### BIRMINGHAM CITY COMMISSION AGENDA JUNE 25, 2018 MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

#### I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Andrew M. Harris, Mayor

#### II. ROLL CALL

J. Cherilynn Mynsberge, City Clerk

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

#### Announcements:

- City Offices and the Baldwin Public Library will be closed on Wednesday, July 4<sup>th</sup> for Independence Day.
- Birmingham's In the Park free concert series continues on Wednesday, June 27<sup>th</sup>, in Shain Park at 7 p.m., with a pop/rock performance by Steve Acho. There will be no concert on July 4<sup>th</sup>.

#### Appointments:

- A. Interviews for resident members of the Ad-Hoc Master Plan Selection Committee
  - 1. Tom McDaniel
  - 2. Steve Sollish
  - Gordon Rinschler
- B. Appointments to the Ad-Hoc Master Plan Selection Committee
  - 1. To appoint \_\_\_\_ to the Ad Hoc Master Plan Selection Committee as a resident representative who is a former City Commissioner to serve for the duration of the consultant selection process.
  - 2. To appoint \_\_\_\_ to the Ad Hoc Master Plan Selection Committee as a resident representative to serve for the duration of the consultant selection process.
  - 3. To concur with the Planning Board's recommendation and appoint Robin Boyle to the Ad Hoc Master Plan Selection Committee as a representative of the Planning Board to serve for the duration of the consultant selection process.
  - 4. To concur with the Planning Board's recommendation and appoint Stuart Jeffares to the Ad Hoc Master Plan Selection Committee as a representative of the Planning Board to serve for the duration of the consultant selection process.
  - 5. To concur with the Multi-Modal Transportation Board's recommendation and appoint Amy Folberg to the Ad Hoc Master Plan Selection Committee as a representative of the Multi-Modal Transportation Board to serve for the duration of the consultant selection process.
  - 6. To concur with the Advisory Parking Committee's recommendation and appoint Al Vaitas to the Ad Hoc Master Plan Selection Committee as a representative of the

Advisory Parking Committee to serve for the duration of the consultant selection process.

- 7. To concur with the Parks and Recreation Board's recommendation and appoint Heather Carmona to the Ad Hoc Master Plan Selection Committee as a representative of the Parks and Recreation Board to serve for the duration of the consultant selection process.
- 8. To concur with the Historic District Commission's recommendation and appoint \_\_\_\_\_ to the Ad Hoc Master Plan Selection Committee as a representative of the Historic District Commission to serve for the duration of the consultant selection process.
- 9. To concur with the Architectural Review Committee's recommendation and appoint Christopher Longe to the Ad Hoc Master Plan Selection Committee as a representative of the Architectural Review Committee to serve for the duration of the consultant selection process.
- C. Administration of Oath of Office to Appointees

#### IV. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

- A. Resolution approving the City Commission meeting minutes of June 4, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated June 6, 2018 in the amount of \$583,519.61.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated June 13, 2018 in the amount of \$1,494,189.50.
- D. Resolution approving the warrant list, including Automated Clearing House payments, dated June 20, 2018 in the amount of \$831,180.14.
- E. Resolution setting Monday, July 23, 2018 at 7:30 PM for a public hearing to consider the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station. (complete resolution in agenda packet)
- F. Resolution setting Monday, July 23, 2018 at 7:30 PM for a public hearing to consider a Special Land Use Permit Amendment & Final Site Plan Review for 260 N. Old Woodward The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment with a dancing area. (complete resolution in agenda packet)
- G. Resolution approving the service agreement with the Cultural Council of Birmingham/Bloomfield in the amount of \$4,200 for services described in Attachment A of the agreement for fiscal year 2018-2019; charging account number 101-299.000-811.0000 for this expenditure; and further directing the Mayor and City Clerk to sign the agreement on behalf of the City.
- H. Resolution approving the Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for five years commencing July 1, 2018 and ending June 30, 2023 in the

amount set forth in Attachment C – Cost Proposal, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance – Tree Trimming Contract account #101- 441.003-819.0000. Further, authorizing the Mayor and City Clerk to sign the Agreement upon receipt of all required insurances.

- I. Resolution approving the purchase of ten (10) Dumor benches and fourteen (14) trash receptacles for a total purchase price of \$34,055.00 from the sole source vendor, Penchura, LLC. Further, waiving the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund- Park Benches & Trash Cans for Streetscapes account #401-901.009-981.0100 for this equipment purchase.
- J. Resolution approving the purchase of five (5) Murdock drinking fountains in the amount of \$21,756.00 from the sole source vendor, Diversified Spec Sales. Further, waiving the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund-Drinking Fountains account #401-901.009-981.0100 for this equipment purchase.
- K. Resolution approving the purchase of 36A hot asphalt mix at \$72.50/ton (2018-2019) and \$76.50/ton (2019-2020) and UPM cold patch (delivered) at \$119.00/ton (2018-2019) and \$123.00/ton (2019-2020) from Cadillac Asphalt LLC for a two year period for the fiscal years 2018-2020 to be charged to accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002-729.0000 and #591-537.005-729.0000.
- L. Resolution approving the purchase and installation of three (3) new Carrier Comfort Series furnaces from Great Dane Heating and Cooling in the amount of \$8,995.00 from account #401-901.013-977.0000.
- M. Resolution awarding the Maple Staircase Retaining Wall contract to Rockworks, LLC in an amount not to exceed \$52,000.00. Funds for this project are available in the following accounts: #401-441.003-981.0100-Capital Projects in the amount of \$45,000.00 and #101-441.003-811.0000-Property Maintenance-Other Contractual Service in the amount of \$7,000.00. Further, authorizing the Mayor and Clerk to sign the agreement upon receipt of the required insurance.
- N. Resolution approving the five-year extension of the Metro Act Right of Way Permit for Michigan Bell Telephone Company d/b/a AT&T. (complete resolution in agenda packet)
- O. Resolution delegating to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 7, 2018 Primary Election and the November 6, 2018 General Election:
  - Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
  - Contracting for the preparation, printing and delivery of ballots;
  - Providing candidates and the Secretary of State with proof copies of ballots;
  - Providing notice to voters in the case of precinct changes/consolidations;

- Providing election supplies and ballot containers; and
- Preliminary logic and accuracy testing.
- P. Resolution approving a 24-month service agreement renewal with Logicalis, Inc. effective July 1, 2018 for City Information Technology services. Further, directing the City Manager to sign the renewal agreement on behalf of the City.
- Q. Resolution approving the painting of 109 light poles in Downtown Birmingham with Seaway Painting, LLC in the amount not to exceed \$26,125.00. Funds are available in the Street Lighting Maintenance account #202-449.003-937.0500 in the amount of \$21,085.00; Local Streets Maintenance, Other Contractual Service account #203-449.003-937.0500 in the amount of \$3,150.00 and the Parking Fund account #585-538.006-811.0000 in the amount of \$1,890.00 for a total project cost of \$26,125.00. Further, waiving the normal bidding requirements because Seaway is a DTE selected contractor. Further, to authorize the Mayor and City Clerk to sign on behalf of the City upon the receipt of the required insurance.
- R. Resolution adopting the "Vehicle Use" Policy Amendment as a City policy and authorizing the HR Department to implement and enforce accordingly.
- S. Resolution approving the purchase of one (1) new 2018 RAM ProMaster City Tradesman van from Galeana's Van Dyke Dodge through the State of Michigan extendable purchasing contract #071B7700182 in the amount of \$19,488.74 from account #641-441.006.971.0100.
- Τ. Resolution awarding the 2018 Sewer Inspection Program, to Doetsch Industrial Services of Warren, MI in the amount of \$345,224.89 to be charged to account number 590-536.001-981.0100. Further, approving the appropriation and budget amendment as follows:

Sewer Fund:

Revenues:

Draw from Net Position 590-000.000-400.0000 \$ 34,522.49(City Share) \$310,702.40 (Grant share) State Grant 590-000.000-540.0000 \$345,224.89

**Total Revenues** 

Expenses:

Other Contractual Service 590-536.001-811.0000 \$345,224.89 (Total contract)

- U. Resolution authorizing the IT department to purchase the recommended count of Microsoft Office Suite Standard 2016 and Microsoft Server Standard 2016 Software Licenses from SHI using the Select plus Pricing Agreement. The purchase price not to exceed \$26,304.60. Funds are available in the IT Computer Software fund account # 636-228.000-742.0000
- ٧. Resolution approving the proposal from Plante & Moran CRESA, LLC in the amount not to exceed \$21,000, plus out-of-pocket expenses for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper insurance. Further, waiving the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Service account #101-751.000-811.0000.

#### V. UNFINISHED BUSINESS

#### VI. NEW BUSINESS

- A. Public Hearing to consider a Special Land Use Permit & Final Site Plan Review at 191 N. Chester The Jeffrey
  - Resolution approving a Special Land Use Permit & Final Site Plan Review for 191
     N. Chester The Jeffrey, to allow office use over 3,000 sf. ft. in the TZ2 zone district. (complete resolution in agenda packet)
- B. Public Hearing to consider a Special Land Use Permit at 34977 Woodward–Hazel Ravines Downtown
  - 1. Resolution approving a Special Land Use Permit Amendment for 34977 Woodward to allow a new restaurant, Hazel Ravines Downtown, to open in the former Stand restaurant, and to allow for design and signage changes for the new restaurant;

#### **AND**

Resolution authorizing the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and approving the liquor license transfer request of Hazel & Ravines LLC that requests a transfer of a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009;

#### **AND**

Furthermore, pursuant to Birmingham City Ordinance, authorizing the City Clerk to complete the Local Approval Notice at the request of Hazel & Ravines LLC approving the liquor license transfer request of Hazel & Ravines LLC that requested a Class C License transfer to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009. (complete resolution in agenda packet)

- C. Resolution authorizing the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Youth Services section of the Baldwin Public Library, with the necessary funds to be paid by the Library.
- D. Resolution authorizing the City to engage the firm of Jones Lang LaSalle, Inc. to provide development consulting services for an amount not to exceed \$91,240 utilizing the Parking Enterprise Fund account #585-538.001-811.0000. Further, directing the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon receipt of required Insurance Certificates. Also, authorizing the City to engage the legal services of Miller Canfield to serve as the development attorney and bond counsel.
- E. Resolution authorizing the restoration and expansion of Parking Lot #6 located near 600 N. Old Woodward. Further, waiving the option of creating a special assessment district to defray the cost of this work, and proceed to the plan preparation phase, charging all costs to the Auto Parking System.
- F. Resolution accepting the recommendation of the Greenwood Cemetery Advisory Board as approved on June 1, 2018, and approving the amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX-LOT SALES-PAYMENT PLAN POLICY.

- G. Resolution amending the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2018.
- H. Resolution creating an Ad Hoc Joint Senior Services Committee to conduct a long term study and evaluation of the necessary funding and governance model to effectively provide adequate senior services to participating residents, and further, to begin solicitation of one resident member to the committee.

#### VII. REMOVED FROM CONSENT AGENDA

#### VIII. COMMUNICATIONS

#### IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

#### X. REPORTS

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff

#### XI. ADJOURN

#### INFORMATION ONLY

NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.

Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).



### NOTICE OF INTENTION TO APPOINT TO THE AD HOC MASTER PLAN SELECTION COMMITTEE

At the regular meeting of Monday, June 25, 2018, the Birmingham City Commission intends to appoint two residents as members of the Ad Hoc Master Plan Selection Committee to serve for the duration of the consultant selection process.

The Ad Hoc Master Plan Selection Committee shall perform a preliminary review of all of the Request for Proposal (RFP) submittals for the new Birmingham Master Plan and develop a recommendation to the City Commission on the selection of a consultant.

Interested citizens may submit an application available at the City Clerk's office or online at <a href="https://www.bhamgov.org/boardopportunities.">www.bhamgov.org/boardopportunities.</a>. Applications must be submitted to the City Clerk's office on or before noon on Wednesday, June 20, 2018. These documents will appear in the public agenda for the regular meeting at which time the City Commission will discuss recommendations, and may make nominations and vote on appointments.

The applicants below have applied to serve as the resident members of the Committee and will be present at the June 25, 2018 City Commission meeting to be interviewed and considered by the Commission for appointment.

In addition, seven representatives have been recommended from the following boards and committees specified in the City Commission's resolution of May 14, 2018 which established the ad hoc committee:

Planning Board – Robin Boyle Multi-Modal Transportation Board – Amy Folberg Advisory Parking Committee – Al Vaitas Parks and Recreation Board – Heather Carmona Historic District Commission – John Henke Architectural Review Committee – Christopher Longe

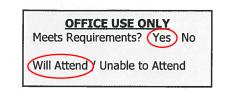
If the Commission finds the recommendations acceptable it would be appropriate to formally concur and appoint the representatives.

Applicant Name	Criteria/Qualifications Two residents of the City of Birmingham, with preference to be given to one former City Commissioner.
Tom McDaniel 1165 Southfield Rd.	Resident of the City of Birmingham and former City Commissioner.
Steve Sollish 1878 Washington Blvd.	Resident of the City of Birmingham
GordonRinschler 959 Oakland Ave.	Resident of the City of Birmingham and former City Commissioner.

#### SUGGESTED ACTION:

- 1. To appoint \_\_\_\_ to the Ad Hoc Master Plan Selection Committee as a resident who is a former City Commissioner to serve for the duration of the consultant selection process.
- 2. To appoint \_\_\_\_ to the Ad Hoc Master Plan Selection Committee as a resident to serve for the duration of the consultant selection process.
- 3. To concur with the Planning Board's recommendation and appoint Robin Boyle to the Ad Hoc Master Plan Selection Committee as a representative of the Planning Board to serve for the duration of the consultant selection process.
- 4. To concur with the Planning Board's recommendation and appoint Stuart Jeffares to the Ad Hoc Master Plan Selection Committee as a representative of the Planning Board to serve for the duration of the consultant selection process.
- 5. To concur with the Multi-Modal Transportation Board's recommendation and appoint Amy Folberg to the Ad Hoc Master Plan Selection Committee as a representative of the Multi-Modal Transportation Board to serve for the duration of the consultant selection process.
- 6. To concur with the Advisory Parking Committee's recommendation and appoint Al Vaitas to the Ad Hoc Master Plan Selection Committee as a representative of the Advisory Parking Committee to serve for the duration of the consultant selection process.
- 7. To concur with the Parks and Recreation Board's recommendation and appoint Heather Carmona to the Ad Hoc Master Plan Selection Committee as a representative of the Parks and Recreation Board to serve for the duration of the consultant selection process.
- 8. To concur with the Historic District Commission's recommendation and appoint John Henke to the Ad Hoc Master Plan Selection Committee as a representative of the Historic District Commission to serve for the duration of the consultant selection process.
- 9. To concur with the Architectural Review Committee's recommendation and appoint Christopher Longe to the Ad Hoc Master Plan Selection Committee as a representative of the Architectural Review Committee to serve for the duration of the consultant selection process.





#### APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board or Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at <a href="https://www.bhamgov.org/boardopportunities">www.bhamgov.org/boardopportunities</a>.

(Please print clearly)	
Board/Committee of Interest Ad Hoc Master Plansfer Plansfer Category/Vacancy on Board City Resident (Le	AN Selection Committee
Specific Category/Vacancy on Board <u>City Resident</u>	spmer City Commissioner)
Name TOM MCDANIEL	Phone 248-701-6800
Residential Address 1165 Southfield Rd.	Email <u>mcdaniel</u> tom@hotmail
Residential City, Zip BIRMINGHAM, MI 48009	Length of Residence 54 4 25.
Business Address	Occupation <u>refired</u>
Business City, Zip	
Reason for Interest: Explain how your background and skills will enhan	ce the board to which you have applied
	*
List your related employment experience 30 425 MANA CM; 12425 as BIRMINGHAM CI List your related community activities CIH COMMISSION Ad HOC Shain PARK COMMITTEE	gement experience with ty Commissioner; HDDRC; Museum Board;
List your related educational experience BAIN Econo	mics from Univ. of Michigan
To the best of your knowledge, do you or a member of your immed relationships with any supplier, service provider or contractor of the C direct compensation or financial benefit? If yes, please explain:  NO SUCN Relationship	
Do you currently have a relative serving on the board/committee to which	ch you have applied?
Are you an elector (registered voter) in the City of Birmingham?  Jour McDaniel  Signature of Applicant	<u>es</u> <u> </u>
Signature of Applicant Date	

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to <a href="mailto:cmynsberge@bhamgov.org">cmynsberge@bhamgov.org</a> or by fax to 248.530.1080.



#### RECEIVED BY

Meets Requirements? Yes No

Will Attend/ Unable to Attend

JUN 1 4 2018

#### APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board of Committee. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets, The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

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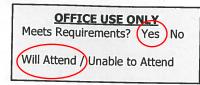
(Please print clearly) Board/Committee of Interest Ad Hoc Master Plan Selection Committee Specific Category/Vacancy on Board Resident Member Name Steve Sollish (248) 891-9117 Phone Residential Address 1878 Washington Blvd. ssollish@sbcglobal.net Email Residential City, Zip Birmingham, MI 48009 Length of Residence 25 years Business Address 2006 Tobsal Court **Business Owner** Occupation Business City, Zip Warren, MI 48091 Reason for Interest: Explain how your background and skills will enhance the board to which you have applied. Having lived in Birmingham for 25 years I understand its zeitgeist. My educational and business background has taught me to critically review documents and contracts. List your related employment experience Practicing attorney 1990-1993. Business owner 1994-Present. Recently moved my business to Warren and went through the planning process. List your related community activities City of Birmingham Citizen's Academy Graduate. Follow city affairs and government. List your related educational experience BA Political Science, MSU, 1987. J.D, U of Detroit 1990. To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or. contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: No Do you currently have a relative serving on the board/committee to which you have applied? No Are you an elector (registered voter) in the City of Birmingham? Yes Signature of Applicant

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Lpierce@bhamgov **T**r by fax to 248.530.1080.

Updated 10/12/16







#### APPLICATION FOR CITY BOARD OR COMMITTEE

Thank you for your interest in serving on a Board of Committee C. The purpose of this form is to provide the City Commission with basic information about applicants considered for appointment. NOTE: Completed applications are included in the City Commission agenda packets. The information included on this form is open to the public. All Board and Committee members are subject to the provisions of the Ethics Ordinance (Chapter 2, Article IX of the City Code).

Information on various Boards and Committees and a list of current openings can be found on the City website at <a href="https://www.bhamgov.org/boardopportunities">www.bhamgov.org/boardopportunities</a>.

(Please print clearly) Board/Committee of Interest As Hoc MASTRA PERS SELECTION COMMITTER Specific Category/Vacancy on Board RESIDENT/ TO Compissioner Name GORDON PINSCHCER Phone 248-646-2809 Residential Address 959 Cork Land Ave Email & GORDON 4 BHAN E AOL. COM Residential City, Zip 48009 Length of Residence <u>47 Yagas</u> Business Address \_\_\_\_\_ Occupation <u>Rr 7 INES</u> Business City, Zip \_\_\_\_\_ Reason for Interest: Explain how your background and skills will enhance the board to which you have applied \_\_\_\_\_ PARLIOUS SERVICE ON COMMISSION AND OTHER BOARDS MOVIORS KNOWLROOK AND FEDDER, BULL List your related employment experience 33 Yrans w/Cunysum List your related community activities formers: Mayor Commissioner ADDRC, DRB, HDG
LIGHTHOUSE OR CARLONN CTY, DRITTON SCIENCE CON. CONNENTS. AD HOL PORTEWS, INEXT List your related educational experience BSME, MSME To the best of your knowledge, do you or a member of your immediate family have any direct financial or business relationships with any supplier, service provider or contractor of the City of Birmingham from which you or they derive direct compensation or financial benefit? If yes, please explain: Do you currently have a relative serving on the board/committee to which you have applied? Are you an elector (registered voter) in the City of Birmingham? Jun 18, 20/8 Signature of Applicant

Return the completed and signed application form to: City of Birmingham, City Clerk's Office, 151 Martin, Birmingham, MI 48009 or by email to Cmynsberge@bhamgov.org or by fax to 248.530.1080.

# BIRMINGHAM CITY COMMISSION MINUTES JUNE 4, 2018 MUNICIPAL BUILDING, 151 MARTIN

7:30 P.M.

#### I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Harris called the meeting to order at 7:30 p.m.

#### II. ROLL CALL

ROLL CALL: Present, Mayor Harris

Mayor Pro Tem Bordman Commissioner Boutros Commissioner DeWeese Commissioner Hoff Commissioner Nickita Commissioner Sherman

Absent, None

Administration: City Manager Valentine, City Attorney Kucharek, Assistant Planner Chapman, Police Chief Clemence, Planning Director Ecker, DPS Manager Filipski, Finance Director/Treasurer Gerber, Assistant City Manager Gunter, Assistant to the City Manager Haines, Building Official Johnson, Deputy Treasurer Klobucar, City Clerk Mynsberge, City Engineer O'Meara, Director of Public Services Wood

III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.

#### 06-155-18 ANNOUNCEMENTS

Mayor Harris recognized the graduates of the 2018 Citizens Academy:

Thao Anderson Sonia Just
Lynn Duerr Roxane Knier
Tim Duerr Emily Mayer
Michael Fenberg Andy Norman
Alejandra Gonzalez Pat Olson
Dan Haugen Steve Sollish

Holly Heiss Katherine Stefanou

#### Mayor Harris announced:

• Birmingham's in the Park free concert series takes place in Shain Park on Wednesday nights at 7 p.m., June 20 through August 15. Plus, enjoy afternoon concerts at noon on July 11 and August 1. Concerts span a diverse range of genres appealing to all ages.

June 4, 2018

1

- Enjoy a family-friendly film under the stars at Birmingham Movie Night in Booth Park on Friday, June 22. Pre-show entertainment begins at 7:30 p.m., and the movie starts at dusk.
- The City Commission wishes to recognize Patricia Papadopoulos for two years of service as the Alternate Hearing Officer for the City of Birmingham and to express appreciation for her contributions.

#### 06-156-18 APPOINTMENTS TO THE BOARD OF ETHICS

The City Commission interviewed John J. Schrot, Jr., a current member of the Board.

**MOTION:** Motion by Commissioner Hoff:

To appoint John J. Schrot, Jr. to the Board of Ethics as a regular member to serve a three-year term to expire June 30, 2021.

VOTE: Yeas, 7

Nays, 0 Absent, 0

### 06-157-18 APPOINTMENTS TO THE GREENWOOD CEMETERY ADVISORY BOARD

Current members Linda Peterson, Laura Schreiner and George Stern and new applicant Charles McIntyre were unable to attend. Mayor Harris suggested postponing the appointments until applicants are available. The City Commission concurred.

#### 06-158-18 APPOINTMENTS TO THE HISTORIC DISTRICT STUDY COMMITTEE

New applicant Evan Milan and current member Gigi Debbrecht were unable to attend. Current member Patricia Lang notified the City Clerk she wishes to continue serving but was unable to submit her application in time for tonight's meeting. The City Commission was in agreement to postpone the appointments until applicants are available.

#### 06-159-18 APPOINTMENTS TO THE MUSEUM BOARD

The City Commission interviewed current members Russell Dixon and Tina Krizanic.

**MOTION:** Motion by Commissioner Bordman:

To appoint Russ Dixon to the Museum Board as a regular member to serve a three-year term to expire July 5, 2021.

VOTE: Yeas, 7

Nays, 0 Absent, 0

**MOTION:** Motion by Commissioner Boutros:

To appoint Tina Krizanic to the Museum Board as a regular member to serve a three-year term to expire July 5, 2021.

VOTE: Yeas, 7

Nays, 0 Absent, 0

#### 06-160-18 APPOINTMENT TO THE BOARD OF BUILDING TRADES APPEAL

The City Commission interviewed Bradley Klein.

**MOTION:** Motion by Commissioner Sherman:

To appoint Bradley Klein to the Board of Building Trades Appeal as a regular member to serve the remainder of a three-year term to expire May 23, 2019.

VOTE: Yeas, 7

Nays, 0 Absent, 0

The City Clerk administered the Oath of Office to the appointees.

#### IV. CONSENT AGENDA

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

#### 06-161-18 APPROVAL OF CONSENT AGENDA

The following items were removed from the Consent Agenda:

• Commissioner Hoff: Item I, Set Public Hearing-Hazel Ravines Downtown SLUP-

34977 Woodward Ave.

• Mayor Pro Tem Bordman: Item E, Special Event-Seaholm Harriers 5K Run-Walk

Item F, Special Event-Oral Cancer Awareness 5K Run-Walk

- Commissioner DeWeese said he would abstain from voting on Item A, Approval of the City Commission meeting minutes of May 24, 2018, due to his being absent from the meeting.
- City Manager Valentine asked that Item H be corrected to the '2018 Local Street Paving Project'.

**MOTION:** Motion by Commissioner Sherman, seconded by Commissioner Boutros:

To approve the Consent Agenda, with Items E, F and I removed, and the correction of Item H fro "Resolution awarding the Webster Ave. Paving Project" to "Resolution awarding the 2018 Local Street Paving Project".

ROLL CALL VOTE: Yeas, Mayor Pro Tem Bordman

Commissioner Boutros Commissioner DeWeese

Mayor Harris

Commissioner Hoff Commissioner Nickita Commissioner Sherman

Nays, None

#### Absent, None

- A. Resolution approving the City Commission meeting minutes of May 24, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated May 23, 2018 in the amount of \$2,991,400.22.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated May 30, 2018 in the amount of \$497,390.00.
- D. Resolution approving the appropriations and amendments to the fiscal year 2017-2018 budget as follows:

#### **General Fund:**

Revenues:		
Fines and Forfeitures	101-000.000-657.0000	\$ 67,000
Total Revenue Adjustments		\$ 67,000
Expenditures:		
Community Development	101-371.000-702.0001	\$(69,050)
Transfers Out	101-999.000-999.0639	25,000
	101-136.000-999.9999	111,050
Total Expenditure Adjustments		\$ 67,000
Major Streets Fund:		
Revenues:		
Intergovernmental	202-000.000-554.0000	\$ 65,000
	202-000.000-569.0000	135,000
Total Revenue Adjustments		\$ 200,000
Expenditures:		
Administration	202-191.202-802.0100	\$ 20
Maintenance of Streets and Bridges	202-449.003-937.0400	10,000
Street Cleaning	202-449.004.702.0001	10,000
	202-449.004-937.0400	25,000
Street Trees	202-449.005-729.0000	10,000
Capital Outlay - Engineering &		
Construction of Roads	202-449.001-981.0100	134,980
Snow & Ice Control	202-449.006-729.0000	10,000
Total Expenditure Adjustments		\$ 200,000
Local Streets Fund:		
Expenditures:		
Administration	203-191.203-802.0100	\$ 20
Maintenance of Streets and Bridges	203-449.003-702.0001	(385,020)
Street Cleaning	203-449.004-937.0400	20,000
Street Trees	203-449.005-702.0001	20,000
Capital Outlay – Engineering &		
Construction of Roads	203-449.001-981.0100	320,000
Snow & Ice Control	203-449.006-729.0000	25,000
Total Expenditure Adjustments		\$ -0-
Solid Waste Fund:		

Expenditures: Personnel Services Other Contractual Services Total Expenditure Adjustments \$ -0- Brownfield Redevelopment Authority	226-582.000-702.0001 226-582.000-941.0000	\$	5,000 (5,000)
Revenues:	i uliu.		
Property Taxes Total Revenue Adjustments Expenditures:	243-000.000-402.0001	\$ \$	187,500 187,500
Brownfield Redevelopment Authority Fund Total Expenditure Adjustments	243-691.000-967.0100	\$ \$	187,500 187,500
Principal Shopping District Fund: Revenues:			
Special Assessments Total Revenue Adjustments Expenditures:	247-000.000-672.0870	\$ \$	15,000 15,000
Principal Shopping District Total Expenditure Adjustments	247-748.000-706.0002	\$ \$	15,000 15,000
Capital Projects Fund: Revenues:			
Draw from Fund Balance Total Revenue Adjustments Expenditures:	401-000.000-400.0000	\$ \$	233,000 233,000
Public Improvement – Chesterfield Fire Star	tion 401-339.001-977.0000	\$	233,000
Total Expenditure Adjustments		\$	233,000

- G. Resolution approving the Change Order for the Springdale Bridge Project with Kyle Builders, Inc., as reviewed and confirmed by AEW and staff, in the amount of \$15,000, to be funded from Springdale Golf Course Public Improvement account #584-753.001-981.0100.
- H. Resolution awarding the 2018 Local Street Paving Project, Contract #4-18(P) to Angelo Iafrate Construction Company, of Warren, MI, in the amount of \$2,689,473.00, to be charged to the various accounts as detailed in the report; and further approving the appropriations and budget amendments as follows:

#### Water Fund

Revenues:

#591-000.000-400.0000	<u>\$ 98,815</u>
tments	\$ 98,815
#591-537.004-981.0100	<u>\$ 98,815</u>
justments	\$ 98,815
	tments

J. Resolution setting Monday, July 9, 2018 at 7:30 PM for a Public Hearing to consider necessity for the installation of water and sewer laterals within the 2018 Local Street

Paving project area. Further, setting Monday, July 23, 2018 at 7:30 PM for a Public Hearing to confirm the roll for the installation of water and sewer laterals within the 2018 Local Street Paving project area.

K. Resolution approving the renewal of the EPI annual license with Harvey Electronics that will ensure PCI compliance and secure credit card transactions in the amount of \$11,175.00, and further, equally charging all parking garages under the following accounts:

585-538.002-811.0000 585-538.003-811.0000 585-538.004-811.0000 585-538.005-811.0000 585-538.008-811.0000

06-162-18

RESOLUTION APPROVING THE REQUEST SUBMITTED BY THE BIRMINGHAM HARRIERS/SEAHOLM HIGH SCHOOL TO HOLD A 5K RUN/WALK ON SUNDAY, AUGUST 5, 2018 AT SEAHOLM HIGH SCHOOL

and

RESOLUTION APPROVING THE REQUEST SUBMITTED BY THE ORAL CANCER FOUNDATION TO HOLD A 5K RUN/WALK RACE ON SUNDAY AUGUST 5, 2018 AT SEAHOLM HIGH SCHOOL

City Clerk Mynsberge stated that these two events were held in conjunction last year and each event has increased its number of volunteers. In addition, there will be a police presence at the events. Commissioner Hoff noted the applications for the events indicated:

- 500 attendees for the Birmingham Harriers event;
- 300 attendees for the Oral Cancer Awareness event; and
- The proposed route does not cross any major streets.

**MOTION:** Motion by Mayor Pro Tem Bordman, seconded by Commissioner Boutros:

To approve the request submitted by the Birmingham Harri

ers/Seaholm High School to hold a 5K Run/Walk race on Sunday, August 5, 2018, at Seaholm High School and to approve the request submitted by the Oral Cancer Foundation to hold a 5K Run/Walk race on Sunday, August 5, 2018, at Seaholm High School.

VOTE: Yeas, 7 Navs, 0

Nays, 0 Absent, 0

#### 06-163-18

RESOLUTION SETTING MONDAY, JUNE 25, 2018 AT 7:30 PM FOR A PUBLIC HEARING TO CONSIDER A SPECIAL LAND USE PERMIT AMENDMENT FOR 34977 WOODWARD

Planning Director Ecker explained that:

- The license Hazel Ravines Downtown will be using is an economic development license (EDL) that is tied to the building.
- The new owners will also be coming before the Commission for their SLUP application.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:

To set Monday, June 25, 2018 at 7:30 PM for a Public Hearing to consider a Special Land Use Permit Amendment for 34977 Woodward – Hazel Ravines Downtown, to allow for the proposed renovations and decorations.

VOTE: Yeas, 7

Nays, 0 Absent, 0

#### V. UNFINISHED BUSINESS

None.

#### VI. NEW BUSINESS

#### 06-164-18

### PUBLIC HEARING TO CONFIRM SPECIAL ASSESSMENT DISTRICT - 2018 CAPE SEAL PROJECT - PUBLIC STREET IMPROVEMENT

Mayor Harris opened the public hearing at 7:48 p.m.

Mayor Pro Tem Bordman told the Commission that she and Mayor Harris both live in the assessment district but do not have a conflict of interest per consultation with the City Attorney.

Deputy Treasurer Klobucar reviewed the memo sent to City Manager Valentine on May 24, 2018 regarding the proposed special assessment district.

There being no further comment, Mayor Harris closed the public hearing at 7:49 p.m.

**MOTION:** Motion by Commissioner Hoff, seconded by Commissioner DeWeese:

To ratify and confirm Special Assessment Roll No. 882 to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2018 Cape Seal project area, and to direct the City Clerk to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement; further, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at five and three quarters percent (5.75%) annual interest. (Formal resolution appended to these minutes as Attachment A.)

VOTE: Yeas, 7

Nays, 0 Absent, 0

## 06-165-18 PUBLIC HEARING TO CONSIDER THE SPECIAL LAND USE PERMIT AMENDMENT FOR 209 HAMILTON ROW/250 N. OLD WOODWARD – EMAGINE PALLADIUM

Mayor Harris opened the public hearing at 7:50 p.m.

Planning Director Ecker provided an overview of:

- Her May 21, 2018 memo to City Manager Valentine regarding this SLUP proposal; and,
- The physical changes being proposed.

#### Paul Glanz said:

- The Emagine hopes to have this sixth theater in continuous use, though the exact programming will be determined.
- Food will continue to be available to theater patrons.
- For tables patrons will be provided trays that fit into the theater seat cup-holders and can be sanitized after use.
- A lounge area for food service will be available as well.
- The building will be using one of its Class C licenses for this.
- Regular films may be screened in the sixth theater, but the hope is that private events will comprise the bulk of the sixth theater's programming time.
- The seats in the sixth theater can be moved.

Planning Director Ecker said the need for a second egress door will be handled through the permitting process.

There being no further comment, Mayor Harris closed the public hearing at 8:01 p.m.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:

To approve the Special Land Use Permit Amendment for 209 Hamilton Row/250 N Old Woodward – Emagine Palladium, to allow for the renovation and installation of a 35 seat private viewing theater. (*Formal resolution appended to these minutes as Attachment B.*)

VOTE: Yeas, 7 Navs. 0

Nays, C Absent, C

### 06-166-18 S. ETON RD. TEMPORARY STRIPING – MAPLE RD. TO 14 MILE RD. – MULTI-MODAL TRANSPORTATION BOARD RECOMMENDATIONS

Assistant Planner Chapman presented the May 23, 2018 memo to City Manager Valentine regarding the proposed temporary striping on S. Eton.

City Manager Valentine said:

- The trial period will begin once the Commission approves the proposal, and will last until the City has sufficient funding to proceed. The City will be exploring the TAP grant which may cover up to 30% of the projected cost.
- The north end of Maple has referred back for further study after Whole Foods had been open for a year to get an assessment on how the intersection was working. The objective is to determine utilization of the intersection in conjunction with the lighting and the traffic from Whole Foods. That study should conclude within the next two months and will be brought before the Commission with a recommendation. These findings should be possible to incorporate into the temporary striping project.

- The success of the project will be monitored primarily through resident and citizen feedback.
- If the paint wears out, the Commission can approve repainting.
- Once the City has chosen a contractor residents will be notified through all of the City's usual communication channels regarding the project's start date.
- The TAP grant application can occur at any time, but the City must be able to match the funds being received in order to qualify for the grant. Thus, the issue is raising said funds.

Assistant Planner Chapman said the only change since the Commission approved the plan is from Yosemite to Villa. The approved motion from December 2017 called for sharrows, but now there will be a designated bicycle lane.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Nickita:

To accept the recommendation of the Multi-Modal Transportation Board, and to direct staff to proceed with the installation of test features that will provide the majority of the transportation improvements being considered in a temporary mode, at a reduced cost, as outlined below:

- 1. Installation of painted bumpouts with lane markers at each intersection, as well as pavement markings to improve each crosswalk in accordance with the recommended plan.
- 2. Installation of sharrows between Maple Rd. and Yosemite Blvd.
- 3. Removal of parking, and installation of buffered, marked bike lanes for northbound and southbound traffic between Yosemite Blvd. and Villa Rd.
- 4. Removal of parking on the west side of the street, to provide room for a marked, buffered, and separated two-way bike lane, as well as white lines demarcating the northbound parking lane between Villa Rd. and Lincoln Ave.
- 5. Installation of double yellow lines and white line to demarcate travel lanes from the southbound parking lane between Lincoln Ave. and 14 Mile Rd.

VOTE: Yeas, 7

Nays, 0 Absent, 0

#### 06-167-18 ONLINE BANKING POLICY

Director of Finance/Treasurer Gerber reviewed his May 17, 2018 memo to City Manager Valentine regarding the City's online banking policy.

Director of Finance/Treasurer Gerber stated:

- Paper checks would still occasionally be used for City payments.
- Only Treasury and Finance have access to the City's online banking.
- Plante/Moran has reviewed and approved this proposal.
- This is a living document and can be updated.
- The beginning of the second line of the third paragraph on page three should be amended to read: "Deputy Treasurer has the authority to invest City funds".
- The City is insured against employee dishonesty, and staff will submit this policy to the City's insurance carrier to see if it might reduce insurance rates.

• The new assistant finance director is very experienced with these processes.

**MOTION:** Motion by Commissioner Boutros, seconded by Commissioner Hoff:

To approve the Online Banking Policy as presented by Finance Director/Treasurer Gerber, with the correction on page three.

VOTE: Yeas, 7

Nays, 0 Absent, 0

#### 06-168-18 CROSSWALK PAVEMENT MARKINGS – MATERIAL OPTIONS

Assistant Planner Chapman reviewed the May 23, 2018 memo to City Manager Valentine regarding material options for the crosswalk pavement markings.

Assistant Planner Chapman explained:

- HPS-8 has a high application cost and, since it is a newer product, has not yet been sufficiently tested in the region to know the material's longevity. This is why the MMTB did not recommend using HPS-8 on all City crosswalks.
- Polyurea adheres better to concrete and less well to asphalt, but still within the satisfactory range for both surfaces.
- To the average viewer, the marking materials are largely visually indistinguishable from each other.

Commissioners DeWeese and Nickita agreed that this is a work-in-progress and that the City will make updates to the marking material if necessary as the different materials are tested.

**MOTION:** Motion by Commissioner Nickita, seconded by Commissioner DeWeese:

To approve the following materials as recommended by the Multi-Modal Transportation Board on January 4, 2018: Polyurea on all major concrete streets and HPS-8 on all major asphalt streets within the Central Business District, Triangle District, Rail District, and waterborne paint on all other streets. Depending on visibility needs and average daily traffic, polyurea or HPS-8 may be used for crosswalks adjacent to schools.

VOTE: Yeas, 7

Nays, 0 Absent, 0

#### 06-169-18 RESIDENTIAL STREET WIDTH STANDARDS

Planning Director Ecker presented the May 18, 2018 memo to City Manager Valentine from Planning Director Ecker, Police Commander Grewe and City Engineer O'Meara.

Commissioner Nickita thanked staff for a very good foundation, and suggested:

• An introduction outlining goals for Birmingham infrastructure, with attention towards 'complete streets' and other guiding concepts.

- Making pedestrian safety, walkability, neighborhood enhancement, and building upon the goals of the master plan the express and primary objective of developing the City's infrastructure.
- Acronyms in the Birmingham residential street design standards should be spelled out for the benefit of people who may not be familiar with them.
- Cost or current potential for disruption should not be weighted very heavily as exceptions to the 26' standard since residential roads remain as-built for upwards of forty years.
- Street adherence to or deviation from the standards should also take the widths of neighboring streets into account. This means bullet point two under the second street design standards should say that the street width may remain the same, but exceptions should be provided for circumstances in which a street would not remain the same width.
- The lettered points under section four should include:
  - o Does it adhere with complete streets?
  - o Is it accommodating multi-modal and mobility issues?
  - o Did we consider the neighborhood context and character, identifying the adjacent street infrastructure and the potential effect of the proposed size?
  - o How is the overall neighborhood built, and how does the City want it to be built in the long term? How does this proposed street-width fit into those considerations?

#### Planning Director Ecker noted:

- Section four includes the requirement that any exceptions adhere to the Intent of the standards.
- The MMTB did not focus on multi-modal considerations here because those are separately considered in the multi-modal plan which primarily do not address residential streets.
- Agreement with Commissioner Nickita's feedback and said she would bring it back to the MMTB for addition.

#### Commissioner Sherman commended the MMTB and suggested:

- Deleting "Exceptions may be considered when factors, such as those described in Section 4, are evident" from section two.
- Rephrasing the second bullet point in section two as "<u>Existing Street is 28 feet or less in width</u>: If existing street width is 28 ft. or less in width, street may be reconstructed at the existing width provided there is a reason prescribed under section four."
- Following Commissioner Nickita's points for section four, with special focus on the nature and composition of the neighboring streets.

#### City Engineer O'Meara explained:

- Part of the reason for keeping existing 28' streets at 28' was to avoid debate and frustration on the part of the residents, since it was only a 2' difference.
- Some streets are smaller than 24', so the text was an attempt to not have to widen streets if there was no reason to do so.

Commissioner Sherman suggested that most of the time there will be an exception leading to a reduction in the street width from 28', making the second bullet point in section two superfluous.

Mayor Harris agreed to changing the second point in section two to read "may" instead of "shall", but said rephrasing the second point in section two to reference the exceptions in section four would have the undesired effect of precluding resident opinion from being a factor in a potential street width-change.

#### Mayor Pro Tem Bordman said:

- 'Neighborhood characteristics' should be made explicit including block length, sidewalks, size of public green space, right-of-way, the distance between sidewalks and the fronts of houses, the size of the lots themselves, the sizes of the homes, the length of time the road has been at its current width and other factors.
- Most studies show that a street-width range of 26' to 28' encompasses best practices; not a uniform application of a 26' street-width.
- Neighborhood preference for street-width should have greater emphasis. It should not be the sole criterion considered, but should be more central than it currently is.

#### Planning Director Ecker explained that:

- Commercial standards will apply to both commercial blocks and fully commercial streets, and the residential standards will apply to both residential blocks and fully residential streets.
- The street-width standards were approved by the Fire Department.

Commissioner Hoff said changing 'shall' to 'may' is a positive change, and the exceptions should remain where they are in section two. She also agreed with Mayor Pro Tem Bordman in that resident preference should be a larger factor.

Planning Director Ecker clarified that, as it stands, resident opinion would not sway a decision unless another reason for an exception existed.

Commissioner Nickita clarified this is a policy, not an ordinance, which can be deviated from should the City find it prudent.

Mayor Pro Tem Bordman suggested adding "Where neighbors have a preference for a particular street-width, that preference may only be considered if one or more of the following conditions also exist" as the last sentence in the introduction in section four.

Commissioners Nickita and Sherman suggested this point was identically included in section three.

City Engineer O'Meara said certain streets, such as ones with churches or schools, may have 1,500 vehicles pass through daily.

Planning Director Ecker said the 1,500-vehicle threshold was approved by the City's consultants and the Police Department.

#### Commissioner DeWeese:

Thanked the MMTB and city staff for their work on this document.

- Suggested it would be most beneficial if this document were clear enough that the public could understand it.
- Said cost considerations can be addressed at the discretion of the Commission.
- Pointed out that sometimes more traffic, paradoxically, is better-handled with a narrower street.
- Concluded that the document should be returned to the MMTB and the edits made.

City Engineer O'Meara suggested that consideration of on-street parking utilization would reveal some of the 'neighborhood characteristics' Mayor Pro Tem Bordman wanted considered because on-street parking utilization would reveal information about a neighborhood's average lot-size: small lots likely lead to more frequent on-street parking, and larger lots likely lead to more infrequent on-street parking.

Mayor Harris said one conflict is whether neighborhood input is an equally-weighted criterion, or is only considered in conjunction with other criteria.

Planning Director Ecker recommended changing the second point in section two to read "Existing Street is 28 feet or less in width: If existing street width is 28 ft. or less in width, street may be reconstructed at the existing width," which would have the intended effect of the exception-clause in the introduction to section two being applicable to this statement.

There was consensus that if the last two sentences from section three were moved to section four as a criterion, that would sufficiently resolve various Commissioners' concerns.

Mayor Harris, with the consensus of the City Commission, deviated from the agenda to address Item 6H before item 6G.

#### 06-170-18 PARKS BOND OPPORTUNITY

City Manager Valentine made a presentation based on his memo to the City Commission dated May 23, 2018.

City Manager Valentine said:

- The City Commission authorized \$25 million in 2001, but the City has spent about \$20 million.
- Delineated costs of the Parks and Recreation Master Plan are about \$10 million at this time, but there are other projects in the Master Plan that have not had their funding requirements laid out yet.
- The Parks and Recreation Board will be coming back to the Commission with project priorities, and what could realistically be completed in the next five years.
- The Commission should approve the next bond issuance by the middle of August if they want it to appear on the November 2018 ballot.
- The City will consult with bond council to make sure the City's practices are consistent with what is required.
- The conceptual Master Plans will not be enacted without the requisite further study.

Commissioners Hoff and Sherman said they do not want to see this project rushed, and the Commission should not attempt to get this work done in time for the August submission deadline.

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman:

To direct the Parks and Recreation board to review the 2018 Parks and Recreation Master Plan's Five-Year Capital Improvement Plan and work with staff to identify facility needs related to the Parks and Recreation operation through a public engagement process to identify a priority list of projects and associated amounts to be considered for a potential parks bond to be implemented over the next 3 to 5 years, and further, to return to the City Commission with a recommendation for consideration.

VOTE: Yeas, 7

Nays, 0 Absent, 0

#### 06-171-18 N. OLD WOODWARD AVENUE/BATES STREET PROJECT

Assistant City Manager Gunter outlined highlights from the June 4, 2018 memo written to City Manager Valentine regarding this project.

Planning Director Ecker presented a PowerPoint on the N. Old Woodward Parking Deck/Bates Street Extension that detailed the development consultant selection process, the desired amenities for the parking structure, and the Ad Hoc Parking Development Committee's (AHPDC) recommendation to the City Commission.

City Manager Valentine clarified that the Commission is being asked to allow staff to hire a development consultant to create a development agreement with Walbridge/Woodward Bates Partners LLC, ('Walbridge') which would then be returned to the Commission for review and approval at a later date.

City Manager Valentine said a development consultant would:

- Liaise between the City and Walbridge to negotiate the terms of the City's development agreement with Walbridge.
- Bring a high level of expertise regarding the formulation of this development project.
- Provide the best representation of the interests of the City to Walbridge.

Commissioner Nickita explained as a member of the AHPDC that public-private partnerships (P3) tend to be very complicated, and that is why the AHPDC recommends hiring a development consultant to facilitate the process.

Commissioner Hoff said this decision is a very significant one, and she would like to hear much more Commission input on the details of the plan.

Commissioner DeWeese replied that:

- When the Commission approved the Request for Proposal for this project, the Commission reviewed the details extensively at that time and set forth guidelines that were consistent with the City's 2016 Plan and the Master Plan.
- One of the bidders for the RFP listened to the Commission's direction, and one went well beyond the stated scope and intentions. Commissioner DeWeese prefers working with a bidder that takes the Commission's direction seriously in the first place. For this reason, Walbridge is the clear choice.
- The Walbridge plan is less financially risky for the City and can be built in components if need be.
- The City will incur costs resulting from displaced parking after demolition of the previous
   N. Old Woodward garage and prior to the building of the new garage, but similar costs will be incurred regardless of the plan selected.
- A 15-story building would not be in-line with the Birmingham cityscape.
- Some details would need to be discussed further, such as the liner buildings requiring floors high enough to be true retail, but those can be addressed during the review of the development agreement.
- The Commission is not being asked to approve details yet, but rather to proceed with preliminary planning of this project.

#### Mayor Pro Tem Bordman said:

- Both plans were beautiful, but that Walbridge's proposal adhered to the character of Birmingham much more than the proposal from TIR Equities.
- Some concerns remain about details in the Walbridge plan, but those can be addressed.
- The Walbridge plan extends and develops Bates Street as intended by the Master Plan, and increases the amount of pedestrian foot–traffic to include the residential building on the westernmost part of Bates that overlooks the river.
- She is in favor of the whole project, and is in favor of the Walbridge proposal.

Commissioner Sherman noted the proposals were beautiful but insufficiently in-line with the original objective of the AHPDC, which was only to expand parking capacity.

Commissioner Nickita said while the priority was parking expansion, it was necessary to do so in a contextualized way that would enhance the downtown and the sites in question, which is how the AHDPC and the Commission oriented this task.

Commissioner Nickita continued that the Walbridge plan provides a solution for parking, provides a solution for an under-developed area of Birmingham and enhances the goals of the 2016 Plan. He finished that the question that remains is how to best make this a financial opportunity for the City, which will be determined by continuing this process.

Commissioner Boutros said selecting the right development consultant is essential in order to achieve the primary objective of expanding parking options.

Commissioner Sherman agreed with Commissioner Boutros, stating the focus is expanding parking, with the development of Bates being a secondary consideration.

Planning Director Ecker stated that both proposals address:

- The need for at least 350 additional public parking spaces; and,
- The parking required to accommodate the proposed new developments.

Commissioner DeWeese said the words of caution are wise, but that the next step involves further study and so remains a prudent way of moving forward.

Mayor Harris said he was impressed by the proposals and found them to be in-line with the 2016 Plan and the AHPDC goals. He also agreed the Commission should proceed cautiously, and to that end should secure a development consultant.

**MOTION:** Motion by Mayor Pro Tem Bordman, seconded by Commissioner DeWeese:

To approve the recommendation of the Ad Hoc Parking Development committee and to direct the City to continue discussion with Walbridge/Woodward Bates Partners LLC to advance their proposal for increased parking and Bates Street development in a combined and incremental development approach; and further, to consider the engagement of a development consultant to represent the City in future negotiations.

VOTE: Yeas, 7

Nays, 0 Absent, 0

#### VII. REMOVED FROM THE CONSENT AGENDA

The items removed were discussed earlier in the meeting.

#### VIII. COMMUNICATIONS

None.

#### IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA

None.

#### X. REPORTS

#### 06-172-18 COMMISSIONER REPORTS

The City Commission will appoint one regular member to the Board of Zoning Appeals on July 9, 2018.

#### 06-173-18 COMMISSIONER COMMENTS

Commissioner DeWeese said residential parking requirements in downtown Birmingham effectively price out individuals who may not need parking included with their residence because the cost of providing parking is rolled-in to the cost of an apartment. He would like to see more younger and

mixed-income residents downtown. Thus, he would like City staff and Boards to evaluate the structure of Birmingham parking incentives.

Commissioner Nickita agreed with Commissioner DeWeese, noting that the parking requirements are the root cause of many issues with parking in Birmingham and that the parking requirements have not changed while the circumstances in the downtown have changed. He suggested this evaluation can integrate into the Master Plan as it occurs because he sees them as different levels of analysis.

Commissioner DeWeese observed that with ride-sharing and similar services the need to own a car is decreasing, as well, so Birmingham's parking requirements address a need that is on the decline.

City Manager Valentine said:

- The City's parking consultants are not looking at any land-use issues.
- The Commission could broach this issue at its upcoming joint meeting with the Planning Board, whereupon the Commission can also provide some direction for further exploring ordinance requirements for parking.

Mayor Pro Tem Bordman said this should be studied sooner than the Planning Board could accommodate, and echoed Commissioner Nickita's suggestion of a possible ad hoc committee.

City Manager Valentine said that the ad hoc committee might still end up with a number of Planning Board members due to their familiarity with land-use issues, and suggested that this could be re-assigned as the Planning Board's top priority instead.

Commissioner Hoff suggested procuring an urban parking consultant for the proposed ad hoc committee so that the City is working with someone with expertise in that area.

Commissioner Boutros agreed with Commissioner Hoff that an urban parking consultant should be brought in because it would be such a significant change to the City.

Commissioner Nickita observed that there was consensus among the Commissioners that the issue should be addressed, and proposed making it a priority at the upcoming joint meeting with the Planning Board in order to clarify what the best next steps would be.

#### XI. ADJOURN

Mayor Harris	adjourned	the meeting	at 11:00	p.m.
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J. Cherilynn Mynsberge, City Clerk

#### **ATTACHMENT A**

#### SPECIAL ASSESSMENT ROLL NO. 882 2018 CAPE SEAL

To confirm Special Assessment Roll No. 882, to defray the cost of public street maintenance of all properties fronting and/or siding on the improvement within the 2018 Cape Seal as listed in the table submitted on June 4, 2018:

- WHEREAS, Special Assessment Roll, designated Roll No. 882, has been heretofore prepared by the Deputy Treasurer for collection, and
- WHEREAS, notice was given pursuant to Section 94-7 of the City Code, to each owner or party in interest of property to be assessed, and
- WHEREAS, the Commission has deemed it practicable to cause payment of the cost thereof to be made at a date closer to the time of construction and Commission Resolution #05-135-18 provided it would meet this 4th day of June, 2018 for the sole purpose of reviewing the assessment roll, and
- WHEREAS, at said hearing held this June 4, 2018, all those property owners or their representatives present have been given an opportunity to be heard specifically concerning costs appearing in said special assessment roll as determined in Section 94-9 of the Code of the City of Birmingham,
- NOW, THEREFORE, BE IT RESOLVED, that Special Assessment Roll No. 882 be in all things ratified and confirmed, and that the City Clerk be and is hereby instructed to endorse said roll, showing the date of confirmation thereof, and to certify said assessment roll to the City Treasurer for collection at or near the time of construction of the improvement.
- BE IT FURTHER RESOLVED, that special assessments shall be payable in one (1) payment as provided in Section 94-10 of the Code of the City of Birmingham at five and three quarters percent (5.75%) annual interest.
- I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 4th, 2018.

Cherilynn Mynsberge, City Clerk

#### EMAGINE PALLADIUM 209 HAMILTON ROW / 250 N. OLD WOODWARD SPECIAL LAND USE PERMIT AMENDMENT 2018

- WHEREAS, Emagine Palladium filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of N. Old Woodward, north of Hamilton Row;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit

  Amendment to install a new 35 seat private viewing theater in the former dining area of Four Story Burger;
- WHEREAS, The Planning Board reviewed the application on April 25th, 2018 for a Special Land Use Permit Amendment and Final Site Plan Review and recommended with no conditions;
- WHEREAS, The Birmingham City Commission has reviewed Emagine Palladium's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Emagine Palladium's application for a Special Land Use Permit Amendment and Final Site Plan at 209 Hamilton Row/250 N Old Woodward is hereby approved;
- BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:
  - 1. Emagine Palladium shall be permitted to provide entertainment in

accordance with their entertainment permit issued by the MLCC;

- 2. Emagine Palladium shall abide by all provisions of the Birmingham City Code; and
- 3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.
- BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.
- BE IT FURTHER RESOLVED, Except as herein specifically provided, Emagine Palladium and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Emagine Palladium to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.
- MAY IT BE FURTHER RESOLVED that Emagine Palladium is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 209 Hamilton Row/250 N Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the
foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission
at its regular meeting held on June 4th, 2018.

