

MINUTES

ANN ARBOR CITY PLANNING COMMISSION

REGULAR MEETING

7:00 p.m. – August 18, 2009

Time: Chair Bona called the meeting to order at 7:03 p.m.

Place: Council Chamber, Second Floor, 100 North Fifth Avenue, Ann Arbor, Michigan.

ROLL CALL

Members Present: Bona, Briggs, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods

Members Absent: Carlberg

Members Arriving: None

Staff Present: Cheng, King, Pulcipher, Rampson

INTRODUCTIONS

None

APPROVAL OF MINUTES

a. Minutes of June 16, 2009.

Moved by Woods, seconded by Mahler, to approve the minutes as presented.

Bona requested that the words "stair rail" be replaced by "stairway" on the fourth line of the third paragraph on page ten.

A vote on the motion showed:

YEAS: Bona, Briggs, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods

NAYS: None

ABSENT: Carlberg

Motion carried.

APPROVAL OF AGENDA

Moved by Mahler, seconded by Pratt, to approve the agenda.

A vote on the motion showed:

YEAS: Bona, Briggs, Derezsinski, Giannola, Mahler, Pratt, Westphal, Woods
NAYS: None
ABSENT: Carlberg

Motion carried.

REPORTS FROM CITY ADMINISTRATION, CITY COUNCIL,
PLANNING AND DEVELOPMENT SERVICES, PLANNING COMMISSION
OFFICERS AND COMMITTEES, WRITTEN COMMUNICATIONS AND PETITIONS

Derezsinski reported on the actions of the August 17 City Council meeting.

Pulcipher provided updates on the Area, Height and Placement project. All Ward meetings have been completed, she said, and the Advisory Committee met on August 13 to review the comments from the meetings. She also reported that the A2D2 Steering Committee met on August 11 to review an outline of the revisions prepared by Winters and Company, the consultant retained to prepare revisions for streamlining and simplifying the proposed A2D2 design guidelines.

Mahler reported that the Washtenaw Avenue Talent Executive Planning Committee met on August 13 to discuss the stakeholders that would be involved in the regional planning effort of revamping Washtenaw Avenue. He asked that a portion of the Planning Commission's October working session be spent discussing this. He stated that additional information about this plan could be found at www.annarborregionsuccess.org/talentcenter.

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS SCHEDULED FOR NEXT MEETING

None

REGULAR BUSINESS

a. Public Hearing and Action on Briarwood 12 and 13 Hotels Amended PUD Site Plan and Supplemental Regulations, 8.28 acres south side of Briarwood Circle. A proposal to revise the approved PUD Site Plan to eliminate all off-site parking and to add 54 on-site parking spaces, and to increase the total floor area of Hotel 'B' by 620 square feet- Staff Recommendation: Approval

Cheng explained the proposed amendments.

Jeff Cramer spoke representing Raymond Management Company the applicant for the project, clarified that, Phase One of the project was the smaller hotel with 97 rooms and Phase Two was the 130 room hotel.

Noting no further speakers, Bona declared the public hearing closed.

Moved by Pratt, seconded by Westphal, that the City of Ann Arbor Planning Commission hereby recommends that the Mayor and City Council approve the Briarwood Lots 12 & 13 Amended 8/13/09 PUD Supplemental Regulations, and 7/27/09 PUD Site Plan and 8/13/09 Development Agreement.

Briggs expressed concerns with vehicle parking and bicycle parking. She believed that the 227 proposed spaces did not take into account that there would be a number of commuters. She added that she was concerned with the employees parking in Mall parking without permission and she asked if Class A bicycle parking was uncovered.

Cheng replied Class A was enclosed.

Cramer stated that generally at hotels the staff was heaviest in the late morning while the rooms are being cleaned and the guests are checking out at the same time. He said that typically hotels do not run at 100 percent occupancy and a lot of people do not drive to hotels. He added that he was very comfortable with the 1:1 room ratio per parking space.

Mahler expressed a concern with how staff would enforce the protection of the woodland. He asked if there would be any penalties that would go along with a violation or would they have to pay for the repairs to any disturbed natural features.

Cheng stated that they would be required to come back to the Planning Commission and there would be required mitigation. He said there would be replacement stipulations for removal of any of the woodland. He said staff would monitor the woodland during construction and there would be land development and grading officers onsite while the retaining wall is built. He said if there was a problem, the developer would be required to come before the Commission and produce mitigation plans.

