LORD AECK SARGENT

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June 10, 2025

Project: Arbor South (SP24-0011 – 2845 S. State Street)
Re: Vehicular Use Area (VUA) Landscape Compliance and Request for Landscape Modification

Alexis,

I'm following up on our recent Site Plan Revision Submittal #4 and subsequent responses by Urban Forest Natural Resources Review. As the Landscape Architect of Record on the project I wanted to summarize our team's concerns related to the inability to fully meet the Vehicular Use Area (VUA) Landscape Regulations of the Ann Arbor Unified Development Code (Section 5.20). Overall, we have found it virtually impossible to take code intended to regulate parking lot landscaping and adapt that into the design of urban streetscapes, mixed-use retail experiences and dynamic public spaces as envisioned for Arbor South.

As you know, the UDC identifies Vehicular Use Areas (VUAs) as areas devoted to automobiles, most commonly surface parking lots, service yards and loading areas. Practically speaking VUAs tend to be non-desirable, unsightly, not-very-pedestrian-friendly yet necessary elements of the built environment. The UDC very appropriately then attempts to mitigate negative environmental effects of VUAs by requiring minimum tree coverage, landscaping, green infrastructure and screening. The code's VUA definitions and landscape requirements were clearly written to regulate centralized parking fields, lots and service areas in more suburban settings. I do not believe these VUA definitions and landscape requirements were ever intended to regulate parallel on-street parking or pedestrian streetscapes like those proposed at Arbor South. Arbor South's "streets" attempt to mimic the urban experience of Downtown Ann Arbor incorporating a curbside zone, pedestrian clear zone and amenity/supplemental zones. "Streets" at Arbor South are not unsightly and do not need to be screened. These are not surface parking lots with landscape islands and should not be regulated as such.

Despite these realizations, the VUA requirements continue to be applied to the urban "streets" at Arbor South. Our design team has struggled to apply VUA code to this project over the course of four unsuccessful City plan submittal attempts spanning roughly fourteen months. In an effort to get ahead of this last submittal we met with Urban Forest Natural Resources to try to get better clarity on what the City was looking for. We were transparent that we didn't think it would be possible to fully meet the VUA landscape requirements (particularly related to bioretention areas) and were advised that City was looking for us to make a "good faith effort." I believe we made that good faith effort with the last submittal. One of the issues seems to be slightly differing interpretations of the VUA code, its definitions and the way the city wanted to see those calculated and represented on the plans. Based on previous city direction and our interpretation of the code our understanding of how VUA applies to Arbor South are as follows.

1) VUAs on this project are those dedicated to use by motor vehicles – in our case parking, loading, and service areas
2) Paved areas designed to be used solely for access to VUAs (areas with no parking, loading, service) can be excluded from VUA calculations (from 5.37.2 Article VIII Definitions).
3) VUAs were to be represented on our plans as individual contiguous areas with associated calculations summarized per area. Where access drives or non-vehicular areas interrupted VUAs we understood we could separate and treat them individually.

This understanding of the VUA code was our basis for VUA representation on Sheet LP0-103 in the 5/22/25 plan set. However, the city's subsequent review comments indicate a slightly different interpretation in addition to the request to add more VUAs to the plans. While certainly possible to add those areas to the plans as a formality we would not be compliant with VUA landscape requirements in any of those areas for the reasons described in ***Attachment A.***

In my professional opinion it is absolutely not possible to create a VUA code-compliant landscape plan that both works within the physical constraints of Arbor South's existing conditions while also avoiding the large and widespread utility easement parameters required by the City. To give you specific examples, we recently identified (15) potential bioretention locations on this site based on anticipated hydrological patterns. We had to unfortunately remove all but (4) of those due to the City's mandate to exclude bioretention areas within utility easements or within existing City ROW areas. Despite our best efforts we similarly cannot fit trees or tree wells in many of the additional city-identified VUA areas due to pervasive underground utility conflicts and widespread utility easements across this site.

I believe we have done everything in our power to incorporate ecologically-progressive, sustainability-minded and pedestrian-oriented landscape elements into this plan. Examples include:

- Design of streets and public spaces are heavily informed by the DDA's Street Design Manual - curbside zones, pedestrian spaces and streetscape amenity areas
- Design of street tree wells are based on those existing along Huron Street, Miller Ave and several other streets in Downtown. The raised tree wells give trees additional protection from snow pile, for example.
- Prioritizing native Michigan tree species
- Where not physically possible to integrate street trees we have added trees to adjacent amenity spaces
- Exceeding the amount of landmark tree mitigation inches required (274 inches removed, 484 inches replaced)
- Maximized tree cover in every space possible across the project, helping to mitigate heat island effects
- Maximized stormwater infiltration through underground systems – a primary goal of bioretention areas

Overall, I feel strongly that we have made our absolute best effort to follow the City's UDC landscape regulations while insisting that good design and placemaking fundamentals not be compromised. With this understanding it seems the only practical option available to us is to request a Landscape Modification for this project related to Vehicular Use Area Landscaping & Screening (Section 5.20.3 – B.3.c).