Cherilynn Mynsberge, City Clerk

## City of Birmingham Warrant List Dated 06/06/2018

Check Number	Early Release	Vendor #	Vendor	Amount
258645	*	000855	48TH DISTRICT COURT	200.00
258646		005358	AARON'S EXCAVATING INC	5,780.00
258647		002284	ABEL ELECTRONICS INC	837.99
258648		000151	ACE-TEX ENTERPRISES INC	396.75
258649	*	007266	AETNA BEHAVIORAL HEALTH LLC	475.41
258650		MISC	ALLIED SIGNS, INC.	200.00
258651		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
258652		003243	AMERICAN PRINTING SERVICES INC	2,943.00
258653		008630	AMERICAN TRADE MARK CO.	13,776.40
258654		000282	APOLLO FIRE EQUIPMENT	1,301.59
258655		008667	APOLLO FIRE-APPRATUS REPAIR	1,301.59
258656		MISC	AQUILINA, DAVID	1,400.00
258657		MISC	AQUILINA, DAVID	1,000.00
258658		000500	ARTECH PRINTING INC	168.00
258659	*	006759	AT&T	124.52
258660	*	004027	AUTOMATED BENEFIT SVCS INC	11,199.13
258661		MISC	BBEK CONSTRUCTION LLC	200.00
258662		000518	BELL EQUIPMENT COMPANY	226.91
258663	*	001086	CITY OF BIRMINGHAM	730.95
258664	*	001086	CITY OF BIRMINGHAM	668.44
258665	*	MISC	BLUE CARE NETWORK	594.53
258666		000157	BOB ADAMS TOWING INC	25.00
258667		008435	BOB'S SANITATION SERVICE, INC.	475.00
258668		007732	CAPITAL TIRE, INC.	133.02
258669	*	000444	CDW GOVERNMENT INC	584.90
258670	*	007134	CERTIFIED POWER, INC	1,437.45
258671		008306	CHARTER TOWNSHIP OF BLOOMFIELD	409.94
258672		007710	CINTAS CORP	245.82
258673		000605	CINTAS CORPORATION	154.29
258674	*	004026	COFINITY	1,458.00
258675	*	007625	COMCAST	60.81
258676	*	007774	COMCAST BUSINESS	1,230.66
258677	*	000627	CONSUMERS ENERGY	6,587.50
258678		008512	COOL THREADS EMBROIDERY	20.00
258679		MISC	DAN LYNCH	500.00
258680	*	006907	DENTEMAX, LLC	141.30
258681		008559	DETROIT BATTERY COMPANY	187.90
258682		000847	DETROIT SALT COMPANY	29,695.34
258683		MISC	DJL3 LLC	400.00
258684		MISC	DJL3 LLC	5,000.00
258685		000565	DORNBOS SIGN & SAFETY INC	88.79
258686	*	000179	DTE ENERGY	21,254.35
258687	*	000180	DTE ENERGY	8,620.30

## City of Birmingham Warrant List Dated 06/06/2018

Check Number	Early Release	Vendor #	Vendor	Amount
258688		001077	DUNCAN PARKING TECH INC	1,691.96
258689		001063	EASTMAN FIRE PROTECTION INC	20.00
258690	*	MISC	EDWARD SCHONBERG	128.67
258691		000196	EJ USA, INC.	1,562.72
258692		004671	ELDER FORD	20.30
258693		000995	EQUATURE	1,290.00
258694		000207	EZELL SUPPLY CORPORATION	205.21
258695		MISC	FOUNDATION SYSTEMS OF MICHIGAN INC.	200.00
258696		007172	GARY KNUREK INC	451.91
258697		000243	GRAINGER	11.93
258698		008382	GREAT LAKES PORTABLE STORAGE LLC	169.00
258699		001531	GUNNERS METER & PARTS INC	6,741.00
258700		MISC	HANSONS ADMINISTRATIVE GROUP LLC	200.00
258701	*	001956	HOME DEPOT CREDIT SERVICES	2,813.77
258702		MISC	ISROW, DEREK M	1,000.00
258703		MISC	JULIA WEISS	550.00
258704		000353	KNAPHEIDE TRUCK EQUIPMENT	172.68
258705		MISC	KRH INC	900.00
258706		MISC	LA MARCO HOMES LLC	2,000.00
258707		MISC	LAVANWAY SIGN CO.INC	200.00
258709		008551	M & K TRUCK CENTERS	46.62
258710		MISC	M J WHITE & SON INC	200.00
258711		MISC	MAINSTREET RESTORATIONS & REMODELIN	200.00
258712		MISC	MANNA CONSTRUCTION	200.00
258713		MISC	MCCS LLC	300.00
258714	*	004738	MGFOA	100.00
258716	*	007010	STATE OF MICHIGAN	7,390.00
258717		000230	MIKE SAVOIE CHEVROLET INC	386.12
258718		MISC	MODERN OFFICE	399.00
258719		MISC	MSA HOME IMPROVEMENTS INC	59.12
258721		MISC	MYUNG, ROE	100.00
258723		MISC	NORTHWEST CONTRACTING INC	100.00
258724		MISC	NOVI KITCHEN AND BATH	200.00
258725		001864	NOWAK & FRAUS ENGINEERS	9,562.12
258726		006359	NYE UNIFORM COMPANY	1,318.00
258727	*	002792	PAUL O'MEARA	213.74
258728		MISC	OAKES, GARY B	500.00
258729		002892	OAKLAND COMMUNITY COLLEGE	780.00
258730	*	000477	OAKLAND COUNTY	202,945.33
258731	*	004370	OCCUPATIONAL HEALTH CENTERS	420.00
258732	*	000481	OFFICE DEPOT INC	752.04
258733		001626	OXFORD OVERHEAD DOOR SALES CO.	516.50
258734		MISC	PELLA WINDOWS & DOORS, INC.	1,000.00

## City of Birmingham Warrant List Dated 06/06/2018

Check Number	Early Release	Vendor #	Vendor	Amount
258735		MISC	PHILLIPS SIGN & LIGHTING INC	200.00
258736		000801	POSTMASTER	1,260.00
258737		003629	PREMIUM AIR SYSTEMS INC	181.50
258738		MISC	PRM CUSTOM BUILDERS LLC	7,300.00
258739		002852	QMI GROUP INC	70.00
258740	*	008404	PETE REALY	98.96
258741	*	005344	RESERVE ACCOUNT	8,000.00
258742		MISC	ROBERT F ERLANDSON	100.00
258743		MISC	ROBERT R BRANDS	100.00
258744		MISC	RONNISCH CONSTRUCTION GROUP	300.00
258745		MISC	ROOF ONE LLC	100.00
258746		MISC	ROOFING DEPOT LLC	100.00
258747	*	001181	ROSE PEST SOLUTIONS	220.00
258748		MISC	SAS SERVICES INC	100.00
258749		008784	SEAL MASTER PAVEMENT PRODUCT	50.00
258750		MISC	SHARKEY DENT REMOVAL	80.00
258751		007142	SHERWIN-WILLIAMS COMPANY	125.40
258752		MISC	SIGNARAMA/FLINT	200.00
258753		MISC	SIGNGLO	100.00
258754		MISC	SIGNS & MORE	200.00
258755		MISC	SIGNS BY CRANNIE INC	200.00
258756		MISC	SMOLYANOV HOME IMPROVMENT	100.00
258757	*	008748	TECHSEVEN COMPANY	890.00
258758		MISC	TEMPLETON BUILDING COMPANY	1,000.00
258759		MISC	THORNTON & GROOMS INC.	551.28
258760		002037	TOTAL ARMORED CAR SERVICE, INC.	714.83
258761		000931	VARSITY SHOP	16.60
258764	*	000158	VERIZON WIRELESS	151.59
258765		MISC	WALLSIDE INC	1,000.00
258766		MISC	WALLSIDE WINDOW	500.00
258767		004497	WATERFORD REGIONAL FIRE DEPT.	227.81
258768		002405	R.D. WHITE CO., INC.	350.00
258769		MISC	WINSTON AND SONS HOME IMPROVEMENT L	200.00
258770	*	000306	WOLVERINE CONTRACTORS INC	821.50
258771		008344	WOODWARD BROWN ASSOCIATES, LLC	88,489.53
258772		MISC	WOODWARD BROWN VENTURES LLC	20,000.00

Meeting of 06/25/2018

## City of Birmingham Warrant List Dated 06/06/2018

Check Number	Early Release	Vendor #	Vendor		Amount
				Sub Total Checks:	\$505,702.32
				Sub Total ACH:	\$77,817.29
				Grand Total:	\$583,519.61

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber Finance Director/ Treasurer

 $<sup>\</sup>star$ -Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

6/25/2018

## City of Birmingham 6/6/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	6/1/2018	77,817.29
	TOTAL	77,817.29

Check Number	Early Release	Vendor #	Vendor	Amount
258773	*	001676	35TH DISTRICT COURT	483.00
258774		MISC	3JS BUILDERS LLC	900.00
258775	*	000855	48TH DISTRICT COURT	100.00
258776	*	000855	48TH DISTRICT COURT	100.00
258777	*	000855	48TH DISTRICT COURT	100.00
258778	*	000855	48TH DISTRICT COURT	100.00
258779	*	006965	7UP DETROIT	222.20
258780		MISC	AAA-THE AUTO CLUB GROUP	4.25
258781		007288	ABC HARLEY-DAVIDSON INC.	517.93
258782		002284	ABEL ELECTRONICS INC	523.32
258783		008555	ABELL PEST CONTROL INC	40.00
258784	*	006998	STEVE ACHO	1,500.00
258785		MISC	AIR MASTER HEATING & AC LLC	138.75
258786		MISC	ANTHONY M VULMAN OR KIRILL LIBERMAN	2,500.00
258787		008667	APOLLO FIRE-APPRATUS REPAIR	398.92
258790		007479	ASB DISTRIBUTORS	42.00
258792	*	006759	AT&T	137.66
258793	*	006759	AT&T	213.43
258794		002702	B & B GREASE TRAP & DRAIN	115.00
258796	*	000517	BEIER HOWLETT P.C.	46,683.25
258798		000518	BELL EQUIPMENT COMPANY	984.17
258799		007345	BEVERLY HILLS ACE	61.43
258800		004931	BIDNET	64.26
258801		002231	BILLINGS LAWN EQUIPMENT INC.	255.96
258802		008503	BIRDIE IMAGING SUPPLIES, INC	1,684.80
258804	*	001086	CITY OF BIRMINGHAM	753.70
258805	*	001086	CITY OF BIRMINGHAM	468.65
258806		MISC	BLOOMFIELD CONSTRUCTION CO	200.00
258807		002982	BLOOMFIELD TWP FIRE DEPT	343.08
258808		000542	BLUE WATER INDUSTRIAL	88.75
258809		000157	BOB ADAMS TOWING INC	130.00
258810		003526	BOUND TREE MEDICAL, LLC	243.92
258811		MISC	BRIAN NAJOR	100.00
258812	*	006953	JACQUELYN BRITO	53.70
258815		007365	BSN SPORTS	685.53
258817		MISC	CA SENIOR LIFE STYLE LLC	15,528.00
258818		MISC	CALHOUNS PLUMBING SERVICE	200.00
258819		001458	CALLAGHAN PROMOTIONS	88.85
258820		008385	CALLAWAY GOLF	55.74
258821		007732	CAPITAL TIRE, INC.	0.00
258821	*	007732	CAPITAL TIRE, INC.	1,380.32
258822		MISC	CAPTIVATING HOMES LLC	200.00
258824		005238	CBTS	5,115.00

Check Number	Early Release	Vendor #	Vendor	Amount
258828		008124	CI CONTRACTING, INC.	2,896.00
258829		MISC	CLARK, JACQUELINE G.	500.00
258830		001318	CLOVERDALE EQUIPMENT CO	195.47
258831	*	008044	CLUB PROPHET	1,165.00
258832	*	004188	COFFEE BREAK SERVICE, INC.	44.50
258833	*	007625	COMCAST	449.01
258834	*	007774	COMCAST BUSINESS	264.85
258835		MISC	COMMUNITY CONSTRUCTION SERVICE LLC	100.00
258836		001367	CONTRACTORS CONNECTION INC	145.20
258837		008582	CORE & MAIN LP	628.34
258840		004386	CYNERGY PRODUCTS	2,159.60
258841		MISC	DAN LYNCH	314.78
258842		008005	DE LAGE LANDEN FINANCIAL SVCS INC	173.75
258843	*	008191	DETROIT JEWISH NEWS	158.00
258844		000847	DETROIT SALT COMPANY	24,959.15
258845		MISC	DISTINCTIVE BUILDING INC	200.00
258846		000190	DOWNRIVER REFRIGERATION	204.66
258848	*	000179	DTE ENERGY	1,504.76
258851		MISC	FINSILVER CONSTRUCTION	500.00
258852		001230	FIRE SYSTEMS OF MICHIGAN INC	180.00
258853		MISC	FIRST AMERICAN TITLE INS CO NAT'L	1,000.00
258856		007172	GARY KNUREK INC	255.00
258858	*	004604	GORDON FOOD	1,854.85
258859		008293	GRAINGER	52.38
258860		001531	GUNNERS METER & PARTS INC	820.00
258862		007375	HOMEFIELD TURF AND ATHLETIC INC.	4,800.00
258863		001415	HORNUNG'S PRO GOLF SALES INC	432.48
258865		000948	HYDROCORP	1,315.00
258867		MISC	INTERIOR WORKS LLC	5,200.00
258868		MISC	ITALY AMERICAN CONSTRUCTION CO	100.00
258869		002407	J & B MEDICAL SUPPLY	167.40
258870		000261	J.H. HART URBAN FORESTRY	25,622.60
258871		000344	J.T. EXPRESS, LTD.	6,361.12
258872	*	002576	JAX KAR WASH	169.00
258873		003823	JAY'S SEPTIC TANK SERVICE	70.00
258874		MISC	JENIFER BECKEMAN	139.50
258875		003458	JOE'S AUTO PARTS, INC.	77.44
258876	*	000891	KELLER THOMA	948.95
258877		004088	KGM DISTRIBUTORS INC	193.00
258878	*	000362	KROGER COMPANY	46.50
258879		005876	KROPF MECHANICAL SERVICE COMPANY	2,296.82
258880		008081	MARK LAWRY	337.62
258881		MISC	LEVINE & SONS INC	63.75

Check Number	Early Release	Vendor #	Vendor	Amount
258882		006817	LEXISNEXIS RISK DATA MANAGEMENT INC	202.40
258883		MISC	LMB PROPERTIES LLC	314.78
258885		MISC	MCKENZIE CONSTRUCTION	100.00
258888		000377	MICHIGAN MUNICIPAL LEAGUE	6,064.00
258889	*	001387	MICHIGAN MUNICIPAL LEAGUE	245,499.00
258891		006461	MID AMERICA RINK SERVICES	34.28
258892		008420	MIDWEST POLICE MOTORCYCLE TRAINING	1,595.00
258893	*	006997	KERRY MILLS	1,300.00
258894		008319	MKSK	5,522.54
258895		007163	MOBILE HEALTH RESOURCES	1,685.20
258896		MISC	NAJOR COMPANIES	200.00
258897		007755	NETWORK SERVICES COMPANY	1,433.61
258898		MISC	NICOLA PETRELLA	200.00
258899		005431	NILFISK, INC.	295.88
258900		001864	NOWAK & FRAUS ENGINEERS	21,480.00
258901		006359	NYE UNIFORM COMPANY	143.60
258902		001174	OAKLAND CO MEDICAL CONTROL AUTH.	75.00
258903		002892	OAKLAND COMMUNITY COLLEGE	390.00
258904		004110	OAKLAND COMMUNITY COLLEGE	975.00
258905	*	000477	OAKLAND COUNTY	709,292.58
258906		000919	OAKLAND COUNTY TREASURER	3,674.99
258907		008214	OAKLAND COUNTY WATER DEPARTMENT	8,889.20
258908	*	004370	OCCUPATIONAL HEALTH CENTERS	192.00
258909	*	000481	OFFICE DEPOT INC	33.98
258911		002767	OSCAR W. LARSON CO.	641.16
258911	*	002767	OSCAR W. LARSON CO.	745.27
258912	*	006625	PACIFIC TELEMANAGEMENT SERVICES	156.00
258913		006027	PENCHURA, LLC	322.00
258914	*	001753	PEPSI COLA	765.00
258916		MISC	PREMIER PET SUPPLY	558.80
258917		000897	PRINTING SYSTEMS INC	1,449.05
258919		007463	PUBLIC RUBBER & SUPPLY CO., INC.	226.36
258920		005930	RAPID AIR	756.00
258921		MISC	READY DIG EXCAVATION	661.02
258923		MISC	RENEWAL BY ANDERSEN	500.00
258924	*	003554	RKA PETROLEUM	1,656.89
258925		000478	ROAD COMM FOR OAKLAND CO	5,710.38
258927		MISC	RON AND ROMAN LLC	100.00
258929		MISC	RYAN CONSTRUCTION INC	500.00
258930		MISC	SAVELL, D./C/O E. ZIMMERMAN	100.00
258932		MISC	SEAHOLM HIGH SCHOOL TRACK & FIELD	115.00
258933		007142	SHERWIN-WILLIAMS COMPANY	163.50
258935	*	001097	SOCWA	172,753.74

Check Number	Early Release	Vendor #	Vendor		Amount
258937		000260	SPARTAN DISTRIBUTORS I	NC	489.09
258938		MISC	STARRS ROOFING		200.00
258939		000265	STEEL EQUIPMENT CO.		845.00
258940		008713	STEFAN SYTS		125.93
258941		MISC	STERLING DEVELOPMENT C	CORP	144.34
258943		MISC	SUBURBAN BASEMENT		100.00
258944		005863	SUCCESS COMMUNICATIONS	, INC.	2,391.00
258946		008748	TECHSEVEN COMPANY		1,376.00
258949		MISC	TRESNAK CONSTRUCTION I	NC	100.00
258950		007226	VALLEY CITY LINEN		288.00
258951	*	000293	VAN DYKE GAS CO.		188.82
258952		000931	VARSITY SHOP		59.20
258953	*	000158	VERIZON WIRELESS		711.08
258954	*	000158	VERIZON WIRELESS		151.86
258955		006491	VILLAGE AUTOMOTIVE		665.01
258956		MISC	WALLSIDE INC		600.00
258957		007278	WHITLOCK BUSINESS SYST	TEMS, INC.	2,623.34
258960		MISC	WOLVERINE BUILDING GRO	UP	10,000.00
258961		000306	WOLVERINE CONTRACTORS	INC	785.00
258965		008391	XEROX CORPORATION		1,979.74
				Sub Total Checks:	\$1,393,868.67
				Sub Total ACH:	\$100,320.83
				Grand Total:	\$1,494,189.50

All bills, invoices and other evidences of claim have been audited and approved for payment.

Mark Sterler

Mark Gerber Finance Director/ Treasurer

 $<sup>\</sup>star$ -Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

6/25/2018

### City of Birmingham 6/13/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	6/8/2018	100,320.83
	TOTAL	100,320.83

Check Number	Early Release	Vendor #	Vendor	Amount
258968	*	000855	48TH DISTRICT COURT	200.00
258969		002284	ABEL ELECTRONICS INC	203.49
258971		000394	AERO FILTER INC	165.00
258972		003708	AIRGAS USA, LLC	210.74
258974		001071	AMERICAN PUBLIC WORKS ASSOC	87.91
258975		000167	ANDERSON ECKSTEIN WESTRICK INC	1,150.00
258976	*	008655	ANGELO IAFRATE CONSTRUCTION	80,335.00
258977		003946	ARAMARK	146.90
258978		001357	ART/DESIGN GROUP LTD	113.75
258979	*	006759	AT&T	1,161.20
258980	*	006759	AT&T	215.62
258981	*	006759	AT&T	65.10
258983		MISC	BABI CONSTRUCTION INC	500.00
258987		001122	BOB BARKER CO INC	952.00
258988		000519	BELLE TIRE DISTRIBUTORS	8.00
258991		007345	BEVERLY HILLS ACE	51.13
258992		002231	BILLINGS LAWN EQUIPMENT INC.	81.06
258993		MISC	BILLY'S ROOFING LLC	100.00
258994	*	008707	CITY OF BIRMINGHAM #231	7,569.65
258995		005003	BIRMINGHAM BLMFD COMMUNITY	3,000.00
258997		000546	KAREN D. BOTA	1,940.00
258998		MISC	BRANDYWINE CONSTRUCTION LLC	2,007.00
258999	*	001137	KATHRYN BURRICK	77.17
259000		003907	CADILLAC ASPHALT, LLC	791.29
259001		007875	CANFIELD EQUIPMENT SERVICE INC.	3,755.45
259002		000571	CAR TRUCKING INC	50.00
259003		000595	CARRIER & GABLE INC	92.11
259005		002067	CENTRAL PARKING SYSTEM	114.00
259007		000603	CHEMCO PRODUCTS INC	232.00
259008		MISC	CHESS ROOFING & SIDING LLC	200.00
259009		000605	CINTAS CORPORATION	105.65
259011		MISC	CLARK, JACQUELINE G.	100.00
259012	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,382.57
259013		002234	CMP DISTRIBUTORS INC	158.95
259014		002668	CONTRACTORS CLOTHING CO	259.28
259015		008582	CORE & MAIN LP	1,570.87
259018		000847	DETROIT SALT COMPANY	3,242.61
259019		001035	DOUGLASS SAFETY SYSTEMS LLC	101.78
259020	*	000180	DTE ENERGY	43,753.89
259022	*	007538	EGANIX, INC.	720.00
259023		000995	EQUATURE	1,024.25
259024		008308	ERADICO PEST SERVICES	40.00
259025		001223	FAST SIGNS	658.00

Check Number	Early Release	Vendor #	Vendor	Amount
259026		008795	FIREFIGHTER BEHAVIORAL HEALTH ALLNC	1,096.80
259028		MISC	FRICK, ROBERT K	100.00
259029		001023	GABRIEL, ROEDER, SMITH & CO.	16,500.00
259030		005103	GORNO FORD, INC.	31,406.00
259031		MISC	GRACE CONSTRUCTION COMPANY	100.00
259033		004983	GREAT AMERICAN BUSINESS PRODUCTS	295.68
259035		001531	GUNNERS METER & PARTS INC	1,467.50
259036		006346	HARRELL'S LLC	4,576.00
259037	*	006153	HARRY'S ARMY SURPLUS	140.00
259038		007458	HERITAGE - CRYSTAL CLEAN, LLC	2,080.42
259041		MISC	IDEAL BUILDERS AND REMODELING INC	2,500.00
259043		000340	INDUSTRIAL BROOM SERVICE, LLC	989.95
259044		001934	ISA	120.00
259045		003823	JAY'S SEPTIC TANK SERVICE	100.00
259046		003458	JOE'S AUTO PARTS, INC.	368.34
259047		003845	JOHNSON HILL LAND ETHICS STUDIO INC	13,737.50
259049		MISC	K C MASONRY	100.00
259050		MISC	KEITH CHARRON	500.00
259051	*	008696	KYLE BUILDERS	15,000.00
259052		007985	L.E.O.R.T.C.	65.00
259053	*	005327	L3 TECHNOLOGIES, INC.	580.00
259054	*	008607	LANZO TRENCHLESS TECHNOLOGIES NORTH	151,426.29
259055		008804	LIEBERMAN, GIES & COHEN, PLLC	2,640.00
259056		MISC	LL CUSTOM CONTRACTING OF MICHIGAN	500.00
259057	*	008158	LOGICALIS INC	9,700.00
259059		MISC	LYON, PETER M	100.00
259060		008480	MADCAD	4,969.93
259061		000888	MCKENNA ASSOCIATES INC	64,037.50
259062	*	008689	MERIDIAN CONTRACTING GROUP LLC	20,000.00
259063		003099	MICHIGAN POLICE EQUIP.	775.00
259068		005110	MTS SAFETY PRODUCTS, INC	77.89
259069		MISC	NAIEL YOUHANNA AMMORI	900.00
259070		007755	NETWORK SERVICES COMPANY	119.00
259071	*	007856	NEXT	7,737.30
259072		005431	NILFISK, INC.	655.55
259073		004472	OBSERVER & ECCENTRIC	63.75
259076		008669	OHM ADVISORS	81,197.63
259078		006027	PENCHURA, LLC	215.41
259080		MISC	PERFORMANCE RESIDENTIAL REMODELING	100.00
259082		002518	PITNEY BOWES INC	195.00
259083		MISC	POWER HOME REMODELING GROUP	451.25
259084		005733	POWER LINE SUPPLY	44.48
259085	*	008404	PETE REALY	98.96

Check Number	Early Release	Vendor #	Vendor	Amount
259087		MISC	RENEWAL BY ANDERSEN	736.25
259088		MISC	RISIN CORP	500.00
259089	*	003554	RKA PETROLEUM	13,282.38
259091		001527	ROYAL OAK TENT & AWNING LLC	299.00
259092	*	002806	SAM'S CLUB/SYNCHRONY BANK	663.32
259093		MISC	SANDRA CASSAR	30.00
259094		005759	SCHENA ROOFING & SHEET METAL	5,951.00
259096		MISC	SCOTT YOUNE	990.90
259099		003785	SIGNS-N-DESIGNS INC	295.00
259100		000254	SOCRRA	71,361.00
259104		006783	STATE OF MICHIGAN	30.00
259105		MISC	STEINHAUS, CRAIG	100.00
259106	*	004355	SYMETRA LIFE INSURANCE COMPANY	32,016.00
259108		008748	TECHSEVEN COMPANY	1,966.00
259109		MISC	TEK PLBG LLC	223.50
259110		000273	TERMINAL SUPPLY CO.	112.22
259112		000278	TROY AUTO GLASS CO INC	482.72
259115	*	008411	VARIPRO	785.50
259116	*	000158	VERIZON WIRELESS	105.12
259117		MISC	WALLSIDE INC	1,000.00
259118		006762	WATCHGUARD VIDEO	680.00
259121		002088	WM. CROOK FIRE PROTECTION CO.	3,683.44
259122		000306	WOLVERINE CONTRACTORS INC	569.50
259123	*	003890	LAUREN WOOD	525.00
			Sub Total Checks:	\$732,909.40
			Sub Total ACH:	\$98,270.74
			Grand Total:	\$831,180.14
			<del>-</del>	

All bills, invoices and other evidences of claim have been audited and approved for payment.



Mark Gerber Finance Director/ Treasurer

 $<sup>\</sup>star ext{-Indicates}$  checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

6/25/2018

### City of Birmingham 6/20/2018

Vendor Name	Transfer Date	Transfer Amount
Automated Benefit Services, Inc.	6/18/2018	98,270.74
	TOTAL	98,270.74

# City of Birmingham A Walkable Community

### **MEMORANDUM**

**Planning Division** 

DATE: June 14, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana L. Ecker, Planning Director

SUBJECT: To Set a Public Hearing for Final Site Plan & Special Land Use

Permit Amendment at 33588 Woodward – Shell Gas Station

The subject property at 33588 Woodward is located in the B2B General Business zone district. The B2B zone lists gasoline service station as a permitted use requiring a Special Land Use Permit (SLUP). The applicant was approved for a SLUP by the City Commission on September 22, 2014. The applicant is now requesting an amendment to the existing SLUP to allow them to construct a small addition to the building to allow for a new accessible bathroom.

On January 24, 2018, the Planning Board conducted a public hearing to discuss a request by the applicant to construct the addition. The Planning Board voted unanimously to recommend approval of the Final Site Plan and Design and the Special Land Use Permit to the City Commission with the following conditions:

- 1. Confirm that the ice and propane storage units do not exceed 4'; and
- 2. Comply with the requests of City Departments, including making the required modifications to the site for an ADA compliant sidewalk around the building addition.

However, the applicant had not yet devised a solution to the issue by the time they reached the City Commission for the public hearing on March 12, 2018. At that time the City Commission voted to send the applicant back to the Planning Board for further clarification on the proposed layout of the new sidewalk around the proposed building addition. The City Commission stated they would like to have all issues resolve so that they could review a complete plan that would not be subject to further change after the public hearing.

On April 11, 2018 the applicant appeared before the Planning Board for review of the proposed pedestrian path that consisted of blue striping along the edge of the raised sidewalk abutting the building. At that time the Planning Board postponed the review and instructed the applicant to revise the plans so the existing raised curb is extended and reestablishes a pedestrian walkway along the building as currently exists. The applicant submitted a revised site plan that indicated an expanded sidewalk with a curb in the area by the new bathroom.

On May 9, 2018, the Planning Board once again postponed the SLUP application to June 13, 2018 as the applicant had not yet submitted a detailed site plan as requested by the board.

On June 13, 2018, the Planning Board once again reviewed the proposed sidewalk improvements around the proposed addition. At this time, the applicant submitted an engineered site plan including all topographic details on the site and the proposed sidewalk and ramps in the vicinity of the new addition to the building. The applicant also moved a portion of the outdoor storage from the southern elevation of the building to behind the screen wall that screens the row of parking along the alley from Woodward Avenue. Finally, the applicant provided a building elevation for the west elevation to show the existing ramp conditions and how the grades will match with the proposed sidewalk addition. The Planning Board voted unanimously to recommend approval of the SLUP Amendment and Final Site Plan to the City Commission with the condition that all storefront glazing must comply with the original approval.

Thus, the Planning Division requests that the City Commission set a public hearing date for **July 23, 2018** to consider approval of the Final Site Plan and Design and a Special Land Use Permit Amendment to allow the addition of a new bathroom to the existing Shell gasoline station. Please find attached the staff report presented to the Planning Board, along with the relevant plans and supporting documents.

#### SUGGESTED ACTION:

To set a public hearing date for July 23, 2018 to consider the Final Site Plan & Design and a Special Land Use Permit Amendment at 33588 Woodward to allow the addition of a new accessible bathroom to the existing Shell gasoline service station.

# 33588 WOODWARD SHELL GASOLINE SERVICE STATION/DUNKIN DONUTS SPECIAL LAND USE PERMIT AMENDMENT JULY 23, 2018

**WHEREAS**, the Shell gasoline station with a convenience store and a Dunkin Donuts store was granted a Special Land Use Permit on September 22, 2014,

**WHEREAS**, B5 Investment LLC has now applied for a Special Land Use Permit Amendment, to construct a new accessible bathroom addition on site at 33588 Woodward,

WHEREAS, The land for which the Special Land Use Permit is sought is located at the southeast corner of Woodward Ave. and Chapin Ave.,

**WHEREAS**, The land is zoned B-2B General Business, which permits a gasoline service station with a convenience store with a Special Land Use Permit,

**WHEREAS**, Article 7, section 7.34 of Chapter 126, Zoning, requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use,

**WHEREAS**, The applicant now requests a Special Land Use Permit Amendment to allow for the construction of a new bathroom addition, such application having been filed pursuant to Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

WHEREAS, The Planning Board reviewed the proposed Special Land Use Permit Amendment on January 24, 2018 and recommended that the City Commission approve with the following conditions:

- 1. Confirm that the ice and propane storage units do not exceed 4'; and
- 2. Comply with the requests of City Departments, including making the required modifications to the site for an ADA compliant sidewalk around the building addition.

WHEREAS, The City Commission requested that the applicant submitted detailed plans showing the sidewalk around the new addition for review by the Planning Board, the Planning Board reviewed the proposed Special Land Use Permit Amendment on June 13, 2018 at which time the Planning Board voted to recommend approval of the Final Site Plan and SLUP to the City Commission with the condition all storefront glazing must comply with the original approval.

**WHEREAS**, The applicant has agreed to comply with all conditions for approval as recommended by the Planning Board on June 13, 2018,

**WHEREAS**, The Birmingham City Commission has reviewed the B5 Investments LLC Special Land Use Permit application as well as the standards for such review as set forth in Article 7, section 7.34 of Chapter 126, Zoning of the City Code,

**BE IT FURTHER RESOLVED**, The Birmingham City Commission finds the standards imposed on B5 Investments LLC under the City Code have been met, subject to the conditions below and B5 Investments LLC's application for a Special Land Use Permit Amendment to construct a new accessible bathroom to the existing a gasoline service station, convenience store and Dunkin Donuts store on site at 33588 Woodward, is hereby approved, subject to the attached site plan, with the following conditions:

- 1. The ice and propane storage units do not exceed 4';
- 2. The applicant complies with the requests of City Departments; and
- 3. All storefront glazing must comply with the original approval.

**BE IT FURTHER RESOLVED**, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.

**BE IT FURTHER RESOLVED**, Except as herein specifically provided, the B5 Investments LLC Company and its heirs, successors and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of B5 Investments LLC to comply with all the ordinances of the City, may result in the Commission revoking this Special Land Use Permit.

I, Cherilynn Mysnberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and, correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 23, 2018.

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM

ate 11/02/2017 9:13:56 AM

Ref 00143160

Receipt 398810

Amount \$100.00



### **Special Land Use Permit Application Planning Division**

Form will not be processed until it is completely filled out.



Form will not be processed until it is completely filled by	COMMUNITY DEVELOPMENT DEPARTMENT
1. Applicant Name: BS Investments, LLC Address: 33588 Woodward Ave.  Bicmingham, MI 48009 Phone Number: 248 - 255-2090 Fax Number: Email Address: Chase barbet organization. Com	Property Owner  Name: 15 Investments, LCC - Chris Borbat  Address: 33477 Wardward Ave, 54800  Birming ham, MI 48009  Phone Number: 248-255-2090  Fax Number: Email Address: Chris Borbat Organization, con
2. Applicant's Attorney/Contact Person Name: Chris Borbat Address: 33477 Wowland Bre, Ste 900 Browning ham, MI 48009 Phone Number: 216-255-2490 Fax Number: Email Address: Chris Clarbatoryanication. Com	Project Designer/Developer Name: Same ns above Address:  Phone Number: Fax Number: Email Address:
3. Required Attachments	
<ul> <li>Warranty Deed with legal description of property</li> <li>Required fee (see Fee Schedule for applicable amount)</li> <li>Two (2) folded copies of plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior plan</li> <li>Photographs of existing site and buildings</li> <li>Samples of all materials to be used</li> </ul>	<ul> <li>Catalog sheets for all proposed lighting, mechanical equipment &amp; outdoor furniture</li> <li>An itemized list of all changes for which approval is requested</li> <li>Completed Checklist</li> <li>Digital copy of plans</li> </ul>
4. Project Information	
Address/Location of Property: 33588 Woodword Ave.  Sirming ham, MI, 48069  Name of Development: 2n Am Stell  Sidwell #: 20-31-352-001  Current Use: 608 station and Dunkin Donuts  Proposed Use: 5ame  Area in Acres: 34  Current Zoning:  Zoning of Adjacent Properties:  Is there a current SLUP in effect for this site?: YES  Is property located in the floodplain? NO	Name of Historic District site is in, if any:  Date of HDC Approval, if any:  Date of Application for Preliminary Site Plan:  Date of Preliminary Site Plan Approval:  Date of Application for Final Site Plan:  Date of Final Site Plan Approval:  Date of Revised Final Site Plan Approval:  Date of Final Site Plan Approval:  Date of DRB approval, if any:  Date of Last SLUP Amendment:  Will proposed project require the division of platted lots?
5. Details of the Nature of Work Proposed (Site pla	ın & design elements)
Relocation of both som within the of square footage to the build	building to include small addition
	H9009.C >2.1 400.100

#### 6. Buildings and Structures Use of Buildings: Gas Station + Dunkin Donuts Number of Buildings on site: Height of Building & # of stories: 18' - 1 Story Height of rooftop mechanical equipment: 7. Floor Use and Area (in square feet) Commercial Structures: Total basement floor area: Number of square feet per upper floor: Total floor area: 2600 sq. fl. Office space: Retail space: Industrial space: Floor area ratio (total floor area divided by total land area): Open space: Percent of open space: Residential Structures: N/A Total number of units: Rental units or condominiums?: Number of one bedroom units: Size of one bedroom units: Number of two bedroom units: Size of two bedroom units: Number of three bedroom units: Size of three bedroom units: Open space: Seating Capacity: Percent of open space: Maximum Occupancy Load:\_\_\_\_\_ 8. Required and Proposed Setbacks N/# Required front setback:\_\_\_\_\_ Proposed front setback: Required rear setback: Proposed rear setback: Proposed total side setback: Required total side setback: Side setback: Second side setback: 9. Required and Proposed Parking N/A Required number of parking spaces: Proposed number of parking spaces: Typical angle of parking spaces: Typical size of parking spaces: Typical width of maneuvering lanes: Number of spaces < 180 sq. ft.: Location of parking on the site: Number of handicap spaces: Location of off site parking: Shared Parking Agreement?: Number of light standards in parking area: Height of light standards in parking area: Screenwall material: Height of screenwall: 10. Landscaping N/A Location of landscape areas: Proposed landscape material:

### 11. Streetscape N/A Description of benches or planters: Sidewalk width: Number of benches: Number of planters: Number of existing street trees: Number of proposed street trees: Species of existing street trees: \_\_\_\_\_\_\_Species of proposed street trees: \_\_\_\_\_\_ Streetscape Plan submitted?: NIA 12. Loading Required number of loading spaces: Proposed number of loading spaces: Typical angle of loading spaces: Typical size of loading spaces: Screenwall material: Height of screenwall: Location of loading spaces on the site: 13. Exterior Trash Receptacles √/A Required number of trash receptacles: Proposed number of trash receptacles: Location of trash receptacles: Size of trash receptacles: Screenwall material: Height of screenwall: 14. Mechanical Equipment N/A**Utilities & Transformers:** Number of ground mounted transformers: Location of all utilities & easements: Size of transformers (LxWxH): Number of utility easements: Height of screenwall: Screenwall material: Ground Mounted Mechanical Equipment: N/A Number of ground mounted units: Size of ground mounted units (LxWxH): Location of all gournd mounted units: Height of screenwall: Screenwall material: Rooftop Mechanical Equipment: N/9 Number of rooftop units: Location of all ground mounted units: Type of rooftop units: Size of rooftop units (LxWxH): Height of screenwall: Percentage of rooftop covered by mechanical units: Distance from units to rooftop units to screenwall:

15. Accessory Buildings	NA		
Number of accessory buildings:		Size of accessory build	dings:
Location of accessory buildings:		Height of accessory by	uildings:
16. Building Lighting	N/A		
Number of light standards on but Size of light fixtures (LxWxH):	ilding:	Type of light standard Height from grade:	s on building:
Maximum wattage per fixture:		Proposed wattage per	fixture:
Light level at each property line:		Number & location of	holiday tree lighting receptacles:
the applicant to advise the P approved site plan or Specia procedures and guidelines for	Planning Division and / or Bual Land Use Permit. The under site plan review and Specied will be in attendance at the	ilding Division of any lersigned further state al Land Use Permits i e Planning Board mee	ands that it is the responsibility of additional changes made to an es that they have reviewed the n Birmingham and have complied ting when this application will be
Signature of Applicant: Chas Bon	bat - menber	Date	:_10/30/17
Signature of Architect:  Print Name:  Architect:	John ABRO	Date	(0-30-17
	Office	Use Only	
Application #:	Date Received:	r	
Αγρησαιίου π	Date Received:	Fe	e:
Date of Approval:	Date of Denial:	Ac	ccepted by:

CHIRCO TITLE AGENCY, INC.

an agency for Fidelity National Title Insurance Company

26800 Harper Ave.

St. Clair Shores, MI 48081

WARRANTY DEED Statutory Form R-128923

PHONE: 586-772-7020 FAX: 586-772-3534

Barrick Properties #40, LLC, a Michigan limited liability company, Grantor, whose address is 4307 Delemere Ct., Royal Oak, MI 48073, conveys and warrants to B5 Investments, LLC, a Michigan limited liability company, Grantee, whose address is 10531 Highland Rd., White Lake, MI 48382, the following described premises situated in the City of Birmingham, County of Oakland, State of Michigan, to wit: Lots 544 through 550, LEINBACH-HUMPHREY'S WOODWARD AVENUE SUB., as recorded in Liber 27, Page 5, of Plats, Oakland County Records, commonly known as: 33588 Woodward Avenue, Birmingham, MI 48009, for the full consideration of Seven Hundred Seventy-Five Thousand and 00/100 (\$775,000.00). Subject to: Easements, restrictions and reservations of record, if any, and any acts or omissions by other than the Grantor herein from or after the 12th day of November, 2013, being the date of a certain Land Contract executed between the parties herein pursuant to which this deed is being given in complete fulfillment thereof.

Dated this 12th day of November, 2013.

Barrick Properties #40, LLC, a Michigan limited

liability company

Robert L. Barrick, Manager

STATE OF MICHIGAN ) ) ss.
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me this the 12th day of November, 2013 by Robert L. Barrick, Manager of Barrick Properties #40, LLC, a Michigan limited liability company on behalf-of-said Barrick Properties #40, LLC.

ICHAGLA . LUSSOCTO, JR. Notary Public,

Acting in THILLYM County My Commission Expires: 6-1-7070

Instrument Drafted by: Robert L. Barrick 4307 Delemere Ct. Royal Oak, MI 48073

When recorded return to: B5 Investments, LLC 10531 Highland Rd. White Lake, MI 48382 Send subsequent tax bills to: B5 Investments, LLC 10531 Highland Rd. White Lake, MI 48382

Tax Item No. 20-31-352-001

Recording Fee \$

County Tr Tax: \$

State Tr Tax: \$

Total Tr Tax: \$

File Number: R-128923

128923.Sale docs

# New Plans



ABRO DESIGN GROUP, INC. 30600 NORTHWESTERN HWY. SUITE 310 FARMINGTON HILLS, MI. 48334 P. 248-254-3834 F. 248-671-2772

www.abrodesigngroup.com

### PROJECT:

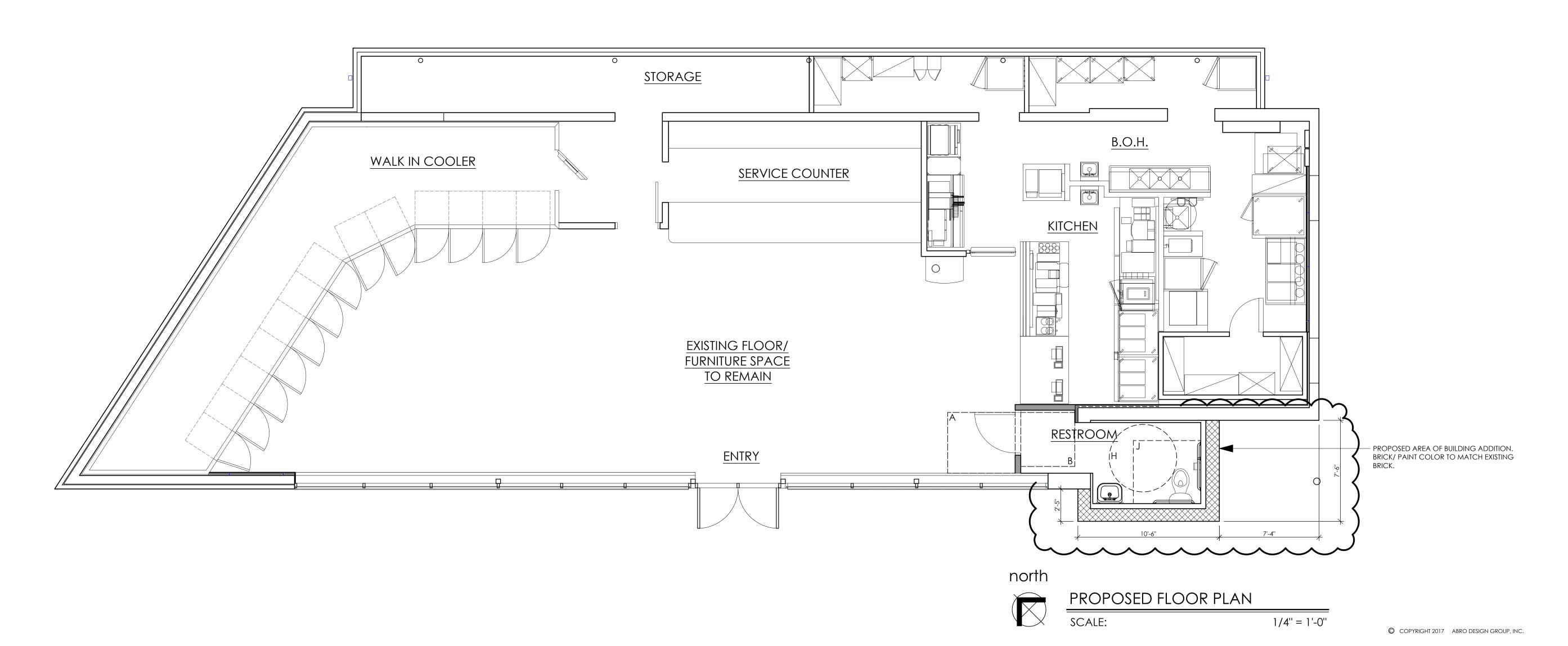
### BIRMINGHAM GAS STATION

- GAS STATION RENOVATIONS -

33588 WOODWARD AVE., BIRMINGHAM, MI 48009

### SHEET TITLE:

### PROPOSED FLOOR PLAN



DO NOT SCALE DRAWINGS USE FIGURED DIMENSIONS ONLY

DATE: ISSUE:
01.10.18 CLIENT'S REVIEW

THESE PLANS ARE THE EXCLUSIVE PROPERTY OF ABRO DESIGN GROUP, INC. THESE PLANS ARE NOT TO BE MODIFIED, REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER. NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION

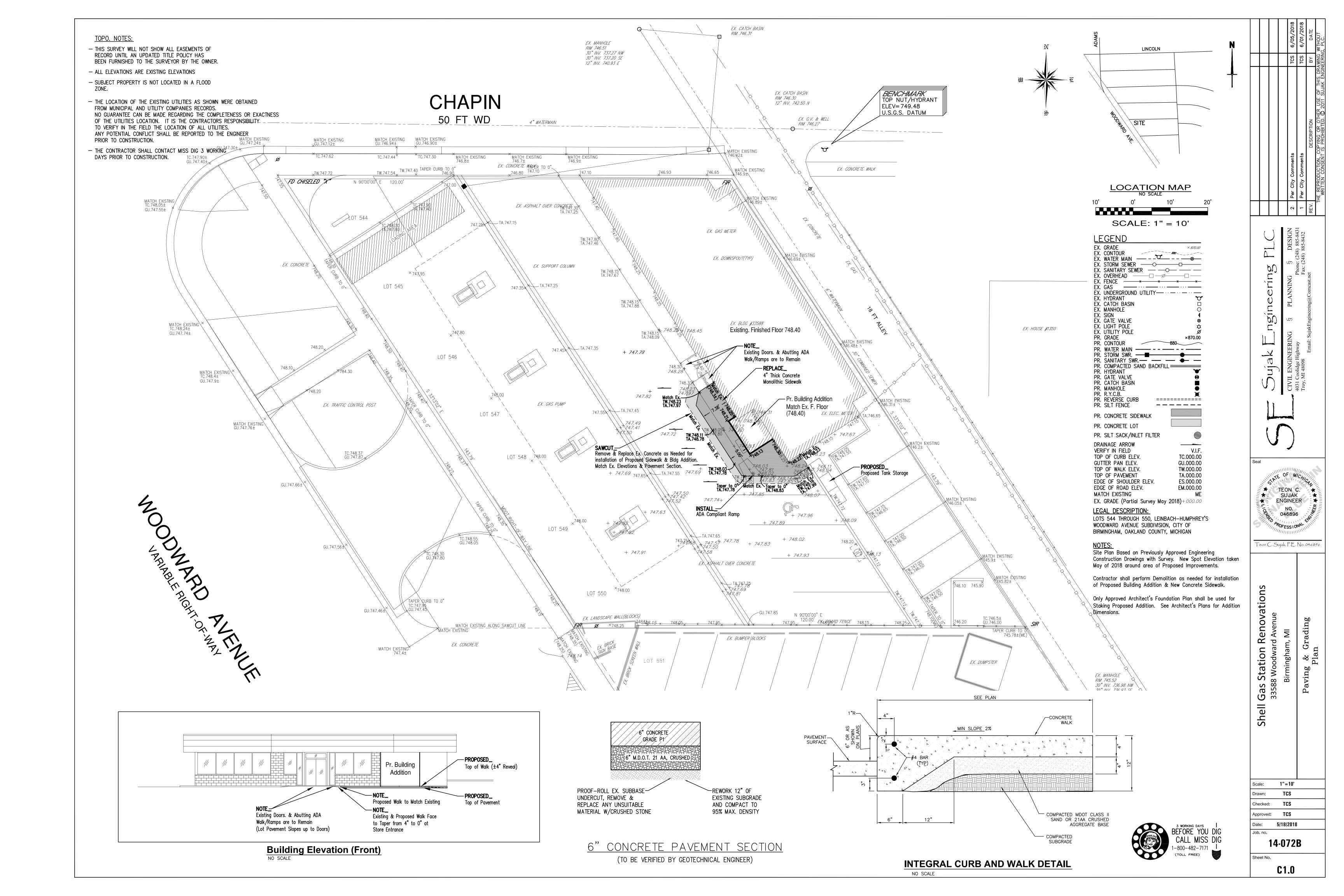
CONSENT OF ABRO DESIGN GROUP, INC.

PROJECT NO:

033017

SHEET NO:

A-100







### **MEMORANDUM**

**Planning Division** 

**DATE:** January 18<sup>th</sup>, 2018

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, Planning Intern

SUBJECT: 33588 Woodward Ave – Birmingham Shell

**Final Site Plan and Special Land Use Permit Amendment** 

The 0.34 acre subject site, 33588 Woodward Avenue, is located at the corner of Woodward and Chapin. The applicant is seeking a Special Land Use Permit Amendment to relocate the bathroom within the building, which will include a small addition of square footage to the building. The total added area to the building is roughly 79 sq. ft. at the south-western portion of the building, facing the parking lot. The addition will displace the ice and propane storage machines, which are proposed to be relocated to the side of the building, adjacent to the rear parking area.

### 1.0 Land Use and Zoning

- 1.1 Existing Land Use The land use at this parcel is commercial.
- 1.2 Zoning The parcel is zoned B2-B, General Business.
- 1.3 <u>Summary of Adjacent Land Use and Zoning</u> The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the proposed 2016 Regulating Plan zones.

	North	South	East	West
Existing Land Use	Commercial	Commercial	Residential	Commercial
Existing Zoning District	B2-B, General Business	B2-B, General Business	R4, Two Family Residential	B2-B, General Business

### 2.0 Setback and Height Requirements

Please see attached zoning compliance summary sheet for detailed setback and height requirements.

#### 3.0 Screening and Landscaping

- 3.1 <u>Dumpster Screening</u> No changes proposed.
- 3.2 Parking Lot Screening No changes proposed.
- 3.3 Mechanical Equipment Screening No changes proposed.
- 3.4 Landscaping No changes proposed.
- 3.5 <u>Streetscape</u> No changes proposed.

### 4.0 Parking, Loading and Circulation

- 4.1 Parking No changes proposed.
- 4.2 Loading No changes proposed.
- 4.3 Vehicular Circulation and Access No changes proposed.
- 4.4 Pedestrian Circulation and Access The proposed addition will displace the propane and bagged ice display units, and decrease the width of the current sidewalk along the front of the building where it will be located. The relocation of the propane and ice display units will decrease the sidewalk width significantly, but the applicant has not submitted dimensions for the two units. The proposed addition of the windshield washer fluid display will decrease the width of the sidewalk to 3 ft. 10 in. where it is proposed to be placed.

### 5.0 Lighting

The applicant is not proposing any changes to the lighting of the property.

### **6.0 Outdoor Display Standards**

The proposed addition to the front of the building will displace the propane and bagged ice displays that currently exist in the space. The applicant is proposing to

relocate the display units to the south side of the building adjacent to the rear parking area, as well as add a windshield washer fluid display to the front of the building. According to Article 9, Section 9.02 of the Zoning Ordinance, Outdoor Display is defined as the placement of any item(s) outside a building for decorative display and/or accessible to the public for the purpose of sale, rent, lease or exhibit. Therefore, the propane and ice storage, as well as the proposed display for windshield washer fluid along the front of the building shall be regulated as outdoor displays.

Article 4, Section 4.67 outlines the requirements for an outdoor display in the B2-B zoning district. The proposed outdoor storage meets several of these standards, but falls short in a few key areas:

- 1. Outdoor displays shall not exceed a maximum of 4 feet in height.
  - The applicant must confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals. The submitted site plan does show the proposed windshield washer fluid display to be a maximum of four feet tall, meeting the Ordinance.
- 2. Furniture or shelving used to display goods outside shall be made of finished metal or wood or a material of comparable quality and maintained in a good condition.
  - The existing ice and propane storage units are constructed of metal, but the applicant has indicated that the proposed windshield washer fluid display will be constructed of plastic. The applicant must submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.
- 3. An unobstructed path not less than 5 feet in width shall be continuously maintained for pedestrian access to all business entrances and no point of access or egress from any building shall be blocked at any time.
  - Both the relocation of the ice and propane display units and the new windshield washer fluid display will subtract from the required 5 feet required for pedestrian access. The applicant must submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals.

#### **7.0** Departmental Reports

7.1 <u>Engineering Division</u> – The Engineering Department has no concerns at this time.

- 7.2 <u>Department of Public Services</u> No comments have been provided at this time, but will be provided by January 24, 2018.
- 7.3 <u>Fire Department</u> No comments have been provided at this time, but will be provided by January 24, 2018.
- 7.4 <u>Police Department</u> No comments have been provided at this time, but will be provided by January 24, 2018.
- 7.5 <u>Building Division</u> The Building Department has examined the plans for the proposed project referenced above. The plans were provided to the Planning Department for site plan review purposes only and present conceptual elevations and floor plans. Although the plans lack sufficient detail to perform a code review, the following comments are offered for Planning Board and/or Design Review Board and applicant consideration:
  - 1. The proposed addition is projecting into the accessible route (sidewalk) between the existing barrier free parking space and the entrance to the building. The accessible route cannot be reduced to less than 36.00 inches.
  - 2. The plans do not include proposed changes to the interior of the building. It appears that the existing toilet room located between the service counter and kitchen will be removed and the service counter made larger. The plans will need to detail these changes.

### 8.0 Design Review

The proposed 79 sq. ft. addition to the south-west portion of the building will be for the relocation of a restroom to allow for more counter space for the establishment. The applicant has indicated on the site plan that the addition will be constructed with the same brick and paint as the existing building. The applicant has not submitted the elevations or material specifications necessary to complete a design review. The applicant must submit scaled and colored elevations and material specifications for design review.

### 9.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

#### 10.0 Recommendation

Based on a review of the site plan submitted, the Planning Division finds that the proposed Final Site Plan does not meet the requirements of Article 7, section 7.27 of the Zoning Ordinance and recommends that the Planning Board recommend POSTPONEMENT of the Final Site Plan and Special Land Use Permit Amendment for 33588 Woodward Ave – Birmingham Shell – pending receipt of the following:

- (1) The applicant submit scaled and colored elevations and material specifications for the proposed addition;
- (2) The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;
- (3) The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and
- (4) The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

### 11.0 Sample Motion Language

Motion to recommend POSTPONEMENT of the Final Site Plan and Special Land Use Permit Amendment for 33588 Woodward Ave – Birmingham Shell – pending receipt of the following:

(1) The applicant submit scaled and colored elevations and material specifications for the proposed addition;

- (2) The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;
- (3) The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and
- (4) The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

#### **OR**

Motion to recommend APPROVAL the Final Site Plan and Special Land Use Permit Amendment to the City Commission for 33588 Woodward Ave – Birmingham Shell – with the following conditions:

- (1) The applicant submit scaled and colored elevations and material specifications for the proposed addition;
- (2) The applicant confirm that the ice and propane storage units are no more than 4 feet in height, or obtain a variance from the Board of Zoning Appeals;
- (3) The applicant submit plans showing an unobstructed continuously maintained 5 foot path for pedestrian access, or obtain a variance from the Board of Zoning Appeals; and
- (4) The applicant submit plans showing a windshield washer fluid display unit constructed of metal or wood, or a material of comparable quality, or obtain a variance from the Board of Zoning Appeals.

#### OR

Motion to recommend the DENIAL of the Final Site Plan and Special Land Use Permit Amendment to the City Commission for 33588 Woodward Ave – Birmingham Shell – for the following reasons:

1	
2	
3	

### Zoning Compliance Summary Sheet Final Site Plan Review 33588 Woodward – Birmingham Shell

**Existing Site:** Gasoline Station & Dunkin Doughnuts

Zoning: B2-B, General Business

Land Use: Commercial

### **Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
Existing Land Use	Commercial	Commercial	Residential	Commercial
Existing Zoning District	B2-B, General Business	B2-B, General Business	R-4, Two- Family Residential	B2-B, General Business
Overlay Zoning District	N/A	N/A	N/A	N/A

**Land Area:** Existing: 0.34 acres (14,810 ft<sup>2</sup>)

Proposed: 0.34 acres (14,810 ft<sup>2</sup>) (**No change**)

**Dwelling Units:** Existing: 0

Proposed: 0

**Minimum Lot Area/Unit:** Required: 1,000 ft<sup>2</sup>/ unit (single story hotel or motel)

2,000 ft<sup>2</sup>/ unit (two/three story hotel or motel)

Proposed: N/A

Min. Floor Area /Unit: Required: N/A

Proposed: N/A

Max. Total Floor Area: Required: N/A

Proposed: N/A

**Min. Open Space:** Required: N/A

Proposed: N/A

**Max. Lot Coverage:** Required: N/A

Proposed: N/A

**Front Setback:** Required: N/A

Proposed: 62 ft.