Mahler asked whether the disconnection on the footing drains would take place prior to or during Phase 1.

Cheng replied that would happen before Certificate of Occupancy of Phase 1 and Phase 2.

Mahler stated that other than his two previous concerns, he agreed with the site being appropriate for hotel use, and he was comfortable with the FAR at 38% considering that it could be much higher for other districts. He supported the project when it was before the Commission as a PUD and was in support now.

Westphal asked if it was anticipated that employees would arrive by bus and the location of the bus stops.

Cheng believed bus #7 went by the front of the site but he was unsure if the employees would use public transportation.

Westphal asked if the petitioner could clarify where the bus stops were located.

Earl Ophoff, of Midwestern Consulting, representing the petitioner, stated that a bus traveled in both directions on Briarwood Circle Drive and there is a sign closer to the previous Lazy-Z-Boy location for buses going east. He said the buses going west are opposite the site. He said the signs are moved based on population and demand.

Derezinski asked if studies were done to determine if people staying at hotels near malls would shop there as well.

Cramer replied that they looked at the shopping experience as an amenity to the hotel rather than a destination. It is nice for the guest to have a meal and also do some shopping at the mall, he said, but he did not believe that it is a draw to the hotel.

Derezinski asked why they would be doubling the size when they do not run at a 100% occupancy rate.

Cramer said they changed the room mix a bit and that increased the overall building size by 600 square feet, which would not add density.

Derezinski asked if this would add more variety of room types.

Cramer said a different type of room that would be more accepted in the market for leisure demand is being constructed.

Derezinski said he was impressed with the project and was glad that it is being done.

Woods asked where the sidewalks would be located.

Cheng stated that you can see in the woodland areas where the sidewalk is looped around and there are sidewalks that front Briarwood Circle Drive and also future connections to the hotel. He said there are additional sidewalks that go back to the woodchip paths near the woodland area.

Woods asked if the sidewalk going through the woodland area was a nature trail that people could use and if it was for the benefit of the guests at the hotel as well as any residents living in surrounding areas.

Cheng replied yes.

Bona asked if staff could clarify an item in the supplemental regulations, under Section 4, PUD regulations, Item E, under lot size. She said it says that "the PUD may be further subdivided into no more than two lots," and asked if it is referring to lots 12 and 13.

Chris replied that this was correct.

Bona said it is coming to the Commission as one site but it could be subdivided into two. She said under the development agreement P-16 it says "no lot may be divided such that an additional parcel is created."

She believed that was a contradiction and should be changed. She had no problem dividing the lots, and asked if the storm water system would also be phased.

Cheng did not believe the storm water system would be phased because there was already enough volume there for both phases but said that the Engineer could answer with greater detail.

Ophoff said that the detention was in a pond on the west side and in the storm water system, with the exception of the surface flow south of the parking lot. He said the collected underground portion of the storm system flows to the pond on the west. He said the storm system main would be put in the individual storm sewer part that serves Phase 2. He said parking would not be constructed but the rest of the system would be. He stated that the main line would be put in at Phase 1, but only the finished portion would be taken care of at that point.

Bona asked if the temporary drive is the drive of Hotel A that would go in at Phase 1 and if it was in its permanent location.

Ophoff stated that the drive would be put in its permanent location, but that it has to be taken out to put the utilities under it when Phase 2 is constructed.

Bona asked if it would be reconstructed but not moved.

Ophoff replied yes.

Bona said that this was a very efficient use of the City's property and of infrastructure. She supported the project.

A vote on the motion showed:

YEAS: Bona, Briggs, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods
NAYS: None
ABSENT: Carlberg

Motion carried.

b. Public Hearing and Action on Amendment to Chapter 59 (Off-Street Parking), Section 5:166 (Use of Off-Street Parking Facilities). A proposal to allow off-street parking in the front open space with a permit for the purpose of holding a fundraising event for a nonprofit corporation - Staff Recommendation: Postpone

Cheng explained the proposed amendment.

Noting no further speakers, Bona declared the public hearing continued.

Moved by Pratt, seconded by Derezinski, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the amendment to Chapter 59 (Off-Street Parking Ordinance), Section 5:166, Use of Off-Street Parking Facilities, as amended, to allow off-street parking in the front open space of a lot for nonprofit corporation fundraising events.

