PEFT

June 1, 2021

Mayor Christopher Taylor
Ann Arbor City Council
City Administrator Tom Crawford
301 E. Huron Street
Ann Arbor, Michigan 48104

RE: Valhalla Ann Arbor Project

Dear Mayor Taylor, Councilmembers, and City Administrator Crawford:

The Development Team for the Valhalla Ann Arbor Project has received the University of Michigan's letter (dated April 16th, 2021) regarding our proposed project and has reviewed the items they noted. We understand their fears and certainly do mot want to damage the U of M property in any way. As much as it is human nature to fear the new and/or unknown, we believe we have taken and are continuing to take all necessary measures to prevent calamity.

We have had three meetings with the U of M regarding the project over the past many months to work to adequately address any concerns, and are continuing our dialog with them to address any remaining concerns, We truly wish to be a good neighbor to the U of M. We wish to make you aware of our current responses to the specific items addressed in their letter as follows:

1. *U of M representatives continue to have concerns with the civil engineering and site details proposed by the developer's various consultants:*

    - *The detention basin spillway overflow in the northeast corner of the site is directed toward and onto the U-M Golf Course. Not only is this not considered to be a best practice, if the redirected water harms the University's golf course, U-M will pursue recourse against the project developer. Therefore, we ask that it not be approved as currently designed.*

      Response:

      The existing landscape topography of the Valhalla site slopes downhill significantly toward the northeast, with 40 feet of vertical drop across the site. As a result most of the existing homes and roads on the site currently drain to the northeast, undetained, unrestrained, and untreated. Currently there are no stormwater quality or quantity treatments for the first flush, bank full, or 100 year storm events so virtually all stormwater runoff flows northeastward off the property and onto the U of M Golf Course (likely carrying run-off from the existing septic fields on the property).

The proposed stormwater management system for the site has been designed and approved according to Washtenaw County Water Resources Commissioner (WCWRC) rules (as required), and the design reduces the existing stormwater runoff rate to neighboring properties, including the U of M property. Stormwater will be detained on the Valhalla property and released at a gradual rate (as required), rather than the undetained, unrestrained, and untreated runoff that exists now. Any redevelopment of the site, regardless of density, would need stormwater detention at the northeast corner of the site which is the naturally occurring low point - meeting the same City and County rules as has been designed for this project.

City Code does not permit unrestricted runoff from a new development of any type across adjacent property. The Detention basin volume is provided at **120**% capacity for the 100-year storm event volume (a 20% surplus over the 100 year storm volume). On this site it is approximately double what would have been required prior to 2014. There is additional detention volume, over and above that 120% required, available in on-site bioretention areas and green roofs (providing a further surplus of detention). Other (less dense) development options for the site would likely have more surface parking and pavement and therefore more salts and oils entering the storm system. Most of the parking in the proposed development will be under/in the buildings, a configuration not possible in lower density development. The detention basin emergency overflow is a typical design that is used on most all projects as required and approved by the City/WCWRC. It should be noted that any potential overflow would only occur in an “emergency” or catastrophic event when the whole neighborhood, including the neighboring U of M property, would already be experiencing the same catastrophic inundation of water.

- *U-M remains concerned about the potential impact the retaining walls and the required grading and construction of these site elements will have on the natural features of the U-M Golf Course (north), and the U-M men’s and women’s golf team practice facilities (east and south). Specifically, harm to the existing slopes, drainage and mature vegetation. The adjacent sites are specifically contoured and carefully designed to appear natural but at the same time effectively manage storm water away from greens, bunkers, fairways and trees. If such impairment occurs due to the developer’s construction, U-M will seek recourse against the developer. The development team has shared additional retailing wall details with us, which we appreciate. However our concerns remain due the type of walls proposed and their close proximity to property lines and natural features.*

Response:

Retaining walls are required due to the 40’ of elevation change across the site and the maximum on-site slopes dictated by ADA accessibility requirements. These walls will be designed and detailed by the project geotechnical engineer SME after site plan approval, but schematic plans, sections, and renderings of the walls are included as an attachment to this letter in Exhibit A.

The project geotechnical engineer has confirmed that the retaining walls near the property lines can be constructed entirely on our site without need for offsite grading, wall tiebacks extending over or near the property lines, etc. The types of retaining walls being utilized were selected for their ability to be constructed entirely from the Valhalla property with no construction impact outside the property. The project geotechnical engineer, civil engineer, and architect are working to ensure the retaining walls do not impact U of M's property and that they blend in with the natural setting as viewed from outside the site.

The retaining wall on the north side of the property is mechanically stabilized earth (MSE) which is a steeply sloped, planted wall that will appear like a steep planted hill once completed and then vegetated to blend into the natural setting. A small portion of the north retaining wall to the east will be a vertical, concrete gravity retaining wall with vegetation on the wall face due to a more limited footprint available there. Additionally, there will be plantings and a 6' high fence at the base of the north wall. The retaining wall on the south side of the property is a sheet pile wall facing inward to the site, not visible from the U-M side. This type of wall was also selected for its ability to be constructed solely from the Valhalla side, and a 6' high fence will be on the high side at the site boundary. We have committed to continue dialoging with the U of M staff as design and installation occurs to help assure them no damage will befall the golf course property.

