

**To: Mayor Hieftje and Members of the City Council**  
**From: Downtown and Near-Downtown Neighborhoods Group**  
**Subject: Comments on Zoning based on recommendations of the Perdu Group and the Planning Commission**  
**10 January 2014**

## **OVERVIEW**

The Downtown and Near-Downtown Neighborhood Group has based our support for downtown zoning changes on the 2009 Downtown Plan goal of encouraging zoning and design approaches that minimize the extent to which downtown developments create negative impacts on neighbors in terms of height, scale, shading, and harm to natural and historic resources and views. We believe the Erin Perdu group has done a good job summarizing the views of this community. Many of these ideas were aimed at providing design consistency in the areas bounding downtown, in order to protect the integrity of Ann Arbor's residential neighborhoods and historical and landmark structures. This memo is intended to support changes in the D1 zoning recommended by the Planning Commission and recommend some revisions. While we agree with some of their recommendations, there are others that need to more accurately reflect the community input on many issues. We will discuss the Planning Commission recommendations in the order they were recommended to City Council with our position, any further recommendations, and reasoning in each case. Our accompanying maps graphically show our recommendations.

## **PLANNING COMMISSION RECOMMENDATIONS**

- 1. Rezone the parcel located at 336 E. Ann from D1 (downtown core) to D2 (downtown interface).**

**Our position: *Support***

**Recommendation: *D2 on the south side of East Ann should logically be extended to North Fourth Avenue (shown as A on Map 1)***

We are pleased the Planning Commission followed recommendations of the Perdu group and we support the rezoning of the parcel located at 336 East Ann from D1 (Downtown Core-180 feet) to D2 (Downtown Interface-60 feet). This is clearly an interface area across the street from residential and historic properties in the Old Fourth Ward that need to be protected. However, support of D2 on the south side of East Ann should logically be extended to North Fourth Avenue, which also has historic and residential units directly to the north. That parcel is directly across the street from a 2-story historic residential neighborhood. The height of a 180-foot high structure in this location would overpower the area's residential character and offer no transition between the most intense downtown zoning and residential use.

- 2. Reduce the maximum height in the East Huron 1 Character District (on the north side of Huron, between Division and State Streets, shown as B on Map 1) to 120 feet. Include a tower diagonal maximum and consider a setback requirement to reduce the shading of residential properties to the north.**

**Our position: *Support***

**Recommendation: *Whatever measurements are finally agreed upon for what we now call D-1.5 zoning should not permit construction any closer than 25 feet from the residential Sloan Plaza condominiums to the west. Any structures should also require a 10-foot setback from the front sidewalk. In addition, include the sites west of Division Street as part of D-1.5 zoning.***

We are pleased the Planning Commission is supporting a recommendation to reduce the maximum height in the East Huron 1 Character District (on the north side of East Huron between Division and North State), particularly the site between Sloan Plaza and Campus Inn, from 150 feet to 120 feet with a diagonal maximum and possible setbacks and step backs to limit shading on adjacent residential properties in the Old Fourth Ward Historic District to the north. Whatever measurements are finally agreed upon for what we now call D-1.5 zoning should not permit the construction of any building that is closer than 25 feet from the residential Sloan Plaza condominiums to the west. Structures should also require a 10-foot setback from front sidewalks.

There is a need to be consistent in dealing with other private properties on the north side of East Huron. The Ahmo's site and property management office next door on the north side of East Huron are adjacent to one of the oldest and most important historic and residential neighborhoods in Ann Arbor. The construction of a D1-zoned, 180-foot building on this site would have a devastating impact on the three historically designated buildings directly to the north on that block; one of them is the 1850s painted white house at 121 North Division on the corner of Division and Ann that is currently zoned and used as residential. Because the first historical house along North Division from East Huron (117 North Division) is currently used as office, a 180-foot building could extend almost to the lot line.

Across North Division to the east, we have already disastrously approved the construction of 413 East Huron at 150 feet. If the Ahmo's property was allowed to remain zoned D1 (180 foot height), the important historic and residential houses at 114, 120, and 126 North Division, along with 121 North Division and the historic office building at 117 N. Division, would be without sunlight a major part of every day. To be consistent, the Ahmo's property and the next-door management office property should be rezoned to 120 feet with a diagonal maximum and possible setbacks, with setbacks the same as the Perdu group and the Planning Commission are recommending for the site between Sloan Plaza and Campus Inn.