Pratt suggested that they consider a two tiered process. He said if they are expecting more than 100 parkers or less than 50 parkers, there would be some sense of how inundated the residential area would become. He added that he did not think it would be a problem for a commercial location.

Mahler said that he attended the Ordinance Revisions Committee (ORC) meeting with Commissioner Carlberg and Alexis DiLeo. He said there were questions that they could not answer; one being do we want nonprofits in the traditional 501(c)(3) since they have actually filed for that status or are there organizations that are not necessarily out for a profit. Another question, he said, was whether or not political organizations or trade unions would be subject to the ordinance amendment. He asked the Commission what its thoughts were from a policy perspective. He wanted to see what type of restrictions should be added to ensure that the permits were not abused. He gave an example of several neighbors having a fundraiser for the same nonprofit and that becoming a nuisance to the neighborhood. He asked, in terms of the surrounding area, if you would need to get permission where parking might be in someone's front open space, and how broad the permit would need to be. He believed that the other issues had been addressed in the staff report. He asked for the Commissioners' policy thoughts that staff could work on.

Briggs asked if the Commission thought it would be appropriate to have something in place like the policies for a block party. She suggested that a permit request be accompanied by a certain number of neighbor's signatures of approval. She said that she was unsure what the process would look like. She added that the way the amendment currently reads, it seems that the fundraising event requires a permit in addition to the parking itself.

Mahler said as it is drafted now, if an individual requested a permit to hold a fundraising event for a nonprofit, they could only hold it on behalf of that nonprofit twice in a year, however, they would not be limited to the number of nonprofits for which they could hold an event. He asked the other Commissioners if they would like to limit not only how many times a nonprofit might hold a fundraising event but also limit how many times an individual could hold fundraising event. He said he had some legal questions that they might want the City Attorney to look into about whether or not they could restrict a person's private use of their property in that way.

Pratt stated that he was referring to staff's recommended revisions after the ORC meeting, which included limiting either the individual or the organization to twice a year, and he believed that it is appropriate. He said that there should be some boundary lines since they would be permitted to do more then they have been able to do in the past. He said they could always change it later if there was a big outcry.

Westphal asked if there were concerns about proximity to childcare or schools. He added that there may be concerns with people with health conditions that may not be accustomed to the increase in traffic or vehicles idling. He asked about any areas that would be sensitive to run off with the parking of a large number of vehicles with increased risks of spills or oil leakage. He suggested that there be a buffer of a tenth of a mile built into the amendment.

Woods asked if there were any parts of the City where this would not be appropriate, and if there should be restrictions to areas of limited access like cul-de-sacs. She added that in some areas this might cause a fire hazard.

Giannola said she thought the nonprofit was going to have people parking on their lawn. She did not realize that it would be individuals holding fundraisers on behalf of the nonprofits. She asked if they were adding that to the resolution.

Mahler replied that they would be expanding the resolution.

Giannola asked if there would be language in the resolution to prevent people from having events for several nonprofits.

Mahler said he was interested in any thoughts regarding the restrictions the Commissioners believed should be included limiting events or individuals holding events for nonprofits.

Giannola said she would like to see language included that would prevent someone from holding fundraisers on behalf of an unlimited number of nonprofit organizations.

Bona stated that two times per year whether it is for nonprofit or per property would address many of the concerns that Commissioner Westphal brought up regarding events becoming a nuisance in a neighborhood. She believed that limiting the times a property could hold a fundraiser was more important. She asked if anyone knew the source of the request.

Pulcifer said there would have to be some communication with Councilmember Greden to determine the source of the request and the real problem.

Bona said it would be helpful for the Commission to solve the problem, rather than to try to solve a universal problem for which they are unaware.

Mahler said Councilmember Greden raised this as something he wanted to bring to the Ordinance Revisions Committee. He said places of worship had a special interest in this for bake sales, fundraisers and other type of events. He said it was specifically to permit them to hold fundraisers to raise money for their organizations.

Bona stated that twice a year per property would make sense for that intended purpose. She added if they wanted to extend that into the neighborhood for a big event and use a person's front yard she believed it would be reasonable to let them do that beyond just their own front yard. She asked who would be required to get the permit.

