

CITY OF ANN ARBOR  
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2008 SEP 31 AM 6:06

September 28, 2008

To: Mayor John Hieftje

Cc: Members of Ann Arbor City Council

Ref: 601 S. Forest Project

I am aware that the legal firm representing the 601 Forest Project developer has written a letter to City Council 'demanding' that approval be give their project. Implied, but not discreetly, is that if you don't, the City of Ann Arbor will be faced with legal action. No matter how you analyze what was said, this is 'legalistic black mail'. The Council should vote on the merits of the proposed development keeping in mind what is best for the community (statement of obvious). Based on all the information presented to date, this project should be voted down or at minimum, tabled as far too many issues remain unresolved and the depth of analysis is found wanting to support the project. In a Letter to the editor dated August 27, 2008, a resident wrote: "*a zoning allowance by itself should not be a de facto reason to allow it to proceed in light of the impact on the area.*" That states the case extremely well.


In addition, although not widely publicized, I believe the citizens of Ann Arbor were, mislead, unintentionally, when the zoning was changed for the S. University area in October of 2006. Many articles appeared, which included statements by members of the Council that if approved, we could expect to see new development in the 7 to 10 story high range. Ann Arborites, in general, agreed with this premise and the Council was unanimous in its support. As a result, we've witnessed such structures in process or underconstruction. However, everyone, including Council and Planning Commission members, were totally surprised in March of 2008 when the 601 developers proposed (rev.) a 25 story high structure with two 20 story high towers! And the citizens learned from the developer that "*legally, under the new zoning, they could build a 45 high or 100 story high building without Council approval.*" To suggest that the proposal and such commentary raised red flags is an understatement. As has been said many times, 'Ann Arbor is NOT Chicago, nor does it want to be.

This information has galvanized the residents impacted by this proposal to object to its approval – and rightfully so. The fact the Council is undertaking a re-examination of height restrictions suggest the legitimate concerns raised by the citizens of Ann Arbor are being addressed. If there was a referendum on the subject, there is little doubt as to how Ann Arborites would vote overwhelmingly. We expect change that is compatible with the vision for our city and therefore, the Council should reject the 601 proposal as presented.

Page 2.

Many citizens have voiced their concerns and objections to the 601 proposal. Just in case you missed some of these views while you were out of town, I have attached a sampling of letters that were sent to the Ann Arbor News as well as to the Council.

We, the people of Ann Arbor, have spoken and our voices should be heard. Thank you for listening.

A handwritten signature in black ink that reads "Rusty Restuccia". The signature is written in a cursive, slightly slanted style.

Rusty Restuccia  
1825 Geddes Avenue  
2<sup>nd</sup> Ward  
VP – South Univ. Neighborhood Assoc.

Attachments

9-1-'08

## LETTERS

### City Council is doing its job, not avoiding it

Tom Gantert's News article on Aug. 19 only begins to scratch the surface of the arrogance and community relations fiasco surrounding the 601 Forest developers, Ronald Hughes and Daniel Ketelaar. Ketelaar's outburst toward the end of the four-hour-plus City Council meeting was reminiscent of a playground bully finally being called on for his bad behavior and then threatening to take his marbles and go home.

In this case, Ketelaar's marbles were in the form of a verbal threat, voiced to the reporter after the meeting, of an impending lawsuit if he and his partner, Hughes, didn't get their way. Council members didn't "ignore a lot of information" provided by the developers. They just got it too late, despite repeated requests and assurances that studies had been done, and lacked time for review by independent, neutral and competent experts not financially beholden to the developers.

The council does have the right to question any and all projects on the basis of "health, safety or welfare of the community." It will commission studies of both parking and traffic congestion (the combined impact of cars, commercial trucks, bicycles and pedestrians) and the expected impact of increased and potentially dangerous wind turbulence on South University Avenue churned up by the addition of a 25-story 601 Forest St. monolith directly across the street from University Towers.

And no, Council Member Joan Lowenstein, the council's action was not "avoidance," but a responsible act of "due diligence," something City Planning Commission failed to do on June 3.

**C. Robert Snyder**, president of South University Neighborhood Association and resident of Ann Arbor

9-1-'08

### Developers' claims merit skepticism

Ann Arbor City Council postponed the South Forest and South Maple pseudo-dorm developments. Council Member Joan Lowenstein said, "it's avoidance." Actually, the projects are ploys to increase the city's tax base. I watched as neighborhood residents dissected developer "promises," developer "studies," and raised common-sense objections. For instance, developers may promise to rent to only wealthy students, but obviously will rent to anyone to fill the space. Our elected officials must evaluate proposed projects more like the residents who testified before them - with a healthy skepticism of feel-good developer presentations, and critical evaluation of developer-funded "studies."

