
President

Cc: Chapel Hill Mayor and Council
Orange County Commissioners

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January 16, 2004

Mr. John Tyrrell, President
Habitat for Humanity
Orange County, NC, Inc.
Post Office Box 459
Hillsborough, North Carolina 27278

Re: Sunrise Road Property

Dear Mr. Tyrrell:

Thank you for your letter of January 14, 2004, responding to my letter of December 29, 2003.

While your response is understandable from the perspective of what Habitat hopes to achieve from the charette process, it underlines the concerns my clients have had and continue to have about the lack of any real dialogue between Habitat as developer of the property in question and those who reside in the immediate neighborhood of that development, and who will be most affected by it. A charette involving those who have an interest in affordable housing in Chapel Hill is a fine idea, and many fine people from Chapel Hill and elsewhere have been involved in it. But when a development is proposed in any existing neighborhood, the Council has long encouraged a meaningful interchange between the developer and those most immediately affected by the proposed development, in the hope that a proposal can emerge that will engender the support of the affected neighborhood. Sometimes a consensus can be reached, and sometime it cannot. But in the view of my clients, the charette process as structured by Habitat, involving a majority of participants who do not live in the affected area, may be a useful exercise for some purposes but cannot substitute for meaningful dialogue between the neighborhood and Habitat.

Some members of the Sunrise Coalition will likely attend the next segment to listen to a presentation on the alternative design proposals selected by Habitat, and perhaps ask questions or make comments on the proposals. However, my clients hope that this can be the beginning and not the end of engagement with the neighborhood, and that there can be meaningful and useful discussions with the neighborhood *before* an application is submitted to the Town of Chapel Hill.

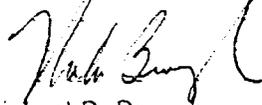
Mr. John Tyrrell, President
January 16, 2004
Page

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If Habitat is interested in meeting with Coalition representatives at any time, please feel free to contact me or Doug Schworer.

Sincerely,

THE BROUGH LAW FIRM



Michael B. Brough

MBB:las

cc: Mr. Doug Schworer
Ms. Sandra Cummings

63

Sunrise Coalition, Inc.
P.O Box 16722
Chapel Hill, N.C 27514
919 401-3554

March 20, 2004

Mr. John Tyrrell
President Board of Directors
Habitat for Humanity, Orange Co. NC. Inc.
P.O Box 459
Hillsborough, N.C 27278

Dear Mr. Tyrrell:

On behalf of the Coalition, I would like to thank all the planners and designers for the time they spent developing and presenting the four concept plans at the final Charrette meeting on March 11, 2003. This meeting was the first time we as a surrounding community and local advocates for affordable housing were provided details about the four plans.

We have concerns and reservations with all four plans. We were disappointed that none of the concept plans presented at the final Charrette addressed the Coalition's request that the proposed community be consistent with the density of the surrounding neighbors and consist solely of detached single-family dwellings. You may recall that one of the designs that emerged from the first Charrette met these criteria, and this was the design clearly favored by adjacent neighbors. Unfortunately, this design was not among those presented on March 11. A design limited to around 20 single family detached units would address the concerns raised by the Sunrise Coalition on numerous occasions, including--but not limited to--safety, quality of life, health, parking, access, traffic, and I-40 noise. Both Habitat for Humanity of Orange County (HHOC) and Orange County Land Trust (OCLT) could build single family detached homes inter-mixed in a "clustered" configuration. We believe this type of neighborhood would provide an attractive environment for prospective residents and preserve the semi rural character of this area.

We view the March 11 meeting and the four designs presented as a concrete starting point for discussions with the surrounding community of the Sunrise Road property. We ask that HHOC consider developing a fifth concept plan consisting of around 20 single family detached homes with a mix of income levels as specified in the Guiding Principles adopted by the Chapel Hill Town Council in May 2003. We, too, will work on a design of this nature. Since this property will not alone solve all of the affordable

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housing needs in Chapel Hill, we believe that it will be more important for HHOC to build a sustainable community that neighbors will welcome, rather than to provide housing for 20 additional families in a less desirable environment.

We were pleased to hear at the meeting that HHOC plans additional meetings with the surrounding community, prior to concept plan submission. Such meetings are essential, and should occur prior to any further narrowing down of the design options by HHOC. It is time for open two-way dialogue to replace the secrecy of the design process to date.

The Sunrise Coalition is making every effort to meet to solicit opinions/concerns for discussion with HHOC. We hope that you will allow at least 6-8 weeks to give the coalition and surrounding neighbor's adequate time to review all options and provide HHOC with suggestions of how the development plan could meet our criteria and gain our endorsement.

