



TO: Mayor and Council

FROM: Sumedh Bahl, Community Services Area Administrator
Tom Crawford, CFO
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Wendy Rampson, Planning Manager
John Seto, Police Chief
Cresson Slotten, Systems Planning Manager

CC: Steven D. Powers, City Administrator

SUBJECT: Council Agenda Responses

DATE: 6/15/15

CA-10 – Resolution to Approve Street Closures for University of Michigan Football Games for the 2015 Season

Question: Are these the same closures (streets and times) as last year? If not, what's the rationale for the change? (Councilmember Lumm)

Response: Yes, the request is the same as last year in regards to the streets and time frame for the closures.

B-1 - An Ordinance to Amend Sections 3:11, 3:14, 3:15, 3:16, and 3:17 of Chapter 40, Trees and Other Vegetation, of Title III of the Code of the City of Ann Arbor (Ordinance No. ORD-15-09)

Question: The memo from Mr. Powers indicates that the Pedestrian Safety and Access Task Force will be presenting to Council at a September 14th work session – will that be a report from the Task Force on just “sight lines” as referenced in the memo or on other topics as well? In other words, is this the final report from the Task Force, and if not, when will that be presented? (Councilmember Lumm)

Response: The Pedestrian Safety and Access Task Force will present their final report with recommendations about several topics at the September 14 City Council Work Session.

B-2 – An Ordinance to Amend Chapter 55 (Zoning), Sections 5:10.20 and 5:10.20. A Downtown Character Overlay Zoning Districts Building Massing Standards (CPC Recommendation: Approval - & Yeas and 0 Nays) (Ordinance No. ORD-15-07)

B-3 – An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.34 Acre from D1 (Downtown Core Base District) to D2 (Downtown Interface Base District), 336 East Ann Street, and 3.8 Acres from East Huron 2 and Midtown Character Overlay Districts to East Huron 1 Character Overlay District, 211, 219, 301, 331, 337, 341 East Huron Street and 336 East Ann Street, City-Initiated Rezoning (CPC Recommendation: Approval – 7 Yeas and 0 Nays) (Ordinance No. ORD-15-08)

Question: What has been the feedback of the property owners to the proposed changes? Has the owner of 336 East Ann registered any objection to the rezoning? (Councilmember Warpehoski)

Response: The University of Michigan Credit Union is the owner of 336 East Ann Street. In a February 2015 letter to the Planning Commission, Tiffany Ford, the CEO of the UM Credit Union, requested that the lot not be rezoned because it would limit the credit union's ability to develop additional office space there in the future. Planning staff has answered questions from a few other property owners within the proposed rezoning area, but none have offered any formal feedback, opinion or commentary.

Question: We all received a memo last week from representatives of the Old Fourth Ward Association. The memo suggested that we consider how to better protect landmark trees during development and I had asked staff to think about whether changes to the Natural Features Ordinance could be made to improve the landmark tree protections. I would appreciate a response on that, and not necessary today. (Councilmember Lumm)

Response: Staff will review the letter and provide a response for the next Council meeting.

C-2 – An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 53.61 Acres from TWP (Township District) to R4A (Multiple-Family Dwelling District), Woodbury Club Apartments, Southeast corner of Nixon Road and M-14 (CPC Recommendation: Approval – 9 Yeas and 0 Nays)

Question: The staff report indicates that the developer would be willing to make a contribution to the intersection realignment. What is the value of this contribution compared to the anticipated cost of the project? (Councilmember Warpehoski)

Response: The anticipated total cost of realigning and constructing the intersection is \$2.1 million, plus contingency and land donation. Staff is communicating with the developers of Woodbury Club Apartments and Nixon Farms North and South about establishing a funding mechanism where the intersection would be paid for by the developers of these three large sites. These conversations are ongoing.

Question: Can you please update us on the latest status of the Nixon/Green/DhuVarren intersection improvement studies, recommendations and planned project timing? (Councilmember Lumm)

Response: In March 2015, Project Management transmitted to the City Administrator the Nixon-Green-Dhu Varren Road Intersection Improvement Study conducted by Opus. Based on the consultant's analysis, public input and professional judgment of City staff, Project Management recommended that a roundabout design be pursued for the intersection. Since that time, staff has been communicating with the developers of Woodbury Club and Nixon Farms North and South to develop a funding mechanism for the construction of the roundabout. Funding is proposed to be shared by the two developers, with construction starting and ending in FY2017. These conversations are ongoing.

Question: Also, assuming it continues to be staff's recommendation that none of these Nixon Rd. projects (Woodbury or Nixon Farms) should proceed until the intersection improvements are made, how (if at all) does that impact the timing for approval of the zoning or site plan? (Councilmember Lumm)

Response: If approved, the developers of the Nixon Farm and Woodbury developments anticipate they would begin construction of their developments in spring 2016, with first occupancy anticipated in Spring or Summer of 2017. Current discussions with both developers anticipate that the City would begin design in FY2016 and construct the intersection the next year. As a result of these discussions, the development agreements may be modified to reflect the shared City/Developer construction timeline.

Question: Lastly on the intersection, what is the expected (rough/approximate) cost and funding plan for the intersection improvement? (Councilmember Lumm)

Response: The latest cost estimate is \$2.1 million, plus contingency and land donation.