**Side Setbacks** Required: 0 ft. from interior side lot line

10 ft. from side lot line abutting a single family district

Proposed: **No changes proposed** (0 ft. to the North, 52 ft. to the

south existing)

**Rear Setback:** Required: 10 ft. where abutting P, B1, B2, B2B, B2C, B3, B4, O1, O2

20 ft. when adjacent to a residential zoning district

Proposed: **No changes proposed** (10 ft. existing)

Min. Front+Rear Setback Required: N/A

Proposed: N/A

**Max. Bldg. Height:** Permitted: 30 ft., 2 stories

Proposed: **No changes proposed** (18 ft., 1 story existing)

Min. Eave Height: Required: N/A

Proposed: N/A

**Floor-Ceiling Height:** Required: N/A

Proposed: N/A

**Front Entry:** Required: N/A

Proposed: N/A

**Absence of Bldg. Façade:** Required: N/A

Proposed: N/A

**Opening Width:** Required: N/A

Proposed: N/A

**Parking:** Required: 8 spaces

Proposed: **No changes proposed** (17 spaces existing)

**Min. Parking Space Size:** Required: 180 ft<sup>2</sup>

Proposed: **No changes proposed** (180 ft<sup>2</sup> existing)

**Parking in Frontage:** Required: N/A

Proposed: N/A

**Loading Area:** Required: 1 (40 x 12 x 14)

Proposed: **No changes proposed** (1 existing)

**Screening:** 

<u>Parking</u>: Required: 32 in. masonry screen wall

Proposed: N/A

Loading: Required: N/A

Proposed: N/A

<u>Rooftop Mechanical</u>: Required: Full screening to compliment the building

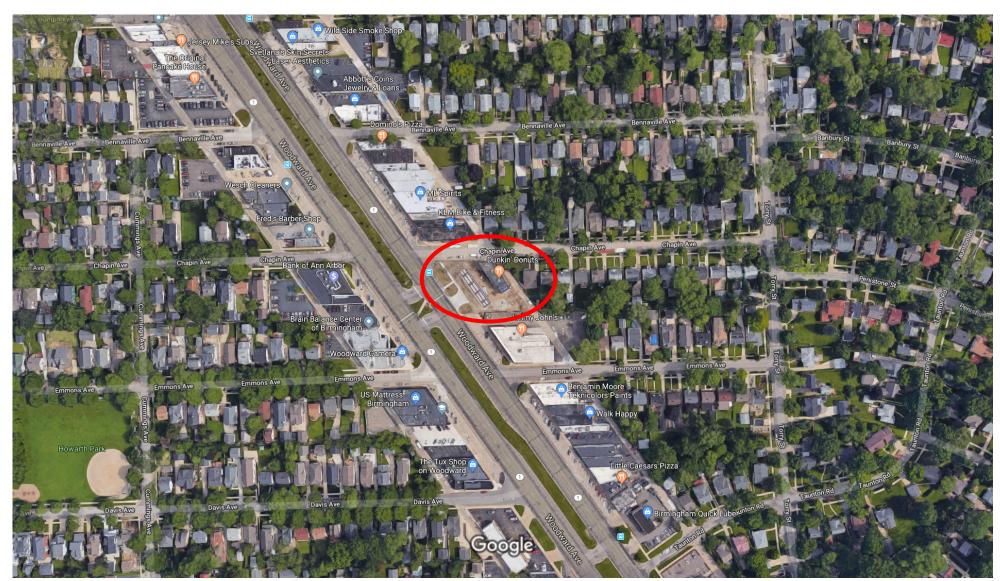
Proposed: **No changes proposed** (6 ft. 2 in. screen wall existing)

Elect. Transformer: Required: Fully screened from public view

Proposed: N/A

<u>Dumpster</u>: Required: 6 ft. high capped masonry wall with wooden gates

Proposed: **No changes proposed** (6 ft. brick screen wall existing)



Imagery ©2018 Google, Map data ©2018 Google 100 ft













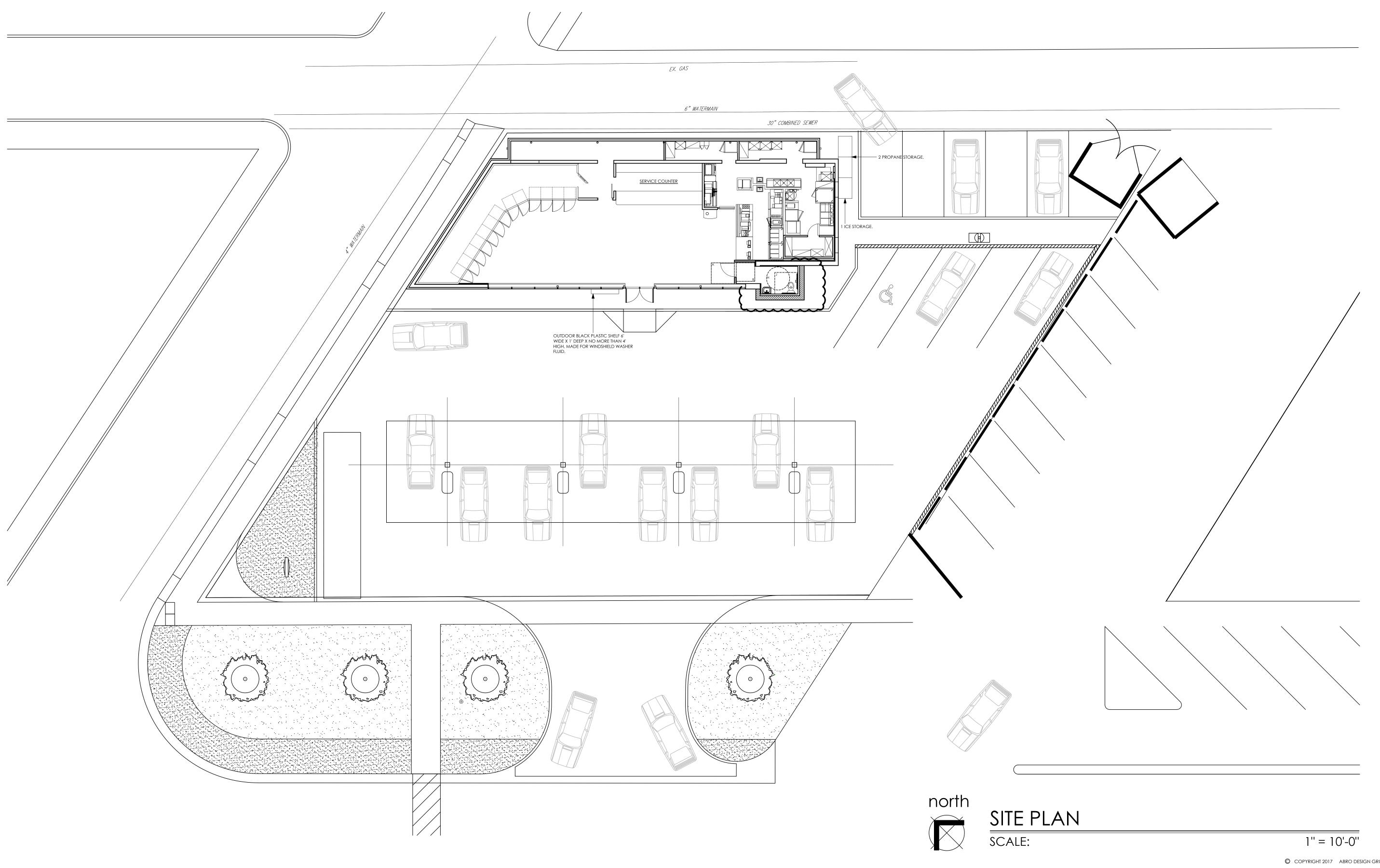


# **Old Plans**

# BIRMINGHAM GAS STATION

## SITE PLAN

33588 WOODWARD AVE., BIRMINGHAM, MI 48009





SUITE 310 FARMINGTON HILLS, MI. 48334 P. 248-254-3834 F. 248-671-2772

WWW.ABRODESIGNGROUP.COM

PROJECT:

BIRMINGHAM GAS STATION

-GAS STATION RENOVATIONS-

33588 WOODWARD AVE., BIRMINGHAM, MI 48009

SHEET TITLE:

SITE PLAN

DO NOT SCALE DRAWINGS USE FIGURED DIMENSIONS ONLY

DATE:	ISSUE:
01.10.18	CLIENTS REVIE

THESE PLANS ARE THE EXCLUSIVE PROPERTY OF ABRO DESIGN GROUP, INC. THESE PLANS ARE NOT TO BE MODIFIED, REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER. NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST

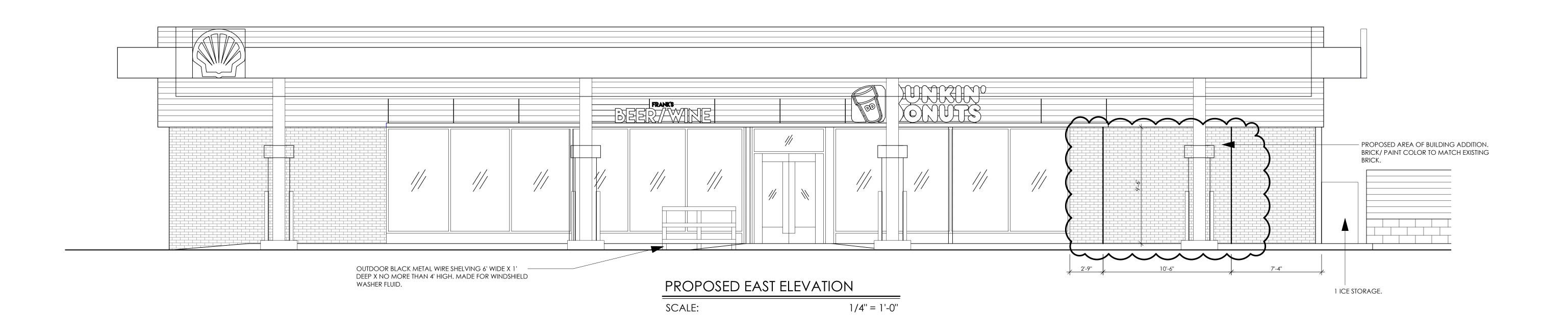
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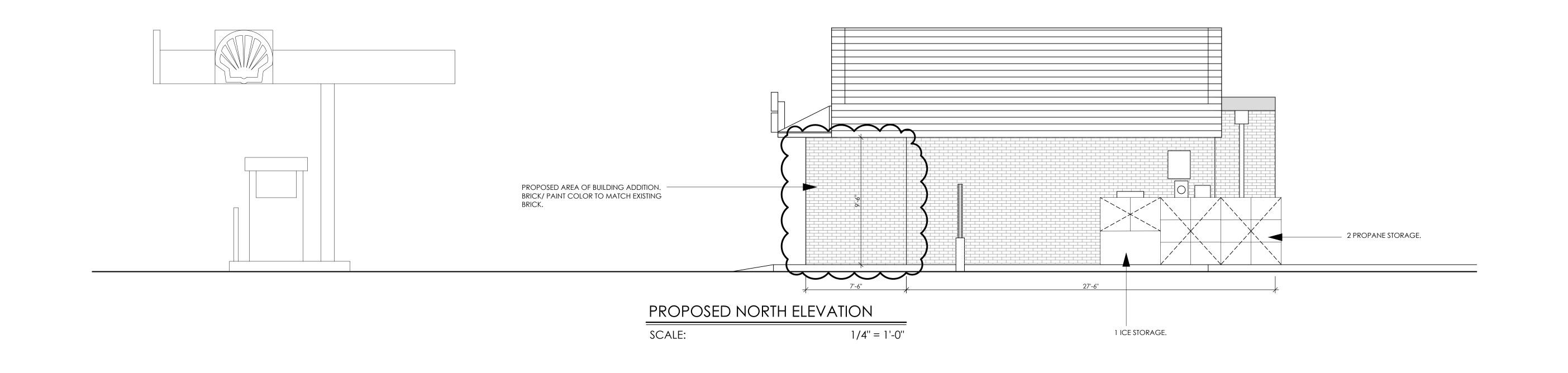
PROJECT NO:

033017

SHEET NO:

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ABRO DESIGN GROUP, INC. 30600 NORTHWESTERN HWY. SUITE 310 FARMINGTON HILLS, MI. 48334 P. 248-254-3834 F. 248-671-2772

www.abrodesigngroup.com

#### PROJECT:

#### BIRMINGHAM GAS STATION

- GAS STATION INTERIOR RENOVATION -

33588 WOODWARD AVE., BIRMINGHAM, MI 48009

### SHEET TITLE:

EXTERIOR BUILDING ELEVATIONS

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DATE: ISSUE:
01.10.18 CLIENT'S REVIEW

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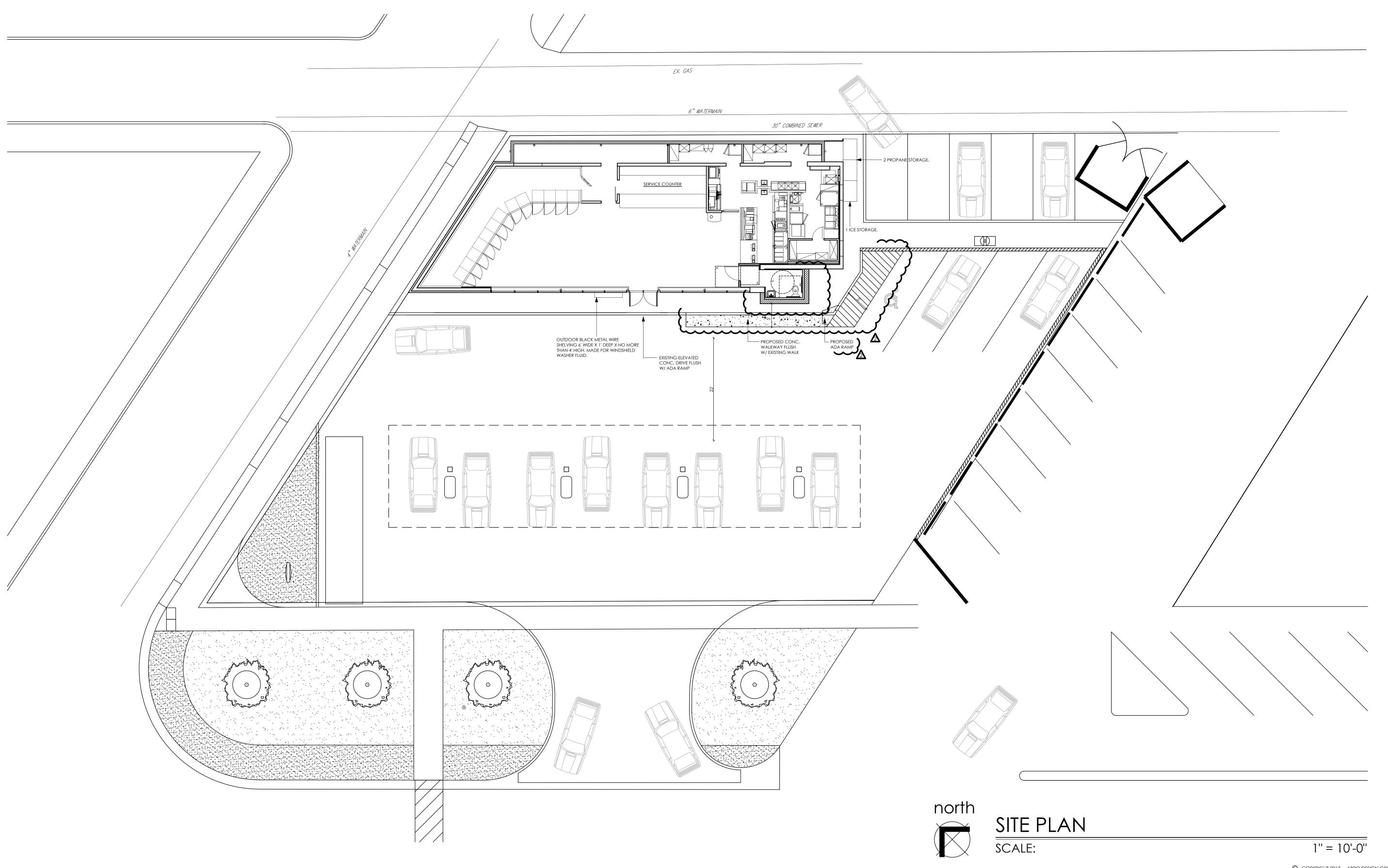
SHEET NO:

A-200

# BIRMINGHAM GAS STATION

## SITE PLAN

33588 WOODWARD AVE., BIRMINGHAM, MI 48009





ABRO DESIGN GROUP, INC. SUITE 310 FARMINGTON HILLS, MI. 48334 P. 248-254-3834 F. 248-671-2772

WWW.ABRODESIGNGROUP.COM

PROJECT:

BIRMINGHAM GAS STATION

-GAS STATION RENOVATIONS-

33588 WOODWARD AVE., BIRMINGHAM, MI 48009

SHEET TITLE: SITE PLAN

DO NOT SCALE DRAWINGS USE FIGURED DIMENSIONS ONLY

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01.10.18	CLIENTS REVIEW
<u>03.21.18</u>	REVISION NO. 1
04.19.18	REVISION NO. 2

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#### **MEMORANDUM**

**Planning Division** 

DATE: June 14, 2018

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

APPROVED: Jana L. Ecker, Planning Director

SUBJECT: Set Public Hearing for Special Land Use Permit Amendment &

Final Site Plan Review for 260 N. Old Woodward - The Morrie

The subject site, 260 N. Old Woodward, is located within the Palladium Building in the former Au Cochon and Arthur Avenue restaurant spaces just north of the Hamilton Row and N. Old Woodward intersection. The applicant is proposing a restaurant serving alcoholic liquors, named The Morrie. The concept will be based on The Morrie concept currently based in Royal Oak, and will feature a casual dining style with eclectic roadhouse cuisine. The applicant is proposing the renovated 7,952 sq. ft. restaurant space to contain 214 indoor seats and 16 outdoor seats on a raised platform. Thirty-three of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment. The owner of the building currently has a liquor license that may be utilized in this space, and The Morrie is proposing to utilize the license.

On March 28, 2018, the Planning Board conducted a public hearing on the above application for a Special Land Use Permit and Final Site Plan Review for The Morrie. After much discussion, the Planning Board voted unanimously to recommend approval to the City Commission of The Morrie at 260 N. Old Woodward.

On May 14, 2018 the City Commission held a public hearing to consider the above request for a Special Land Use Permit. At that time the applicant disclosed that they intended to have an area designated for dancing during the times when there were musical acts. The City Commission ultimately approved the proposal without the dancing area as it was not disclosed at the Planning Board review, nor shown on the plans. The City Commission felt that the proposal should be reviewed by the Planning Board again with the dancing area included as part of the proposal.

Accordingly, the applicant submitted an application for a SLUP Amendment to include a dancing area. The application will be reviewed at the June 27, 2018 Planning Board meeting. The Planning Division requests that the City Commission set a public hearing for July 23, 2018 to consider the Special Land Use Permit Amendment & Final Site Plan Review. Please find attached the Planning Board staff report and application attachments for your review as well as the Planning Board minutes from March 28, 2018 and City Commission minutes from May 14 2018.

#### SUGGESTED ACTION:

To set a public hearing date of July 23, 2018 to consider a Special Land Use Permit Amendment & Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment with a dancing area.

## THE MORRIE 260 N. OLD WOODWARD SPECIAL LAND USE PERMIT AMMENDMENT 2018

- WHEREAS, The Morrie was approved by the City Commission on May 14, 2018 to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit Amendment is sought is located on the east side of N. Old Woodward, north of Hamilton Row;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit Amendment and Final Site Plan to add a dancing area to the previously approved new restaurant, The Morrie;
- WHEREAS, The Planning Board on June 27, 2018 reviewed the application for a Special Land Use Permit Amendment and Final Site Plan Review and recommended approval of The Morrie with a dancing area;
- WHEREAS, The Birmingham City Commission has reviewed The Morrie's Special Land Use Permit Amendment application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Morrie's application for a Special Land Use Permit Amendment and Final Site Plan at 260 N. Old Woodward is hereby approved;
- BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:

- 1. The Morrie shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC;
- 2. The Morrie shall abide by all provisions of the Birmingham City Code; and
- 3. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.
- BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.
- BE IT FURTHER RESOLVED, Except as herein specifically provided, The Morrie and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of The Morrie to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.
- MAY IT BE FURTHER RESOLVED that The Morrie is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 260 N. Old Woodward, Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.
- I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on July 23, 2018.

Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM

Date 05/22/2018 11:16:41 AM

Ref 00148723

Receipt 429440

Amount \$100.00



### **Special Land Use Permit Application Planning Division**

Form will not be processed until it is completely filled out.

1. Applicant	Property Owner
Name: AFB HOSPITALITY GROWF LLC	Name: JORDAN JONNA
Address: 27387 WOODWARD AVE	Address: 4036 TELEGRAPH RD
BERKLEY MI 48072 Phone Number: 248-629-9221 x 201	SUITE 201 BLOOMFIELD HILLS MI 48302
Phone Number: 248-629-9221 x 201	Phone Number: 248-431-0350
m > 1	21.8-662-(200
Fax Number: Email Address: AFB @ AFBHOSPITALITY GROW. CON	(Email Address: JJOHNA @AFJONNA.COM
2. Applicant's Attorney/Contact Person	Project Designer/Developer
Name: KELLY ALLEN	Name: BIDDISON ARCHITECTURE
Address: 40950 WOODWARD AVE.	Address: 320 MARTIN ST LLIO
BLOOMFIELD HILLS MI 48 304	BIRMINGHAM MI 48009
Phone Number: 248 - 540 - 7400	Phone Number: 248-554-9500
Fax Number: Email Address: KALLEN @ ANAFIRM. COM	Fax Number:
Email Address: KALLEN @ ANAFIRM. COM	Email Address:
3. Required Attachments	
William Park mich I and description of an artist	Control of the state for all annual and links in a march and a
Warranty Deed with legal description of property     Required fee (see Fee Schedule for applicable amount)	<ul> <li>Catalog sheets for all proposed lighting, mechanical equipment &amp; outdoor furniture</li> </ul>
• Fifteen (15) folded copies of plans including a certified land	An itemized list of all changes for which approval is
survey, color elevations showing all materials, site plan,	requested
landscape plan, photometric plan, and interior plan	Completed Checklist
Photographs of existing site and buildings	Digital copy of plans
Samples of all materials to be used	• One (1) additional set of plans mounted on a foam board.
	including a color rendering of each elevation
4. Project Information	
26.04	
Address/Location of Property: 260 N. OLD	Name of Historic District site is in, if any:
WOODWARD AVE. BIRMINGHAM MI 48009	Dateof HDC Approval, if any:
Name of Development:	Date of Application for Preliminary Site Plan:
Sidwell #:	Date of Preliminary Site Plan Approval:
Current Use: A-2 RESTAURANT	Date of Application for Final Site Plan:
Proposed Use: A-L RESIAURANT	Date of Final Site Plan Approval:
Area in Acres: Current Zoning: 0-4 OERLAY	Date of Revised Final Site Plan Approval:
Zoning of Adjacent Properties: 0-4 overlay /P	Date of Final Site Plan Approval:
Is there a current SLUP in effect for this site?:	Date of DRB approval, if any:
	Date of Last SLUP Amendment:
Is property located in the floodplain?	Will proposed project require the division of platted lots?
E. Datalla of the Mature of Maria Business of (City of	0.10-1
5. Details of the Nature of Work Proposed (Site plan	n & design elements)
INTERIOR RENOVATION, EXIST	ING KITCHEN TO REMAIN
RESTROOM TO REMAIN RACK	LOOM TO REMAIN EXISTING
STORE FRONT GLAZING TO	REMAIN, EXTERIOR SIGNAGE
TO BE RENOVATED	The state of the s

#### 6. Buildings and Structures ALREADY ESTABLISHED Number of Buildings on site: Height of Building & # of stories: Use of Buildings: Height of rooftop mechanical equipment: 7. Floor Use and Area (in square feet) Commercial Structures: Office space: 59 5F Total basement floor area: Number of square feet per upper floor: Total floor area: 7,952 SF (NEW RESTAURANT) Retail space: N/A Assembly space: 4, 741 SF Floor area ratio (total floor area divided by total land area): Seating Capacity: 251 Maximum Occupancy Load: 309 Percent of open space: Residential Structures: Rental units or condominiums?: Total number of units: N/A Size of one bedroom units: Number of one bedroom units: Size of two bedroom units: Number of two bedroom units: Size of three bedroom units: Number of three bedroom units: Seating Capacity: Open space: \_\_\_\_\_\_\_Percent of open space: \_\_\_\_\_\_ Maximum Occupancy Load: 8. Required and Proposed Setbacks ALREADY ESTABLISHED Proposed front setback: Proposed rear setback: Proposed total side setback: Required total side setback: Second side setback: Side setback: 9. Required and Proposed Parking ALZEAD ESTABLISHED Required number of parking spaces: Proposed number of parking spaces: Typical angle of parking spaces: Typical size of parking spaces: Number of spaces < 180 sq. ft.: Typical width of maneuvering lanes: Number of handicap spaces: Location of parking on the site: Shared Parking Agreement?: Height of light standards in parking area: Location of off site parking: Number of light standards in parking area: Height of screenwall: Screenwall material: 10. Landscaping ALREADY ESTABLISHED Proposed landscape material: Location of landscape areas:

11. Streetscape EXISTING	
Sidewalk width: MIN 5'-0" Number of benches:	Description of benches or planters:
Number of planters:	
Number of existing street trees:	Species of existing street trees:
Number of proposed street trees:	Species of proposed street trees:
Streetscape Plan submitted?:	
12. Loading EXISTING	
Required number of loading spaces:	Proposed number of loading spaces:
Typical angle of loading spaces:	Typical size of loading spaces:
Screenwall material:	Height of screenwall:
Screenwall material:  Location of loading spaces on the site:	
13. Exterior Trash Receptacles EXISTING	
Required number of trash receptacles:	Proposed number of trash receptacles:
Location of trash receptacles:	Size of trash receptacles:
Screenwall material:	Height of screenwall:
14. Mechanical Equipment ALREADY ESTAR Utilities & Transformers:	BLISHED
Number of ground mounted transformers:	Location of all utilities & easements:
Size of transformers (LxWxH):	
Number of utility easements:	
Screenwall material:	Height of screenwall:
Ground Mounted Mechanical Equipment: EXISTING	
Number of ground mounted units:	Location of all gournd mounted units:
Size of ground mounted units (LxWxH):	
entered to the control of the contro	
Screenwall material:	Height of screenwall:
Rooftop Mechanical Equipment: EXISTING	
Number of rooftop units:	Location of all ground mounted units:
Type of rooftop units:	Size of rooftop units (LxWxH):
Screenwall material:	Height of screenwall:  Percentage of rooftop covered by mechanical units:
Location of screenwalls:	Percentage of rooftop covered by mechanical units:
	Distance from units to rooftop units to screenwall:
The transfer of the second sec	

15. Accessory Buildi	ings N/A		
Number of accessory buildi Location of accessory build	ings:	Size of accessory Height of accessor	buildings:
16. Building Lighting	EXISTING CITY LI	GHT POLES	
Number of light standards of Size of light fixtures (LxW)	on building:	Type of light stand Height from grade	dards on building:
Light level at each property	re:ine:		per fixture:n of holiday tree lighting receptacles:
the applicant to advise approved site plan or S procedures and guideli	the Planning Division and / or Bui pecial Land Use Permit. The und nes for site plan review and Specia	ilding Division of a ersigned further s al Land Use Perm	erstands that it is the responsibility of any additional changes made to an states that they have reviewed the its in Birmingham and have complied meeting when this application will be
Signature of Owner: Print Name:	Jordan Jonna		Date: 2/1/2018
Signature of Applicant: .  Print Name:	AMRON F. Bolen	)	Date: 2/1/2018
Signature of Architect:  Print Name:	un Biddison		Date: 2/1/18
	Office	Use Only	
Application #:	Date Received:		Fce:
Date of Approval:	Date of Denial:		Accented by:



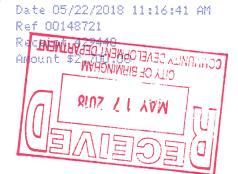
#### SPECIAL LAND USE PERMIT APPLICATION CHECKLIST - PLANNING DIVISION

Applican	AFB HOSPITALITY GROUP LLC Case #:	Date: 02.01.18
	260 N. OLD WOODWARD AVE Project: THE MORRIE	
All site p applicabl plans mu	ans and elevation drawings prepared for approval shall be prepared in accordance requirements of the City of Birmingham. If more than one page is used, each post be legible and of sufficient quality to provide for quality reproduction or record must be folded and stapled together. The address of the site must be clearly noted	age shall be numbered sequentially. All ling. Plans must be no larger than 24" x
A full si	an for Special Land Use Permit te plan detailing the proposed changes for which approval is requested sha unless the drawing will not fit on one 24" X 36" sheet) and shall include:	all be drawn at a scale no smaller than 1'
<b>✓</b>	1. Name and address of applicant and proof of ownership;	
<b>✓</b>	2. Name of Development (if applicable);	
	<ol> <li>Address of site and legal description of the real estate;</li> </ol>	
NA	4. Name and address of the land surveyor;	
	5. Legend and notes, including a graphic scale, north point, and date;	
<u> </u>	6. A separate location map;	
NA	<ol> <li>A map showing the boundary lines of adjacent land and the existing zo developed as well as the adjacent land;</li> </ol>	oning of the area proposed to be
NA	8. A list of all requested elements / changes to the site plan;	
	9. Any changes requested marked in color on the site plan and on all elec-	vations of any building(s);
NA	10. A chart indicating the dates of any previous approvals by the Plannin Design Review Board, City Commission, or the Historic District Commi	g Board, Board of Zoning Appeals, ttee ("HDC");
NA	11. Existing and proposed layout of streets, open space and other basic e	lements of the plan;
NA	12. Existing and proposed utilities and easements and their purpose;	
NA	13. Location of natural streams, regulated drains, 100-year flood plains, wooded areas, isolated preservable trees, wetlands, historic features, exis fire hydrants and any other significant feature(s) that may influence the d	ting structures, dry wells, utility lines,
NA	14. General description, location, and types of structures on the site;	
<b>/</b>	15. Details of existing or proposed lighting, signage and other pertinent	development features;
NA	16. A landscape plan showing all existing and proposed planting and scr size, and type of plantings proposed and the method of irrigation; and	eening materials, including the number,
NA	17. Any other information requested in writing by the Planning Division Official deemed important to the development	, the Planning Board, or the Building

**Elevation Drawings** 

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include: 18. Name and address of applicant and proof of ownership; 19. Name of Development (if applicable); 20. Address of site and legal description of the real estate; 21. A separate location map; ✓ 22. Legend and notes, including a graphic scale, north point, date and all relevant dimensions; 23. Color elevation drawings showing the proposed design for each façade of the building; ✓ 24. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer; and NA 25. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas; 126. Details of existing or proposed lighting, signage and other pertinent development features; 27. A list of any requested design changes; NA 28. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometry analysis of all exterior lighting fixtures showing light levels to all property lines; and NA 29. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.





CITY OF BIRMINGHAM

## Notice Signs - Rental Application Community Development

BERKLEY MI 48 Phone Number: 248-62	TALITY GROUP LLC DOWARD AVE. 3072 9-9221×201	Property Owner Name: JOETAN J Address: 4036 TELES BLOOMFIEUD HILLS Phone Number: 248-431 Fax Number: 248-593	GRAPH RD SUITE 20 MI 48302 -0350
2. Project Information Address/Location of Property: Area in Acres: 0.18 A	MORRIE	Name of Historic District site is in Current Use: A-2 RES Current Zoning: D-4	TAURANT
City Commission: Historic District Commission:	als:	Board of Zoning Appeals: Design Review Board: Housing Board of Appeals:	
responsibility of the apply project will be reviewed by remains posted during the pay a rental fee and secul immediately following the will be refunded when the	licant to post the Notice Signs the appropriate board on the appropriate board on the entire 15 day mandatory with deposit for the Notice e date of the hearing at whe Notice Sign(s) are returnaturn the Notice Sign(s) and	ue and correct, and understagn(s) at least 15 days prior to recommission, and to ensure posting period. The unders Sign(s), and to remove all select the project was reviewed undamaged to the Committed of the Notice States.	o the date on which the that the Notice Sign(s) signed further agrees to uch signs on the day d. The security deposit
Signature of Applicant:	A F. Bl	Date: 2	1/2018
Application #:	Office ( Date Received:	ise Only Fee:	
Date of Approval:	Date of Denial:	Reviewed hy	

#### PROPOSED BUILDING RENOVATION FOR:

# The Morrie

#### PROJECT LOCATION:

260 N OLD WOODWARD AVE, BIRMINGHAM, MI 48009 ZONED: D-4 OVERLAY

#### APPLICANT INFORMATION

AFB HOSPITALITY GROUP LLC 27387 WOODWARD AVE. BERKLEY MI 48072

T. 248.629.9221X201. E. AFB@AFBHOSPITALITYGROUP.COM

#### GENERAL CONTRACTOR:

TOWER CONSTRUCTION 3883 TELEGRAPH RD., SUITE 200 BLOOMFIELD TWP., MI 48302

P. 248.287.8200 F. 248.287.8203

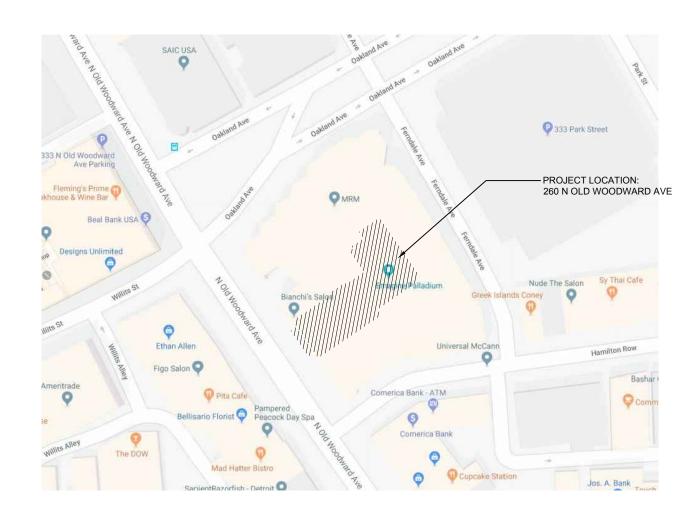
#### SHEET INDEX:

TITLE SHEET T.101 **FLOOR PLAN** A.101a FLOOR PLAN - DANCE FLOOR A.101b EXTERIOR ELEVATION A.201 INTERIOR PERSPECTIVE IMAGES A.301 INTERIOR PERSPECTIVE IMAGES A.302 INTERIOR PERSPECTIVE IMAGES A.303

THE BUILDING IS PROVIDED WITH A FULLY AUTOMATIC FIRE PROTECTION SPRINKLER SYSTEM INSTALLED (FIRE SUPPRESSION SYSTEM) - WORK WILL BE DESIGNED TO MEET M.B.C. REQUIREMENTS AND CITY OF BIRMINGHAM SPECIFICATIONS SHALL ALSO BE USED WHERE NOT OTHERWISE IN CONFLICT WITH LOCAL STANDARDS. SPRINKLER CONTRACTOR SHALL BE FULLY LICENSED AND BE RESPONSIBLE FOR PREPARATION OF ENGINEERED DRAWINGS, SUBMISSION OF DRAWINGS TO ALL LOCAL AND STATE AGENCIES

FOR APPROVAL AND FOR COORDINATION OF REQUIREMENTS WITH OWNERS

AND TENANTS INSURANCE CARRIER.







320 Martin Street Suite 10 Birmingham, Michigan 48009 t:248.554.9500

Contact Person: Kevin Biddison e.mail: kb@biddison-ad.com

Consultants

#### Project data

GOVERNING CODES:

2015 MICHIGAN BUILDING CODE 2015 MICHIGAN PLUMBING CODE 2015 MICHIGAN MECHANICAL CODE 2015 MICHIGAN REHABILITATION CODE 2015 INTERNATIONAL FUEL GAS CODE MICHIGAN ELECTRICAL CODE, 2014 N.E.C. W/ PART 8 STATE AMENDMENTS ICC/ANSI A117.1-2015 AND MICHIGAN BARRIER FREE DESIGN LAW OF PUBLIC ACT 1 OF 1966 AS AMENDED. MICHIGAN UNIFORM ENERGY CODE RULES PART 10 WITH ANSI/ASHRAE/IESNA STANDARD 90.1-2015 2015 INTERNATIONAL FIRE CODE NFPA 13 - 2010 NFPA 72 - 2010

7,952 SQFT

TENANT AREA:

**BUILDING USE:** A-2 RESTAURANT

TYPE OF CONSTRUCTION:

2012 MBC: TYPE IIA (PROTECTED)

NFPA 220: TYPE II-000

Issued for SPECIAL LAND USE 02.01.18 PERMITS SLUP AMENDMENT 05.16.18

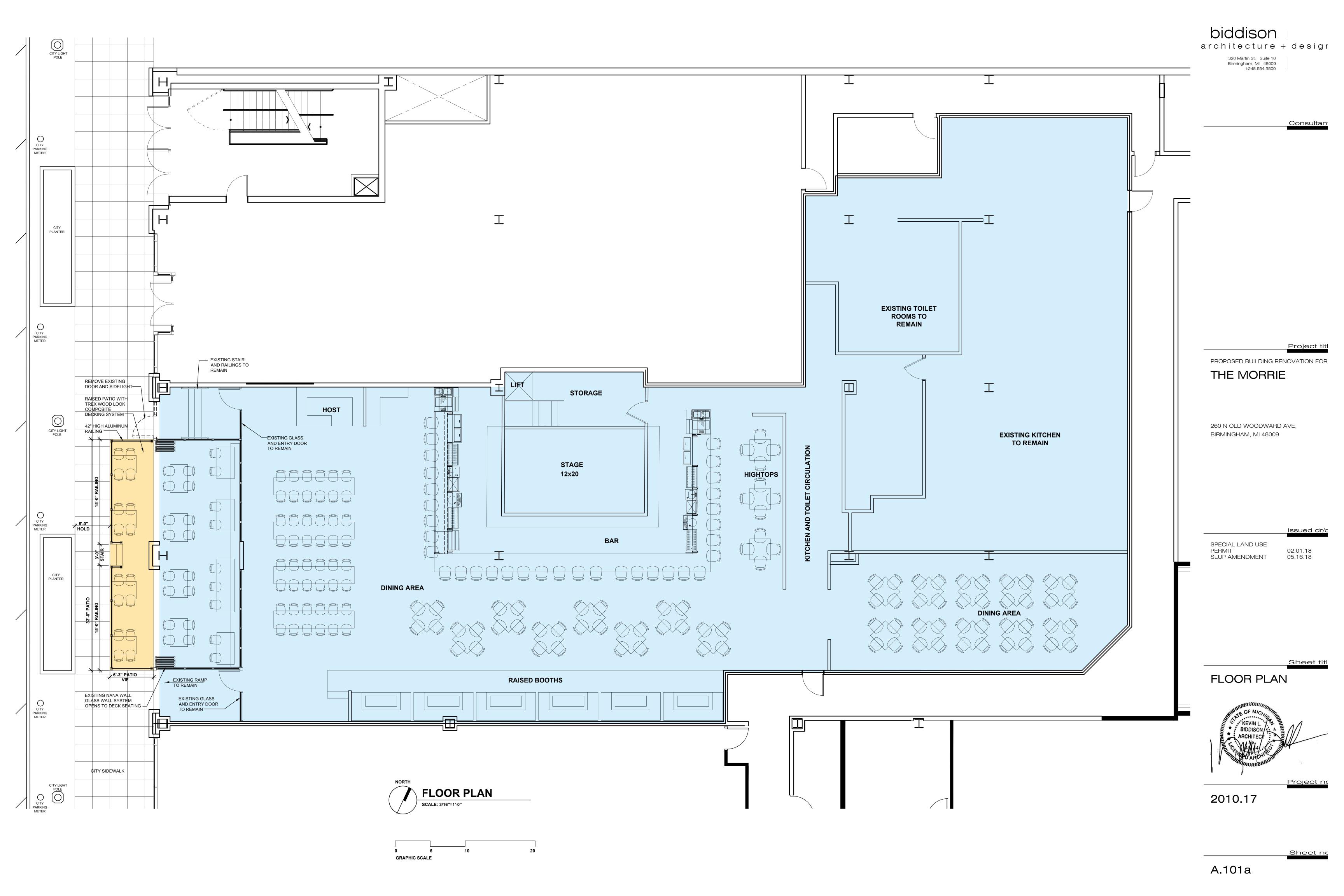
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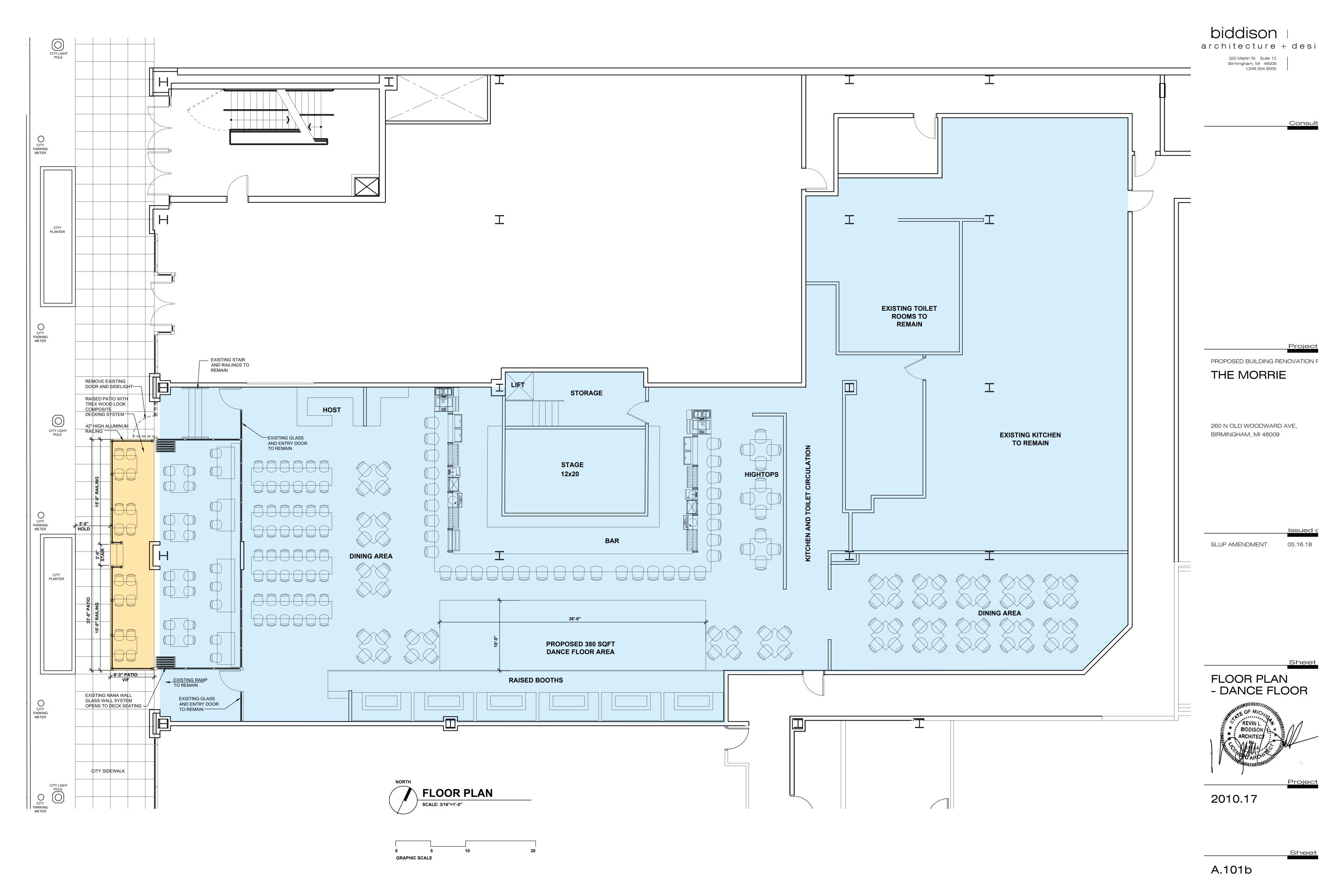
THE MORRIE

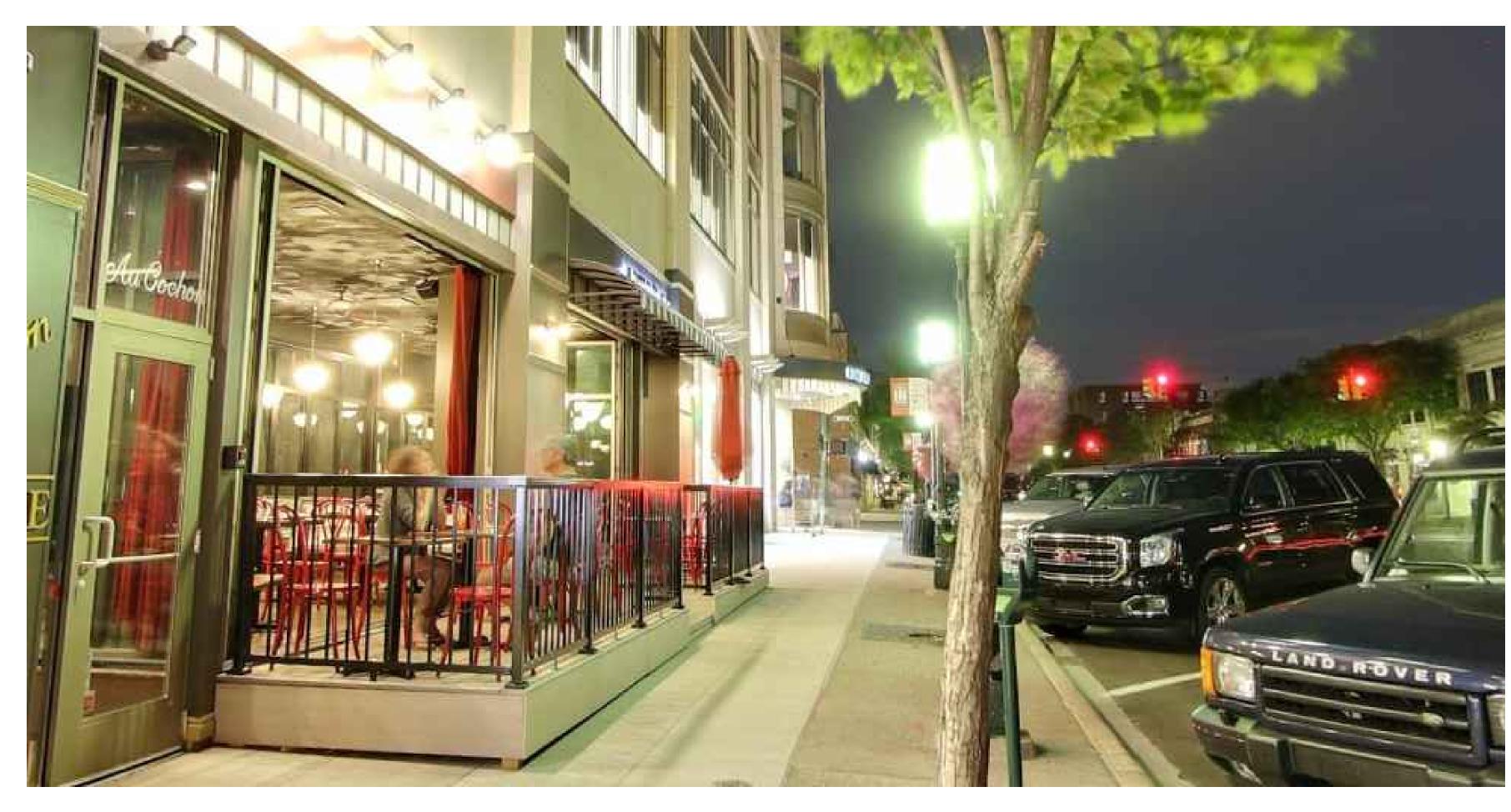
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Sheet no.

T.101







#### **EXTERIOR PATIO PERSPECTIVE**

FOR REFERENCE NOT TO SCALE



**EXTERIOR ELEVATION** 

FOR REFERENCE NOT TO SCALE

biddison

architecture + desigr 320 Martin St. Suite 10 Birmingham, MI 48009 t:248.554.9500

\_Consultan

PROPOSED BUILDING RENOVATION FOR THE MORRIE

260 N OLD WOODWARD AVE, BIRMINGHAM, MI 48009

SPECIAL LAND USE
PERMIT 02.01.18
CITY COUNCIL APPROVAL 05.03.18
SLUP AMENDMENT 05.16.18

Sheet titl

EXTERIOR ELEVATION



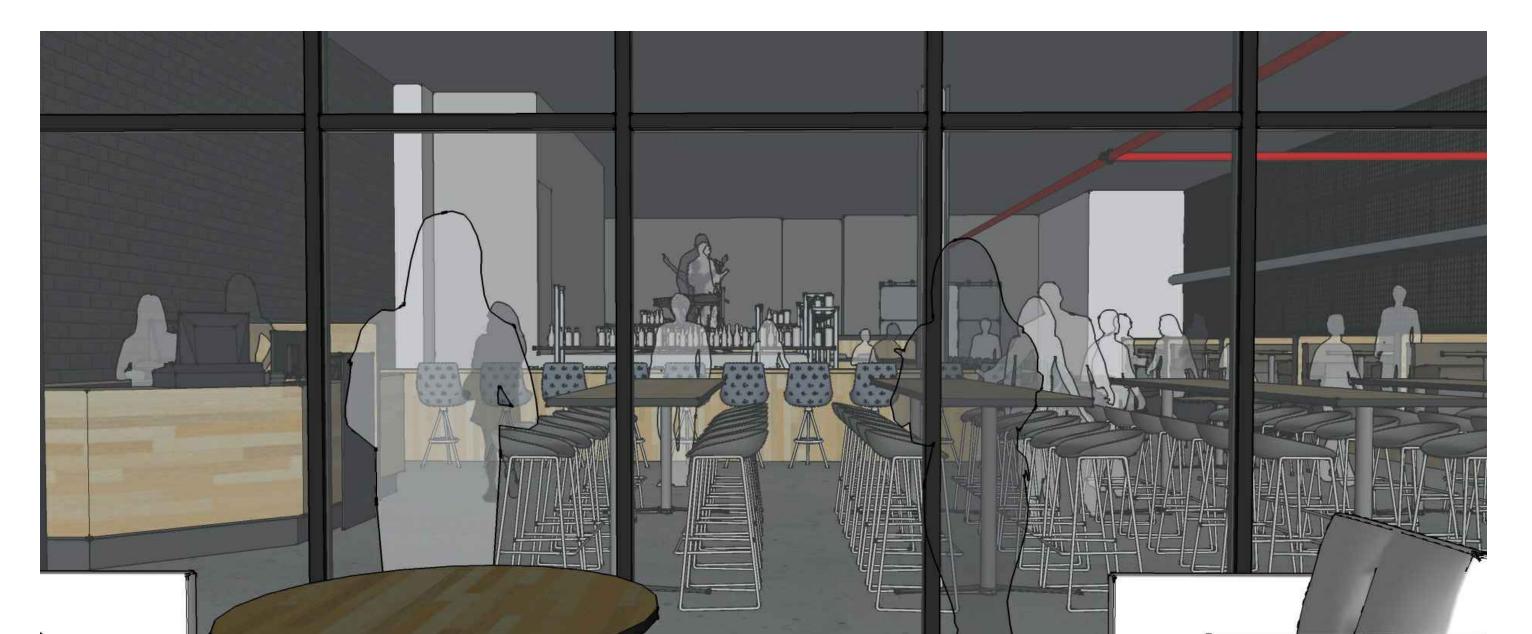
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PROPOSED BUILDING RENOVATION FOR

THE MORRIE

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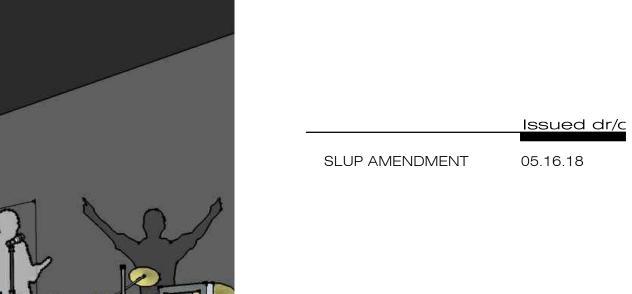
BIRMINGHAM, MI 48009



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE

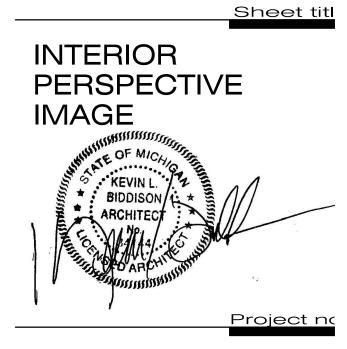




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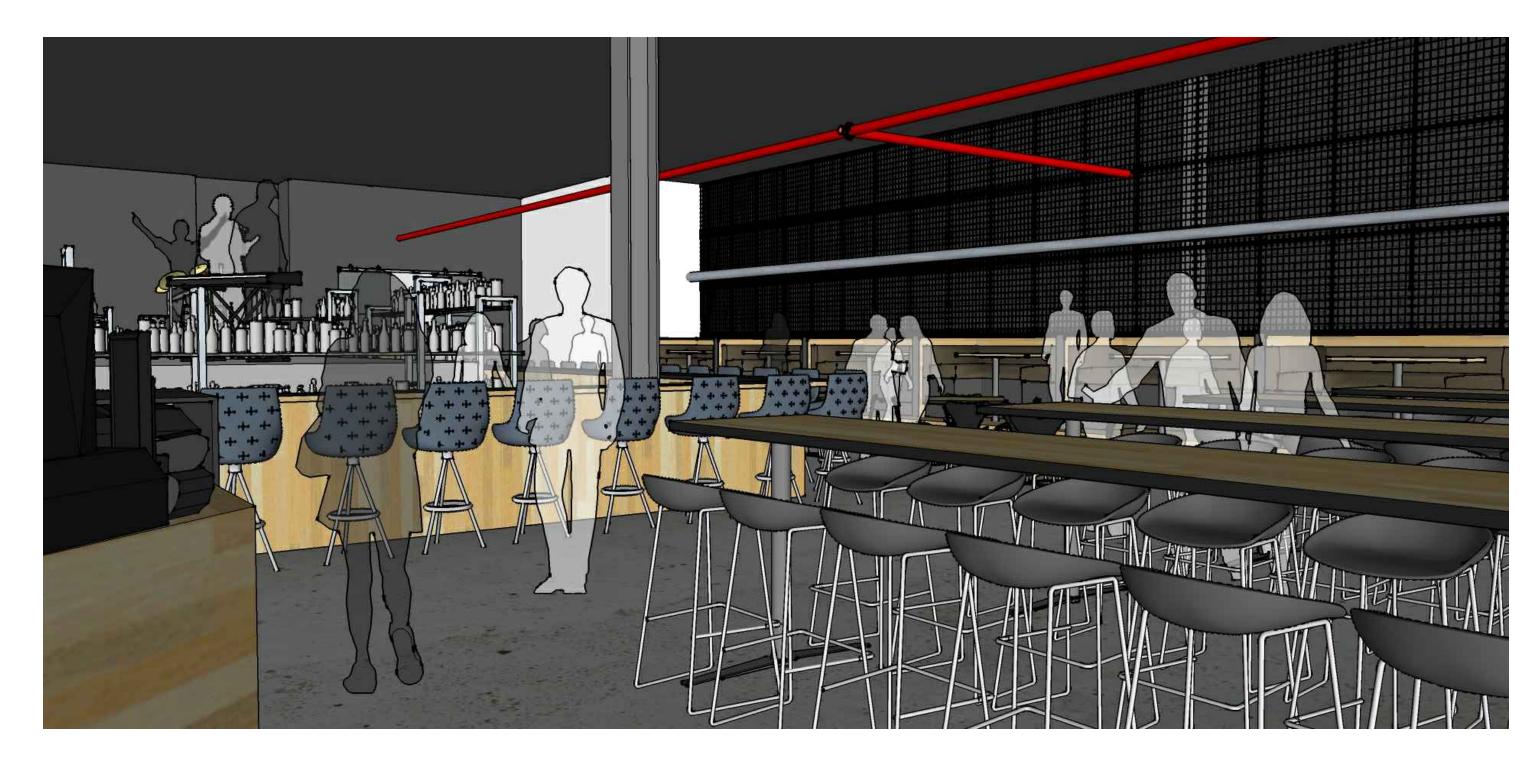
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FOR REFERENCE NOT TO SCALE



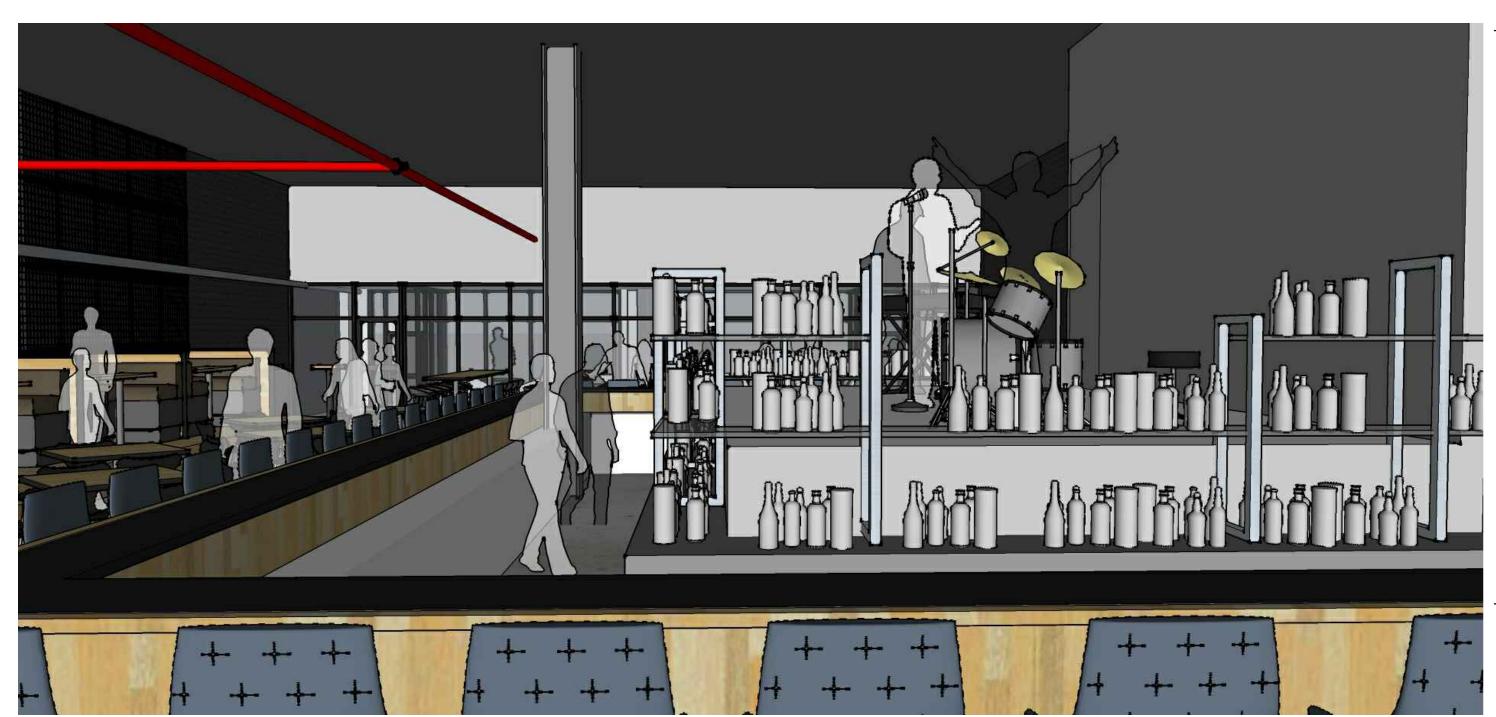
2010.17

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Project titl



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE

THE MORRIE

260 N OLD WOODWARD AVE,

BIRMINGHAM, MI 48009

PROPOSED BUILDING RENOVATION FOR

INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE



INTERIOR PERSPECTIVE
FOR REFERENCE NOT TO SCALE

SPECIAL LAND USE
PERMIT 02.01.18
SLUP AMENDMENT 05.16.18

INTERIOR
PERSPECTIVE
IMAGES

KEVIN L.

BIDDISON
ARCHITECT

Project no

2010.17



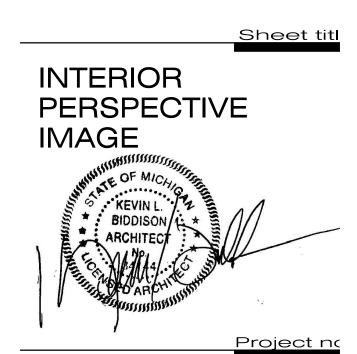


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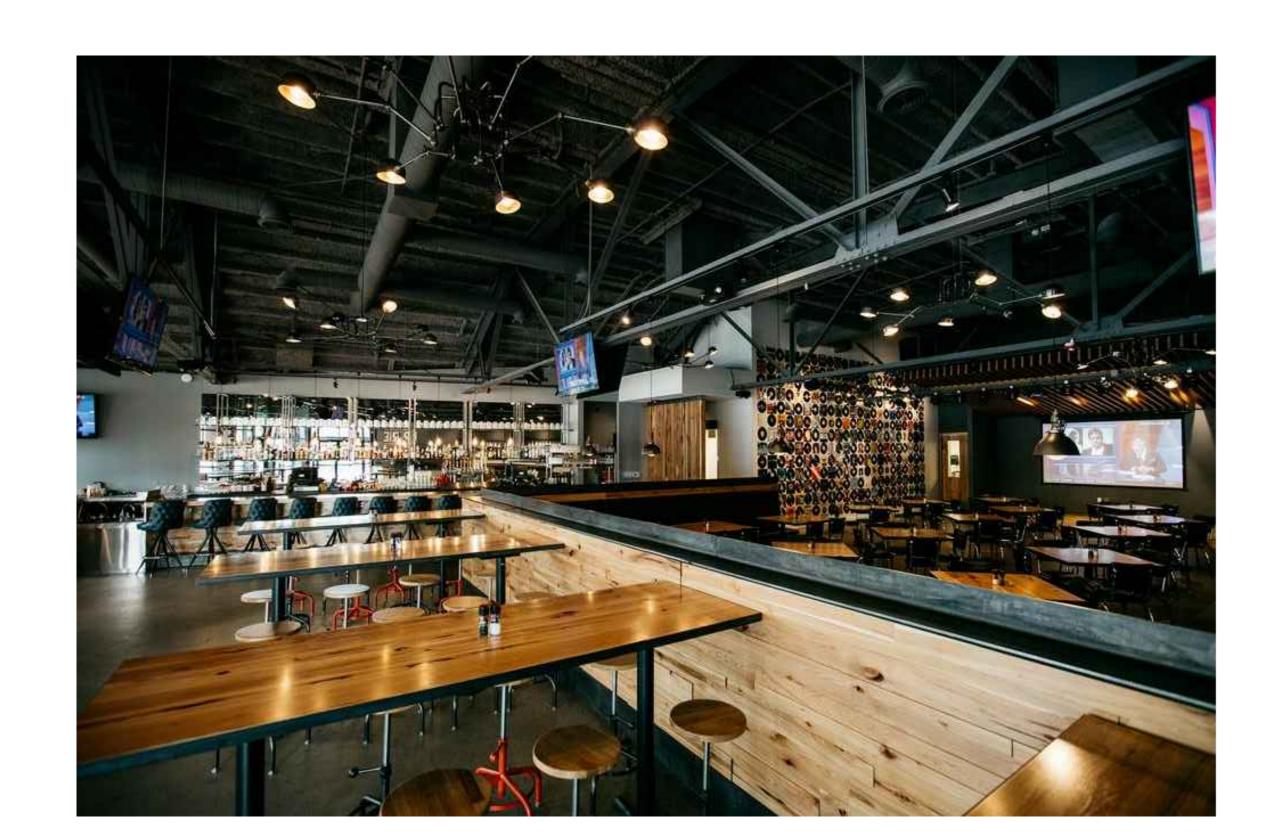
PROPOSED BUILDING RENOVATION FOR THE MORRIE

260 N OLD WOODWARD AVE, BIRMINGHAM, MI 48009

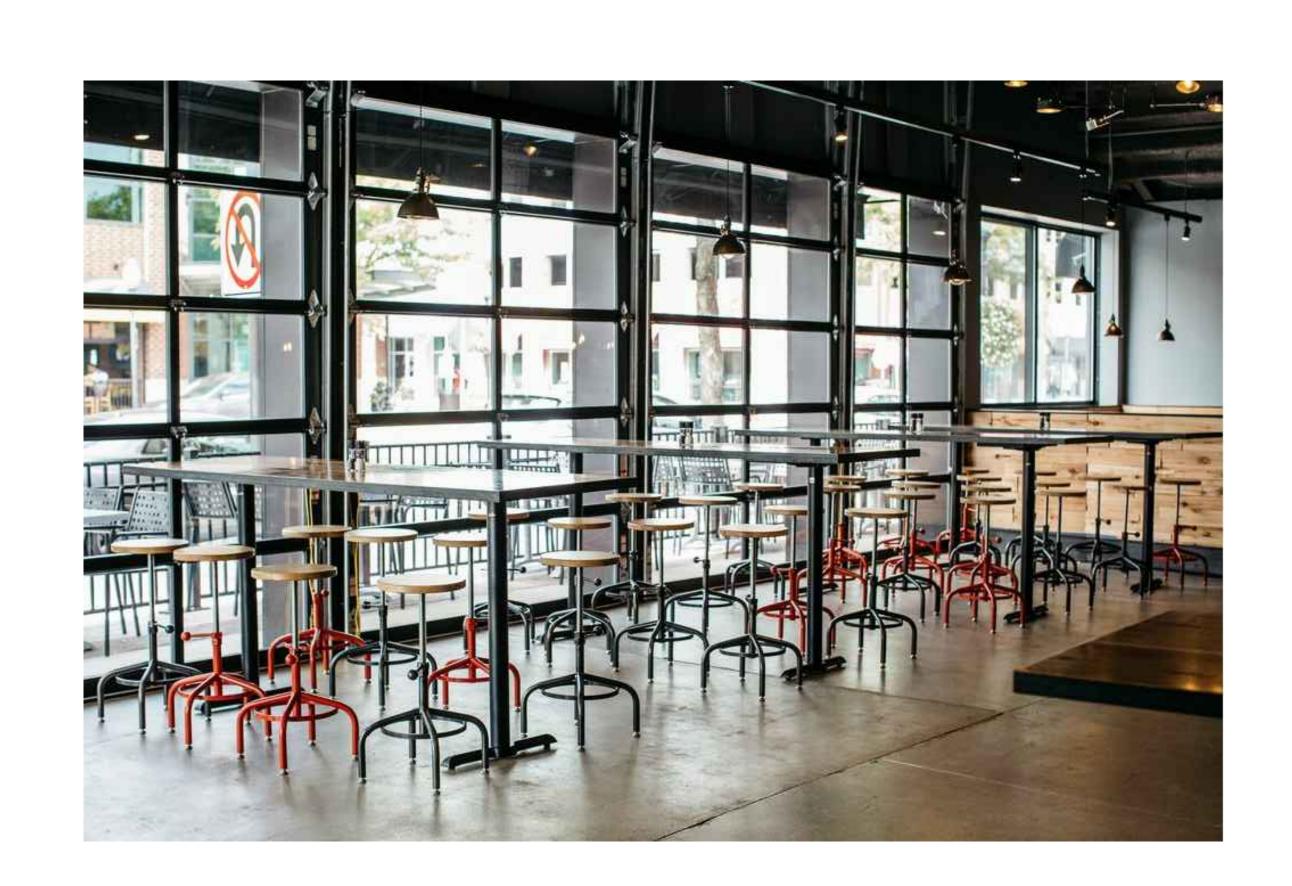




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#### **MEMORANDUM**

**Planning Department** 

**DATE:** June 7<sup>th</sup>, 2018

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, Planning Intern

SUBJECT: 260 N. Old Woodward – The Morrie – Special Land Use Permit

**Amendment & Final Site Plan Review** 

#### **Executive Summary**

The subject site, 260 N. Old Woodward, is proposed in the first floor of the Palladium building just north of the Hamilton Row and N. Old Woodward Intersection. The Morrie features a casual dining style while serving eclectic neighborhoods roadhouse cuisine. The applicant is proposing the renovated 7,952 sq. ft. restaurant space to contain 214 indoor seats and 16 outdoor seats on a raised platform. 33 of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment.

On March 28<sup>th</sup>, 2018, the Special Land Use Permit application was recommended for approval unanimously by the Planning Board with the condition that the proposed signage shall be brought into compliance with the City's Sign Ordinance.

