



May 12, 2016

Corey Layman, AICP  
Zoning Administrator  
Department of City Planning  
Division of Zoning & Development Review  
200 Ross Street, Suite 309  
Pittsburgh, PA 15219

Subject: Response to Comments  
Steep Slope Overlay District Application  
Proposed Villas at Winter Park  
City of Pittsburgh, Allegheny County, Pennsylvania

Dear Mr. Layman:

We are in receipt of a memo dated April 28, 2016 from Gavin Robb, Esquire, regarding the proposed Villas at Winter Park development. We offer the following responses to the concerns raised on a point-by-point basis:

**I. Environmental Performance Standards (Section 915.02)**

**Comment 1:** As a threshold matter, pursuant to Section 906.08.C.5 the Applicant is required to establish that all Environmental Performance Standards set forth in Section 915.02 have been met. The proposed development fails to meet multiple Environmental Performance Standards, including but not limited to:

- 915.02.A.1.a. To the maximum extent feasible, the grading shall preserve the natural landforms of the site;

Response: The Applicant proposes a significant disturbance of the natural landforms of this site, with lot disturbances ranging between 44.6% and 49.9% for all but two of the 18 proposed lots. See Slopes Analysis. The Geotechnical Investigation submitted by the Applicant states that "Development will require extensive cutting and filling of the existing subsurface to achieve the planned grades." (Geotechnical Investigation, p. 1.) The grading therefore does not preserve the natural landforms of the site - to the contrary, a project of this magnitude will require a massive re-grading of a large portion of the site, substantially altering the natural landforms.

- 915.02.A.1.c. Finished grades of fifteen (15) percent or less are strongly encouraged. Cut or filled slopes shall not exceed twenty-five (25) percent unless:
  - The applicant submits a geotechnical investigation report that certifies the safety and suitability of such slopes;

Response: The mean slopes of the building footprints in the proposed development range from 19.58% to 29.71%, thus ensuring the need for a geotechnical investigation report. See Slopes Analysis. The Geotechnical Investigation submitted by the Applicant notes that based on a U.S. Geological Survey publication, "the steep slope of the Site may be susceptible to earth movement. This designation is based on the steepness of the slope, dip of underlying bedrock, and bedrock types." (Geotechnical Investigation, p.3). In its Summary, the Applicant's Geotechnical Investigation notes that:

“Dusky red clay and clayey shale were observed in several of the soil borings. The red clays and shales in the region are typically susceptible to stability concerns and will require additional analysis to determine the applicable remediation or development constraints after the final grading plans are developed. (Geotechnical Investigation, p. 9)

The Geotechnical Investigation further concludes that “[h]ouse construction on residual red bed soil formations should not be performed, due to the unstable nature of these soils.” (Geotechnical Investigation, p. 10).

Thus, Applicant’s own Geotechnical Investigation does not certify the safety or suitability of the slope as required but instead directly contradicts any assertion by the Applicant that the Environmental Performance Standards have been met.

In the Geotechnical Review Letter submitted on behalf of the Objectors in this matter, Mr. Boward concludes, after a comprehensive analysis, that “...to a reasonable degree of engineering certainty, the proposed development, in my professional opinion, fails to meet the criteria to verify that it will be stable, so that neighboring properties are not affected or damaged.”

For the foregoing reasons, the Applicant has failed to establish that the Environmental Performance Standards have been met and therefore the application should be denied.

**Response:** While this project fundamentally alters the existing topography to create buildable parcels, the natural landform of the site and surrounding properties, as a whole, are unaltered; the drainage will flow from the ridgeline to the north towards the River.

Furthermore, as part of the construction of the project, much of the underlying residual red bed soils will be removed. Due to the relatively shallow presence of competent rock, this will result in a satisfactory global stability for the entire property. Pages 6-9 of the Geotechnical Investigation detail how the unstable materials will be removed and the site stabilized. Synergy Capital has also provided a global stability analysis showing that the site can be constructed without detriment to neighboring property owners. While the Zoning Code states that the natural landforms shall be maintained to the extent feasible, it is obviously not feasible to retain the unstable red bed soil on the building parcels and beneath the roadways. The Zoning Code requirements are met.

Management of the stormwater from the project should also help to enhance the overall global stability as compared to the existing condition.