Mahler believed it would be the property owner or entity that owns the property. He said they would have to petition the City Administrator for the permit and then display it where it can be easily viewed. He was unsure at this point who would track the permits.

Derezinski suggested that since he is a member of City Council, he would speak with other Council members to get more information useful to help the Commission to make a recommendation.

Bona stated that she did not believe that there was a deadline on the proposed amendment.

Bona thought it would be helpful for Commissioner Derezinski to speak to the rest of Council and bring back to the Commission clarification of the problem so they could make the appropriate recommendation.

Moved by Derezinski, seconded by Pratt, to postpone action on the main motion.

A vote on the motion showed:

YEAS: Bona, Briggs, Derezinski, Giannola, Mahler, Pratt, Westphal, Woods
NAYS: None
ABSENT: Carlberg

Motion to postpone carried.

AUDIENCE PARTICIPATION

None

COMMISSION PROPOSED BUSINESS

a. Discussion and response, to be forwarded to City Council, to the changes proposed by the Downtown Development Authority to the A2D2 recommendations.

1. DDA Recommendation: "Given that City Council has resolved to impose building height limits in D1 and D2, the DDA respectfully recommends that if 33% or more of a floor of structure parking required by the zoning ordinance is being constructed within a development, the remaining parking needed to complete a floor of parking should not be calculated as part of the building's FAR."

Derezinski stated that the staff recommendation showed an incentive for developers to provide more parking. He believed that if it would provide some flexibility, the Commission should recommend the amendment.

Pratt stated that he would not have a concern if Council moved forward with the recommendation that the DDA has made. He added that it is not the best idea to penalize someone for providing parking in the building by taking away FAR.

Westphal asked what the background was for the 33% and what the rest of the floor would look like.

Rampson stated that the threshold number came from the DDA. She said the DDA was trying to determine what would be the tipping point to make it reasonable to count the rest of the floor. For example, she said, where the developer was required to provide 50 spaces, 30 or 40 spaces on a single floor and the remaining required number of spaces on the next floor would be allowed. She said the DDA's thought was since there would be a certain amount of required second floor parking, it should be counted and that floor should be exempt from the floor area calculation.

Westphal asked if it was often that the remainder of a floor that had parking on it would serve another use.

Rampson replied that this would be unlikely. She stated that if there were a few spaces left, it was unlikely that it would be habitable space and would likely be a full floor of parking.

Westphal believed this was a nice incentive and he could not envision a potential for abuse.

Mahler agreed with the DDA's recommendation. He stated that staff comments suggest that it would incentivize a modest amount of on-site parking and slightly larger buildings at 33%, but he believed that it could incentivize more. He stated that since there were D1 height restrictions, the Commission would have some guidance in that area, which allowed him to be supportive of the DDA's recommendation given that there may be increased density and fairly larger buildings.

Woods stated that she did not have a problem with the DDA's recommendation.

Giannola said the amendment was reasonable and she had no problem with the DDA's recommendation.

Briggs agreed with all the past comments made by the other Commissioners.

Bona asked if there was a payment-in-lieu option for by-right parking in the current proposal.

Rampson replied yes. She stated that some or all of the required parking could be eliminated or not provided on site with a payment in lieu.

Bona asked if a developer could choose not to build a floor of parking and buy 10 spaces with a payment in lieu.

Rampson replied yes.

Bona believed the flexibility was reasonable and the amount of parking may be modest relative to the entire City.

2. DDA Recommendation: "We recommend that the ratio for residential premiums be restored to a 1 to 1 proportion as is current zoning."

Briggs expressed concerns with this recommendation. She stated that it would limit the utilization of premiums and some of the other good things that were looked at in the past, such as energy efficiency. She added that it seemed there were reasons why the ratio was not 1:1. After reviewing the DDA's recommendation, she said, she would not be able to support it. She asked for more discussion as to how the recommendation might limit the premiums.

Giannola agreed with Commissioner Briggs that limiting the LEED certification and the on-site affordable housing did not seem to be a benefit toward change. She liked the fact that it is not a 1:1 ratio. She believed these were two very important issues and that the Commission would need to implement them whenever possible. She did not support the recommendation.

Woods agreed with Commissioners Briggs and Giannola. She asked for clarification of the exact recommendations from the DDA.