On May 14<sup>th</sup>, 2018, the applicant went before the City Commission, who determined that a dancing area was not in the original scope of work; therefore it must be re-reviewed by the Planning Board.

The applicant has submitted a Special Land Use Permit Amendment application with associated site plans depicting the location and size of a dancing area proposed in their dining room. The dance floor measures 10 ft. by 38 ft. and is located in front of the raised booth seating area. The applicant is proposing to relocate tables placed in the dancing area during evenings where the dance floor will be used to adjacent areas of the restaurant. The applicant has advised that the tables can be moved without creating unsafe clusters of tables while the dance floor is being used.

#### 1.0 Land Use and Zoning

- 1.1 <u>Existing Land Use</u> The existing land use is commercial, replacing a former Italian restaurant space.
- 1.2 <u>Existing Zoning</u> The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.

1.3 <u>Summary of Land Use and Zoning</u> - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	North South East		West
Existing Land Use	Commercial / Retail	Commercial / Retail	Commercial / Retail	Commercial / Retail
Existing Zoning District			B-4, Business- Residential	
Downtown Overlay Zoning District	D-4	D-4	D-4	D-4

#### 2.0 Screening and Landscaping

- 2.1 <u>Screening</u> No screening is proposed at this time. However, if needed in the future, the applicant will be required to screen any additional mechanical equipment in accordance with the Zoning Ordinance.
- 2.2 <u>Landscaping</u> No changes proposed.

#### 3.0 Parking, Loading, Access, and Circulation

- 3.1 <u>Parking</u> As the subject site is located within the Parking Assessment District, the applicant is not required to provide on-site parking.
- 3.2 Loading No changes are proposed.
- 3.3 <u>Vehicular Access & Circulation</u> Vehicular access to the building will not be altered.
- 3.4 <u>Pedestrian Access & Circulation</u> Pedestrians will be able to access the restaurant from N. Old Woodward via two entry doors, one on the northern end of the façade and one on the southern portion of the façade. Patrons may enter the restaurant from the elevated outdoor patio as well through a retractable window wall system.

3.5 <u>Streetscape</u> – The previously approved outdoor dining platform is the only proposed change to the streetscape. The applicant has indicated that there will be 5 ft. of unobstructed pedestrian right of way available from the end of the dining platform to the edge of the new Old Woodward streetscape elements such as planters, parking meters and light poles.

#### 4.0 Lighting

The applicant is not proposing any new lighting for the property. New pedestrian street lights will light the property once installed as part of the Old Woodward Reconstruction Project. The applicant has not indicated any illumination for the proposed signage. The applicant must submit any proposed signage lighting to the Planning Department for approval.

#### 5.0 Departmental Reports

- 5.1 <u>Engineering Division</u> The Engineering Department has no concerns at this time.
- 5.2 <u>Department of Public Services</u> The Department of Public Services has no concerns at this time.
- 5.3 Fire Department -
- 5.4 <u>Police Department</u> The Fire Department has no concerns at this time, but has provided the following comments:

The Police Department will require the floor plans that are submitted for review, and approval, list the proposed occupant load, and egress travel distances. Also the seating spacing and aisles must comply with the IFC 2015.

5.5 <u>Building Department</u> –

#### 6.0 Design Review

#### Exterior:

The applicant was previously approved for the façade to be comprised of existing stone, existing "Nana" wall glass wall system, existing glass entry doors, a new painted aluminum awning at northern entry, a new metal fascia mounted to the stone façade to replace the existing sign band, and new signage. The Trex Wood composite outdoor platform is proposed to be 10 in. off of the ground with 42 in. high aluminum railings.

#### Signage:

The applicant was previously approved for signage constructed of metal letters mounted atop the newly proposed metal fascia. The proposed signage reads "The Morrie" and measures 10 ft. long by 1 ft. 6 in. high (19.20 sq. ft.). The Overlay Sign Ordinance allows a *single* external sign band or zone to be applied to the facade of a building

between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension.

#### 7.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. The Planning Division finds the proposed site plan adequately implements the goals of the plan as they relate to outdoor café uses. The 2016 Plan states that outdoor dining space is in the public's best interest as it enhances street life, thus promoting a pedestrian friendly environment. The 2016 Plan also recommends that a 5' clear pedestrian passage be provided against the storefronts to ensure that merchants can display and sell their products and so as not to distort the flow of pedestrians.

#### 8.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

#### 9.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

#### 10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend APPROVAL of the applicant's request for Final Site Plan and SLUP Amendment for 260 N. Old Woodward – The Morrie.

#### 11.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend POSTPONE the applicant's request for Final Site Plan and a SLUP for 260 N. Old Woodward – The Morrie.

OR

Motion to recommend POSTPONEMENT of the Final Site Plan and SLUP to the City

Commission for 260 N. Old	Woodward – T	he Morrie, f	or the fol	lowing	reasons:	
1 2						
		OR				
Motion to DENIAL of the Morrie, with the following o		and SLUP	for 260	N. Old	Woodward	- The

## CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, MARCH 28, 2018 City Commission Room

#### 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 28, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck,

Vice-Chairperson Gillian Lazar, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Madison Dominato (arrived at 8:05 p.m.), Ellie McElroy (arrived

at 7:45 p.m.)

Also Present: Alternate Board Members Nasseen Ramin, Daniel Share

**Absent:** Student Representative Sam Fogel

**Administration:** Matthew Baka, Sr. Planner

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

03-48-18

#### 2. 260 N. Old Woodward Ave.

**The Morrie** (formerly Au Cochon and Arthur Avenue)

#### Application for FINAL SITE PLAN REVIEW AND SLUP to allow a new restaurant with entertainment

Ms. Ramin and Mr. Share gave up their places to Chairman Clein and Ms. Lazar who re-joined the board.

Mr. Baka advised that the subject site, 260 N. Old Woodward Ave., is proposed in the first floor of the Palladium Building just north of the Hamilton Row and N. Old Woodward Ave. Intersection. The existing zoning is B-4/D-4 in the Downtown Overlay. The Morrie features a casual dining style while serving eclectic neighborhood roadhouse cuisine. The applicant is proposing that the renovated 7,952 sq. ft. restaurant space will contain 214 indoor seats and 16 outdoor seats on a raised platform. Thirty-three of the proposed indoor seats will surround a bar and 240 sq. ft. raised performance stage for live entertainment.

Ms. Ecker noted discussion at the City Commission concluded that in general they want to know what the concept is for the entertainment. Ordinance amendments are in place now so that if a problem arises, the Police Chief can address it right away.

The applicant is seeking a SLUP to engage in the sale of liquor. The liquor license is currently with the tenant space, and the Morrie is proposing to utilize that license.

The applicant is also proposing new signage for the Morrie to be located above the restaurant windows.

#### Design Review

<u>Exterior</u>: The applicant is proposing the façade to be comprised of existing stone, existing "Nana" wall glass wall system, existing glass entry doors, a new painted aluminum awning at the northern entry, a new metal fascia mounted to the stone façade to replace the existing sign band, and new signage. The Trex Wood composite outdoor platform is proposed to be 10 in. off of the ground with 42 in. high aluminum railings. The applicant has not indicated the color or manufacturer of the newly proposed façade materials. The applicant must submit material specification sheets for all newly proposed materials to complete the design review, including any signage.

<u>Signage</u>: The proposed signage will be constructed of metal letters and mounted atop the newly proposed metal fascia. The proposed signage reads "The Morrie" and measures 10 ft. long by 2 ft. high (20 sq. ft.). The Overlay Sign Ordinance allows a single external sign band or zone to be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 ft. in vertical dimension by any horizontal dimension. **The proposed signage does not meet the sign standards outlined in Article 3, Section 3.04(F) of the Zoning Ordinance, as the sign height it greater than 1.5 ft. The applicant must submit revised signage plans depicting proposed signage that measures no more than 1.5 ft. by any vertical dimension.** 

#### Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to make two documents a part of the record:

- 1. Letter from the City Manager dated January 23, 2018 addressed to Imagine Palladium dealing with changes to the Zoning Ordinance;
- 2. An e-mail from Jana. Ecker to board members sent on March 26, 2018 in which she forwards an e-mail from Kelly Allen, Counsel to the applicant, where the applicant describes the types of entertainment that they envision at this location.

#### Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Williams, Whipple-Boyce, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None Absent: None

Mr. Kevin Biddison, Biddison Architecture, passed around samples of the materials. They feel that they are simplifying somewhat of a cluttered elevation and hopefully cleaning it up and making it a bit more visually interesting. They will be more than happy to comply with the Sign Ordinance on the height of the letters. The Morrie will have good food combined with fun and a family orientation.

Mr. Keith Schofield, Director of Operations for the company, described what will happen at the restaurant on a typical week-end. They feel there is a broad enough distance between their property in Royal Oak and this property. They predict that their demographic range in

Birmingham will skew between ages 30 to 32, whereas their Royal Oak restaurant attracts a younger crowd. In response to Mr. Jeffares, Mr. Schofield anticipated there would be times when the Nana walls would be open when music is playing. There will be a cover charge for bands on the week-ends.

Chairman Clein asked for comments from the public on the proposal at 8:50 p.m.

Mr. Kirk Karamanian, 655 Oakland, thought this is a great idea; a family restaurant that also has entertainment in the evening. He feels the Morrie in Royal Oak is a really well run establishment. He urged the Planning Board to approve the proposal.

Mr. Jordan Jonna said he is with Jonna Development Co., the company that redeveloped the Palladium four years ago. In his mind, this is the last key to their project. After visiting the Morrie in Royal Oak, he indicated that he is impressed with every aspect.

In response to Mr. Williams, Ms. Ecker assured him that if there is an issue with noise the City is prepared to deal with a situation where the noise might be considered by some residents to be excessive.

Ms. Whipple-Boyce said she visited the Morrie in Royal Oak and was pleasantly surprised by the atmosphere, by the food, and everything they have done. She thought this really can work in Birmingham. There are tools in place now in the event that something goes wrong. This is unlike anything else in town, and she is really supportive of it and hopes that it succeeds. She felt that it can with something a little different and more than just dining.

Mr. Jeffares added that he thinks the City has a dire need for this type of entertainment.

Mr. Koseck spoke in favor of the proposal but wished they had gone further with the facade treatment.

Mr. Boyle thought their website could be improved.

#### Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams to recommend approval of the applicant's request for Final Site Plan and a SLUP for 260 N. Old Woodward Ave., the Morrie, with the following condition:

1. The applicant revises the proposed signage to comply with the Overlay Signage Standards.

At 8:57 p.m. there were no comments from the public on the motion.

#### Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Whipple-Boyce, Williams, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None Absent: None

#### BIRMINGHAM CITY COMMISSION MINUTES

#### MAY 14, 2018

#### **MUNICIPAL BUILDING, 151 MARTIN**

7:30 P.M.

#### 05-136-18 PUBLIC HEARING TO CONSIDER THE SPECIAL LAND USE PERMIT AND FINAL SITE PLAN REVIEW – 260 N. OLD WOODWARD – THE MORRIE

Mayor Harris opened the public hearing at 8:04 p.m.

Planning Director Ecker reviewed her May 3, 2018 memo to City Manager Valentine regarding The Morrie. Planning Director Ecker confirmed the design accommodates the new sidewalk condition post construction, including the required five-foot clearance.

Aaron Bellin, the owner of The Morrie, appeared before the Commission. Mr. Bellin said there will be a dance floor between the bar and booth seating. Planning Director Ecker stated no dance floor was included in the plans submitted to the Planning Board. Kevin Biddison, architect for The Morrie, appeared before the Commission. Mr. Biddison explained:

- A ten-by-ten foot area in front of the bar that would occasionally be cleared of tables to make space for dancing;
- The flooring in the Morrie will be concrete; and
- Soundproofing material would be applied to the ceiling and walls.

#### Mr. Bellin said:

- The Morrie will be open seven days a week, from 12 p.m. until 11 p.m. on weeknights, and Friday and Saturday until 2 a.m.
- There may be a cover charge depending on the band, ranging from \$5 \$20.

Planning Director Ecker confirmed that the applicant specifically told the Planning Board there would be no dance floor at the Birmingham location of The Morrie, and no tables would be cleared to create a dance floor.

John Jonna, co-owner of Vinotecca Wine Bar, appeared before the Commission and offered a statement in support of The Morrie's opening.

Jordan Jonna, representing AF Jonna Development, L.L.C., the owners of the property at 260 N. Old Woodward, appeared before the Commission. Mr. Jonna stated:

• The Morrie in Royal Oak is not a nightclub. Rather, it creates a sing-along atmosphere with the bands, and "soft dancing".

• The space was formerly a theater and so already has some soundproofing. City Manager Valentine said a recently adopted ordinance permits the City Manager to suspend activities at a business with a Special Land Use Permit (SLUP) and to require the owner to appear before the Commission for a public hearing should issues regarding the SLUP agreement arise.

Commissioner Boutros told the Commission that the Police Chief of Royal Oak wrote a complimentary email regarding The Morrie's operations in Royal Oak.

There being no further comment, Mayor Harris closed the public hearing at 8:21 p.m.

MOTION: Motion by Commissioner Boutros, seconded by Mayor Pro Tem Bordman: To approve the Special Land Use Permit and Final Site Plan Review for 260 N. Old Woodward – The Morrie, to allow the operation of a restaurant, serving alcoholic liquors, and providing live entertainment. (Formal resolution appended to these minutes as Attachment B.)

Mayor Pro Tem Bordman expressed concern with the discrepancy regarding the dance floor. Owner confirmed for Commissioner Hoff that there will be valet parking. Commissioner Nickita shared concern that the plans submitted are not fully accurate without depictions of the dance floor. When detail is missing from a SLUP, the City cannot assess a business' adherence to its permit in an on-going way.

Mayor Harris suggested a motion to amend to include the dance floor as part of the SLUP. Commissioner Boutros consented to this suggestion, and City Attorney Currier stated this would be legally valid. Mayor Pro Tem Bordman drew City Attorney Currier's attention to a clause on the second page of the proposed SLUP reading "1. The Morrie shall be permitted to provide entertainment in accordance with their entertainment permit issued by the MLCC". Mayor Pro Tem Bordman asked for clarification as to what is allowed under such a permit. City Attorney Currier said:

- Birmingham has either specifically licensed or prohibited dance floors, historically, as part of a business' SLUP. There have even been specific hours of permitted operation for dance floors required.
- Reliance on the general provisions of an entertainment permit to address the matter would be inadvisable.

Planning Director Ecker reiterated for Mayor Harris that The Morrie communicated in writing there would be no guest interaction with the band beyond singing.

Commissioner Sherman said the Commission could either send the application back to the Planning Board for review and possible amendment or adopt the SLUP with no dance floor and no dancing.

Mr. Bellin stated that he has been transparent about intended dancing within The Morrie throughout the application process.

Commissioner Sherman replied that the dance floor was not presented as part of the SLUP proposal. The Commission can only move forward on the information presented within an application.

Scott McDonald, general counsel to Mr. Bellin and stand-in for attorney Kelly Allen, clarified the MLCC requires a dance floor be clearly marked and suggested such delineation would be the second part of this application.

Commissioner Nickita replied that the SLUP must be specific because it is part of a contract with the City, and needs to be laid out clearly as part of the application. Commissioner Nickita then requested guidance from City Attorney Currier for the best way to move forward.

City Attorney Currier advised that:

- The Commission should approve the SLUP this evening if they see fit; and,
- Mr. Bellin should be required to appear before the Planning Board for the formulation of an amendment to the SLUP providing details regarding the dance floor and dancing at The Morrie.

Commissioner Sherman clarified this action would allow the applicant to move forward in their application process with the MLCC, while requiring the details necessary for a concrete SLUP with the City. City Attorney Currier concurred.

VOTE: Yeas, 7

Nays, 0

Absent, 0



#### **MEMORANDUM**

**Finance Department** 

**DATE:** June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Director of Finance/Treasurer

SUBJECT: Cultural Council of Birmingham/Bloomfield 2018-2019 Service

Agreement

The City Commission previously approved a master service agreement to be used by various outside agencies that are requesting and have previously received funding from the City. The Cultural Council of Birmingham/Bloomfield (Cultural Council) has completed the required agreement and Attachment A, which provides a description of the services to be provided and the direct benefit of their services to the City. There is no Attachment B as the Cultural Council did not receive a contract in fiscal year 2017-2018. The last fiscal year the City Commission funded the Cultural Council was in 2015-2016.

The Cultural Council is requesting funding totaling \$4,200. This is the same amount of funding requested by the Cultural Council in fiscal year 2015-2016. Funding has been approved in the fiscal year 2018-2019 budget for this expenditure. Based on the services that the Cultural Council provides and the direct benefit to the City, it is recommended that the City Commission approve the Cultural Council's funding request in the amount of \$4,200.

**SUGGESTED RESOLUTION:** To approve the service agreement with the Cultural Council of Birmingham/Bloomfield in the amount of \$4,200 for services described in Attachment A of the agreement for fiscal year 2018-2019; to charge account number 101-299.000-811.0000 for this expenditure; and further direct the Mayor and City Clerk to sign the agreement on behalf of the City.

#### SERVICES AGREEMENT

THIS SERVICES AGREEMENT ("Agreement"), made this 26 day of May, 2018
A ( ) A ( ) ( ) A ( ) ( ) A ( ) ( ) A ( ) ( )
by and between the CITY OF BIRMINGHAM, having its principal office at 151 Martin Road, Birmingham, MI 48009 ("CITY"), and Cultural Concil Burney Whose address is
PO.BOY 465 Blyngham M ("SERVICE PROVIDER"), provides as follows:
450001
WITNESSETH:

WHEREAS, the CITY desires to have certain services provided, which shall be of the type, nature and extent as set forth on Attachment A; and

WHEREAS, SERVICE PROVIDER desires to provide said services for the CITY, which it shall do in accordance with the experience it has attained from providing similar services of this nature, under the terms and conditions hereinafter stated.

**NOW, THEREFORE,** for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

- 1. SERVICE PROVIDER shall perform the services as set forth on Attachment A. The type, nature and scope may be changed if mutually agreed upon in writing by SERVICE PROVIDER and the CITY.
- 2. The CITY shall pay a total of \$\frac{400}{200}\$ to SERVICE PROVIDER for the performance of this Agreement, which amount shall compensate SERVICE PROVIDER for all aspects of the services to be performed including, but not limited to, all preparation, coordination, management, staffing and all other services incidental thereto. Payment shall be made to SERVICE PROVIDER pursuant to the schedule contained in Attachment A.
- 3. All services performed shall be of the highest quality and standards that meet or exceed that which is required and expected in that service industry.

- 4. SERVICE PROVIDER shall provide and designate one supervisor responsible for the coordination of services provided, who shall handle problem solving and be the contact person for the CITY.
- 5. This Agreement shall commence immediately after both parties have signed in the place and manner indicated below and shall terminate in accordance with the provisions as set forth in Attachment A.
- 6. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. SERVICE PROVIDER agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 7. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 8. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by SERVICE PROVIDER without the prior written consent of the CITY. Any attempt at assignment without prior written consent shall be void and of no effect.
- 9. SERVICE PROVIDER agrees that neither it nor its employees will discriminate against any employee, Independent contractor, or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. SERVICE PROVIDER shall inform the CITY of all claims or suits asserted against it by SERVICE PROVIDER's employees or contractors who work pursuant to this Agreement. SERVICE

PROVIDER shall provide the CITY with periodic status reports concerning all such claims or suits, at intervals established by the CITY.

- 10. To the fullest extent permitted by law, SERVICE PROVIDER and any entity or person for whom SERVICE PROVIDER is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the CITY, its elected and appointed officials, employees and volunteers and others working on behalf of the CITY against any and all claims, demands, suits, or loss, including all costs connected therewith, including reasonable attorney fees, and for any damages which may be asserted, claimed or recovered against or from the CITY, its elected and appointed officials, employees, volunteers or others working on behalf of the CITY, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting solely from the act or omission of the CITY, its elected or appointed officials, employees, volunteers or others working on behalf of the CITY.
- 11. SERVICE PROVIDER shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required by this paragraph. All certificates of insurance shall be with insurance carriers licensed and admitted to do business in the State of Michigan. All certificates of insurance shall be with insurance carriers acceptable to the CITY. SERVICE PROVIDER shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. Workers' Compensation Insurance: SERVICE PROVIDER shall procure and maintain during the life of this contract, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. Commercial General Liability Insurance: SERVICE PROVIDER shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence for combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability

- Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
- C. Motor Vehicle Liability: SERVICE PROVIDER shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, Including all applicable no-fault coverages, with limits of liability of not less than \$ 1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be Additional Insureds: The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance required from SERVICE PROVIDER under this Section.
- E. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal shall be sent to: Finance Department, City of Birmingham, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
- F. <u>Proof of Insurance Coverage</u>: SERVICE PROVIDER shall provide the CITY at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the CITY, as listed below.
  - 1. Two (2) copies of Certificate of Insurance for Workers' Compensation;
  - 2. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - 3. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4. If so requested, Certified Copies of all policies mentioned above will be furnished.
- G. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, SERVICE PROVIDER shall deliver renewal certificates and/or policies to the CITY at least (10) days prior to the expiration date.

- 12. If, after the effective date of this Agreement, any official of the CITY or spouse, child, parent or in-law, of such official or employee shall become directly or indirectly interested in this Agreement, or the affairs of SERVICE PROVIDER, the CITY shall have the right to terminate this Agreement without further liability to SERVICE PROVIDER if the disqualification has not been removed within thirty (30) days after the CITY has given SERVICE PROVIDER notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48<sup>th</sup> District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL §600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. This Agreement shall be governed by the laws of the State of Michigan and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48<sup>th</sup> District Court.
- 14. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, understandings, negotiations and discussions, whether oral or written, of the parties, except as

specifically set forth herein. No supplement, modification, addition, deletion or waiver of this Agreement or any provision of this Agreement shall be binding unless executed in writing by both parties to be bound thereby.

- 15. SERVICE PROVIDER and the CITY agree that SERVICE PROVIDER shall be liable for its own actions and neither SERVICE PROVIDER nor its employees or contractors shall be construed as employees of the CITY. Neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. SERVICE PROVIDER, including its employees and contractors, shall not be considered entitled or eligible to participate in any benefits or privileges given or extended by the CITY, or be deemed an employee of the CITY for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation and other employer contributions on behalf of SERVICE PROVIDER or SERVICE PROVIDER's employees or contractors.
- Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. SERVICE PROVIDER recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the CITY. Therefore, the SERVICE PROVIDER agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. SERVICE PROVIDER shall inform its employees and contractors of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. SERVICE PROVIDER further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.

THE CITY OF BIRMINGHAM

By: \_\_\_\_\_\_ Andrew M. Harrls, Mayor

[SERVICE PROVIDER]

J. Cherilynn Mynsberge, City Clerk

The said parties have caused this Agreement to be executed as of the date and year above written.

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A IPA PIA PIA ANA A INT PIA
APPROVED:
(hand / hall )
Joseph Cali
Joseph A. Valentine, City Manager
Manager and makes and advantage and
Approved as to substance)
Øepartment Head
(Approved as to substance)
1. 1.
Karthy /
Timothy J. Currier, City Attorney
(Approved as to form)
Will fall la UIIX
Mark Gerber, Director of Finance
(Approved as to financial obligation)

Name of Organization: Cultural Council Bringhem Bleenfield

### **ATTACHMENT A**

I.	Amount of Funding Requested: 4200.00
II.	Amount of funding received from City in current fiscal year:
III.	Organization's Purpose or Mission:  To Support the Ats with
	art in Public Places, Cetyscapes Sculpture + Events & Awards Honoring ovstanding Cutizens contra buttong in our city
IV.	Description of Services to be provided (Scope of Work);
	7/2618 -6/30/2019
V.	Explain the value of the services to the City of Birmingham:
ν.	Visual Deauty of installed sculptures in our parks Honoring citizens in
	the community.
VI.	List <u>all</u> municipal and/or other funding sources, the percentage of programming costs covered by each source, and the actual dollar amount covered by each source in the current fiscal year.  (List below. Attach additional sheet if necessary.)  Charty Pokov turce / year  Charty Pokov turce / year
	to pay for insurance of saulptures

(Print Name)

Signature: \_

Date: 6 28 18

### **Auto-Owners Insurance Payment Receipt**

**CULTURAL COUNCIL OF** 

929 S ETON ST BIRMINGHAM, MI 48009-7080 11-0775-00 TFC O'CONNELL AGENCY

27500 FARMINGTON RD STE B FARMINGTON HILLS, MI 48334-3313

Scheduled for 08/01/2017 - \$3,850.00

Confirmation:

20170801-119009965

Payment Method:

Visa ending in 1251

Billing Account:

006032244

Cardholder's Name:

Cultural Council of

Requested:

08/01/2017 02:05:44 PM

Bham/Bmfld

Expiration Date:

07/2020

Agent's Signature:

whenr a signature

Auto-Owners Ins. Co.

issued

05-10-2018

AGENCY TFC O'CONNELL AGENCY

INSURED CULTURAL COUNCIL OF

11-0775-00

MKT TERR 004

Company Bill

POLICY NUMBER 904611-04108614-18

04-46-MI-9007

Term 07-15-2018 to 07-15-2019

55040 (11-87)

### COMMERCIAL GENERAL LIABILITY COVERAGE

COVERAGE	LIMITS OF INSURANCE
General Aggregate	\$2,000,000
(Other Than Products-Completed Operations)	
Products-Completed Operations Aggregate	\$2,000,000
Personal And Advertising Injury	\$1,000,000
Each Occurrence	\$1,000,000
Damage to Premises Rented to You (Fire Damage)	\$50,000 Any One Premises
Medical Payments	\$5,000 Any One Person
Hired Auto & Non-Owned Auto	\$1,000,000 Each Occurrence

Twice the "General Aggregate Limit", shown above, is provided at no additional charge for each 12 month period in accordance with form 55885.

### **AUDIT TYPE:** Non-Audited

Forms that apply to this coverage:

55405	(07-08)	59350	(01-15)	CG0168	(10-92)	IL0017	(11-85)	55146	(06-04)
IL0021	(07-02)	CG2106	(05-14)	55028	(05-17)	CG2002	(11-85)	CG0001	(04-13)
55513	(05-17)	CG2109	(06-15)	55029	(05-17)	CG2196	(03-05)	IL0286	(04-17)
CG2132	(05-09)	CG2147	(12-07)	55885	(05-17)	CG2005	(04-13)	CG2026	(04-13)
59390	(01-15)								

### LOCATION 0001 - BUILDING 0001

Location: 940 E Maple Rd, Birmingham, MI 48009-6403

Territory: 003	County: Oakland						
CLASSIFICATION	CODE	SUBLINE	PREMIUM BASIS	RATE	PREMIUM		
Hired Auto & Non-Owned Liability	04001	Auto	Flat Charge		\$114.00		
Clubs - Civic, Service Or Social - No Buildings Or Premises Owned Or Leased Except For Office Purposes (Not-For Profit)	41670	Prem/Op Prod/Comp Op		Each 1 2.002 .008	\$200.00 \$1.00		
Additional Interests	49950						
Designated Per/Organization L							
1. City Of Birmingham		Prem/Op	Flat Charge		\$25.00		
		Prod/Comp Op	Flat Charge		\$25.00		

COMMERCIAL GENERAL LIABILITY COVERAGE - LOCATION 0001 SUMMARY				
TERRORISM - CERTIFIED ACTS	SEE FORM: 59350, 55405, 59390		\$4.00	
		LOCATION 0001	\$369.00	

Auto-Owners Ins. Co.

AGENCY TFC O'CONNELL AGENCY

11-0775-00

INSURED CULTURAL COUNCIL OF

MKT TERR 004

Issued

POLICY NUMBER 904611-04108614-18

Company PC Bill

04-46-MI-9007

05-10-2018

Term 07-15-2018 to 07-15-2019

16198 (07-87)

#### **COMMERCIAL INLAND MARINE COVERAGE**

#### **COVERAGES PROVIDED**

Insurance applies to covered property for which a limit of insurance is shown.

Forms that apply to Inland Marine:

16381 (07-08)

59350

(01-15)

16080 (07-13)

16639 (05-17)

59390 (01-15)

### LOCATION 0001 - BUILDING 0001

Location: 940 E Maple Rd, Birmingham, MI 48009-6403

COVERAGE	COINSURANCE	DEDUCTIBLE	LIMIT	RATE	PREMIUM
OTHER 8520 Miscellaneous Property TOTAL FOR THIS COVERAGE:		\$250	\$243,500	1.442	\$3,511.00 \$3,511.00

COMMERCIAL INLAND MARINE COVERAGE - LOCATION 0001 SUMMARY				
TERRORISM - CERTIFIED ACTS	SEE FORM: 59350, 16381, 59390		\$35.00	
		LOCATION 0001	\$3,546.00	

A single deductible applies per claim. If more than one item is involved in a claim, the single highest applicable deductible amount is used.

Auto-Owners Ins. Co.

Issued

05-10-2018

AGENCY TFC O'CONNELL AGENCY 11-0775-00

INSURED CULTURAL COUNCIL OF

MKT TERR 004

Company **POLICY NUMBER 904611-04108614-18** Bill 04-46-MI-9007

Term 07-15-2018 to 07-15-2019

55056 (07-87)

### SUPPLEMENTAL DECLARATIONS

#### 16079 MISCELLANEOUS PROPERTY

1.	"WIND RAPIDS" (MERRILL & PIERCE STREETS)	\$ 9,500
2.	"TORSO" (OAKLAND & OLD WOODWARD)	24,000
3.	"POETRY & TRUTH" BY JOHN SAUVE (220 MERRILL)	10,000
4.	"JOURNEY HOME" BY DENNIS OPPENHEIM (MERRILL & BATES)	85,000
5.	"BIRD" BY NATHAN DIANA (OAKLAND & FERNDALE)	10,000
6.	"HEART OF TETRAHDREN" BY MARK DISUVERSO (MARTHA BALDWIN P	K)10,000
7.	"TOM'S LAMENT" BY JAY WHOLLEY (BALDWIN PARK)	20,000
8.	"THE COUNSELOR" BY CHRISTOPHER YOCKEY	10,000
	(NORTH OLD WOODWARD PARKING STRUCTURE)	
9.	"CHOOPY" BY MARK DISUVERO	50,000
	(TRIANGLE-OLD WOODARD & WOODWARD)	
10.	"LUCKY AT LOVE, UNLUCKY AT GAME, YOU CAN'T HAVE IT ALL"	15,000
	(SOUTH SIDE OF MAPLE BY LINDEN PARK & MARTHA BALDWIN PARK	
	BIRMINGHAM MI)	

Auto-Owners Insurance Company

COMMERCIAL GENERAL LIABILITY CG 20 26 04 13

### THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

# ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

#### **SCHEDULE**

Name Of Additional Insured Person(s) Or Organization(s): CITY OF BIRMINGHAM							
	·						
Information required to complete this Schedule, if not shown a	above. will be shown in the Declarations.						

- A. Section II Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:
  - 1. In the performance of your ongoing operations;
  - 2. In connection with your premises owned by or rented to you.

#### However:

- The insurance afforded to such additional insured only applies to the extent permitted by law; and
- 2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not

- be broader than that which you are required by the contract or agreement to provide for such additional insured.
- B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

- 1. Required by the contract or agreement; or
- Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

# City of Birmingham A Walkable Community

### **MEMORANDUM**

### **Department of Public Services**

**DATE:** June 11, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

**SUBJECT:** Forestry Contract Renewal – Five Years

At the August 22, 2016 City Commission meeting a two year extension was approved for the Tree Care and Removal Agreement with J. H. Hart Urban Forestry. The current Agreement for forestry services expires June 30, 2018. This concludes a fourteen year contract with J. H. Hart Urban Forestry, including three multi-year extensions.

Sealed bids were opened on Tuesday, May 8, 2018 for the cost to provide tree care and removal services for the City of Birmingham. The term of the contract is five (5) years with an option for the City to extend for an additional two years. Two (2) bidders responded and the cost proposals for each are attached. The high bidder is Chop Tree Services from Grand Rapids and J. H. Hart Urban Forestry from Sterling Heights is the lowest qualified bidder for the comprehensive forestry services with the City of Birmingham.

All pricing is based on a time and material cost method which is an hourly rate for all services. The Contractor will provide said services only when requested to do so by the Department of Public Services and works under the direction of the Parks and Recreation Manager. They are assigned, however; to work during the week Monday through Friday and serve as our emergency forestry services Contractor for after hour calls.

The cost proposal received from J. H. Hart Urban Forestry for the first year 2018-2019 provides for an average increase to the hourly rates of eight percent (8%) for the most frequently used services. The last increases were a five percent (5%) increase beginning September 1, 2016 and a five percent (5%) increase beginning July 1, 2017. All other terms and conditions do remain the same. See the attached bid pricing for J. H. Hart over the past nine years.

By way of background, J. H. Hart Urban Forestry has been serving as the forestry services contractor along the City's right-of-ways, parks and other public properties including trimming, removal and planting services. The following items detail the current scope of services under the existing contract.

1. Cutting and removal of trees and its parts to ground level, removal of stump, clean-up of debris, transport and disposal of brush, logs and chips.

- 2. Trimming trees and other plants in accordance with standard arboricultural standards under the direction of the City, and chipping logs and limb wood into wood chips, and the transport and disposal of this material.
- 3. Residential brush pick-up and Christmas tree pick-up after the Holidays.
- 4. Disposal of woody debris.
- 5. Trimming and/or removal of trees, shrubs and other vegetation for certain private lots as determined by the Department of Public Services to be in violation of the City's vegetation ordinance.
- 6. Holiday light installation and removal, as requested.
- 7. Emergency Response Storm Damage removal and clean-up services.

The City of Birmingham has high expectations for the care and maintenance of its forest and as a result there has been a constant increase in the services necessary to maintain and cultivate the community urban forestry at large. J. H. Hart Urban Forestry has been maintaining all public trees on city owned property over the past twenty-nine years. The Department of Public Services continues to strive to assure a high level of service throughout the community.

The Contractor agrees to provide the labor, material supplies and equipment necessary to perform the requested services during the five year renewal, commencing July 1, 2018 and ending June 30, 2023.

The budgeted funds for these services derive from various accounts. The accounts include Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance – Tree Trimming Contract account #101-441.003-819.0000. In addition, the bid for these services also allows the City of Birmingham at its option to extend the contract for two (2) additional years from July 1, 2023 and ending June 30, 2025 based on review of services.

The forestry budget for these listed funds includes other work by different Contractors for tree planting services for a total amount of \$622,500.00 budgeted for citywide forestry services.

#### SUGGESTED RESOLUTION:

To approve the Tree Care and Removal Agreement with J. H. Hart Urban Forestry, for five years commencing July 1, 2018 and ending June 30, 2023 in the amount set forth in Attachment C – Cost Proposal, with all other terms and conditions remaining the same. Funds are available in each of the following accounts for these services: Major Street Fund – Street Trees – Tree Trimming Contract account #202-449.005-819.0000; Local Street Fund – Street Trees – Tree Trimming Contract account #203-449.005-819.0000; Parks – Tree Trimming Contract account #101-751.000-819.0000; and Property Maintenance – Tree Trimming Contract account #101-441.003-819.0000. Further, to authorize the Mayor and City Clerk to sign the Agreement upon receipt of all required insurances.

Time and Material Crew	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Trim – 2 - member Plus aerial tower, chipper, saws, all equipment, traffic control devices, etc	\$100.00	\$105.50	\$111.00	\$116.50	\$122.00
Trim – 2 - member Overtime Rate	\$138.00	\$145.50	\$153.00	\$160.50	\$168.00
Removal – 3 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc	\$143.00	\$150.75	\$158.50	\$166.25	\$174.00
Removal – 3 - member Overtime Rate	\$197.50	\$208.13	\$218.75	\$229.38	\$240.00
Removal – 4 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc	\$176.00	\$185.50	\$195.00	\$204.50	\$214.00
Removal – 4 - member Overtime Rate	\$230.50	\$242.88	\$255.25	\$267.63	\$280.00
Removal – 5 - member Plus aerial tower, dump truck, chipper, saws, arrow board, all equipment, traffic control devices, etc	\$209.00	\$220.25	\$231.50	\$242.75	\$254.00
Removal – 5 - member Overtime Rate	\$263.50	\$277.63	\$291.75	\$305.88	\$320.00

Time and Material Crew	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Stump Removal – 3 – member Plus dump truck, stump chipper, equipment, traffic control devices, etc	\$180.00	\$189.75	\$199.50	\$209.25	\$219.00
Stump Removal – 3 – member Overtime Rate	\$234.50	\$247.13	\$259.75	\$272.38	\$285.00
Landscape – 2 – member Plus dump truck, all equipment, traffic control devices, etc	\$86.00	\$90.50	\$95.00	\$99.50	\$104.00
Landscape – 2 – member Overtime Rate	\$124.00	\$130.50	\$137.00	\$143.50	\$150.00
Holiday Light 2 - member Plus aerial tower	\$92.00	\$97.00	\$102.00	\$107.00	\$112.00
Holiday Light – 2 - member Overtime Rate	\$130.00	\$137.00	\$144.00	\$151.00	\$158.00
Residential Brush Pickup – 2 - member Plus dump truck, chipper, saws, all equipment, traffic control devices, etc	\$94.00	\$99.00	\$104.00	\$109.00	\$114.00
Residential Brush Pickup – 2 - member Overtime Rate	\$132.00	\$139.00	\$146.00	\$153.00	\$160.00

Additional Personnel Rate for each additional person Foreman, Trimmer, Ground Man, etc.	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Certified Arborist	\$50.00	\$52.50	\$55.00	\$57.50	\$60.00
Overtime rate	\$75.00	\$78.75	\$82.50	\$86.25	\$90.00
Foreman	\$43.00	\$45.25	\$47.50	\$49.75	\$52.00
Overtime rate	\$64.50	\$67.88	\$71.25	\$74.63	\$78.00
Ground Man	\$33.00	\$34.75	\$36.50	\$38.25	\$40.00
Overtime rate	\$49.50	\$52.13	\$54.75	\$57.38	\$60.00
Other:					
Overtime rate					- 1

Additional Equipment Rate for each additional piece of equipment	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Aerial Tower	\$16.00	\$17.00	\$18.00	\$19.00	\$20.00
Brush Chipper	\$8.00	\$8.50	\$9.00	\$9.50	\$10.00
Dump Truck	\$10.00	\$10.50	\$11.00	\$11.50	\$12.00
Logging Truck W / Lift	\$47.00	\$50.00	\$53.00	\$56.00	\$59.00
Stump Chipper	\$46.00	\$48.50	\$51.00	\$53.50	\$56.00
Water Tanker	\$45.00	\$47.00	\$49.00	\$51.00	\$53.00
Loader	\$5.00	\$5.50	\$6.00	\$6.50	\$7.00
Truck Lift (75ft) — BID AS A TRACK LIFT (75ft)	\$14.00	\$15.00	\$16.00	\$17.00	\$18.00
Arrow Board	\$4.00	\$4.50	\$5.00	\$5.50	\$6.00
Pick- up Truck	\$8.00	\$8.50	\$9.00	\$9.50	\$10.00

Time and Material Crew	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Trim – 2 - member Plus aerial tower, chipper, saws, all equipment, traffic control devices, etc	\$ 255	255	260	260	270
Trim – 2 - member Overtime Rate	295	295	300	300	3/0
Removal – 3 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc	* 330	330	335	335	345
Removal – 3 - member Overtime Rate	380	380	385	385	395
Removal – 4 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc	405	405	410	410	420
Removal – 4 - member Overtime Rate	485	485	490	490	500
Removal – 5 - member Plus aerial tower, dump truck, chipper, saws, arrow board, all equipment, traffic control devices, etc	480	480	485	485	495
Removal – 5 - member Overtime Rate	580	580	585	585	595

Time and Material Crew	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Stump Removal – 3 – member Plus dump truck, stump chipper, equipment, traffic control devices, etc	285	285	290	290	300
Stump Removal – 3 – member Overtime Rate	345	345	350	350	340
Landscape – 2 – member Plus dump truck, all equipment, traffic control devices, etc	225	225	230	230	240
Landscape – 2 – member Overtime Rate	270	270	275	275	285
Holiday Light – 2 - member Plus aerial tower	200	200	205	205	2/5
Holiday Light – 2 - member Overtime Rate	225	2.2.5	230	230	240
Residential Brush Pickup – 2 - member Plus dump truck, chipper, saws, all equipment, traffic control devices, etc	260	260	265	265	275
Residential Brush Pickup – 2 - member Overtime Rate	30E)	30D	305	305	315

Additional Personnel Rate for each additional person Foreman, Trimmer, Ground Man, etc.	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Certified Arborist	85	85	90	90	95
Overtime rate	105	105	110	110	115
Foreman	75	75	80	80	85
Overtime rate	95	95	100	100	105
Ground Man	65	65	70	70	75
Overtime rate	85	85	90	95	100
Other:					
Overtime rate					

Additional Equipment Rate for each additional piece of equipment	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Aerial Tower	50	50	55	55	55
Brush Chipper	*30	30	35	35	35
Dump Truck	*35	35	40	40	40
Logging Truck W / Lift	8 35	35	40	40	40
Stump Chipper	* 45	45	50	50	50
Water Tanker					
Loader	*38	38	42	42	42
Truck Lift (75ft)	150	150	155	155	155
Arrow Board	*5	5	10	10	10
Pick- up Truck	*25	25	30	30	30

### J.H.Hart Urban Forestry, Tree Maintenance, Bid Pricing, 2009-2018

Hourly Services	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Trim - 2 Member	\$85.02	\$85.02	\$85.02	\$85.02	\$85.02	\$85.02	\$85.02	\$89.27	\$93.73
Overtime Rate	\$117.21	\$117.21	\$117.21	\$117.21	\$117.21	\$117.21	\$117.21	\$123.07	\$129.22
Small Removal - 3 Member	\$119.94	\$119.94	\$119.94	\$119.94	\$119.94	\$119.94	\$119.94	\$125.94	\$132.23
Overtime Rate	\$166.14	\$166.14	\$166.14	\$166.14	\$166.14	\$166.14	\$166.14	\$174.45	\$183.17
Medium Removal - 4 Member	\$147.97	\$147.97	\$147.97	\$147.97	\$147.97	\$147.97	\$147.97	\$155.37	\$163.14
Overtime Rate	\$208.19	\$208.19	\$208.19	\$208.19	\$208.19	\$208.19	\$208.19	\$218.59	\$229.52
Large Removal - 5 Member	\$176.00	\$176.00	\$176.00	\$176.00	\$176.00	\$176.00	\$176.00	\$184.80	\$194.04
Overtime Rate	\$250.23	\$250.23	\$250.23	\$250.23	\$250.23	\$250.23	\$250.23	\$262.74	\$275.88
Stump Removal - 3 Member	\$147.51	\$147.51	\$147.51	\$147.51	\$147.51	\$147.51	\$147.51	\$154.89	\$162.63
Overtime Rate	\$193.71	\$193.71	\$193.71	\$193.71	\$193.71	\$193.71	\$193.71	\$203.40	\$213.57
Landscape - 2 Member	\$71.26	\$71.26	\$71.26	\$71.26	\$71.26	\$71.26	\$71.26	\$74.82	\$78.56
Overtime Rate	\$103.45	\$103.45	\$103.45	\$103.45	\$103.45	\$103.45	\$103.45	\$108.62	\$114.05
Tree Planting - 2 Member	\$112.59	\$112.59	\$112.59	\$112.59	\$112.59	\$112.59	\$112.59	\$118.22	\$124.13
Overtime Rate	\$144.78	\$144.78	\$144.78	\$144.78	\$144.78	\$144.78	\$144.78	\$152.01	\$159.61
Brush Pick Up - 2 Member	\$78.15	\$78.15	\$78.15	\$78.15	\$78.15	\$78.15	\$78.15	\$82.06	\$86.16
Overtime Rate	\$110.34	\$110.34	\$110.34	\$110.34	\$110.34	\$110.34	\$110.34	\$115.85	\$121.64
Holiday Lights - 2 Member	\$78.13	\$78.13	\$78.13	\$78.13	\$78.13	\$78.13	\$78.13	\$82.04	\$86.14
Overtime Rate	\$110.32	\$110.32	\$110.32	\$110.32	\$110.32	\$110.32	\$110.32	\$115.83	\$121.62
Foreman	\$36.34	\$36.34	\$36.34	\$36.34	\$36.34	\$36.34	\$36.34	\$38.16	\$40.06
Overtime Rate	\$54.51	\$54.51	\$54.51	\$54.51	\$54.51	\$54.51	\$54.51	\$57.24	\$60.09
Trimmer	\$36.34	\$36.34	\$36.34	\$36.34	\$36.34	\$36.34	\$36.34	\$38.16	\$40.06
Overtime Rate	\$54.51	\$54.51	\$54.51	\$54.51	\$54.51	\$54.51	\$54.51	\$57.24	\$60.09
Groundman	\$28.03	\$28.03	\$28.03	\$28.03	\$28.03	\$28.03	\$28.03	\$29.43	\$30.90
Overtime Rate	\$42.05	\$42.05	\$42.05	\$42.05	\$42.05	\$42.05	\$42.05	\$44.15	\$46.35
Aerial Tower	\$13.75	\$13.75	\$13.75	\$13.75	\$13.75	\$13.75	\$13.75	\$14.45	\$15.17
Brush Chipper	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$7.23	\$7.60
Dump Truck	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$7.23	\$7.60
Logging Truck	\$41.33	\$41.33	\$41.33	\$41.33	\$41.33	\$41.33	\$41.33	\$43.40	\$45.57
Stump-Machine	\$41.33	\$41.33	\$41.33	\$41.33	\$41.33	\$41.33	\$41.33	\$43.40	\$45.57
Pick-Up Truck	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$7.23	\$7.60
Aarow Board	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$6.89	\$7.23	\$7.60

Date Printed: 08/17/16

### **ATTACHMENT A - AGREEMENT**

### For "Tree Care and Removal, Birmingham MI"

This AGREEMENT, made this	day of		2018, 8	by and
between CITY OF BIRMINGHAM, having i	ts principal mi	unicipal office	at 151	Martin
Street, Birmingham, MI (hereinafter someti	mes called "C	ity"), and <u>J</u>	.H. Hart	Urban
Forestry_, Inc., having its principal office at _	6600 Produc	t Drive, Sterlin	ng Heigh	its, MI
48312 (hereinafter called "Contractor"), pro-	ovides as follow	ws:		

#### WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, desires to have the urban forest maintained along the City's right-of-ways, parks and other public properties including trimming, removal and planting, and,

WHEREAS, the City, through its Department of Public Services, desires to have the residential brush picked up and chipped along the City's right-of-ways, parks and other public properties, and,

WHEREAS the City, through its Department of Public Services, desires to have trees, shrubs and other vegetation for certain private lots that are determined by the Department of Public Services to be in violation of the City's vegetation ordinances cut trimmed and/or removed, and,

WHEREAS the City, through its Department of Public Services, desires to have performed on its behalf and in connection therewith, has prepared a request for sealed proposals (RFP) endorsed "Tree Care and Removal Contract" which includes certain instructions to bidders and specifications, and, in connection therewith, has advertised for and sought sealed proposals endorsed "Tree Care and Removal Contract," which includes certain qualifications, instructions to bidders, specifications, and General Contract Conditions (collectively the "RFP"), and,

WHEREAS, the Contractor has made a bid ("Bid") to provide tree care services including trimming, removal, planting, residential brush pickup, and holiday light/decoration installation and removal in accordance with the RFP, in the amount set forth in its bid form, and which bid has been accepted by the City.

NOW, THEREFORE, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

- It is mutually agreed by and between the parties that the documents consisting of the Request of Proposal to provide forestry services and the Contractor's cost proposal dated May 8, 2018 shall be incorporated herein by reference and shall become a part of this Agreement and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.
- 2. The Contractor agrees to provide the labor, material, supplies and equipment

necessary to perform the tree care and removal services in accordance with the specifications and conditions contained in the RFP documents for a period of five (5) years/seasons, commencing on July 1, 2018 and ending on June 30, 2023.

- 3. The City shall pay the Contractor for the performance of this Agreement in time and material bid amount, as set forth in the Contractor's Attachment C, dated <a href="May 8">May 8</a>, 2018 cost proposal, which is attached hereto and made part hereof.
- 4. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.
- 5. The City shall have the right to terminate this Agreement prior to the end of the initial term or any of the renewal terms without cause. If the City terminates this Agreement prior to the end of any term, the City shall provide Contractor with 10 days written notice of the early termination. Any claims or fees that Contractor is working on collecting on behalf of the City, and Contractor shall continue to collect such fees and process same pursuant to the terms and conditions of this Agreement through the date of notice of early termination.
- 6. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
- 7. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes. unemployment, workers' compensation or any other employer contributions on behalf of the City.
- 8. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the

- confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 9. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 10. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 11. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
- 12. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.
- 13. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
- 14. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence

combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.

- C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be Additional Insureds: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
- E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
- F. <u>Pollution Liability Insurance</u>: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- I. <u>Proof of Insurance Coverage</u>: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.

- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
- 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
- 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
- 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance:
- 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- J. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- K. <u>Maintaining Insurance</u>: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
- 15. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
- 16. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- 17. If Contractor fails to perform its obligations hereunder, the City may take any and all

remedial actions provided by the general specifications or otherwise permitted by law.

18. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

Department of Public Services Attn: Lauren Wood 851 Eton Street Birmingham, MI 48009

- 19. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seg., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.
- 20. <u>FAIR PROCUREMENT OPPORTUNITY:</u> Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

executed as of the date and year above written. WITNESSES: **CONTRACTOR** By: John A. Hert Its: Oreselut / CEO **CITY OF BIRMINGHAM** By: \_\_\_ Andrew M. Harris Its: Mayor By: \_ J. Cherilynn Brown Its: City Clerk Approved: Mark Gerber, Director of Finance auren A. Wood. Director of Public Services (Approved as to financial obligation) Services (Approved as to substance) Joseph A. Valentine, City Manager Timothy J. Currier, City Attorney (Approved as to substance) (Approved as to form)

IN WITNESS WHEREOF, the said parties have caused this Agreement to be



### **CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY) 5/31/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.	HE A CONTRAC	ST RETMEEN	THE ISSUING INSURER(S), A	AUTHORIZED
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the the terms and conditions of the policy, certain policies may require an e	policy(les) mus	t be endorsed.	If SUBROGATION IS WAIVE	D, subject to
certificate holder in lieu of such endorsement(s).	moorsement. A	statement on t	nis certificate does not confe	rights to the
PRODUCER	CONTACT Amy	Blackmer		
Johnston Lewis Assoc Inc	PHONE (A/C, No. Ext): 248		FAX (A/C, No.): 2480	3877768
575 E Maple Rd Troy MI 48084	E-MAIL amy@	gjohnstonlewis	.com	
1109 111 10001			RDING COVERAGE	NAIC #
	INSURER A : Natio	onal Union Fire		19445
INSURED JHHAR-1		elers Insuranc	<del></del>	19046
J H Hart Urban Forestry		Hampshire In:	<del></del>	10010
J H Hart Company Inc.	INSURER D :			
6600 Product Dr. Sterling Heights MI 48312	INSURER E :	·		
otoring magnitude in 10012	INSURER F :			
COVERAGES CERTIFICATE NUMBER: 168449753			REVISION NUMBER:	-
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HA	VE BEEN ISSUED	TO THE INSURI	ED NAMED ABOVE FOR THE PO	DLICY PERIOD
INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORD EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE	ED BY THE POLI	CIES DESCRIBE	D HEREIN IS SUBJECT TO ALL	
INSR LTR TYPE OF INSURANCE INSD WVD POLICY NUMBER	POLICY EI	FF POLICY EXP	LIMITS	
A X COMMERCIAL GENERAL LIABILITY GL5268297	6/1/2017	6/1/2018		00.000
CLAIMS-MADE X OCCUR		ļ	DAMAGE TO RENTED PREMISES (Ea occurrence) \$300	
			MED EXP (Any one person) \$10,0	•
		1		00,000
GENL AGGREGATE LIMIT APPLIES PER:				0,000
POLICY PRO- JECT LOC				00.000
OTHER:			\$	,0,000
A AUTOMOBILE LIABILITY CA4489780	6/1/2017	6/1/2018	COMBINED SINGLE LIMIT \$1,00	00,000
X ANY AUTO		1	BODILY INJURY (Per person) \$	
ALLOWNED X SCHEDULED AUTOS			BODILY INJURY (Per accident) \$	
HIRED AUTOS X AUTOS			PROPERTY DAMAGE (Per accident) \$	
			\$	
B X UMBRELLA LIAB X OCCUR ZUP15S51739	6/1/2017	6/1/2018	EACH OCCURRENCE \$2.00	0.000
EXCESS LIAB CLAIMS-MADE		ĺ		0.000
DED X RETENTION\$0			5	
C WORKERS COMPENSATION WC022298206	6/1/2017	6/1/2018	X PER OTH-	
AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE				0.000
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)			E.L. DISEASE - EA EMPLOYEE \$1,00	
If yes, describe under DESCRIPTION OF OPERATIONS below			E.L. DISEASE - POLICY LIMIT \$1,00	
			10	
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedu	ile, may be attached if	more space is requi	red)	
Additional Insured: The City of Birmingham including all elected and ap	pointed officials	s, all boards, c	ommissions and/or authoritie	es and board
members. This coverage shall be primary to any coverage that may be coverage be primary, contributing or excess. Cancellation shall be 30 c	available to the	additional insu	ured, whether any other avai	lable
coverage be primary, continuouing or excess, cancellation shall be 50 c	3ys except tot 11	on-payment w	fileris to days.	
			20	
CERTIFICATE HOLDER	CANCELLATIO	ON		
City of Birmingham Bob Fox, Dept of Public Servic	THE EXPIRAT	ION DATE THE	ESCRIBED POLICIES BE CANCEL EREOF, NOTICE WILL BE DI	
851 S Ealon Birmingham MI 48009		WITH THE POLIC	T FRUVISIONS.	
	AUTHORIZED REPRI	ESENTATIVE		
	YMID.	Sawmille.		
	111			

### ATTACHMENT C - COST PROPOSAL

### For "Tree Care and Removal Contract, Birmingham MI"

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Proposal documents shall be a lump sum, as follows:

Attach technical specifications for all proposed materials as outlined in the Contractor's Responsibilities section of the RFP

### **Contract Price:**

The final project cost on the bid form should be determined by multiplying the number, or fraction thereof, units of work actually performed, labor, or material, by the price designated for such items in the proposal.

Time and Material Crew	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Trim – 2 - member Plus aerial tower, chipper, saws, all equipment, traffic control devices, etc	\$100.00	\$105.50	\$111.00	\$116.50	\$122.00
Trim – 2 - member Overtime Rate	\$138.00	\$145.50	\$153.00	\$160.50	\$168.00
Removal – 3 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc	\$143.00	\$150.75	\$158.50	\$166.25	\$174.00
Removal – 3 - member Overtime Rate	\$197.50	\$208.13	\$218.75	\$229.38	\$240.00
Removal – 4 - member Plus aerial tower, dump truck, chipper, saws, all equipment, traffic control devices, etc	\$176.00	\$185.50	\$195.00	\$204.50	\$214.00
Removal – 4 - member Overtime Rate	\$230.50	\$242.88	\$255.25	\$267.63	\$280.00
Removal – 5 - member Plus aerial tower, dump truck, chipper, saws, arrow board, all equipment, traffic control devices, etc	\$209.00	\$220.25	\$231.50	\$242.75	\$254.00
Removal – 5 - member Overtime Rate	\$263.50	\$277.63	\$291.75	\$305.88	\$320.00

Time and Material Crew	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Stump Removal – 3 – member Plus dump truck, stump chipper, equipment, traffic control devices, etc	\$180.00	\$189.75	\$199.50	\$209.25	\$219.00
Stump Removal – 3 – member Overtime Rate	\$234.50	\$247.13	\$259.75	\$272.38	\$285.00
Landscape – 2 – member Plus dump truck, all equipment, traffic control devices, etc	\$86.00	\$90.50	\$95.00	\$99.50	\$104.00
Landscape – 2 – member Overtime Rate	\$124.00	\$130.50	\$137.00	\$143.50	\$150.00
Holiday Light – 2 - member Plus aerial tower	\$92.00	\$97.00	\$102.00	\$107.00	\$112.00
Holiday Light – 2 - member Overtime Rate	\$130.00	\$137.00	\$144.00	\$151.00	\$158.00
Residential Brush Pickup – 2 - member Plus dump truck, chipper, saws, all equipment, traffic control devices, etc	\$94.00	\$99.00	\$104.00	\$109.00	\$114.00
Residential Brush Pickup – 2 - member Overtime Rate	\$132.00	\$139.00	\$146.00	\$153.00	\$160.00

Additional Personnel Rate for each additional person Foreman, Trimmer, Ground Man, etc.	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Certified Arborist	\$50.00	\$52.50	\$55.00	\$57.50	\$60.00
Overtime rate	\$75.00	\$78.75	\$82.50	\$86.25	\$90.00
Foreman	\$43.00	\$45.25	\$47.50	\$49.75	\$52.00
Overtime rate	\$64.50	\$67.88	\$71.25	\$74.63	\$78.00
Ground Man	\$33.00	\$34.75	\$36.50	\$38.25	\$40.00
Overtime rate	\$49.50	\$52.13	\$54.75	\$57.38	\$60.00
Other:					
Overtime rate					7.00

Additional Equipment Rate for each additional piece of equipment	2018-2019 Hourly Rate	2019-2020 Hourly Rate	2020-2021 Hourly Rate	2021-2022 Hourly Rate	2022-2023 Hourly Rate
Aerial Tower	\$16.00	\$17.00	\$18.00	\$19.00	\$20.00
Brush Chipper	\$8.00	\$8.50	\$9.00	\$9.50	\$10.00
Dump Truck	\$10.00	\$10.50	\$11.00	\$11.50	\$12.00
Logging Truck W / Lift	\$47.00	\$50.00	\$53.00	\$56.00	\$59.00
Stump Chipper	\$46.00	\$48.50	\$51.00	\$53.50	\$56.00
Water Tanker	\$45.00	\$47.00	\$49.00	\$51.00	\$53.00
Loader	\$5.00	\$5.50	\$6.00	\$6.50	\$7.00
Truck Lift (75ft) – BID AS A TRACK LIFT (75ft)	\$14.00	\$15.00	\$16.00	\$17.00	\$18.00
Arrow Board	\$4.00	\$4.50	\$5.00	\$5.50	\$6.00
Pick- up Truck	\$8.00	\$8.50	\$9.00	\$9.50	\$10.00



### **MEMORANDUM**

**Department of Public Services** 

DATE: June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren Wood, Director of Public Services

SUBJECT: Benches and Trash Receptacles Purchase

The City currently uses a sole source vendor, Dumor Site Furnishings, sold through Penchura LLC for the purchase of site furnishings uptown including receptacle and city benches, in select parks and for our Recognition Program. This is the result of previous reviews and evaluations of other providers to supply the City of Birmingham with equipment in the approved "Birmingham Green" color, style and custom lettering. Penchura, LLC is the only vendor that can provide the approved style and color. Therefore, no competitive bids were obtained for this purchase.

In order to continue providing standardized equipment throughout downtown and City Parks, the Department of Public Services recommends the purchase of ten (10) Dumor Steel Benches, and fourteen (14) trash receptacles, for a total amount of \$34,055.00 from Penchura, LLC. This purchase will be used to replace site furnishings in our newly beautified downtown and supplement our inventory for replacement furnishings.

In 2017, the City purchased new benches and receptacles from this vendor as well. The cost for a bench was \$1,288 per bench and the cost for a trash receptacle was \$1,300. The 2018 pricing as shown on the quote is \$1,265 per bench, and \$1,350 per trash receptacle.

This total purchase amount of the benches and receptacles includes freight, custom lettering and the custom color green. Funds are available in the 2017-2018 Capital Projects Fund - Park Benches & Trash Cans for Streetscapes account #401-901.009-981.0100 in the amount of \$35,000.

#### SUGGESTED RESOLUTION:

To approve the purchase of ten (10) Dumor benches and fourteen (14) trash receptacles for a total purchase price of \$34,055.00 from the sole source vendor, Penchura, LLC. Further, to waive the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund- Park Benches & Trash Cans for Streetscapes account #401-901.009-981.0100 for this equipment purchase.