We look forward to a continued dialogue and on-going meetings with HHOC. To get this process rolling we request that you provide us with a meeting date approximately 6-8 weeks from now when the HHOC Site Planning Committee can sit down with representatives of the Sunrise Coalition and adjacent neighbors of the property to discuss in detail our response to the designs presented on March 11.

Sincerely,
Doug Schworer
President of Sunrise Coalition Board

cc: Mayor Foy
Chapel Hill Town Council
County Commissioners
Orange County Manager (Mr. Link)
Chapel Hill Town Manager (Mr. Horton)
Orange County Land Trust (Mr. Dowling)
Brough Law Firm (Mr. Brough)
Executive Director HHOC (Ms. Levy)

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Sunrise Coalition, Inc.
P.O Box 16722
Chapel Hill, N.C 27514
919 401-3554

June 27, 2004

Mayor Foy
306 N. Columbia St.
Chapel Hill,
North Carolina 27516

Chapel Hill Town Council
306 N. Columbia St.
Chapel Hill
North Carolina 27516

Orange County Commissioners
200 South Cameron St.
Hillsborough
North Carolina 27278

The purpose of this letter is to provide an update to the mayor of Chapel Hill, Chapel Hill Town Council and Orange County Commissions with regard to the Habitat for Humanity of Orange County (HHOC) planned development on Sunrise Road.

On June 16, 2004 a meeting was held between key members of the HHOC site planning team, the Sunrise Coalition and Chandlers' Green Homeowners Association Boards. At the meeting, HHOC presented a 50 unit concept plan they are planning to submit to the Town of Chapel Hill. In addition to presenting the concept plan, the president of the HHOC board talked about the process used to develop the plans. Speaking for Habitat, John Tyrrell maintained that HHOC has "listened" to the neighbors and that consideration was given to their concerns.

Sunrise Coalition and Chandlers Green Homeowners Association members that attended the meeting were very disappointed to see that HHOC did not consider the neighbors' concerns regarding the number of units; nor made any other accommodations. In fact, after all the public meetings held over the last year and a half no change has been made by HHOC to the number of units/density on

the property. It appears that HHOC conducted public meetings only to satisfy their requirements with the Town and County and had no real intent in reaching consensus or collaborating with the surrounding neighbors. We do not believe the meetings met the intent or criteria of either the Town or the County. Those attending the meetings certainly do not buy-in to the 50 unit concept plan nor do we feel that input from public meetings was considered in the design. Despite several neighbors' offers to serve on the HHOC planning committee, not one member of our coalition or homeowners association was engaged in the design process with the architects or HHOC's site planning team. Those meetings were closed to members of the surrounding community. We were only told by HHOC which design they would pursue.

In the December 2002 HHOC newsletter, the following was published:

"Yet, HHOC has a 16 -acre tract of land conveniently located near schools, healthcare and shopping and close to the bus line, under contract. This land will provide approximately 50 homes to working families in need."

The plan in December 2002 was the land "will" provide approximately 50 homes to working families in need. The concept plan being submitted to the Town of Chapel Hill planning department this June with 50 units is exactly the number published in December 2002. The reality is this; no adjustments have been made to the density or number of units after many meetings with HHOC in which they claim they have "listened" to the neighbors.

On June 15, 2004 the Sunrise Coalition submitted alternate plans to HHOC. The Sunrise Coalition design was developed by members of the coalition and surrounding community and provides for 18-22 single family homes. Since this submission, no effort was been made on the part of HHOC to discuss these plans with the neighbors. Apparently, the plans were presented to the HHOC Board and quickly discounted as being financially unfeasible.

HHOC is a non profit organization and gains most of its funding for land development and development cost from Town, County, State and Federal funds. As a result, they have a responsibility to tax payers of the Town, County and Federal government. To discount a plan because it is not "financially feasible" suggests that the project is financially driven and that how viable the proposed community might be or how well it will fit with the surrounding community are at best secondary issues. However, because this project will require significant amounts of public funding, we feel that HHOC is obligated to

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show how its proposed development will be sustainable and how it will benefit the community as a whole. It appears that HHOC has target financials for this project. Since HHOC plans to use public funds for this project, we believe it is time for HHOC to release these numbers to the Town, County and interested neighbors. Only when these are released will all parties understand the "real" and projected cost of this project. Perhaps, after careful review we will find that an 18-22 unit development is indeed financially feasible. If so, then the pros and cons of the proposed high-density design can be publicly debated with all parties being privy to "the facts" of the matter.

Sincerely,

Sunrise Coalition, Inc. Board

cc: Orange County Manager
Chapel Hill Town Manager
Brough Law Firm (Mike Brough)