Thanks for your continued help thus far and consideration of our requests.

Sincerely,

Matt Cherry, PLA, ASLA
Director of Landscape Architecture & Urban Design
Lord Aeck Sargent
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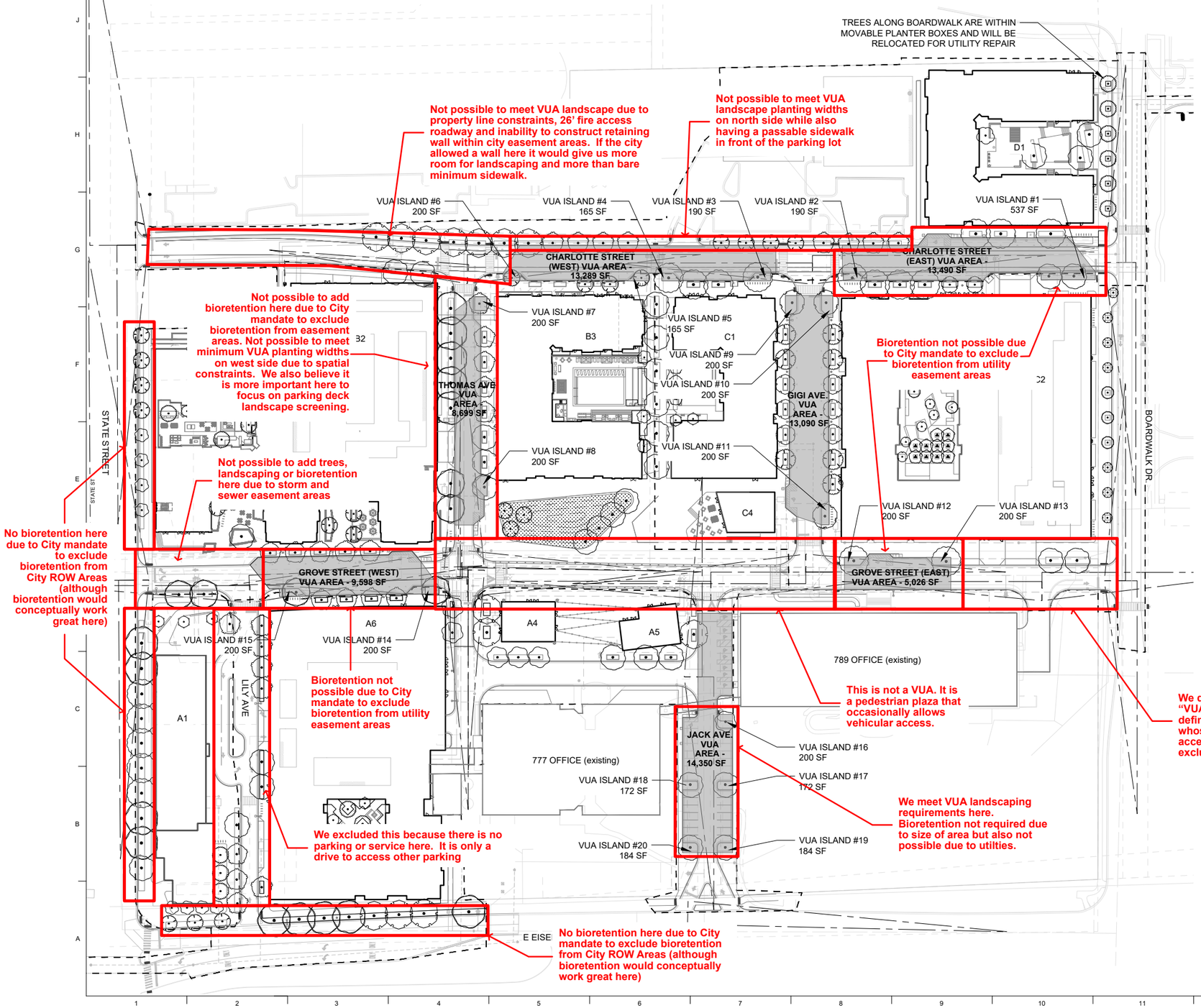
ATTACHMENT A: VUA Landscaping Constraints