The University of Michigan last completed a dorm in the late 1960s (Bursley). In 2000, Mayor John Hieftje was elected on a pledge to

force U-M administrators to address the student housing shortage. Hieftje is now a university employee and earns there almost as much as from taxpayers. His appointees to the Planning Commission and his Ann Arbor News-dubbed "majority" on the City Council have approved development that focuses on the construction of privately owned "student" housing throughout our city.

Had mayor and council done their homework when city staff and the Planning Commission initially sent the projects for approval, council would not currently be between a rock, a hard place, angry residents and litigious developers. We need leaders who carefully evaluate and select development projects that address our need for affordable housing, and are exceptional in their conception and sustainability. Instead, we've got leaders who are chasing the quick development dime and building dorms for U-M for free.

**Patricia D. Lesko**, Ann Arbor

9-27-'08

### High-rise would bring more cars downtown

Discussions are still being held

regarding a major high-rise apartment building at 601 Forest at South University Avenue. Outside developers want to put up a 25-story, 1,100-tenant structure. For reasons, I'm sure, of economy, they only want to provide 260 parking spaces. The Planning Commission, in its wisdom, approved this idiocy.

Think these tenants won't bring cars? At \$1,000 a bedroom, these are not economy flats. Where are these people going to park? In any shopping center proposal, adequate parking is required. How is this project immune from such requirements? There is essentially no on-street parking available in the area for that number of people. On this aspect alone, the negative impact on the area must be the paramount concern. Unless the number of tenants is reduced to more closely match the parking made available, the current proposal must be rejected.

Traffic is already near gridlock on South University. A thousand more cars will severely glut the area, requiring road modification, an expense for the city. Add wind tunnel effect, unsightliness and the potential devaluation of local neighborhoods, and where is the benefit of this monster? Unless the developers scale the project back to more reasonable proportions, City Council should reject it. A zoning allowance by itself should not be a de facto reason to allow it to proceed in light of its impact on the area. I hope others will join in letting the council know that housing density at any cost is not what the city needs or wants.

**Thomas W. Petiet**, Ann Arbor

LETTERS 8-12-08

**Buildings' wind effects would be worse**

We are writing to express our strong opposition to the current enormous apartment complex planned for 601 S. Forest. We were unhappy when Tower Plaza and University Towers were allowed to be built, and we already find the wind effects of both of those buildings uncomfortable almost every time we walk near them. An even bigger building across the street would undoubtedly exacerbate the wind effects that have caused harmful falls for some fragile pedestrians.

Even more important, this kind of massive building just does not jibe aesthetically with our vision for Ann Arbor. We do favor policies to promote denser housing. But we feel that this project goes too far! Ann Arbor needs a more balanced program for promoting denser housing with caps on building heights and sizes. Ten to 12 stories seems to us to be a desirable limit to preserve Tree City's character as a small city.

We don't want to see us emulating New York or Chicago! We are also very concerned about the limited amount of parking planned for this project. Since this project is apparently planned to serve the wealthier segment of U-M students, we expect that most of the students will bring a car with them. Where are they going to park? Also it seems that this project would have quite a negative effect economically on the hundreds of Ann Arbor landlords who depend on student rentals for their livelihoods.

We hope that the City Council will amend the current zoning laws and will force this planned development to be greatly reduced in scope.

Arthur C. Wolfe and Shirley P. Wolfe,  
Ann Arbor

8-8-0  
**High-rise will make bad situation worse**

We are long-term residents of Ann Arbor who have lived on South University Avenue since 1963. We have enthusiastically supported the redevelopment of South University Avenue, and took part in one of the focus groups that led to a redevelopment plan. The present proposal to build a 25-story high-rise for student housing at 601 S. Forest completely violates the spirit of that redevelopment plan, and we oppose it strongly.

Let me mention two areas of particular concern. The first is that the present plan indicates very limited setback of this huge building. Pedestrians on South University are already subjected to gale-force winds due to the 18-story University Towers. One can only imagine the impact of a second even larger building with limited setback diagonally opposite. The idea of redevelopment was to make South University attractive for pedestrian traffic.