Rampson stated that currently there are residential premiums in the C2A and the C2A/R district and for every square foot of residential development; the developer gets a bonus square foot of residential. There are no other premiums to speak of other than pedestrian amenities, she said, which are quite limited. She said when developers have been using premiums in the past; they have been using the 1:1 ratio. She stated that when the Downtown Zoning Advisory Committee began discussions about options, the Calthorpe report had really emphasized looking at other premiums to try to incentivize development in the downtown, and an array of premium options were suggested. She said some options LEED certification and affordable housing. She stated that there was recognition at that point that if the City wanted those premiums to succeed, then the residential premium would need to be reduced to incentivize the others. When this came to the Planning Commission after the Advisory Committee's recommendation, she said, the Ordinance Revision Committee came up with 0.75 as a percentage, recognizing that residential development still required some type of incentive since the market was not pushing to provide residential as fully as it should.

Mahler asked if the recommendation was to take it from 0.75 back to 1:1.

Rampson replied yes.

Mahler stated that there were two other contradictions, one being the number two consideration that reduced the premium and encouraged other premiums like LEED and on-site affordable housing. He said the other was in the last paragraph which said, "In general keeping the current residential premium at 1:1 could limit the utilization of other premiums, such as LEED certification and on-site affordable housing."

Rampson stated that the reduction to 0.75 would encourage the use of other premiums. She said if they kept it at 1:1, it would limit this. She stated that the only proviso was that there were subsequent DDA recommendations to increase the allowable premium floor area. If it were agreed that there should be an increase in the premium floor area, she said, then the impact would be less important because the developer would have a greater opportunity. She said they could not fully use the residential premiums but would have to use the others. Keeping the current premium threshold in place would limit the variety of new premiums, she said.

Mahler stated that based on staff comments which recommended a 25% reduction of the 1:1 ratio; the market appeared to support residential development in the downtown, although additional support was still needed. He was in favor of any premium that would contribute to more development and more density in the downtown, and he supported the DDA's recommendation.

Westphal stated that as staff suggested, the recommendation seemed to be inextricably linked to the next DDA recommendation. He was aware that the Zoning Advisory Committee put in so much hard work and expertise from a broad group of stakeholders and was aware of the range of discussion in terms of an FAR. He asked if there were any range in discussing how much to reduce the residential premiums and if the overwhelming belief from that committee was to incentivize some of the other premiums. He would not want to second guess the committee, but he wondered if it would be worth reconvening the committee to take up this issue. He asked how staff arrived at the 0.75 percentage.

Rampson stated that the committee discussed the residential premium but did not want to make a dramatic change. She said the 0.75 percentage was considered enough of a change that would encourage the use of other premiums but not prevent someone from developing a residential development. Subsequent to the proposal, she said, some developers have found that if they wanted to provide first floor retail, they could not get their full premium, which prompted a discussion about doing something with LEED. She said some developers believe they should be allowed that premium as it is currently provided in the C2A and C2A/R districts. She stated the Planning Commission reviewed potential situations and came up with the 0.25 reduction.

Westphal asked if there was an overwhelming belief that the by-right and the premium by floor area limits themselves should be increased, and if staff would be less concerned about restoring the 1:1 ratio because people would be incentivized.

Rampson replied that this was correct because even with the 1:1 ratio, one could not max out to the same level if there was a larger threshold for the premiums. She said the increased by-right limit would change things because it would raise the ceiling and pinch the premiums a bit.

Westphal asked if someone could get back what they expected under the old rules but still be encouraged to increase density.

Rampson replied yes. If they wanted to maximize their full potential under the current proposal, she said, they would have to use multiple premiums.

Westphal asked if the 1:1 ratio was restored and all the FAR's and premiums were increased, would that take us back to where we were if someone wanted to develop a straight residential building.

Rampson replied that this would be hard to predict.

Westphal stated that it might be worth looking at restoring this if the FAR's were increased.

Pratt said over a three-year period, the Commission completed a robust public process; however, the whole starting point was a desire to increase downtown residential density. He believed the Commission has struck a balance in many areas. He stated that the first recommendation they spoke about today should be applied to all of the items. In the context that there was a great deal of public input, he did not have an objection if Council modified them. He thought this was the best way to achieve the big picture goal. He noted that when the 25% reduction was recommended, the market appeared to be more supportive of residential development in the downtown. Now it was difficult to say whether there was anything supporting residential density in the downtown, he said. He asked if the Zoning Advisory Committee had much discussion of the 1:1 ratio or the 25% reduction.