Question: Also related to traffic, neighbors are concerned about traffic issues and impacts in the area beyond just the intersection – have any studies/modeling have done for the broader area including the impacts of Woodbury and Nixon Farms? If so, what were the conclusions/recommendations? If not, does staff agree these impacts need to be studied/understood? (Councilmember Lumm)

Response: The traffic study for Woodbury Club (as well as Nixon Farms North and South), analyzed traffic impacts to corridors and intersections in the vicinity, including Nixon Road to Plymouth Road. The traffic studies are designed to identify regional

problems that might be compounded by the new development project. Both traffic studies identified the Nixon/Dhu Varren/Green intersection as being a problem in need of addressing. Neither study identified other areas in the vicinity as being in need of modification.

Question: If the Woodbury Club zoning is approved tonight at first reading, when is second reading (and public hearing) likely to occur and will the site plan approval be scheduled at the same time? (Councilmember Lumm)

Response: The second reading would be scheduled for the July 20, 2015 Council meeting, and the site plan also would be placed on that agenda. If the details regarding the funding mechanism for the intersection have not been worked out by that time, staff will likely recommend postponement.

Question: Can you also please provide an updated status on the Parks & Rec. staff discussions with the developer regarding the potential acquisition of the 25 acres on the East side of the site? (Councilmember Lumm)

Response: City staff are awaiting a response from the developer on the City's most recent offer.

DC-2 – Resolution to Establish Speed Limits no Greater than 25 mph throughout Near-Downtown Residential Neighborhoods

Question: When this first came up and was being postponed, I asked for a listing of the streets that would be impacted by this resolution (and what the current speed limit is). Can that be provided? (Councilmember Lumm)

Response: Streets that would be covered by this resolution are not defined. Thus a listing and the posted speed limits cannot be provided.

DC-4 – Resolution to Appoint Paula Sorrell to the Local Development Finance Authority

Question: For some reason I was unable to download any information on the LDFA appointment. I'm familiar with who Ms. Sorrell is, she is eminently qualified, but can you please provide information on the term, who is being replaced, etc. Also, with the 7 vote requirement, she must not live in the City – correct? (Councilmember Lumm)

Response: The LDFA terms are 4 years, so she would be replacing Ned Staebler and serving until June 30, 2019. The appointee has not been a registered elector in the City of Ann Arbor for at least one year immediately preceding this appointment. The Legistar File has been updated with the correct term of July 1, 2015 through June 30, 2019 and the attachment now prints with reports.

DC – 5 – Resolution Directing City Administration to Draft Plan for the Establishment of Tiny Homes at 415 W. Washington

Question: The “Occupy Madison” tiny home project uses tiny homes on a vehicle trailer chassis:

- Are tiny homes for human occupancy subject to the building code if on a trailer chassis?
- Are tiny homes for human occupancy subject to the vehicle code if on a trailer chassis?
- Are tiny homes for human occupancy subject to the Michigan Campground Act or Mobile Home Act or local zoning ordinance if on a trailer chassis?

Does local government have the authority to waive any State laws and regulations governing the human occupancy and placement of tiny homes on a trailer chassis on either public or private land?

The organization MISSION proposes a tiny home project for the property on Stone School Road at I-94 that has Malletts Creek crossing the parcel. The property at 415 W. Washington has Allen Creek crossing the parcel.

Please provide the maps identifying the floodway/floodplains for both these parcels. (Councilmember Kunselman)

Response: To determine what codes and statutes apply, additional detail about the proposal would be necessary. For instance, are these homes intended to be permanent or temporary? Are sanitary facilities provided in the tiny home? How many units are proposed? We will work with the City Attorney’s Office to address all of the legal issues as part of the development of the plan for the property, including general requirements for tiny homes in Michigan, as well as specific requirements for this site.

A preliminary review of State law indicates that the use may meet the definition of a campground if 5 or more “travel trailers” or “camping trailers” are parked on a single site. If less than five units are proposed, they may need to meet building and local zoning codes. Alternately, the proposal may fall under State law for mobile home parks. Further legal research as well as and discussion with the State will be required for final determination. Attached are requested documents.

DC – 6 – Resolution to Approve the Closing of Fourth Avenue from Catherine to Kingsley on Monday, June 29th and on Tuesday, June 30

Question: What is the anticipated cost of the street closing? What is the existing fund balance in the community events fund? Is it possible for the FY 16 community events fund to reimburse for events in FY15? Please draft language to allocate funds from the FY15 community events fund balance to cover the city fees for this event.
(Councilmember Warpehoski)

Response: Staff estimates that the street closure will cost \$600 for barricades and \$190 for dumpster dropoff and pickup, if needed. Insurance costs are unknown. The community events funding appropriation for FY15 is \$59,000, of which \$1,227.67 will remain after all approved FY15 awards have been disbursed. Accounting rules specify that the fiscal year in which the expense occurs is the fiscal year that needs to pay for that expense. Also, the information on the City's website regarding community event funding states events are required to occur between July 1 and June 30:
<http://www.a2gov.org/services/Pages/SpecialEventscommunityservice.aspx>
"Community Events Fund applications must be received in the City Administrator's Office by 5:00 p.m. on June 5, 2015. The event date must fall within the fiscal year dates of July 1, 2015 – June 30, 2016."

Draft text for a resolution for a community event award is as follows:

..Title

Resolution for Community Events Fund Disbursements from the FY 2015 Budget

..Body

Whereas, The Ann Arbor City Council wishes to support activities that promote or bring the community together in its richness;

Whereas, the following allocation is recommended for a community event funding award:

1) Jim Toy Community Center, related to Resolution to Approve Closing of Fourth Avenue from Catherine to Kingsley on June 29 and on Tuesday, June 30, R-_____ in the amount of \$_____.

