

From: Harrison, Van <rvh@med.umich.edu>
Sent: Sunday, September 20, 2020 10:58 PM
To: Lenart, Brett <BLenart@a2gov.org>
Cc: RICHARD PLEWA <rplewa@aol.com>
Subject: Re: Floodplain Ordinance & Existing Structures: Comments, Questions, and Suggestions

Hi Mr. Lenart,

In case you missed the message from Rick Plewa on Sep. 16 (immediately below), our homeowners association (I am an officer) would like to know when the Planning Commissioners received or will receive the document that Rick sent to the Commission's email address on Sep 9 (bottom message below, document attached). In your reply, you said our comments would be shared with the Commissioners (second message from the bottom). At our association meeting we discussed the proposed floodplain ordinance and events to date. During that discussion we noted that your reply did not say when you would share the comments with the Commissioners.

As noted in our previous email exchange regarding whether affected property owners would be notified, we homeowners have limited experience with the operations of the Planning Department and the Planning Commission. We do not understand how your routine processes work and therefore appreciate clarity in communications. Regarding sharing our detailed comments document from our September 9th e-mail:

- If you have shared it with Commissioners, when did that occur?
- If you have not shared it with them and know when you will, when will that occur?
- If you have not shared it with them and do not know when you will, please let us know that and why the timing is uncertain.

If you are aware of other information that you think would be useful for us to know in advance of the October 20 Planning Commission meeting (including further outreach plans), we are happy to arrange a time to talk and are ready to assist.

We appreciate the work that you and the Planning Department perform under constrained circumstances.

Van Harrison

From: George Ferrell & Rick Plewa <rplewa@aol.com>
Date: Wednesday, September 16, 2020 at 10:39 PM
To: "Lenart, Brett" <BLenart@a2gov.org>
Subject: Re: Floodplain Ordinance & Existing Structures: Comments, Questions, and Suggestions

Dear Mr. Lenart,

At our homeowners association meeting this evening, our owners asked whether our detailed comments on the proposed Floodplain Zoning Overlay Ordinance (sent to you last Wednesday, September 9) had been sent to Planning Commissioners yet - and, if not, when this would happen? If you could let us know, we would greatly appreciate it.

Thank you.

Rick Plewa

On Sep 9, 2020, at 10:47 PM, Lenart, Brett <BLenart@a2gov.org> wrote:

Thank you for your comments, they will be shared with the Planning Commission.

Sincerely,

Brett Lenart, AICP | Planning Manager

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From: RICHARD PLEWA <rplewa@aol.com>

Sent: Wednesday, September 09, 2020 10:25 PM

To: Planning <Planning@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>; Hancock, Jerry <JHancock@a2gov.org>; Thacher, Jill <JThacher@a2gov.org>

Cc: Van Harrison <rvh@med.umich.edu>

Subject: Floodplain Ordinance & Existing Structures: Comments, Questions, and Suggestions

Dear Members of the City Planning Commission and Planning Department Staff,

We appreciate the interest that members of the Planning Commission expressed at their 9/1/20 meeting in the message from our condominium association expressing concerns about the proposed floodplain ordinance. That interest encouraged us to develop the more detailed attached document, which focuses on existing structures that do not meet proposed new construction requirements.

We understand the need to address the increasing likelihood of flooding. However, we are concerned that embedded in the proposed ordinance are local decisions for an aggressive policy that basically presents a "move up or move out!" approach. The formula for determining market value systematically underestimates the fair market value of properties in Ann Arbor, which lowers the threshold for costs that trigger having to meet new building requirements. The proposed accrual of costs associated with building permits over a 10-year period dramatically increases the likelihood that a property will reach the threshold for having to meet new building requirements. To put these concerns in context, the document:

- Affirms our interest in assisting with the process
- Outlines important contextual factors that affect deliberations
- Examines the content of the ordinance and policy decisions incorporated into it
- Considers consequences of the ordinance
- Outlines information to make available to owners of affected property

Our other major concern is that outreach efforts regarding the proposed ordinance have not been "broad, substantial, and painstaking." Many/most owners of affected property are not aware of the proposed ordinance; only partial, inaccurate, and sometimes misleading information has been provided; and the ability of individuals to ask questions has been structurally

limited. To help develop better outreach to affected property owners, improve the information provided to them, and improve ongoing communications, the document:

- Reviews past processes for outreach and information sharing
- Suggests processes that would improve future outreach and information sharing

We hope that the content is useful both in considering the ordinance itself and in furthering outreach efforts. We hope that in sharing our views, useful points will be incorporated into the overall process and any limitations in our understanding can be recognized and corrected.

Sincerely,

Richard J. Plewa, 251 Mulholland Ave, (734) 663-1230

R. Van Harrison, 245 Mulholland Ave, (734) 355-9750

Electronic Mail is not secure, may not be read every day, and should not be used for urgent or sensitive issues

Proposed Ann Arbor Floodplain Ordinance and Existing Structures That Do Not Meet Construction Requirements: Comments, Questions, and Suggestions

R. Van Harrison, 245 Mulholland Ave.

Richard J. Plewa, 251 Mulholland Ave.

9/9/20

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Summary

Introduction. This document focuses on implications of Ann Arbor’s proposed Floodplain Ordinance on owners of structures in the current floodplain boundaries and potential longer-term implications for structures adjacent to those boundaries. These implications are complex, have not been elaborated, and need to be understood for appropriate action on a proposed floodplain ordinance to proceed.

Important contextual factors. Development of the proposed ordinance is based on a number of interrelated considerations. They include increases in flooding and the number of people affected, the intersection of the proposed ordinance and other floodplain management efforts, the external framework of Michigan Building Codes and FEMA regulations and recommendations, a concern about (and possible overemphasis on) FEMA flood insurance rates and discounts, and City priorities and limits on resources.

Content of ordinance and incorporated policy decisions. The proposed ordinance basically presents a “move up or move out!” approach to owners of existing structures in the floodplain that do not meet new building requirements. The basic new building requirement is that structures be raised above the flood protection elevation. Not addressed are: some structures cannot feasibly be elevated; for structures that can be elevated, the cost involved; and consequences for individuals who cannot afford those costs.

If costs for repairs and alterations associated with work performed under building permits exceeds 50% of the market value of the structure, it is a Substantial Improvement and work to meet new building elevation and other requirements must also be performed for a permit to be issued. The definitions of terms in this formula do not match common usage of the words: costs can include costs not ordinarily involved with a building permit, market value is the value of the structure only (not the land) and is not fair market value, as widely understood by property owners.