Rampson replied no, stating that the committee did not discuss that level of detail with the premiums. She said the committee discussed an interest in having premiums that encouraged something in addition to or concurrent with residential development.

Pratt stated that he would like to see one-bedroom units, workforce housing or something other than \$400,000 condominiums in the downtown area. He suggested that it might be useful to quantify the goal from the study, adding that it would make a stronger case for better incentives.

Rampson stated that after speaking with Community Development, staff believed a developer would agree that the proposed premium would be beneficial in providing affordable housing.

Derezinski stated that for all the reasons previously stated, he supported this change. He stated that the DDA had a big stake in the development of the City and he believed the recommendations made by the DDA had merit.

Bona stated that she would side with the 75% percentage. She expected that development in the downtown would continue to focus on residential rather than non-residential. She believed developers would build residential whether or not there were incentives, adding that the public process included other premiums the community wanted to see if someone were to exceed what was allowed by right.

3. DDA Recommendation: "Now that a height limit has been established in the D1, we recommend that the by right zoning in the D1 be increased to 500%."

4. DDA Recommendation: "Further, to increase the community benefits of new buildings, we recommend that the FAR with premiums be increased to 900%, and with affordable housing to 1,100%." (CPC agreed to discuss the remaining two items together, since they were related)

Mahler stated that he would like to mitigate the reduction in the premium for on-site affordable housing if the FAR was increased to 1100%. He said the staff comments state that there might be less incentive to

use affordable housing premiums since the other premiums could be used to achieve the maximum FAR. He believed that if the FAR was increased to 1100%, people may take advantage of it, which may or may not have an impact. He added that this would allow for greater massing and more density in the downtown which is the overall stated goal. He was in favor of increasing the FAR's.

Woods asked for an example from staff.

Rampson replied that 1100% was quite large. She stated that Tower Plaza was in that range of FAR. She stated that there were a number of buildings throughout the downtown that were in the 400% to 500% FAR range. From a scale standpoint, she said, it was not as noticeable as perhaps going to a 900% or 1100% FAR. She noted that there was a list of the heights and FAR's of all of the existing buildings in the downtown to assist in gauging what could be expected.

Woods stated that she was comfortable with leaving it the way it was and that she was not in favor of the increased recommendations.

Giannola asked if the 900% and 1100% came from public input to the DDA.

Rampson replied that it was reviewed by a DDA subcommittee and that the DDA Board adopted the resolution.

Giannola agreed that there did not seem to be a significant difference between the 400% and 500% FAR. She was undecided about the incentives for the premiums because she did not have enough information at this time, given that she was new to the Planning Commission and had not heard all of the public input.

Briggs asked for clarification of these two recommendations.

Rampson explained that typically the zoning strategy when implementing premiums was to downzone properties, thus incentivizing the developer to use the premiums that have been established. She said staff had a discussion about this early in the process and was not comfortable changing the by-right percentage in the C2A district from 400% to 500%. She stated that a 500% FAR provided less of an opportunity for premiums because more could be done by right. She stated that the assessment to expand premiums was more difficult. She said if a residential use was being developed at .75:1, some type of LEED certification or affordable housing would be required to maximize the level. If the 1:1 ratio were used, she said, it may be more difficult to tell whether the other premiums could be used because the building could be close to fully residential at that point. She said affordable housing would only be effective if a developer was trying to maximize the site. She stated that in the past 5 to 10 years, there have been several projects developed at the 660% FAR level, but it took 10 years for them to take advantage of that level. She said it was difficult to make a prediction with the current market without a full economic market study.

Briggs stated that since the recommendations had been clarified, she would not support either of them. She supported density, but in combination with the other community goals such as green buildings and affordable housing. She believed that green buildings should be encouraged in every single building that was constructed in the City. She said she would not support anything that created disincentives for green buildings.

Derezinski agreed that the overriding issue was density. He believed the incentivizing that was and would be done may not be as attractive. He stated that with the market the way it was, there was not a real rush to develop the downtown area. He believed the Commission should go along with anything that encouraged development. At this point in time, he said, if more incentives for development could be

offered, especially with affordable housing, it would be beneficial. He stated that he would like to see more density downtown and said he supported these two recommendations.

