



TO: Mayor and Council

FROM: Howard S. Lazarus, City Administrator

CC: Tom Crawford, CFO
Derek Delacourt, Community Services Area Administrator
Craig Hupy, Public Services Area Administrator
Nick Hutchinson, City Engineer
Mike Kennedy, Fire Chief
Brett Lenart, Planning Manager
Marti Praschan, Chief of Staff, Public Services

SUBJECT: August 19 Council Agenda Responses

DATE: August 15, 2019

CA-3 - Resolution to Approve Street Closings for the Dicken Run 5K - Sunday, October 13, 2019 from 8:00 AM until 12:00 PM

Question: Regarding CA-3, the cover memo indicates the neighbors will be “boxed” in during the race. While the cover memo also indicates there will be notice provided to neighbors through various sources, and neighbors will be encouraged to park outside the race area should they need to get out of the neighborhood during the time of the race, I’m wondering what happens in the event of an emergency? (Councilmember Lumm)

Response: All events require a fire lane and in the event of an emergency, the race will be suspended or ended to accommodate any necessary access or egress.

CA-4 – Resolution to Approve a Contract with SmithGroup, Inc. to Conduct Public Engagement, Develop Potential Building Concepts and Evaluate Feasibility of the Property Located at 415 W. Washington (8 Votes Required)

Question: Q1. The cover memo notes that the Historic District Commission has purview over the site and as we know, this is a key property in the Treeline Trail plan. Given that,

it would seem to make sense to include the HDC and the Treeline Conservancy folks in the review/public engagement process as key stakeholders, and can you please confirm that is part of the plan? (Councilmember Lumm)

Response: It is part of the plan, both groups will be engaged as part of the process.

Question: Q2. I agree that mirroring the review process (and team) used for the Y Lot makes sense. How much is that Y Lot consulting contract and is it also based on hourly consulting rates and a not to exceed total amount? If so, are the hourly rates the same? (Councilmember Lumm)

Response: The Y-Lot contract is also for \$75,000, (split evenly between the DDA, AAATA & the City). Yes, it is based on the same rates.

Question: Q3. When will SmithGroup begin the public engagement aspect of this and what is the expected duration of the whole review process? (Councilmember Lumm)

Response: Staff recently met with SmithGroup to start that process, a project schedule will be available in the next 2-3 week. Determining if the this project is going forward has an impact on the schedule. The total project timeline is 3 – 6 months.

Question: Q4. Not a big deal obviously, but since this is a Council-sponsored resolution, why is it in the Consent Agenda and not a DC item? (Councilmember Lumm)

Response: This item was submitted to the agenda by staff however, staff wanted to recognize the conversations with the ward representatives who helped bring the project forward.

CA – 5 – Resolution to Approve a Supplemental Fire Services Agreement between The City of Ann Arbor and The Regents of the University of Michigan from September 1, 2019 through August 31, 2024

Question: Regarding CA-5, are the rates billed to UM fully-burdened rates? (Councilmember Lumm)

Response: Yes, the rates billed to U-M are fully-burdened rates. This rates are calculated by finance annually.

Question: Also on CA-5, in the April 26th staff response to my budget question related to Station #5 on North Campus, it was indicated that the City had requested UM include the new construction cost (~\$5M) in its capital improvement program and that UM also provide confirmation to the City of its intent to provide a replacement station. What is the status of that request (perhaps I missed it, but don't recall seeing anything on it)? (Councilmember Lumm)

Response: There has been no update, since that last communication. Mr. Fournier and Chief Kennedy are meeting with U-M on this matter on August 21, 2019.

CA-9 - Resolution to Approve a Professional Services Agreement with Hennessey Engineers, Inc. for Construction Engineering Services for Pavement Condition Rating Services (\$54,580.00)

Question: Regarding CA-9, I'm glad to see this resolution and that we will be conducting the road condition assessment this year and then every other year. Did Hennessey perform the two prior assessments? If not, who did and will the methodology in conducting the assessments be the same as in past years? (Councilmember Lumm)

Response: The most recent assessments were performed by Trans Map in 2014 and 2017. These, and all previous assessments, were performed using the PCI rating system. The 2019 assessment and all future assessments will be done using the PASER rating system. Pavement condition data is required to be submitted to the State, and is required to be in the PASER rating system. Previously, the assessments were done using the PCI system, then converted to the PASER system. Shifting to using PASER directly will provide more accurate information and bring the City into alignment with other communities in the State.