The proposed ordinance incorporates two local policy decisions (without explaining that policy decisions have been made) that – separately and especially in combination – aggressively increase the number of properties that reach the threshold for having to meet new building requirements and the speed with which the threshold is encountered.

- The formula for determining market value systematically underestimates the fair market value of properties in Ann Arbor, which lowers the threshold for costs that trigger having to meet new building requirements. A better formula for more reasonably estimating the actual market value of a property can be developed. A current market appraisal can best represent the actual value.
- While Michigan Building Codes treat each building permit individually, the proposed ordinance accumulates the costs associated with building permits over a 10-year period, dramatically increasing the likelihood that a property will reach the threshold for having to meet new building requirements. This aggressive policy substantially increases potential costs for property owners. Following the model of the state with no accumulation period or at most having a 3-year accumulation period reasonably balances competing needs.

The extent of exemption for historic structures is unclear. The City’s public messaging has stated that historic structures are categorically exempt from the Substantial Improvement process. The current draft of the proposed ordinance says that definitions in Michigan Building Codes will be used. However, the definition in one code exempts alterations, but not repairs, and the definition in another code exempts both repairs and alterations.

Consequences of the ordinance. No overall estimate has been provided regarding the number of affected (non-elevated) structures and the costs to make them compliant. The implications of “substantial damage” repairs that trigger the Substantial Improvement threshold have not been systematically addressed. The decreased value of property and structures due to the ordinance have not been addressed. Both property and flood Insurance policies are designed to provide 100% replacement cost coverage for properties that are damaged or destroyed. How will insurers settle claims when a structure

experiences a substantial damage event and is not allowed to be rebuilt? Why would a property owner want to buy an expensive 100% replacement cost flood policy from FEMA if a 50% damage event would force them to abandon the site? -How will mortgage availability be affected if the building – the lender’s collateral for the mortgage – cannot be rebuilt after substantial damage? Will financing be available in the future and will existing loans be affected once the new regulations go into place? Multi-family owned structures such as condos and duplexes raise complicated questions about permitting and Substantial Improvement calculations because the permit applicant can be either the association for common buildings or individual owners for their units. The mechanics of this process are unclear.

Information to make available to owners of affected property. All floodplain and nearby property owners need to be informed of the proposed restrictions on land use and the restrictions being considered for new structures in the floodplain. Owners of existing structures that do not meet the proposed standards for construction additionally need information on all of the issues described above: feasibility and cost of meeting the requirements; exact meaning of Substantial Improvements and how the term operates as a triggering threshold for having to meet the new requirements; disclosure of policy decisions that the City has made through proposed definitions of market value and a 10-year accumulation period to speed up having to meet the new requirements (or be constrained from making investments in maintenance, repairs, and improvements); the precise status of historical structures under the ordinance (when this is determined); the consequences of major damage events and of becoming a non-conforming use; and effects on property values, insurance coverages, and obtaining mortgages.

Past process to share information with owners of affected property. While we appreciate initial efforts (e.g., webinar and answering some of our questions one-on-one) that the Planning Department has made, with resource restrictions staff appear to have focused on efficiency and speed in getting an ordinance passed rather than on “broad, substantial, and painstaking outreach” in considering this important ordinance. Limitations on efforts, so far, have resulted in many/most owners of affected property not being aware of the proposed ordinance, only partially accurate information being provided regarding the effect of the ordinance on owners of existing structures, incomplete explanations of considerations underlying policy decisions, and structural limitations in the ability of individuals to ask questions, provide comments, and receive appropriately detailed answers to essential concerns. A 35-minute webinar presentation followed by a Q&A dominated by advocates against floodplain development could not be expected to meet the legitimate information needs of existing property owners.

Suggestions for future processes to share information with owners of affected property. The Planning Department and Planning Commission need to decide whether resources will be allocated for a “broad, substantial, and painstaking outreach” concerning the proposed ordinance. If so:

- Enhance outreach efforts. These efforts can be improved by including more engaging, motivational content in outreach messages. Rather than bland statements that do not indicate the importance of the ordinance, highlight the changes and policy decisions that will affect property owners and the consequences of these actions. Reach out more directly to the people most directly affected. Consider direct mailings and flyers in doors. Once motivational messages are provided to a substantial percentage of affected owners, they are likely to engage many of their neighbors as well.
- Structure the subsequent communications exchanges.
 - Start by making available online a set of informational materials: a summary of the most important points for affected property owners, a recorded presentation elaborating the information, a copy of the presentation slides, instructions for determining whether property is in or next to the floodplain and for estimating the Substantial Improvement threshold for a structure, an online survey response form for individuals to submit questions and comments, a list of all submitted questions/comments, and a signup list to receive further information.
 - Use the submitted questions and comments:
 - To develop and post a Frequently Asked Questions document. Notify individuals/groups that further information is available. Maintain a method for individuals to submit further questions.
 - To confirm or modify plans internally for next steps.

Introduction

This document focuses on implications of Ann Arbor's proposed Floodplain Ordinance on owners of structures in the current floodplain boundaries and potential longer-term implications for structures adjacent to those boundaries. In contrast, our understanding is that the proposed requirements regarding general uses and new construction in the floodplain match national and state recommendations, are relatively straightforward to understand and apply, and reasonably balance owner rights and community needs.

However, implications of the proposed ordinance are more complex for existing structures that do not meet the new requirements for construction.

- Feasibility and costs for altering these structures to meet new construction requirements are unclear.
- National and state guidance provides a range of policy options for less or more aggressively increasing the number and speed with which these structures are required to meet new requirements, fall into disrepair, or be torn down.
- The ordinance and its aggressiveness will likely have consequences for market value, insurance, and mortgage availability.
- The profound consequences for property owners, particularly owners of existing structures that do not already meet the new standards for construction, deserve special outreach and informational efforts so that affected owners are aware of and understand the proposed changes, can have real input into the process, and are aware of the implications when planning for the future of their property.

To assist in providing a better understanding of proposed ordinance and its implications for existing structures that do not meet the new construction requirements, we have organized our thoughts in the following sequence:

- Important contextual factors
- Content of the ordinance and incorporated policy decisions
- Consequences of the ordinance
- Information to make available to owners of affected property
- Past process to share information with owners of affected property
- Suggestions for future process to share information with owners of affected property

We appreciate the opportunity to share our understanding and views with the Planning Department and the Planning Commission. We recognize the importance of sharing information because no one individual or group is likely to fully understand the range of issues involved with a complex situation that involves many parties. This limitation applies to our views as well. We hope that in sharing them, useful points will be incorporated into the overall process and inaccuracies can be recognized and corrected.

