

MEMORANDUM

TO: Mayor and City Council

FROM: Wendy Rampson, Planning Manager
Alexis DiLeo, City Planner
Tom McMurtrie, Solid Waste Coordinator

**SUBJECT: 413 East Huron Street Site Plan
Project No. SP12-036**

DATE: March 29, 2013

This site plan petition was postponed by the City Council at its March 18, 2013 meeting to allow time for staff to review changes proposed by the petitioner and address questions and concerns of the Council. The petitioner provided revised plans to Planning staff on March 25 and March 28, 2013; the revisions are described below. Questions and concerns of Council received by March 28, 2013 are addressed below as well.

PROPOSED PLAN CHANGES

Proposed Site Plan Changes – The proposed building has been reduced by 8,351 square feet to 263,504 square feet, or a floor area ratio (FAR) of 659% compared to the original proposal of 680%. The number of dwelling units has been reduced by eight to 208 and the total number of bedrooms has been reduced by 20 to 513. These reductions are the result of removing two dwelling units at the northeast corner of both the 13th and 14th floors, three dwelling units in the center of the north side of the 14th floor and one dwelling unit at the southwest corner of the 14th floor. The shadow study has been recalculated to reflect the new roofline.

Vehicular parking had been reduced in an earlier revision by 8 below-grade spaces to 124 spaces. This change was in response to pulling back the foundation at the far northeast corner to reduce the impacts to the landmark trees along the north property line; bicycle parking has been increased by 10 Class A spaces to 185.

Additional information and revised details have also been added to the site plan. A written and graphic natural features alternative analysis has been provided (Sheet 14) that describes three alternative layouts, one of which is the current proposal.

The revised comparison chart, shadow study and plan set, including revised elevations, are attached.

Proposed Architectural Changes – The overall color palette of the proposed building has been lightened. Proposed shades of gray are now lighter than previously. Color renderings and a sample board of materials will be provided by the petitioner to Council. Also, more wood is proposed at the street level, including wood windows and wood siding and ceiling for the covered southwest entrance. The roofline at the southwest corner and the rear of the building has also changed, described above, from the reduction in dwelling units. Revised renderings will be attached when they are provided by the developer.

REVIEW COMMENTS

Natural Features Statement of Impact

Chapter 57 (Subdivision and Land Use Control), including the Land Development Regulations and the Guidelines for the Protection and Mitigation of Natural Features, address seven types of natural features, one of which is landmark trees. All natural features on a development site and extending 50 feet beyond the site are required to be shown on a proposed site plan. The critical root zone (CRZ) of landmark trees must also be shown; however, the CRZ is not a natural feature itself under City Ordinance.

The 413 E. Huron site plan proposes disturbance to the CRZ of two landmark trees: a 24-inch black walnut tree at 114 North Division Street and a 48-inch bur oak tree at 120 North Division Street. The one landmark-sized tree on the subject site is in poor condition and does not qualify as a protected natural feature.

Section 5:126, Natural Features Statement of Impact, requires that a natural features statement of impact be provided in cases where a natural feature is proposed to be disturbed. This statement is to include alternative plans that were considered that might limit the disturbance of the natural feature, in addition to justification for selecting the proposed plan. The petitioners have updated Page 14 of the plan set to provide this information.

One alternative shows the underground parking garage at the north lot line, which would meet the Zoning Ordinance but imposes a greater impact to the critical root zones of the adjacent, off-site landmark trees. Another alternative involves pulling back the northern extent of the proposed underground parking garage entirely outside of the critical root zones of those trees. Neither alternative changes the total height or above-grade mass of the proposed building. The “no-impact” alternative reduces the on-site parking to less than the minimum requirement. [Staff notes that options are available in order to still provide the minimum requirement, including contributions in lieu and car-sharing service spaces.]

However, the petitioner notes the no-impact alternative still has some impacts within the critical root zones of those trees. The existing house at 110 North Division Street, its gravel driveway and concrete front walk are within the critical root zone of the 24-inch black walnut tree at 114 North Division Street and their removal is still an impact. Likewise, the existing parking lot at the northeast corner of the site is within the critical root zone of the 48-inch bur oak tree at 120 North Division Street and pavement removal will be an impact.

The petitioner states the proposed layout was selected because it represents a net decrease in the total area impacted within each critical root zone. By removing the existing house, driveway and walkway and having a 13-foot setback for the underground parking garage, there will be a net increase of 222 square feet of pervious area (12%) to the 24-inch black walnut’s CRZ. By removing the parking lot, there will be a net increase of approximately 18% of pervious area for the 48-inch bur oak’s CRZ.

The Urban Forest and Natural Resources Planning Coordinator has reviewed the revised natural features statement of impact and found it to satisfy the code requirements.

Natural Features Mitigation Plan

Section 5:127, Mitigation of Natural Features, requires that replacement trees be provided when a landmark tree is removed.

Staff requested the petitioner voluntarily mitigate for the 24-inch black walnut tree at 114 North Division Street because a larger portion of the CRZ is to be disturbed. The petitioner included as many of the mitigation trees as possible on-site and offered funds for planting trees on public lands (considered to be alternative mitigation) for the remaining amount. Because in this case all of the proposed mitigation is voluntary, staff recommends acceptance of the petitioner's alternative mitigation plan to make a contribution to the street tree fund for the equivalent of 6 caliper inches of replacement trees.