## II. Steep Slope Overlay District Standards (Section 906.08.C.5)

**Comment 1:** Natural landforms shall be maintained to the maximum extent possible.

Response: As noted above, the Applicant proposes a significant disturbance of the natural landforms of this site. In fact, 12 of the 18 lots exceed a 48% lot disturbance, and of the 6 remaining lots, 4 of them exceed 44% lot disturbance. See Slopes Analysis. In addition, the Geotechnical Investigation submitted by the Applicant states that “Development will require extensive cutting and filling of the existing subsurface to achieve the planned grades.” (Geotechnical Investigation, p. 1.) Simply put, the proposed development does not maintain natural landforms to the



maximum extent possible, but instead substantially and permanently alters the natural landforms.

**Response:** **Less than 50% of the total site will be disturbed as part of the project, which meets the objective requirements of the Zoning Code. The proposed disturbance is not because the lots are being overbuilt, but to stabilize the site and to construct roadways.**

**Comment 4:** The proposed development shall minimize impervious surfaces.

Response: According to the Slopes Analysis, the Applicant proposes to add over 22,000 square feet of right-of-way, presumably most or all of which will be paved asphalt, to extend and create “hammerheads” at the terminus of both Hackstown and Magdalena Streets, in addition to concrete walks proposed within the development, resulting in a substantial increase in impervious surfaces.

**Response:** **The overall impervious surfaces have been minimized to the extent practicable. These considerations include the de-densification of the proposed development, as well as conversion of cul-de-sacs to hammerheads and narrowing the proposed roadway width from 24’ to 20’, per discussions with the Department of Public Works.**

**Comment 10:** Vegetation removal solely to create views is prohibited; views to the site shall be considered to be as important as views from the site.

Response: As currently situated, the heavily wooded site does not allow the sought-after views of the City skyline that the Applicant is proposing and which are essential for the Applicant to be able to sell these homes at the prices needed to make the development profitable. In fact, in the marketing materials previously posted on its website but since removed, the Applicant claimed that the development “will feature contemporary finishes while offering unobstructed views of the city from all three levels.” The Applicant asserts in its presentation that the development is compliant because “Natural vegetation not to be disturbed outside of designated 50% max disturbance area...” However, the Applicant misrepresents the standard: the Code does not allow vegetation to be removed solely to create views - period. This prohibition is not limited to only the area outside of the maximum disturbance area.

**Response:** **Vegetation outside of the proposed limits of disturbance are not proposed to be removed. Creation of views will be achieved by utilizing the natural topography in the construction of the homes. The Landscaping Plan and Tree Survey show that excessive tree removal will not occur.**

**Comment 11:** The proposed structure shall minimize the need for vegetation removal with the exception of invasive species.

Response: Development of the site as proposed would require substantial clearing of all vegetation (not just invasive species), which is confirmed by the Applicant’s disturbance levels of in excess of 44% for nearly all of the lots. The Applicant’s presentation addresses this standard as follow: “Natural vegetation not to be disturbed outside of designated 50% max disturbance area...” Again, the Applicant fails to recognize or purposely ignores that this requirement applies to the entire proposed development sites, and not just the area outside of the maximum disturbance area. The massive clearing



and re-grading required to develop this site will necessarily cause the Applicant to violate this requirement.

**Response:** As noted, the plans have been revised to minimize the limits of disturbance to the extent practicable; thereby, minimizing the amount of vegetation removal. No vegetation will be removed outside of the maximum disturbance area.

Comment 13: Natural drainage patterns shall be maintained to the extent physically possible.

Response: Due to the significant levels of disturbance, the extensive cutting and filling required to establish the necessary grades for building, the extensions of the streets and the construction of concrete walkways, it is anticipated that natural drainage patterns will be significantly affected in contravention of this standard.

**Response:** Drainage patterns in the geomorphological sense are more commonly associated with streams and channels. The general topography, while contributing to the overage drainage area of receiving streams and channels, does not conform to a dendritic pattern, as the site is cut off from any of the nearest greenways by the existing adjacent residential neighborhood.

**Stormwater will flow to catch basins that tie into existing storm sewers, and pervious pavers may be used to further reduce flow if necessary under the NPDES permit. Ultimately, stormwater flow will be the same or potentially less than it is now.**

If you have any questions regarding the contents of this response, please contact our office at your earliest convenience.

Respectfully submitted,



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