Lord Aeck Sargent 06.10.2025



OVERALL SUMMARY OF VUA INTERIOR LANDSCAPE ISLAND

VUA Location	VUA Area (SF)	Interior Island Required SF (1:20 ratio)	Interior Island Provided SF	Interior Island Trees Provided	Bioretention Required (50% where Int. Island greater than 750 SF)	Bioretention Provided
						see landscape modification request
Charlotte Street (east)	13,490	675	727	3	N/A	
Charlotte Street (west)	13,289	664	720	4	N/A	
Thomas Ave	8,699	435	400	2	N/A	
Gigi Ave	13,090	655	600	3	N/A	
Grove Street (east)	5,026	251	400	2	N/A	
Grove Street (west)	9,598	480	400	2	N/A	
Jack Ave	14,350	718	912	5	N/A	
Project Total	**77,542**	**3,877**	**4,159**	**21**	**0**	**0**

INTERIOR LANDSCAPE ISLANDS PER VUA LOCATION

VUA Location: Charlotte Street (east)			VUA AREA SF	13,490
Interior Island ID	Interior Island SF	Bioretention	Interior Island Trees	Phase
1	537	N/A	2	5
2	190	N/A	1	5
Total Provided	**727**	N/A	**3**	
Total Required (1:20 VUA Area)	**675**	N/A	**3**	

compliant

VUA Location: Charlotte Street (west)			VUA AREA SF	13,289
Interior Island ID	Interior Island SF	Bioretention	Interior Island Trees	Phase
3	190	N/A	1	5
4	165	N/A	1	5
5	165	N/A	1	2
6	200	N/A	1	2
Total Provided	**720**	N/A	**4**	
Total Required (1:20 VUA Area)	**664**	N/A	**4**	

compliant

VUA Location: Thomas Ave			VUA AREA SF	8,699
Interior Island ID	Interior Island SF	Bioretention	Interior Island Trees	Phase
7	200	N/A	1	2
8	200	N/A	1	2
Total Provided	**400**	N/A	**2**	
Total Required (1:20 VUA Area)	**435**	N/A	**2**	

not compliant due to utility easement policy constraints

VUA Location: Gigi Ave			VUA AREA SF	13,090
Interior Island ID	Interior Island SF	Bioretention	Interior Island Trees	Phase
9	200	N/A	1	5
10	200	N/A	1	5
11	200	N/A	1	5
Total Provided	**600**	N/A	**3**	
Total Required (1:20 VUA Area)	**655**	N/A	**3**	

not compliant due to spatial limitations and underground utility conflicts

VUA Location: Grove Street (east)			VUA AREA SF	5,026
Interior Island ID	Interior Island SF	Bioretention	Interior Island Trees	Phase
12	200	N/A	1	5
13	200	N/A	1	5
Total Provided	**400**	N/A	**2**	
Total Required (1:20 VUA Area)	**251**	N/A	**2**	

compliant

VUA Location: Grove Street (west)			VUA AREA SF	9,598
Interior Island ID	Interior Island SF	Bioretention	Interior Island Trees	Phase
14	200	N/A	1	3
15	200	N/A	1	3
Total Provided	**400**	N/A	**2**	
Total Required (1:20 VUA Area)	**480**	N/A	**2**	

not compliant due to utility easement policy constraints

VUA Location: Jack Ave			VUA AREA SF	14,350
Interior Island ID	Interior Island SF	Bioretention	Interior Island Trees	Phase
16	200	N/A	1	3
17	172	N/A	1	3
18	172	N/A	1	3
19	184	N/A	1	3
20	184	N/A	1	3
Total Provided	**912**	N/A	**5**	
Total Required (1:20 VUA Area)	**717.5**	N/A	**5**	

compliant

1. ALL LANDSCAPING OR OTHER SCREENING MATERIAL WITHIN A SIGHT TRIANGLE SHALL BE NO GREATER THAN 30" TALL, AND ALL TREES WITHIN A SIGHT TRIANGLE SHALL HAVE ALL BRANCHES TRIMMED TO PROVIDE CLEAR VISION FOR A VERTICAL HEIGHT OF 8' ABOVE THE ROADWAY SURFACE.
2. WHERE TREES ARE PLANTED WITHIN 10' OF UNDERGROUND UTILITIES, A ROOT BARRIER SHALL BE APPLIED TO THE TREE WELLS TO PREVENT DAMAGE TO ANY UTILITY LINES.
3. ALL VUA INTERIOR LANDSCAPE ISLANDS SHALL HAVE:
   - 3.1. MINIMUM 8' IN ANY DIMENSION
   - 3.2. MINIMUM 165 SF
   - 3.3. MAXIMUM OF 200 SF FOR CORNER LANDSCAPE ISLANDS
   - 3.4. 1 DECIDUOUS SHADE TREE PER INTERIOR LANDSCAPE ISLAND