#### Make all P.O.s, Contracts, and Checks to: Penchura, L.L.C. 889 S. Old US 23 Brighton, MI 48114

# **Proposal**

Date	Project #
5/18/2018	18-499-1

Bill To	
City of Birmingham P.O. Box 3001 151 Martin Street Birmingham, MI 48012-3001	

Ship To City of Birmingham Public Services (#2552) Carrie Laird, 248-530-1714 851 S. Eton Birmingham, MI 48009

Customer Contact	Customer Phone	Customer Fax	Terms	P.O. No.	Rep
Carrie Laird	248-530-1714	248-530-1754	Net 30		LAS

Item	Description	Qty	Weight	Price	Total
19-50-Q30	DuMor 5' Bench, Steel, 2 arms, Insert for 4 x 6 Plaque, Custom Color and Lettering for City of Birmingham	10		1,265.00	12,650.00
CL1	CAST-57-000078	1		150.00	150.00
63-947-32-BT-1	Dumor 32 Gal Steel Receptacle, W/Old Bonnet Top	14		1,350.00	18,900.00
CUST-1	IFS # PLSF-32284PT PARK BENCH GREEN	1		1,200.00	1,200.00
Freight	Freight			1,155.00	1,155.00

Proposal good for 30 days. Ship Via: common carrier	Subtotal	\$34,055.00
Delivery contact name and number:	Sales Tax (0.0%)	\$0.00
Customer signature below constitutes a purchase order.	Total	\$34,055.00

Office: (810) 229-6245 Fax: (810) 229-6256 Toll Free: (888) 778-7529



### **MEMORANDUM**

**Department of Public Services** 

DATE: June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Drinking Fountains Purchase

Many of the drinking fountains located in parks and City properties are in need of replacement due to age. In the late summer of 2017, the Department of Public Services purchased a new drinking fountain for Pembroke Park. A picture is included for your reference. This new fountain features a bottle refill station in addition to a fountain bowl. It is a Murdock Fountain, the same quality fountain that is used in other areas of the City. In addition, the model selected offers a freeze resistant option which allows the fountain to stay in place over the winter (not on) and it fared well over last winter.

We have requested pricing to purchase 5 more of these fountains- all with bottle refill stations and fountain bowls, and three (3) with pet bowls and two (2) without. All of these also have the freeze resistant option as well. Diversified Spec Sales is our local rep for Murdock fountains and is considered the only vendor that can provide this selected style. Therefore, no competitive bids were obtained for this purchase.

The total for the five (5) drinking fountains is \$21,756.00. See attached proposal for details.

The fountains will replace two (2) existing fountains at St. James Park, one (1) will have a pet bowl near the tennis courts along Grant Street, and one (1) without a pet bowl near the baseball diamond. Howarth Park will receive one (1) fountain to replace one (1) existing, near the baseball diamond, at the corner of Cummings and Emmons. Crestview Park will receive one (1) new fountain with a pet bowl near the tennis courts. West Lincoln well site will receive one (1) fountain with a pet bowl near the tennis courts.

Money has been budgeted in the amount of \$25,000 in the Capital Projects Fund Drinking Fountains account #401-901.009-981.0100.

#### SUGGESTED RESOLUTION:

To approve the purchase of five (5) Murdock drinking fountains in the amount of \$21,756.00 from the sole source vendor, Diversified Spec Sales. Further, to waive the formal bidding requirements. Funds have been budgeted in fiscal year 2017-2018 Capital Projects Fund-Drinking Fountains account #401-901.009-981.0100 for this equipment purchase.





**Address:** 13261 NORTH END AVE, Oak Park, Michigan, 48237 United States

Phone: (248) 398-

2400

Fax: (248) 547-4905

Quotation: Q-2653-S

To: QUOTE DEPARTMENT

From: Diversified Spec. Sales, Inc., Oak Park,

Michigan 48237

Attn.: N/A

**Phone:** (248) 398-2400

**Fax:** (248) 547-4905

**Bid Date:** 2018-06-01 **Expiry Date:** 2018-09-29

Creator: Donna Maison ,

dmaison@dsshowley.com **Sales Rep.:**Bob Thomas ,

bob\_thomas@dsshowley.com

Shipping Address: , Birmingham, Michigan, United States

Job Name: CITY OF BIRMINGHAM

#### Comments:

#### Section Brand: Murdock

**Header: PER YOUR REQUEST** 

Label	Product No. Description	Net Price	Qty.	Amount
	GYM74-PF-FRU3	\$4,756.00	3	\$14,268.00
	Murdock Mfg - Murdock Pedestal mounted bottle filler with drinking fountain. Pushbutton and hands free sensor operated bottle filler. 18 gage, 304 stainless steel drinking fountain bowl, 12 gage, heavy duty statinless steel construction with corrosion and scratch resistant finish. Satin Stainless finish, Pet fountain receptor (PF), Freeze resistant, below ground valve, three bubblers (FRU3)			
	GYM74-FRU2	\$3,744.00	2	\$7,488.00
	Murdock Mfg - Murdock Pedestal mounted bottle filler with drinking fountain. Pushbutton and hands free sensor operated bottle filler. 18 gage, 304 stainless steel drinking fountain bowl, 12 gage, heavy duty statinless steel construction with corrosion and scratch resistant finish. Satin Stainless finish, freeze resistant, below ground valve, Two bubblers (FRU2)			

**Section Total:** \$21,756.00

NOTE: ALL SHIPMENT F.O.B. CITY OF INDUSTRY, CA

PRICES GOOD FOR 30 DAYS

**NET 30 DAYS** 

ESTIMATED SHIPPING COST FOR 5 UNITS = \$ 2458.47 NET

PO MADE OUT TO DIVERSIFIED SPEC SALES

Subtotal: \$21,756.00

#### **Terms**

Above prices are list, unless noted.

Partial or expedited shipments, at customer request, may result in additional freight charges.

Any material over & above that what is listed is in addition to and therefore not provided for by this quotation.

Please ensure that all quoted product meets your projects specifications.

Our company will only be responsible for products shown on the attached quotation.

# City of Birmingham A Walkable Community

# **MEMORANDUM**

**Department of Public Services** 

DATE: June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Bituminous Paving Materials Bid Award

The Department of Public Services (DPS) publicly opened bids titled "Bituminous Paving Materials", Tuesday, June 12, 2018. Bid specifications were advertised with the Michigan Intergovernmental Trade Network (MITN). The asphalt materials specified were 36A hot asphalt mix used for permanent street repairs, and UPM cold patch which is used for temporary street repairs. There were two bidders, Cadillac Asphalt LLC, and Ajax Materials Corporation. These prices are for a two year period July 1, 2018 - June 30, 2020. The bids are broken down as follows:

	Cadillac	Cadillac Cadillac Ajax Materials		Ajax Materials
Material	Asphalt LLC	Asphalt LLC	Corporation	Corporation for
	18-19	19-20	18-19	19-20
36A Hot Mix	\$72.50/Ton	\$76.50/Ton	\$67.00/Ton	\$73.00 Ton
UPM Cold Patch	\$119.00/Ton	\$123.00/Ton	\$120.00/Ton (50	\$125.00/ Ton
(Delivered)	\$117.00/TOH	\$123.007 TOTI	Ton min.)	(50 Ton min.)
UPM Cold Patch				
(Picked Up)	\$115.00/Ton	\$119.00/Ton	\$115.00/Ton	\$120.00/ Ton

The Department of Public Services uses the various mixes referenced above for both permanent and temporary asphalt repairs throughout the City. We recommend purchasing this material from Cadillac Asphalt LLC. Our City crews use this product for pothole patching and pavement repairs to streets, alleys, parking lots, and sewer and water trenches. Typically, the purchases of asphalt paving materials cost approximately \$80,000.00 annually. This material purchase amount is spread across the Major and Local streets, Sewer, and Water funds.

The price difference between low bid and Cadillac for the hot mix amounts to approximately \$3,300 per year, assuming the purchase of 605 tons per year. Given this fact and in order to be most efficient and effective with this purchase, consideration was given to the proximity of the manufacturing plants for pick-up of the 36A Hot Mix. Cadillac Asphalt in Troy has a closer location than Ajax Materials in Rochester Hills; therefore making Cadillac Asphalt the most economical choice taking into account staff pay rates and windshield time to drive to and from the farther pick-up location for this material. Often multiple trips are made on a given day to the plant to pick-up material and DPS uses hot mix five days a week. The additional cost to purchase from the high bidder for the hot mix is less than the extra cost in travel time and productivity to acquire the material.

The pricing during the past year for the hot mix was \$59.00/ton and the UPM cold patch (delivered) was \$116.00/ton. We purchased both of these materials from Cadillac Asphalt the last two years. The price increase is attributed to supply and demand. The Michigan roads are so bad, more patching is necessitated and the harsh winters caused the patching to start earlier in the season.

#### SUGGESTED RESOLUTION:

To approve the purchase of 36A hot asphalt mix at \$72.50/ton (2018-2019) and \$76.50/ton (2019-2020) and UPM cold patch (delivered) at \$119.00/ton (2018-2019) and \$123.00/ton (2019-2020) from Cadillac Asphalt LLC for a two year period for the fiscal years 2018-2020 to be charged to accounts #202-449.003-729.0000, #203-449.003-729.0000, #590-536.002-729.0000 and #591-537.005-729.0000.



# **MEMORANDUM**

#### **Department of Public Services**

DATE: June 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

**SUBJECT:** DPS Furnace Replacements

As part of the 2017-18 budget, the Department of Public Services earmarked funds for the preemptive replacement of aging furnaces at the Public Services facility. Some units are nearly 25 years old, and have recently required minor repairs and service calls.

A thorough inspection of all units was performed by an HVAC contractor in order to determine conditions and establish a priority list. Three were identified as requiring priority replacement – one single unit serving the DPS main office, and a 'twinned' unit serving the foremen's office and multi-purpose room.

A request for quotations was listed on MITN seeking cost proposals for the removal and replacement of 3 furnaces units. The results are as follows:

**Great Dane Heating and Air Conditioning, Inc.** \$8,995.00 Allied Building Services \$12,860.00

The Department of Public Services recommends awarding the furnace replacement project to Great Dane Heating and Air Conditioning of Clinton Township, MI.

The proposal includes replacement with ultra-high efficiency, 100k BTU Carrier brand furnaces.

#### SUGGESTED RESOLUTION:

To approve the purchase and installation of three (3) new Carrier Comfort Series furnaces from Great Dane Heating and Cooling in the amount of \$8,995.00 from account #401-901.013-977.0000.



### **MEMORANDUM**

**Department of Public Services** 

DATE: June 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Maple Staircase Retaining Wall Replacement

The retaining wall surrounding the staircase at East Maple and S. Eton is in need of removal and replacement due to the deterioration of the stone. The existing stone terrace was installed as part of a beautification project in 2007, where the previous staircase and old broken concrete retaining wall was replaced with a new staircase and a new retaining wall made of Lake Superior limestone. A request for proposals was solicited per the City of Birmingham purchasing guidelines asking qualified vendors to remove and replace the existing retaining wall with Canadian Ledgestone or Michigan Dolomite.

The request for proposal (RFP) was entered into the Michigan Inter-governmental Trade Network (MITN) purchasing system. Sealed proposals were opened Friday, June 1, 2018 for these services. One vendor, Rockworks LLC, responded submitting the results below.

Company	Bid Amount
Rockworks, LLC.	\$59,250

Rockworks' proposal includes removal and disposal of the existing stone wall, the installation of a new replacement wall made of Canadian Ledgestone, needed backfill and geotextile fabric installation and replacement of any plant material and mulch affected by the work. There are no new landscape modifications of this area, this is a remove and replace of the wall project only. The proposal was evaluated on the contractor's ability to provide services as outlined, related experience with similar projects, Contractor background and personnel qualifications, overall costs, and references.

Rockworks LLC is providing a 5 year warranty on the Ledgestone material and also a 5 year warranty on workmanship. Rockworks, LLC has constructed natural stone retaining walls for over 30 years and are considered an expert in the field. They are very knowledgeable in selecting the appropriate stone for the application, and the ledgestone is recommended by them. Additionally, they work with select stone suppliers / quarries that frequently test the stone using the ARC rockery standards of testing, and they will provide this documentation for the stone selected for this project.

Rockworks previous projects include: City of Birmingham, Booth Park in 2006, Midland Country Club with 12,000 FF Ledgestone retaining wall (\$900,000), Dow Gardens/Whiting Forest with Ledgestone retaining walls, steps and seating (\$380,000), Vistas/ City of Orchard Lake,

Ledgestone retaining wall along Orchard Lake Rd (\$160,000). References include Michael Dul Associates, Harley Ellis Devereaux (HED), Hamilton Anderson, and Artisan Engineering.

The Department of Public Services budgeted \$45,000 for this project in the Capital Improvement Fund for fiscal year 2017-2018 based on an estimated amount from last year. A completion date of August 31, 2018 was specified in the RFP.

Rockworks, LLC is unable to meet the requested completion date of August 31, 2018 due to a very busy season. They are willing to negotiate the proposed cost based on a modified completion date and our assistance with traffic control measures. Because of the City's ability to adjust the completion date, which does occur with projects from time to time and provide traffic control devices the Contractor reduced its price by \$7,250.00. As a result, Rockworks, LLC agreed to lower the bid price to \$52,000 with a revised completion date of prior to November 30, 2018.

Funds in the amount of \$45,000 for this service are available in the Capital Projects Fund, #401-441.003-981.0100. The remaining portion of this project, \$7,000 will be funded from the General Fund, Property Maintenance-Other Contractual Service Account, #101-441.003-811.0000.

#### SUGGESTED RESOLUTION:

To award the Maple Staircase Retaining Wall contract to Rockworks, LLC in an amount not to exceed \$52,000.00. Funds for this project are available in the following accounts: #401-441.003-981.0100-Capital Projects in the amount of \$45,000.00 and #101-441.003-811.0000-Property Maintenance-Other Contractual Service in the amount of \$7,000.00. Further, to authorize the Mayor and Clerk to sign the agreement upon receipt of the required insurance.

#### **ATTACHMENT A - AGREEMENT**

### Maple Staircase Retaining Wall

Stre hav	This AGREEMENT, made thisday of, 2018, by and ween CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin eet, Birmingham, MI (hereinafter sometimes called "City"), and _Rockworks, Ilc., ving its principal office at _1101 Rhodes Rd, Lake Orion, MI (hereinafter led "Contractor"), provides as follows:  WITNESSETH:								
	WHEREAS, the City of Birmingham, through its Department of Public Services, s desirous of having work done to replace the stone retaining wall located at Maple and S Eton in the City of Birmingham.								
wal and sea	WHEREAS, the City has heretofore advertised for bids for the procurement and performance of services required to perform the removal of the existing stone retaining wall, supply and installation of a new stone wall and all related work including backfill and replacement of materials, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.								
per	WHEREAS, the Contractor has professional qualifications that meet the project guirements and has made a bid in accordance with such request for cost proposals to form the removal of the existing stone retaining wall and the supply and installation a new stone wall and all related work.								
und	dertakings herein contained, the parties agree as follows: It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform Maple Staircase Retaining Wall and the Contractor's cost proposal dated								
2.	The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$52,000.00 , as set forth in the Contractor's June 1 , 2018 cost proposal.								
3.	This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.								
4.	The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.								

- 5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes. unemployment, workers' compensation or any other employer contributions on behalf of the City.
- 6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
- 10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms,

conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.

- 11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
- 12. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
  - D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be <u>Additional Insureds</u>: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.

- E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.
- F. <u>Pollution Liability Insurance</u>: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. Cancellation Notice: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- Proof of Insurance Coverage: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance:
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- J. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- K. <u>Maintaining Insurance</u>: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.

- 13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
- 14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- 15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
- 16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham Attn: Lauren Wood, Director of Public Services 851 South Eton Street Birmingham, MI 48009 248-530-1700

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to

this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.

18. FAIR PROCUREMENT OPPORTUNITY: Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:	CONTRACTOR
( ) English	Ву:
	Its: PRESIDE J
	CITY OF BIRMINGHAM
	By: Andrew M. Harris Its: Mayor
	By:  J. Cherilynn Mynsberge  Its: City Clerk
Approved:	Mhul Auli
Lauren Wood, Director of Public Services (Approved as to substance)	Mark Gerber, Director of Finance (Approved as to financial obligation)
Timothy D. Currier, City Attorney (Approved as to form)	Joseph A. Valentine., City Manager (Approved as to substance)



#### **CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY) 6/14/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(les) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

_	is certificate does not confer rights i	o une	cert	inicate noider in lieu of si	JCN en	oorsement(s	).			
	oucer	S		I	CONTA NAME:	<sup>CT</sup> for Certs o	nly-Rochelle	Ross		
Arthur J. Gallagher Risk Management Services, Inc. 1690 Watertower Place #500					(A/C, No. Ext): 517-664-2734 (A/C, No.): 517-319-1275					
East Lansing MI 48823				I F-MAII	ss: rochelle_					
								RDING COVERAGE	ĺ	NAIC#
					INSTIRE			I Industries Self Insured V	/or	TOTAL P
INSU	RED	ROCK	W-1					Casualty Company		23612
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INSR	TYPE OF INSURANCE	ADDL	SUBR	POLICY NUMBER		POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMIT	S	(4)
С	X COMMERCIAL GENERAL LIABILITY	Y		5D88388		5/20/2018	5/20/2019	EACH OCCURRENCE	\$ 1,000,0	000
	CLAIMS-MADE X OCCUR							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 500,00	
					İ			MED EXP (Any one person)	\$ 10,000	
								PERSONAL & ADV INJURY	\$ 1,000,0	
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$ 2,000,0	000
	POLICY PRO- LOC					İ		PRODUCTS - COMP/OP AGG	\$ 2,000,0	
	OTHER:								\$	
С	AUTOMOBILE LIABILITY	Y		5E68388		5/20/2018	5/20/2019	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,0	000
	X ANY AUTO							BODILY INJURY (Per person)	\$	
	OWNED SCHEDULED AUTOS ONLY AUTOS							BODILY INJURY (Per accident)	\$	
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ĺ	AUTOS ONEY AUTOS ONEY	ĺ			]			(Per accident)	\$	-
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		1		·				AGGREGATE	\$	
A	DED X RETENTION \$ 5,000			ROCKW-H		7/1/2018	6/30/2019	X PER OTH-	\$	
B	AND EMPLOYERS' LIABILITY Y/N			ROCKW-H	ļ	7/1/2018	6/30/2019			
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	N/A			ľ			E.L. EACH ACCIDENT	\$ 500,00	
	(Mandatory In NH) If yes, describe under							E.L. DISEASE - EA EMPLOYEE	\$ 500,00	
	DESCRIPTION OF OPERATIONS below	-		<u> </u>				E.L. DISEASE - POLICY LIMIT	\$ 500,00	0
The men by the Production	DESCRIPTION of OPERATIONS / LOCATIONS / VEHICLES (ACORD 181, Additional Remarks Schedule, may be attached if more space is required) The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof are listed as additional insured on the general liability and auto liability as it pertains to work performed by the named insured per written contract, per policy conditions. Additional insured Coverage is primary and non-contributory on the General Liability. The Producer will endeavor to mail (30) days written notice to the Certificate Holder named on the certificate if any policy listed on the certificate is cancelled prior to the expiration date. Failure to do so shall impose no obligation or liability of any kind upon the Producer or otherwise alter the policy terms." In the event of non-pay the carrier is only obligated to give 10 days & for Workers comp 20 days' notice will be given, per Michigan Work Comp Statute.									
	TICIO I TO LIOI DET									
CEF	TIFICATE HOLDER				CANC	ELLATION				
City of Birmingham PO Box 3001			THE	EXPIRATION	DATE THE	ESCRIBED POLICIES BE CA EREOF, NOTICE WILL E Y PROVISIONS.				
	151 Martin Street Birmingham MI 48012-3001			Recursed Representative						



TIMOTHY J. CURRIER

tcurrier@bhlaw.us.com Telephone (248) 645-9400 Fax (248) 645-9344

June 18, 2018

Ms. J. Cherilynn Mynsberge, City Clerk City of Birmingham
151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re:

Michigan Bell Telephone Company d/b/a AT&T -

Metro Act Right of Way Permit Extension

Dear Ms. Mynsberge:

You will find enclosed the Metro Act Right of Way Permit Extension for Michigan Bell Telephone Company d/b/a AT&T. Also enclosed you will find a copy of a proposed Resolution approving the 5-year extension AT&T is requesting. I have reviewed the Permit Extension AT&T has proposed and have determined that it complies both technically and legally with the mandates of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002. My recommendation is that the City Commission approve the Resolution granting AT&T a 5 year extension of the permit.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.

Timothy J. Currier

TJC/jc Enclosures

cc: Metro Authority (w-cc of encl.)

#### **SUGGESTED ACTION:**

To adopt the resolution approving the five-year extension of the Metro Act Right of Way Permit for Michigan Bell Telephone Company d/b/a AT&T.

#### **RESOLUTION**

Noved by	Seconded by
----------	-------------

**WHEREAS**, the State of Michigan enacted the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002 (the "Act"); and

WHEREAS, the Act, among other things, provides for a Uniform Safe Harbor Permit Application and a Safe Harbor Unilateral Permit for access to and use of the public rights-of-way by telecommunications providers; and,

**WHEREAS**, the Act further provides, among other things, for the City to approve or deny access to the rights-of-way within 45 days of receiving the Safe Harbor Application from a telecommunications provider; and,

WHEREAS, Michigan Bell Telephone Company d/b/a AT&T Michigan (AT&T) received a Unilateral Permit pursuant to the Act on December 8, 2003; and,

**WHEREAS**, the City granted AT&T an extension of that permit on December 8, 2008, extending the permit expiration date to December 31, 2010; and,

**WHEREAS**, the City, on November 16, 2010 received an AT&T Michigan 3 Year Permit Extension created by the Metro Authority, seeking to extend the term of the Permit until December 31, 2013; and,

WHEREAS, The City, on August 6, 2013 received an AT&T Michigan 5 Year Permit Extension created by the Metro Authority, seeking to extend the term of the Permit until December 31, 2018; and,

WHEREAS, The City, on June 11, 2018 received an AT&T Michigan 5 Year Permit Extension created by the Metro Authority, seeking to extend the term of the Permit until December 31, 2023; and,

**WHEREAS,** the City held a public hearing on June 25, 2018 to consider the Permit Extension between the City of Birmingham and AT&T Michigan; and,

**WHEREAS**, the City complied with the requirements of the Act by approving this Extension; and,

**WHEREAS,** the City of Birmingham determined that the AT&T Michigan Metro Act Right Of Way Permit Extension complies with the Act.

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** that the 5 Year Permit Extension filed by AT&T Michigan is approved.

Passed, adopted and approved this 25<sup>th</sup> day of June, 2018.

AYES:	 		
NAYS:	 		
PRESENT:			
ABSENT:			

#### CERTIFICATION

I, J. Cherilynn Mynsberge, being the duly appointed and qualified Clerk of the City of Birmingham, Oakland County, Michigan, do hereby certify and declare that the foregoing is a true and correct copy of Resolution, the original of which is on file in my office, adopted by the City of Birmingham Commission at a regular meeting held on June 25, 2018.

J. Cherilynn Mynsberge, City Clerk



## **MEMORANDUM**

City Clerk's Office

DATE: June 11, 2018

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Election Commission Delegation of Duties to City Clerk and

Authorized Assistants for August 7, 2018 Primary Election and

November 6, 2018 General Election

The Birmingham City Charter names the city commission as the election commission:

Chapter IV. – Registrations, Nominations and Elections

Section 22. - [Election commission.]

The city commission shall constitute the election commission for the city and shall perform all of the duties required of the city election commissions by the general laws of the state. It shall appoint the inspectors of election and fix their compensation.

The attached excerpt from the Election Officials' Manual of the Michigan Bureau of Elections (BOE) cites the duties of a city election commission and draws distinctions between those which must be conducted by the election commission and those which may be delegated by the election commission to the City Clerk and her authorized assistants.

To comply with the BOE's recommendation that the election commission documents the delegation of its duties, I respectfully request the City Commission, in its role as the election commission, adopt the following resolution.

#### SUGGESTED RESOLUTION:

To delegate to the Birmingham City Clerk and her authorized assistants, those being the members of her staff, the following duties of the election commission for the August 7, 2018 Primary Election and the November 6, 2018 General Election:

- Preparing meeting materials for the election commission, including ballot proofs for approval and a listing of election inspectors for appointment;
- Contracting for the preparation, printing and delivery of ballots;
- Providing candidates and the Secretary of State with proof copies of ballots;
- Providing notice to voters in the case of precinct changes/consolidations;
- Providing election supplies and ballot containers; and
- Preliminary logic and accuracy testing.

#### CITY AND TOWNSHIP ELECTION COMMISSIONS:



**Note:** The chart above outlines the composition of the local election commissions based on your jurisdiction's form of government. The only exception to the composition of the local election commission must be provided by a city charter.

#### City and Township Election Commission members are responsible for the following:

- Establishing precincts, including temporary precinct consolidations for non-State/ Federal elections;
- Establishing Absent Voter Counting Boards (AVCBs);
- Assessing voting equipment needs;
- Performing logic and accuracy testing for voting equipment. NOTE: Even if the county performs the programming for the local jurisdictions, it is still the responsibility of the local election commission to conduct pre-election logic and accuracy testing for their voting equipment prior to each election. Preliminary testing may be delegated to the local clerk; however, public accuracy testing must be conducted by the election commission or each members' designated representative.
- Authorizing the printing and provision of ballots for use in city, township, village and certain school district elections;
- Providing election supplies (including forms and ballot containers);
- Appointing precinct inspectors prior to each election, including AVCB members, Receiving Board members, precinct chairpersons and alternates; note that certified election inspectors must be appointed at least 21 days prior to the election and no more than 40 days prior to each election:
- Notifying major political parties of the appointment of election inspectors in federal and state elections; and
- Carrying out other election related duties for their respective jurisdictions.

# Election Commission Responsibilities that should be handled via an Open Meeting by Election Commission Members:

- Approving of ballots
- Appointing precinct inspectors
- Public Accuracy Test
- Precinct Changes / Consolidations
- Adoption of resolution outlining delegated duties

# Election Commission Duties that may be delegated to the Local Clerk or authorized assistant (note: Delegated duties should be documented via resolution):

- Preparing meeting materials for the Election Commission (ballots proof for approval, list of election inspectors for appointment, etc.)
- Preparing, printing and delivering ballots
- Providing candidates and the Secretary of State with proof copies of ballots
- Providing notice to voters in the case of precinct changes/consolidations
- Providing election supplies and ballot containers
- Preliminary logic and accuracy testing
- Notifying major political parties of certified precinct Inspector appointments (federal and state elections only)

SCHOOL ELECTION COORDINATING COMMITTEE: Every school district has a School Election Coordinating Committee responsible for determining the details of how special school elections will be administered. The School Election Coordinating Committee is composed of a school election coordinator, the secretary of the school board and the clerks of all jurisdictions covered by the school district. For a school district wholly contained within a single jurisdiction, that clerk is the school election coordinator. In a school district that crosses jurisdiction lines the county clerk is the coordinator.

#### Types of Elections

There are several types of elections conducted in Michigan. The following is an overview of the various types.



## **MEMORANDUM**

**Human Resources** 

**DATE:** June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Yvonne Taylor, HR Manager

SUBJECT: Professional Services Agreement Renewal – Logicalis, Inc.

#### Background

Following the retirement of Information Technology (IT) Manager, Gary Gemmell, the City received authorization from the City Commission to enter into a 12-month service agreement with Logicalis, Inc. – an IT Integration Solution Provider – beginning on July 5, 2016. Since that time Logicalis has provided IT services to the City such as infrastructure management and upgrading, network and server administration, cybersecurity, and user support and training. The current service agreement expires on June 30, 2018. The new agreement, if approved, would be effective July 1, 2018.

#### 24-Month Renewal Recommendation

During the course of this service agreement, ongoing feedback and information have been collected related to on-site Logicalis staff and quality of services provided. Overall, the City continues to benefit from the placement of one (1) on-site dedicated Network Administrator with access to other Logicalis staff with specialized skills for City projects. Additionally, City staff has provided positive feedback on quality of services rendered including system updates/upgrades, IT equipment procurement, and Help Desk response and resolution.

Given the overall satisfaction of Logicalis' services rendered, it is recommended to renew the agreement for a 24-month period beginning July 1, 2018, which will provide stability and continuation of major IT projects currently pending and scheduled in the next two (2) fiscal years. Funds are available in the existing budget, and no additional funding is needed. The renewal agreement is attached.

#### SUGGESTED RESOLUTION:

To approve a 24-month service agreement renewal with Logicalis, Inc. effective July 1, 2018 for City Information Technology services. Further, to direct the City Manager to sign the renewal agreement on behalf of the City.



# Staffing SOW Temporary Assignment Only

This Staffing SOW (the "SOW") is made pursuant to the Terms and Conditions of Sale between City of Birmingham, Michigan ("Customer") and Logicalis, Inc. ("Logicalis") dated June 14, 2016 (the "Agreement"), the terms of which are incorporated herein by reference.

#### 1. General Nature of Services

Provision of consultant(s) to work at the direction of Customer.

#### 2. Labor Cost

Anticipated Personnel Role	Monthly Rate	Contract Hours	Duration	
Eric Brunk	\$9,700.00	40/week	July 1, 2018 – June 30, 2019	
Eric Brunk	\$9,700.00*	40/week	July 1, 2019 – June 30, 2020	
The following skills will be provided: Server Administration and Support				

<sup>\*</sup> Logicalis and City of Birmingham will agree to perform an annual review to discuss IT management performance and determine whether staff or rate changes should be modified for the second year of this agreement, up to a maximum of three percent (3%) increase.

The pricing in this SOW does not include taxes, if any, which will be Customer's responsibility.

#### 3. Travel Expenses

Travel expenses, other than those to the Customer's offices, will be tracked separately and billed directly to Customer. Travel expenses will include cost incurred from travel (airfare, rental car, mileage, tolls, and lodging). Meals, if any, will be billed at the per diem rate of \$65.

#### 4. Project Name

Staffing Renewal

**5. Project Sponsor** (Name of person to whom invoices should be addressed) Yvonne Taylor

#### 6. Billing Address

City of Birmingham 151 Martin Street Birmingham, Michigan 48009

#### 7. No Solicitation

In consideration of the furnishing of services by Logicalis, it is agreed that, during the term of this SOW and for 100 business days thereafter, Logicalis shall not solicit any employee of Customer if such employee became known to Logicalis through the relationship established pursuant to this SOW. This prohibition will not apply to job opportunities posted on recruiting websites or in other publications in which Logicalis seeks to find candidates for open positions (absent direct solicitation and/or recruitment).

#### Acceptance:

Cc: Pat Rotary, Auggie Lagnese

To confirm our retention and authorize work to begin on your engagement, please return a signed copy of this document along with a copy of the Purchase Order, if required. Alternatively, you may email a copy to your Logicalis Account Executive or fax a copy to (248) 232-5412. Upon acceptance by Logicalis, a counter-signed copy will be returned to your attention. Any reference to a customer's Purchase Order or P.O. number does not indicate Logicalis' acceptance of terms and conditions referenced on/attached to any such P.O.

Accepted By:	Accepted By:		
City of Birmingham	Logicalis, Inc.		
Signature	Signature		
Printed Name	Printed Name		
Title	Title		
Date	Date		
City of Birmingham P.O. Number (if provided)	Logicalis Engagement Number (when available)		
Billing Contact:	Billing Contact Correction:		
Yvonne Taylor City of Birmingham 151 Martin Street Birmingham, Michigan 48009 248.530.1811			



# **MEMORANDUM**

**DATE:** June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Spring Light Pole Painting Project

The City of Birmingham is responsible for the costs to keep the DTE owned light poles painted to City standards in the downtown. Since DTE Community Lighting is the owner, any work performed to the light poles, including painting, must be done by a DTE approved contractor. Seaway Painting, LLC is the current approved painting contractor for DTE and was contacted by the Department of Public Services for a proposal to paint selected light poles in Birmingham. DTE is aware of this project and agrees to the selected contractor.

Since Seaway Painting, LLC is the current painting contractor for DTE and provided a quote for this project consisting of both tall (56) and short (53) poles, for a total of 109 poles, no other bids were obtained. The work area is North Old Woodward, between Oak and Oakland, all tall light poles in the center median and tall and short poles along the sidewalk areas, short light poles in Municipal Parking Lot 6, Park Street between Maple and Oakland which is comprised of both tall and short light poles, Ferndale between Hamilton and Oakland-short poles, and Brown Street consisting of tall and short light poles. The quote also includes a large electrical panel that is in need of paint in the work zone area and several electrical box covers also in the work area, in the median along North Old Woodward. The total purchase price to accomplish this project is \$26,125.

The attached proposal dated May 29, 2018 from Seaway Painting reflects tall poles priced at \$245, with the exception of 4 double head poles, meaning 2 arms with lights (only 4) at \$270. Small poles are priced at \$210.

In Fall 2017, a comparable project involved the painting of DTE Light Poles on West Maple Road. Seaway was the DTE approved contractor for this project as well, and provided the service of painting 72 poles for a total purchase price of \$18,280. The poles on West Maple were all tall poles, with an average cost of \$253 per pole.

There is a remaining balance of \$21,085.00 in the following account: #202-449.003-937.0500, Street Lighting Maintenance, Street Light Post Painting. The remainder of the project cost will be charged to Local Streets Maintenance, Other Contractual Service account #203-449.003-937.0500 in the amount of \$3,150.00 (Ferndale St. is local street), and Parking Fund account 585-538.006-811.0000 in the amount of \$1,890.00 (Lot 6) for a total of \$26,125.00.

#### SUGGESTED RESOLUTION:

To approve the painting of 109 light poles in Downtown Birmingham with Seaway Painting, LLC in the amount not to exceed \$26,125.00. Funds are available in the Street Lighting Maintenance account #202-449.003-937.0500 in the amount of \$21,085.00; Local Streets Maintenance, Other Contractual Service account #203-449.003-937.0500 in the amount of \$3,150.00 and the Parking Fund account #585-538.006-811.0000 in the amount of \$1,890.00 for a total project cost of \$26,125.00. Further, to waive the normal bidding requirements because Seaway is a DTE selected contractor. Further, to authorize the Mayor and City Clerk to sign on behalf of the City upon the receipt of the required insurance.



# SEAWAY PAINTING, L.L.C.

Industrial Painting Engineers - Protective Coating Specialists
An Equal Opportunity Employer



(734) 522-2440 FAX (734) 522-6022 31801 SCHOOLCRAFT RD, LIVONIA, MI 48150-1808

May 29, 2018

City of Birmingham 151 Martin St Birmingham, MI 48012 Attn: Ms. Carrie Laird

Ref: Painting of Light Poles or Electrical Boxes at Various Locations in Birmingham Seaway Proposal # 05-24-18

Ms. Laird,

Thank you in advance for the opportunity to quote your painting needs. It is understood that there are multiple posts and electrical boxes in multiple areas that need to be cleaned and coated. The color of the poles will match Sherwin Williams Cedar Green 4032.

#### **Scope of Work General:**

- Clean the exterior of the Poles / Electrical Box Covers by hand or air powered tools, solvent wipe the poles.
- Application of primer to the Poles / Electrical Box Covers will be Carbomastic 90 for the first 6 feet of the pole and spot primed thereafter.
- Application of topcoat to the Poles / Electrical Box Covers exterior (Match SW Cedar Green 4032) Carboline Carbothane 134HG

#### **Unit Pricing:**

Description	Quantity	Unit Price	Extended Price
Brown St – Pierce to SOW			
Tall Poles	8	\$245	\$ 1,960.00
Short Poles	7	\$210	\$ 1,470.00
Straight Pole	1	\$245	\$ 245.00
Lot 6			
Short Poles	9	\$210	\$ 1,890.00
NOW- Woodward to Willits			
Tall Pole	23	\$245	\$ 5,635.00
Tall Pole Double Head	4	\$270	\$ 1,080.00
Short Pole	9	\$210	\$ 1,890.00
Large Electrical Box	1	\$500	\$ 500.00
NOW- Woodward to Willits			
Median			
Tall Poles	12	\$245	\$ 2,940.00
Small Elect. Box	27	\$25	\$ 675.00
Covers			
Park St- Maple to Oakland			
Tall Pole	8	\$245	\$ 1,960.00

Short Pole	13	\$210	\$ 2,730.00
Ferndale St – Hamilton to Oakland			
Short Pole	15	\$210	\$ 3,150.00
Total			\$26,125.00

#### **MDOT ROW**

If a permit is required the City of Birmingham will have to provide the permit.

#### General Requirements:

- All signs, banners, flags, etc. must be removed from the poles by others. They should not be reinstalled until the poles have achieved final cure. Depending on weather, the cure time could take 7 to 14 days.
- It is recommended that the owner rinse the poles annually after the last snowfall with clean water. This will help remove contaminants that are present on the poles as a result of salting during the winter months.
- It is the sole responsibility of the City to provide any necessary permits or traffic control devices in excess of one Arrow Board that Seaway Painting, LLC will provide. Please note that if work hours are restricted causing a reduction with productivity this price may be amended.

Hoping the above meets with your approval. If you have any questions please give me a call. Please let me know if approved and what time frame you would like to have the poles painted.

Sincerely

Bill Loughrey

Seaway Painting, LLC

# ATTACHMENT A - AGREEMENT For Spring 2018 Painting Project

This	AGREEMEN	NT, made th	nis	_day of		, 20	18, by	and
between C	ITY OF BIRM	MINGHAM, I	naving its	principal	municipal	office at	151 M	artin
Street, Birn	ningham, M!	(hereinafter	sometime	es called	"City"), and	d Seawa	y Pain	ting.
LLC., havin	g its principa	al office at 3	1801 Sch	oolcraft, l	<u>Livonia, MI</u>	48150	(herein	after
called "Con	tractor"), prov	∕ides as follo	ws:				•	

#### WITNESSETH:

WHEREAS, the City of Birmingham, through its Department of Public Services, is desirous of having 109 light poles prepped and painted in the City of Birmingham.

WHEREAS, the City has heretofore requested a quote from a qualified, DTE approved contractor to perform the painting of 109 light poles located in Downtown Birmigham,

WHEREAS, the Contractor has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform the painting of the 109 light poles located North Old Woodward, Park Street, Ferndale Street, Brown St, and Lot 6.

NOW, THEREFORE, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

- 1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform the painting of 109 light poles located in Downtown Birmingham, and the Contractor's cost proposal dated <u>May 29, 2018</u> shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.
- 2. The City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$26,125.00, as set forth in the Contractor's May 29, 2018 cost proposal.
- This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Proposals.
- 4. The Contractor shall employ personnel of good moral character and fitness in performing all services under this Agreement.
- 5. The Contractor and the City agree that the Contractor is acting as an independent Contractor with respect to the Contractor 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Contractor nor its employees shall be construed as employees of the

City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Contractor shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Contractor shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

- 6. The Contractor acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Contractor recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Contractor agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Contractor shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Contractor further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Contractor agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Contractor without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
- 10. The Contractor agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Contractor shall inform the City of all claims or suits asserted against it by the Contractor's employees who work pursuant to this Agreement. The

- Contractor shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.
- 11. The Contractor shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
- 12. The Contractor shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Contractor shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. Commercial General Liability Insurance: Contractor shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Contractors Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. Motor Vehicle Liability: Contractor shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
  - D. Additional Insured: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be Additional Insureds: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
  - E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Contractor will provide service that are customarily subject to this type of coverage.

- F. <u>Pollution Liability Insurance</u>: Contractor shall procure and maintain during the life of this Agreement Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Contractors Protective Liability: The Contractor shall procure and maintain during the life of this contract, an Owners Contractors Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- I. <u>Proof of Insurance Coverage</u>: Contractor shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance:
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- J. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- K. <u>Maintaining Insurance</u>: Upon failure of the Contractor to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
- 13. To the fullest extent permitted by law, the Contractor and any entity or person for whom the Contractor is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on

behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

- 14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Contractor, the City shall have the right to terminate this Agreement without further liability to the Contractor if the disqualification has not been removed within thirty (30) days after the City has given the Contractor notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- 15. If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
- 16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham Attn: Lauren Wood Department of Public Services 851 S Eton St Birmingham, MI 48009 (248) 530-1700

17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the

- parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.
- 18. <u>FAIR PROCUREMENT OPPORTUNITY:</u> Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:	CONTRACTOR
	By: Bu loughrus Its: Proj. Mgr.
	CITY OF BIRMINGHAM
	By: Andrew M. Harris Its: Mayor
	By:
Approved:	
Lauren A. Wood. Director of Public Services (Approved as to substance)	Mark Gerber, Director of Finance (Approved as to financial obligation)
Total I hu	Chepl aValt
Timothy Currier, City Attorney (Approved as to form)	Joseph A. Valentine, City Manager (Approved as to substance)
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ANY AUTO

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ALL OWNED AUTOS

HIRED AUTOS

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AND EMPLOYERS LIABILITY
ANY PROPRIETOR/PARTNER/EXECUTIVE
OFFICER/MEMBER EXCLUDED?

(Mandatory in NH)

Leased/Rented

CERTIFICATE HOLDED

Pollution

OED X RETENTION \$0

If yes, describe under DESCRIPTION OF OPERATIONS below

**EXCESS LIAB** 

SCHEDULED AUTOS NON-OWNED AUTOS

OCCUR

CLAIMS-MADE

N N/A

X

### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 8/14/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER. IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(les) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s). PRODUCER CONTACT Steve Zervos ZERVOS GROUP, INC. PHONE (A/C, No, Exi); 248 355-4411 E-MAIL ADDRESS; marsha@zervosgroup.com FAX (A/C, No): 248 355-2175 24724 Farmbrook (248) 355-4411 P.O. Box 2067 INSURER(S) AFFORDING COVERAGE NAIC # Southfield, MI 48037-2067 INSURER A: Old Republic General Insurance 24139 INSURED INSURER B: Navigators Specialty Insurance 36056 **SEAWAY PAINTING, LLC** INSURER C: Selective Ins Co of America 12572 31801 Schoolcraft INSURER D : Livonia, MI 48150 INSURER E : INSURER F : COVERAGES CERTIFICATE NUMBER: **REVISION NUMBER:** THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS. ADDL SUBR TYPE OF INSURANCE **POLICY NUMBER** INSR WVD COMMERCIAL GENERAL LIABILITY X X A5CG11271600 08/14/2017 08/14/2018 EACH OCCURRENCE s 1,000,000 CLAIMS-MADE X OCCUR DAMAGE TO RENTED PREMISES (Es occurrence) \$100,000 Contractual MED EXP (Any one person) s 5,000 PERSONAL & ADV INJURY s1,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: **GENERAL AGGREGATE** s 2,000,000 POLICY X PRO-PRODUCTS - COMP/OP AGG s 2,000,000 OTHER Ded \$2,500 AUTOMOBILE LIABILITY Α 08/14/2017 08/14/2018 COMBINED SINGLE LIMIT A5CA11271600 \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project: Light Pole Painting

S2178386

The City of Birmingham, including all elected and appointed officials, all employees and volunteers, all boards, commissions and /or authorities and board members, including employee and volunteers as additional insureds under the commercial general liability portion of the excess liability policy and automobile liability policy for services performed by Seaway Painting L.L.C. as their interest may appear, if required by written contract with the named insured, subject to terms and conditions of the policies.

NY15ECP304965IC

CH16EXC850429IC

A5CW11271600

CERTIFICATE HOLDER	CANCELLATION
City of Birmingham Attn: Finance Director 151 Martin Street	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
P.O. Box 3001	AUTHORIZED REPRESENTATIVE
Birmingham, MI 48012-3001	Stene m. Zervos

BODILY INJURY (Per person)

BODILY INJURY (Per accident)

PROPERTY DAMAGE (Per accident)

E.L. EACH ACCIDENT

\$2,000,000

\$100,000

E.L. DISEASE - POLICY LIMIT

EL DISEASE - EA EMPLOYEE \$1,000,000

AGGREGATE

08/14/2017 08/14/2018 EACH OCCURRENCE

08/14/2017 08/14/2018 X PER STATUTE

08/14/2017 08/14/2019

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# **MEMORANDUM**

**Human Resources** 

**DATE:** June 13, 2018

TO: Joseph A. Valentine, City Manager

FROM: Yvonne Taylor, HR Manager

SUBJECT: "Vehicle Use" Policy Amendment

#### Background

All staff members operating City vehicles are expected to drive responsibly and follow standard rules of defensive driving for the protection of all concerned; and comply with all federal, state, and local vehicle laws. To ensure personal and public safety in the use of City Vehicles, the HR Department has identified a need to enhance the City's current *Vehicle Use* policy. The proposed *Vehicle Use* policy is intended to provide guidelines for the safe utilization of City vehicles, risk mitigation and staff member disclosure responsibilities.

#### Current "Vehicle Use" Policy

The City's current "Vehicle Use" policy reads:

"If your job requires you to drive, you may be assigned a City vehicle. Pool cars are available for use on City business and may be checked out at the Clerk's Office during regular business hours. If you are driving a City vehicle and are involved in a collision, however minor it may be, you must call the Police Department to make a report. You will also be required to complete a separate report at your department.

If you use your own vehicle on official City business, you will be reimbursed according to the number of miles driven. This reimbursement is designated to cover all costs and expenses including insurance. You must carry auto liability insurance as required by the State of Michigan. The City provides no insurance coverage for employee owned-vehicles.

If your driver's license is revoked, expired, or suspended, you must notify your supervisor immediately."

#### Proposed "Vehicle Use" Policy Amendment

The proposed amendment to the current *Vehicle Use* policy would result in the modification of the following provision, as "pool cars" are managed by the Department of Public Services:

#### **Modify** the following language to reflect:

"Pool cars are available for use on City business and may be checked out at the Clerk's Office Department of Public Services during regular business hours."

Additionally, the proposed amendment to the current *Vehicle Use* policy would result in the addition of the following provisions to enhance disclosure and notification responsibilities, and improve safety guidelines and directives:

#### **Add** the following language:

"You must also promptly notify the Human Resources Department if you accumulate more than six (6) points in the past twelve (12) months, or more than ten (10) points in the past five (5) years on your driving record. In the event of license restriction, revocation, expiration or suspension an employee shall not operate any City vehicle contrary to the provisions imposed by the restriction, revocation, expiration or suspension.

Any traffic violation received while operating a City vehicle is the responsibility of the employee. Any fines incurred shall be paid or otherwise resolved promptly by the driver. Employees shall immediately notify their supervisor and Department Head upon receiving a traffic violation while operating a City vehicle.

Employees shall not operate or have in his or her control, any City vehicle while under the influence of alcohol or inebriating drugs. The transportation or storage of any alcohol or controlled substance in a City vehicle is expressly prohibited. An employee violating this policy may be subject to severe disciplinary action, up to and including termination of employment.

The City maintains the authority to determine who will drive a City vehicle, to establish vehicle operator standards, and to revoke the right to drive City vehicles for failure to meet the standards. Privileges to operate a City vehicle on official business extends only as long as the driver operates the vehicle in a safe and efficient manner. A record of preventable accidents, or other disqualifying violations and/or convictions may result in appropriate disciplinary action up to and including removal of driving privileges and termination of employment."

#### **HR Recommendation**

The HR Department recommends adoption and implementation of the attached "Vehicle Use" policy amendment.

#### SUGGESTED RESOLUTION:

To adopt the "Vehicle Use" Policy Amendment as a City policy and authorize the HR Department to implement and enforce accordingly.



#### **CITY OF BIRMINGHAM**

#### **VEHICLE USE POLICY**

If your job requires you to drive, you may be assigned a City vehicle. Pool cars are available for use on City business and may be checked out at the Department of Public Services during regular business hours. If you are driving a City vehicle and are involved in a collision, however minor it may be, you must call the Police Department to make a report. You will also be required to complete a separate report at your department.

If you use your own vehicle on official City business, you will be reimbursed according to the number of miles driven. This reimbursement is designated to cover all costs and expenses including insurance. You must carry auto liability insurance as required by the State of Michigan. The City provides no insurance coverage for employee owned-vehicles.

If your driver's license is revoked, expired, or suspended, you must notify your supervisor immediately. You must also promptly notify the Human Resources Department if you accumulate more than six (6) points in the past twelve (12) months, or more than ten (10) points in the past five (5) years on your driving record. In the event of license restriction, revocation, expiration or suspension an employee shall not operate any City vehicle contrary to the provisions imposed by the restriction, revocation, expiration or suspension.

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The City maintains the authority to determine who will drive a City vehicle, to establish vehicle operator standards, and to revoke the right to drive City vehicles for failure to meet the standards. Privileges to operate a City vehicle on official business extends only as long as the driver operates the vehicle in a safe and efficient manner. A record of preventable accidents, or other disqualifying violations and/or convictions may result in appropriate disciplinary action up to and including removal of the driving privileges and termination of employment.



# **MEMORANDUM**

#### **Department of Public Services**

DATE: June 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Vehicle #97 Replacement

City vehicle #97 is a 2002 GMC Safari van assigned to the Public Services Department water meter shop. Due to its age and condition, the Department of Public Services recommends replacement based on the evaluation score as indicated below:

Vehicle #97 – 2002 GMC Safari Van

FACTOR	DESCRIPTION	POINTS
Age	1 point each year of age	16
Miles/Hours	1 point each 10,000 miles of usage	6.5
Type of Service	Type 2 – Standard vehicles with occasional off-road usage	2
	Level 2 – In shop 1 time within 3 month period; 1	
Reliability	breakdown/road call within 3 month period	2
M & R Costs	Level 2 - 21-40% of replacement costs	2
	Level 3 – Noticeable imperfections in body and paint	
	surface, some rust, minor damage from add-on equipment,	
Condition	worn interior, and a weak or noisy drive train	3
	TOTAL POINTS 28+, <b>POOR</b> - needs priority replacement	31.5

The Department of Public Services recommends replacing this vehicle with a new 2018 RAM ProMaster City Tradesman van through the State of Michigan extendable purchasing contract #071B7700182 – awarded to Galeana's Van Dyke Dodge, located in Warren, Mich. – for a total expenditure of \$19,488.74. Funds for this purchase are available in the Auto Equipment Fund, account #641-441.006-971.0100.

Upon delivery of the new vehicle – expected within 2-3 weeks – the old vehicle will be stripped of transferrable equipment and will be listed on the Michigan Governmental Trade Network for public auction.

#### SUGGESTED RESOLUTION:

To approve the purchase of one (1) new 2018 RAM ProMaster City Tradesman van from Galeana's Van Dyke Doodge through the State of Michigan extendable purchasing contract #071B7700182 in the amount of \$19,488.74 from account #641-441.006.971.0100.



## **MEMORANDUM**

**Engineering Dept.** 

DATE: June 18, 2018

TO: Joseph A. Valentine, City Manager

FROM: Paul T. O'Meara, City Engineer

SUBJECT: 2018 Sewer Inspection Program

Contract 9-18(S)

Starting in 2013, the State of Michigan began awarding grants to eligible sewer system owners designed to encourage jurisdictions to make an effort to inspect and identify issues with public sewer systems, improve data and maps of the sewer systems, and finally, develop an asset management plan. The plan is intended to help the jurisdiction understand the needs of the sewer system, and to collect enough revenue to not only pay current expenses, but to develop an appropriate capital improvement program to keep the system solvent and operating adequately well into the future.

Grants known as SAW grants were awarded in three groups over three years, with Birmingham being named as an eligible system in 2016. The grant awarded to Birmingham totals about \$1,614,000, with the City agreeing to match about \$315,800 over three years. At the time of the grant kickoff, information about the program was forwarded to the Commission, although no formal action was taken at that time.

Since then, our consultant Hubbell, Roth, & Clark (HRC) has been assisting the City in moving through the process. The first large effort taken was with respect to collecting electronic data on the sewer system. Every manhole and catch basin is currently being located electronically, with satellite locating precision, to allow us to improve the accuracy of the sewer maps. Historical data relative to the sewer system has also been moved into a GIS mapping format for easier retrieval in the future. The largest expenditure planned in the SAW grant program is to hire an internal sewer inspection contractor, with the intention that they would clean and inspect with a camera all sewers in Birmingham's system that are 20 or more years old, up to and including 48 inch pipe. This constitutes the vast majority of the system, and totals over 418,000 ft. of pipe. The work must be completed by August of 2019 in order to allow time for the data to be reviewed, and final Asset Management Plan prepared for submittal to the Michigan Dept. of Environmental Quality (MDEQ).

Given size of the contract, it was decided to split the work into three equal parts. Only Part 1 will be awarded at this time. The City will have the opportunity to fully review the quality and pace of the contractor's work over the first half of Part 1. If the work is being executed as well as hoped, then staff would make a decision to award Parts 2 and 3 to the contractor as well. This would be done as a separate action approved later by the City Commission. If the contractor is not executing the work satisfactorily, then City staff would make the decision to have them finish the work started under Part 1, and then move to issue a new bidding document seeking bids on Parts 2 and 3.

1

On June 18, 2018, the Engineering Department opened bids on the above-referenced project. Seven (7) contractors submitted bids for this project. A bid summary is attached for your reference.

The low bidder was Taplin Group, LLC, with their base bid of \$999,119.98. We have determined that Taplin Group recently acquired a company known as Terra Contracting, LLC. Terra was the contractor for a much smaller sewer cleaning and inspection contract bid by the City, contracted in 2011. That contract was valued at \$65,200. Due to difficulties with timely and complete deliverables, that contract was not fully finished and closed out until 2013. A check on references regarding Taplin's more recent performance still reveals similar problems of not being able to perform completely or timely.

The second low bidder was Doetsch Industrial Services, Inc., with their bid of \$1,036,709.91. (The engineer's estimate for this contract is \$1,060,000.) The second low bid was \$37,600 more than the low bid, or an increase of 3.8%. Doetsch Industrial Services, Inc. has a good track record with other clients. They are currently used on a regular basis by the Oakland Co. Water Resources Commissioner's office, as one of only two contractors that they hire for these services.

Timely delivery will be an important factor on this contract. Once video inspections have been completed, and data is turned over to the City and our consultant, HRC, the analysis of this data will need to be done quickly in order to meet our SAW grant deadline of November, 2019. Given the small difference in overall cost, and the amount of money that could be spent on staff time due to extra effort if the contractor is not timely, staff recommends that the second to the low bidder be awarded the project at this time. It is important to note that the grant is anticipated to fund approximately \$905,000 of the total cost of this contract. The City's match is expected to be about \$131,000, or less than 13% of the total cost.

While the contract will have work on virtually every street in the City, impact on adjacent residents will be minimal. The contractor will access sewers from manholes typically located in City streets. Traffic will generally be maintained when working on local streets. Work on major streets will be planned at times when traffic demand is lower. Sewers that must be accessed in backyards or private property will require 24 hour property owner notice in advance of the work.

As is required for all of the City's construction projects, Doetsch Industrial Services has submitted a 5% bid security with their bid which will be forfeited if they do not provide the signed contracts, bonds and insurance required by the contract following the award by the City Commission.

It is recommended that Part 1 of the 2018 Sewer Inspection Program be awarded to Doetsch Industrial Services of Warren, MI in the amount of \$345,224.89. All costs will be charged to the Sewer Fund, account number 590-536.001-981.0100.

#### SUGGESTED RESOLUTION:

To award the 2018 Sewer Inspection Program, to Doetsch Industrial Services of Warren, MI in the amount of \$345,224.89 to be charged to account number 590-536.001-981.0100. Further, to approve the appropriation and budget amendment as follows:

#### Sewer Fund:

Revenues:

Draw from Net Position 590-000.000-400.0000 \$ 34,522.49 (City share) State Grant 590-000.000-540.0000 \$310,702.40 (Grant share)

Total Revenues \$345,224.89

Expenses:

Other Contractual Service 590-536.001-811.0000 \$345,224.89 (Total contract)

#### **CITY OF BIRMINGHAM**

# 2018 SEWER INSPECTION PROJECT CONTRACT # 9-18 (S)

#### **BID SUMMARY**

## June 18, 2018 - 2:00 PM

Company Name	Addendums	5% Bid Security	Base Bid
TAPLIN GROUP, LLC			\$ 999,119.98 *
DOETSCH INDUSTRIAL SERVICES, INC.			\$ 1,036,709.91 *
PIPETEK INFRASTRUCTURE SERVICES			\$ 1,104,916.55 *
Diversified Infrastructure Services, Inc.			\$ 1,297,313.15 *
Corby Energy Services			\$ 1,520,470.80
United Resources LLC			\$ 1,586,134.75 *
D.V.M. Utilities, INC			\$ 2,197,002.45 *
* Corrected by the Engineer			



MAILING: PO Box 824 Bloomfield Hills, MI 48303-0824

SHIPPING: 555 Hulet Drive Bloomfield Hills, MI 48302-0360

PHONE: 248-454-6300 WEBSITE: hrcengr.com

## **Memorandum**

To: Mr. Paul O'Meara

From: Helen Davis, PE, Project Engineer

Date: June 22, 2018

Subject: Review of References HRC Job No. 20130165

2018 Sewer Inspection Program Contract #9-18(S)

On June 18, 2018, the City of Birmingham received bids for the subject contract. This project includes over 400,000 feet of sewer cleaning and televising, to be completed as part of the Stormwater, Asset Management, and Wastewater (SAW) grant.

Taplin Group was the as-read low bid and Doetsch Environmental Services was the next lowest bid. HRC contacted references for both contractors asking about each company's use of GIS, the deliverables provided, and If timelines were met.

Each of the five references provided by Taplin were reached and mixed reviews were received. Three of four references for Doetsch were reached and a message was left for the remaining reference. Only positive reviews were received regarding Doetsch.

The City of Birmingham and HRC worked with Taplin Group when they were Terra Contracting on a project in 2011. While the CCTV work was completed in a timely manner, Terra had to return in 2013 to re-televise some segments where the video files were not completely readable. Delivery of acceptable videos and reports was a slow process due mainly to technical glitches with pipe inspection software. The contract was closed out in 2013.

We hope this information is helpful as the City selects a contract for the project.



# **MEMORANDUM**

**IT Department** 

DATE: 6/25/2018

TO: Joseph A. Valentine, City Manager

FROM: Eric Brunk, It Dept.

SUBJECT: Microsoft Licensing True Up

The city has a select plus volume license agreement with Microsoft, which gives us the ability to install software and operating systems as needed. On a yearly basis as part of our volume license agreement with Microsoft the It department evaluates our software license usage for software packages and operating systems to verify that we are compliant with Microsoft Licensing requirements.

The city has migrated to the latest server operating system, Microsoft server 2016 standard, on all of its servers. Licensing of those servers were purchase per core in a 2-core bundle. The new environment has four physical servers with 20 cores each for a total of 80 cores. When we purchased the hardware environment last year, we estimated the number of licenses we would need to migrate from the old environment to the new environment based on the existing number of virtual servers. This year after evaluation of the licensing requirements for our server environment, we require an additional 40 2-core licenses for the existing hardware to allow for the number of virtual servers in use. This will cover the 80 cores in the existing hardware.

In addition, the city has begun migrating to the latest release of the Microsoft Office Suite. Our upgrade to that version of the software was set as a two-stage process. The first stage took place in the 2016/2017 budget year where we purchased Microsoft office pro and Microsoft office standard licenses. The IT department set aside funds in the 2017/2018 budget year for the second stage of the upgrade process to take place after evaluating our actual software usage. Over the past year we evaluated the current usage of the different versions of Microsoft office and have determined the need for additional licensing as follows

Microsoft office Pro 2016 – 0 seats Microsoft office Standard 2016 – 95 seats

The IT Dept. would like to purchase the licenses through SHI using our Select plus Pricing for Microsoft Volume Licensing of software and support and the cost for the licensing is as follows.

Microsoft Server Standard 2016: \$73.08 per license x 40 = \$2,923.20

Microsoft Office Suite Standard 2016: \$246.12 per License x 95 = \$23,381.40

#### SUGGESTED RESOLUTION:

Authorize the IT department to purchase the recommended count of Microsoft Office Suite Standard 2016 and Microsoft Server Standard 2016 Software Licenses from SHI using the Select plus Pricing Agreement. The purchase price not to exceed \$26,304.60. Funds are available in the IT Computer Software fund account # 636-228.000-742.0000



Pricing Proposal

Quotation #: 15463944 Created On: 6/7/2018 Valid Until: 6/30/2018

### City of Birmingham MI

# Inside Account Executive

#### **Eric Brunk**

Μ

**United States** 

Phone: (248) 530-1800

Fax:

Email: ebrunk@bhamgov.org

#### **Michael Vassos**

290 Davidson Ave. Somerset, NJ 08873 Phone: 732-564-8566

Fax: 732-564-8078

Email: Michael\_Vassos@shi.com

All Prices are in US Dollar (USD)

	Product	Qty	Your Price	Total
1	Microsoft Office Standard 2016 - License - 1 PC - Select Plus - Win - Single Language Microsoft - Part#: 021-10559	95	\$246.12	\$23,381.40
2	Microsoft Windows Server 2016 Standard - License - 2 cores - Select Plus - minimum 16 cores per physical server - Single Language Microsoft - Part#: 9EM-00264	40	\$73.08	\$2,923.20
		_	Total	\$26.304.60

#### **Additional Comments**

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084.