Important Contextual Factors

Development of the proposed ordinance is based on a number of assumptions. In order to provide a shared framework for further information, we have briefly outlined several important contextual factors. All but one of the factors are likely to be agreed upon. Others may not share our view that potential future FEMA flood insurance rates and discounts should not be over-emphasized during considerations of actions and their costs and benefits to floodplain property owners.

Increases in flooding and the number of people affected. The potential for floods has increased, is serious, and deserves action. Projections for continuing climate change include future increases in flooding and expansion of floodplain boundaries in Ann Arbor. The proposed ordinance should be brought to the attention of owners of property currently in the floodplain boundaries and boundaries projected to apply within the next 10 to 20 years.

Proposed ordinance and other floodplain management efforts. City of Ann Arbor has considered three approaches to floodplain management: address upstream sources, improve infrastructure to handle storm water flow, and restrictions on property in the floodplain that force compliance with new building requirements and potential removal of non-compliant structures. These three efforts interconnect, as action on any one approach lessens the extent to which other approaches need to compensate for lack of action in that area.. Our understanding is that the only approach being actively pursued at this time is restrictions on property owners in the floodplain for which the property owners directly bear the costs.

Framework of Michigan Building Codes and of FEMA recommendations. State building codes provide the overarching framework within local municipalities operate. Ann Arbor cannot adopt ordinances that are less restrictive than state building codes, but has the option to adopt ordinances that are more restrictive in order to pursue local policies. FEMA recommendations for community flood regulations, such as those discussed in its Substantial Improvement/Substantial Damage Desk Reference, are guidelines for states and municipalities to consider when establishing codes and ordinances. They do not dictate policy choices, but rather provide policy options and tools for consideration. Ann Arbor is not required to adopt all of the policy tools in the guidebook or to make the most conservative and restrictive choices possible in order to regulate its floodplain properties. FEMA allows choices that balance the public benefits to communities and private costs to existing owners, especially those in historic structures.

FEMA flood insurance rates and discounts may be less relevant to many Ann Arbor property owners than is usually asserted by the city. The importance of FEMA flood insurance rates may be overstated because substantially less expensive options for flood insurance are available and because the entire FEMA flood insurance program may change in the future.

Commercial insurers provide private flood insurance coverage at rates that are much less expensive than FEMA's rates. In our case, six years ago FEMA insurance cost \$22,000 per year for our six-unit condominium. An equivalent policy through Lloyds of London cost \$5,000, a difference of more than 75%. Neighbors have found this same difference. FEMA, a governmental agency, is required by law to cover an "insurance pool" that includes the much higher risk coastal regions of the southern and eastern states and many repeatedly flooded communities or areas in the country. Inland waterways are at much lower risk and subsidize the expense of higher risk areas. Commercial insurers are not required to cover all areas and can have different rates for different areas. Flood insurance through commercial insurers more closely reflects the actual risk and potential payout for Ann Arbor property owners. The potential to reduce FEMA rates slightly through more restrictive policy is largely irrelevant to decisions here, where more restrictive policy lowers asset values, complicates obtaining mortgage and property insurance, and increases compliance costs. (Note: our experience is with residential policies for flood insurance. We assume the same difference applies to commercial policies.)

In the July 16th webinar, the city floodplain administrator noted the financial unsustainability of FEMA's current approach to floodplain insurance. He predicted that FEMA would eventually issue only policies based on and priced for site-specific risk rather than on a Community Rating System with scores for a broad area.

City priorities and limits on resources. The Planning Department has noted that it does not have the resources to pursue all of the initiatives that have been recommended by the City Council and the Planning Commission. Working with the Planning Commission, initiatives have been prioritized. This year Planning Department staff recommended that the proposed Floodplain Ordinance be moved to the priority list. We are comfortable with this priority, but from our observations so far (and detailed later), we wonder if staff anticipated the amount of effort required for a "broad, substantial, and painstaking outreach" when considering this important ordinance.

Content of Ordinance and Incorporated Policy Decisions

We noted in the introduction that our primary focus is on existing structures that do not meet the new requirements for structures in the floodplain. The proposed ordinance also addresses prohibited uses in the floodplain and specified the requirements for new construction. We have not looked at those topics in detail, but they appear to reflect general recommendations for these topics. Others may have useful comments regarding these topics.

“Move up or move out!” – feasibility and cost for existing structures to meet new requirements.

This quote is a neighbor’s perception of the intent of the proposed ordinance regarding existing structures that do not meet the new requirements. While a number of requirements are involved, an illustrative example is that prohibited uses are “egress windows and doors below the flood protection elevation.” This would require elevating the structure (hence “move up”). In its sole informational presentation, the Planning Department provided little information about the feasibility and cost of elevating existing structures. Examples were provided primarily for new construction or total redevelopment projects. (The briefly mentioned examples of existing structures that had been elevated were used mostly to illustrate the need to elevate them again under the new proposed flood protection level.) When elevating existing structures is feasible, the costs are likely to be substantially higher than the costs for new construction that anticipates the elevation during the design stage.

More importantly elevating some structures is not practically feasible and they will never meet the new requirements. For example, our condominium (6 units) in a former City water department warehouse sits on a concrete slab. Planning Department staff determined that to meet the new elevation requirements the building would have to be raised at least six feet. The needed technology is not available in our area and the cost would outweigh the value of the building.

As is explained in the next section, being forced to meet new requirements can be delayed/deferred by keeping the costs of repairs and alterations under thresholds. However, many factors may result in owners being required to meet the new requirements and either paying for the costs if the owners have the money and the decision is cost-effective, selling to someone who has the money, delaying repairs and having the structure deteriorate, or tearing down structures because meeting requirements is not feasible or cost/effective.

Substantial Improvements. Delaying or deferring having existing structures meet new building requirements is based on whether or not the costs of “permitted work” on the structure (i.e. work associated with building permits) remains within a set limit. This exception is complex, with some operational definitions that are not obvious, some definitions for which the operational implementation can vary locally, and to which further restrictions can be added locally.

The two key parts of the proposed ordinance that address circumstances under which the new building requirements apply and do not apply to existing structures (underlining added).

- Section 1 that would add to the City’s Unified Development Code Section 5.14.2 (Floodplain Management Overlay District), G. (Using This Overlay District), 5. (Exemption to Applicability): An applicant may be exempt from this ordinance and subject to the normal site plan approval or building or grading permitting process where: a. The project is not a new development or an expansion of existing construction, does not include any new prohibited uses or improvements, does not change the grades, and is not a Substantial Improvement or . . .”
- Section 9 that amends the City’s Unified Development Code, Section 5.37.2 with a series of definitions, including “Substantial Improvement: Same as defined in the current Michigan Building Codes, but shall be calculated cumulatively over a 10-year period.”