CA-11- Resolution to Approve a General Services Agreement with Tyndale Enterprises, Inc. to Implement the Public Services Area Managed Clothing (Uniform) Program (RFP# 19-15)

Question: Regarding CA-11, the cover memo indicates that “existing labor contracts with WWTP employees exclude them from the managed clothing policy.” Can you please elaborate on what that means – does it mean the nature of the WWTP jobs are such that special clothing isn't necessary for safety, or mean that it is left to the employee to decide on clothing even if special clothing would be appropriate, or mean something else altogether? (Councilmember Lumm)

Response: WWTP employees do require special clothing. When the decision to stop providing laundered uniform services was made in 2011, a grievance was filed on behalf of WWTP AFSCME employees. This grievance was settled through a Memorandum of Understanding between the City and AFSCME that reinstated laundered uniform services. Subsequently, WWTP Teamsters negotiated resumption of laundered uniform services as well. Consequently, WWTP employees are excluded from the Public Services Managed Clothing Policy and continue to receive laundered uniform services.

CA-12 - Resolution to Approve an Administrative Services Agreement with the Ann Arbor/Ypsilanti SmartZone LDFA for Administrative and Support Services (\$164,800.00 over a two-year period)

Question: Regarding CA-12, is the scope of services the City provides to the LDFA any different under this agreement than its been in prior years? Also, what was the reimbursement amount in FY19? (Councilmember Lumm)

Response: The overall scope is the same but the effort to support the LDFA has increased given its increased size and activity. In FY19, the LDFA was charged \$64,100. The increase in FY20 to \$81,500 (27%) was discussed with the board prior to the Board's approval.

B-2 – An Ordinance to Amend the Zoning Map, Being a Part of Section 5:10.2 of Chapter 55 of Title V of the Code of Ann Arbor, Rezoning of 0.2 Acre from C1B (Community Convenience Center District) to C1A (Campus Business District) WITH CONDITIONS, The Garnet Rezoning, 325 East Summit Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

DB-1 - Resolution to Approve The Garnet Site Plan and Development Agreement, 325 East Summit Street (CPC Recommendation: Approval - 8 Yeas and 0 Nays)

Question: Q1. In the staff report and at first reading, the issue of the developer not providing massing drawings was raised. The developer indicated to me he would be preparing massing drawings/renderings. Have they been provided, and if so, can you please share them? (Councilmember Lumm)

Response: These have not been provided to staff.

Question: Q2. In response to one of the questions at first reading regarding the appropriateness of the C1A zoning, the staff response stated that, "In the application of ordinances, the ordinance itself is primary while the intent is utilized only in the circumstance of refining an interpretation." Can you please clarify what that means? (Councilmember Lumm)

Response: The intent is a more broad description than the list of allowed uses, which is utilized when further interpretation of the ordinance would be necessary. An example of such interpretation could be adding additional permitted uses to a district.

Question: Q3. As noted in the staff report, C1A is "intended primarily to serve as neighborhood shopping area for the university oriented population concentrated around it." This site and proposal are neither a shopping area nor surrounded by a university-oriented population. Given that, why wouldn't PUD zoning (or a residential zoning) be more appropriate in this instance? (Councilmember Lumm)

Response: The C1A District has evolved over time to allow much more than shopping. Permitted uses now also include business, financial, medical and dental offices, and all forms of residential. A PUD zoning proposal could potentially accommodate the proposed development if the City determined that adequate public benefit was provided. Residential zoning districts could be more challenging based on the commercial/office master plan designation.

Question: Q4. Have any additional letters of support or letters indicating opposition (or concern) been received since first reading a month ago? (Councilmember Lumm)

Response: No.

Question: Q5. I am a bit confused about the question of contamination on the site. At first reading it was stated (as an argument for the proposal) that the developer would be cleaning up a contaminated site at no public expense. The staff memo seemed to indicate the site MAY contain contaminants and that provisions in the Development agreement were included to address that eventuality. Can you please clarify? (Councilmember Lumm)

Response: The site contains identified contaminants which are intended to be remediated during excavation of the site during construction. The contamination isn't confined to this site, however, and could appear in stormwater because of migration or residual contamination after cleanup. The Development Agreement language proactively addresses this possibility.