TRUE NORTH

SEAL

LORD AECK SARGENT

ISSUANCE/REVISION:
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SHEET TITLE
VUA LANDSCAPE AREAS PLAN AND COMPLIANCE SUMMARY

0 10 20 40 80 FT

EISENHOWER STATE LAND DEVELOPMENT COMPANY LLC

JOB NAME
ARBOR SOUTH

CITY OF ANN ARBOR, WASHTENAW COUNTY, MI

ISSUE DATE
05/22/2025

JOB NO.
12186-00

DWG. NO.
LP 0-103

NOT FOR CONSTRUCTION

LORD AECK SARGENT

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June 12, 2025

Project: Arbor South (SP24-0011 – 2845 S. State Street)
Re: Vehicular Use Area (VUA) Landscape Compliance and Request for Landscape Modification

Alexis,

Following up on my response letter dated 6/10/2025 and your questions via email this morning it is our team's preference to request the landscape plan as proposed and not try to apply private street standards (sec 5.20.5) at this late stage. Our responses are as follows.

City Comment 4b: As the v4 Urban Forest Natural Resources Review has determined the proposed plans do not correctly identify the limits of the vehicular use area and do not provide the required landscaping per Section 5.20.3.B, revised plans are required.

LAS Response: As stated in yesterday's letter we believe we have correctly identified the limits of vehicular use area based on previous City comments, coordination meetings and our exhaustive reading of the code. Aside from seeing screenshots highlighting a few areas on the plan no explanation or detailed response on what exactly is incorrectly identified has been provided to us. We have reached out to the City for more info many times on this issue for over a year and have not received substantial clarity. If the City wants us to add more VUA areas we need more specificity, detail and guidance - ideally a meeting. At this point I do not believe the written back and forth is productive on the specific issue of "correctly" identifying limits of VUAs.

City Comment 4b (con't): Alternatively, per Section 5.30.1, the Planning Commission may approve landscape modifications under certain circumstances. The project is eligible for landscape modifications because it is located in a special parking district (see 5.30.B.1.) If a landscape modification is desired provide a written statement addressing the sections or subsections for which a modification is requested, why it is being requested, the proposed alternative and how the alternative meets the intent of Section 5.20.1 Landscaping, Screening and Buffering.

Landscape Modification Requested for **5.20.3-B Landscaping (Interior Landscape Islands) related to VUAs**

Why modification requested:

We understand the request for landscape modification applies only to the VUAs identified on LP0-103 currently shown as not compliant, listed as follows.

- **Thomas Avenue** – We are short only 35sf of interior landscape islands (5.20.3-B.1 Required Island Area). We are unable to add additional landscape islands due to extensive underground utilities and easement areas.

- **Gigi Avenue** – We are short 55sf of interior landscape islands (5.20.3-B.1 Required Island Area). We are unable to add more additional landscape islands due to spatial limitations related to fire access and underground utility conflicts.

- **Grove Street (West)** - We are short 80sf of interior landscape islands (5.20.3-B.1 Required Island Area). We are unable to add additional landscape islands due to extensive public storm and sewer easements as well as hydrant locations and required clearances around those.

Additionally although our interpretation and VUA calculations indicate we are not required to install bioretention in VUA areas above (5.20.3-B.3.c Island Placement and Design) it is worth noting that we are likewise unable to accommodate those in most of the VUA areas due to City's policy that disallows bioretention in easements.

Proposed Alternatives:

The proposed alternatives described below were developed based on a combination of following UDC regulations (to the extent possible for this project), standards outlined in the AA Downtwon DDA Street Design Manual, recent AA Downtown streetscape projects and tree plantings, best practices for streetscape and tree planting design per American Society of Landscape Architects (ASLA) and LAS's two decades of experience with streetscape projects and masterplanned communities throughout the US. Specific alternatives proposed for the non-compliant areas of Arbor South are as follows.