Some members of the Planning Commission at your November 19 meeting said that the Ahmo's site was not among the sites mentioned by City Council in its directive to the Planning Commission to look at changes in Downtown D1 zoning. Since consistency is the goal, the community made their desires very clear to the Perdu consultants. That is why the consultants specifically added the Ahmo's site to their recommendations on pages 18-19 of their report: "Lastly, based on concerns about potential development at the northwest corner of Division and Huron Streets, we recommend extending the East Huron 1 Character District (currently located on the north side of Huron between Division and State) westward to include the south half of the block all the way to the northeast corner of E. Huron and N. Fourth. This will reduce the maximum height of development from the current 180' to 120' feet and include a diagonal maximum, setbacks, and stepbacks as recommended for East Huron D-1.5."

- 3. Rezone the parcel at 425 S. Main, at the southeast corner of Main and William, from D1 (downtown core) to D2 (downtown interface) and establish a maximum height of 60 feet for D2 zoning in the Main Street Character District.**

**Our position: *Support***

We support the recommendation of the Planning Commission to revise zoning from D1 to D2 for this parcel. We have been listening to many others who live near that location. Here is an example of what one South Fourth homeowner had to say:

*"No one is going to want to live in houses with any building over D2 behind them. If this is allowed on any part of the block... it is our contention that the homes on that area of Fourth Ave will eventually succumb to destruction as unattractive properties and that the remainder of the block will lose value, fall to rental only and eventually be developed as well. To preserve the character of this block, with its older homes and historic church, we request that you restrict future building height on Main from William to Packard at no more than D2 height."*

- 4. Revise the premium conditions to require mandatory compliance with core design guidelines for a project to receive any premium in the D1 or D2 districts.**

**Our position: *Support***

**Recommendation: *Revise and increase the role of the Design Review Board in the design review process. City Council shall consider their recommendations in giving premiums.***

The power of the Design Review Board should be strengthened. However, any decision with regard to giving or not giving premiums should be a decision made by City Council. A possible procedure to strengthen the Design Review Board would be to revise their review process as follows:

- 1) Project petitioners shall meet with the Design Review Board (DRB) as the initial step in the city's plan review process. The DRB will document their initial comments on the design.
- 2) The petitioner shall present their proposal at a subsequent public input session. All comments shall be recorded as part of the public record.
- 3) The DRB shall next be scheduled to meet with the petitioner for a second time. Any revisions to the proposal based on initial comments from the DRB and from the public input session will be discussed. The DRB shall then prepare recommendations that become part of the record presented to the Planning Commission and City Council.
- 4) A member of the DRB shall be present during deliberative sessions of the Planning Commission and City Council to represent and discuss the Board's recommendations. Based on these recommendations of the DRB, City Council shall have the power to deny premiums or reject the project proposal.

It is also recommended that a member of the city's Historic District Commission be appointed as a member of the Design Review Board.

- 5. Reduce and/or eliminate the residential premium with the goal of encouraging the use of other existing or proposed premiums to compensate for this reduction, such as increased energy efficiency certification, open space with landscape, active ground floor use, balconies and workforce housing.**

**Our position: *Support***

No premiums should be granted if they create negative impacts on neighbors in terms of height, scale, shading, and harm to natural and historic resources and view.

- 6. Review options in D1 and D2 districts with the Housing and Human Services Advisory Board for providing additional affordable housing within mixed income projects or through other funding mechanisms.**

**Our position: *Support***

We agree with this suggestion.

- 7. Eliminate the affordable housing 900% FAR (floor area ration) “super premium.”**

**Our position: *Support***

Although affordable housing is an important community goal, this super premium is unnecessary and inappropriate as a way to encourage affordable housing and reduces the effectiveness of provisions that should be in the zoning ordinance.

- 8. Evaluate the downtown real estate market to determine the effectiveness of premium incentives every 2-5 years.**

**Our position: *Support***

**Recommendation: *Premium incentives should be reviewed every three years.***

A more definite time frame for evaluation would encourage effective review. We suggest premium incentives be reviewed every three years.

**OTHER RECOMMENDATIONS FROM OUR GROUP FOR CONSIDERATION:**

**A. Change D1 zoning to D2 in the area on the west side of Thayer Street and north of North University Street (shown as Area D on Map 2).**

This allows for a transition from core downtown zoning (180 foot height) to a scale appropriate to the landmark structure of Hill Auditorium and protects the significance of Burton Tower as a vertical campus landmark.

**B. Change D1 zoning to D2 in the area south of William Street and west of State Street (the location of the Congregational Church; shown as Area E on Map 2).**

This continues the transition to D2 generally established along most of the south side of William Street in the downtown district

**C. The area north of Huron Street (shown as Area F on Map 2) is proposed for D-1.5 zoning.**

This represents a reasonable transition from the D1 downtown core zoning to D2 zoning for residential-scale properties.

*Submitted by Downtown and Near-Downtown Neighborhoods Group  
January 10, 2014*