RESOLVED, That the Ann Arbor City Council approve the allocation from the FY 2015 Community Events Fund.

Sponsored by: Warpehoski

DB-1 – Resolution to Approve South Pond Village Site Plan and Development Agreement, 3850 East Huron River Drive (CPC Recommendation: Denial – 2 Years and 6 Days)

Question: (a) Please summarize the minimum conditions by which site plans must meet our criteria for traffic and access. (b) Are there criteria for how many dwelling units are allowed to share an access point? (c) In theory, if twice the number of units were proposed under a different zoning, would this have triggered the need for additional/different access? (Councilmember Westphal)

Response: 2a: Development of traffic impact analyses are regulated by the Land Use Development Attachment D (<http://www.a2gov.org/departments/planning-development/development-review/Pages/LandDevelopmentRegulations.aspx>). The regulations require any site producing more than 50 trips in the peak hour to produce a traffic impact analysis.

Attachment D requires, among other things: "A capacity analysis for impacted intersections." An "impact" is understood to be defined as a significant change in the operation of an intersection evidenced by a reduction in level of service. It also requires that: "Proposals that will contribute to streets or intersections that are or will be as a result of this proposal at a Level of Service D,E, or F as defined in the Highway Capacity Manual may be denied by Commission and Council until such time as necessary street or traffic improvements are scheduled for construction."

The traffic impact study has shown that the development is not lowering the level of service on the Chalmers Drive intersection with Washtenaw Avenue, which is currently Level of Service C, or above. The model used in the study was calibrated/verified by two independent methodologies.

2b: From a traffic engineering standpoint, as long as the Traffic Impact Study demonstrates that a development can sustain the amount of traffic proposed, a single point of access would be acceptable. It should be noted that interconnectivity between developments is always preferred in cases of single access.

From a fire protection standpoint, two separate and approved fire apparatus roads are required for residential developments over 30 units in size. In the case of South Pond, the Fire Marshal identified the Algebe Way connection and the extended Woodcreek Boulevard connection to satisfy this requirement.

2c: The specifics of the access and the number of type of residential unit would need to be factored into a Traffic Impact Study to make that determination.

Question: (a) From staff's point of view, are there viable and additional access points to the South Pond site? Why or why not? (b) If so, have the petitioners explored these? (c) Have they communicated with staff a willingness to explore them since Planning Commission's decision or since the postponement? (d) Can they be compelled to consider additional access points? (Councilmember Westphal)

Response: 3a: There is one additional access point that is physically viable: the city-owned right-of-way along the western edge of the Arborland site. As originally

envisioned, this 50-foot right-of-way could provide one-way, southbound traffic to the existing traffic signal at Washtenaw, although it would require significant redesign of Arborland's driveways and reconfiguration of the Pittsfield/Washtenaw/Arborland intersection.

3b: The petitioner explored this connection at the request of the Planning Commission. The resulting Traffic Impact Study Supplements found that there were no measurable improvements to the Chalmers/Washtenaw intersection as a result. The consultant also indicated that the connection may negatively affect other intersections along Washtenaw Avenue. As a result, staff worked with the developer to find viable non-motorized connections to local commercial attractions and transit stops.

3c: No.

3d: The Traffic Impact Study, which has been reviewed and accepted by the Traffic Engineer, has indicated that the proposed access is sufficient for the size and type of development proposed, so there is no reason to require additional access.

Question: If the South Pond Village site plan is approved as proposed, the addition of these new homes will necessitate road improvements on Chalmers. Approximately how much will the residents on Chalmers be assessed for these improvements? How does this compare to the potential assessment fees for a resident of Woodcreek or South Pond Village? Are there any examples where the developer has covered or contributed to the assessment charges for long-term residents? (Councilmember Grand)

Response: 1a: The total cost estimate of improving 760 lineal feet of Chalmers Drive from the current paved portion to the Woodcreek Boulevard intersection is \$1 million, based on analysis completed by Project Management in 2001. That initial estimate was adjusted to account for cost forwarding and the Green Streets Policy. The Assessor's Office anticipates that residents on Chalmers and residents within Woodcreek and the proposed South Pond development would be assessed the same amount per dwelling unit, rather than amount of frontage. With approximately 177 units (88 in Woodcreek, 73 in South Pond and 16 on Chalmers south of Woodcreek entrance) each unit would be assessed approximately \$5,700 based on the initial Chalmers improvements estimate.

1b: Several projects have provided infrastructure that would normally be assessed to benefiting property owners. Examples include:

- Newport Hills Condominiums: The homeowners association paid a voluntary lump sum contribution to the special assessment for installation of a sidewalk along Newport Road, including south of the Newport Hills development, in 2014. The contribution was used to offset the assessment total for residents who were responsible for the assessment. This was done because the residents of the Newport Hills development would use the sidewalk in walking to a nearby school.

- Foxfire Site Condominium: The developer improved Dhu Varren Road from gravel to pavement in 1991. The paving started at Nixon Road, which is east of the development, to the project's western property limit.
- Upland Green Mixed Use Development: The developer improved Upland Drive from gravel to pavement in 2008. The paving started at Plymouth Road, which is south of the development, to the project's northern property limit.
- Northside Commons Condominiums: The developer extended sanitary sewer from Traver Road across Leslie Park Golf Course and the Brewer property to the development site in 2001-2002.
- State Street Village Apartments: The developer constructed water main from an existing main north of Boardwalk across the Ann Arbor Public Schools property, south of the site to the development site earlier this year.
- Burton Commons Apartments: The developer agreed to improve Burton Road from gravel to pavement as part of the site development agreement for a proposed residential development. This paving is proposed on Burton Road from Packard, which is south of the development, past the northern property limit to Eli Drive. The project has not yet been implemented.