Question: Q6. At first reading, there were several questions regarding the appropriateness of the C1A zoning. The staff responses focused not on what zoning best fit the proposal, or on the fact the proposal here does not fit the C1A intent at all, but rather that residential is a permitted use in C1A. I can understand looking at permitted uses within an existing zoning, but when re-zoning is occurring, it would seem to me that we'd strive for best fit and meeting intent. To me, focusing on permitted uses in a rezoning does not seem logical from the city's perspective. This approach provides maximum flexibility for a developer, but I do not see the benefit to the City. Can you please speak to this – what am I missing? (Councilmember Lumm)

Response: When a property owner proposes a rezoning, staff responds to that petition when reviewing the request. There are times when a different zoning district could be more appropriate, but what's in the petition is what is reviewed. In this case, planning staff met with the petitioner and discussed other zoning classifications. In the end, the petitioner decided that the requested zoning was the best fit for their needs and the project they want to build. Evaluating permitted uses is logical to consider whether the proposed uses that accompany a zoning designation are appropriate for any proposed rezoning.

Question: Q7. Also on zoning, is it fair to say that city staff and CPC are inclined to support/prefer/recommend the zoning/permitted use combination that maximizes density? (Councilmember Lumm)

Response: Recently, the Planning Commission has forwarded recommendations that have supported additional density, and recommended against additional density. Both staff and the Planning Commission consider rezoning petitions based on the request, the circumstances of particular sites, and consistency with the City's Master Plan recommendations.

Question: Q1. Community members have asked City Council to consider whether the same or similar site plan could be used if the rezoning was changed from C1A with conditions, to other options such as PUD with Affordable Housing, or R4E with PPM? Please suggest other zoning options that might be eligible for consideration. (Councilmember Bannister)

Response: The building proposed on this site plan was designed to fit the proposed conditional C1A zoning. As such, it is not directly transferrable to any other zoning district except PUD (and in that case, would need to provide a public benefit). Other zoning districts would result in a different building, with different setbacks, height limits, etc. The Master Plan shows a future land use designation of commercial, which would mean rezoning to an R residential district would be less appropriate. The mixed-use zoning districts are considered commercial – O, C, and D. The D districts are utilized in the downtown. The O district allows 75% FAR, which is half of the 150% allowed by the current C1B zoning. C2 and C3 are intended for more intensive uses that people travel to from outside the neighborhood. The C1 districts are reasonable to consider in this context.

Question: Q2. In addition to other maps that have been provided, what geographical areas might be eligible city-wide for Campus-Business zoning, regardless of their current zoning? Please provide a map of all properties that could reasonably be close enough to be called Campus-Business, including C1 and C3 close to Lowertown and other residential properties, etc. (Councilmember Bannister)

Response: The City's master plan is not specific in where such districts should and should not be applied. The attached map describes how such zoning could be considered.

Question: Q3. What is the process if a tabling and/or postponement of this project is needed? Who would request this, i.e. City Council or the developer? Any detail on how this process would work is appreciated. (Councilmember Bannister)

Response: This would be similar to any City Council tabling and/or postponement, by motion and vote of the Council. The City Council has this option independent of the petitioner. If the petitioner requested postponement, then it would remain at the discretion of the Council to take action or not, though traditionally, such petitioner requests are honored.

Question: Q4. Please define "spot zoning" and any relevant details and related historical information. (Councilmember Bannister)

Response: Spot Zoning is rezoning a lot or parcel to the benefit of an owner that is incompatible with surrounding land uses and is not in conformance with the Master Plan. Historically, spot zoning has been misunderstood to mean that any zoning that does not result in large areas of common zoning, was spot zoning.

Question: Q5. Please describe how D1 and D2 have height limits, whereas C1A is limited by 8,000 square feet, with use of the Pedestrian Amenity Premium. Please include staff's opinion on the economics of building heights as it relates to the cost of elevators, staircases, and building materials requirements. (Councilmember Bannister)

Response: In C1A, only the pedestrian amenity premium applies. On the Garnet site, an inner arcade wouldn't be applicable, which leaves an open plaza as the only available premium. Ten square feet of additional floor area, up to 8,000 square feet, is allowed for each square foot of plaza. If the Garnet proposed an 800 square foot plaza at the corner of Summit and Broadway, it could qualify for 8,000 square feet of additional floor area. The lot is 8,571 square feet and allows 200% FAR without premiums, or 17,142 square feet. The premium 8,000 square feet would bring the total maximum allowed floor area to 25,713 square feet or 293% FAR.