A second major concern is that very limited parking is planned for this structure. We live directly across from Angell School, just a few blocks from the proposed development. The street is already

plagued with careless drivers who regularly endanger residents and school children by speeding and by driving the wrong way on the one-way streets connecting with South University. Parking is already non-existent when the university is in session. Adding more than 1,000 additional students and only 235 parking places will add greatly to the problem and decrease the attractiveness and safety of the neighborhood.

Rowena G. and Larry S. Matthews,  
Ann Arbor

**601 Forest unrealistic about parking, costs**

My husband, David Copi, and I have owned student rental property in Ann Arbor close to the University of Michigan campus for more than 35 years.

We find that market conditions have resulted in a current per bedroom range of \$600 to \$700 per month for one-year leases, and include at least one parking space per house or apartment.

The market that the developer for 601 Forest is targeting is the wealthiest 10 percent of U-M students. The developer seems to be blind and deaf regarding knowledge of the number of cars that the wealthiest 10 percent U-M students will be bringing to Ann Arbor - a minimum of one vehicle per two students.

Furthermore, these young people are accustomed to convenience. This translates to on-site parking for about 570 tenants. Another 100 to 200 spaces will be needed by the commercial establishments on the street level of the projected building. This all adds up to 670 to 770 parking spaces - on site - or six to seven levels of parking with about 120 spaces per level.

If the developer does not provide this minimum number of parking spaces (i.e., 670 to 770 spaces), he can be assured not to rent the apartments at the rate of \$1,000 per bedroom per month, \$1,000/bedroom/month is 42 percent higher than current market premium levels. Rents have been rather stagnant in the campus area for the last few years.

Barbara J. Copi, Ann Arbor

8-4-08

### Huge South U towers would destroy area

For many years I have walked past the dilapidated, abandoned Bagel Factory on South University and wished for a new business or restaurant. Initially I was delighted to learn that developers were considering the site for a mixed retail and housing complex that would be comparable to those in height

and style as on Main Street. Imagine my shock when I learned of the proposed 25-story dorm with two 20-story wings to house approximately 1,142 students, making this building twice the size of any other buildings in downtown. This behemoth is completely out of character for the neighborhood and South University businesses.

It would bring severe traffic congestion, inadequate parking and overwhelm adjacent homes, churches, and businesses. Several years ago, in an effort to beautify and maintain a "small town" atmosphere, several trees and small sitting areas were added to South University. This proposed enormous complex is simply incompatible. While some information regarding the 601 Forest 25-story high-rise has appeared in The Ann Arbor News, I don't believe you have adequately informed your readers of the severe consequences a project of this magnitude will have on the surrounding areas. It goes before the City Council on Aug. 7 and I implore that The News present a detailed article on the development. Residents need to be informed and our City Council must be accountable to provide Ann Arbor with a development that is in harmony with the surrounding character and environment of its neighborhoods.

Mary H. Thieme, Ann Arbor

8-5-08

### Huge complex isn't neighbor friendly

Carefully planned and tasteful redevelopment at the intersection of South University and Forest would be welcomed by citizens in surrounding residential areas. But an enormous complex of three gigantic towers (one 25 stories with two 20-story towers attached) is incompatible with the neighborhood and totally unacceptable. And what would become of the many small residences on Forest Court? The developer proposes to market this huge complex to students from high-income households. Do upscale income students really need or want to live separately from their less-fortunate contemporaries? Currently, several other student residences are under construction. And all of this comes at a time of economic slowdown and crisis in the real estate market.

Those of us who live in neighboring residential areas worry about traffic congestion on South University, parking problems, safety if fire and emergency vehicles are needed, etc. Please bring these concerns to the attention of your readers and remind them that matters of safety, compatibility, crowding, etc. will be addressed at an open meeting of

City Council on Thursday.

Let's preserve a friendly village on South University Avenue!  
Nesta R. Spink, Ann Arbor

### Shrine to affluence is deeply repugnant

A few questions about the proposed 25-story structure at 601 Forest Ave., which will be "marketed to and attract students from high-income households who have disposable income ... and represent the top 10 percent of students at the University of Michigan, who have considerable spending power and sophisticated taste and style."