Question: What evidence did the Planning Commission present to support its denial of the site plan? (Councilmember Eaton)

Response: The evidence presented includes all of the Planning Commissioner comments made in the two Planning Commission meetings when this site plan was discussed. Complete minutes of these discussions have been provided in the Council Agenda packet. In general, the members of the Commission who voted against the resolution noted the following concerns:

- The impact on Chalmers Drive residents by additional traffic and the potential "subsidizing" of the project through the special assessment for paving.
- Concern that the traffic impact study did not adequately take into account the safety impacts on Chalmers drive traffic.
- Concern that all alternative ways of getting people in and out of the new development had not been explored.

Question: The developer has submitted a traffic study showing that the intersection of Chalmers and Washtenaw operates at a level of service A for right/WB Washtenaw turns and B for left/EB Washtenaw turns during am. and p.m peak times. The study also indicates that the wait time is ~ 12 seconds for a left/EB turn, and 0 seconds for a right/WB turn. (p. 15) This does not, at all, align with the real world experiences described by many, many residents. From a traffic engineer's perspective, why are the levels of service inconsistent with the specific experience and reports we have heard

from residents who regularly use this intersection to turn onto Washtenaw from Chalmers? What else could the City do to confirm/reconcile these experiences and this data. (Councilmember Lumm)

Response: The Traffic Engineer does not see these results as inconsistent. The analysis results factor in the person who arrives and has to wait for a gap and the person who arrives at just the precise right time to make the turn. The Highway Capacity Manual (HCM) analysis does not report minimums or maximums; it reports an expected, or average, delay.

Question: In Oct. 1994, Council requested the creation of a Woodcreek Area Traffic Circulation Study Group to examine adjacent roadway and traffic conditions/capacity for the area encompassed by Washtenaw Ave., Hogback Road, Huron River Dr. and Huron Parkway. When the Woodcreek Subdivision and NE Area Plans were approved, it was noted that any site plan must respond to the findings of the traffic study (presented in May, 1995). In Nov. 1994 the Washtenaw County Road Commission also reviewed the impact of the proposed Woodcreek Subdivision and undertook a traffic count on Chalmers Drive, reviewed sight distance at proposed access roads onto Chalmers Drive, and reviewed the Traffic Impact Study prepared for the developer. In response to the Planning Dept's. request for County Road Commission review, Robert Polens, Washtenaw County Road Commission Managing Director, indicated, "Although the intersection of Chalmers and Washtenaw is not within the County Road System, we are concerned that more traffic will be operating at service level "E" as a result of this development. This could result in increased safety problems due to the number of vehicles turning left onto Washtenaw Avenue. In conclusion, we still feel that it is in the best interest of all parties to investigate other alternatives to provide access to all the entire vacant area between Chalmers and US-23, south of Huron River Drive."

Given the concerns that were noted previously regarding Chalmers Dr. and the Chalmers/Washtenaw intersection to handle increased traffic, and the findings of the Traffic Impact Study for the Woodcreek Development (prepared by Midwestern Consulting) which rated southbound Chalmers left/EB onto Washtenaw a LOS "E" during a.m. and p.m. peak, and right/WB a "B", how is it possible that now, 20 years later, given the traffic volumes on Washtenaw, that the traffic study concludes that the intersection has improved? (Councilmember Lumm)

Response: The level of service "F" reported in the Woodcreek Area Transportation Study was based on the methodology presented in the 1985 Highway Capacity Manual (HCM). The National Academies and the Transportation Research Board are continually improving the methodologies presented in the HCM, which was updated in 1994, 2000, and 2010. The level of service results in the South Pond traffic impact study are based on the latest methodology, which represents the current state of the practice.

Additional background:

The original traffic impact analysis for the Woodcreek development was conducted by Midwestern Consulting (MCI). MCI produced the study in 1994 and prepared the analysis using the 1985 Edition of the Highway Capacity Manual (HCM).

Further analysis of the area surrounding the Woodcreek development was conducted By RWI, Inc. (now AECOM) in 1995; the contract for this study was managed by UATS (now WATS). The analysis conducted in this study, called the Woodcreek Area Transportation Study, also utilized the 1985 HCM methodology.

Unsignalized intersection analysis (Chapter 10) was new to the 1985 HCM. The basic methodology presented was developed in Germany in the early 1970s. It was acknowledged at the time that the procedure had not been extensively validated in the United States. The methodology was based on gap utilization, and the measure of effectiveness for establishing level of service was “reserve capacity”. Levels of service were presumed to be loosely correlated to delay, but the methodology was not expected to produce a “precise quantification” of that delay.

The Highway Capacity Manual has received several updates since the original Woodcreek studies. The manual was updated in 1994, 2000, and 2010. The 2010 HCM contains the methodology used by MCI to create the current South Pond study. The Two-Way Stop Controlled (TWSC) Intersection model is now located in chapter 19. The methodology now utilized both gap acceptance and empirical models to describe the interaction between major and minor street traffic streams, and level of service is determined by the computed or measured control delay.

