

From: Jane Ueda Klingsten <j@coldstripe.com>

Sent: Tuesday, May 01, 2018 6:17 PM

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Subject: Re: Cottages at Barton Green

Addendum, section accidentally deleted before.

The DEQ WRD permit application the developer elected to have the City complete the review for, includes site analysis for protected rare, threatened, and endangered species for those reported within 1.5 miles of the site.

Development impacts must avoid the areas protected species are present, suspected to be present, food supply, or match their potential habitat characteristics. There are several other possible protected species in Ann Arbor and the County including 7 federally protected species and 153 state protected threatened and endangered plants and animals. There area habitat type is well known to support several of these protected species.

Planning may and should request studies and analysis be presented prior to approval at minimum an MNFI report and study for those within 1.5 miles under the NREPA/MEPA.

The NAP notes high quality woodland, and two protected species in the original seed mix for restoration that the developer had to replace due to concerns they could be present.

On May 1, 2018, at 5:59 PM, Jane Ueda Klingsten <j@coldstripe.com> wrote:

Please forward to Planning Commission as my health may prevent me from attending the meeting tonight and sending it to the Planning email address will not reach the Commission in time.

Thank you for the opportunity to comment on the Cottages of Barton Green.

While I appreciate the density to provide more housing less impact, more development best practices could be utilized, to reduce impacts further. Housing and common areas, parking could easily be condensed a smaller area, and preserving more of the natural features, high quality woodlands, determined and undetermined wetlands, and slopes needed for watershed.

Proper planning is essential in a housing development like this. Please ensure as much of this *can be required is included* and is encouraged in the plans and development agreement before the Commission's approval.

=== **City Master Plan** ==

- Follow the City Master Plan.

“Development should be sited away from significant natural features in the west and southwest portions of the site, which include landmark trees, high quality woodlands and slopes.” — City Master Plan, Land Use Element, Page 100

- A lot of the layout of the common facilities and business office could be condensed.

- Under building parking. Zoning permits this with compensation for the added height.

- Underground storm water detention.
 - The proposed Surface detention ponds are not best practice.
 - Some of the detention is placed specifically where the City Master Plan says the development should avoided.

- The tennis courts, pool, could be built over or into other buildings, like the clubhouse. Or removed altogether if they are targeting the student population as stated. The University and City have plenty of athletic facilities.

=== *Accessibility Statutes and compliance:* ===

Compliance is noted for later “construction engineering” phases in Jeff Kahan’s recommendation memo.

AS STATUTES REQUIRE, in THIS PHASE of planning, it is reasonable and feasible to design and accommodate both Fair Housing Act and ADA Design Standards, and other design requirements for accessibility within and around the site plans under Federal laws.

There are no financial or technical barriers preventing planning of the site plans at this phase to be inclusive of design standards federal laws for accessibility. The ADA Access Board provides free technical assistance and the HUD or the DOJ can be asked to evaluate site plans for compliance free of charge.

Further, ***the City may wish to consider placing the burden of ADA updates required in proximity and connected to new construction on the developer,*** for inclusion in site plan. Or the City can be held liable for updating nearby sidewalks, park access, and to the historic site, of it becomes public.

Common surface parking must meet ADA parking facility regulations, and it reduces the number of parking spaces that can be placed in the plan as proposed. In this case, the number isn’t calculated or shown to be sufficient to meet required city code for parking. ***Missing parking spaces have also location requirements for placement*** and include barrier free spaces, van accessible spaces with shortest routes to buildings including the rental office. Parking for every common facility like the pool must also be provided.

Among other things, Fair Housing Act also requires locations of pedestrian walkways including crosswalks, building access for housing to the required percentage of mobility accessible units, to be planned in this phase.

=== **Storm water and Wetland** ===

The watershed on this site is connected directly to the Huron River and along the highway through a series of naturalized wetlands to the Huron River.

- Negative storm water impacts can easily reach the Huron River. It is ***essential to use best practices for storm water management to preserve water quality*** from the building and parking lot runoff.
- **More bioretention needs to be included.** Consider green roofs and other green structures to capture rainfall and runoff, under building parking (creates a huge reduction), and condensing, stacking, or eliminating common facilities.
- **The County review doesn’t note the required percentage of best practices or bioretention is met.**

Drain tiles on South are being removed.

- Storm water analysis doesn't show compensation for the loss
- Further evaluation or re-determination of the potential Wetland C should be considered. The site plan denotes the drain tiles nearby the wetland, draining the area, skewing indicators for wetland determination. The Master Plan notes it was farmed, and tilling and related erosion disturbed the soils of the highly probable wetland. The federally regulated method used to delineate (identify) wetlands has additional criteria and analysis for such altered sites, in the Army Corps of Engineers Wetlands Delineation Manual and Supplements.