Building code requires two egress stairs in commercial buildings. Buildings over three stories also require an elevator. Providing two stairwells and an elevator takes up a fixed amount of space inside a building. This is a disincentive to build a tall skinny building because the floors would be more shallow and not as usable as a lower, squatty building with larger, more flexible floors. It is also more expensive to build taller buildings because non-combustible framing is required on buildings five stories and over, instead of cheaper wood framing. Further, buildings above 55' tall are considered high-rises, and many additional, fire and code requirements apply. On the Garnet, care is being taken by the petitioner to keep the building both below 55', so it's not a high-rise, and at four stories, so wood framing may be used.

Question: Q6. Please confirm the maximum premium FAR attainable in C1A. (Councilmember Bannister)

Response: See response #5 above. 400% is the maximum specified in the UDC. The actual maximum however, will vary with the size of the site. The Garnet site could reach a maximum 293% FAR by constructing the maximum size (800 square feet) of plaza.

Question: Q7. Referring to 5-15 Permitted Use Table, what other uses are eligible in C1A and C1B? (Councilmember Bannister)

Response: There are no differences in permitted uses between the C1A and C1B districts. Uses eligible (special exception uses noted with "SEU") in both districts are: Adult Foster Care; Assisted Living Dwelling Unit; Multi-family Dwelling Unit; Single-Family

Dwelling Unit; Townhome Dwelling; Two-Family Dwelling; Emergency Shelters; Fraternities, Sororities, and Student Housing Cooperatives; Group Housing; Guest House; Club Headquarters or Community Center; Funeral Services; Government Offices and Courts; Library; Religious Assembly; Adult Day Care Center; Child Care Center; Public and Private Institutions of Higher Learning; Private, Public and Trade/Industrial Schools; Hospital SEU; Nursing Care Facility; Hotel; Artist Studio; General Entertainment; Indoor Recreation; Outdoor Sales; Medical Marijuana Provisioning Center SEU; Restaurant/Bar; Retail; Laundry/Cleaning Services; Personal Services; Veterinary, Kennel and Animal Boarding SEU; Banks/Financial Services; Offices; Medical/Dental Offices; Non-Profit Offices; Medical Marijuana Grower; and Data Processing and Computer Center.

Question: Q8. In zoning districts without specific height limits defined in the UDC are there other factors, including (but not necessarily limited to) building codes, construction technologies, and economics that work to establish practical or realistic / implied limits to building height? (Councilmember Bannister)

Response: See response #5 above.

Question: Q9. Is there a maximum amount of premium floor area obtainable in the C1A zoning district irrespective of the size of a parcel/site? If so what is it? If so is it possible to reach the max FAR, with premiums, of 400% in the C1A zoning classification as indicated in table 5:17-4 of the UDC? (Councilmember Bannister)

Response: No, the maximum amount of premium floor area is dependent upon the size of the parcel. To reach the maximum 400% FAR, the parcel would have to be 4,000 square feet or less. Once a parcel that exceeds that size, even with the maximum premium of 8,000 square feet, the maximum FAR drops off as the parcel increases in size. This is demonstrated in the table below:

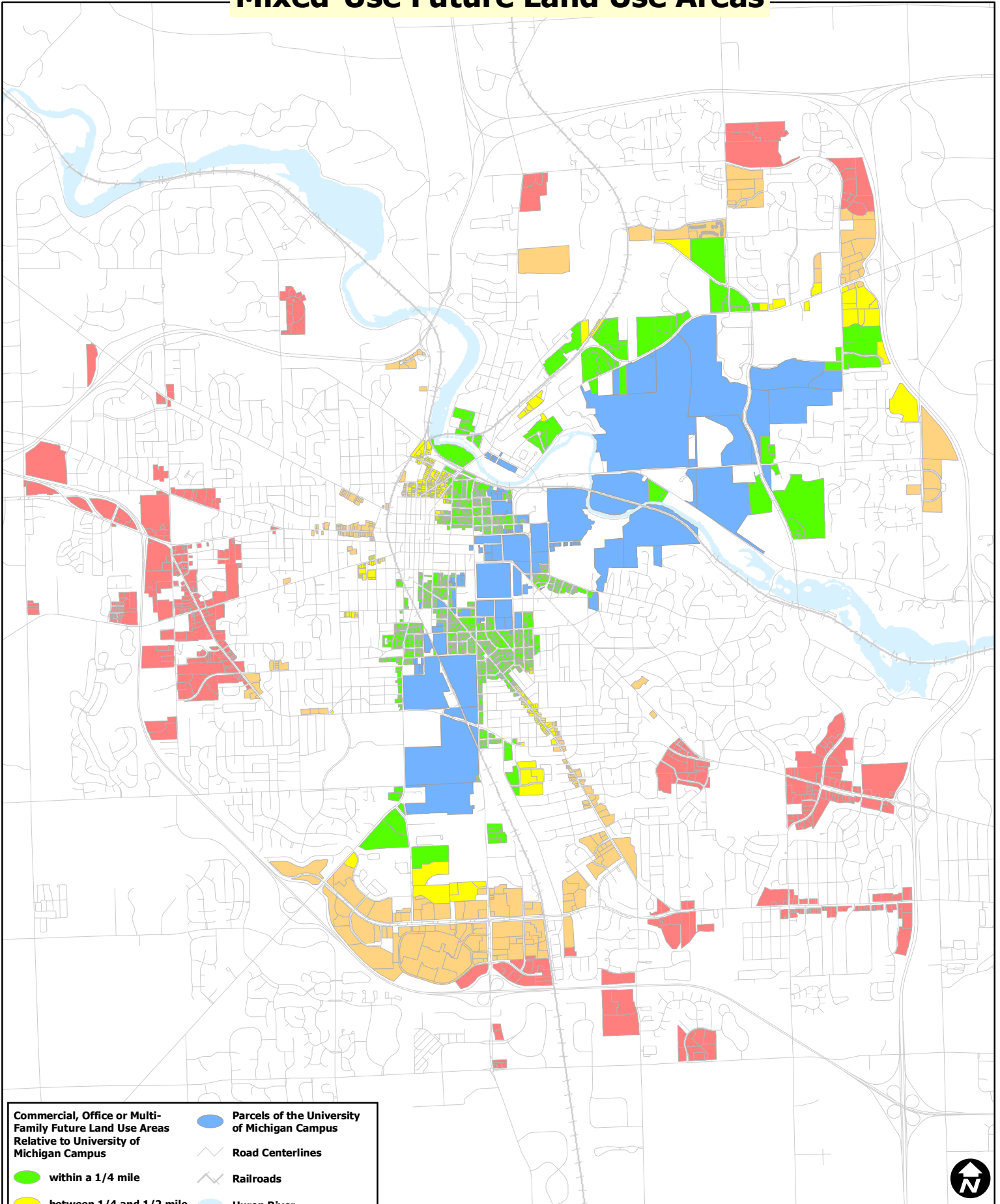
	Lot Size	2,000	3,000	4,000	5,000	6,000	8,571	10,000	15,000
Normal FAR	200%	4,000	6,000	8,000	10,000	2,000 ¹	7,142 ¹	20,000	30,000
Max Premium SF	8,000	2,000 ¹	4,000 ¹	6,000 ¹	18,000	0,000 ²	5,142 ²	28,000	38,000
Final FAR		600% Max 400%	467% Max 400%	400%	360%	333%	293%	280%	253%

C-1 – An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 0.54 Acre from PUD (Planned Unit Development District) to PUD (Planned Unit Development District), The Glen Mixed Use Development PUD Zoning and Supplemental Regulations, 201, 213, 215, 217 Glen Avenue and 1025 East Ann Street (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Question: Regarding C-1, the original project approved in December 2017 included an affordable housing contribution of \$500K and parks contribution of \$15K. Are those contributions still planned? Also, the original project included a site clean-up without any public funds. Is that still part of the project? (Councilmember Lumm)

Response: Yes to both questions.

Mixed-Use Future Land Use Areas



Commercial, Office or Multi-Family Future Land Use Areas Relative to University of Michigan Campus	Parcels of the University of Michigan Campus
within a 1/4 mile	Road Centerlines
between 1/4 and 1/2 mile	Railroads
between 1/2 and 1 mile	Huron River
more than 1 mile	