Michigan Building Codes and Substantial Improvements. The most recent public draft of the proposed ordinance does not provide a specific definition of Substantial Improvements. As will be

discussed under historical structures and exceptions for them, the Michigan Rehabilitation Code has a different definition regarding historical structures than is in other codes. For the present discussion of the general statement of Substantial Improvements, we will use most common definition, which is in the Michigan Building Code and the Michigan Residential Code.

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any *repair, alteration, addition*, or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the improvement or *repair* is started. If the structure has sustained *substantial damage*, any *repairs* are considered *substantial improvement* regardless of the actual *repair* work performed.

Operationally, whenever an application for a type of building permit (building/structural, electrical, mechanical, plumbing) is submitted to the Planning Department, the cost of the work is compared to the market value of the structure. If the cost of the work is greater than 50% of the market value, before a permit is issued the owner also has to plan and permit the work to bring the structure into compliance with the new requirements. Otherwise, the proposed work will not be permitted.

Definitions stated in Michigan Building Codes and FEMA Recommendations. Definitions of the above terms are more restrictive than they initially appear.

Costs – all costs associated with the permit. Many ordinary maintenance and repairs do not require a permit to perform and would not be considered, for example, reshingling a roof. However, if ordinary maintenance and repairs are being performed as part of work requiring a permit, the total cost is used. For example, if a roof repair involves replacing rafters and underlayment, a building permit is required and reshingling work associated with the repair is included in the cost calculation. In practical terms, building departments are not in a position to separate ordinary maintenance and repairs from work requiring a permit. If the work requires a permit, the cost of all work involved is apparently used.

Market value of structure, not property. This value is for the structure only, not the land on which it sits. If a direct estimate of the value of the structure is not available, it can be estimated by subtracting the land value from the overall property (land plus structure) value.

Local municipality definition for market value of structure – under-valued in proposed ordinance.

Local municipalities can define the way that market value is determined. FEMA describes several options. Among the most common are to use a current fair market appraisal for the specific structure or to extrapolate an approximate value from the State Equalized Value (SEV) on record at the Assessor's Office. For example, Midland, MI, uses current fair market appraisals of the specific structure. The proposed ordinance uses what it calls 'cash value', which is 2 times State Equalized Value. The current fair market value by licensed appraisal is the most accurate determination. The cash value based on 2xSEV usually greatly understates the current fair market value of properties in Ann Arbor.

We have two concerns with the proposed ordinance proposing a formula that estimates the market value at only two times the State Equalized Value. While this formula may be a good proxy elsewhere in Michigan, our understanding is that the local banking community has long viewed a factor of at least 2.5 times SEV as a low-end estimate of fair market value in much of Ann Arbor for judging likely equity in a home before an appraisal can be conducted to validate actual market value. Our second concern is the wide gap between true fair market value as established by actual property sales and the cash value that is proposed in the ordinance. For example, in the last four months, two homes on our block were sold, one for 3 times the SEV (\$625,000/\$205,000) and the other for 3.9 times the SEV (\$742,500/\$192,700). In both instances, a 2xSEV based calculation of market value would have excluded hundreds of thousands of dollars of actual market value for each home from the city's proposed methodology!

If the Planning Department wishes to pursue using a formula using State Equalized Value to approximate property market value, we recommend that the Planning Department consult with local bankers and real estate agents regarding a formula for using State Equalized Value to reflect more accurate estimate of the value of a property. However, given the range of variability for individual properties, an owner should be able to provide a current market appraisal that overrides an estimate based on State Equalized Value.

Illustration of 50% market value calculation. Reading the abstract formulas does not provide insight into how restrictive the allowed amounts are. Applying the calculations to one of our homes (245 Mulholland Ave) finds that the 50% threshold for having to address building requirements is \$69,000 – a low value for any substantial repairs or alterations. (Calculation. Market value of property (SEV of \$139,000 x 2) - the land value of \$140,000 = \$138,000 for market value of structure. Substantial Improvement threshold of 50% of market value of structure = $\$138,000/2 = \$69,000$).

Aggressive locally added restriction for accrual period for cumulative costs rather than costs associated with individual permit. Our greatest concern with the proposed ordinance is the addition of a 10-year accrual period to the definition of costs. This is not in the Michigan Building Code. This is an aggressive restriction that greatly increases the number of existing structures that will reach the threshold for being required to meet the new requirements for construction and speed up the rate at which the threshold is reached. Using the calculation for the home at 245 Mulholland Ave as an example, if it were not a historic structure (addressed separately below), the threshold of \$69,000 in permitted work accumulated over 10 years would likely be reached if any substantial alterations or major repairs were performed.

Two reasons are typically cited for adding an accrual period to the definition of costs:

- Is an accrual period appropriate? FEMA suggests considering an accrual period in order to prevent an owner from splitting a large project that would cross the 50% threshold into separate projects that are individually below the threshold. However, counterbalancing this is the situation of property owners who plan for alterations that are under the threshold and then are suddenly faced with unexpected repairs due to storm damage, kitchen fire, or illness requiring making the structure more handicapped accessible. The benefit of reducing “end runs” around the limit must be balanced by the unintended aggregation of truly independent work efforts.
- Diminished relevance to most owners of FEMA Community Rating System scores and slightly lower FEMA flood insurance rates. Another reason cited for having an accrual period is that it factors into the FEMA Community Rating System score, with longer accrual periods resulting in slightly higher ratings and slightly reduced FEMA flood insurance rates for the community. As we noted in the section on contextual factors, this consideration appears to be much less important to many Ann Arbor owners than the City has suggested. FEMA rates are four times higher than commercial flood insurance and the slight discounts from FEMA rates make little difference to those who have alternatives and/or whose properties will be burdened with loss of marketability and value due to these regulations. The lower FEMA rates are not a good trade-off compared to the lost value associated with an overly stringent floodplain ordinance.

For Ann Arbor, it is reasonable to have no accumulation period or at most a 3-year accumulation period. No accumulation period would avoid penalizing individuals who have separate projects occurring over time. If splitting projects to avoid the threshold is a concern, three years is a sufficiently long delay to discourage most splitting. A reasonable balance between the competing needs should be achieved.