Regarding impacts to natural features caused by new or increased shading, this type of indirect impact is not addressed by City Code and requires no protection or mitigation. Nevertheless, the Natural Features Coordinator reviewed the shade study provided and noted that the anticipated increase in shading is least during the late spring, summer and early fall months when trees are most actively photosynthesizing. While the shade study appears most dramatic during the late fall, winter and early spring, it will have a minimal impact on the adjacent trees' ability to photosynthesize because trees are typically dormant and leafless during this period.

To address concerns about the continued health of the two impacted landmark trees, the petitioner has proposed a five-year maintenance plan, if acceptable to the property owners. Under this proposal, the property owner would hire a certified arborist to care for the trees for five years, including limbing out the trees to balance calculated root loss and performing deep root feeding twice a year (spring and fall) and watering as necessary during that time.

The Urban Forest and Natural Resources Planning Coordinator has reviewed the revised mitigation plan and found it to be acceptable.

Solid Waste and Recycling Service Concerns

Attached is the proposed refuse collection service design for 413 E. Huron. Unlike the situation at the recently constructed Landmark apartment building on South University, the truck will be able to directly service the refuse dumpster at the compactor location. A minimal amount of backing up may be required to get out from under the overhang. Backing up will be required to get back onto Division. The truck will beep when it backs up, as do all city refuse/recycling vehicles.

This design will allow placement of a larger 8 cubic yard dumpster for trash, which staff believes will be more than adequate for their facility. Landmark is limited to 2 cubic yard dumpsters at its trash compactor. In addition, the truck will not need to back out to Division to service the dumpster. Recycling will be serviced with a 4 cubic yard dumpster on wheels, which should be adequate. The recycle dumpster will be rolled out to the paved area just outside the building. It will not need to be serviced on Division.

Development Agreement – The draft development agreement has been revised to reflect the most recent changes to the project. Corresponding to the decrease in dwelling units, the park contribution has been decreased from \$133,290 to \$129,000. Paragraph P-15 which addresses building elevations and materials has been rewritten to require specific architectural details matching what has been proposed and now also includes the drawing and sample board dates.

Off-Site Work – The previously proposed plan included some grading for aesthetic purposes on the north side of the low landscape retaining wall along the north property line adjacent to 114 North Division Street. That work has been eliminated from the currently proposed site plan. No work is proposed on any adjacent property. Further, the petitioner has offered a 5-year maintenance plan for the off-site landmark tree, but that work is subject to property owner permission.

Additional Analysis – As of March 29, 2013, the developer has requested that consideration of the site plan be postponed. We will revise this memo, or provide additional information if there are any additional plan revisions or submittals made prior to Council consideration of this item.

Attachments: Revised Comparison Chart
Revised Shadow Study
Revised Plan Set (including floor plans and elevations)
Refuse Collection Design
Revised Development Agreement

c: Petitioner
Petitioner's Agent
City Attorney's Office
Systems Planning
Project No. SP12-036

REVISED COMPARISON CHART

	EXISTING	PROPOSED (ORIGINAL)	PROPOSED (REVISIONS)	REQUIRED/PERMITTED
Base Zoning	D1 (Downtown Core)	D1 (Downtown Core)	D1 (Downtown Core)	D1 (Downtown Core)
Gross Lot Area	39,957 sq ft	39,957 sq ft		No minimum
Max. Usable Floor Area in % of Lot Area	33% (13,150 sq ft)	680% (271,855 sq ft)	659% (263,504 sq ft)	400% MAX normal (159,828 sq ft MAX) Up to 700% MAX with premiums (up to 279,699 sq ft MAX)
Premiums	None used	Residential premium = 112,027 sq ft additional floor area	Residential premium = 103,676 sq ft additional floor area	Up to 119,871 sq ft additional floor area MAX
Character Overlay District	East Huron 1	East Huron 1	East Huron 1	East Huron 1
Streetwall Height	2 stories	2-3 stories		2 stories MIN 3 stories MAX
Offset at Top of Streetwall	Not applicable	None		None
Building Height	1 and 2 ½ stories	14 stories 150 feet		24 ft/2 story MIN 150 ft MAX
Massing Articulation	Not applicable	Not applicable		None
Side, Rear Setbacks	0 ft north side, 92 ft east side	150 ft from Huron, 30 ft from north property line		Tower shall be located not further than 150 ft from East Huron Street property line 30ft MIN setback from any residential zoning district
Building Frontages	Secondary Street	Secondary Street	Secondary Street	Secondary Street
East Huron Street	0 ft	0 ft		0 ft MIN, 10 ft MAX
North Division Street	25 ft	0 ft		0 ft MIN, 10 ft MAX
Parking	Special Parking District	Special Parking District	Special Parking District	Special Parking District
Parking – Automobiles	40 spaces	132 spaces	124 spaces	112 spaces MIN
Parking – Bicycles	None	144 (134 class A, 4 Class B, 6 Class C)	185 (175 Class, 4 Class B, 6 Class C)	109 Class A spaces MIN