

**From:** Raymond Detter  
**Sent:** Thursday, January 03, 2013 9:04 PM  
**To:** Planning  
**Subject:** 401-413 E. Huron Street Proposal

Dear Mayor Hieftje, Members of the City Council, Members of the Planning Commission, Members of the Downtown Design Review Board, and Planning Department Staff:

Please see the attached letter, submitted by the members of the Downtown Design Guidelines Citizens Review Committee.

Christine Brummer	Norm Tyler	Ellen Ramsburgh
Christine Crockett	Ann Schriber	Susan Wineberg
Peter Nagourney	Ray Detter	Hugh Sonk
Ethel Potts	Ilene Tyler	Tom Whitaker
Betsy Price	Alice Ralph	

**401-413 East Huron Street Proposal**  
**Comments of the Downtown Design Guidelines Citizens Review Committee**  
3 January 2013

In recent weeks, the Downtown Design Guidelines Citizens Review Committee, an independent group representing the eight downtown and near-downtown residential neighborhood associations,



has been meeting with the developers of the proposed massive, 14-story, 213-unit, 537-bedroom student housing building at 401-413 E. Huron. Its size is almost 100,000 square feet larger than The Varsity student apartment structure being built directly across the street and 65% larger than the imposing Landmark student highrise recently built at South University and Forest Avenue.

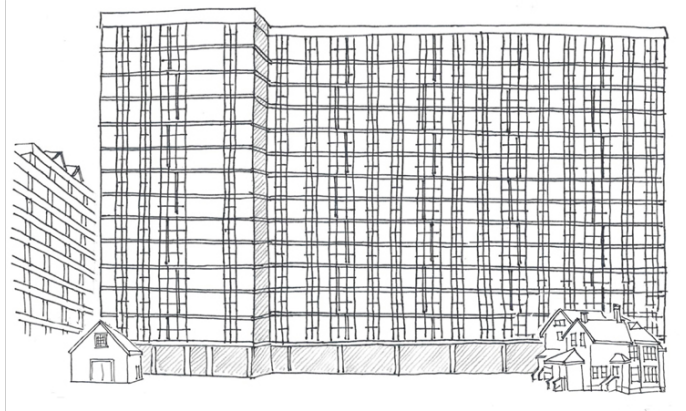
The structure is proposed for a site just west of Sloan Plaza and immediately adjacent to three residential historic neighborhoods. The developers have rejected requests to improve the massing, setbacks, and design of the building. Through their architectural and planning representatives, the project's financial backers, Greenfield Partners, indicated that making any additional changes would reduce the profitability of their project.

The city's Design Review Board, during its review of the project on October 17th, made a number of significant suggestions that have been ignored. The Board identified the importance of the project's context. The developers have completely ignored the fact that their proposed building is in a specially identified Design Guidelines "Character Area." In fact, they made reference in the public meeting to the wrong character area for their project. This design does not recognize the special context and negative impact their building will have upon the nearby residential and historic neighborhood. Ironically, the developers are benefiting from density premiums, not for affordable housing, but for high-rent student housing that will undermine that nearby residential neighborhood. Ironically, the structure most negatively impacted by this project includes 11 units of affordable housing.

The Design Review Board indicated they felt the presentation to them was incomplete at the time of the review meeting. The public input session scheduled by the developer was premature; there was not adequate time for appropriate redesign based on the Board's comments before presenting the project in the only public input session prior to submission to the city. Although this session resulted in almost universal disapproval of the project's design as shown, especially relating to its mass, only minor revisions were

made to its facade, responding to none of the major concerns expressed by many of the residents in attendance.