The South Pond study reports current conditions control delay for the southbound approach as 15.4-15.5 seconds calculated and 16.3-17.0 seconds measured. The measured delay results confirm the results from the consultant’s model. The results place the level of service at a “C”, which is defined as 15-25 s/vehicle control delay.

Summary:

The level of service “F” reported in the Woodcreek Area Transportation Study was based on the methodology presented in the 1985 Highway Capacity Manual (HCM). The National Academies and the Transportation Research Board are continually improving the methodologies presented in the HCM, which was updated in 1994, 2000, and 2010. The level of service results in the South Pond traffic impact study are based on the latest methodology, which represents the current state of the practice.

Question: The only access to the proposed site is through Woodcreek. Although there are two access points to the site using Algebe Way (which, as you know, is quite objectionable to the Woodcreek neighborhood) and Clark Road, both access points then lead to a single access point of Clark Road at the Woodcreek Blvd. entrance to Chalmers. Could you please clarify the fire code access requirements?
(Councilmember Lumm)

Response: From a fire protection standpoint, two separate and approved fire apparatus access roads are required for residential developments over 30 units in size. In the case of South Pond, the Fire Marshal identified the Algebe Way connection and the extended Woodcreek Boulevard connection to satisfy this requirement.

Question: The site plans show that existing woodlands, steep slopes, and 67 landmark trees will be removed as part of this plan. Please provide additional rationale of how this meets the City's requirements regarding natural features. (Councilmember Lumm)

Response: The petitioner has provided an alternative analysis as required by City Code. Staff reviews the analysis in accordance with the overall natural features impact of the development using the five standards outlined in Ch 57. Sect 5:129 (Review criteria for natural features statement of impact). Staff weighs the quality of the natural features in determining what level of impact is acceptable. The South Pond Village development is staying out of the highest quality natural features, which are areas identified as having overlapping natural features (wetlands, woodlands and steep slopes). The petitioner is also removing a significant amount of invasive vegetation on the site, which helps prevent this vegetation from spreading into the natural areas, both on and off-site. There are a total of 67 landmark trees; 29 of the trees will be removed or impacted by the development. All trees removed or impacted will be mitigated through the planting of replacement trees totaling 200% of the original Diameter at Breast Height (DBH).

Question: What is the impact of adding many acres of impervious surface on the environment? (Councilmember Lumm)

Response: The City requires developments to follow the Rules of the Washtenaw County Water Resources Commissioner to help mitigate the effects of adding impervious area. These rules require the development to provide detention of stormwater so that the discharge rate does not exceed the pre-development discharge rate. South Pond Village was reviewed and approved by the Washtenaw County Water Resources Commissioner.

Question: What will be added to the TMDL* (Total Maximum Daily Load) of Malletts Creek? (Councilmember Lumm)

Response: A Total Maximum Daily Load (TMDL) represents the maximum load of a particular pollutant that can be assimilated by a water body while still achieving Water Quality Standards, and is placed on a water body by the Michigan Department of Environmental Quality (MDEQ). Pollutant loads are not calculated on an individual site basis. They address the creekshed as a whole.

Malletts Creek has one TMDL directly associated with the creek: Biota (aquatic macroinvertebrae) and associated total suspended solids. Other TMDLs that are

downstream of Malletts Creek are: (1) Phosphorus in Ford and Belleville Lakes and (2) e. Coli in Geddes Pond/Huron River.

The Washtenaw County Water Resources Commissioners Rules adhere to the MDEQ-recommended Best Management Practices to address the Biota TMDL, including minimize impervious surfaces, providing detention facilities, incorporating industry-approved techniques from the MDEQ's "Guidebook of Best Management Practices".

Question: What is the ecological damage of re-contouring the steep slopes near the wetlands? (Councilmember Lumm)

Response: The City requires developments to provide grading plans for any land elevation change for any disturbed area of the development. These grading plans include review and verification that slopes adjacent to wetlands will be protected, and disruption will be minimized and restored as a part of the construction process. A soil erosion and sedimentation control plan has been prepared for the South Pond Village development to prevent soil from being eroded into the wetland area.

Question: What are the funding obligations of the federal Open Space Program that provided the grant for South Pond? (Councilmember Lumm)

Response: According to the Parks acquisition database, no federal grant funds were used to purchase the existing South Pond Nature Area. In addition, there is no intent of applying for a federal grant for the purchase of the northern 12 acres of the South Pond site.

Question: Residents in adjacent homes have pointed out that there is a perfectly useable 'old farm road' on the site that would provide an alternative access via E. Huron River Drive; staff have pointed out that problems with that road (damage to wetlands; appropriate sight lines for safety) preclude using that access. Could the staff please explain the differences, if any, in the City/County wetland protections and storm water detention requirements vis-a-vis the State's wetland protections and storm water detention requirements? It would help me understand staff concern over damage to wetlands. (Councilmember Briere)

Response: The City utilizes the Rules of the Washtenaw County Water Resources Commissioner as its stormwater management requirements. So, the City and County stormwater detention requirements for this site are exactly the same. The State does not have any stormwater detention requirements which would apply to a development project such as South Pond Village.

The primary difference between City and State wetland protection is that the City has a lower size threshold for requiring a wetland permit. The wetlands at the South Pond Village development are large enough to require a State wetland permit as well as a City wetland permit. There is very little difference in the protection afforded under the City and State requirements. The wetlands at the South Pond Village development are

extremely high quality and both City and State wetland protection requirements suggest staying out of these wetlands as much as possible.