For Ann Arbor, an accumulation period of longer than 3 years is an aggressive policy to increase the number of existing structures that will reach the threshold to address new building requirements and the speed with which they reach it. We are aware that the Planning Department has cited cities like Austin, TX, that have a 10-year accumulation period, which may reflect a combination of dependence on FEMA insurance and an aggressive local policy. We are also aware that the Planning Department has not cited many examples of other cities, including Michigan cities such as Midland, Plymouth, Birmingham, and

Lansing, which have no accumulation period, modeling the Michigan Building Codes. Even the FEMA illustration in the SI/SD Desk Reference for tracking cumulative Substantial Improvements only shows accrual examples over a 6-year period – and the focus there is weighted toward aggressive policy.

To what extent are historic structures exempt and how will the exemption process work? As noted above, the most recent draft of the proposed ordinance does not actually state in detail what exemption will apply to historic structures. The proposal refers to “Michigan Building Codes,” which have inconsistent statements regarding historic structures and the extent of exemptions.

The definition of Substantial Improvements in the Michigan Building Code and the Michigan Residential Code (cited above) stated that the cost of “any [repair](#), [alteration](#), [addition](#), or improvement of a building or structure” would be included in calculating whether the 50% threshold is reached. (Note: under the proposed ordinance, an addition would automatically require that new building requirements be met by the entire structure.) This definition has the following exemption for historic structures: “Any [alteration](#) of a historic structure, provided that the [alteration](#) will not preclude the structure's continued designation as a historic structure.” While the costs of alterations are exempted, the costs of major repairs are not exempted. Major repairs appear to be included in the application of the Substantial Improvements threshold to historic structures.

The Michigan Rehabilitation Code words the application of Substantial Improvements to historical structures differently. It addressed “all proposed work” and excludes “all proposed work,” including both repairs and alterations, from the calculation of Substantial Improvements:

In [flood hazard areas](#), if all proposed work, including [repairs](#), work required because of a [change of occupancy](#), and [alterations](#), constitutes [substantial improvement](#), then the [existing building](#) shall comply with Section 1612 of the [International Building Code](#), or Section R322 of the [International Residential Code](#), as applicable.

Exception: If an [historic building](#) will continue to be an [historic building](#) after the proposed work is completed, then the proposed work is not considered a [substantial improvement](#). For the purposes of this exception, an [historic building](#) is:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places;
2. Determined by the Secretary of the U.S. Department of Interior to contribute to the historical significance of a registered historic district or a district preliminarily determined to qualify as a historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

The proposed ordinance must clearly state the City’s intent regarding historical structures and the calculation of Substantial Improvements. All previous City public messages on this issue have stated categorically that historic structures are exempt from the SI process.

If alterations are excluded, but repairs are included, accompanying operational information should explain how these costs will be differentiated. We asked Planning Department staff how repairs are differentiated from alterations in the current permitting process. We were told that the Planning Department does not make this differentiation. The City has not previously needed to make this differentiation. This differentiation would not be needed for non-historic structures, since all repair and alteration costs are combined in calculating Substantial Improvements. Is a new method going to be developed for dealing with historic structures that differentiates between repairs and alterations? Or by default are all applications for permits for historic structures going to be exempted because no method is available to differentiate between repairs and alterations?

Consequences of the Ordinance

The general goal of the proposed ordinance is to decrease future damage and costs associated with flooding. Deliberations regarding the ordinance should also address (and be transparent about) the implications and costs that will fall on property owners.

Number of affected structures and extent of costs. Can an overall estimate of the extent of impact of the ordinance be provided? How many existing structures do not meet the new requirements? For how many of these structures will meeting the new requirements not be practically feasible? When meeting the new requirements is practically feasible, what are the potential costs involved? Any estimate of how many owners cannot afford those costs and will either have to sell their property to others who can afford the cost or minimally maintain their property without substantial repairs or improvements? How will whatever exemptions will be made for historic structures affect overall projections of what will likely occur? If no one can provide an overall sense of the extent of changes, acknowledge that.

Implications of “major damage” occurring. Major damage events (e.g., from weather, fire) will potentially reach the 50% threshold for non-historic buildings and result in their owners having to meet the new requirements or tearing down the structure. Less clear is the implication of major damage for historic structures. If repairs are not exempt from Substantial Improvement calculations, the consequences are the same as for non-historic structures. If repairs are exempt from Substantial Improvements, we assume that the non-conforming use provisions of the UCD ordinance would apply: if the structure suffered 70% damage, it could not be rebuilt. The consequences of a substantial damage events for historical structures should be clarified. Also, how a substantial damage event affects an individual unit in a condominium or duplex building versus an association should be clarified.

Decreased value of property and structures. The proposed ordinance would likely decrease the value of property with structures that do not meet current building standards. The presence of a regulatory threshold for repairs and alterations that require elevating a structure will likely lower property value, most severely for structures for which elevation is not practically feasible. The more aggressive the combination of ‘market value’ definition and Substantial Improvement accumulation period, the greater the probability that the regulatory threshold will be reached, contributing to how much lower the property value will go. Also, the more aggressive these restrictions are, the more that compliance thresholds in the ordinance will work to curtail maintenance, repairs, and improvements and negatively impact property values. A vicious cycle could occur, where lowered property values will subsequently lower the threshold for the 50% of market value calculations and compel even more owners to meet-new building requirements.

General property insurance availability and terms. Restrictions on the ability to rebuild structures after major damage may affect general property insurance availability and terms. Even though an insurance policy covers 100% replacement cost when “major damage” occurs, this ordinance will not always allow structures to be rebuilt “as is” or, in some cases, at all.

Mortgage availability and cost. As mortgage lenders understand the requirement to meet new building requirements if Substantial Improvement limits are reached, or come to understand that structures – their collateral for mortgage loans – cannot be rebuilt “as is,” or in some cases at all, after a defined substantial damage event, will they be less willing to offer mortgages for those properties? Mortgage companies actually hold indicia of ownership in the structures and could be faced with dealing with the loss of collateral value and uncertain ability to repair and sell the property to collect on a defaulted loan. Risk to mortgage lenders is also increased by insurance policies if provisions cannot be tailored to the consequences of substantial damage events.

Multi-family structures and Substantial Improvement calculations. How will these calculations apply to structures that involve multiple residences? Will the value be calculated for a single residence or for

the combined residences? For example, if a major fire occurred in one residence, the Substantial Improvement limit could be reached for that residence. However, if the Substantial Improvement limit is calculated for all of the residences combined, a major fire in one residence would likely not meet the combined limit.

Information to Make Available to Owners of Affected Property

Information that affected owners (and owners likely to be affected in the future) would like to know is largely summarized in the topics addressed above.

