



February 4, 2012

Ann Arbor Planning Commission Members

RE: 413 E Huron Site Plan Application. Background and response to communication from Ray Detter and the Downtown Design Guidelines Citizen Review Committee dated January 3, 2013 (the "Letter")

Members of the Planning Commission:

This letter seeks to provide a background on the efforts of the development team on this project to date, respond to several assertions made about this project in the Letter referenced above and to request that the Planning Commission recommend approval of the project because the site plan meets or exceeds the requirements for a positive recommendation and approval.

The proposed 413 E. Huron project (the "Project") is a use by right project that conforms in all respects to both the letter and the intent of the Ann Arbor zoning code for the D1 district (Downtown Core). The development team has carefully followed the prescribed process for submission and review of the project and has worked closely with city staff to respond to all comments regarding attention to design recommendations and compliance with zoning and other relevant and development regulations. In addition to the required design review and citizen participation meetings, the development team has met on multiple occasions with community representatives and neighborhood groups to listen to their comments and concerns and has made every practical effort to respond to their input.

The Project was discussed with the Design Review Board ("DRB") on October 17th. While adherence to the Design Guidelines is voluntary, the development team has made every reasonable effort to comply with these important guidelines. The assertion that the DRB made a "number of significant suggestions that have been ignored" and that the DRB session "resulted in almost universal disapproval" of the project are not accurate. The DRB provided thoughtful and constructive comments on various aspects of the design, in addition to compliments on "impressive material palette." In response to the DRB comments and summary report, the development team made a series of substantial design changes that significantly increased development costs. These design changes responded to the vast majority of comments received from the DRB and were detailed in the November 26th Site Plan submission (also attached here).

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The Letter focuses in particular on the scale and massing of the Project, claiming that it is too large for this site and that the Design Guideline suggestions to divide the massing into smaller building modules have been ignored. In terms of scale, we note again that this project is designed to conform in all respects to the zoning ordinance for the D1 district. That ordinance allows for a building up to 150 feet in height on this site, and in fact encourages high density development through the use of multiple density bonuses, the most significant of which is for residential use. This project uses some, but not all, of the available density bonuses. In terms of massing, the project meets the required rear yard setback to the adjacent residential properties, and exceeds the side setback requirement significantly (providing 25 foot setback where none is required) which was a deliberate decision by the development team in order to respect the neighboring high rise condominium project. In addition, the building has been designed to break up the scale and mass into “smaller building modules that provide a sense of scale” as prescribed in the Design Guidelines. Careful attention has been paid to varying the material palette and the plane of the building façade on the elevations to achieve this goal and to create a “building in the round.”

The Letter asserts that the development team has “completely ignored” the fact that this project is in a “specially identified Design Guidelines Character Area.” First, any project in a D1 or D2 zoned district is subject to specific design guidelines based upon the defined intent of the character district in the zoning ordinance. Second, the assertion is simply not accurate. The design of the Project recognizes its context and is entirely within the range of building designs that exist in the East Huron 1 Character District. The language defining that Character District specifically points to the variation in building type – “Buildings in these districts vary in type, from a major hotel, to high-rise housing, to church properties.”, When the City implemented D1 zoning, its description of the East Huron 1 Character District recognized the contrast in scale that already existed between the taller structures on the North side of E. Huron, such as Sloan Plaza and the hotel and the adjacent residential areas: “There is a significant contrast between the massing and scale of the structures within the character districts and the residential scale of the adjacent historic neighborhoods .” The City dealt with that existing contrast by imposing the 30-foot setback and building offset standards in the East Huron 1 Character district. The purpose of those standards is to provide the necessary massing transition between the D1 and residential zoning districts. The Project provides even more transition than required by the zoning ordinance because it included the 25-side setback to Sloan Plaza. Contrary to public comments, the design guidelines and ordinance standards for the East Huron 1 Character District do not require front yard setbacks or open space. The front yard open space standard applies to buildings in the East Huron 2 Character District. The Project has a secondary building frontage designation. Under the zoning ordinance, “a range of building setbacks from the front property line is acceptable.” The minimum standard is “0” feet.