Will the project be gated and guarded? Will it include a much-needed indoor ski resort? Will commoners with average or low incomes be allowed to enter other than as maintenance workers? There is something deeply repugnant about such a shrine to conspicuous consumption in a university community; particularly now, when so many Michigan families are in economic crisis and most young people despair of affording the higher education that our political leaders tell us is essential to a vibrant state. We hope that even those students who can afford U-M tuition without accruing crippling debts might prefer to study and live among their less affluent classmates.

In any event, we believe that the residents of Ann Arbor with all its resources can find far more socially and economically responsible ways to promote development that contribute to the life and future of our youth, our city and our state. We can do better.

Andrew J. and Ruth L. Zweifler, Ann Arbor

8-5-08

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LETTERS 7-13-08

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## Council must respond to development issues

The Ann Arbor Planning Commission's decision to support the revised 601 Forest project, located at the corner of South University and Forest avenues, was extremely disappointing. Based on comments from residents in attendance, it appears commission members were influenced by the presentations of the developers more than views of the citizens who will be impacted by this project. Issues of height, traffic congestion, safety, adequate parking etc. were not adequately addressed. City Council should deny approval of this 25-story luxury dorm with two 20-story wings until proper due diligence is completed.

Mayor John Hieftje is quoted as saying "a lot of people think we have more power than we do. When a building meets zoning requirements, there is not much we can do about it." This is a stunner. Why have a City Council that must give final approval to all such projects? Is he suggesting that the Planning Commission's views are final? I always thought the council's role was to do what's in the best interest of the community. If the commission's decisions are legal but not appropriate, City Council must act accordingly. All developers understand that there are no guarantees until council has approved the project.

There are numerous questions that need to be fully addressed before any further actions are taken with respect to this project. City Council must do the right thing and seek a project of less magnitude which complements the character and environment of the South Forest neighborhoods. This is Ann Arbor, not downtown Chicago.

**Rusty Restuccia**, Ann Arbor

11309 N Shore Dr  
Whitmore Lake, MI 48189-9123  
July 25, 2008

Ann Arbor City Council meeting 8/7/08 regarding the 601 Forest plan

As an owner of nearby Heritage Apts, 829 Tappan, I strongly object to the 601 Forest plan on the following grounds:

1. The building is much too tall for that neighborhood. It is inappropriate to approve it based on comparisons to University Towers or Tower Plaza because those buildings should never have been approved either. My position is that nothing over 5 stories should be allowed in that neighborhood at this time.

2. Since the plan is to attract upscale students, it should be assumed that every student will have a car and that one parking space per student should be required within the project. Anything less will impose a terrible burden on neighborhood parking. Further, I think it will add too much traffic to the existing narrow streets and endanger the pedestrians.

Sincerely,

Carl J. Weber

Members of City Council

Development plan for 601 South Forest

Arson, assault, and theft prey upon U-M students in a broad arc sweeping from Forest Hill Cemetery to Michigan Stadium. Law enforcement has not been effective in preventing fires in (temporarily) vacant student housing, stopping muggings and house invasions, and keeping computers and other valuables from burglars.

Consequently secure student housing is under development in this area, and parents will welcome (and pay for) it.

Nonetheless, the plan for 601 South Forest will have other and less desirable consequences. The building as proposed is simply too large: it will affect the residential area known as "North Burns Park" in profound ways. Since council did not designate the proposed historic district here, we will not be protected from high-density development as the Old West Side is insulated from the condominiums and apartments being built or proposed downtown.

Accepting greater density to prevent sprawl was, and is, a praiseworthy policy. But density needs to be tempered by good judgment in respecting boundaries among neighborhoods. Making 601 South Forest smaller is one good step; restoring and maintaining single-family and duplex housing in our neighborhood is another.

Council needs to do both.

Richard W. Bailey  
1609 Cambridge Road



> Sent: Wednesday, September 24, 2008 5:10 PM

> To: Hieftje, John

> Cc: Nystuen, Gwen (PAC)

> Subject: 601 South Forest Project

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> Dear Major Hieftje:

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> As an Ann Arbor resident for almost a quarter century, and as someone  
> who plans to remain in the City with his family through his  
> retirement, I am writing to express my protest against the building  
> project planned for 601 South Forest. I do understand that reasonable  
> people can differ about many building projects in the City, and that  
> the City Council must have considerable discretion regarding such  
> projects. This particular project, however, seems to me to lie way  
> beyond reasonability and thus beyond the discretion our  
> representatives should have.