- Property – restrictions on land use
- New structures
 - Restrictions on construction.
- Existing structures and use
 - Restrictions on use
 - Becoming compliant: feasibility and cost
 - Substantial Improvements and triggering threshold for having to meet new building requirements
 - Costs that are included
 - 50% of structure’s market value – how to determine (provide directions/illustrations)
 - Accumulation time period and examples of accumulating costs
 - Partial(?) exemption for historical structures and how that will work operationally
 - Consequences: overview of effects across property owners, major damage events, property values, insurance, mortgages, and special situations (e.g., multi-residence structure).

Past Process to Share Information with Owners of Affected Property

We appreciate the effort that the Planning Department has put into providing information about the proposed ordinance so far. However, we also recognize that resource restrictions on staff likely resulted in a focus on efficiency and speed in getting an ordinance passed. However, when a floodplain ordinance was preliminarily considered five years ago, Mayor Taylor noted “the substantial effects on affected properties and the need to conduct citizen engagement before moving forward with an ordinance of this kind.” He added: “I can promise you this, it will not move forward without broad, substantial, and painstaking outreach.” Limitations on efforts resulted in many/most owners of affected property not being aware of the proposed ordinance, only partially accurate information being provided regarding the effect of the ordinance on owners of existing structures, incomplete explanations of considerations underlying policy decisions, and structural limitations in the ability of individuals to ask questions and provide comments. We note some of what we perceived to be problems not to criticize, but to help consider ways that processes may be improved as another effort to engage and inform the public is being developed.

July 16th webinar. We have concerns about the outreach effort to inform affected property owners, information provided during the webinar, and the opportunity for questions and comments.

Outreach effort. An ongoing concern is how to inform and engage affected property owners. Limitations of “noticing more universally” by publishing in the Washtenaw Legal News and informing neighborhood associations were discussed at the September 1 meeting of the Planning Commission. Notices that minimize information about controversial aspects of policy or significant impacts on owners generate little attention.

Information provided. The informational portion of the webinar did a good job of explaining the need for the ordinance, the proposed building requirements, and the impact on new construction with examples of likely costs. However, regarding existing structures that do not meet the building requirements, the presentation appeared to avoid controversy by systematically not providing – to the point of

misrepresentation – information about the impact of the ordinance on existing structures. The presentation:

- Understated the implications of the proposed ordinance:
 - For Substantial Improvements, the presentation slide stated “If the value of the improvements exceeds 50% of the market value of the structure, the standards for new buildings applies.” The presentation did not clarify that “improvements” is used here as a technical term with broader meaning that also includes any costs for maintenance, repairs, or substantial damage that are part of work in any building permit
 - For historic structures, the presentation stated: “Historic structures are exempt from the substantial improvement requirement, provided that the historic structure of the structure is maintained.” However, as noted above, an exemption is uncertain for maintenance, repairs, or substantial damage that are part of work in any building permit.
- Omitted information noting that it is not practically feasible for some structures to meet the new requirements or information about estimates of costs for existing property to meet the new requirements.
- Provided biased, non-transparent information about embedded policy decisions.
 - Problems with using State Equalized Value to estimate market value were not addressed. No disclosure occurred regarding the extent to which the proposed formula systematically underestimates market value in Ann Arbor, which increases the likelihood of having to meet new requirements. No consideration was given to the more accurate option of using current market appraisals to establish market value.
 - The 10-year accrual period was supported by noting that higher FEMA community rating will lower FEMA insurance costs without noting that in Ann Arbor this is not relevant in many instances of obtaining flood insurance. Cities with 10-year accumulation periods were cited without also citing the many more cities that do not have accumulation periods.
 - No concrete examples were provided of typical market values of structures, the 50% dollar limit, and types of planned alterations and unplanned repairs that can easily reach the 50% limit over 10 years.

Opportunity for questions and comments. The question/comment portion of the webinar had structural limitations that greatly reduced the ability to ask and obtain answers to key questions. For the September 1st meeting of the Planning Commission, the Planning Department made available from the July 16th webinar a list of the questions asked and their presumed disposition. From our experience during the webinar and a review of the questions and disposition, we conclude the following.

- The limits of time were inadequate to handle the volume of questions that were submitted. The webinar was ended by time limits, leaving people with unanswered questions. Individuals with questions that could not be addressed with brief, high-level answers were told through a private chat message that the questions were not appropriate for the webinar forum, with the suggestion to have a later personal discussion with staff. This process did not allow participants publicly to hear each other’s concerns or the answers given. This would be less problematic for a webinar designed to introduce a new regulatory program that is followed up with subsequent forums or other general communications to share concerns and answers publicly. However, the Planning Department clearly indicated they had no plans for any further public engagement.
- Question time was dominated by “special interest” groups focused on advocacy against development in the floodplains and “moving out” people who had pitched their tents in a highway.

September 1 Planning Commission agenda. Although a formal discussion of the proposed discussion did not occur, the notifications and the materials accompanying the agenda continued in the same overall manner described above.

Outreach effort. The same issues of inadequate outreach continued. Instead of using direct mail to inform affected property owners, the so-called “more universal” notification consisted of a notice in the Washtenaw Legal News and informing neighborhood associations. The notification’s wording was “bland,” providing no insight to engage interest regarding the ordinance’s importance and consequences.

Information provided. The prepared slide presentation appeared to have most of the same content as the webinar. It contained the same inaccurate/incomplete statements regarding the implications of the ordinance for owners of existing structures that are not in compliance with the new regulations. The draft of the proposed ordinance had changed the text regarding the exemption of historic structures to simply refer to Michigan Building Codes, with no substantive information regarding exemption. (See our above comments about inconsistencies in Michigan Building Codes regarding the exemption of historic structures.) Our assumption is that this section of the draft ordinance had not yet been resolved and was not yet ready for presentation.

Discussion about next steps. We were encouraged by members of the Planning Commission recognizing limitations in the outreach efforts to date and their desire for improving the process and the content of information shared. The limited informal time during the Commission’s session allowed for some brainstorming, but inadequate time for refining expectations and for conclusions regarding improving the process. The expressions of interest from members of the Planning Commission motivated us to try to help by providing a more systematic analysis of shortcomings in content and process that have been described above and suggestions for a more refined outreach process that is described below.