SHI International Corp. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

The Products offered under this proposal are subject to the SHI Return Policy posted at <a href="https://www.shi.com/returnpolicy">www.shi.com/returnpolicy</a>, unless there is an existing agreement between SHI and the Customer.



## **MEMORANDUM**

**Department of Public Services** 

DATE: June 12, 2018

TO: Joseph A. Valentine, City Manager

FROM: Lauren A. Wood, Director of Public Services

SUBJECT: Capital Planning and Consultant Services for Ice Arena

This serves to provide some background pertaining to the Birmingham Ice Sports Arena and why we are recommending we perform a capital planning and operational assessment during the off season. We requested a proposal from Plante Moran CRESA to perform these consulting services, see the attached engagement letter dated May 4, 2018 for details on the scope of work from Plante & Moran.

In a continual effort to examine and explore ways of doing business better and in keeping with improving various City operations we want to conduct a capital projects and operations review of the Ice Arena. Further, over the years, the expenditures exceed revenues around \$30,000 on average over the past six years. This being said, I have asked Plante & Moran to submit a proposal, see enclosure, to perform consulting services to assess this operation.

The Consultant will review the current Ice Arena operations, including expenditures, revenue, staffing and procedures. Also included will be an issues and opportunities analysis for the City to consider for the operation of their Ice Arena. The scope of work is broken up into different tasks and includes some of the following:

- Conduct project initiation meeting;
- Collect information and review documents;
- Facility Utilization Services;
- Capital Assessment Services;
- Operational Assessment Services;
- Conduct benchmarking research;
- Conduct preliminary recommendation review;
- Draft report review; and
- Conduct final report publication

An important element of this detailed review and analysis will be to determine a future course for the Arena operations, including facility needs and operational improvements. The project will consist of the proposed improvements and associated capital costs. Along with the final report will be recommendations for improvement based on some of the following known existing conditions.

#### **Building Assessment/Review**

The building from a maintenance perspective has been cared for in a very proactive manner with great care and very efficiently. Not only handling routine or general maintenance, but also preventative maintenance including repairs/replacements of systems; such as compressors, mechanical items, bleachers, fire suppression system, flooring, lighting updates, new roof systems, security cameras, equipment, painting, garage doors, Zamboni, etc.

The challenges going forward are recognized based on continual operational and financial review of the Ice Sports Arena. The Birmingham Ice Arena is a seasonal ice rink without subfloor heating. As a result, each year the refrigeration system needs to be shut down, which requires at least 10-12 weeks for defrosting the subfloor.

An evaluation is needed of the building and a spatial need as the facility continues to age. This includes such areas of the facility as the locker rooms, conference room, and recreation office along with the pro shop space will be examined as part of the capital planning portion by Plante Moran CRESA.

#### **Long-term Capital Projects**

Because the rink was built in 1973 there is wear and tear on equipment and materials located in the building. The upcoming remaining capital improvements over the next five years include the following proposed projects: Replace matting phase 2, replace arena refrigeration system which includes the piping and floor in the main arena and studio arena at an estimated cost of \$1,900,000, replacement of two AC units, replacement of two hot water heaters, replace refrigerator in concession area and update interior emergency lighting. It is great timing, to study or review building improvements including the existing locker room space, conference room expansion and other interior building improvements to meet the needs of the facility. Continue the retrofit program for LED lights to the Main/Studio Arena via a DTE assessment review. Fire exit door replacement where needed. A majority of these items are needed because they are 45 years old; the remaining items are regular life span replacements.

#### **Five Year Financials and Forecast**

The revenue and expenditure history for fiscal years 2012-2017 based on the audit reveals the Ice Arena is operating at a \$120,000 deficit over this period, which does not include any capital improvements or equipment purchases. There are several factors which contribute to this: decline in arena rentals including the main arena and studio ice, decrease in ice show registrations and admissions, concession sales down and pro shop lease/sales eliminated starting in 2011. The arena rental revenue is declining over the years, despite rates being reviewed annually and adjusted upward accordingly. Our current rates are competitive to local area rinks. The Basic Skills program which is run by the City with contracted coaches had its best year during 15-16. A significant decline in the Figure Skating memberships and the request for a reduced ice rental cost is a primary contributor.

The major building improvements and repairs at the Ice Arena since July 1991 through June 2017 total approximately \$1,845,122. As you are aware, the Ice Arena is funded by the General Fund.

#### **Summer Rentals**

Due to the required shut down period and actively removing the ice from both rinks, the arena is available for summer rental activities. Over the years and most regularly since 2012, we have promoted and held a few events, pickleball, Mom to Mom sales, Fitness rentals, etc. Indoor activity in the summer months is not such a big attraction, but we will continue to pursue options. There is opportunity for further exploration with for this specific summer period of time. This summer we are partnered with NEXT to offer six pickleball courts inside the Ice Arena. Plante & Moran will also examine opportunities for summer rentals as part of the analysis.

#### **Current Operational Adjustments**

This skating season 2017-2018 we added new user groups (High School Hockey) capturing an additional \$40,000 in revenue. All of their games and practices are now out our rink. We changed our skating session during the day to Open Skate to attract all age groups. In addition, some other changes are adding Clinics, Tournaments and a Sunday night rental. The groups and teams using the Ice Arena are all vying for use during the same time slots, after school and nights. The slower periods, of course, are mornings and early afternoons.

Based on the above background information, therefore, it is determined no advantage will be gained by the City bidding out this professional services work; especially since Plante & Moran already performs the annual audit and financial services, when needed, for the City of Birmingham. Therefore, no competitive bids were obtained for these services. Because of their extensive financial knowledge and understanding of the City of Birmingham including client experience with other Ice Arenas, Plante & Moran CRESA was contacted to assist in this project.

The fee for the professional consulting services by Plante & Moran CRESA will not exceed \$21,000, plus out-of-pocket costs. The expected duration for the performance of this project is approximately three (3) months. Funds are available for this work in the Parks – Other Contractual Service account #101-751.000-811.0000.

#### SUGGESTED RESOLUTION:

To approve the proposal from Plante & Moran CRESA, LLC in the amount not to exceed \$21,000, plus out-of-pocket expenses for the purpose of assisting with capital planning and operational review consulting services for the Birmingham Ice Arena; contingent upon receipt of proper insurance. Further, to waive the formal bidding requirements. Funds for this purchase are available from General Fund – Parks – Other Contractual Service account #101-751.000-811.0000.



June 20, 2018

Ms. Lauren Wood Director of Public Services 851 South Eton Street Birmingham, MI 48009

via e-mail: <a href="mailto:lwood@bhamgov.org">lwood@bhamgov.org</a>

RE: Proposal for Capital Planning and Consulting Services for City of Birmingham Ice Arena

Dear Ms. Wood:

Thank you for the opportunity to allow PLANTE & MORAN CRESA, LLC ("PMC") to present our proposal to provide Capital Planning and Consulting Services to the CITY OF BIRMINGHAM ("CB"). We appreciate the confidence you are placing in PMC.

PMC agrees on behalf of itself and each of its employees that no such person or entity shall represent the products or services of any architect, engineer, property owner, landlord, contractor or any related vendor.

#### **ENGAGEMENT**

It is our understanding that the engagement generally will involve Capital Planning and Consulting Services for work at CB's ice arena located at 2300 E Lincoln Street in Birmingham, Michigan (the "Project"). The Project services to be provided by PMC for this engagement are more particularly described in the Scope of Services attached as Exhibit A ("Services") and will be performed subject to the Terms and Conditions attached as Exhibit B.

PMC shall commence providing Capital Planning and Consulting Services, as set forth in Exhibit A ("Capital Planning Services"), upon CB's acceptance and execution of this proposal. Upon a successful passage of a bond issuance, if requested by CB, a separate engagement letter for PMC services will be mutually agreed upon by CB and PMC for the implementation of the capital improvement program approved by CB (the "Project").

In preparing this proposal, PMC has made the following key assumptions regarding this engagement. These key assumptions have been relied upon by PMC in determining the required Services, PMC's compensation for its Services, and the terms of this engagement:

- The duration of the Capital Planning and Consulting portion of the Project is approximately three (3) months.
- The Project will generally consist of the assessment of the existing ice arena and surrounding site
- The Project will generally consist of the proposed improvements and associated capital costs. Costs could be through the operating fund or capital fund.

 The facilities shall be constructed of normal, durable, and readily available materials, as used in the construction of public facilities.

#### **COMPENSATION/INVOICING**

PMC will be compensated by CB for services performed as follows at a fixed fee of Twenty One Thousand, and no/100 Dollars (\$21,000.00) and in accordance with the payment terms set forth in Exhibit B to this proposal:

#### **Capital Planning Services**

■ For its Capital Planning Services, PMC shall receive a fixed fee of Fifteen Thousand and No/100 Dollars (\$15,000), plus reimbursable expenses such as mileage, printing, overnight courier services, etc. invoiced at cost, without mark-up.

#### **Operational Review Consulting Services**

• For its Operational Review Consulting Services, PMC shall receive a fixed fee of Six Thousand and No/100 Dollars (\$6,000), plus reimbursable expenses such as mileage, printing, overnight courier services, etc. invoiced at cost, without mark-up.

#### **Invoicing**

PMC will invoice in three (3) equal monthly amounts of Seven Thousand and no/100
 Dollars (\$7,000.00) plus reimbursable expenses.

#### **TERM OF ENGAGEMENT**

PMC will commence its Capital Planning and Consulting Services upon execution of this proposal, and will provide such services for up to three (3) consecutive months.

#### **ACCEPTANCE**

To accept this proposal including the terms of this letter and Exhibits A and B attached hereto, please sign the Accepted and Agreed acknowledgement below and return it to me. Upon execution below, this proposal (including Exhibits A and B) will become a binding agreement (the "Agreement") between CITY OF BIRMINGHAM and PLANTE & MORAN CRESA, LLC Should you have any questions please contact me at 248.223.3316.

Sincerely,

PLANTE & MORAN CRESA, LLC

FRE R. Wills

Paul R. Wills, AIA, LEED AP

plante moran cresa

#### Partner

We accept this proposal, including Exhibits A and B attached hereto, which sets forth the entire agreement between CB and PMC for the services specified herein. We acknowledge that such acceptance creates a binding agreement between CITY OF BIRMINGHAM and PLANTE & MORAN CRESA, LLC.

Accepted and Agreed:	
CITY OF BIRMINGHAM	
By: Ms. Lauren Wood	_
ts: Director of Operations	
Date:	

#### **EXHIBIT A**

#### **SCOPE OF SERVICES**

Upon execution of PLANTE & MORAN CRESA, LLC's ("PMC") proposal to the CITY OF BIRMINGHAM ("CB") dated June 20, 2018, this Exhibit A shall be incorporated into the Agreement between CB and PMC.

PMC shall provide the following Services:

<u>Capital Planning and Consulting Services</u>: Upon execution of the Agreement PMC shall commence providing capital planning and consulting services as set forth below:

#### **Facility Utilization Services:**

 <u>Facility Utilization Summary</u>: PMC shall develop a Facility Utilization Summary based on current and projected programs and CB's goals and objectives, as set forth by CB, relative to facility configurations. The summary may include various options and options for CB review and approval.

#### **Capital Assessment Services:**

- <u>Facility and Operational Improvement Plan</u>: PMC will meet with CB's Administration to discuss facility and operational system improvement needs and generate an implementation strategy based on CB's program goals and budget. The strategy will categorize the areas of need/goals by: critical, deferred maintenance and enhancement.
- <u>Building/Site Visits</u>: PMC will visit CB's the existing ice arena and adjacent site as necessary to
  assist in evaluating building sites and facilities including parking lots, interior and exterior
  conditions, electrical and HVAC system conditions, etc. to recommend upgrades to support
  the desired operational systems.
- <u>Technology Assessment</u>: PMC will meet with CB's Director of Operations and others as appropriate to assist in defining updated technology needs and provide input on best practices and technology trends seen in other ice arenas.
- <u>Facility Improvement and Capital Issue Planning Report</u>: Upon approval and acceptance of a revised ice arena facility and technology needs assessment by CB, PMC will assist CB to develop capital referendum information materials which communicate the needs to voters.

#### **Operational Assessment Services:**

- <u>Comparable Analysis:</u> Plante Moran will gather information on similar operations to inform CB of comparable practices. We will work jointly with CB to identify 3-5 comparable organizations and also develop a questionnaire for CB to review, amend, and approve. This questionnaire will serve as a script for interviews for ice arena operations.
- <u>Comparable Interviews:</u> We will request an introductory message from the City to authenticate that we act on behalf of the City and will schedule remote interviews to glean information related to programs, operational standards, staffing levels, budgets, and other pertinent information. These meetings will be scheduled so that City participants may join in the call, if desired.



• <u>Summary Report:</u> The product of the comparable analysis will be a summary memo (4-6 pages) that includes the project approach, a summary of each participatory organization, key observations, and comparability information that will be shared in a table format. Because participation by the jurisdictions is voluntary, we recommend that CB consider offering a copy of the memo to participants in order to increase the likelihood of participation.

[END OF EXHIBIT A]

#### **EXHIBIT B**

#### **TERMS AND CONDITIONS**

Upon execution of PLANTE & MORAN CRESA, LLC's ("PMC") proposal to the CITY OF BIRMINGHAM ("CB") dated June 20, 2018, this Exhibit B shall be incorporated into the Agreement between CB and PMC.

#### 1. PMC'S SERVICES:

- 1.1. PMC's services (the "Services") include the consulting services designated on Exhibit A to the Agreement and any additional services, if any, performed by PMC in connection with its engagement under the Agreement. PMC shall perform the Services in accordance with the Terms and Conditions in this Exhibit B.
- 1.2. If PMC determines that key assumptions of this engagement listed in the Agreement significantly change, or that additional services are necessary or advisable in the interest of CB, PMC may notify CB and clearly describe such services in writing, including a cost estimate for the performance of same. If accepted by CB, PMC and CB shall mutually agree in writing to an increase in PMC's compensation for such additional services before the work is performed.
- 1.3. PMC and CB acknowledge that PMC shall have no authority, express or implied, to enter into written or oral agreements on behalf of CB, to take any other actions with respect to CB's Project or the business affairs of CB, or to commit or otherwise obligate CB in any manner whatsoever, without the prior written approval of CB. The Services provided by PMC are inherently advisory in nature. PMC shall have no responsibility for management decisions or management functions.
- 1.4. PMC is not a certified public accountant and cannot conduct reviews or audit of information provided by the City or other third parties. Therefor PMC cannot provide an opinion on, or assurance of, the reliability of such information. Misstatements and / or material misstatements in such information may exist that impact the results of the analysis, advice, recommendations, or conclusions provided as part of PMC's services.
- 1.5. Any recommendations made by PMC regarding the hiring of any consultant, architect, construction manager, contractor, or any other third shall represent the collective opinion of the Project team based on the limited information available at the time. No such recommendation shall be construed in any way as a warranty or guarantee of satisfactory performance, adherence to any budget or cost, or any other measure of success as it pertains to the Project by any such consultant, architect, construction manager, contractor, or any other third party.

#### 2. CB'S RESPONSIBILITIES:

- 2.1. CB shall designate a representative with authority to act on CB's behalf to be the contact person for purposes of the communications between CB and PMC regarding PMC's Services. James Larson-Shidler, Deputy Superintendent of Administrative and Business Services of CB and Paul Wills, Partner of PMC will be the Representatives unless notified otherwise.
- 2.2. CB shall provide full information to PMC regarding CB's requirements as necessary for the performance of PMC's Services.



- 2.3. CB shall provide information, review documents provided by PMC, and render decisions relating to PMC's Services on a timely basis so as not to delay the performance of PMC's Services.
- 2.4. CB shall engage third parties to provide services, including by way of example, surveyors, testing consultants, engineers, attorneys and risk management consultants, as reasonably required for the performance of PMC's Services.
- 2.5. CB shall obtain all governmental approvals required for CB's use and operation of the facilities and systems which are the subject of this engagement.
- 2.6. CB shall pay PMC for Services in accordance with payment terms in the Agreement and these Terms and Conditions.
- 2.7. CB agrees to report promptly in writing to PMC any default or defect in PMC's services or non-conformance with any provision of this agreement.
- 2.8. CB covenants and agrees during the term of this Agreement and for the period of one year after its completion or termination not to solicit for employment, on behalf of CB or any other entity, any PMC staff member or members working on the engagement under this Agreement, including former PMC staff members.

#### 3. PMC'S RESPONSIBILITIES:

- 3.1. PMC shall perform the Services in accordance with the standard of professional skill and care exercised by other consultants performing similar services under similar circumstances.
- 3.2. PMC does not warrant or guarantee the outcome of project pro formas, budgets or other financial projections developed by PMC or others for use in connection with its Services. Budgets, cost estimates, schedules, and financial projections prepared by PMC represent PMC's best professional judgment as a consultant. It is recognized, however, that neither PMC nor CB has control over the cost of labor, materials or equipment, market conditions, contractors' methods of determining bid prices or other competitive bidding or negotiating conditions. PMC cannot and does not warrant or represent that the outcome of bids or negotiated prices will not vary from any Project budget proposed, established or approved by CB, or from any cost estimate, projection or evaluation prepared by PMC.
- 3.3. PMC shall not be responsible for the failure of engineers, architects, general contractors, subcontractors, vendors, attorneys, or other party to carry out their respective duties and obligations to CB. PMC is not responsible for the performance of any party not employed directly by PMC, and PMC is not responsible for the performance of consultants engaged by PMC in connection with PMC's Services under this Agreement.
- 3.4. PMC's Services do not include professional architectural or engineering services. PMC shall not be responsible for the design of any project, for any errors, omissions or other deficiencies in the construction drawings and specifications for a project, for any other error or omissions of architects or other design professionals, if any, in connection with a project, or for the failure of the construction drawings and specifications for a project to comply with the requirements of CB



or CB's landlord or subtenants or with applicable codes or legal requirements. It shall be the responsibility of CB's architect, not PMC, to identify building code and other legal requirements pertaining to the design, including the conformance of construction to any design or code requirements, of a project for CB.

- 3.5. PMC shall not be responsible for construction means, methods, techniques, sequences and procedures, and safety programs and measures employed by contractors or others in the performance of their contracts, and shall not be responsible for the failure of any contractor or supplier to carry out work in accordance with the construction drawings and specifications or other contract requirements.
- 3.6. Any acts of PMC in providing consultation, advice and/or recommendations to CB regarding the performance or the default of CB's architect, contractor(s), vendors or other consultant(s), shall not be deemed to be the assumption by PMC of management, control, of the architect, contractor(s), vendors or consultants or of CB's Project. Any such advice or recommendation, or the absence thereof, shall no way operate as an assumption of, or guarantee of, the services of any third party by PMC.
- 3.7. PMC is not an attorney at law, and the Services provided by PMC exclude professional legal services. If the scope of PMC's Services includes assistance with the negotiations of agreements on behalf of CB, such agreements shall be subject to CB's approval. CB shall provide for the review of such agreements by CB's attorneys and insurance consultants as deemed to be appropriate by CB.

#### 4. COMPENSATION:

- 4.1. For the performance of Services, CB shall compensate PMC as provided in the Agreement. Unless provided otherwise in the Agreement, PMC shall submit invoices for Services rendered by PMC to CB. All invoices shall be prepared in accordance with the compensation terms in the Agreement and CB agrees to pay invoice within thirty (30) days after receipt thereof; provided, however, that in the event CB disputes the accuracy for any invoice prepared and presented, payment for the portion which is disputed by CB may be withheld until such dispute is resolved.
- 4.2. PMC shall be entitled to additional compensation if any of the following occur: increase in the Scope of Services designated on Exhibit A or other changes in the scope of PMC's Services; change in any of the key assumptions of this engagement listed in the Agreement; change in the time period for performance of PMC's Services; change in the nature of the Services required to be performed, including changes that require more effort or resources of PMC; change in CB's budget, schedule, delivery method, or scope or nature of the transaction or Project; default of CB's architect, contractor(s), consultants or vendors; delay or interruption in the transaction or Project; failure of CB to follow the advice and recommendations of PMC; or failure of CB to provide adequate financing for the Project/transaction on a timely basis.
- 4.3. Should PMC be required to provide evidence, prepare for hearings, evaluate claims, assist in the review or preparation of claims or defenses, or otherwise participate or assist in the resolution of legal disputes either: (i) on behalf of CB, or (ii) resulting from PMC's role as consultant or Project Management (unless caused by PMC's gross negligence or intentional misconduct), PMC will be reimbursed on a "Time and Materials" basis, which is defined to mean the numbers of hours of



- Services performed by PMC's personnel multiplied by PMC's then current standard hourly rates ("Standard Hourly Rates") plus the direct cost incurred by PMC in performance of such services.
- 4.4. In the event CB fails to pay PMC any amount due to PMC under this Agreement, and if such failure to pay continues for a period of fifteen (15) days following written notice of non-payment, PMC may, without prejudice to any other remedy PMC may have, suspend all or some of PMC's Services until all amounts due to PMC have been paid by CB.
- 4.5. Any taxes or fees, enacted by local, state or federal government subsequent to the date of this agreement, and based on gross receipts or revenues will be added to the amounts due under this agreement, in accordance with any such fees or taxes.

#### 5. LIMITATION ON LIABILITY:

- 5.1 In no event shall CB or PMC be liable to the other for special, incidental or consequential damages, including without limitation, loss of anticipated profits, revenue or use of capital, loss of use of leased spaces, and penalties imposed under the leases, whether based on contract, tort, negligence, strict liability or otherwise; provided, however, that the foregoing shall not limit or preclude a claim of PMC with respect to compensation due to PMC under this Agreement.
- 5.2 PMC's liability under this Agreement shall not in any event exceed the amounts of compensation for Services paid to PMC under this Agreement.

#### 6. ENVIRONMENTAL CONDITION OF SITE:

- 6.1 CB has disclosed to PMC in writing the existence of all known and suspected Asbestos, PCBs, Petroleum, Hazardous Waste, Radioactive Material, hazardous substances, and other similar conditions (Constituents of Concern) located at or adjacent to all property owned or controlled by CB which is the subject of this engagement (Sites), including type, quantity, and location.
- 6.2 CB represents to PMC that to the best of its knowledge no Constituents of Concern, other than those disclosed in writing to PMC, exist at any Site.
- 6.3 If PMC becomes aware of an undisclosed Constituent of Concern, then PMC shall notify (1) CB and (2) appropriate governmental officials if PMC reasonably concludes that doing so is required by applicable laws.
- 6.4 It is acknowledged and agreed by CB and PMC that PMC's scope of services do not include any services related to Constituents of Concern. If PMC or any other party encounters an undisclosed Constituent of Concern, or if investigative or remedial action, or other professional services, are necessary with respect to disclosed or undisclosed Constituents of Concern, then PMC may, at is option and without liability for consequential or any other damages, suspend performance of Services related to the Site(s) affected thereby until CB: (1) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the Constituents of Concern; and (2) warrants that the specific site is in full compliance with applicable laws.



- 6.5 If the presence at any Site of undisclosed Constituents of Concern affects the performance of PMC's Services under this Agreement, then PMC shall have the option of (1) accepting an adjustment in its compensation and in the time for completion of its Services, or both; or (2) terminating this Agreement.
- 6.6 CB acknowledges that PMC is performing professional Services for CB and that PMC is not and shall not be required to be an "owner," "arranger," "operator," "generator," or "transporter" of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as emended, which are or may be encountered at or adjacent to any Site in connection with PMC's activities under this Agreement.

#### 7. MISCELLANEOUS:

- 7.1. Nothing contained in this Agreement shall create a contractual relationship or a cause of action in favor of a third party against either CB or PMC. The Services performed by PMC under this Agreement are for the sole benefit of CB, and shall not be relied upon by other parties.
- 7.2. PMC and CB may not assign its rights under this Agreement without the prior written consent of the other.
- 7.3. PMC shall be entitled to use CB's name, photographs, renderings, narrative descriptions and similar materials relating to PMC's Services in connection with publications, awards, press releases, and marketing materials upon prior approval from CB.
- 7.4. Prior to the initiation of any legal proceedings, CB and PMC agree to submit all claims, disputes, or controversies to each other in writing. For a period of fourteen (14) days after the dispute is presented, discussions shall be held between the principal decision maker(s) of CB and PMC (as designated by the respective parties) in an effort to resolve the dispute. If the dispute is not resolved and reduced to a written settlement agreement within such fourteen (14) day period, then the parties shall submit the dispute to arbitration.
- 7.5. Any disputes between CB and PMC relating to PMC's Services or this Agreement shall be governed by the laws of the State of Michigan. Any claim, dispute or other matter in question arising out of or relating to this Agreement or breach thereof shall be settled exclusively by final and binding arbitration administered by the American Arbitration Association under its Construction Industry Arbitration Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator(s) may be entered in any court of competent jurisdiction. Demand for arbitration shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. A demand for arbitration shall be made within a reasonable time after the claim; dispute or other matter in question has arisen. In no event shall the demand for arbitration be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statutes of limitations. Arbitration shall include, by consolidation, joinder or in any other manner, an additional person or entity not a party to this Agreement, including, without limitation, contractors, contractors' employees, and contractors' sub-contractors, and any other person or entity sought to be joined.
- 7.6. PMC and CB shall each maintain insurance coverage as deemed by each to be necessary for its own protection; provided, however, that CB shall include PMC as an additional insured under CB's



general liability insurance policy with respect to claims and losses related to this engagement only. In addition, if PMC provides Services under this Agreement in connection with the construction of a project for CB, the following shall apply: (i) CB's contractor's general liability insurance for such project shall include PMC as an additional insured; and (ii) PMC and CB shall each waive all rights against each other and the contractors, consultants, agents and employees of the other for any loss or damage, for which property insurance is maintained by the injured party, and PMC and CB each shall require appropriate similar waivers from their contractors, consultants and agents.

- 7.7. Provided that CB has paid all amounts due to PMC under this Agreement, the CB shall be entitled to use all studies, reports, summaries, cost estimates, budgets, and other documents prepared by PMC in the performance of its Services; provided, however that the CB shall not disclose or permit other parties to use such information and documents. PMC shall be entitled to retain copies of such documents for PMC's files. Notwithstanding the foregoing, PMC shall retain all ownership and intellectual property rights in, and the CB shall not use or permit the use by others of, all standard contract provisions and modifications, financial analysis programs and similar tools developed by PMC for PMC's use generally and not developed solely for purposes of this engagement.
- 7.8. No failure by CB or PMC to insist upon strict performance of any covenant, agreement, term or condition of this Agreement or to exercise any right, term or remedy for a breach of this Agreement, shall constitute a waiver of any such breach or of such covenant, agreement, term or condition.

#### 8. TERMINATION:

- 8.1 This Agreement may be terminated by CB upon thirty (30) days prior notice if PMC is in default under this Agreement and fails to cure such default within the thirty (30) day notice period. Provided that CB is acting in good faith, CB shall be entitled to terminate this Agreement without cause upon thirty (30) days prior written notice to PMC.
- 8.2 This Agreement may be terminated by PMC upon thirty (30) days prior written notice in the event of any of the following defaults by CB and failure of CB to cure such default within such thirty (30) day period: CB fails to make payment of amounts due to PMC under this Agreement; CB fails to acknowledge and reasonably follow the advice or recommendations of PMC; or CB otherwise is in default under this Agreement.
- 8.3 If PMC's Services are suspended for more than thirty (30) consecutive days, PMC may terminate this Agreement upon thirty (30) days prior written notice to CB.
- 8.4 In the event this Agreement is terminated for any reason, PMC shall be compensated on an equitable basis for services performed as of the effective date of termination in accordance with this Agreement. Upon any such termination and payment of amounts due to PMC, the parties hereto shall be released of any and all further liability hereunder.

#### 9. THIS AGREEMENT:

- 9.1 CB and PMC accept the obligations of good faith and fair dealings towards each other with respect to this engagement.
- 9.2 This Agreement includes the proposal executed by PMC and CB, Exhibit A Scope of PMC's Services, Exhibit B Terms and Conditions, and other documents, if any, listed in the Agreement. This Agreement sets forth the entire, integrated agreement between PMC and CB, supersedes all prior proposals, negotiations, representations and agreements, whether written or oral, between PMC and CB, and shall govern the relationship between PMC and CB with respect to all Services provided by PMC to CB in connection with the engagement described in the Agreement. This Agreement may be amended only by written instrument signed by both PMC and CB.
- 9.3 Neither this Agreement nor PMC's performance of Services shall be deemed to create a partnership or joint venture between CB and PMC.

[END OF EXHIBIT B]

plante moran cresa



#### CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 3/7/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed.

	SUBROGATION IS WAIVED, subject is certificate does not confer rights to							equire an endorsement	. A st	atement on
PRODUCER					CONTACT NAME: Amy Micallef, CIC, CISR, LIC, AAI, AIS					
Marsh & McLennan Agency LLC				PHONE (A/C, No, Ext): 734-525-2445 (A/C, No): 734-525-1841						
15415 Middlebelt Road Livonia MI 48154-3805				(A/C, No, Ext): / 34-525-2445						
LIV	onia ivii 40134-3003				ADDRE			DING COVERAGE		NAIC#
					INIOUEE	RA: Federal I				20281
INSU	RED	РМНО	LDI			ка: гецегагі кв: Vigilant Ii		· · ·		20397
P&	M Holding Group, LLP & Subsidiari	es;					risurance Co	прапу		20397
	nte & Moran, PLLC				INSURE					
	Bonnie Kozikowski 300 Northwestern Hwy., #120				INSURE					
So	uthfield MI 48076-3750				INSURE					
	VERAGES CER	TIEIC	`^ TE	NUMBER: 615362456	INSURE	RF:		DEVISION NUMBER.		
	HIS IS TO CERTIFY THAT THE POLICIES				/F RFF	N ISSUED TO		REVISION NUMBER:	HE P∩I	ICY PERIOD
	DICATED. NOTWITHSTANDING ANY RE									
	ERTIFICATE MAY BE ISSUED OR MAY							HEREIN IS SUBJECT TO	O ALL 1	THE TERMS,
INSR	(CLUSIONS AND CONDITIONS OF SUCH		SUBR		BEEN R	POLICY EFF	POLICY EXP		_	
LTR	TYPE OF INSURANCE  X COMMERCIAL GENERAL LIABILITY	INSD Y	WVD	POLICY NUMBER		(MM/DD/YYYY)	(MM/DD/YYYY)	LIMIT		
Α		Y		35756613		3/13/2018	3/13/2019	EACH OCCURRENCE DAMAGE TO RENTED	\$ 1,000,	
	CLAIMS-MADE X OCCUR							PREMISES (Ea occurrence)	\$ 1,000,	000
	\$50,000 Deduct.							MED EXP (Any one person)	\$ 10,000	)
								PERSONAL & ADV INJURY	\$ 1,000,	000
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$ 2,000,	000
	POLICY X PRO- JECT X LOC							PRODUCTS - COMP/OP AGG	\$ 2,000,	000
	OTHER:	.,						COMBINED SINGLE LIMIT	\$	
Α	ANYALITO	Υ		73263017		3/13/2018	3/13/2019	(Ea accident)	\$ 1,000,	000
	ANY AUTO OWNED SCHEDULED							BODILY INJURY (Per person)	\$	
	AUTOS ONLY AUTOS							BODILY INJURY (Per accident) PROPERTY DAMAGE		
	X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY							(Per accident)	\$	
									\$	
Α	X UMBRELLA LIAB X OCCUR			79833330		3/13/2018	3/13/2019	EACH OCCURRENCE	\$ 1,000,	000
	X EXCESS LIAB CLAIMS-MADE							AGGREGATE	\$ 1,000,	000
	DED RETENTION\$							DEB OTH	\$	
В	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N			71653087		3/13/2018	3/13/2019	X PER STATUTE OTH-		
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?	N/A						E.L. EACH ACCIDENT	\$ 1,000,	000
	(Mandatory in NH)  If yes, describe under							E.L. DISEASE - EA EMPLOYEE	\$ 1,000,	000
	DESCRIPTION OF OPERATIONS below							E.L. DISEASE - POLICY LIMIT	\$ 1,000,	000
	CRIPTION OF OPERATIONS / LOCATIONS / VEHIC of Birmingham, all elected and appoint								membe	ers including
em	ployees and volunteers thereof are inclu	ided a	as add	ditional insureds for genera	al liabilit	y coverage or	n a primary a	nd non-contributory basis		
pro	vided in the attached form #80-02-2367	and a	additio	onal insured for auto liabilit	y to the	extent provid	led in the atta	ached form #16-02-0292.		
CE	RTIFICATE HOLDER				CANC	ELLATION				
					6116		THE ABOVE O	ESCRIBER ROLLOIFO RE A	A NIOE! !	ED BEFORE
								ESCRIBED POLICIES BE C. EREOF, NOTICE WILL E		
	Oit and Discourse Local				THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.					
	City of Birmingham 151 Martin Street									
	151 Martin Street Birmingham MI 48012-3001				AUTHORIZED REPRESENTATIVE					

#### **NOTICE OF PUBLIC HEARING**

# BIRMINGHAM CITY COMMISSION SPECIAL LAND USE PERMIT & FINAL SITE PLAN REVIEW

Meeting Date, Time, Location:	Monday, June 25, 2018 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	191 N. Chester – The Jeffrey
Nature of Hearing:	To consider the Special Land Use Permit and Final Site Plan Review to allow office use over 3,000 sq. ft.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish June 3, 2018
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



# **MEMORANDUM**

**Planning Division** 

DATE: June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Matthew Baka, Senior Planner

**APPROVED:** Jana L. Ecker, Planning Director

**SUBJECT:** Public Hearing for Special Land Use Permit & Final Site Plan

Review for 191 N. Chester – The Jeffrey

The subject site, 191 N. Chester, is located at the southwest corner of the intersection at Willits and N. Chester. The applicant is proposing to renovate the existing building that was formerly the Christian Science Church for use as an office building. The property is zoned TZ2 which allows office use over 3,000 sq. ft. with a Special Land Use Permit. In addition, Article 07, section 7.27 E (3) of the Birmingham Zoning Ordinance requires that this project also submit a Community Impact Statement.

On April 25, 2018 the Planning Board conducted a public hearing on the above application as well as a review of the Community Impact Statement (CIS). The hearing was continued to May 9, 2018 to allow the applicant time to provide some additional information that was outstanding from the CIS.

On May 8, 2018, the applicant appeared before the Board of Zoning Appeals and was granted a variance in lieu of providing one loading space.

On May 9, 2018, the Planning Board continued the public hearing on the above application for a Special Land Use Permit, Final Site Plan Review and CIS. The Planning Board voted unanimously to accept the CIS with the following conditions;

- Applicant provide mitigation strategies for control of noise vibration and dust;
- 2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer.
- 3. Applicant provide space for the separation of recyclables; and
- 4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.

The Planning Board also voted to recommend approval of the SLUP and FSP review to the City Commission of The Jeffery at 191 N. Chester with the condition that the applicant submit for administrative approval material samples and specifications to complete the design review for the garage door.

Accordingly, the City Commission set a public hearing date of June 25, 2018 to consider the above request for a Special Land Use Permit. Please find attached the Planning Board staff

report, meeting minutes and application attachments for your review.

#### SUGGESTED ACTION:

To approve a Special Land Use Permit & Final Site Plan Review for 191 N. Chester – The Jeffrey, to allow office use over 3,000 sf. ft. in the TZ2 zone district.

# THE JEFFREY 191 N. CHESTER SPECIAL LAND USE PERMIT 2018

- WHEREAS, The owner of the property located at 191 N. Chester filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to allow an office use in the TZ2 zone district in accordance with Article 2, Section 2.43 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located at the southwest corner of the Chester and Willits intersection;
- WHEREAS, The land is zoned TZ2, which permits office use over 3,000 sq. ft. with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit and Final Site Plan to open an office building at 191 N. Chester, The Jeffrey, with tenant spaces greater than 3,000 sq. ft.;
- WHEREAS, The Planning Board on May 9, 2018 voted to accept the CIS as provided by the applicant for the proposed development at 191 N. Chester, the Jeffrey with the following conditions:
  - 1. Applicant provide mitigation strategies for control of noise vibration and dust;
  - 2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer;
  - 3. Applicant provide space for the separation of recyclables; and
  - 4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.
- WHEREAS, The Planning Board on May 9, 2018 reviewed the application for a Special Land Use Permit and Final Site Plan Review and recommended approval of 191 N. Chester, The Jeffrey, with the condition that the applicant submits for administrative approval material samples and specifications to complete the design review for the garage door;

- WHEREAS, The applicant has agreed to comply with the conditions of approval recommended by the Planning Board;
- WHEREAS, The Board of Zoning Appeals, on May 8, 2018 granted the applicant a variance in lieu of one required loading space;
- WHEREAS, The Birmingham City Commission has reviewed The Jeffrey's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that The Jeffrey's application for a Special Land Use Permit and Final Site Plan at 191 N. Chester is hereby approved;
- BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit Amendment is granted subject to the following conditions:
  - 1. The Jeffrey shall abide by all provisions of the Birmingham City Code;
  - 2. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code;
  - 3. Applicant provide mitigation strategies for control of noise vibration and dust;
  - 4. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer;
  - 5. Applicant provide space for the separation of recyclables;
  - 6. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.; and
  - 7. Applicant submits for administrative approval material samples and specifications to complete the design review for the garage door.
- BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.
- BE IT FURTHER RESOLVED, Except as herein specifically provided, The Jeffrey and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of The Jeffrey to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.
- I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 25, 2018.



**Property Owner** 

CITY OF BIRMINGHAM

Date 04/17/2018 9:21:00 AM

Ref 00147534

Receipt 423278

Amount \$100.00

# **Combined CIS & Site Plan Review Application Planning Division**

Form will not be processed until it is completely filled out.

1. Applicant

Name: SAM SURNOW	Name: CHESTER STREET PARTNERS, U
Address: 320 MARTIN ST , SUITE 100	Address: 320 MARTIN ST, SUITE 100
BIRMINGHAM, MI 48009	BIRMINGHAM, MI 48009
Phone Number: 248 · 677 · 4000	Phone Number: 248 · 877 · 4000
Fax Number:	Fax Number:
Email Address: Sam @ surnow.com	Email Address:
2. Applicant's Attorney/Contact Person	Project Designer/Developer
Name: KEVIN BIDDISON, AIA	Name: KEVIN BIDDISON, AIA
Address: 320 MARTIN ST, SUITE 10	Address: 320 MARTIN ST, SUITE 10 BIRMINGHAM, MI 48009
BIRMINGHAM , M   48009 Phone Number: 248 · 654 · 9500	Phone Number: 248.554.9500
Fax Number:	Fax Number:
Email Address: kb@ biddison-ad.com	Email Address: kb@biddison-ad·com
3. Required Attachments	
Woment Deed with level description of	Samples of all materials to be used
Warranty Deed with legal description of property  P	Catalog sheets for all proposed lighting, mechanical
• Required fee (see Fee Schedule for applicable amount)	equipment and outdoor furniture
<ul> <li>Two (2) folded copies of scaled plans including a certified land survey, color elevations showing all</li> </ul>	A signed letter from DTE approving the location of all
materials, site plan, landscape plan, photometric plan,	electrical transformers and electrical equipment
and interior floor plan	Completed Checklist
<ul> <li>Photographs of existing site and/or building</li> </ul>	Digital copy of plans
Photographs of existing site and/or building	
	Additional information as required
4. Project Information	
Address/Location of Property: 191 N CHESTER ST	Name of Historic District site is in, if any:
	Date of HDC Approval, if any:
Name of Development: THE JEFFREY	Date of approval of DRB, if any:
Sidwell #:	Area in Acres: 0.398
Current Use: CHURCH	Proposed Use: GPFICE - COMMERCIAL
Current Zoning: T22	Zoning of Adjacent Properties: TZ3 / R7, R1
Is property located in the floodplain? _NO	Will proposed project require the division of platted lots? NO
	1 1 1 3 1
5. Details of the Proposed Development (Attach se	eparate sheet if necessary)
I) REMOVAL OF EXISTING PORCH & EXE	STING ENTRY ON THE FACT
2) ADDITION OF NEW LOBBY & ENT	TRY TO PROPERTY LINE (EACT)
3) ADDITION OF NEW OFFICE GRACE TO	O THE INDEST
4) REPAIR & PAINT EXISTING MASON	
B) REPLACE EXISTING ROOF	The first section of the section of
6) INTERIOR DEMOUTION & RENOVATION	J
T) EXISTING LIMESTONE DETAILING	
8) GRADING & LANDSCAPING TO M	MEET CITY OF BIRMINIGHAM
REQUIREMENTS.	THE PART OF THE PA

6. Buildings and Structures	
Number of Buildings on site:	Use of Buildings: OFFICE - LEASE SPACE
Height of Building & # of stories: 2	Height of rooftop mechanical equipment: EXISTING 25-6
7. Floor Use and Area (in square feet)	
Proposed Commercial Structures:	
Total basement floor area: 10011 · 5 sF(GROSS)	Office space: $62.10 + 9518 + 6,742 = 22,470$
Number of square feet per upper floor: 2012:48	Retail space:
Total floor area: 27, 290 · 25 5F (GROSS)	Industrial space: —
Floor area ratio (total floor area divided by total land area): 0.68	Assembly space: —
Open space: 6, 220 · 68 SF	Seating Capacity:
Percent of open space: 35 % /.	Maximum Occupancy Load: TED
Toront or open space.	Maximum occupancy Load.
Proposed Residential Structures:	
Total number of units: NA	Rental units or condominiums?:
Number of one bedroom units:	Size of one hedroom units:
rumoer of two beardon units.	Size of two bedroom units:
Number of three bedroom units:	Size of three bedroom units:
Open space:	Seating Capacity:
Percent of open space:	Maximum Occupancy Load:
Proposed Additions:	
Total basement floor area, if any, of addition:	Use of addition: OFFICE SPACE / LOBBY
Number of floors to be added: NA	Height of addition: MAX. EXET. HT. TO MATCH NEW
Number of square feet added per floor:	Office space in addition:
Total floor are (including addition): 27, 290 ·25 (GROSS)	Office space in addition:  Retail space in addition:
Floor area ratio (total floor area divided by total land area): 0.58	Industrial space in addition:
Open space: 6, 220 ·68	Assembly space in addition:
Percent of open space: 35 · 8	Maximum Occupancy Load (including addition): TBD
rescent of open space:	Maximum Occupancy Load (including addition): 785
8. Required and Proposed Setbacks	
Required front setback: OO'CN#E	Proposed front setback: 14.4'(N) · 0.9 (E)
Required rear setback: 101 (5 & W)	Proposed rear setback: 6 · 7 · (S); 20 · 6 · (W)
Required total side setback: NA	Proposed total side setback: NA
Side setback: NA	Second side setback: NA
O. Dominad and Draw and Division	
9. Required and Proposed Parking	Description of the state of the
Required number of parking spaces:	Proposed number of parking spaces: (3) OUTDOOR (8) NDOOR
Typical angle of parking spaces: 90	Typical size of parking spaces: 180 SP
Typical width of maneuvering lanes: 201	Number of spaces < 180 sq. ft.:
Location of parking on the site: NW CORNER + LOWER LVL	Number of handicap spaces: 2
Location of off site parking: ATY PARKING STRUCT.	Shared Parking Agreement?:
Number of light standards in parking area: EXIST. STREETLIGH	Height of light standards in parking area: NA
Screenwall material: CONC. MASONRY RETAINING WALL.	Height of screenwall: EXIST 51-0"
10. Landscaping	
Location of landscape areas: ALONG WILLITS \$	Proposed landscape material: REFER TO
CHESTER STREETS	
MINIE DIRECTS	ATTACHED LANDSCAPE PLAN.

11. Streetscape Sidewalk width: 6'-0"	Description of benches or planters: NA
Number of benches: NA	Description of benches of planters.
Number of planters: NA	
Number of existing street trees: 3	Species of existing street trees: REFER TO LANDSCAPE P
Number of proposed street trees: 1 EVERY 40 ALONG S	T.Species of proposed street trees: REFER TO LANDSCAPE
Streetscape Plan submitted?:	
12. Loading Required number of loading spaces: Typical angle of loading spaces: Typical angle of loading spaces:	
Required number of loading spaces:	Proposed number of loading spaces:
1 ) production of roadition operation	Typical size of foading spaces.
Screenwall material: Location of loading spaces on the site:	Height of screenwall:
Location of loading spaces on the site:	
13. Exterior Trash Receptacles	TRASH RECEPTACLE
Required number of trash receptacles:	Proposed number of trash receptacles: TO BE INSIDE GARAGE
Location of trash receptacles: LOWER LVL GARAGE	Size of trash receptacles: NA
Screenwall material: NA	Height of screenwall:
14. Mechanical Equipment Utilities & Transformers:	
Number of ground mounted transformers: NA	Location of all utilities & easements: SEE ENGINEERN
Size of transformers (LxWxH): NA	& ARCHITECTURAL PLAN.
Number of utility easements: Number of utility easements	
Screenwall material: NA	Height of screenwall: NA
Ground Mounted Mechanical Equipment:	
Number of ground mounted units: NA	Location of all ground mounted units:
Size of ground mounted units (LxWxH):	Double of the ground mounted times.
Screenwall material:	Height of screenwall:
Rooftop Mechanical Equipment:	
Number of rooftop units: EXISTING TO REMAIN	Location of all rooftop units: NA
Type of rooftop units: OR BE REPLACED	Size of rooftop units (LxWxH): EXISTING UNITS
	TO REMAIN OR BE REPLACED
Screenwall material: NA	Height of screenwall:
Location of screenwalls:	Percentage of rooftop covered by mechanical units: EXIST:
	Distance from rooftop units to all screenwalls: EXIST.
15. Accessory Buildings	
Number of accessory buildings:	Size of accessory buildings:
Location of accessory buildings:	Height of accessory buildings:

16. Building Lighting Number of light standards on bu	Lilding OFF PHOTOMET	SIATuma affiche etcudanda an huilding GES DUATOMETEL
Size of light fixtures (LxWxH):	manig. OCC TROTOMET	RICType of light standards on building: SEE PHOTOMETRIC Height from grade:
Maximum wattage per fixture: _Light level at each property line: _	: 0)	Proposed wattage per fixture:
17. Site Lighting		
Number of light fixtures: EXSize of light fixtures (LxWxH):	TO REMAIN.	
Maximum wattage per fixture: _ Light level at each property line:	;	Proposed wattage per fixture:  Number & location of holiday tree lighting receptacles:
the applicant to advise the Fapproved site plan. The und	Planning Division and / or Budersigned further states that dersigned further states that a, and have complied with sam oplication will be discussed.	d correct, and understands that it is the responsibility of ailding Division of any additional changes made to an they have reviewed the procedures and guidelines for site me. The undersigned will be in attendance at the Planning  Date: 4/13/18
Print Name: <b>GAM</b> SU	•	
Signature of Applicant:	In for	Date: 4/13/18
Print Name: SAM SU	RKION (	
Signature of Architect:	[[ S][[U] Onl	Date: 4/13/18
Print Name: KEVIN B	IDD BRN	
	Office	Use Only
Application #:	Date Received:	Fee:
Date of Approval:	Date of Denial:	Accepted by:

Accepted by:



# COMBINED SITE PLAN REVIEW & COMMUNITY IMPACT STUDY APPLICATION CHECKLIST PLANNING DIVISION

Applica	ant:	BAM	SURNOW		_ Case #:	]	Date: 4.13.	R
Address	S: B	20 M	ARTIN ST, E	SUITE 100 48009 Projec	ot: THE	JEFFREY		
applical	ble rec nust be	quireme e legible	nts of the City of Bir and of sufficient qua	mingham. If more that lity to provide for qua	n one page is lity reproduct	used, each page ion or recording	shall be number Plans must be	
	site p			changes for which a on one 24" X 36" sh		-	e drawn at a so	cale no smaller than 1"
	1. N	Name a	nd address of applic	cant and proof of ow	nership;			
	2. 1	Name o	f Development (if a	applicable);				
X	3. A	Address	of site and legal de	escription of the real	estate;			
_X_	4. N	Name a	nd address of the la	nd surveyor;				
X	5. I	Legend	and notes, includin	g a graphic scale, no	orth point, an	nd date;		
_×_	<b>6.</b> <i>A</i>	A separ	ate location map;					
*			showing the bounda as well as the adjac	ary lines of adjacent ent land;	land and the	existing zoning	g of the area pr	roposed to be
_×_	8. I	Details	of all proposed site	plan changes;				
_×				s of any previous app Historic District Con			ırd, Board of Z	Coning Appeals,
_X_	10.	Existin	ng and proposed lay	out of streets, open	space and ot	her basic eleme	nts of the plan	ı;
	11.	Existin	ng and proposed uti	lities and easements	and their pu	rpose;		
X	woo	ded are	eas, isolated preserv	ns, regulated drains, vable trees, wetlands mificant feature(s) the	, historic fea	tures, existing	structures, dry	wells, utility lines,
	13.	Genera	al description, locat	ion, and types of stru	uctures on th	ie site;		
X	14.	Details	of existing or prop	osed lighting, signa	ge and other	pertinent deve	opment featur	es;
$\perp$	15.	Elevat	ion drawings showi	ing proposed design;	ı			
NA	16. area		ing to be utilized in	n concealing any exp	osed mechan	nical or electric	al equipment a	and all trash receptacle
X	17.	Locati	on of all exterior lig	ghting fixtures;				
_X	18.	A land	scape plan showing	g all existing and pro	posed planti	ng and screening	ng materials, ir	ncluding the number,

size, and type of plantings proposed and the method of irrigation; and

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

20. Color elevation drawings showing the proposed design for each façade of the building;

21. List of all materials to be used for the building, marked on the elevation drawings;

NA 22. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;

23. Details of existing or proposed lighting, signage and other pertinent development features;

24. A list of any requested design changes;

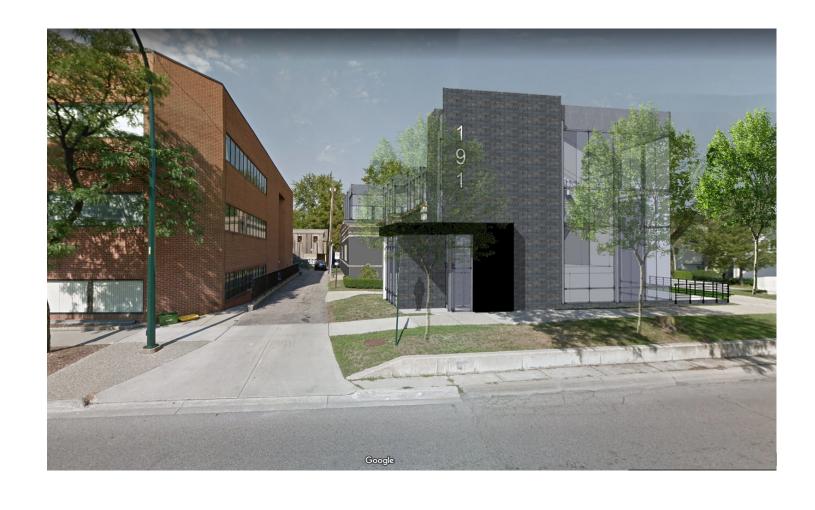
25. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer;

26. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and

27. Any other information requested in writing by the Planning Division, the Planning Board, or the Building

Official deemed important to the development.

19. Any other information requested in writing by the Planning Division, the Planning Board, or the Building



The Jeffrey 191 N Chester St Birmingham, MI

# Community Impact Study (Combined C.I.S. and Site Plan Review)

The Jeffrey 191 N Chester Birmingham, MI

Applicant:

Sam Surnow

320 Martin St, Suite 100

MI 48009

(248) 877-4000 sam@surnow.com

**Architect:** 

Kevin Biddison

Biddison Architecture 320 Martin St, LL Suite 10 Birmingham, MI 48009

(248) 554-9500

**Civil Engineer:** 

Patrick Williams

Nowak & Fraus Engineers 46777 Woodward Ave, Pontiac, MI 48342 (248) 332-7931

**Land Surveyor:** 

Nowak & Fraus Engineers 46777 Woodward Ave, Pontiac, MI 48342 (248) 332-7931

Traffic:

Stonefield Engineering & Design, LLC

28454 Woodward Ave., Royal Oak, MI 48067

(248) 247-1115

Acoustical:

Darren Brown Kolano & Saha

3559 Sashabaw Road Waterford, MI 48329 (248) 674-4100

djbrown@kandse.com

### Soils:

Amy Schneider G2 Consulting Group 1866 Woodslee St Troy, MI 48083 (248) 680-0400

aschneider@g2consultinggroup.com

# **Soils: (Existing Study)**

Performance Environmental Services, Inc 30553 Wixom Road, Suite 500 Wixom, MI 48393 (248) 926-3800

### Air Quality:

BDS Environmental 13845 East Nine Mile Warren, MI 48089 (586) 755-9030

# **Phase 1 Environmental Study:**

Performance Environmental Services, Inc 30553 Wixom Road, Suite 500 Wixom, MI 48393 (248) 926-3800

# Community Impact Study (Combined C.I.S. and Site Plan Review)

# The Jeffrey 191 N Chester Birmingham, MI

# **Table of Contents**

Section #	Contents
1.	Combined C.I.S. and Site Plan Review & Letters of Approval from neighbors
2.	Proof of Ownership
3.	Vicinity Map
4.	Birmingham Zoning Map
5.	C.I.S. Checklist - Supplemental Information
6.	Zoning Requirements
7.	Noise Impact Study
8.	Traffic Impact Study
9.	Phase 1 Environmental Site Assessment
10.	Soils Investigation
11.	Air Quality Information



**Property Owner** 

# **Combined CIS & Site Plan Review Application Planning Division**

Form will not be processed until it is completely filled out.

1. Applicant

Name: SAM SURNOW	Property Owner				
Address: 320 MARTINI CT	Name: CHESTER STREET PARTNERS, U				
Address: 320 MARTIN ST, SUITE 100	Address: 320 MARTIN ST, SUITE 100				
Phone Number: 222, 477	BIRMINGHAM, MI 48009				
Those Number. 24000	BIRMINGHAM, MI 48009 Phone Number: 248 · 877 · 4000				
Fax Number:	Fax Number:				
Email Address: sam & surnow.com	Email Address:				
2. Applicant's Attorney/Contact Person Name: KEVIN BIDDISON, ALA Address: 320 MARTIN ST, GUITE 10 BIRMINGHAM, MI 48009 Phone Number: 248.654.9500 Fax Number: Email Address: Kb@ biddison-ad.com  3. Required Attachments	Project Designer/Developer  Name: KEVIN BIDDISON, AIA  Address: 320 MARTIN ST, SUITE 10  BIRMINGHAM, MI 48009  Phone Number: 248.554.9500  Fax Number: Email Address: KD@ bidd ison -ad. Com				
<ul> <li>Warranty Deed with legal description of property</li> <li>Required fee (see Fee Schedule for applicable amount)</li> <li>Two (2) folded copies of scaled plans including a certified land survey, color elevations showing all materials, site plan, landscape plan, photometric plan, and interior floor plan</li> <li>Photographs of existing site and/or building</li> </ul>	<ul> <li>Samples of all materials to be used</li> <li>Catalog sheets for all proposed lighting, mechanical equipment and outdoor furniture</li> <li>A signed letter from DTE approving the location of all electrical transformers and electrical equipment</li> <li>Completed Checklist</li> <li>Digital copy of plans</li> <li>Additional information as required</li> </ul>				
4. Project Information Address/Location of Property: 191 N CHESTER ST	Name of Historic District site is in, if any:				
Name of Development: THE JEFFREY	Date of approval of DRB, if any:				
Sidwell #:  Current Use: CHURCH  Current Zoning: T22	Area in Acres: 6:398				
Current Use: CHURCH	Proposed Use: OFFICE - COMMERCIAL				
Current Zoning: T22	Zoning of Adjacent Properties: TZ3 /R7, R1				
	2011ing of Adjacent Properties. 125 127, R				
Is property located in the floodplain? _NO	Will proposed project require the division of platted lots? No				
5. Details of the Proposed Development (Attach se i) REMOVAL OF EXISTING PORCH & EXISTING PORCH & EXISTING OF NEW OPFICE EPACE TO A) REPAIR & PAINT EXISTING MAGONION DEPLACE EXISTING POOF (6) INTERIOR DEMOUTION & RENOVATION T) EXISTING LIMESTONE PETAILING (6) GRADING & LANDSCAPING TO MERCUIREMENTS.	ETING ENTRY ON THE EAST.  BY TO PROPERTY LINE (EAST)  THE WEST.  LTD REMAIN				

6. Buildings and Structures	
Number of Buildings on site:	Use of Buildings: OFFICE - LEASE SPACE
Height of Building & # of stories: 2	Height of rooftop mechanical equipment: EXISTING 25-6"
7	
7. Floor Use and Area (in square feet)	
Proposed Commercial Structures:	
Total basement floor area: 10011. 5 SF (GROSS)	Office space: 6210 + 4518+6,742 = 22,470
Number of square feet per upper floor: 2012: 7012: 45	Retail space: -
Total floor area: 27,290 · 25 SF (GROSS)	Retail space:
Floor area ratio (total floor area divided by total land area): 0.68	Industrial space: — Assembly space: —
Open space: 6, 220 · 68 SF	Seating Capacity:
Percent of open space: 35.8 /.	Maximum Occupancy Load: TSD
Proposed Residential Structures:	
Total number of units: NA	Rental units or condominiums?:
Number of one bedroom units:	Size of one bedroom units:
Number of two bedroom units:	Size of two bedroom units:
Number of three bedroom units:	Size of three bedroom units:
Open space:	Seating Capacity:
Percent of open space:	Maximum Occupancy Load:
	Manufacture Cocupation Loads.
Proposed Additions:	
Total basement floor area, if any, of addition:	Use of addition: OFFICE SPACE / LOBBY
Number of floors to be added: NA	Height of addition: MAX. EXET. HT TO MATCH AVEW
Number of square feet added per floor:	Office space in addition:
Total floor are (including addition): 27, 290 25 (GROSS)	Retail space in addition:
Floor area ratio (total floor area divided by total land area): 0.58	industrial space in addition: —
Open space: 6, 220 · 68	Assembly space in addition: —
Percent of open space: 35.8	Maximum Occupancy Load (including addition):
8. Required and Proposed Setbacks	
Required front setback: OO'CN#E	Promoved 6
Required rear setback: 10 (C#W)	Proposed front setback: 14.4(N). 0.9 (E)
Required total side setback: NA	Proposed rear setback: 6 · 7 · (S) : 20 · 6 · (W)
Side setback: NA	Proposed total side setback: NA
Old Sciouck.	Second side setback: NA
9. Required and Proposed Parking	
Required number of parking spaces:	Proposed number of parking spaces: (3) OUTDOOR (8) NDOOR
Typical angle of parking spaces: 90	Typical size of parking spaces: 180 SP
Typical width of maneuvering lanes: 201	Number of spaces < 180 sq. ft.: -
Location of parking on the site: NW CORNER YLOWER LYL	Number of handicap spaces: 2
Location of off site parking: CITY PARKING STRUCT.	Shared Parking Agreement?:
Number of light standards in parking area: EXIST. STREETLIGH	THeight of light standards in parking area: NA
Screenwall material: CONC. MASONRY RETAINING	Height of screenwall: EXIST 51-0"
WALL.	
10. Landscaping	
Location of landscape areas: ALONG WILLITS \$	Proposed landscape material: REFER TO
CHESTER STREETS	ATTACHED LANDSCAPE PLAN.