DS-5 – Resolution to Approve Modifications to Developer Offset Mitigation (DOM) Program Requirements

Question: What data does the City have that supports removing the 20% system recovery factor from the DOM program? (Councilmember Eaton)

Response: The 20% system recovery factor was created as part of the initial DOM program when the City was experiencing widespread sanitary sewer issues during wet weather events back in late 1990's/early 2000's. With the more detailed, and updated examination of the wet weather flows in the City's sanitary system by the Sanitary Sewer Wet Weather Evaluation (SSWWE) project, it was the feeling of the SSWWE CAC (Citizen Advisory Committee), staff and project team that reducing the required mitigation at this point going forward to 100% of the projected development flow is appropriate. In addition, based on the findings from the SSWWE project, the remaining areas of concern in the system have been better defined.

Question: Is there any evidence that demonstrates that developers are unable to provide the 20% recovery with current methods of mitigation or alternative methods? (Councilmember Eaton)

Response: Staff has been told by some developers that they have had difficulty locating properties/locations to perform their required mitigation. However, to date there has not been a development project that has not been able to receive their certificate(s) of occupancy due to an inability in achieving their required mitigation.

Question: In drafting these modifications to the DOM program, did staff consider requiring developers to measure radon prior to installation and after installation to ensure that the sump pump did not increase radon exposure? (Councilmember Eaton)

Response: Staff did not consider requiring developers to measure radon. Please refer to response below.

Question: Has staff engaged in any measurements of radon in homes that have had sump pumps installed under either the DOM resolution or the FDD ordinance? (Councilmember Eaton)

Response: Staff has not engaged in any measurements of radon in homes as part of the City's FDD program or DOM program. Sump pump installations performed as part of the City's FDD (footing drain disconnection) program were performed with sealed sumps and sealed sump covers, thus not presenting this installation as a pathway for radon, i.e., a "no harm" installation. Homes that have had sump pumps installed as part of a footing drain disconnection performed for DOM are required to meet the applicable sections of the building code. Provisions for sealed covers, radon measurements

and/or radon mitigation systems (even without radon measurements being performed) may be part of the DOM installation discussions between homeowners and developers.

Question: If the City has measured for radon, what were the findings?
(Councilmember Eaton)

Response: As the City has not measured for radon, there are no findings.

Question: If no radon levels have been measured, why does the executive branch not think it's important to measure those levels? (Councilmember Eaton)

Response: Sump pump installations performed as part of the City's FDD (footing drain disconnection) program were performed with sealed sumps and sealed sump covers, thus not presenting this installation as a pathway for radon, i.e., a "no harm" installation. Homes that have had sump pumps installed as part of a footing drain disconnection performed for DOM are required to meet the applicable sections of the building code. Provisions for sealed covers, radon measurements and/or radon mitigation systems (even without radon measurements being performed) may be part of the DOM installation discussions between homeowners and developers.

Question: During the mandatory FDD program, residents were told that it is essential to disconnect numerous homes on the same line to have a meaningful impact. Why is staff suggesting that individual FDDs be allowed anywhere in the City? (Councilmember Eaton)

Response: The City FDD program was mainly targeted in resolving capacity issues in five localized (neighborhood) areas. For the DOM program, if a development's flows pass through a capacity constrained area, mitigation is required upstream from this area so that the new development flows will not exacerbate any existing wet weather issue. If the development's flows do not pass through one of the current focused wet weather capacity constrained areas, mitigation of the development's flow anywhere in the City will still benefit the system as a whole by having no net increase in flow into the sanitary system.

Question: Why are we being asked to proceed on just 3 of the 6 substantive modifications (#1 is merely the recommendation that modifications be made)?
(Councilmember Eaton)

Response: There is much more additional analysis needed to prepare and establish the underlying methodologies and details for the other recommendations. As a result, it is anticipated it will be later this year when the other recommendations are ready to be presented to City Council. This will also allow time for staff to engage the development community as these principals and details are being developed.

Question: Why is the recommendation to require mitigation at 100% of projected sanitary sewer use rather than to require 120% of anticipated use? What purpose is served by reducing the needed mitigation? (Councilmember Briere)

Response: Please see response provided above.

Question: How does the community benefit from this change? (Councilmember Briere)

Response: If the development's flows are mitigated 1-for-1, there is benefit to the community by having no increased wet weather risk in the sanitary system as a whole due to development.

Question: Many residents are concerned about radon as a result of sump pump installation. Ann Arbor has significant radon (in general) in the soil. How does the City (or a developer) determine whether a property owner has been affected by radon caused by the sump pump installation? (Councilmember Briere)

Response: Sump pump installations performed as part of the City's FDD (footing drain disconnection) program were performed with sealed sumps and sealed sump covers, thus not presenting this installation as a pathway for radon, i.e., a "no harm" installation. Homes that have had sump pumps installed as part of a footing drain disconnection performed for DOM are required to meet the applicable sections of the building code. Provisions for sealed covers, radon measurements and/or radon mitigation systems (even without radon measurements being performed) may be part of the DOM installation discussions between homeowners and developers.