Suggestions for Future Process to Share Information with Owners of Affected Property

Pursuing a floodplain ordinance – “it’s the process, not the people.” Variants of this statement emphasize that when problems are occurring, the underlying causes are more likely to be the circumstances and process with which well-intentioned people are dealing. In individual encounters we have found Planning Department staff to be very helpful. However, the staff are not adequately resourced to deal with all efforts desired of the Planning Department and the COVID pandemic is adding additional complications and stress to everyone’s work. In prioritizing the proposed floodplain ordinance for action, staff likely assumed that the work would be more straightforward than it has become. A natural tendency is to try to keep work simple and as undemanding as possible because unforeseen difficulties divert effort from other prioritized activities to this one.

As the work involved in advancing the proposed floodplain ordinance becomes clearer, its priority for the Planning Commission should be reconsidered. Interestingly, we support proceeding with the ordinance if the unnecessarily aggressive components of the market value definition and Substantial Improvement calculations are moderated and if more resources are committed to outreach efforts before final approval so that affected property owners understand the new requirements that will be imposed upon them. If the resources necessary to carry out a “broad, substantial, and painstaking outreach” are not available, it should not be pursued at this time.

General approach. The process should engage people early in review and take advantage of technology to communicate information more effectively. More effort in generally disseminating honest, transparent information and educating people in advance will offset even greater effort required later to deal with surprise/anger, demands for change, and the Planning Department having to inform property owners one at a time of unanticipated restrictions that they are financially unable to address. If the Planning Department is concerned that honest, transparent information about the proposed ordinance will result in it not being approved, it probably should not be. In our view, an honest, transparent view of the issues and a set of moderate policies (with information illustrating how they are moderate) will gain sufficient public acceptance for approval to occur.

Online communication technology can be used more advantageously than it has been. Uncritically applying the previous model for live meetings to online activities can magnify shortcomings of both. The Internet provides increased opportunities to utilize for a combination of stored information, lagged (asynchronous) communications, and communications occurring in real time (synchronous).

Outreach effort. As noted above, more outreach now will likely reduce work later. Include more engaging, motivational content in outreach messages. Highlight the importance for owners of existing property in the flood plain and of property adjacent to the flood boundaries. Communicate the magnitude of impact on ability to build new structures and on the requirements that will be placed on owners of existing properties to make their structures compliant. Indicate that a major policy decision for the City is how aggressively to set operational definitions that will force more property owners to comply sooner with new requirements. Instead of avoiding reference to potentially contentious issues, highlight them – and be ready to address them reasonably when substantive information is presented. Motivational (controversial) content is also more likely to engage indirect avenues of communication through neighborhood associations and the news media.

Reconsider ways to get the message directly to the people most directly affected. At the September 1 meeting it was mentioned that direct mail is not typically used for planning efforts that involve larger numbers of property owners. However, the feasibility and cost of direct mail in this instance was not asked. Our understanding from discussions with Planning Department staff five years ago is that available floodplain maps and technology should make it fairly straightforward to identify mailing addresses for most of the affected property owners. Also, think a bit “out of the box.” Do existing structures in the flood plain tend to be clustered in ways that a temporary employee can efficiently put informational flyers on the doors of the majority of affected residents in a limited amount of time? (Political candidates routinely arranged for this.) Once a substantial percentage of affected owners receive a motivational communication, they are likely to engage many of their neighbors as well.

Structure the subsequent communication exchanges. Think through the sequence of communications and the information flow between the Planning Department and interested property owners. Consider temporally separating the Planning Department’s presentation of information, interested people asking questions and making comments, and the Planning Department providing further information. Among several possibilities, the following sequence is reasonable.

- Initial substantive information. Make available for access at any time:
 - An overview of the materials available now and of the general process.
 - A written summary (preferably only two pages) of the most important points regarding audience interests and where more information is available.
 - A recorded presentation elaborating important information. It can be similar in format to the July 16 webinar. (It could be presented live, but because the question and answer process occurs separately, a record presentation is easier to produce.)
 - A copy of the presentation slides.
 - Instructions on how to use the City websites to determine whether your property is in or next to the floodplain.
 - If State Equalized Value will help estimate Substantial Improvement limits, instructions on how to use relevant City websites to gather information to estimate the Substantial Improvement limit for a property and how to calculate the Substantial Improvement limit.
 - An online survey response form for individuals to submit questions to the Planning Department. To facilitate grouping and addressing questions, structure the form with category topics for questions, e.g., general use requirements, new construction requirements, existing property requirements, historic property requirements, other. Reinforce that based on the questions submitted, a subsequent FAQ document will be developed and posted. (Staff may already have enough information to prepare and post an initial FAQ document.) As with the with the July 16 webinar, say that people can also contact the Planning Department with

further questions. However, most people are likely to submit questions on a form immediately in front of them rather than pursue separate email messages or calls.

- A list of questions/comments posted so that interested individuals can see all submissions. The survey response form can be programmed to add questions/comments automatically or after being screened for appropriateness. As with in-person comments, submissions should also list the name and address of submitters.
- Provide a sign-up list for individuals interested in receiving further information as it is available.
- Use the submitted questions and the answers provided to the submitters for two purposes:
 - To develop and post externally a Frequently Asked Questions document. Notify individuals/groups that further information is available. Maintain the method for individuals to submit further questions.
 - To confirm or modify plans internally for next steps.
- Continue to expand the FAQ sheet and modify plans as appropriate.

If the outreach efforts and information exchange between the Planning Department and interested people is successful, no additional steps may be necessary. If the exchange results in substantial changes to the proposed ordinance, an additional cycle of information exchange may be necessary. Should a live webinar be contemplated at some point (e.g., to “wrap up” the process), it should have some ground rules. For example, for questions have been addressed in previous information, the individual in charge should generally refer questioners to that material. Additionally, the time might be structured into periods allocated to the specific topics: need for the ordinance, requirements for general property use, requirements for new construction, requirements for existing structures, requirements/exemptions for historic structures, Substantial Improvement policy decisions, anticipated consequences for property owners. The structure can be shown in an agenda to help prompt individuals to think of questions and allow the moderator to shift the subject so that all topics are addressed.

One of the important changes in the above structure is that separating in time the presentation of information from asking questions/making comments gives people the opportunity to review the information more thoroughly and formulate better questions. Also, sending in questions/comments avoids the constraint of a fixed amount of time, during which one group or issue may dominate. (This overall approach may be applicable to other City activities involving outreach to the community.)

We realize that no one approach is perfect. However, we also realize that any approach can be improved. Our best wishes as considerations of the proposed floodplain ordinance move forward.