- **Thomas Avenue** – "Street" designed with street trees both sides spaced 30' o.c. typical. Along east side adjacent to on-street parking there tree wells at 6'x16' typical size (5'x15' typical planting area). Tree wells along on-street parking are set back 18" from face of curb and set within 6" ht "frame" to accommodate snow pile and help protect trees. Gaps between tree wells accommodate on-street parking access and protect trees from foot traffic. Along the west side fronting the exposed parking deck the design is a continuous 6'-wide tree planting strip along the curb in lieu of tree wells which allow for additional root growth and increased groundcover/shrub plantings. A continuous "tree buffer" strip is also proposed along the face of the deck to allow for additional screening. Trees along the west side of the street incorporate larger canopy and buffer-appropriate species to create a lush green buffer along the otherwise-exposed deck face.

- **Gigi Avenue** – "Street" designed with street trees both sides spaced 30' o.c. typical. On-street parking along both sides to support resident guests and create "teaser" retail parking. Tree wells on both sides at 6'x16' typical size (5'x15' typical planting area). Tree wells set back 18" from face of curb and set within 6" ht "frame" to accommodate snow pile and help protect trees. Gaps between tree wells accommodate on-street parking access and protect trees from foot traffic. Typical tree spacing interrupted in cases where accommodating wider ADA parallel parking and at intersections with sight triangle limitations and/or with pedestrian crossings needing additional safety and visibility.

- **Grove Street** – "Street" designed with street trees both sides spaced 30' o.c. typical. On-street parking on both sides in areas adjacent to ground floor retail. Tree wells on both sides at 6'x16' typical size (5'x15' typical planting area). Tree wells set back 18" from face of curb and set within 6" ht "frame" to accommodate snow pile and help protect trees. Gaps between tree wells accommodate on-street parking access and protect trees from foot traffic. Typical tree spacing interrupted in cases where accommodating wider ADA parallel parking and at intersections with sight triangle limitations and/or with pedestrian crossings needing additional safety and visibility. Within roughly 130' of the State Street intersection "street" trees cannot be accommodated due to large underground sewer line. In this case additional trees are added to adjacent courtyards and retail amenity spaces to bolster the future canopy.

For the city's records and information, tree planting and streetscape design for VUA-compliant areas of the plans are described as follows:

- **Charlotte Street** – "Street" designed with street trees both sides spaced 30' o.c. typical. Unconstrained conditions along the street include raised tree wells at 7'x16' typical size (6'x15' typical planting area). Edge of raised tree wells set back 18" from face of curb and set within 6" ht "frame" to accommodate snow pile and help protect trees. Gaps between tree wells accommodate on-street parking access and protect trees from foot traffic. Constrained conditions include at-grade tree wells without the raised curb at 6'x15' typical size. Tree well set back from face of curb 18" for snow pile. Typical tree spacing interrupted in cases where accommodating wider ADA parallel parking, at locations with driveway access to parking decks and intersections with sight triangle limitations and with pedestrian crossings needing additional safety and visibility. In areas not adjacent to on-street parking the design is a continuous tree planting strip in lieu of tree wells which allow for additional root growth and increased groundcover/shrub plantings.

- **Jack Avenue** – This existing “street” includes head-in on-street parking but is being retrofit to include additional landscape islands and add more trees.

How proposed alternatives meet the intent of Section 5.20.1 Landscaping, Screening and Buffering:

Per 5.20.1 the primary intent of this code section is to improve the appearance of off-street vehicular areas abutting public ROW, buffer between conflicting land uses, reduce negative impacts of stormwater runoff, promote public health, safety and welfare related to noise, air quality, glare, soil erosion and thermal heating and improve the quality/safety of the pedestrian environment within paved and ROW areas. In our opinion the proposed alternative(s) meet and exceed the intent of this code in the following ways:

- Street trees, planting strips and tree wells as proposed significantly improve the appearance of off-street vehicular areas abutting ROW
- Tree planting and streetscape as proposed design promotes and embraces walkability, active lifestyles and alternative mobility
- Proposed tree planting meets all of the UDC requirements related to species, size, spacing, alternation understory/overstory, maximum amounts of species per “group” and limbing/visibility
- The proposed tree planting design prioritizes pedestrian safety and comfort by creating shade and incorporating traffic-calming measures
- The proposed tree types and locations area site-specific and reduce noise, improve air quality and reduce the affects of thermal heating
- The design and placement of trees and landscape are extremely deliberate related to areas that should be more “buffered” (adjacent existing lots, parking deck faces), areas that need to incorporate more shade, areas that need understory versus overstory trees and areas that need to accommodate things like snow pile and foot traffic.

Thanks for your consideration of our Landscape Modification request.

Sincerely,

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