

From: Ralph McKee <rmckee2258@gmail.com>
Sent: Tuesday, January 05, 2021 11:16 AM
To: Planning <Planning@a2gov.org>
Subject: Agenda Item 11-a, Report on C1A and C1A/R

I am writing once again re the C1A and C1A/R issue. After listening to and participating in every meeting on this topic, I have gone from disappointed to downright angry over 1) Mr. Lenart's continued imposition of his own pro-development agenda, shown in the latest report, which proposes no change in the C1A and C1A/R districts, and 2) the lack of any apparent interest thus far by you as commissioners in having a serious discussion of this issue or in reigning in Mr. Lenart. Tom Stulberg and I have provided you with a plethora of coherent, in-depth materials on this subject. However, your discussions thus far and Mr. Lenart's report do not demonstrate that those materials have been seriously considered. I urge you to think hard for yourselves here, rather than simply concurring with Mr. Lenart.

I recognize that 1) you are unpaid volunteers, 2) your role is ultimately advisory rather than decision-making, and 3) some of you just started. And I have been very impressed with your attention to detail and insight re site plans. However, contrary to Mr. Milshteyn's recent comments re this issue being low priority, I believe big-picture zoning questions like this are much more significant long term than whether the Lewis Jeweler driveway is one or two-way.

You might respond: these zoning "districts" have only been used a couple of times in 50 years and aren't likely to be used much in the future, so what's the big deal? Frankly, that's kind of like saying "why bother with the floodplain ordinance, it only floods every 50 years or so". Try asking New Orleans residents, after Katrina, about the people who were responsible for maintaining levees. Or the Lowertown neighborhood residents, who desperately wanted a mixed-use "urban village" per the master plan and instead got a big hi-end residential development, with ZERO \$ going to affordable housing. The main beneficiaries were the developer and well-paid UM medical personnel.

So let's have a brief review, shall we, of how Lowertown happened. The developer somehow got the idea to apply for C1A/R despite the fact that the site is nowhere near any other C1A or C1A/R parcels and there is no campus **business** district near it. Planning initially firmly recommended denial, mainly because the proposed development clearly violated the master plan, which required mixed use. Then planning, led by Mr. Lenart, inexplicably said, "never mind", it's ok under the master plan, despite the fact that no mixed use was added. Despite overwhelming neighborhood opposition, two of you then voted to approve; Mr. Milshteyn was absent. Erica Briggs was the only no vote. Next, the developer, who had promised \$1000 "entry level" units, asked for a council delay, so he could convince enough of the neighbors to drop objections so as to eliminate the 8-vote requirement. Council then approved it 7-4 despite the neighbors' opposition and, in the view of many, violations of zoning law. If you think this is an acceptable approval process, I might as well not bother continuing.

The result? A giant residential-only development with the tiniest apartments renting for at least double the \$1000 rent promised by the developer (most apartments are priced at \$2500+), and a loss of \$9 MILLION to the affordable housing fund. Again, if you think this is an acceptable result, you should just say so, and tell me you don't care what anyone else thinks. If so, please don't utter the words "I'm for affordable housing" EVER AGAIN, because you would be a hypocrite; every parcel applying for C1A or C1A/R might otherwise be a likely candidate for the PUD route, which requires sizable contributions to affordable housing, or premiums. 1/

The neighborhood association sued, primarily to educate city planners, this Commission, and council, about misuse of this zoning "district" and related zoning law violations. That led to council directing you to consider modifications or elimination of the C1A and C1A/R "districts", so nothing like Lowertown would EVER HAPPEN AGAIN.

What did we get from you so far? The first discussion centered on the rather unremarkable observation that the U has spread in town both geographically and in its influence since the 70s, and then suggested that perhaps the C1A and C1A/R "districts" should therefore be expanded, rather than limited or eliminated. This was quite surprising given the clear direction from council and the public comments, and ignored the fact that the campus **business** district has not expanded **at all**. This discussion was apparently memorialized in 4 of the 7 "bullet points" in Mr. Lenart's report; those 4 can be boiled down to, essentially, the above description. 2/

Another discussion centered on possible geographic limitations; during which a suggestion was made that perhaps C1A could be allowed for any parcel reachable within a 10-minute bike ride from any "campus". Even for a slow bike rider like me, this would cover most of the city. Another focused on how the city could mollify neighbor opposition to yet another nearby hi-end hi-rise by limiting height. The most recent discussion focused on how to do as little work as possible on such a "low priority" item while still complying with council's direction, and how to draft something to council that similarly did and said as little as possible. Taken together, these discussions are underwhelming.