From: Donna Davis <lymadld@yahoo.com>
Sent: Wednesday, September 30, 2020 9:17 AM
To: Planning <Planning@a2gov.org>
Subject: 1290 Dhu Varren Road

Dear Planning commission:

My name is Donna Davis. I am a homeowner on 2856 Bateson Ct. Ann Arbor, MI 48105. I'm writing regarding the annexation request by Gretchen's House regarding their special exception to develop a daycare facility. This intersection (Dhu Varren and Pontiac Trail) has been problematic since Pontiac Trail was redone. The corner there was build up so high that you can't see the traffic coming from the south until you are almost completely into the intersection. We have tried to address this many times but nothing has ever been done. We are concerned that Gretchen's House will add more traffic from the parents' dropping off children on our way to work in the morning. I strongly urge you to decide against her request and take our safety concerns (residents, parents/children, and commuters) into consideration.

Plus, we don't know want a business in this residential neighborhood. Other than her wanting to have her business here, we see no reason for a business be in our neighborhood and see no reason for special exception to be made. We wish she had made sure this was not against the zone policy before she purchased the place.

If you have any question, please feel free to contact me.

Donna Davis

From: Hsiao-wen Lo <hswnlo@yahoo.com>
Sent: Wednesday, September 30, 2020 9:42 AM
To: Planning <Planning@a2gov.org>
Subject: Dhu Varren and Gretch's House's request

Dear Planning Commission:

My name is Hsiao-Wen Lo. I am a homeowner on 2856 Bateson Ct. Ann Arbor, MI 48105. I was made aware by neighbors about Gretchen's House annexation request and I'm writing to express my concerns.

First of all, this is a residential area and I wish that Gretchen's House had honored that fact. This seems disrespectful to us that she went against the zoning regulations. We had communicated to her our dis-sent and I find it even more disrespectful that she is requesting "special exceptions." If residents in this neighborhood for any reason is in need of a business here to support the wellbeing of the residents here and would like to request special exceptions, that is one thing. For someone who is not in this neighborhood to request special exceptions for her business, that is selfish and disrespectful. That's not what a community is about. The "special exceptions" will only serve her, not the neighborhood, nor the public (her clients that include small children, and the commuters that use Pontiac Trail to and from work). and I hope that's not how we define "special" here.

Second of all, I have lived here since 2013 and found the intersection of Dhu Varren and Pontiac Trail tricky to navigate. Since Pontiac Trail was redone years ago, we found it difficult to see the traffic coming from the south (from Ann Arbor). We have attempted many times to contact the City hoping they could help address the issue but nobody was able to help us. We did the best we can and pray that it won't have to take a death for the city to act. I'm greatly concerned that with her business, there will be more traffic through that intersection and pose a serious safety issue for all. Of all business, a business involves small children should not be placed in that corner. I strongly suggest individuals who are on the Planning Commission to pay a visit to the intersection and see for yourself before you decide if you'd like parents with young children to be using that intersection.

For these two reasons, I urge you to vote against her requests.

If you have any question, please feel free to contact me.

Hsiao-Wen Lo

Hsiao-Wen Lo, Ph.D.
Licensed Psychologist
2301 S. Huron Parkway, #3A
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734-222-6250
<http://www.DrLoInAnnArbor.com>

From: dan cama <dankmacho99@gmail.com>
Sent: Tuesday, September 29, 2020 12:04 PM
To: Planning <Planning@a2gov.org>
Subject: Public hearing 1290 Dhu Varren Road

Dear Planning commission,

My name is Daniel O'Connell, I received the notification that the owner of 1290 Dhu Varren Road is looking to be annexed to the city with the purpose of opening a daycare facility in this location. I would like to express my concern about this plan. Months ago the Ann Arbor Township rejected this request to develop a daycare facility, because the property doesn't comply with the regulations required for this purpose. (One of them is that the proposed daycare facility is within 1500 ft of an adult foster facility and the other is that a daycare within the township must be on 3 acres).

We know that the purpose of annexation is to bypass these township rules. However, another very grave concern we discussed during the township meeting was the potential safety hazards and the traffic affects that this facility will bring to our small community. This property is located at the intersection of Dhu Varren and Pontiac Trail, which has experienced an exponential increase in traffic due housing developments nearby. This intersection is currently dangerous without the added traffic that the proposed daycare would bring. The intersection is composed of a two-way stop (on the west and east sides of Pontiac Tr on Dhu Varren). It lacks sidewalks on the side of the proposed daycare, which increases the risk for pedestrians, children and drivers, especially during winter months when the road is reduced to one lane due to the lack of road maintenance. The road is a dirt road which is plowed by the township of Ann Arbor. However, it is usually our privately-hired plow from Bateson Ct that plows the one lane to Pontiac since Dhu Varren is always the last to be plowed.

As described by the commission planning these kind of requests are categorized as "special exceptions" for the permission to place a daycare within a home and in an area where there may be a lack of childcare. However, on the East side of the corner of Pontiac and Dhu Varren, there is a commercial property for sale, which would be adjacent to the Gretchen's House daycare facility that is already in service. We understand that the desire of Gretchen's House for the 1290 Dhu Varren property is to make it a nature center; yet the commercial property across the street has a very similar terrain and would allow even more space for the daycare facility to run activities. To my knowledge, there would be no need to request a special exception for use of that property.

Lastly, the property at 1290 Dhu Varren bumps up to 3 other properties (one to the west and two to the south). When Gretchen's House brought two busses of children to the property over the summer, the noise of children playing reached loud and clear to our property, which does not border the 1290 property. We have children in our home, and enjoy the sounds of happy kids, but we are also concerned as we understand that the facility may be used for a number of older children which would certainly be a big change to the peaceful, serene environment of the neighborhood.

Thanks for the opportunity to express our thoughts.

Daniel O'Connell

From: Fred Zimmerman <wfzimmerman@gmail.com>
Sent: Monday, October 05, 2020 10:48 PM
To: Planning <Planning@a2gov.org>
Cc: Cheryl Anderson Zimmerman <chelzim@gmail.com>; Parker William Zimmerman <parwzim@gmail.com>; Kelsey Zimmerman <kelzim@gmail.com>
Subject: Re: 1290 Dhu Varren

I live at 2846 S Knightsbridge Cir, Ann Arbor, MI 48105.

I am not a fan of the zoning variance requested for this location. I would like to know if this is related to the existing parcel for Gretchen's House on Dhu Varren. Would this mean a change in the use of that parcel, or would we have two child cares within a few hundred feet of each other?

Frankly I think if this parcel is going to be rezoned away from residential it would be much more helpful to rezone it to a mixed use commercial that would allow a small strip mall or Speedway to be placed. That would greatly improve the walkability of the many residences within a mile of the intersection of DV / Pontiac Trail which are currently out of walking distance of any useful commerce.

Fred Zimmernan