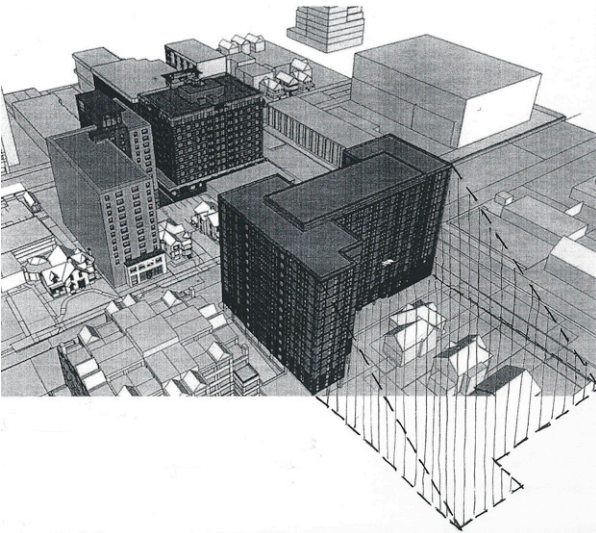
The Ann Arbor Historic District Commission, at their regular meeting on December 13th, passed a resolution stating "The proposed development at 413 E. Huron is incompatible in scale and massing with the adjacent Old Fourth Ward Historic District and will severely and adversely impact the Old Fourth Ward Historic District."



(As well as the adjacent Division Street and Ann Street Historic Districts). With this action, the HDC reminded the Planning Commission and City Council "of our joint obligation to preserve and protect historic districts" and recommended "they take all reasonable measures to ensure that this new development will enhance and improve the Old Fourth Ward Historic District rather than diminish or weaken the viability of this important district."

Many of the city's Design Guidelines have been ignored in the design of this project. According to the Guidelines, new buildings in this district should be seen "in the round," with open space surrounding them. The Guidelines (Section 3c) state, "Generally, structures are set back from the sidewalks, with landscaping in the foreground, either in the form of a lawn or landscaped plaza or planter." This setback and landscaping, similar to what is seen on the Sloan Plaza and Campus Inn properties, is not included in the proposal. The pedestrian way, with a six-foot width, is too narrow for a major street.

The Design Guidelines also recommend (Section A.2.2) "*Site designs should accommodate solar access and minimize shading of adjacent properties and neighborhoods.*"



A solar shadow analysis illustrates this project will have very harmful impact on residential properties to its north side.

The Guidelines provide further detail on how a project of this mass—some have indicated it is the largest non-university project ever built in Ann Arbor—should relate to its context. Section B.1.1 states: "*Design a building to minimize its impact on adjacent lower-scale areas.*" Section B.1.2 continues: "*When a new building will be larger than surrounding structures, visually*

*divide it into smaller building modules that provide a sense of scale: a) Vary the height of individual building modules: b) Vary the height of cornice lines."* The proposed building meets none of these guidelines, which represent the desired character of its downtown district. Building to the lot line and minimum setback lines does not comply with "in the round" design nor does this create useable public open space. Likewise, a five-foot deep covered arcade does not count as usable open space, because it is not useable for walking; given the columns, it does not encourage any other use by the public.

The DDA's "Connecting William Street" draft recommendations on "Density and Massing" for future building on city-owned downtown lots makes clear "that surrounding context should be considered and buildings designed to step back from lower-scale neighbors." For projects on these downtown sites, the Planning Commission will be asked to report to City Council how developers considered changes to their design in response to the Design Review Board process. Our group believes that what the DDA's proposed Connecting William Street pattern will require for developments on what is City-owned property should also be required for all major new buildings in the downtown, including 401-413 East Huron.