The latest disappointment is Mr. Lenart's report, which recommends leaving the districts "as is". My 2 main issues with it are: 1) it leaves the door wide open for Lowertown II, and 2) the recommendation purports to have resulted from "analysis",

but I have seen absolutely no evidence that either he or you have done anything that could remotely be called serious "analysis".

My comments likely appear to be overly harsh to you. Candidly, I don't think so. This "process" has been, thus far anyway, severely flawed. Fortunately, you don't have to leave the door open to another Lowertown fiasco per Mr. Lenart's proposed recommendation, you can do something else. I would suggest this: 1) vote to eliminate or severely limit C1A and C1A/R, or 2) since this subject is really a subset of, and closely related to, the bigger zoning subjects you are going to be taking up soon, vote to not do anything with this before engaging in - and concluding - that bigger conversation. My concern is obviously that council will, if you approve Mr. Lenart's proposed recommendation, lift the moratorium on C1A and C1A/R and Lowertown II will happen during the time that we as a community are considering TSD, single family zoning, and other "master plan" type revisions. **Please don't let that happen.**

Fn. 1. I assume you will want to say you support affordable housing during the upcoming discussions of TSD and single family zoning. I'm sure you would agree that actions speak louder than words.

Fn. 2. I certainly recognize that the U is a major driver of the city's economy. I also have two degrees from the U and some residual respect for it as an institution. However, we also need to recognize that 1) the U, in the past decade, is one of, if not THE major driver of our affordable housing crisis, given the relentless increases in student enrollment (the bulk of whom, these days, are from wealthy families) and the U's failure to provide housing for most of them (which is required in states like CA), and 2) the U's equally relentless acquisition of major properties has negatively impacted our property tax base. Frankly, I don't see why we should give the U even more of an outsized - and negative - influence on our decisions re our city.

From: Tom Stulberg <tomstulberg@hotmail.com>
Sent: Tuesday, January 05, 2021 11:50 AM
To: Planning <Planning@a2gov.org>
Cc: Disch, Lisa <LDisch@a2gov.org>; Hayner, Jeff <JHayner@a2gov.org>
Subject: C1A and C1A/R Report

The recent misuse of C1A and C1A/R has been one of the biggest screw-ups in the history of Ann Arbor. As a result, we have lost great opportunity to work towards our affordability and sustainability goals, and we are left highly vulnerable for more such losses. I have confirmed with the consultants doing the LowerTown Mobility study that they view the lack of mixed-use at LowerTown as a serious detriment. We should prevent it from getting any worse. We citizens have given the city the path to prevent this from being perpetuated. I recommend replacing the following in the proposed report:

"Through analysis, the Planning Commission finds that the C1A and C1A/R Zoning Districts do provide a development typology that supports dense, mixed-use opportunities in proximity to University Campuses and the central areas of the City."

with:

"Through analysis that references previous planning efforts, including but not limited to the memo to November 13, 1987 Planning Commission from the Planning Director titled "Analysis of the C1A/R, C2A/R and C2B/R Zoning Districts in the Downtown Area" and the A2D2 process and documents, the Planning Commission finds that the C1A and C1A/R Zoning Districts do provide a development typology that supports dense, mixed-use opportunities in proximity to the University of Michigan Central Campus Business District."

I would eliminate the bullet points from the proposed memo as some of them are simply misrepresentations, as is Mr. Lenart's claim that any serious "analysis" has been done recently by anyone other than the citizens and the expert we hired to educate the city.

Your choices are to:

1. Eliminate C1A and C1A/R
2. Continue a moratorium to prevent further misuse until such time as a Master Plan revision can determine what areas might be appropriate to expand these categories into (Has the Campus BUSINESS District expanded and where. Not just any Campus building, but a Campus Business District.) or until such time as a TOD ordinance makes these categories moot.
3. Clearly state that C1A and C1A/R should be limited to where they were intended, both geographically and by characteristics, as I suggest in the replacement paragraph above.

We have made this easy for you. We have done the homework. All you have to do is close the door to the legal and public policy vulnerability that City Council created by inappropriately approving LowerTown with a PUD in disguise that clearly does not meet the Master Plan and shamelessly did absolutely nothing different than approving the project as a PUD would have other than to waive \$8,676,900 in developer-paid affordable housing funds. That ship has sailed. We can't get that back, but we can stop the next one from happening right across the street (There is a building up for sale there now!) or elsewhere in town.

You can't undo all of what was done wrong, but you can help stop it from becoming even worse. If you believe in good planning and public policy, if you believe in working towards our stated affordability and sustainability goals, you must not let this error be perpetuated.

Thank you and see you tonight,

Tom