The Letter also contains 12 specific concerns that the authors claim should be addressed. The following points are made in reference to these 12 items:

1) The city has indeed reviewed the traffic study and agrees with its conclusion that no major traffic impacts will be created by the project. MDOT has also reviewed the traffic study, agreed with its conclusion that no major traffic impacts will be created by the project and had no comments on the site plan.

2) The service drive design has been worked on and revised several times. The reviewing staff is confident that this drive has the appropriate visual access to make it safe under normal operating conditions.

3) While the Project will create some shading for the properties to the north, claims and illustrations about this shading have been exaggerated in the Letter. The development team has submitted an accurate, year-round shading study to the city as part of the plans for the project and this study depicts the actual shading impacts of the building compared to the already existing shade. Moreover, the City recognized and dealt with the shading potential when it rezoned the Property to D1 in 2009. The purpose of the restriction in the East Huron 1 Character District that limits the location of the rear or side exterior wall of the tower from the East Huron property line to 150 feet is to protect parcels from shadows cast by taller buildings in the East Huron 1 Character District.

4) The design of the building has been modified per the request of the DRB to create a "signature building" element on the Huron and Division corner through the use of double height corner entry, an all-glass corner, and a higher roof line. Further setback from the property line for the first three stories of the building is not allowed for under the zoning ordinance (no more than 1 foot setback allowed).

5) Wind shear is not a scientific consideration applied to building construction. It applies to meteorological events and is a primary concern around airports.

6) The fire marshal has reviewed the proposed design and approved it with several recommendations which are now incorporated into the design. It meets all the requirements for fire protection of high rise buildings.

7) The City engineers have reviewed this project for capacities and find it meets the available services for this area with minor requested changes now incorporated into the design.

8) Roof top mechanical equipment will be at a height of 150 feet above the street, behind architectural screens. All equipment will be approved for use in this context by the city and there is no evidence to suggest noise impact on neighboring properties.

9) This is not a requirement of the City. The required landscape buffering has been applied to this design. Additional fencing is being provided over and above this requirement to meet certain adjacent neighbor requests.

10) The proposed building's foundation has been modified to allow setbacks from landmark trees to minimize impacts to the "critical root zone" of these trees as required by the City.

11) The site plan has been reviewed by city staff and no request has been made of the development team for a "gateway planting feature" on the Division Street frontage.

12) The project's use of the residential density premium is entirely consistent with the D1 zoning ordinance and this has been confirmed by the city planning staff in their review of the Project.

In summary, this project has been thoughtfully designed to conform to the letter and intent of the D1 zoning district. The process for design and public input has been followed, with several additional meetings having taken place at the request of neighborhood groups and significant changes have been made to the design to accommodate the comments received throughout this process. City staff has thoroughly reviewed the site plan application, agrees that it complies with the applicable ordinance requirements and as such has issued a recommendation to the planning commission to approve the site plan application. For all of these reasons, we will be asking that you recommend that the City Council approve the site plan.

Regards,

A handwritten signature in blue ink, appearing to read 'Conor McNally'.

