

Subject: A positive, more inclusionary concept for the R1/R2 districting portion of the CLUP

From: Anthony Pinnell

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To: Planning <Planning@a2gov.org>; City Council <CityCouncil@a2gov.org>

Subject: A positive, more inclusionary concept for the R1/R2 districting portion of the CLUP

Dear members of the Ann Arbor Planning Commission and City Council,

Many staunch supporters of Mayor Taylor and the current City Council are frustrated by what they see to be a basic prejudicial flaw in the portion of the CLUP aimed at eliminating single-family housing. The current R1/R2-zoned areas of Ann Arbor should never have been treated in the CLUP as one single zone subject to one uniform height limit applicable across the board. That approach is obsolete and unacceptable because it adversely impacts some property owners while leaving others untouched. This is precisely what you say you are trying to eliminate.

Even with potential variations allowed by your more recent resolution, applying a uniform 3- or 4-storey height limit across all lots measuring anywhere from less than 3,000 sq. ft. to well over 50,000 sq. ft. makes no sense, and is completely contrary to your express rationale for eliminating prejudicial practices of yesteryear. With the current CLUP, no large lots will be impacted at all: large lots and expensive homes are, for all practical purposes, exempted from any vulnerability to densification because there is no potential threat of neighbors selling out to developers for high-priced offers. The plain fact is that developers cannot achieve the return on investment (ROI) from such lots with only 3 or 4 storeys.

If you want to achieve truly fair and equitable rules, then **allowable building height and mass have to be dimensioned on a sliding scale based on lot size - and the size of the adjacent lots**. Otherwise, it is blatantly unfair to owner-occupants of smaller and thus more affordable, centrally located lots. You need to incentivize taller lowrises (or even higher, up to 7 or more storeys) of condos and rental flats in areas with large lots, e.g. in Arbor Hills, but with plenty of setback to maintain sunlight exposure and space - for the existing neighboring structures *and* the new-build. The larger-lot areas of Ann Arbor, whether near campus or further afield, **MUST** be equally susceptible to higher-density development just as much as smaller, more central lots. Anything else is exclusionary and prejudicial because campus and downtown can be easily reached from EVERYWHERE in Ann Arbor: on foot, by bike, by bus, and by car. You are letting owners of higher-priced properties off the hook.

No developer will even think of buying a large lot and house on Devonshire e.g. in Ward 2 for \$2 or \$3 million if only 3- or 4-storey buildings are allowed there. However, if a developer can build 7 or 8 storeys of high-end condos including e.g. four required affordable units, but with generous setbacks from the property boundary to allow sun exposure to neighbors, then the transaction offers a very attractive return on investment. This makes the "threat of development" - as it is called in upzoning - equal and present everywhere: no matter whether in the Ives Wood area of Burns Park or our small lots closer to campus, whether Ward 2 north of the Huron River, the West Side, or along Scio Church Road. The incentive must be PROPORTIONALLY equitable - just like the United Nations' Sustainable Development Goals: fair and equitable. The current CLUP will only bring about destructure, exclusionary development in the already closer-knit and denser populated central areas, leaving untouched the large-lot wealthier neighborhoods further from campus. This flaw is bare for all to see, which leaves any claim by the Planning Commission or Council of eliminating the prejudices of past single-family zoning hollow and without merit.

The solution: Incentivize densification with graduated height and mass limits that allow higher lowrises on larger lots, with sufficient setback to ensure the key requirements below are met across ALL formerly R1/R2 lots across the city, everywhere:

- Maintain as much as possible the existing sunlight exposure to all existing structures in all seasons (particularly in the winter and edge seasons). **The Commissioners and City Council have to realize that New Urbanism has advanced beyond its original concepts of decades ago.** It has learned that you cannot simply deprive an existing owner-occupant of the sunlight exposure they have always had. Today, sunlight exposure is the equivalent of clean air and water, and you cannot, as a developer, buy a lot to develop and thereby gain the right take away the right to direct sunlight exposure. **A developer does not buy the right to sunlight - basta, end of story.**
- Minimize noise pollution.

- Minimize loss of existing tree cover.
- Assume at least one motor vehicle per living unit, ensure corresponding on- or off-street parking availability, and provide e-charging infrastructure at each parking spot.
- Minimize the spatial impact and noise impact of the added vehicle traffic.
- No groundfloor commercial retail businesses except directly on main corridors. In the phrase "YIMBY", "backyard" means near you, within a few minutes walk, a few blocks away, along the nearest main corridor. It does not mean right outside your own physical back door.

So, YES to tall highrises in the South U and Briarwood districts, and along the commute and business corridors, etc. And YES to taller lowrises (above 3- or 4-storeys) as Singapore-inspired island blocks on very large lots, too.

If you are going to Upzone, then *all* owner-occupants in *all* previously R1/R2-zoned areas must be affected fairly and equitably right from the outset, and that means **height and mass limits relative to lot size** to enable and incentivize return on investment on any lot - but with locally fitting setbacks and shapes as you have set out in the most recent resolution from Council.

So, it's about much more than just tweaking a 1-size-fits-all height figure. This way, all properties will be equally susceptible to potential sale/buy-out for the purpose of building denser housing - whether for student rental, luxury condo-style, or affordable housing.

So, we would appreciate you all taking a fresh look at this portion of the CLUP, freeing your minds of the theoretical, numbers-based and in part outdated input from consultants, and revising the underlying framework of R1/R2 upzoning so that not just owner-occupants of modest income on small, centrally located lots are impacted, leaving our wealthier neighbors untouched. To date, no one has ever seen as unjust that you have to pay more property taxes if you own a larger lot, or that it was unfair that smaller-lot owners paid less. We never sensed any financial division between us. Now, the current CLUP has unfortunately created a sense of division that was not there before. This is because, to date, the Commissioners' and Council members' rationale seemingly refuses to accept the basic economic reality that sale price on large-lot homes precludes the necessary ROI if only 3 or 4 stories can be built. So only small-lot owners are exposed to hostile takeover of adjacent properties, bringing all the potential problems that unfettered SquareBox maximum-footprint housing brings.

For the CLUP, you should be able to quickly formulate a fair and equitable basic algorithm, starting with the currently existing building height-and-mass rules for the smallest lots, and working up incrementally to much higher limits for lots of 30,000 sq. ft. or more. **This must be done already in the CLUP phase, and not later in zoning phase, as it is these enabling conditions that fuel land acquisition speculation.** The lot-size base figures can then be adjusted locally in the actual rezoning phase, as you described in your recent resolution, and adjacent-lot gives taken into consideration.

Again, thank you for reading through this alternative concept and giving the idea your serious consideration. We want to keep your progressive direction on track, but the basic, underlying framework for this part of the CLUP simply ain't right. But you can easily downshift, rethink things, and quickly get on a track that is fair to all, and meet practical, feasible and equitable housing goals that we all know are needed.

Best regards,
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