<https://el.erdc.dren.mil/elpubs/pdf/wlman87.pdf>

If these additional criteria were *properly considered, it may change the status of the potential wetland* to determined wetland.

== Part 303 Enforcement ==

The developer elected to have City do the DEQ WRD Part 303 permit application review and is responsible for enforcing Part 303 regulations:

- Housing may not be built on wetland. (Even if mitigated.)

https://www.michigan.gov/documents/deq/wrd-policy-003-alternatives_413715_7.pdf

- The City is also required to enforce the other Part 303 regulations including site analysis of aquatic and aquatically dependent species and water based nutrients provided by wetlands.

- No DEQ stamped copy of the DEQ WRD Permit Application is on Etrakit.

- On the unsigned application The developer inaccurately or falsely marked several boxes including those that should indicate storm water carrying capacity, and it's direct relationship with the Huron River. ones contradicted

=== Traffic ===

Plus, plenty more has already been raised. The City lost a lot of money it could have recouped from developers on Nixon traffic infrastructure for ongoing developments.

MISSING REVIEW: Did HRC review the latest TIS? No HRC review is posted on Etrakit of the latest TIS.

For signalization of Pontiac and DhuVarren, has County Roads (WCRC) been offered the TIS for review? Is the Township aware?

What are the anticipated volume changes on Pontiac Trail per WATS? Has WATS reviewed the TIS with respect to compounding regional traffic impacts?

MAJOR ISSUE: Missing Barton Exit traffic analysis

The analysis is missing and NEEDED. Barton exit at M-14 is known for serious back ups on to Pontiac Trail and Barton just south of the site.

MAJOR ISSUE: Safe Routes to School and pedestrian safety for Steiner HS and Northside STEAM. At least preliminary crosswalk planning analysis should be included. Also, the developer (or City) will need to update pedestrian safety at nearby crosswalks, and sidewalks, bus stops to meet 2010 ADA Design Standards too.

Both schools and walk routes are in close proximity. Revised TIS does not indicate school traffic analysis or taken into account relevant ITE Engineering factors that should be used for traffic analysis.

Perhaps I missed it, but there is no left turn impact analysis onto Pontiac Trail.

Also, it was noted prior that traffic analysis should extend to the DhuVarren/Nixon Roundabout. Nixon and Pontiac Trail are the only roads giving north access to Ann Arbor. Please extend traffic analysis.

Engineering notes and HRC review #2 noted, it's unclear if sight distances are clear. Site plans show objects impeding sight distances to Skydale. Has this been evaluated further?

<http://etrakit.a2gov.org/etrakit3/viewAttachment.aspx?Group=PROJECT&ActivityNo=SP17-014&key=YULI%3a170922052951245>

== **Emergency Access** ==

Clear Barton exit access and Pontiac Trail is crucial. The left turn onto Pontiac Trail may further hinder traffic.

The Barton is the only exit until N Territorial to the North, Plymouth Green and Ford Rd exits to the east. Since mid exit emergency access is gone from FlexRoute, it's important highways remain accessible for emergency access as well. City, A2, Scio, Superior, and Northfield Township all rely on it.

If downtown traffic is congested, the City police response and main fire station aid routes use the Barton exit (from M-14/Main St) to get to the Pontiac/Barton area.

Extra details on Wetland C

Given the drain tiles, the two primary wetland indicators plus a secondary indicator under Hydrology are strongly indicative of wetlands (listed on the wetland determination worksheet by Matt Carman of ECT.) Based on publicly available imaging, a second secondary indicator, Saturation Visible on Aerial Imaging (C9) is appropriate but unmarked.

The flora evaluation in the ECT wetland determination is not reliable because without the drain tiles, more facultative wetland or obligate wetland plants might be seen. While some plants often seen in wetlands were found, but did not meet the required ratio unless a consideration is made that without the drain tiles the wetland flora would have likely met the determine ratio for wetland flora.

Similarly with the soil; without the drain tiles it might have had the characteristics indicating wetland. The soil may not have sufficiently reverted to a wetland type (hydric) soil after it was disturbed by farming or residual erosion. Or hydric soils may be present under the evaluated soil (built up from erosion.) A soil core should be deeper than 12 inches for an evaluation of soil like this, and color photograph documentation would be helpful.

If either wetland flora or (hydric) soils were established under these circumstances, then the area would be determined wetland with the existing wetland Hydrology.