Question: The one modification in this resolution that wasn't on the CAC's list of recommendations is expanding the allowed practice of banking and trading of mitigation credits. Did the CAC discuss that? Also, do we know of any other cities where a similar banking/trading process is utilized and if so, how has it worked for them and what issues/problems have they encountered? (Councilmember Lumm)

Response: The CAC did not discuss the specifics of the banking/trading process. The detailed modeling results of the SSWWE project have allowed staff to identify one area where the expansion of banking/trading is being considered where the surcharging does not reach a point where basements and/or surface discharges are at risk to occur. Staff is not aware of other cities with a DOM program, thus we are not aware of another city where banking/trading such as this is applicable.

Question: SSWWE CAC recommendation 3 recommends revision of the design flow rates. How will this change likely affect the DOM requirements for developers? (Councilmember Warpehoski)

Response: The design flow rates are the basis for determining how much mitigation is required for each proposed development. It is unclear at this time what the affects will be on the mitigation requirements until staff further develops this analysis.

Question: When developers perform FDDs to meet their DOM requirements, what requirements will they be subject to regarding radon? (Councilmember Warpehoski)

Response: Sump pump installations performed as part of the City's FDD (footing drain disconnection) program were performed with sealed sumps and sealed sump covers, thus not presenting this installation as a pathway for radon, i.e., a "no harm" installation. Homes that have had sump pumps installed as part of a footing drain disconnection performed for DOM are required to meet the applicable sections of the building code. Provisions for sealed covers, radon measurements and/or radon mitigation systems (even without radon measurements being performed) may be part of the DOM installation discussions between homeowners and developers.

DS-8 – Resolution to Approve the Community Development Services Contract with Washtenaw County (\$150,000.00 FY15; \$165,000.00 FY16)

Question: Is the contract for FY15 and FY16 or should that read FY16 and FY17? Also, what is the reason the cost is going up by 10% from \$150K to \$165K and can you please provide a few years' history on the contract amount. (Councilmember Lumm)

Response: The contract is for FY15 and FY16. As a review of documents, it is identified for FY15 Council approval is needed for community development services contract with the County. Since FY12, County contract amount has been \$150K/yr and FY16 contract amount increase is inflationary adjustment since there has been no change in the contract amount for the last four fiscal years.

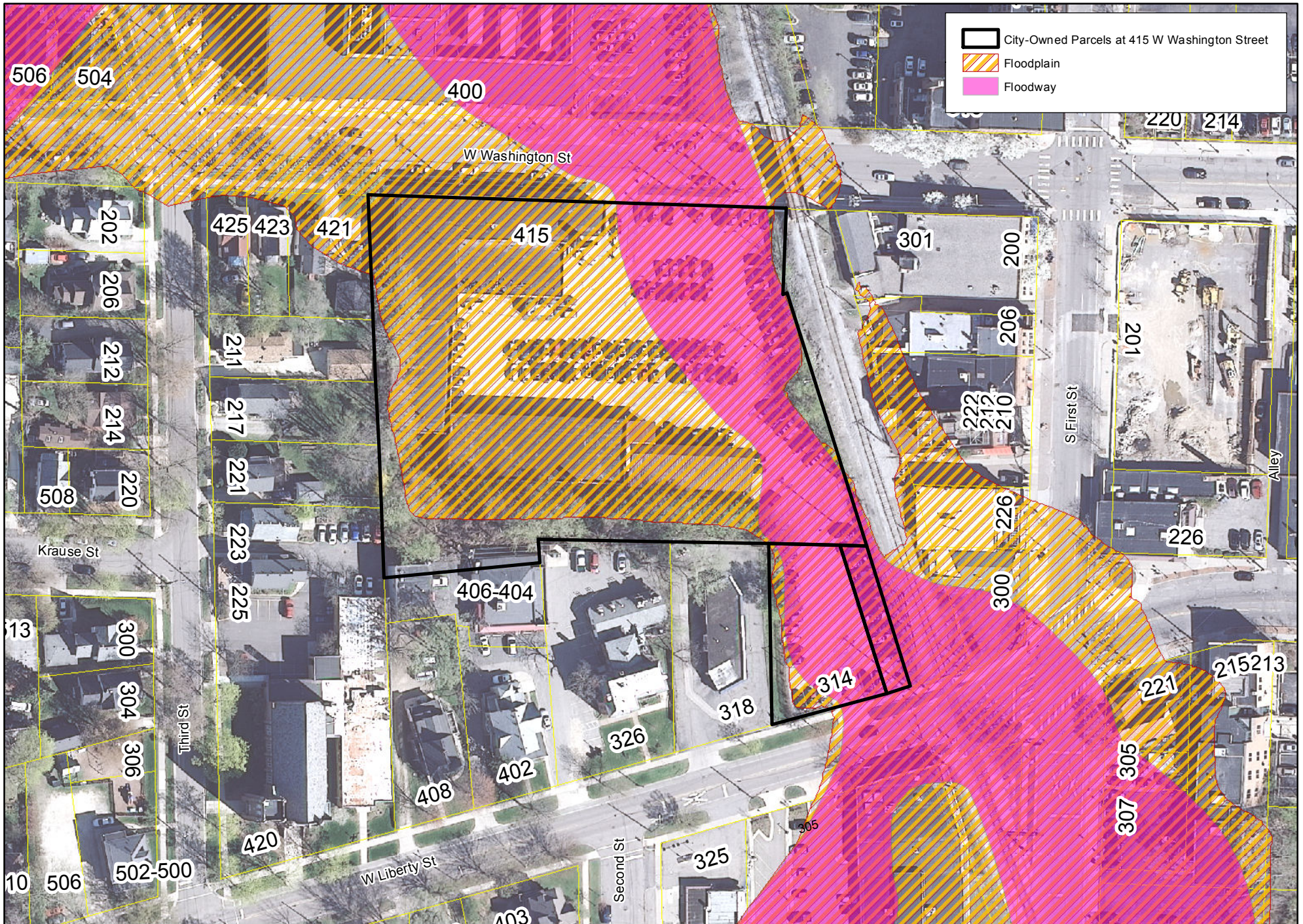
DS-10 – Resolution to Approve a Grant of Easement to the Michigan Department of Transportation for Highway Purposes at the Existing M-14 Bridge over the Huron River (8 Votes Required)