The development team has additionally retained the arborist who was previously the city forester. This will not only ensure survival of the legacy trees on our site but also monitor the health of adjacent trees and foliage outside our property to preserve the natural features on the U-M property. Reference Exhibit B for Arborist William Lawrence's resume.

- *Both the sanitary sewers and storm water system require individual lift stations and are located in close proximity to the north property line. Should either or both fail at any time, the overflow could enter the U-M golf course (as well as the residential buildings themselves). The damage to the mature vegetation, slopes and course itself could be significant and U-M will seek recourse against the developer. Also, It is not clear to U-M who is responsible for the maintenance and care of the lift-stations after the project is completed? Is it the City of Ann Arbor who maintains the stations or the owner of the apartment complex?*

Response:

Lift stations are required as there is not an easement available across the neighboring U of M property for underground pipes carrying sanitary or stormwater flow. The lift stations could be eliminated with easements to the northeast allowing connection to downstream, gravity-fed, storm-water and sanitary sewer pipes. U of M has precluded this option and so the lift stations are the only alternative (for any development of the property).

Regarding lift station maintenance and operation, the City is responsible for maintenance and operation of the sanitary lift stations (the city currently maintains at least 8 other such lift stations around the city where gravity-fed design is not possible). If a sanitary lift station were to fail completely, it would prevent the sewerage from reaching the City

sanitary main (in S Main St), which is located at a higher elevation. This could potentially result in sewerage backing up into the buildings served by the lift station and/or a discharge of sewerage into the integrated wetwell (designed to contain any spills). To minimize such potential, there are several fail-safes put in place as part of the pumping station design (a design approved by the city staff), including:

- There are 2 to 3 pumps in a lift station and backup generators in case power is lost. These pumps work in rotation at varied duration to prevent simultaneous failure.
- Remote telemetry relays any alarms as well as current lift station status to the wastewater plant where it is monitored. A Remote Terminal Unit (RTU) turns pumps on and off based upon the level set for the lift station and the reading from an ultrasonic level sensor. The discharge is thus matched to demand.
- There are also high and low level floats that turn the pumps on and off, if triggered, as a backup to the RTU.
- Alarms call the supervisors' phone and blink on the monitored PICS alarm screens. In addition, back-up pumps are used if a station has a pump go down and the remaining pump or pumps can't keep up, or if multiple pumps are in-operable. The supervisor will also be able to contact the on-site property management.

For the stormwater lift station, a management company will maintain the pumps, controls, and generator. The management company will provide emergency response and have similar safety features as the sanitary lift station including backup emergency generators. Annual maintenance reports will be sent to the City. All of this will be designed to meet or exceed City and WCWRC standards.

2. *The latest site plan drawings indicate a six-feet (6'-0") height fence around the north, south and east property lines which U-M greatly appreciates. However we would ask the development team include high, protective netting along the property lines. The netting is important to keep the residents, buildings and vehicles safe should errant golf balls enter the site from either the adjacent golf course or driving range. Again, the residents should be aware of the activities associated with the adjacent land uses. To not indicate these security measures at this time seems unusual.*

Response:

The Valhalla development team shares the U of M's concern for the safety of our residents. We engaged MKSK to perform a study of driving angles and distances for golfers on the course, practice area, and driving range. See Exhibit D for MKSK's credentials. MKSK's study (also shown in Exhibit D) revealed that the design of the course and range is such that it is highly unlikely for errant balls to be entering the site. The buildings on the site also have significant setbacks to the property line, placing most people on the site away from its borders. While it is

certainly technically possible for balls to enter the site, the low likelihood in typical play of the course, and use of the practice area and driving range, makes it excessive to completely enclose the site with high netting. Installing high netting on all 3 bordering sides of our property is an extreme measure for what has been determined to be a minimal risk – not to mention an environmental risk to birds and migratory bats, etc. Furthermore, the site layout of the Valhalla project was configured to preserve the highest quality natural features of the Valhalla site. Installing netting would result in an undesirable loss of trees and/or foliage on both properties, and the visual impact of such netting would be detrimental to the natural beauty of both the Valhalla and golf course sites.

In order to provide further assurance to U-M, the development team is putting in place a hold harmless agreement, shown in Exhibit C, to relieve the U-M of any legal concerns arising from what we have determined to be a minimal risk of golf balls entering the site.

In conclusion, the Valhalla development team has been endeavoring, and will continue such efforts, to adequately address the U of M's concerns (as evidenced by with the above enumerated measures, thoughtful design, attached information, and commitment to on-going dialog/interaction). We wish to be transparent about our intentions and foster a good relationship with the U of M. Therefore after site plan approval, the design team will continue to develop the project in more detail, and we will provide the University copies of the relevant design and construction drawings as they are processed throughout the project including City review processes.

Sincerely,

James B. Cooper
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