Pratt stated that it would be a tall order to move forward with these recommendations independent of the public process, but that he would not have any objection if Council was able to move forward. He said one thing he questioned was whether the premium increases had to be the whole amount. He said the DDA proposes increasing the by-right by 100%, or one floor, and the premiums by 200%; one floor for the by-right and two floors for each of the two types of incentives. He stated that maybe it was not necessary to go to that extent. He said in an ideal world he would like to have it all and he would like to see robust premiums. The only thing he definitely would oppose, he said, was increasing only the by-right without doing something about the premiums. He believed that the premiums should be increased at least the same amount as the by-right floor area limits.

Westphal believed that the committees have realized that increasing density, especially residential density in the downtown, would be far greener than the alternative. He stated that constructing LEED buildings versus a high-rise building would increase the green aspect. He believed that the main focus was whether anything would make the difference between incentivized developments or not in the downtown. He asked if the other premiums would require mandatory design guidelines.

Rampson replied no, stating that the zoning and design guidelines are currently not linked.

Pratt stated that from his perspective, everyone on the committees had reason to believe that there would be design guidelines that regulated form.

Rampson replied that this was correct.

Westphal stated that if the assumption was continued that there would be mandatory design guidelines or standards that accompany this, he would be in favor of increasing the by-right FAR. With regard to the further premiums to 900% and 1100%, it seemed logical to him that each of those thresholds were increased by about 20% versus the current premiums. He stated that in terms of the premium levels, he would have to defer to staff understanding or interpretation of the Zoning Advisory Committee discussions because it looked like those ranges were quite a bit lower. He would like to have more background as to why they came up with those levels instead of higher levels and if they would have considered higher premium levels.

Bona stated that relative to the by-right at 500%, she believed premiums were all that remained without mandatory design guidelines. She said the design guidelines look like they are going to be suggestions. She said she was unable to support increasing the by-right to 500%, adding that she believed increasing the by-right to 500% would eliminate the use of other premiums on residential projects. Relative to the increase in the premium FAR, she stated that she strongly supported density. She believed the Zoning Advisory Committee struggled to get it at the 700% to 800% because that was even higher than the Calthorpe recommendations. She said the 6% increase that Roger Hewitt quoted relative to the increase from 660% to 700% was a number she came up with and wrote in a letter to the editor of the Ann Arbor News. She said it was true, but what also was being increased was all the other districts that could not even get to 660%, in particular the South University area, which she believed had a 200% or 400% maximum. She believed there were much more sufficient increases in certain pockets. In addition, she said, the allowance for residential was being increased because some of those districts did not allow residential premiums. She said that there would be more residential and a lot more square footage even though it looked like only a 6% increase. She believed that 700% or 800% was something that she would have a hard time deciding which to choose. Nine hundred percent and 1100% would be more difficult for her based mostly on the public process and there not being any diagonal limits. This likely would result in

massive, 15-story buildings without much space between them, she said. She believed there would be shorter, wider buildings with the 900% to 1100% FAR unless they had no height limits or diagonals, which would allow her to be supportive because buildings would be slender towers with light and air between them. She suggested some level of compliance with the design guidelines should be required if Council were to seriously consider either recommendation. She was not in support of either recommendation without including other things.

Bona summarized the results of the four recommendations: Commission was basically in complete agreement on recommendation #1; Commission did not support recommendation #2, with five against and three in support; and Commission supported the recommendations #3 and #4, with three against and five in support.

Woods stated that part of her concern with the third recommendation was having heard and observed so much public disapproval of the by-right project where the public believed that the buildings would be too large. She had a concern with increasing the zoning without public input. She believed this would be problematic.

Westphal stated that he would like his comment to go along with the caveat that based on the most robust public process on any downtown issue; the resounding comments were density in the downtown and no more ugly buildings. He said to the extent that they could either incentivize or abstract the essentials of what people would consider as good or bad building form and tie that to the FAR was a huge priority. He did not believe that they would be doing the health of the downtown any favors by allowing buildings that did not comport with what the community has definitively said makes the downtown more or less attractive.

ADJOURNMENT

Bona declared the meeting adjourned at 9:10 p.m.

Wendy L. Rampson, Interim Manager
Planning and Development Services

Kirk Westphal, Secretary

Prepared by Carol King
Management Assistant
Planning and Development Services