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> The project strikes me as so ill-conceived from so many perspectives  
> that I urge you to oppose it and the City Council not to allow it.  
> Leaving aside the disruption caused by such a massive construction  
> project, it seems obvious enough that it will cause severe traffic  
> and parking problems in a city already plagued by a virtually  
> permanent traffic jams and parking space shortage. It is completely  
> out of proportion - both in terms of population and aesthetically -  
> to the surrounding neighborhood. And it means handing over control  
> over an important piece of downtown Ann Arbor to an outside developed  
> who will have merely his own profit in mind, not the well-being of  
> the community. The project is also a sad testament to the  
> increasingly disconcerting trend to cater to the rich at the expense  
> of the residents and students of lesser means and thus a token of  
> social irresponsibility.

>

> Not only will I not vote for anyone participating in the approval of  
> this project, I will also support any political and, if need be,  
> legal action against the project.

>

> Sincerely,

> Mathias Reimann

> Professor of Law

>

My family and I live four blocks from South University. We use the South U. post office, shops, and restaurants. We also walk up South Forest and along South U. en route to the diag, the university and downtown. We consider it our neighborhood.

The area is fraught with pedestrian challenges due to traffic patterns on both of these streets. The parking structure on Forest Street is heavily used. For several hours of most days during the academic year, the lot is full. Cars line up on north and south bound sides of the street, waiting for spaces to become available. Cars attempting to drive through the area pass standing vehicles, creating a dangerous situation.

Service vehicles parked in the vicinity obscure vision for pedestrians and drivers alike. Construction and service trucks parking in the alley between Forest and Church often eliminate the few spaces available for brief post office visits, causing drivers to circle the block, seeking parking.

A development titled University Village has been proposed for the block described by South University Avenue and Forest Street. Two towers, twenty two stories high and fifteen stories high are projected to house 1400 students, parking for 260 of them, first floor retail with additional parking spaces.

Acknowledging "the realities of local climate and commuting patterns" (Calthorpe Report, p. 48), serious consideration must be given to the safety and wisdom of adding 1400 more pedestrians and their vehicles to this area.

University Village plans will compound vehicular and pedestrian challenges in the following ways:

1. Developers plan to replace and relocate an existing driveway on S. Forest with two larger driveways closer to traffic entering and exiting the parking structure. This access to the complex will increase traffic congestion with:
  - a. cars dropping off or visiting 1400 residents
  - b. cars belonging to residents exiting the complex
  - c. vehicles servicing and maintaining the building
  - d. vehicles associated with the proposed retail businesses: customers, staff, and delivery
2. University Village developers plan to break up sidewalks with enlarged curb cuts for new driveways.

3. University Village developers plan to narrow segments of existing sidewalks, providing fewer square feet of sidewalk for 1400 additional residents.

The city of Ann Arbor hired Calthorpe Associates to work with the community and to develop design guidelines for the city. The corner of South University and South Forest avenues is due for revitalization, but changes should meet guidelines established for that neighborhood.

Many aspects of the University Village proposal appear to be antithetical to the Calthorpe plan, subsequent A2D2 recommendations, and the resulting Ann Arbor Design Guidelines.

According to Downtown Ann Arbor Design Guidelines (1/2008), "Site design should not greatly reduce an adjacent property's ability to implement environmental design principles, especially in regard to solar access" [and] "should not greatly reduce access to views, air and sunlight from adjacent and nearby properties". (3.3)

The city's zoning code... "focuses on establishing a lower scale at the street edge, with taller portions of buildings stepping back into the property...to help provide light and air to street level places and maintain a human scale on the street." (8.0)

"Towers and other taller structures should be located to minimize looming effects and shading of lower scaled neighbors. Buildings should step down toward lower scaled neighbors". (8.2)

Guidelines specifically addressing the South University Character Area note that "It is important that a relatively consistent scale be perceived at the street edge....[with] a varied wall height at the sidewalk edge, ranging between two and four stories". (SU4) "Provide a transition in building height next to traditional residential areas". (SU6)

University Village developers compare the suitability of this project to their University Center "Super Dorm" in Chicago. What is suitable on a 4 lane thoroughfare in Chicago isn't necessarily appropriate, or in the best interests of Ann Arbor. "By right" isn't the sole standard of what is right for Ann Arbor.

Let us keep matters in perspective, literally, and not be overwhelmed by a disregard for the individuals who will walk, work, and live in the shadow of the proposed development.

From:     *BETSY PRICE*  
                  *ANN ARBOR - RESIDENT*