11. Streetscape Sidewalk width: 6'-0" Number of benches: NA Number of planters: NA	Description of benches or planters: NA
Number of existing street trees: 3  Number of proposed street trees: 1 ENERY 40 ALONGE  Streetscape Plan submitted?: NA	Species of existing street trees: <b>PEFER TO LANDSCAPE PL.</b> T.Species of proposed street trees: <b>PEFER TO LANDSCAPE PL</b>
Required number of loading spaces: Typical angle of loading spaces: Screenwall material: Location of loading spaces on the site:	Proposed number of loading spaces:  Typical size of loading spaces:  Height of screenwall:
13. Exterior Trash Receptacles Required number of trash receptacles: Location of trash receptacles: LOWER LYL GARAGE Screenwall material: NA	Proposed number of trash receptacles: TO BE INSIDE GARAGE Size of trash receptacles: NA Height of screenwall: NA
14. Mechanical Equipment Utilities & Transformers: Number of ground mounted transformers: Size of transformers (LxWxH): NA	Location of all utilities & easements: SEE ENGINEERING & ARCHITECTURAL PLAN.
Number of utility easements: NA Screenwall material: NA	Height of screenwall: NA
Number of ground mounted units: Name of ground mounted units: Name of ground mounted units (LxWxH): Name of	Location of all ground mounted units:
Screenwall material:	Height of screenwall:
Rooftop Mechanical Equipment:  Number of rooftop units: EXISTING TO REMAIN  Type of rooftop units: OR BE REPLACED	Location of all rooftop units: NA Size of rooftop units (LxWxH): EXISTING UNITS TO REMAIN OR BE REPLACED
Screenwall material: NA.  Location of screenwalls: NA.	Height of screenwall:  Percentage of rooftop covered by mechanical units: EXET.  Distance from rooftop units to all screenwalls: EXET.
15. Accessory Buildings  Number of accessory buildings: O  Location of accessory buildings: -	Size of accessory buildings: Height of accessory buildings:

<b>16. Building Lighting</b> Number of light standards on building	SEE PHOTOMET	CICType of light standards on building: SEE PHOTOMETRIC
Size of light fixtures (LxWxH):	"	Height from grade:
Maximum wattage per fixture: Light level at each property line:	<i>II</i>	
17. Site Lighting		
Number of light fixtures: EXIST Size of light fixtures (LxWxH): T	STREET LIGHTING REMAIN .	Type of light fixtures:  Height from grade:
Maximum wattage per fixture:  Light level at each property line:		Pronosed wattage per fixture:
approved site plan. The undersignation	ng Division and / or Bu ned further states that have complied with san tion will be discussed.	l correct, and understands that it is the responsibility of ilding Division of any additional changes made to an they have reviewed the procedures and guidelines for site i.e. The undersigned will be in attendance at the Planning
Print Name: <u>SAM</u> SURNO	W	
Signature of Applicant:	and door	Date: 4/13/18
Print Name: SAM BURNO	in (	
Signature of Architect:	Offil / Only	Date: 4/13/18
Print Name: KEVIN BIDDE	<b>36</b> N	
: '	Office (	Use Only
Application #:	Date Received:	Fee:
Date of Approval:	Date of Denial:	Accepted by:

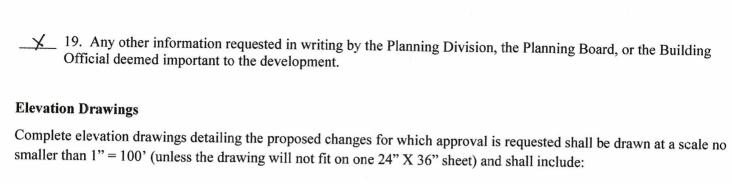
Accepted by:



# COMBINED SITE PLAN REVIEW & COMMUNITY IMPACT STUDY APPLICATION CHECKLIST PLANNING DIVISION

Applicant: SAM SURNOW Case #: Date: 4-13- R
Address: BIRMINGHAM, MI 48009 Project: THE JEFFREY
All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation
Site Plan
A full site plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1 = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:
1. Name and address of applicant and proof of ownership;
2. Name of Development (if applicable);
X 3. Address of site and legal description of the real estate;
X 4. Name and address of the land surveyor;
6. A separate location map;
7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
8. Details of all proposed site plan changes;
9. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC");
10. Existing and proposed layout of streets, open space and other basic elements of the plan;
11. Existing and proposed utilities and easements and their purpose;
2. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
13. General description, location, and types of structures on the site;
14. Details of existing or proposed lighting, signage and other pertinent development features;
15. Elevation drawings showing proposed design;
NA 16. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
17. Location of all exterior lighting fixtures;
18. A landscape plan showing all existing and proposed planting and screening materials, including the number,

size, and type of plantings proposed and the method of irrigation; and



- 20. Color elevation drawings showing the proposed design for each façade of the building;
- 21. List of all materials to be used for the building, marked on the elevation drawings;
- NA 22. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- \_\_X\_\_ 24. A list of any requested design changes;
- 25. Itemized list of all materials to be used, including exact size specifications, color, style, and the name of the manufacturer;
- 26. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- 27. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.



# Notice Signs - Rental Application Community Development

1. Applicant Name: SAM SURNOW Address: 320 MARTIN ST BIRMINGHAM, A Phone Number: 248. 877. 400 Fax Number:	1 48009 00	Property Owner  Name: CHESTER STREET PARINERS, UC  Address: 320 MARTIN ST, SUITE 100  BIRMINGHAM, MI 48009  Phone Number: 248 · 877 · 4000  Fax Number:
2. Project Information Address/Location of Property: 191 N Name of Development: THE JE Area in Acres: 0.398	FFREY	Name of Historic District site is in, if any:
3. Date of Board Review Board of Building Trades Appeals: City Commission: Historic District Commission: Planning Board:		Board of Zoning Appeals:
responsibility of the applicant to project will be reviewed by the a remains posted during the entire pay a rental fee and security de immediately following the date will be refunded when the Notice	to post the Notice Signappropriate board or read to the 15 day mandatory eposit for the Notice Softhe hearing at whice Sign(s) are returned to the Notice Sign(s) and the Notice Sign(s) and the Notice Sign(s)	e and correct, and understands that it is the n(s) at least 15 days prior to the date on which the commission, and to ensure that the Notice Sign(s) posting period. The undersigned further agrees to sign(s), and to remove all such signs on the day of the project was reviewed. The security deposit d undamaged to the Community Development for damage to the Notice Sign(s) will result in
Signature of Applicant:	Jun -	Date: 4.13.18
Application #:	Office Us	
Date of Approval:	Date of Denial:	Reviewed by:



# A SURNOW COMPANY















As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature

w. > 5

Name(s): Address: 600 Will'45



# A SURNOW COMPANY



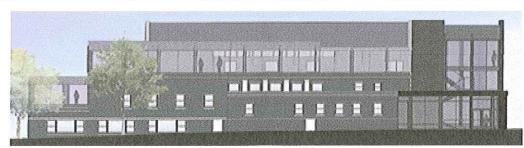












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Signature

Namo(s): Address:

DEREK HODGSON KAREN HARDY HODGSON 468 WILLITE STREET



# A SURNOW COMPANY

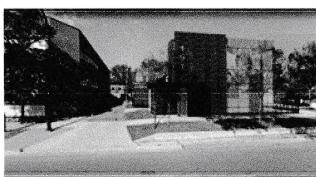


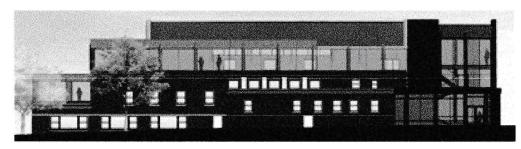












As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature On M. Stern Lawren Stein

Name(s): JONATHAN SIEIN

Lawren Stein

412 WILLITS

412 Willits

# Che

# Chester Street Partners, LLC

A SURNOW COMPANY



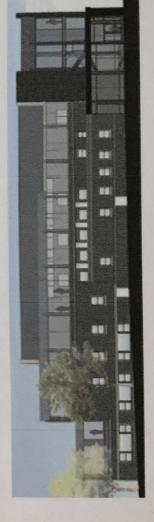












As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature And formals): Keith Pomekoy

Name(s): Keith Pomekoy Address: 548 WILLITS 5

Birmingham, MI 48009



# A SURNOW COMPANY



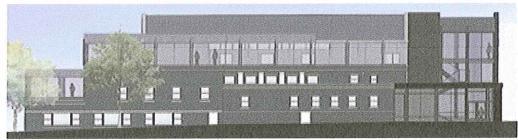












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Signature

Name(s): OTTO SOED IN

Address: 504 WILLITS ST. BIRMINGHAM, MI 48009

Esilva Soedeng



# A SURNOW COMPANY















As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature rick cohen Name(s): Address: 382 Willits



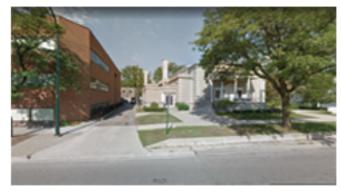
# A SURNOW COMPANY















As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature Topico m W

Name(s):

Address: 532 Willits 3/13/18



# A SURNOW COMPANY















As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Signature

Name(s): STUART M KAUFMAN

Address: 424 WILLITS



# A SURNOW COMPANY



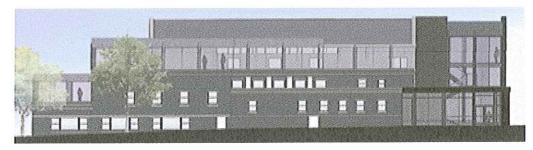












As a neighbor to the office development on 191 N Chester Street, we support the proposed changes to the plan which are shown above, and look forward to The Surnow Company's completion of this iconic project.

Name(s):
Address: Susan Martin
487 Willily of
Branghy MI 48009

# Section 2. Proof of Ownership

# **Property Transfer Affidavit**

This form is issued under authority of P.A. 415 of 1994. Filing is mandatory.

This form must be filed whenever real estate or some types of personal property are transferred (even if you are not recording a deed). The Affidavit must be filed by the new owner with the assessor for the city or township where the property is located within 45 days of the transfer. The information on this form is NOT CONFIDENTIAL.

Street Address of Property     191 Chester Street		2. County Oakland		3. Date of Transfer (or land contract signed) April 30, 2015
4. Location of Real Estate (Check appropriate field and enter name in the space			5. Purcha	ase Price of Real Estate
City Township	Village	•	\$300,0	
Birmingham		6. Seller's (Transferor) Name First Church of Christ Scientist, Birmingham, MI		
7. Property Identification Number (PIN). If you don't have			8. Buyer:	s (Transferee) Name and Mailing Address r Street Partners, LLC
PIN. This number ranges from 10 to 25 digits. It usual letters. It is on the property tax bill and on the assessment	ally includes hyphens and	sometimes includes	320 Ma	r Street Partners, LLC rlin, Suite 100
19-25-356-023	ent notice,		Birmingham, MI 48009	
		į	9. Buyer's (Transferee) Telephone Number 248-865-3000	
Items 10 - 15 are optional. However, by comp	leting them you may	avoid further corre	sponden	ce.
10. Type of Transfer. <u>Transfers</u> include deeds, tand con  Land Contract  Lease			long-term to	٦
		Deed		Other (specify)
11. Was property purchased from a financial institution?	1 —	15-31		13. Amount of Down Payment
Yes No	Yes	₩ No		4.4.5
14. If you financed the purchase, dld you pay market rat  Yes  No	te of interest?	15. Amount Fir	nanced (Bo	prowed)
	<del></del>			
EXEMPTIONS	<u> </u>			
Certain types of transfers are exempt from uncapping. If you believe this transfer is exempt, indicate below the type of exemption you are claiming if you claim an exemption, your assessor may request more information to support your claim.  Transfer from one spouse to the other spouse  Change in ownership solely to exclude or include a spouse  Transfer between certain family members "(see page 2)  Transfer of that portion of a property subject to a life lease or life estate (until the life lease or life estate expires)  Transfer to effect the foreclosure or forfeiture of real property  Transfer by redemption from a tax sale  Transfer into a trust where the settlor or the settlor's spouse conveys property to the trust and is also the sole beneficiary of the trust  Transfer resulting from a court order unless the order specifies a monetary payment  Transfer creating or ending a joint tenancy if at least one person is an original owner of the property (or his property to establish or release a security interest (collateral)  Transfer to establish or release a security interest (collateral)  Transfer of real estate through normal public trading of stocks  APR 3 0 2015  Transfer resulting from transactions that qualify as a tax-free reorganization  CITY OF BIRMINGHAM  Transfer of qualified agricultural property when the property remains qualified agricultural property and prope				
Transfer of qualified forest property when	the property remains o	qualified forest prop	erty and a	affidavit has been filed.
Transfer of land with qualified conservation	n easement (land only	- not improvements	;)	
Other, specify:				
CERTIFICATION		<del></del>		
I certify that the information above is true and con	inplete to the best of n	ıy knowledge.	<del>-</del>	
Signature				Date
11-11-				April <u>30</u> , 2015
Name and title, if signer is other than the owner Sam Surnow, President	Daylime Phone Number 248-865-3000			E-mail Address sam@surnow.com

OAKLAND COUNTY TREASURERS CERTIFICATE This is to certify that there are no delinquent property taxes as of this date cwed to our office on this property. No representation is made as to the status of any taxes, tax flens or titles owed to any other entities.

h

, 0<sub>3889</sub>

MAY 1 9 2015

ANDREW E. MEISNER, County Treasurer Sec. 135, Act 206, 1893 as amended 134343
LIBER 48352 PAGE 580
\$10.00 DEED - COMBINED
\$4.00 REMONUMENTATION
07/02/2015 09:09:34 A.M. RECEIPT# 77692
PAID RECORDED - DAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

# WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That FIRST CHURCH OF CHRIST, SCIENTIST, BIRMINGHAM, MICHIGAN, a Michigan Ecclesiastical Association ("Seller"), whose address is 191 North Chester Street, Birmingham, Michigan 48009 conveys and warrants to CHESTER STREET PARTNERS, LLC, a Michigan limited liability company, whose address is 320 Martin Street, Suite 100, Birmingham, Michigan 48009 ("Purchaser"), the following described premises in the City of Birmingham, Oakland County, Michigan:

The North 96.50 feet of Lots 14, 15 and 16 of Willets Addition to the City of Birmingham according to the plat thereof as recorded in Liber 3 of Plats, Page 6, Oakland County Records.

TAX PARCEL ID: 19-25-356-023

COMMON ADDRESS: 191 North Chester Street, Birmingham, Michigan 48009

For the full consideration of: See attached Real Estate Transfer Tax Valuation Affidavit.

subject to easements and building and use restrictions of record, and subject to the lien of taxes not yet due and payable. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act. The grantor grants to the grantee the right to make ALL division(s)under section 108 of the land division act, Act No. 288 of the Public Acts of 1967.

Dated: April 30, 2015

Grantor:

FIRST CHURCH OF CHRIST, SCIENTIST, BIRMINGHAM, MICHIGAN, a Michigan Ecclesiastical Association

Whitwey Shapla State of Michigan its Chairmon

County of Oakland

Acknowledged before me in Oakland County, Michigan, on April 30, 2015, by White Shapland, the Chairman of the First Church of Christ, Scientist, Birmingham, Michigan.

Notary Public

Oakland County, Michigan

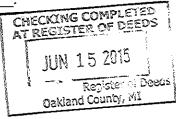
My commission expires <u>May 11, 2016</u>

Acting in Oakland County

When recorded return to Grantee.

DRAFTED BY:

Jay N. Siefman 320 Martin, Suite 120 Birmingham, Michigan 48009 248-851-2288 jay@siefman.com LADA H. SHATHAYA
Notary Public, State of Michigan
County of Oakland
My Commission Expires May, 11, 2016
Acting in the County of Additional



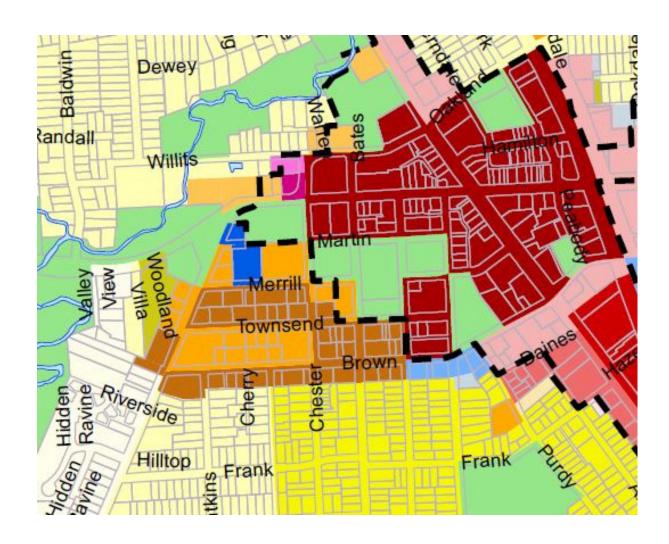
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# Section 3. Vicinity Map

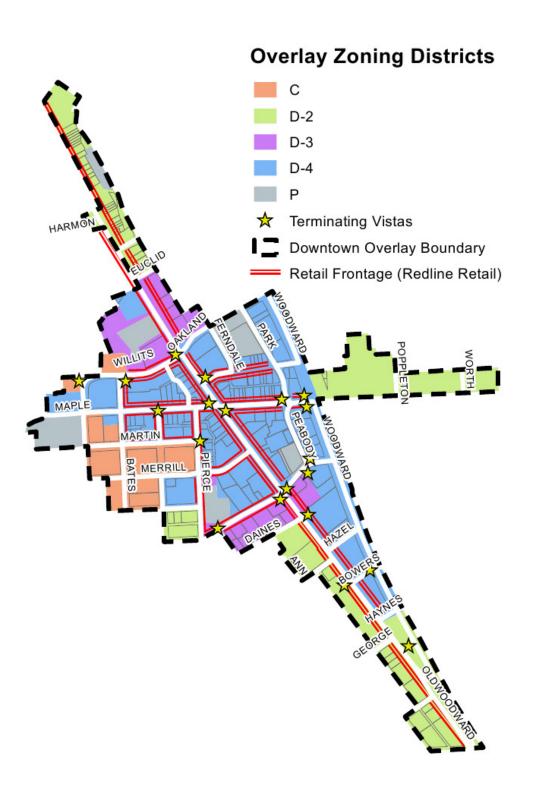


# Section 4. Birmingham Zoning Map – Current Zoning TZ2



### **Zoning Districts**





Section 5. C.I.S. Checklist - Supplemental Information

Section 6. Zoning Requirements – (see section 4 and survey)

Section 7. Noise Impact Study

Section 8. Traffic Impact Study

Section 9. Phase 1 Environmental Site Assessment

Section 10. Soils Investigation

Section 11. Air Quality Information

### Section 5 CIS Checklist Supplemental Information

The Jeffrey 191 N Chester Birmingham, MI 48009

### **Combined CIS and Site Plan Review Supplemental Information**

### **General Information**

- Name and address of applicant and proof of ownership;
   See Section 2
- Name of Development (if applicable);The Jeffrey
- 3. Address and Legal description
  191 N Chester Birmingham, MI 48009
  See survey for legal description
- 4. Name and address of the land surveyor; Nowak & Fraus Engineers 46777 Woodward Ave, Pontiac, MI 48342 (248) 332-7931
- 5. Legend and notes, including a graphic scale, north point, and date; **See Site Plan**
- 6. A separate location map;

Please refer to Section 3 for Vicinity and sheet SP.100b and SP.100c for Location map

7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;

Please refer to Section 4 for Zoning Map

- 8. Details of all proposed site plan changes
  - Removal of existing porch and existing entry on the east.
  - Addition of new lobby and entry to the property line (east)
  - Addition of new office space to the west (no additional building footprint)
  - Addition of garage entry to the north.
  - Grading and landscaping to meet city of Birmingham requirements.

### Planning & Zoning Issues

9. Recommended land use of the subject property as designated on the future land use map of the City's Master Plan;

Current Zoning TZ2; See section 4

- 10. Goals and objectives of the city's Master Plans that demonstrate the city's support of the proposed development;
  - Proposed project is to be constructed within the boundaries of the Birmingham Overlay District and implement the Downtown Birmingham Plan
  - Proposed project encourages a form of development that will achieve the physical qualities necessary to enhance the economic vitality of Downtown Birmingham
  - Previously site plan approved two- story front addition is built to the width and property line as required under the TZ2 zoning
  - The proposed additions on the west do not increase the existing building footprint and are in keeping with the proposed front addition
- 11. Whether or not the project site is located within an area of the city for which an The Planning Board in which special design has adopted urban Design Plan criteria or other supplemental development requirements apply;

  Yes
- 12. The current zoning classification of the subject property; Current zoning of the subject property is TZ2. Property will conform to this zoning.
- 13. The zoning classification required for the proposed development; **TZ2**
- 14. The existing land uses adjacent to the proposed project: **TZ3, R7, R1**
- 15. Complete the attached "Zoning Requirements Analysis" chart; **Refer to Section 4**

### **Land Development Issues**

16. A survey and site drainage plan;

Refer to the enclosed engineering plans of the site

17. Identify any sensitive soils on site that will require stabilization or alteration in order to support the proposed development:

### No sensitive soils

- 18. Whether or not the proposed development will occur on a steep slope, and if so, the measures that will be taken to overcome potential erosion, slope stability and runoff; Refer to enclosed paving, grading and soil erosion plan. During construction of the building, care will be taken to prevent sediment laden soils from leaving the site by employing soil erosion best management techniques.
- 19. The volume of excavated soils to be removed from the site and /or delivered to the Site, and a map of the proposed haul routes;

Approximately 970 CY of in-place soils will be removed from the site for the construction of the new addition on the east. Refer to attached haul route map at the end of this section.

20. Identify the potential hazards and nuisances that may be created by the proposed development and the suggested methods of mitigating such hazards; **No potential hazards and nuisances.** 

### **Private Utilities**

- 21. Indicate the source of all required private utilities to be provided;
  - Refer to the enclosed utility plan of the site
  - Electricity, Natural and cable/telephone services existing to remain
- 22. Provide verification that all required utility easements have been secured for necessary private utilities:

Refer to the enclosed utility plan of the site.

### Noise Levels

23. Provide a reading of existing ambient noise and estimated future noise levels on the site:

Included in the Appendix is a study completed by Kolano and Saha Consulting Engineers for Sound Level Measurements and Noise Impact Assessment,

24. Indicate whether the project will be exposed to or cause noise levels which exceed those levels prescribed in Chapter 50, Division 4, Section 50-71 through 50-77 of the Birmingham City Code, as amended:

The Noise Impact Assessment Study prepared for the property concludes that the proposed development will be able to comply with the Birmingham Noise Ordinance limits.

25. Indicate whether the site is appropriate for the proposed activities and facilities given the existing ambient noise and the estimated future noise levels of the site:

Based on the information provided the Noise Impact Assessment study through deliberate effort to minimize noisy equipment, the proposed development will be able to comply with the Birmingham Noise Ordinance limits

### **Air Quality**

26. Indicate whether the project is located in the vicinity of a monitoring station where air quality violations have been registered and, if so, provide information as to whether the project will increase air quality problems in the area:

The property is located in the Southeast Michigan Air Quality District. The monitoring station is located in Oak Park. Current Ambient Air Quality Standards are under existing minimum standards as set forth by the EPA.

27. Indicate if the nature of the project or its potential users would be particularly sensitive to existing air pollution levels and, if so, indicate how the project has been designed to mitigate possible adverse effects;

The development is consistent with the other downtown Birmingham projects. HVAC equipment units will have filters and the exhausts will be designed to meet all current code requirements.

**28**. Indicate whether the proposal will establish a trend which, if continued, may lead to violation of air quality standards in the future;

We do not anticipate that the development will establish a trend that will adversely affect air quality within the Downtown District.

29. Indicate whether the proposed project will have parking facilities for more than 75 cars and indicate percentage of required parking that is proposed;

The proposed development will have (3) outdoor and (8) indoor parking spaces located in the parking garage. The code requires no parking spaces to be provided.

# **Environmental Design and Historic Values**

30. Indicate whether there will be demonstrable destruction or physical alteration of the natural or human made environment on site or in the right of way (ie. clearance of trees, substantial regrading etc.);

Refer to enclosed engineering site plans.

The sidewalks and streetscape on Chester and Willits will be rebuilt to the appropriate standards.

Willits will have a new garage entrance drive.

31. Indicate whether there will be an intrusion of elements out of character or scale with the existing physical environment (ie. significant changes in size, scale of building, floor levels, entrance patterns, height, materials, color or style from

that of surrounding developments);

No

32. Indicate all elements of the project that are eligible for LEED points if the building were to be LEED certified:

We have determined that LEED certification will not be a part of this development.

33. Indicate whether the proposed structure will block or degrade views, change the skyline or create a new focal point;

The structure will not degrade views. We believe that the building will create a new focal point. Letters from neighbors approving new views are attached as a part of the application.

34. Indicate whether there will be objectionable visual pollution introduced directly or indirectly due to loading docks, trash receptacles or parking, and indicate mitigation measures for same;

We are requesting a variance from the loading dock requirement. Trash receptacles and recycling are located within the building and will not cause visual pollution. Indoor parking is accessed by a new entry/exit from Willits St.

35. Indicate whether there will be an interference with or impairment of ambient conditions necessary for the enjoyment of the physical environment (ie. vibration, dust, odor, heat, glare etc.);

The proposed development will not generate abnormal vibrations, dust, odor, heat, glare or other noxious elements that would prohibit enjoyment of the existing environment.

36. Indicate whether the project area and environs contain any properties listed on the National Register of Historic Places or the city's inventory of historic structures:

This property does not appear on the National Register of Historic Places or the City's Inventory of historic structures.

37. Provide any information on the project area that the State Historic Preservation Office (SHPO) may have:

We are not aware of the property appearing on the SHPO

38. Indicate whether there will be other properties within the boundaries or in the vicinity of the project that appear to be historic and thus require consultation with the SHPO as to eligibility for the National register;

No surrounding properties appear to be historic.

39. Indicate whether the Department of the Interior has been requested to make a determination of eligibility on properties the SHPO or HDC deems eligible and affected by the project;

There is no indication that the Department of the Interior has been requested to make a determination on the historic value of the surrounding properties.

40. Provide proof that the HDC has been given an opportunity to comment on properties that are listed on or have been found eligible for the National Register and which would be affected by the project;

**Does Not Apply** 

### Refuse

41. Indicate whether the existing or planned solid waste disposal system will adequately service the proposed development including space for separation of recyclable materials;

Space for refuse and recycling areas for the building occupants will be provided as per standards of the city and area.

42. Indicate whether the design capacity of the existing or planned solid waste disposal system will be exceeded as a result of the project:

Solid waste generated from this facility will be standard and can be handled easily by local waste management companies

43. Indicate whether existing or planned waste water systems will be able to adequately service the proposed development:

Yes. The existing sewer service flow basis of design and capacity of the combined sewer has been reviewed and confirmed by the City Engineer.

44. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

It is not anticipated that the design capacity of the municipal combined sewer will be exceeded by the development.

45. Indicate the elements of the project that have been incorporated to reduce the amount of water entering the sewer system (such as low flush toilets, Energy Star appliances, restricted flow faucets, greywater recycling etc.);

Building design will incorporate restricted flow plumbing fixtures and Energy Star appliances wherever possible.

### Storm Sewer

46. Indicate whether existing or planned storm water disposal and treatment systems will adequately serve the proposed development:

Yes

47. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

It is not anticipated that the design capacity of the municipal sewer system will be exceeded by the proposed development.

48. Indicate the elements of the project that have been incorporated to reduce the amount of storm water entering the sewer system (such as the use of pervious concrete, rain gardens, greywater recycling, green paved etc.):

All care will be taken by ownership to use appropriate storm water management techniques, in accordance with the Birmingham Storm water Ordinance. http://www.bhamgov.org/government/departments/treasury/storm\_water\_utility\_ordinance.php

#### **Water Service**

49. Indicate whether either the municipal water utility or onsite water supply system is adequate to serve the proposed project;

Existing domestic system to be adequate; new fire suppression system to be added.

50. Indicate whether the water quality is safe from both a chemical and bacteriological standpoint;

The latest published water quality report can be found at the following address: http://www.bhamgov.org/document\_center/Engineering/2015\_Water\_Quality%20Report.pdf

51. Indicate whether the intended location of the service will be compatible with the location and elevation of the main;

Existing system to remain or be relocated

# **Public Safety**

52. Whether or not the project location provides adequate access to police, fire and emergency medical services:

Building is directly on Chester and Willits Street right of way line and offers direct access for emergency personnel.

53. Whether or not the proposed project design provides easy access for emergency vehicles and individuals (ie. are there obstacles to access, such as one way roads, narrow bridges etc.);

Project located on corner of on Chester and Willits Street with direct access to all local arteries.

54. Whether or not there are plans for a security system which can be expanded, and whether approval for same has been granted by the police department;

A security system is proposed. Approval upon review to meet all police department requirements.

55. Detailed description of all fire access to the building, site, fire hydrants and water connections;

Fire department connection to be coordinated per fire department; Full fire suppression throughout; Access to all floors via fire stairs and elevators; Full state of the art alarm system

- 56. Whether or not there are plans for adherence to all city and N.F.P.A. fire codes: **All NFPA codes will be followed.**
- 57. Proof that one elevator has been designed to accommodate a medical cart: **New Elevator to accommodate a medical cart**
- 58. Detailed specifications on all fire lanes/parking lot surfaces/alleys/streets to demonstrate the ability to accommodate the weight of emergency / fire vehicles; **Existing street access, concrete parking lot surfaces**
- 59. Detailed description of all fire suppression systems: **To be submitted with Construction Documents**
- 60. Provide completed FORM A –Transportation Study Questionnaire (Abbreviated); See Traffic Impact Assessment as prepared by Stonefield engineering.
- 61. Provide completed FORM B Transportation Study Questionnaire if required by the city's transportation consultant; See Traffic Impact Assessment as prepared by Stonefield engineering. Does not apply if absent in the study
- 62. Indicate whether transportation facilities and services will be adequate to meet the needs of all users (i.e. access to public transportation, bicycle accommodations, pedestrian connections, disabled, elderly etc.);
- Bus Stop is located in close proximity on Maple
- A Bike rack will be provided to accommodate (2) bikes
- Pedestrian access available at Chester and Willits St.
- Full Barrier free access to all levels of the building
- 63. Indicate how the project will improve the mobility of all groups by providing transportation choices;

Occupants and visitors can easily access the facility by foot via sidewalks, by car from parking on the street or from nearby parking deck and by bus. A Bike rack will be provided for bikers. The building is located adjacent to the city's neighborhood connector route.

64. Indicate how the users of the building will be encouraged to use public transit and non motorized forms of transportation;

A Bus stop is in close proximity on Maple. A Bike rack will be provided on site for occupants and visitors. The Bike rack will be consistent with Birmingham city standards.

65. Indicate the elements that have been incorporated into the site and surrounding right-of-way to encourage mode shift away from private vehicle trips;

# A Bus stop in close proximity on Maple. A Bike rack on site will be provided for (2) bikes

66. Indicate the elements of the project that have been provided to improve the comfort and safety of cyclists (such as secured or covered bicycle parking, lockers, bike lanes/p aths, bicycle share program etc.);

# A Bike rack will be provided on site for (2) bikes

- 67. Indicate the elements of the project that have been provided to improve the comfort and safety of pedestrians (such as wheelchair ramps, crosswalk markings, pedestrian activated signal lights, bulb outs, benches, landscaping, lighting etc.);
- Wheelchair and all barrier free access provided
- Access route developed north and east of building including planters and trees
- The building is located adjacent to the city's neighborhood connector route.
- 68. Indicate the elements of the project that have been provided to encourage the use of sustainable transportation modes (such as receptacles for electric vehicle charging, parking for scooters/Smart cars etc.):

#### Not at this time

69. Indicate whether there are any visual indicators of pond and / or stream water quality problems on or near the site;

# **Not Applicable**

70. Indicate whether the project will involve any increase in impervious surface area and if so, indicate the runoff control measures that will be undertaken:

Refer to the enclosed survey and drainage plans paving plans of the site.

71. Indicate whether the project will affect surface water flows on water levels of ponds or other water bodies:

It is not anticipated that the development will impact any existing surface water flows of ponds or other water bodies.

72. Indicate whether the project may affect or be affected by a wetland, flood plain, or floodway;

It is not anticipated that the development will be impacted or propose impact an existing wetland, floodplain, or floodway. Refer to the enclosed engineering site plans

73. Indicate whether the project location or construction will adversely impact unique natural features on or near the site:

It is not anticipated that the development will be impact or propose impact an existing unique natural features on or near the site.

74. Indicate whether the project will either destroy or isolate a unique natural feature from public access;

Current site is private and the development will not impede the public access to amenities that surround it.

75. Indicate whether any unique natural feature will pose safety hazards for the proposed development;

No existing natural feature will pose any safety hazards for the development.

76. Indicate whether the project will damage or destroy existing wildlife habitats; **Proposed project will not destroy and existing wildlife or habitats** 

#### Other Information

77. Any other information as may reasonably be required by the city to assure an adequate analysis of all existing and proposed site features and conditions.

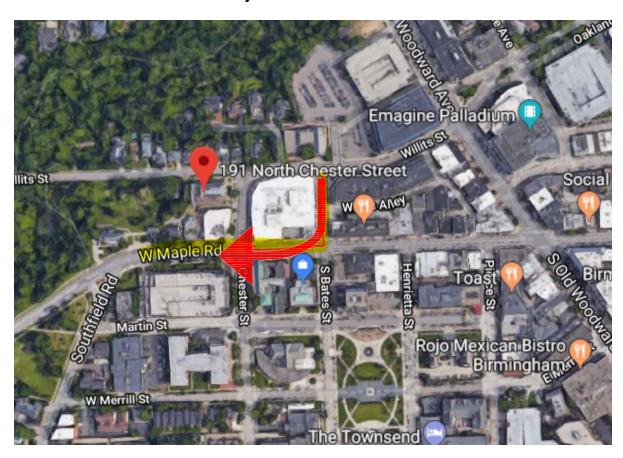
Our office will be happy to supply all additional requested information by the city.

#### **Professional Qualifications**

The preparer(s) of the CIS must indicate their professional qualifications, which must include registration in the state of Michigan in their profession where licensing is a state requirement for the practice of the profession (i.e. engineer, surveyor, architect etc.). Where the state does not require licensing (ie. planner, urban designer, economist etc.), the preparer must demonstrate acceptable credentials including, but not limited to, membership in professional societies, university degrees, documentation illustrating professional experience in preparing CIS related materials for similar projects.

#### Kevin Biddison, AIA

# **HAUL ROUTE MAP- The Jeffrey**





April 25, 2018

Ms. Julie Knoll, P.E. Fleis & VanDenbrink 27725 Stansbury Blvd. Suite 195 Farmington Hills, Mi. 48334

Re: 191 Chester Street - The Jeffery

Community Impact Statement and Traffic Study

Dear Ms. Knoll,

Please review the item by item response to your review and questions regarding the above referenced project.

#### Community Impact Study:

- Adjacentcy to the City's neighborhood connector route is so noted and has been added to the CIS as requested.
- 2. A single bike rack consistent with City Standards will be provided which will handle two bikes and will be more than enough to provide space for those who wish to ride a bike to work. The Post Office building at 320 Martin Street, which Mr. Surnow also owns and resides in, is the same square footage with a single City bike rack out front on the sidewalk, which has proven to more than service the needs of that building.
- 3. The current site is very tight and does not provide for additional areas that could be designated strictly for pick up and drop off for ride sharing. Since the front entry of the building faces Chester and is located at the sidewalk we feel that those few in this small building who might be ride sharing would have access to the City parking directly in front of the building for this pick up and drop off.
- 4. We can review the possibility of bike parking inside the garage but due to the very tight nature of that area for the purpose for which it was intended it might not be possible. However since we are providing one bike rack for both occupants and visitors it will need to be on site not in the garage.
- 5. The cross walk at the corner of Maple and Chester is currently in place. This gives access from the downtown area and the Chester Street Parking structure, which is where the majority of the buildings occupants and visitors will park and walk to the building. No other street crossing points exist, any future crosswalk at the Willits and Chester corner would be provided by the City of Birmingham.

#### Traffic Impact Study:

Refer to the attached response from Stonefield Engineering.

#### Site Plan:

- 1. The proposed ADA ramp on the Corner of Willits Street was a requirement discussed with the City of Birmingham Building and Engineering Departments on site and was provided at their request to give ADA accessibility to an existing non-compliant corner for use for a future pedestrian cross walk. Any crosswalk development to the north side of Willits will be provided by the City of Birmingham in the future it is not part of our project work.
- 2. The existing ADA parking space and access to the building has been reviewed and approved but the City of Birmingham Engineering Department and was designed in conjunction with them.



3. ADA access from the garage will be provided via the new elevator on the lower level. If the building becomes a multi- tenant facility a corridor would be provided from the garage into the common areas of the building to allow for direct access to the elevator. In addition the front entry of the building on Chester Street will provide grade level access into the building which will be provided with an internal ADA ramp along with the elevator to provide access to all levels of the building.

Thank you for your input on this project we look forward to seeing it service the community in a positive way as it is redeveloped. If you have any further questions or concerns please do not hesitate to contact me.

Sincerely,

Kevin Biddison, AIA Biddison architecture



# Kolano and Saha Engineers, Inc.

Consultants in Acoustics, Noise and Vibration

2018-078 April 13, 2018

Mr. Kevin Biddison Biddison Architecture 320 Martin Street, Suite 10 Birmingham, MI 48009

Subject: Birmingham CIS - Sound Level Measurements and Noise Impact Assessment

re: The Jeffrey at 191 N Chester Street

Birmingham, MI

Dear Mr. Biddison:

At your request and authorization Kolano and Saha Engineers, Inc. (K&SE) conducted an investigation to review the environmental noise associated with the proposed remodel and expansion at 191 N Chester Street. This investigation includes a review of the measurements at the development site to understand the current ambient noise condition with an evaluation of the proposed development to help assess if noise associated with this development will be compatible at this location.

#### **On-Site Sound Level Measurements**

We conducted measurements using a Brüel & Kjær 2270 environmental noise analyzer with a precision outdoor microphone assembly. This instrumentation was calibrated before and after measurements using an acoustic calibrator traceable to the National Institute for Standards and Technology. It was set to measure for a continuous period from April 11<sup>th</sup> starting at 12:00 PM to April 12 at 4:00 PM. The measurement equipment was located approximately 20 feet south of the closest lane of Willits Street and approximately 90 feet west of the closest lane of Chester Street. The measurements were conducted at an elevation of approximately 7 feet above ground. The location of this measurement position is detailed in **Exhibit 1**.

The results of the measurements are presented in a graph of sound level versus time in **Exhibit 2**. This graph contains two plot lines; the 5 minute  $L_{eq}$  (energy average level), the hourly  $L_{eq}$  and the daytime and nighttime averaged sound levels. Note that the daytime averaged sound level does not include the public warning system siren sound level as this noise source is excluded from the ordinance noise limitations and is intentionally loud for the public welfare. The sources of noise in the sound levels measured were primarily from local traffic on Willits and N Chester Streets with some contribution from construction activities related to the renovation of the 191 N Chester Street building. Sound levels in this area are generally quieter than other location in Birmingham where more traffic and people are present such as along the Woodward, Old Woodward corridors and other major thoroughfares.

## City of Birmingham Noise Ordinance

The City of Birmingham addresses noise in their ordinance under *Part II – City Code*, *Chapter 50 – Environment*, *Article II. Nuisances*, *Division 4 – Noise*. This ordinance provides information of Definitions, general prohibitions, specific prohibitions, decibel level prohibitions, general exemptions and test procedures. The objective limits cited in this ordinance (as Table 1) are:

Use of Property Producing the Sound	Use of Property Receiving the Sound	Sunday to Saturday 7:00 a.m. to 7:00 p.m.	Sunday to Saturday 7:00 p.m. to 7:00 a.m.
Residential	Residential	75	60
Commercial	Residential	80	60
Residential	Commercial	80	60
Commercial	Commercial	90	75

Exemptions to these limits include power equipment operations between 7AM and 7PM that do not exceed 100 dB(A) at or beyond the property line, construction noise between 7AM and 7PM Monday-Saturday excluding holidays (with additional provisions), and snow removal which does not exceed 90 dB(A) at or beyond the property line.

Properties to the north and to the west are residential and have noise limits of 80 dB(A) daytime and 60 dB(A) nighttime. Property to the south and east are commercial and have noise limits of 90 dB(A) daytime and 75 dB(A) nighttime. Using the daytime and nighttime average sound levels (54 dB(A) and 48 dB(A) respectively) as maximum noise level design goals can help maintain the current sound environment and help minimize additional impact to the adjacent community.

#### **Proposed Development Noise Impact**

From a noise perspective, the proposed renovation and expansion for the proposed office building is generally similar to other office buildings in Birmingham. The site of the building is directly adjacent to residential properties to the north. Based upon the results of the 24 hour site noise measurements, the residents of these homes are likely used to a quieter environment than other properties located closer to major thoroughfares in the city. As a result, deliberate attention should be given to the noise control of building-related mechanical and electrical services to help minimize undue noise impact to the adjacent residents.

The renovation and expansion of the three-level building is expected to be used for office lease space. The Lower Level is planned to have a new parking garage with 8 vehicle spaces, office lease space, a storage room, a mechanical room and the new expanded area to the east being used for a lounge and patio. The First Floor is planned to be office lease space with a new lobby in the expanded area. The Second Floor is planned to be office lease space. The sources of noise expected from the building include:

## Heating and Cooling Mechanical Systems

Based on communications with you for this project, it is our understanding that residential size heating and air conditioning systems is expected for each of the levels. These systems are expected to have condenser-compressor units outdoors for cooling during warm weather. The high-efficiency versions of these types of units are generally quieter and less likely to be significant sources of noise. However, even the low-noise versions of these units should be carefully located on the site to minimize noise transmission to adjacent residential properties.

## Below Grade Parking Exhaust Fans

To ventilate vehicle exhaust gasses, one or more fans are expected for the lower level enclosed parking. Careful selection and location of these fans can help minimize any adverse noise impact created by their operation. Mixed flow style fans with variable speed drives tend to be less noisy, though noise control elements should also be considered to help minimize noise impact to local residents as well as occupants of The Jeffrey.

# **Emergency Power Generator**

It is not clear at this point whether or not an emergency power generator will be required for this building. If included, a generator has the potential for excessive noise. With proper location selection, provisions for adequate generator noise controls and exhaust muffling, and minimal actual operation time (weekly or bimonthly maintenance cycles are normally expected), we expect that a generator can be made to comply with the ordinance and create minimal noise impact. Considering noise impact, the optimal location of the generator may be to the south of the building toward the east side.

## **Conclusion**

Based on the information we have been provided and deliberate effort to minimize noisy equipment, we anticipate that the proposed development will be able to comply with the Birmingham Noise Ordinance limits.

Mr. Biddison, should you have questions or need additional assistance on this matter, do not hesitate to call.

Sincerely,

KOLANO AND SAHA ENGINEERS, INC.

Darren Brown, P.E. INCE Board Certified

Consultant

# **EXHIBIT 1**

# 191 N CHESTER STREET AERIAL SITE VIEW DETAILING SOUND LEVEL MEASUREMENT LOCATION

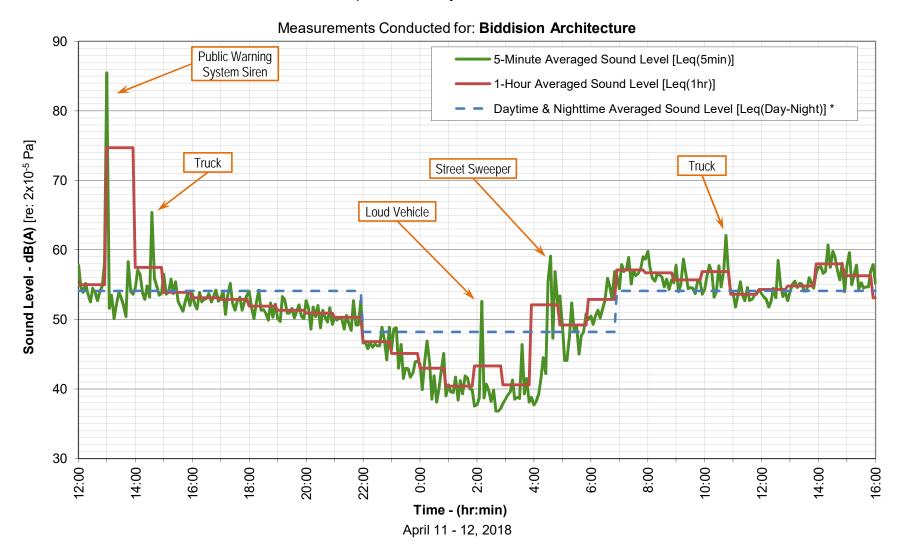


Project No.: 2018-078

#### **EXHIBIT 2**

#### **Ambient Sound Levels at 191 N Chester Street**

Measured 20 Feet South of Willits Street and 90 Feet West of N Chester Street; Sound is predominantly from local vehicle traffic



<sup>\*</sup>The daytime average sound level does not include the public warning system siren.

# Traffic Impact Assessment of Proposed Renovation and New Addition For

# THE JEFFREY

191 North Chester Street Birmingham, Michigan 48009

Prepared For:
Kevin Biddison, AIA
Biddison Architecture + Design
320 Martin Street, Suite 10
Birmingham, MI 48009

Applicant Information:
Sam Surnow
320 Martin Street, Suite 100
Birmingham, MI 48009

Prepared: April 12, 2018 Revised: April 25, 2018

**STONEFIELD** 



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# **TECHNICAL APPENDIX**

- I. Professional Resume
- 2. City of Birmingham Traffic Impact Assessment Form (Form A)
- 3. Stopping Sight Distance at Site Driveway
- 4. Excerpts from City's Multi-Modal Transportation Plan
- 5. SMART Bus Stops & Routes in Site Vicinity
- 6. SEMCOG Traffic Volume Data



#### **Executive Summary**

The Applicant is proposing to renovate the existing First Church of Christ Scientist building to provide a three (3)-floor office building. The proposed building would provide approximately 24,702 square feet of gross floor office space, and parking would be provided via a ground-level parking garage and existing on-site parking. Construction and full occupancy is expected by 2020.

Existing access is provided via one (1) curb-cut along Willits Street servicing three (3) right-angle parking spaces. Under the proposed development program, an additional curb-cut along Willits Street would be constructed providing access to a gated parking area on the lower level of the building, which would provide eight (8) parking spaces. The existing three (3) right-angle parking spaces are proposed to remain as-is. The site is located within the parking assessment district, and as such, no parking is required for the proposed development. To provide a conservative analysis, all of the new vehicular traffic to the site was routed to use the gated access point, however it is anticipated that a portion of the parking demand generated by the site would utilize public parking spaces in the City of Birmingham.

This Traffic Impact Assessment was prepared by Stonefield Engineering & Design, LLC, utilized the City of Birmingham's Traffic Study Questionnaire (Form A), as well as accepted traffic engineering practices for Traffic Impact Assessments.

The key findings and conclusions developed in this study are as follows:

- 1. The site driveway of the proposed office building is projected to generate eight (8) vehicle trips during the weekday morning peak hour (8 in, 0 out) and eight (8) vehicle trips during the weekday evening peak hour (0 in, 8 out). Along the total roadway network, the proposed office building is projected to generate an increase of 44 vehicle trips during the weekday morning peak hour (39 in, 5 out) and an increase of 21 trips during the weekday evening peak hour (1 in, 21 out) as compared to the existing development.
- 2. The traffic generated by the site would be dispersed throughout the roadway network as a majority of the site-generated traffic would likely need to park in public parking areas.
- 3. The proposed development would further the City's Multi-Modal Transportation Plan by providing an ADA-accessible ramp at the intersection of Willits Street and Chester Street, replacing an existing non-accessible staircase at the intersection.
- 4. The proposed development would further the City's Multi-Modal Transportation Plan by extending the sidewalk along Willits Street to the edge of the property, providing a location for a future sidewalk connection on the neighboring property to the west.
- 5. No roadway lane improvements are warranted by the proposed development.
- 6. There would be II parking spaces provided on-site. As the site is located within the parking assessment district, the proposed development is not required to provide parking on-site. It is anticipated that a portion of the site's parking demand would be satisfied utilizing public parking on-street and within parking garages.



#### Introduction

The Applicant is proposing to renovate the existing First Church of Christ Scientist building to provide a three (3)-floor office building. The proposed building would provide approximately 24,702 square feet of gross floor office space, and parking would be provided via a ground-level parking garage and existing on-site parking. The subject property is located at the southwest quadrant of the intersection of North Chester Street and Willits Street in the City of Birmingham, Oakland County, Michigan. The site location is shown on **Figure 1**. The subject property Parcel Identification Number (PIN) is designated as 19-25-356-023. The site has approximately 116 feet of frontage along Chester Street and 180 feet of frontage along Willits Street. The existing site is presently developed with a two (2)-story building previously occupied by the First Church of Christ Scientist. Construction and full occupancy is expected by 2020.

Existing access is provided via one (I) curb-cut along Willits Street servicing three (3) right-angle parking spaces. Under the proposed development program, an additional curb-cut along Willits Street would be constructed providing access to a gated parking area on the lower level of the building, which would provide eight (8) parking spaces. The existing three (3) right-angle parking spaces are proposed to remain as-is. The site is located within the parking assessment district, and as such, no parking is required for the proposed development. To provide a conservative analysis, all of the new vehicular traffic to the site was routed to use the gated access point, however it is anticipated that a portion of the parking demand generated by the site would utilize public parking spaces in the City of Birmingham.

This Traffic Impact Assessment was prepared by Stonefield Engineering & Design, LLC, and utilized the City of Birmingham's Traffic Study Questionnaires (Form A), as well as accepted traffic engineering practices for Traffic Impact Assessments.

#### **Existing Conditions**

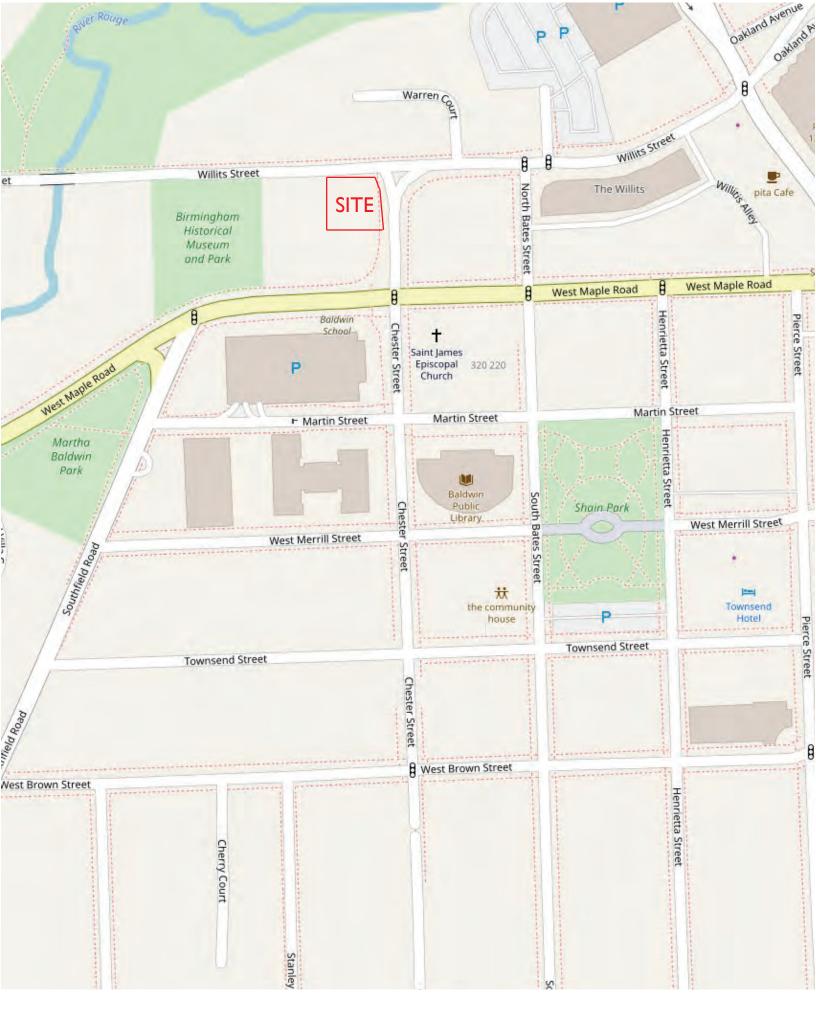
#### Roadway Characteristics

Chester Street is located along the easterly side of the property with a general north-south orientation and generally provides one (I) lane of travel in each direction. Along the site frontage, additional lanes are provided approaching the intersection with Maple Road to the south. At its northern terminus along the frontage, Chester Street curves to the east and becomes Willits Street, an east-west oriented roadway.

Chester Street is classified on the National Functional Classification Map as a Major Collector roadway and has a posted speed limit of 25 mph. Curb and sidewalk are provided along both sides of the roadway, a striped shoulder is provided along the easterly side of the roadway approaching Willits Street, and on-street parking is permitted within the site vicinity within two (2) metered parking spaces along the westerly side of the roadway. Additional metered on-street parking is provided south of Maple Road. Chester Street provides north-south mobility for residential, commercial, religious, and educational uses along its length. Street level view of the site from Chester Street is provided on **Figure 2**.

Willits Street is located along the northerly side of the property with a general east-west orientation and generally provides one (I) lane of travel in each direction. Along the site frontage, Willits Street is approximately 24 feet in width. East of Chester Street, Willits Street widens to provide metered, on-street parking along both sides of the roadway.

Willits Street is classified on the National Functional Classification Map as a Major Collector roadway to the east of Chester Street, and is classified as a local roadway to the west of Chester Street. Along the site frontage, curb and sidewalk are provided along both sides of the roadway, shoulders are not provided, and onstreet parking is not permitted. East of Chester Street, curb and sidewalk are provided along both sides of the roadway, shoulders are not provided, and metered on-street parking is not provided in designated spaces. Willits Street provides east-west mobility for residential uses west of Chester Street and commercial uses east of Chester Street. Street level view of Willits Street is provided in **Figure 3** and **Figure 4**.











Chester Street and Willits Street intersect to form an unsignalized T-intersection, with the eastbound approach of Willits Street operating under stop control. At the intersection, the westbound approach of Willits Street continues southbound on Chester Street and the northbound approach of Chester Street continues eastbound on Willits Street without stop control. Left-turns from the eastbound approach of Willits Street and from the northbound approach of Chester Street are not permitted.

#### Alternate Modes of Transportation

Sidewalks are provided along both sides of Chester Street and Willits Street abutting the site. Crosswalks are not provided at the intersection of Chester Street and Willits Street, however crosswalks are provided at signalized intersections located one (I) block away along Chester Street and Willits Street in the southerly and easterly directions. Given the narrow width of the roadway, crossing the westerly leg of Willits Street at the intersection appears reasonably feasible via an existing residential driveway and a small staircase. As this crossing is not ADA-accessible, the application is proposing installation of an ADA-accessible ramp for crossing the westerly leg. A midblock pedestrian crossing across Chester Street or the easterly leg of Willits Street is not recommended given the horizontal curvature in the roadway, limiting sight distance for both pedestrians looking for motorists and vice versa.

There does not appear to be signed or striped bicycle lanes, bicycle routes, or bicycle parking in the site vicinity. A bicycle rack will be provided on-site to accommodate bicycle parking.

SMART offers fixed-route bus service along Maple Road south of the site via Route 445 and Route 780. The nearest stop for these routes is located at the intersection of Maple Road and Bates Street, an approximately two (2)-block walk from the site. Information regarding the nearby bus routes is provided within the appendix.

#### **Traffic Volumes**

Stonefield utilized observed traffic volume counts and mapping provided by SEMCOG to determine the daily and hourly traffic along the subject roadways. Specifically, Stonefield utilized count data at the locations shown in **Table 1**.

**TABLE I - SEMCOG TRAFFIC VOLUME DATA** 

Street	Location	Year	AADT
\A/:II:42 C4:224	Detruces Old Mandaged Avenue and Charten Street	2008	7,660
Willits Street	Between Old Woodward Avenue and Chester Street	2016	9,305
Chester Street	Between Willits Street and Maple Road	2008	3,500
Chester Street	Patrician Maria Road and Provin Street	2008	3,430
	Between Maple Road and Brown Street	2016	3,100

Based to the SEMCOG data available proximate to the site, it was determined that the data along Willits Street would provide the most conservative estimate of the existing traffic volume along the Chester Street site frontage. The 2008 and 2016 SEMCOG data along Willits Street was utilized to calculate an annual growth rate of approximately 2.5%.

The calculated annual growth rate was applied to the 2016 SEMCOG traffic volume data along Willits Street for two (2) years to calculate the 2018 existing daily volume. A typical K-factor for urbanized areas of nine (9%) percent was then used to calculate the 2018 hourly volume during the weekday morning and weekday evening peak hours. The 2008 SEMCOG 15-minute interval traffic volumes along Willits Street were utilized to determine the directional distribution of the existing volumes along the Chester Street site frontage. **Table 2** summarizes the calculation of the existing volumes along the Chester Street site frontage.



**TABLE 2 - EXISTING TRAFFIC VOLUME CALCULATION** 

2016 SEMCOG Volume	Annual Growth Rate	2018 Daily Volume	K-Factor	2018 Hourly Volume
9,305	2.5%	9,776	9%	880

Traffic volume data is not available for Willits Street directly along the site frontage. However, given the local classification of the roadway, traffic volumes are not anticipated to be significant. The 2018 Existing Traffic Volumes are illustrated on **Figure 5** and the SEMCOG traffic volume data utilized in this report is provided within the appendix.

#### **Future Conditions**

#### Trip Generation

Trip generation projections for the proposed office building were prepared utilizing the Institute of Transportation Engineers' (ITE) <u>Trip Generation Manual</u>, 10th Edition. Trip generation rates associated with Land Use 710 "General Office Building" were cited for the proposed 24,702-square-foot office building. Trip generation projections were also prepared for the existing church utilizing rates associated with Land Use 560 "Church" to compare the trip generation of the existing development with the proposed development. **Table 3** provides the weekday morning peak hour, weekday evening peak hour, and weekday daily trip generation volumes associated with the proposed office building and the existing church.