The city's Downtown Plan includes a section on Development Character and "Sensitivity to Context" (page 33). The Plan establishes the following as a goal: *"Encourage design approaches which minimize the extent to which high-rise buildings create negative impacts in terms of scale, shading, and blocking views."* The city's Central Area Plan recognizes potential conflicts in areas where the downtown commercial core meets low-scale downtown residential areas. The Central Area Plan states, *"In various locations, houses are overshadowed by larger commercial, residential or institutional buildings that are out of scale with existing surrounding development. In addition to being aesthetically displeasing, out-of-scale construction alters the quality of living conditions in adjacent structures. Often it is not so much the use that impacts negatively on the neighborhoods, but the massing of the new buildings."* Objective 5 of the plan's Historic Preservation Goal states: *"Where new buildings are desirable, the character of historic buildings, neighborhoods and streetscapes should be respectfully considered so that new buildings will complement the historic, architectural and environmental character of the neighborhood."*

These documents reference significant problems that can result from an inappropriate interface between large-scale downtown projects and low-scale adjacent residential areas. The proposed project at 401-413 E. Huron Street defines this problem at its most severe. As a result of these obvious shortcomings in the project's overall design, a poll by the Ann Arbor News has shown that 61% of respondents checked the following response: *"It's completely out of character with its surroundings."*

In addition to these general concerns, there are specific items that should be addressed. They include the following:

1. A traffic impact analysis has been completed by the city, but comments from MDOT are needed to assess potential problems of additional curb cuts and traffic movements from the project's underground parking, including curbing for right-turn-only exiting.
2. There is inadequate visual site setback for traffic leaving the service drive onto the heavily trafficked Division Street.
3. The 14-story building will cast a long solar shadow on its north side for most of the year, severely limiting solar access for residential structures along Division and Ann Streets.
4. Without a setback of the building on Huron Street, the visual impact looking east because of a shift in the lane pattern of the street will actually result in an "outset" of the structure on the Huron Street frontage.
5. Significant wind shear will result from the height of the building resulting from not including wind shear canopies. This has been a problem in high-rise buildings throughout the downtown.
6. There should be a thorough review by the fire marshall on whether sufficient access can be provided to the rear of the building in case of an emergency. This should include consideration of the safety impact on Sloan Plaza.
7. Additional review should be done on whether there is adequate city infrastructure for the project, including wastewater and storm water lines to the proposed connection at the corner of Division and Ann Streets. The storm inlet at this intersection frequently backs up during major storm events, threatening the homes in this area.
8. Noise pollution from mechanical equipment will impact adjacent and nearby residential properties.
9. On its north side, the project needs a solid masonry (brick) wall that is 100% opaque, and not the 80% opaque aluminum slatted fence currently shown. In addition, the wall should be a minimum of nine feet high. Both are needed to screen out incompatible noise and to protect the adjacent residential properties from unwanted trespass.
10. The need for a landmark features plan should include off-site trees that are affected by the project. There will likely be devastating damage to 100-year-old "legacy trees" resulting from the underground parking structure extending to the project's north property line.
11. The DDA requested a "gateway planting feature" along the Division Street frontage.

(7 December 2012)

12. The project's use of premiums should be carefully reviewed. Language in Section 5.18.7 of the zoning ordinance suggests premiums are negotiable and intended to be incentives and encouragements that result in benefits to the city and its citizens. A premium for residential should not be given when student residential is not a desired use, according to the Downtown Character Overlay Zoning Districts document.

12a. The residential premium is meant to "encourage affordable housing opportunities"; the per-bedroom rental rates of the proposed units are not "affordable." In contrast, the project will have a very negative impact on the house immediately adjacent at 114 N. Division Street, which includes eleven units of affordable housing.

12b. The project's pool should not be counted as a premium, it should not be counted as a public amenity.

12c. No premium should be given for parking if the spaces are intended as private spaces for building occupants.

The developers for this project never met with the planning department or others in the city to discuss the design for this massive structure. They also did not respond adequately to comments and concerns from the Design Review Board or reaction from the community through the public input session. This is the first project where the comments by the Design Review Board have been ignored, and if approved by the city without appropriate revisions, it represents a real concern regarding the Board's effectiveness for future projects.

This project might meet with community approval if it was redesigned as a "Planned Project," with additional floors added at the corner of Division and Ann to create a "signature building" coupled with reduced height in its eastern portion facing Sloan Plaza. Thus far, the development team has refused to consider such a scheme as an alternative.