Conor P. McNally
Carter

SITE PLANNING

DRB Comment	Design Changes
<p>1. Provide additional width and porosity at the street level along Huron and Division to create a comfortable pedestrian experience. Suggestions for improving the character of the street level include further setting back the southwest corner of the building, providing a colonnade along both the Huron and Division frontages, or setting the building back from both streets without decreasing the setbacks to the north and east, which will result in narrowing the building. Since there is parking in excess of the requirement, some of the surface spaces behind the building could be removed to shift the first floor back (see Guidelines A.1.1, A.1.2 and A.4.2).</p>	<ul style="list-style-type: none"> • Have set the retail back an additional 5 feet from the curb for a total of 20 feet • Created a retail colonnade along Huron • Created a sizeable inset retail plaza at the corner of Huron and Division to enhance the corner experience and provide space for outdoor dining • Moved loading dock into the rear of the building to allow retail to wrap all along Division
<p>2. Take advantage of the opportunity for a signature building at this prominent corner. Provide attention to the corner experience by differentiating it from the rest of the building, either through height or materials (see Guidelines A.1.3 and B.1.1b).</p>	<ul style="list-style-type: none"> • Introduced a glass corner to the building, which involved a redesign of the corner unit • Created signature 2-story retail corner element by eliminating a corner unit • Separated the corner by creating vertical insets midway along the "tower" and introducing a change in façade colors • Added a 5 foot high parapet to the corner to further differentiate it from the rest of the building
<p>3. The driveway at the rear could double as a shaded urban plaza, like the Dutch woonerf, to provide a nice amenity for the neighborhood (see A.4.1 and A.4.2).</p>	<ul style="list-style-type: none"> • Have decided that it is better to move the loading to the rear of the building, which creates a service drive and does not allow for a plaza at the rear of the property. • Ultimately our team feels it is better to create a great street retail experience on Division
<p>4. Confirm the feasibility of placing landscaping over the parking structure on the north side. Two feet of soil is not sufficient to support the proposed trees between the parking and the adjacent residences. Consider decreasing the size of the below grade parking to allow for trees (see Guideline A.4.2).</p>	<ul style="list-style-type: none"> • Have confirmed that we will have at least 4 feet of soil in the landscape buffer to the north (by building up the planter bed) • This will ensure we can successfully grow trees in this buffer

BUILDING MASSING

DRB Comment	Design Changes
<p>1. Consider changes in color, materials or pattern of materials to differentiate the tower from the base (see Guidelines B.1.1c and B.1.2). Design Review Board 413 East Huron Street Project October 17, 2012 Page 2</p>	<ul style="list-style-type: none">• Have introduced new colors of brick, vertical recesses and changes in the plane of the building façade to differentiate not only the tower from the base, but also to break up the various sections of the tower
<p>2. Consider providing variation in the north façade by pulling the center section of the “U” toward Huron Street, creating more articulation of the north facade, and lessening the shading impact on the neighborhood to the north (See Guidelines A2.2 and B.1.1a).</p>	<ul style="list-style-type: none">• Have introduced significant variation and articulation in the north façade• Varied the plane of the façade by ~4 feet to create articulation• Varied the color of brick for each vertical component

BUILDING ELEMENTS

DRB Comment	Design Changes
<p>1. To balance the starker look of the concrete columns at street level, add richer and more detailed materials to supplement the wood storefront windows (see Guideline C.1.1c).</p>	<ul style="list-style-type: none"> • Will be replacing the exposed concrete at the street level with either tile or glazed brick
<p>2. Since the proposed design showcases an impressive material palette, consider offering materials proposed (standard sized iron spot brick, standard sized glazed brick (two colors), architectural concrete, stained wood full height grade level doors, full-height TDL metal windows, expressed relief angles at each floor level, and stained wood ceiling at pedestrian colonnade) as a component of the development agreement with the City of Ann Arbor (see Guidelines C.1.1b, C.1.1c and C.5,1).</p>	<ul style="list-style-type: none"> • We absolutely intend to follow through with the high quality material palette that the DRB recognized in our submission
<p>3. Consider relocating the resident entry closer to the intersection to activate the corner and encourage pedestrian crossings to cross in crosswalks (see Guideline C.2.1).</p>	<ul style="list-style-type: none"> • Our team believes most pedestrian traffic will head towards the corner at State and Huron, so the relocation of the entry is unnecessary • Keeping the entry away from the corner allows for the creation of a more signature retail corner, and supports the ultimate success of the retail space