

MEMORANDUM

TO: Mayor and Council

FROM: Jayne Miller, Community Services Area Administrator

DATE: January 25, 2010

RE: Community Services Area – Planning and Development Services Follow Up Information from December 2009 Council Retreat

This memo serves as an initial response to issues raised at the December, 2009 Council retreat for Planning and Development Services.

Services provided by Planning and Development Services include:

Administration of Rental Housing Inspection Program – Specific activities include scheduling of rental housing inspections, rental housing inspections, enforcement of rental housing codes, issuance of certificates of compliance, billing activities associated with program, integration of program with TrakIt and IVR system, and staffing Housing Board of Appeals.

Administration of Planning Program – Specific activities include administration of City master planning activities; administration of historic district activities including appeals and study committees; zoning administration including interpretation, enforcement and appeals; development review including notice, construction coordination, design review; plan implementation such as A2D2, ZORO, AHP, and study committees; Brownfield review; internal and external coordination on such issues as annexations, CIP, floodplains, and transportation; integration of activities with TrakIt; staffing Planning Commission, Historic District Commission, Zoning Board of Appeals, and Sign Board of Appeals; and billing activities associated with programs.

Administration of Construction Code – Specific activities include scheduling of inspections; plan review; building, electrical, mechanical, plumbing, and soil erosion/grading inspections; enforcement of construction code; issuance of certificates of occupancy; integration of activities with TrakIt and IVR system; billing activities associated with program; and staffing Building Board of Appeals.

Alternative Service Delivery Options

Staff has completed initial exploration of alternative options for service delivery of activities provided by Planning and Development Services. Alternatives include the following options.

Modifications to Current Planning/Zoning Projects. The Planning Commission and the planners met in two separate meetings to discuss ongoing planning and zoning

projects. Discussion about how the projects fit together in general and specifically about priorities given potential budget cuts.

Staff and Commission members agreed that there are a few projects that are too far along in the process to consider modifications to the schedule or scope. These are:

- Area, Height and Placement
- Sign Ordinance
- South Fourth & South Fifth Avenues Study Committee
- Old West Side Survey
- A2D2 Downtown and Historic District Design Guidelines
- ZORO Project

Staff and the Commission considered changing the scope and/or schedule of other projects. Here are some of the points of this discussion:

- We may be faced with reduced staff resources including planning position(s) and/or clerical position(s) that support planning and we want to be prepared for changes.
- There is concern that there might be some public fatigue and confusion as a result of the flurry of projects that have been initiated over the past few years.
- In addition to the projects staff has been taking a lead on, staff also provides support for other City initiatives such as Fuller Road Station, Miller Avenue Reconstruction, Washtenaw Avenue Talent Center, PROS Plan, etc.
- We recognize that Council may want to add future projects to our list and don't want to over-commit right now, particularly as development activity picks up.

This list of ideas for reducing the scope of other projects was developed from this discussion:

- Master Plan Phase II — Recognizing that the Master Plan — Land Use Element consolidation of the area plans resulted in a number of improvements such as a) current goals/objectives/actions applying City-wide, b) design guidelines applying City-wide, c) digital mapping, and d) delineating Downtown Plan from Central Area Plan, consider focusing on outdated components of the plan in Master Plan Phase II, such as:
 - o Corridor studies
 - o Site specific recommendations
 - o Transitions between corridors and neighborhoods
 - o Mixed-use components
 - o Incorporate 2010 census
 - o Sustainability elements
- R4C/R2A Zoning District Study
 - o Remove the R2A zoning district from the study since we are hearing of few problems in these areas

- o Complete the study in six months rather than one year by summarizing the outreach and recommending alternatives earlier in the process
- o The actual zoning change adoption would follow the Master Plan Central area component and the Zoro project
- A2D2 Downtown Design Guidelines
 - o After City Council adoption of the guidelines, wait one year to see how they are working as voluntary guidelines before starting a study to determine alternative processes.

Continue Dialogs with County and Pittsfield Township regarding contracting/collaborating service delivery. In the past, the City had agreements with Washtenaw County and Pittsfield Township for mutual aid for construction inspection services. With the financial challenges we have been experiencing during the past year, these arrangements have been updated and re-implemented. In addition, discussions continue to explore opportunities for collaboration to maximize service delivery while minimizing costs.

Consider Outsourcing Various Planning and Development Activities. Outsourcing of activities could range from specific program outsourcing (i.e. plan review services, specific construction inspections services, planning services), to outsourcing multiple activities, to outsourcing all Planning and Development Services activities. All clerical and inspection staff in Planning and Development Services is unionized and union contract language will dictate the parameters that would need to be followed to outsource these activities. The extent of the outsourcing would determine the level of analysis required and the ease to complete any outsourcing.

Transfer of authority for Construction Code Activities from City of Ann Arbor to State. The state Construction Code Commission, which is housed in the Department of Energy, Labor and Economic Growth (DELEG), approves authority for building, electrical, mechanical and plumbing enforcement for jurisdictions in the state.

Jurisdictions may request a transfer of authority for 'administration and enforcement' to the State. A resolution from Council rescinding the Building Ordinance would be required, as would approval from the Commission. This authority is specified in the Construction Code Commission General Rules, R 408.30114: Application for State services, Rule 114. Where a county or 1 or more of its governmental subdivisions can substantiate a claim that administering and enforcing these rules will cause certain hardships and undue burdens on the county or governmental subdivision, it may apply to the commission pursuant to section 20 of the act for the services to be provided by the State. The commission may arrange for a procedure for applications for permits, plan reviews, issuance of permits, inspection services, issuance of certificates of use and occupancy, and an appropriate system for fee collection.

If construction administration and enforcement were moved to the State of Michigan, applicants would first need to submit their permit application and plans to the City for review and approval of local zoning/floodplain/soil erosion/water supply requirements. Once approved by the City, the applicant would submit plans to the State for plan review and permitting. Inspections would be handled by the State on a 'circuit rider' approach.

At this time, staff is unable to determine if there is a cost to the jurisdiction for this service, or whether the cost is covered by the permit fees.