Question: Residents on the north side of town have town have expressed noise concerns with M-14 are hopeful that noise-reducing treatments can be part of the M-14 road work. Have discussions been had with MDOT about this option? (Councilmember Warpehoski)

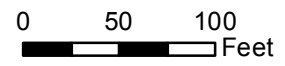
Response: Staff has discussed the easement with the MDOT staff of the Brighton, MI office. Noise reduction treatments are not within the scope of the project nor is there available funding. The bridge occupancy has been in place for decades without a written easement and MDOT would like to clean up this issue with the grant of easement, but does not see the easement as an issue to stop the project.

Question: Is there a deadline by which this easement must be granted? (Councilmember Warpehoski)

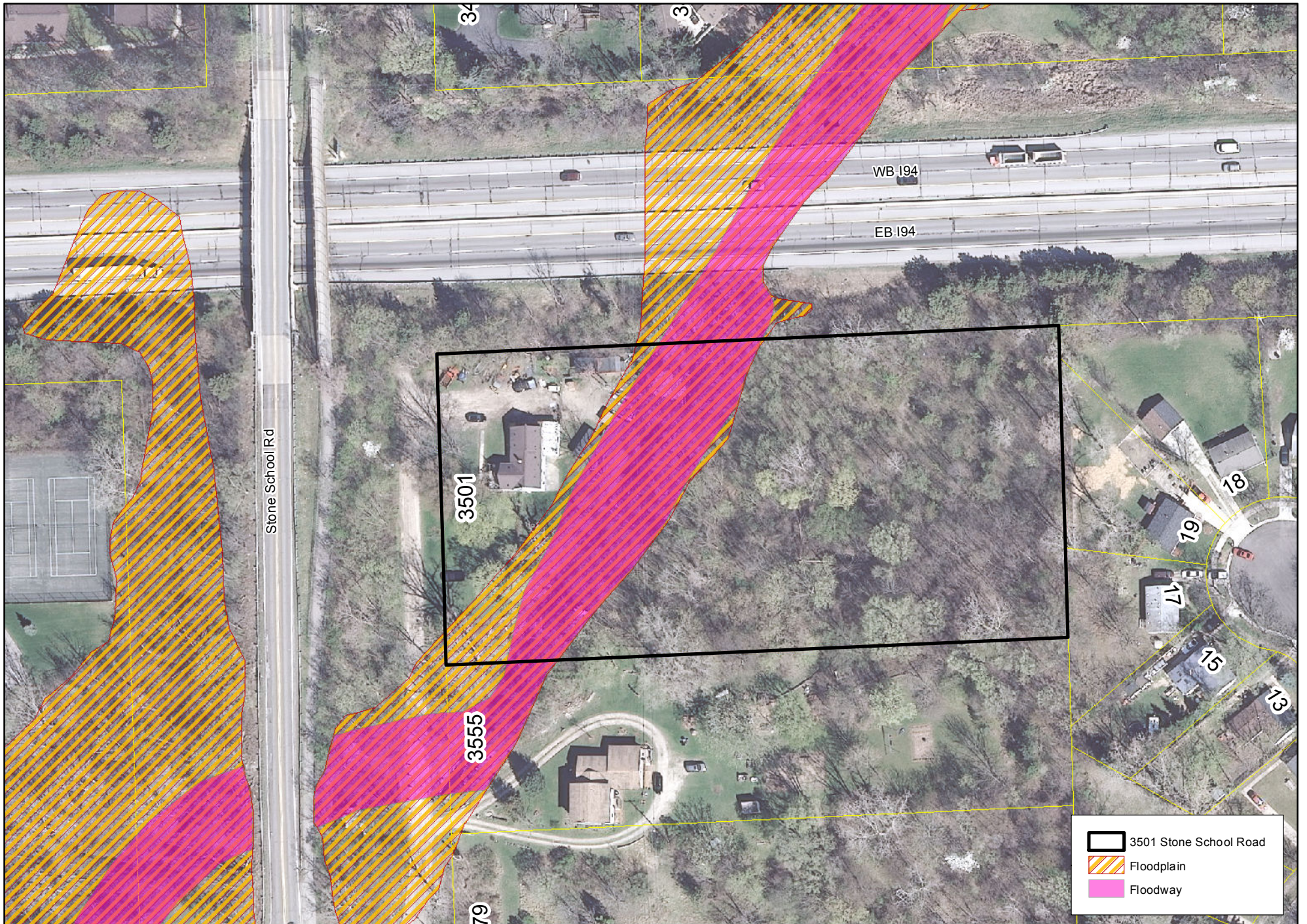
Response: We are not aware of any deadline. MDOT has indicated that they will proceed with or without the easement. MDOT has indicated that they will be present at the meeting for any questions.



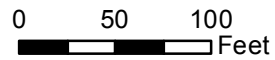
**City-Owned Parcels at
415 W Washington Street**



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3501 Stone School Road



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