**TABLE 3 - TRIP GENERATION PROJECTIONS** 

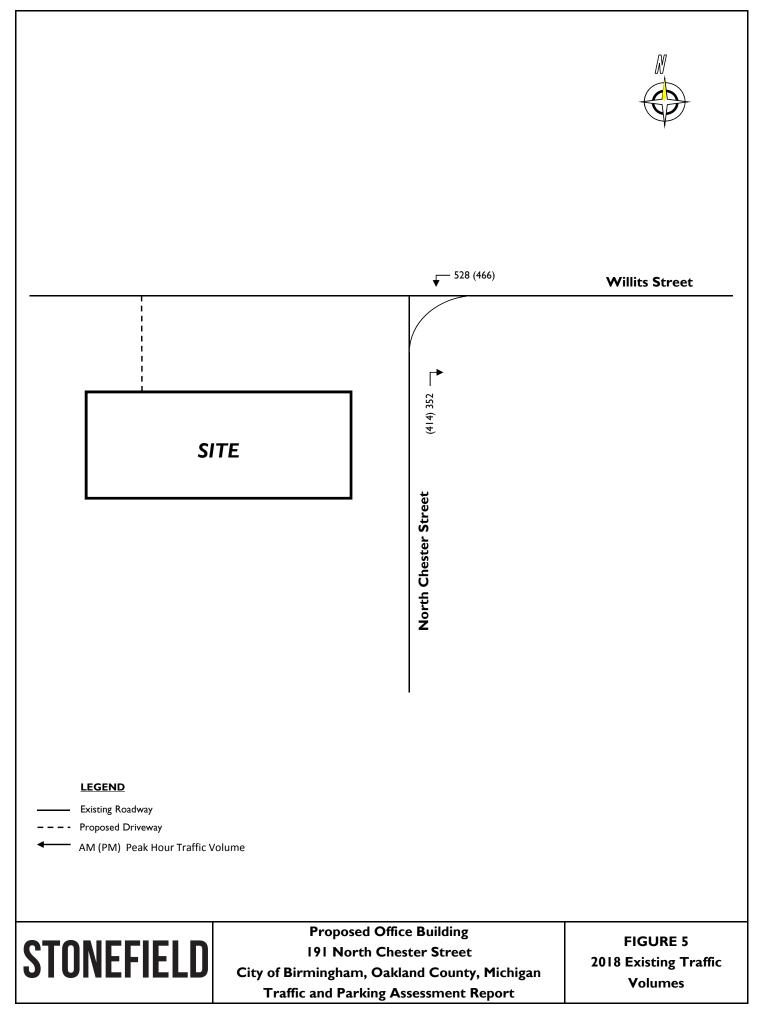
	ITE		Weekday		ekday Mo Peak Hou	_		ekday Eve Peak Hou	_
Land Use	Code	Amount	Daily	Enter	Exit	Total	Enter	Exit	Total
Existing: Church	560	17,930 SF	125	4	2	6	4	5	9
Proposed: General Office Building	710	24,702 SF	274	43	7	50	5	25	30
	Trip	Difference	+149	+39	+5	+44	+1	+20	+21
Total Increase at Site Driveway			+8	0	+8	0	+8	+8	

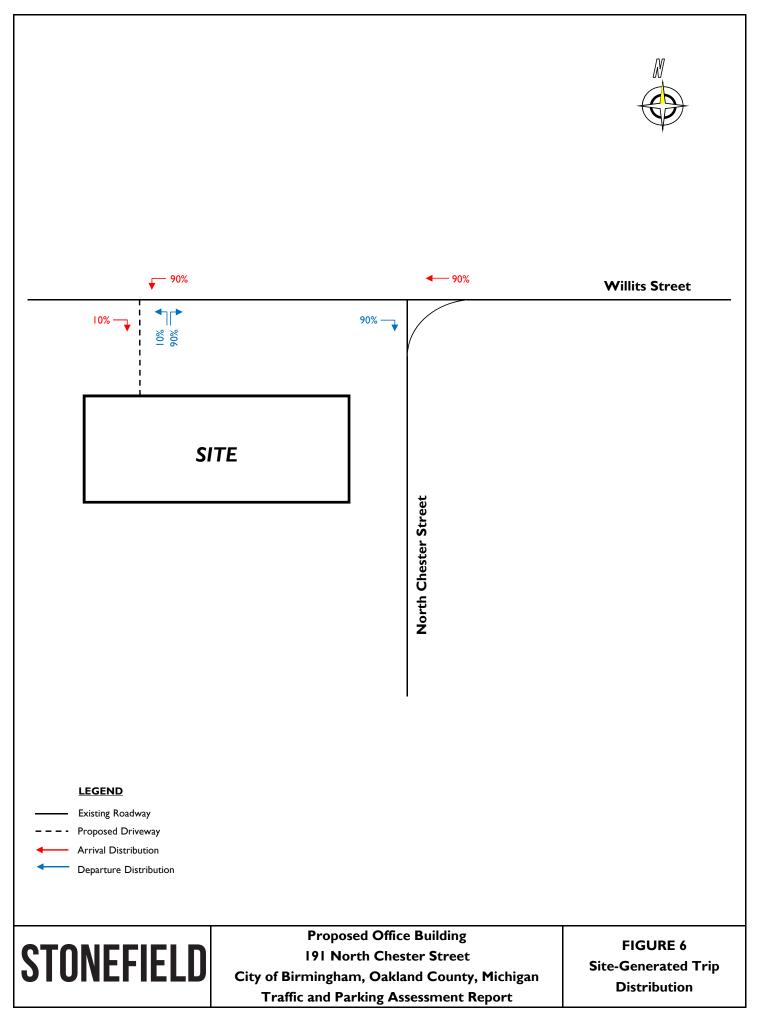
As indicated in Table I, the proposed development would be expected to generate an trip increase of 44 new trips to the adjacent roadway network during the weekday morning peak hour and an increase of 21 new trips during the weekday evening peak hour. Because of the size of the parking supply on-site, the proposed development would only generate eight (8) trips during the weekday morning peak hour and eight (8) trips during the weekday evening peak hour at the site driveway. The remaining trips would be dispersed throughout the roadway network as motorists use public on-street and garage parking. As such, the trip increase at any particular approach would be minimal.

#### **Trip Distribution**

The projected trips were distributed on the adjacent roadway network. For the purpose of the distribution, the trips were routed to and from the site driveway, however it is anticipated that traffic volumes would likely be dispersed throughout the grid-style network of downtown Birmingham as motorists use public on-street and garage parking. **Figure 6** provides the weekday morning and weekday evening trip distribution at the site driveway.

During the morning peak hour, a majority of trips will enter the site as employees arrive at the office for a typical workday. Specifically, per the ingress/egress distribution provided by ITE, 86% of trips would enter the site and 14% would exit the site during the morning peak hour.







During the evening peak hour, a majority of trips will exit the site as employees depart the office after a typical workday. Specifically, per the ingress/egress distribution provided by ITE, 16% of trips would enter the site and 84% would exit the site during the evening peak hour.

#### Trip Assignment

The trips generated by the proposed office development have been assigned to individual turning movements as shown in **Figure 7**.

Future total traffic was determined by adding the traffic generated by the site to the calculated traffic volumes on the roadway network with applied 2.5% annual growth rate to represent the 2020 Build Traffic Volumes. This traffic volume is provided in **Figure 8**.

#### **Traffic Impacts**

#### **Volume Impacts**

Based on the trips generated by the proposed office building, and the calculated traffic volumes on Chester Street and Willits Street, the southbound traffic volume on Chester Street along the site frontage is projected to increase by approximately 1% percent during the weekday morning peak hour and approximately 4% percent during the weekday evening peak hour, and the westbound traffic volume on Willits Street east of Chester Street is projected to increase by approximately 6% percent during the weekday morning peak hour and approximately 1% percent during the weekday evening peak hour.

#### **Level of Service Impacts**

Based on <u>Transportation Impact Analysis for Site Development</u> published by ITE, a trip increase of less than 100 vehicles trips would likely not change the level of service of the roadway system or appreciably increase the volume-to-capacity ratio of an intersection approach. The proposed development is projected to generate 50 total trips during the weekday morning peak hour and 30 total trips during the weekday evening peak hour. As such, the proposed office development is not anticipated to significantly impact the operations of the adjacent roadway network.

#### Transportation Standards

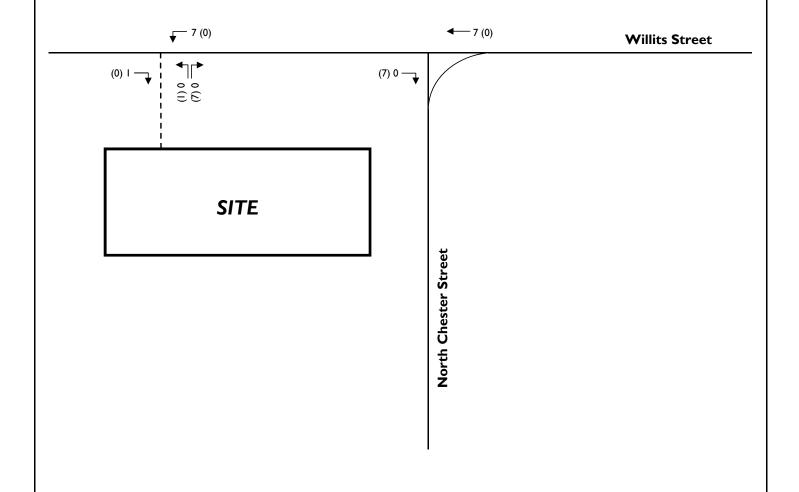
Access to the site is proposed exclusively along Willits Street. The roadway is approximately 24 feet wide and does not permit on-street parking, resulting in one (I) I2-foot lane in each direction for vehicular traffic. The narrow roadway cross-section promotes lower vehicular speeds in both the residential and downtown portions of the roadway, and as such should not be widened in the vicinity of the site to provide a left-turn lane or provide other transportation standards. **Figure 9** and **Figure 10** provide street level view of Willits Street in the vicinity of the access point.

#### Non-Vehicular Access

The proposed office building is anticipated to generate additional pedestrian traffic in the area. Consistent with the City's Multi-Modal Transportation Plan, improvements along the site frontage are proposed to accommodate pedestrians in the area. An ADA-accessible ramp is proposed at the southwest corner of the intersection of Willits Street and Chester Street, which would replace a non-ADA-accessible staircase leading to the roadway.

As shown on Figure 3.2A – Proposed Sidewalks of the City's Multi-Modal Transportation Plan (portion appended), properties west of the subject site are categorized as "Priority 2: Complete Sidewalk Gaps in Neighborhood." As part of the development program, a six (6)-foot-wide sidewalk would be extended from its current terminus at the existing on-site surface parking to the edge of the property line, allowing for a sidewalk connection on the adjacent property at a future date.





# **LEGEND**

Existing RoadwayProposed Driveway

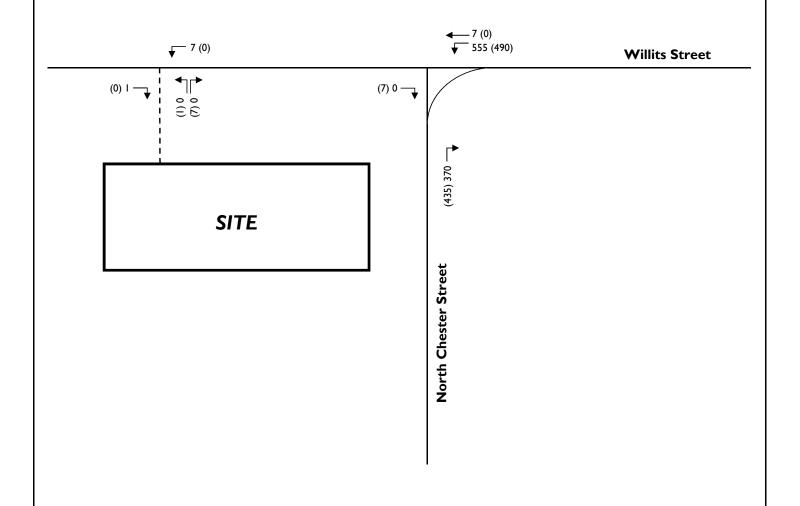
AM (PM) Peak Hour Trips



Proposed Office Building
191 North Chester Street
City of Birmingham, Oakland County, Michigan
Traffic and Parking Assessment Report

FIGURE 7
Site-Generated Traffic
Volumes





# **STONEFIELD**

AM (PM) Peak Hour Traffic Volume

**LEGEND**Existing Roadway
Proposed Driveway

Proposed Office Building
191 North Chester Street
City of Birmingham, Oakland County, Michigan
Traffic and Parking Assessment Report

FIGURE 8
2020 Build Traffic Volumes



Figure 9.View From Driveway to Westbound Willits Street





As shown on Figure 3.7A – Proposed Neighborhood Connector Routes of the City's Multi-Modal Transportation Plan (portion appended), Willits Street is designated as a future neighborhood connector route west of Chester Street for local bicycle traffic. The neighborhood connector route along Willits Street was completed in 2017.

#### **Parking Supply**

The site is located within the parking assessment district, and as such, no parking is required for the proposed development. The existing site provides three (3) right-angle parking spaces along Willits Street. Under the development plan, these spaces would be maintained, and an eight (8)-space gated garage would be located on the lower level of the development. This equates to a total of 11 spaces provided on-site for the proposed office development. It is likely that additional parking supply beyond the on-street parking supply would be necessary to accommodate the parking demand of the proposed office.

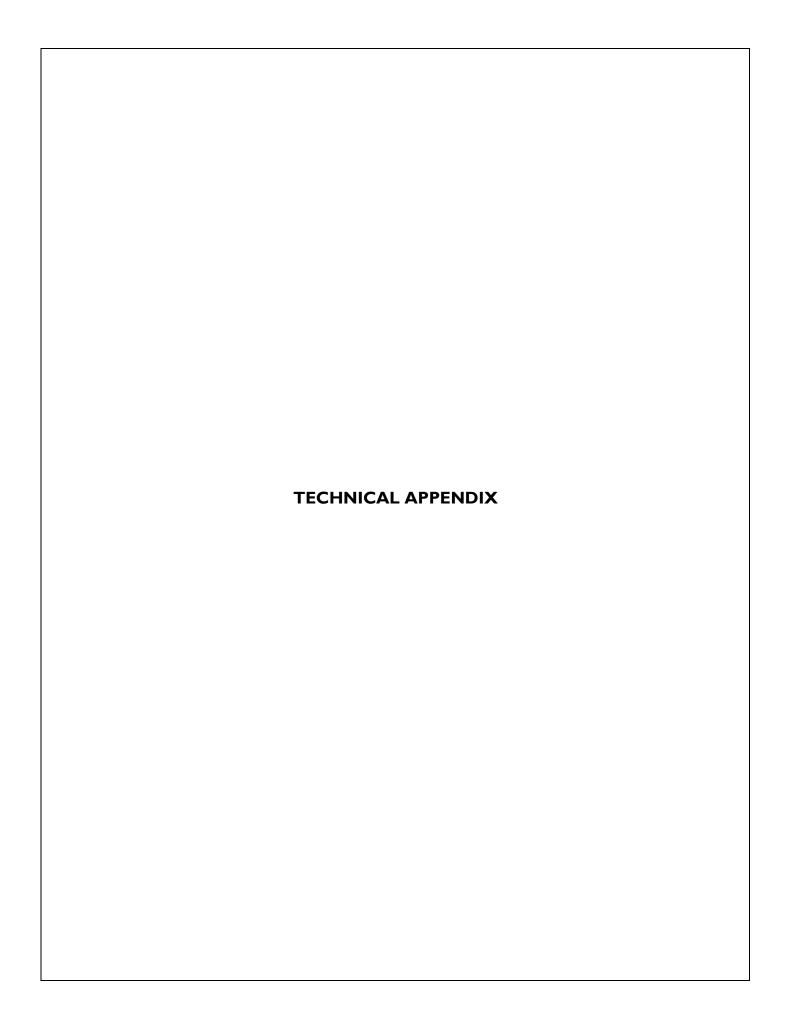
There are several parking structures within walking distance of the site that may accommodate parking demand generated by the site. The 180 Chester Street parking garage is located approximately 250 feet south of the site, and the 333 North Old Woodward Avenue parking garage is located approximately 500 feet east of the subject property. It is Stonefield's understanding that there is presently a waiting list for monthly parking permits within the City garages, however parking in excess of six (6) hours is permitted within the garages, suitable for employees of an office use. Short-term visitors would be able to utilize metered on-street parking or parking garages within vicinity of the subject site.

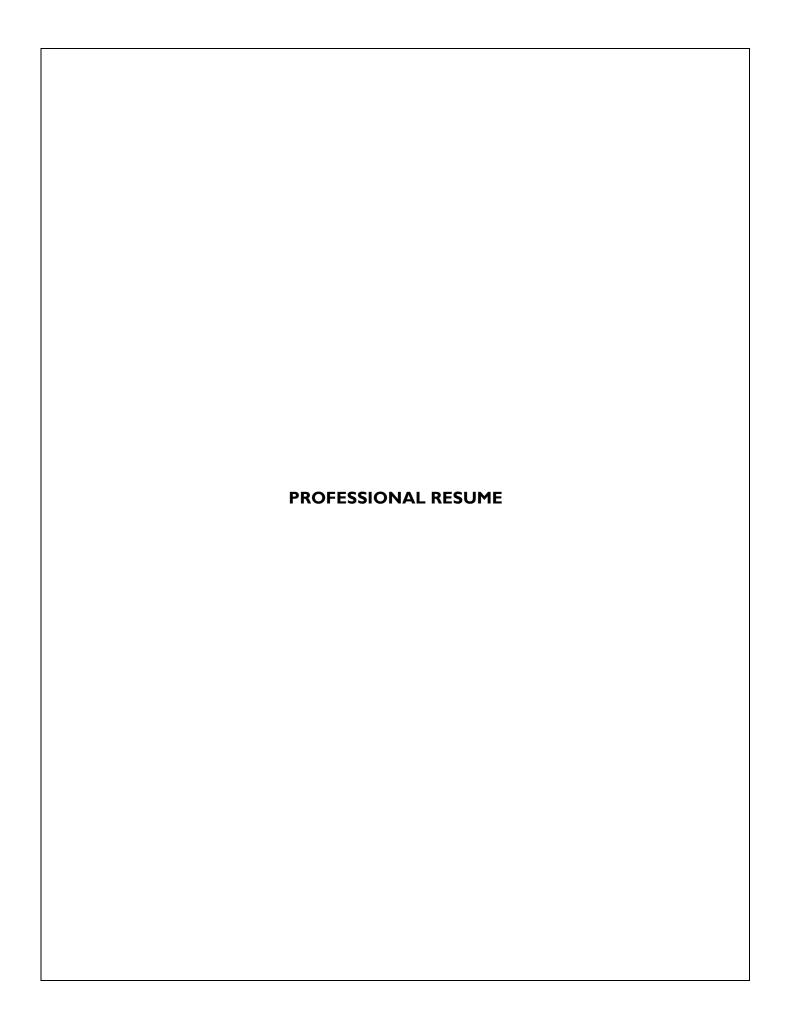
#### **Key Findings and Conclusions**

The key findings and conclusions developed in this study are as follows:

- 1. The site driveway of the proposed office building is projected to generate eight (8) vehicle trips during the weekday morning peak hour (8 in, 0 out) and eight (8) vehicle trips during the weekday evening peak hour (0 in, 8 out). Along the total roadway network, the proposed office building is projected to generate an increase of 44 vehicle trips during the weekday morning peak hour (39 in, 5 out) and an increase of 21 trips during the weekday evening peak hour (1 in, 21 out) as compared to the existing development.
- 2. The traffic generated by the site would be dispersed throughout the roadway network as a majority of the site-generated traffic would likely need to park in public parking areas.
- 3. The proposed development would further the City's Multi-Modal Transportation Plan by providing an ADA-accessible ramp at the intersection of Willits Street and Chester Street, replacing an existing non-accessible staircase at the intersection.
- 4. The proposed development would further the City's Multi-Modal Transportation Plan by extending the sidewalk along Willits Street to the edge of the property, providing a location for a future sidewalk connection on the neighboring property to the west.
- 5. No roadway lane improvements are warranted by the proposed development.
- 6. There would be II parking spaces provided on-site. As the site is located within the parking assessment district, the proposed development is not required to provide parking on-site. It is anticipated that a portion of the site's parking demand would be satisfied utilizing public parking on-street and within parking garages.

S:\2018\S-18051 Biddison Architecture (191 North Chester Street, Birmingham, MI)\Reports\2018-04-11 Traffic Impact Assessment.docx





# CHARLES D. OLIVO, PE PRINCIPAL/FOUNDER

#### **Education**

#### **BS Civil Engineering**

University of Notre Dame, 2002

#### Licensure

#### **Professional Engineer**

Michigan
Indiana
Ohio
New Jersey
New York
Pennsylvania
Connecticut
Maine
Massachusetts
Rhode Island
Maryland
North Carolina
New Hampshire

#### Professional Traffic Operations Engineer

#### **Associations**

Institute of Transportation Engineers (ITE)

American Society of Civil Engineers (ASCE)

**Urban Land Institute (ULI)** 

Mr. Charles Olivo is accomplished in numerous aspects of Civil, Infrastructure, Highway, and Traffic and Transportation Engineering having completed projects for private development/redevelopment entities, public jurisdictional agencies, and local municipalities. Serving clients throughout the Northeast and Midwest, he has professional experience designing and managing the unique and diverse elements of land development and infrastructure design. Mr. Olivo is involved with engineering design from project inception and conceptual development through the entitlement and construction process. His experience in the Civil Engineering field has involved the shaping of development parcels inclusive of both on-site and off-site impacts and access management features.

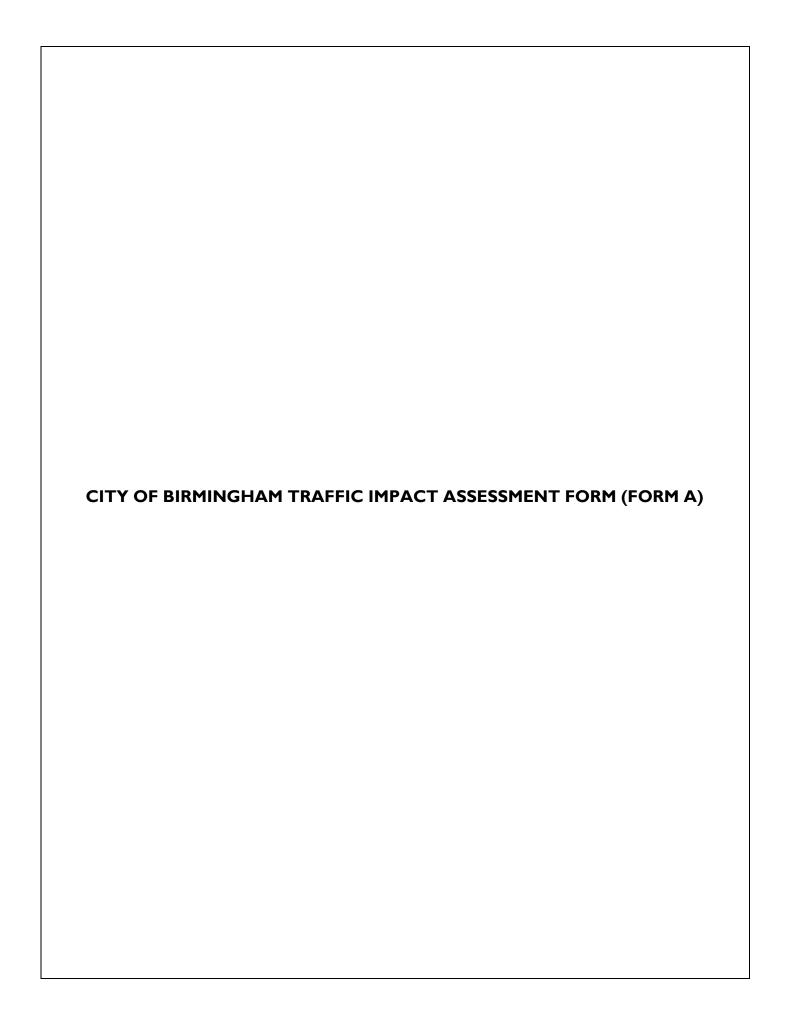
Preparation of detailed traffic and civil engineering findings during the Due Diligence/Site Assessment process for over 300 development sites to serve as the cornerstone of project viability and create a critical reference point during feasibility assessment. Through thorough research of local development codes and an understanding of development opportunities and constraints, Mr. Olivo has successfully prepared numerous Site and Traffic Analyses for development/redevelopment projects and programs.

Preparation of engineered Site Plan and Traffic Roadway Plan documents to serve as essential components in the land use permitting and entitlement process. Mr. Olivo has been integrally involved in the preparation of over 300 construction document sets, studies, analyses, and assessments associated with land development projects. He has established a reputation of high-quality design, innovative thinking, and understanding of client objectives throughout his experience.

Mr. Olivo has been a key advocate in urban infill development and the advancement of smart growth techniques. He has been the transportation engineer of record for numerous development and redevelopment plans.

Mr. Olivo has been qualified as a traffic and site Engineering Expert and provided testimony before approximately 100 Land Use Boards throughout the country. In addition, he has presented to client groups, public governing bodies, and civic associations to explain the impacts of private development/redevelopment projects and the proposed improvement/mitigation measures associated with these projects.

Mr. Olivo's project experience includes traffic analysis, traffic signal and intersection improvement design, zoning review, site investigation and due diligence, concept preparation, stormwater management and stormwater conveyance system design, grading utility design, soil erosion and sediments, control design, and project coordination.

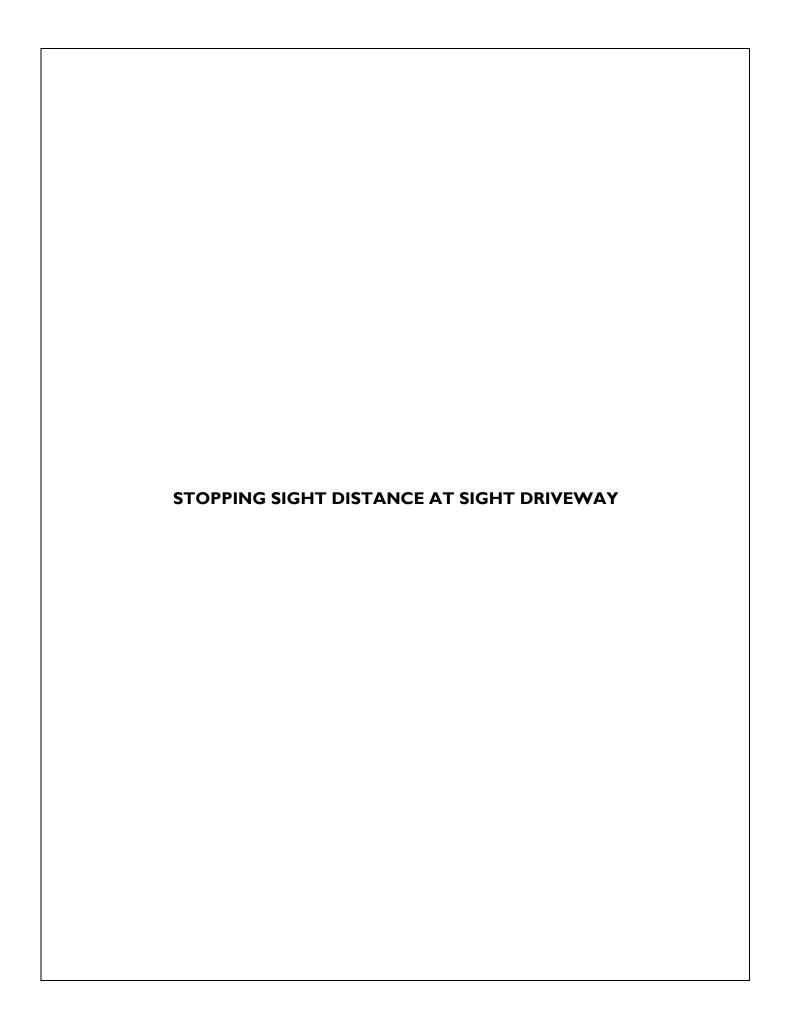




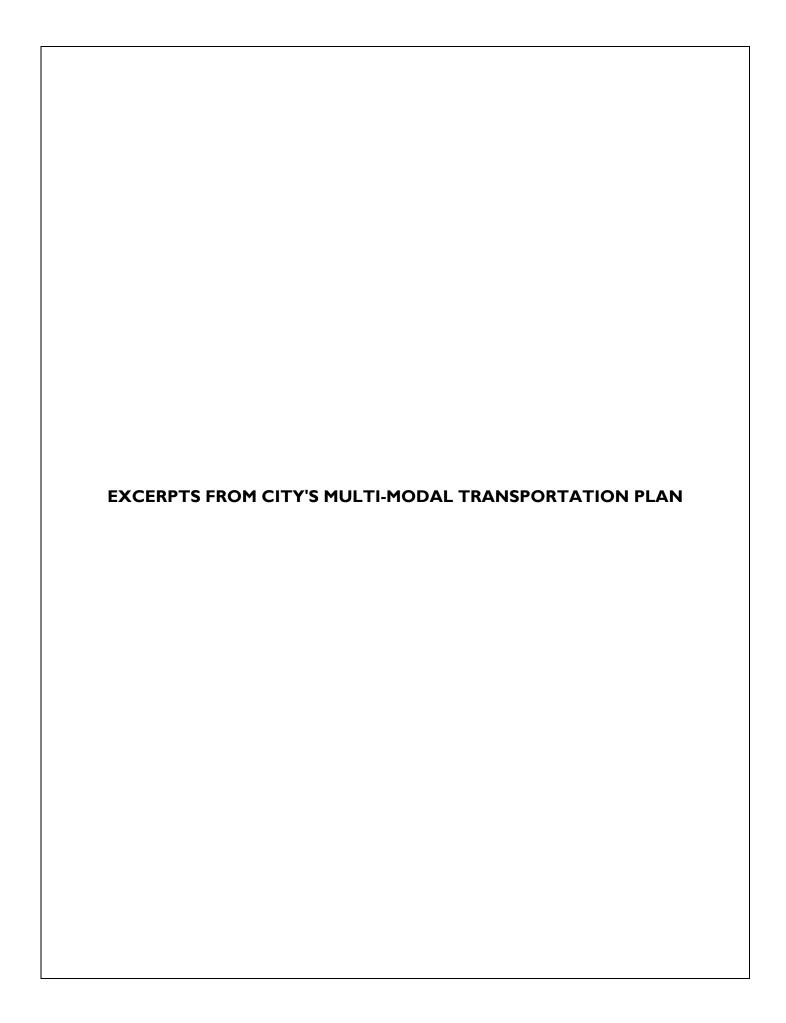
# **FORM A-TRAFFIC STUDY QUESTIONNAIRE**

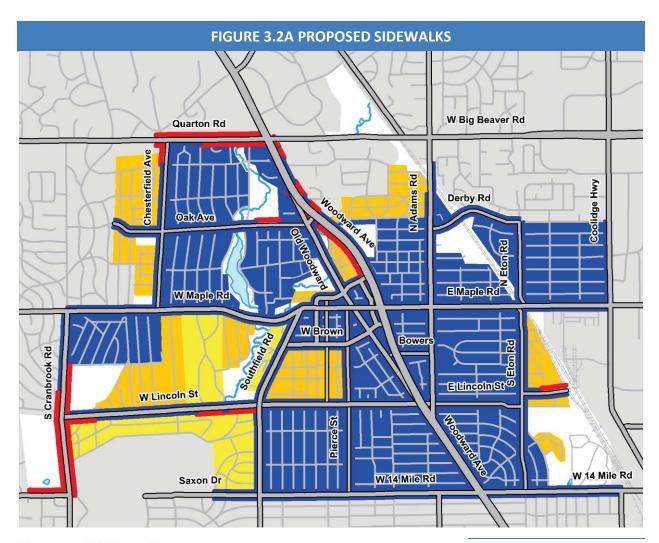
Applicant: Sam Surnow	Case#:
Date: 4/25/2018 Address: 320 Martin St	reet, Suite 100, Birmingham, MI 48009
1. Proposed Project	
Access would be provided via one (I) driveway along	renovation of an existing church into an office building. g Willits Street, serving eight (8) parking spaces within s would remain, for a total of 11 spaces on-site.
Use of building(s):Office	Net square footage: 23,382 SF
Site plan attached: Included with CIS	Number of parking spaces:
2. Driveway Movements (a.m. and p.m. pe	ak hours)
Left In:	
Left Out:	Right In: Left Out: Right Out:
	Driveway:
Right In: Left Out:	Right In: Left Out:
3. Transportation Standards	Right Out:
Using the City Design and Construction standards or v Michigan Department of Transportation standards, ide	
Passing lanes: No passing lanes provided on Willits S	Street along the site frontage.
Tapers: No lane tapers provided on Willits Street ale	ong the site frontage.
Turn Lanes: No turn lanes provided on Willits Stree	t along the site frontage.

Evaluate sight distances at project driveways: Stopping sight distance is provided on appended Figure IA (page A8). Willits Street is generally straight and flat within the vicinity of the driveway, it appears sufficient sight
distance is provided.
Vehicle stacking analysis (if drive-up facilities are proposed): N/A









# **Proposed Sidewalks:**

Existing Sidewalks

Prioirty 1: Complete Sidewalks along Major Roads

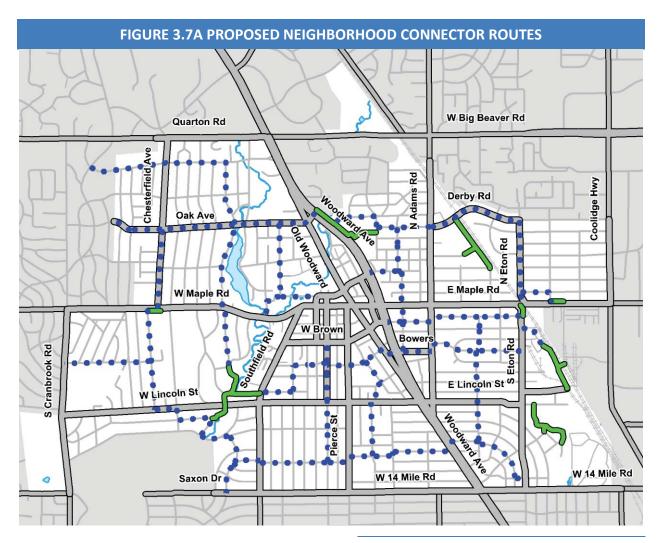
Prioirty 2: Complete Sidewalk Gaps in Neighborhood

Priority 3: Add Sidewalks to Neighborhood

APPROXIMATELY 2.5
MILES OF SIDEWALK ARE
PROPOSED ALONG
PRIMARY ROADS IN THE
CITY OF BIRMINGHAM

### Web Survey Results:

- About 38% of respondents walk to work and/or the store daily or weekly
- About 80% of respondents walk for fun and/or exercise daily or weekly
- Around 79% of respondents feel a complete sidewalk system is very important to nonmotorized trips actually happening in the future



## **Proposed Neighborhood Connector Routes**

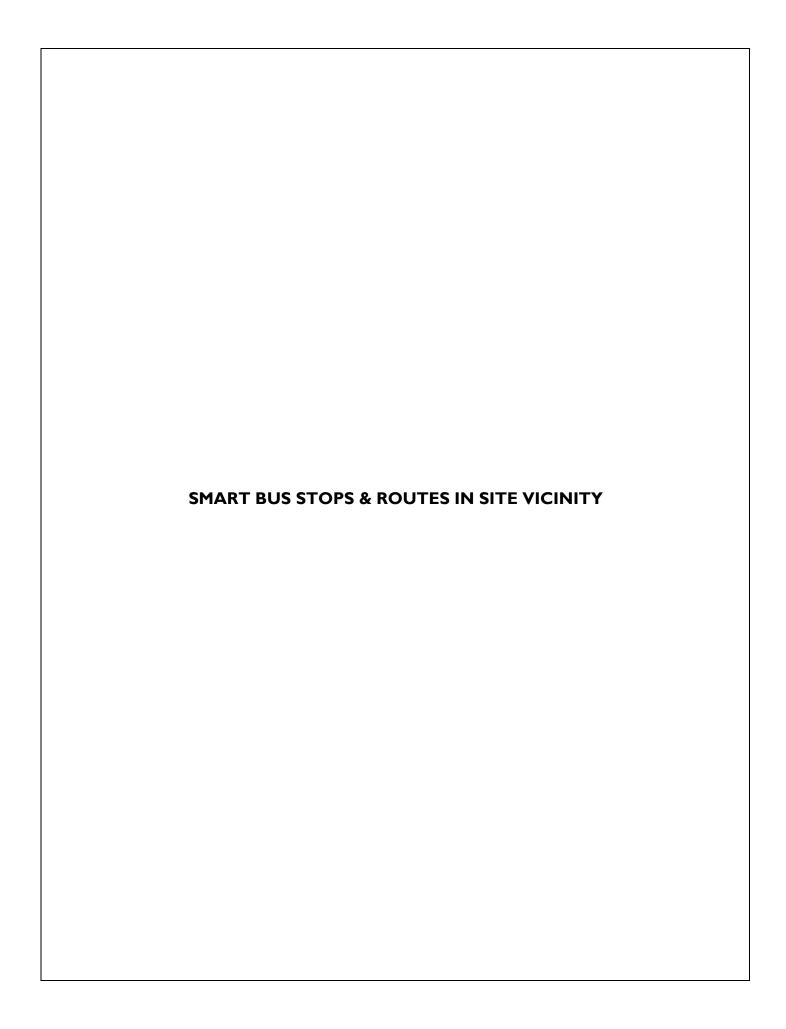
Proposed Routes on Local Roadways

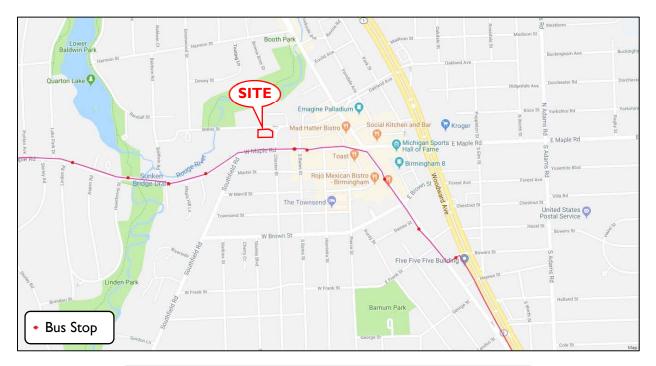
Proposed Off-Road Trail

APPROXIMATELY 15.4 MILES OF NEIGHBORHOOD CONNECTOR ROUTES AND 2.25 MILES OF PAVED OFF-ROAD TRAILS ARE PROPOSED

## Web Survey Results:

 Around 73% of respondents would be comfortable riding a bike along a Bike Route on a Residential Road





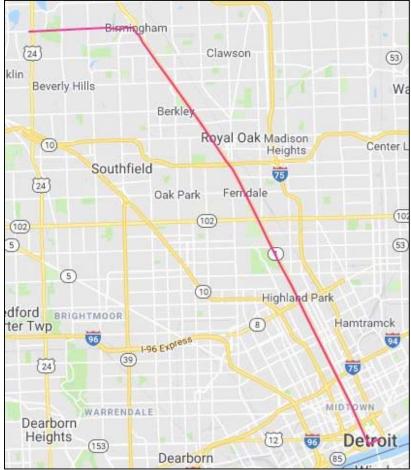
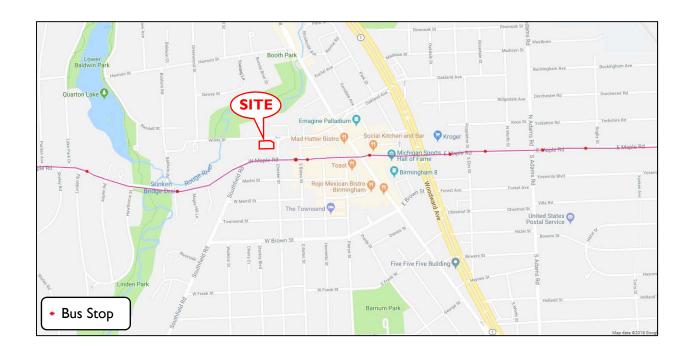


Figure 2A. SMART Bus Route 445: zoomed in (top) & zoomed out (bottom)



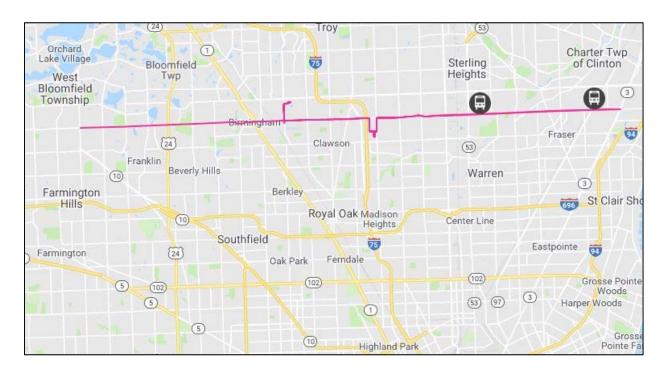
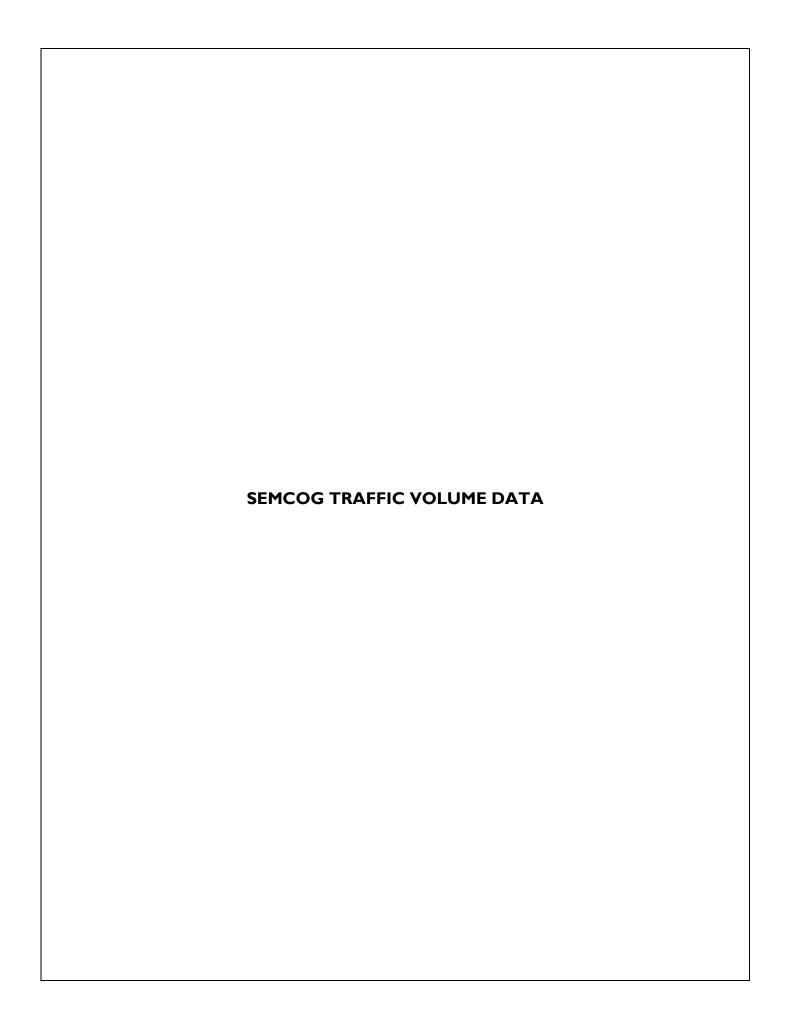
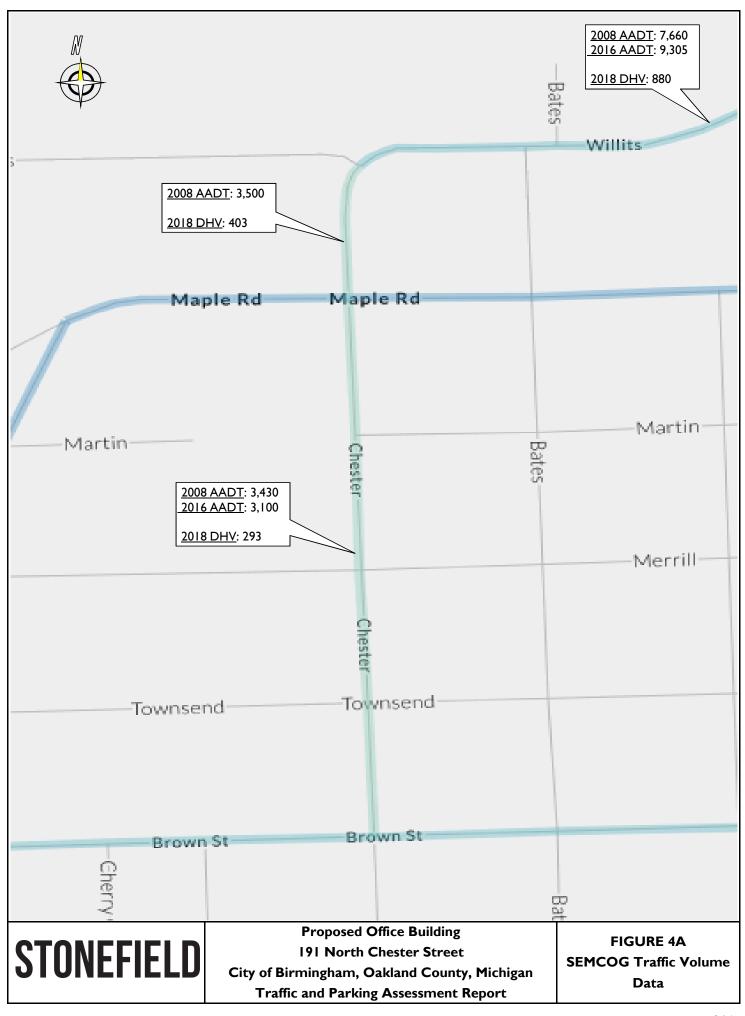


Figure 3A. SMART Bus Route 780: zoomed in (top) & zoomed out (bottom)





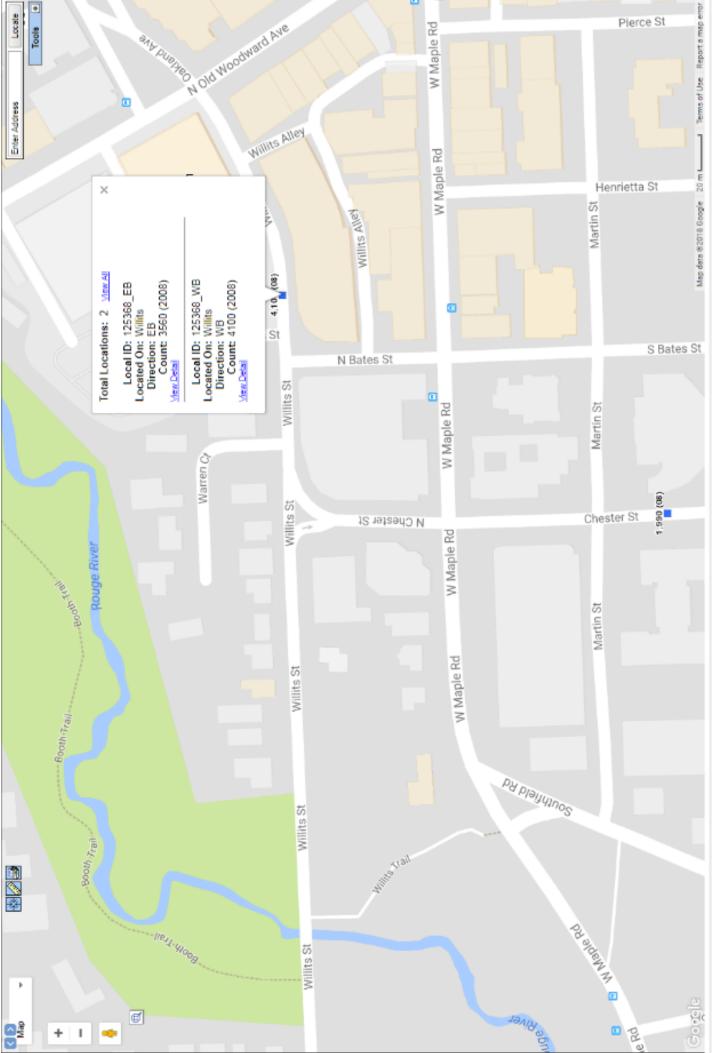
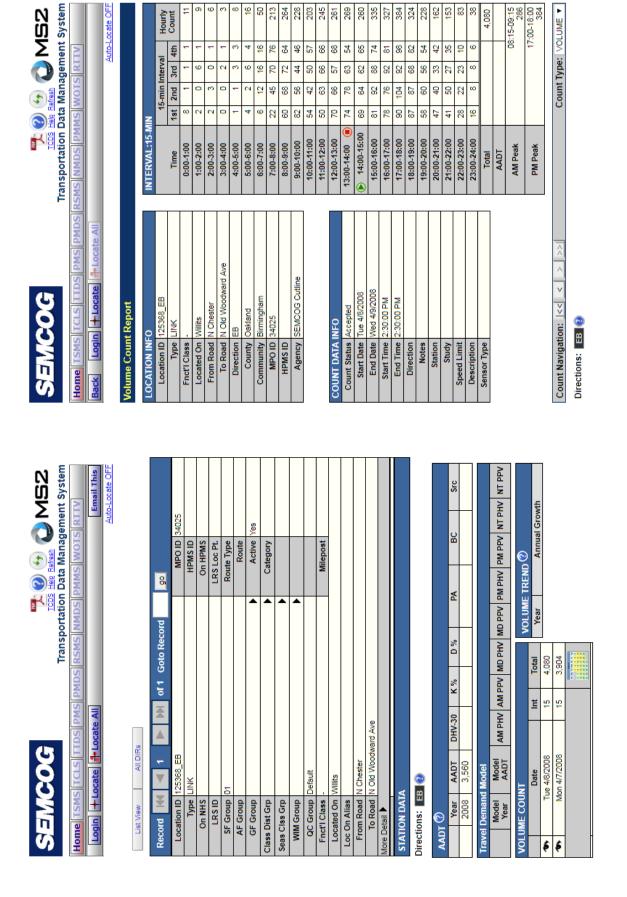


Figure 5A. 2008 Traffic Volume Data on Willits Street Between Old Woodward Avenue and Chester Street



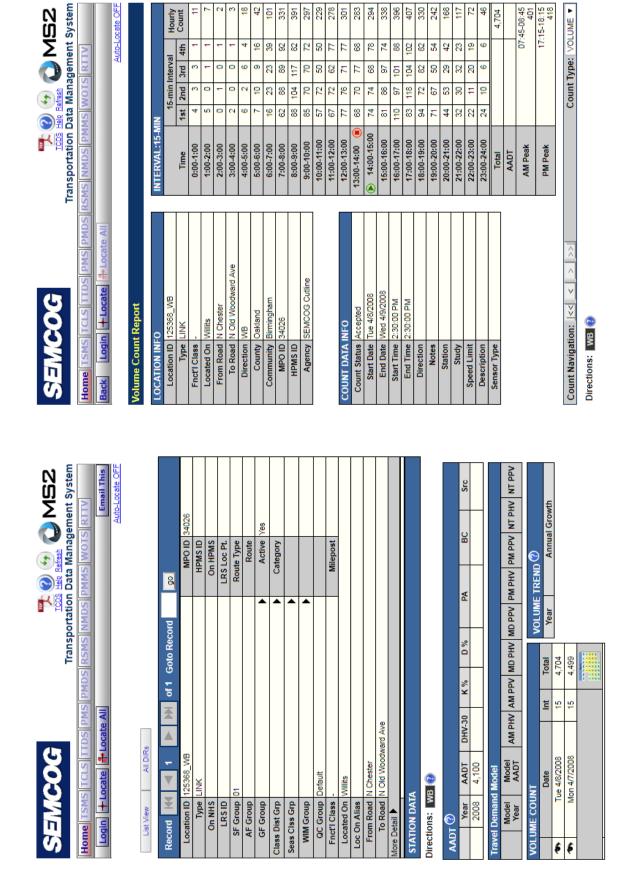
269 260 335 327 324 324

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264 203 245 261

228 162 153

Figure 6A. 2008 Traffic Volume Data on Willits Street Between Old Woodward Avenue and Chester Street (Eastbound)



301 283 294 338 396

330 242 8

331

Hourly Count

391 297 278

Figure 7A. 2008 Traffic Volume Data on Willits Street Between Old Woodward Avenue and Chester Street (Westbound)

# **Traffic Volume**

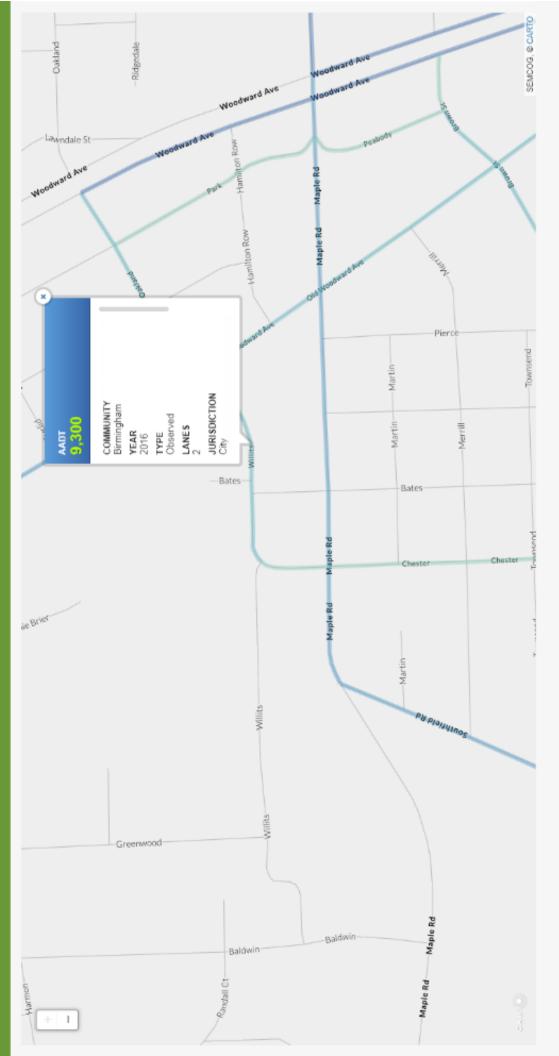


Figure 8A. 2016 Traffic Volume Data on Willits Street Between Old Woodward Avenue and Chester Street

# **Traffic Volume**

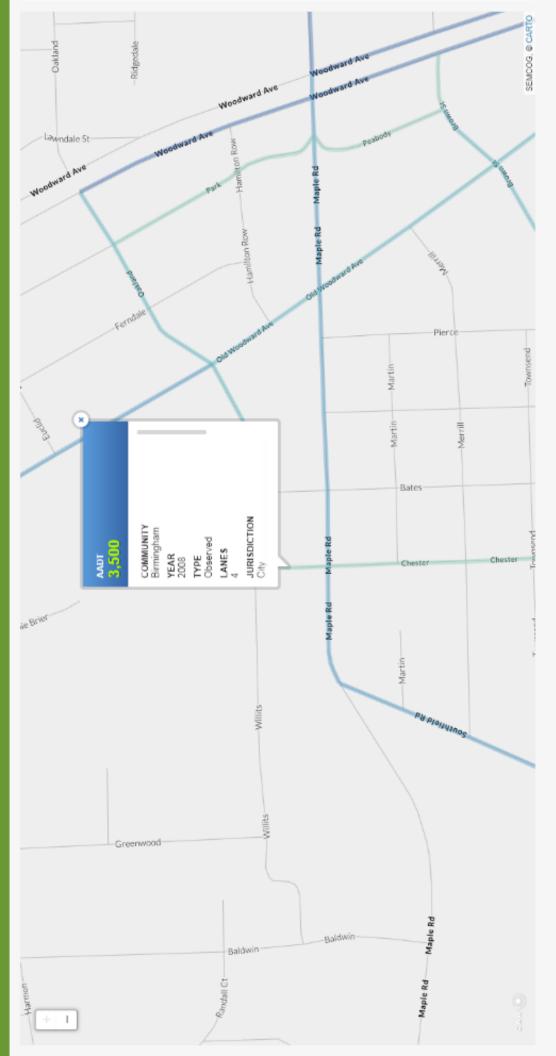


Figure 9A. 2008 Traffic Volume Data on Chester Street Between Willits Street and Maple Road

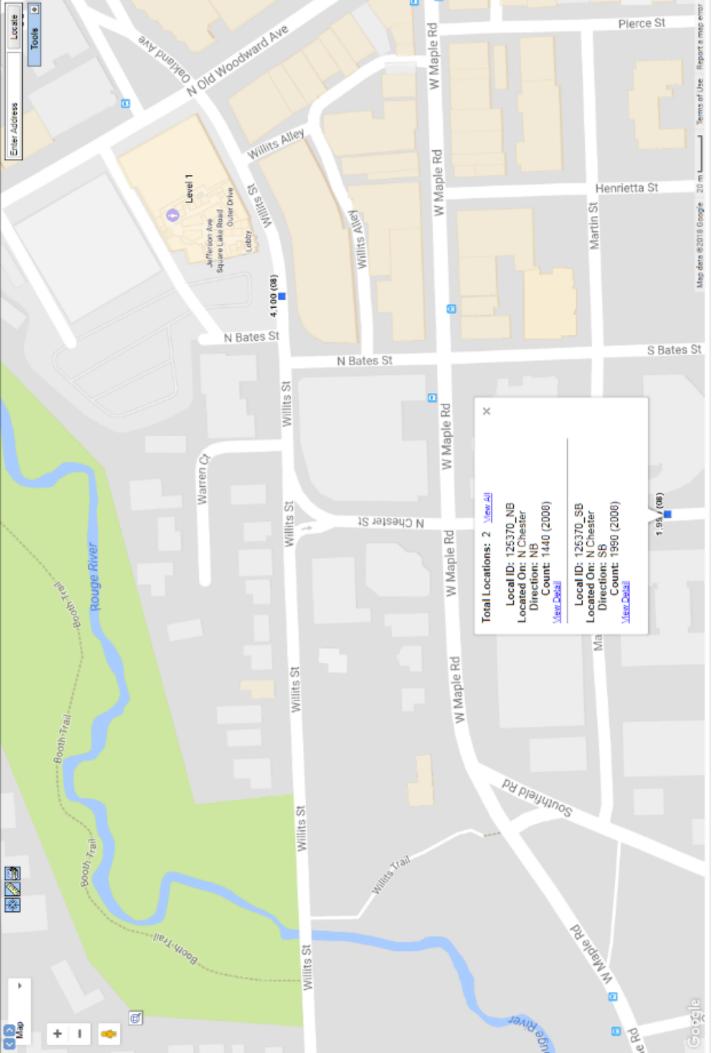


Figure 10A. 2008 Traffic Volume Data on Chester Street Between Maple Road and Brown Street

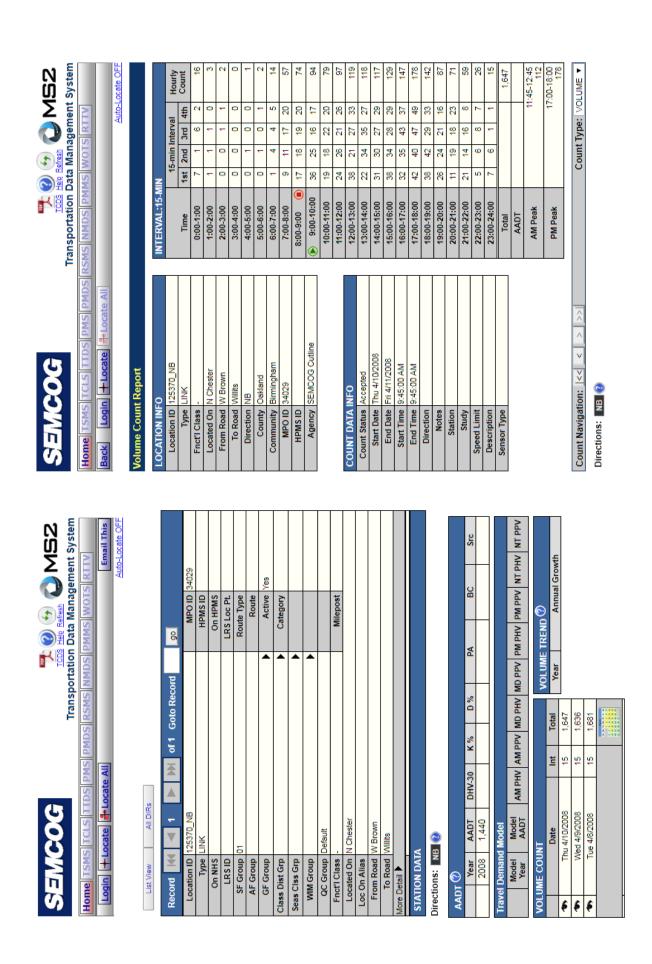


Figure 11A. 2008 Traffic Volume Data on Chester Street Between Maple Road and Brown Street (Northbound)

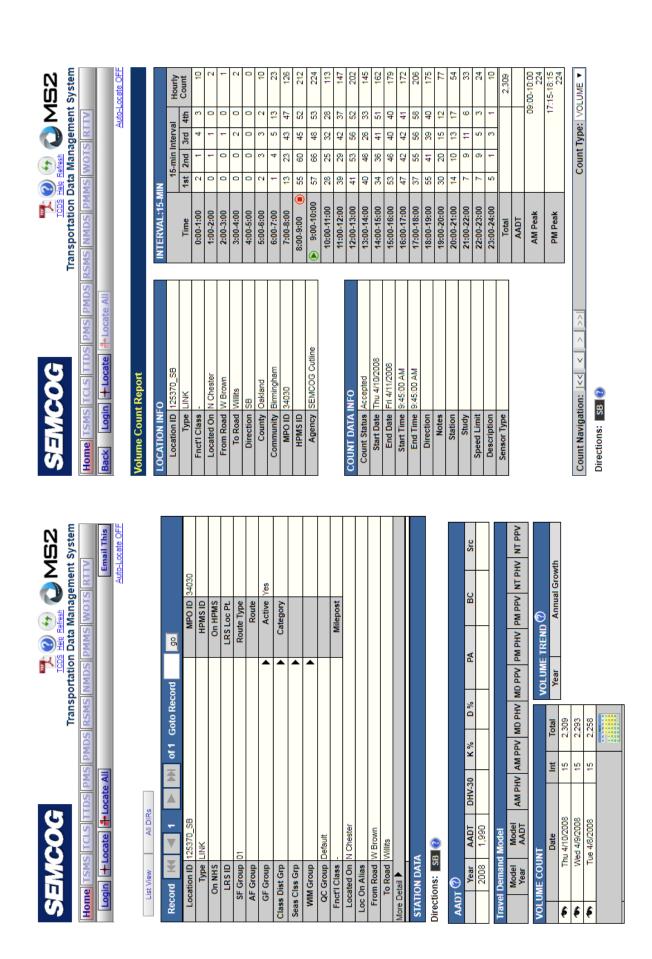


Figure 12A. 2008 Traffic Volume Data on Chester Street Between Maple Road and Brown Street (Southbound)

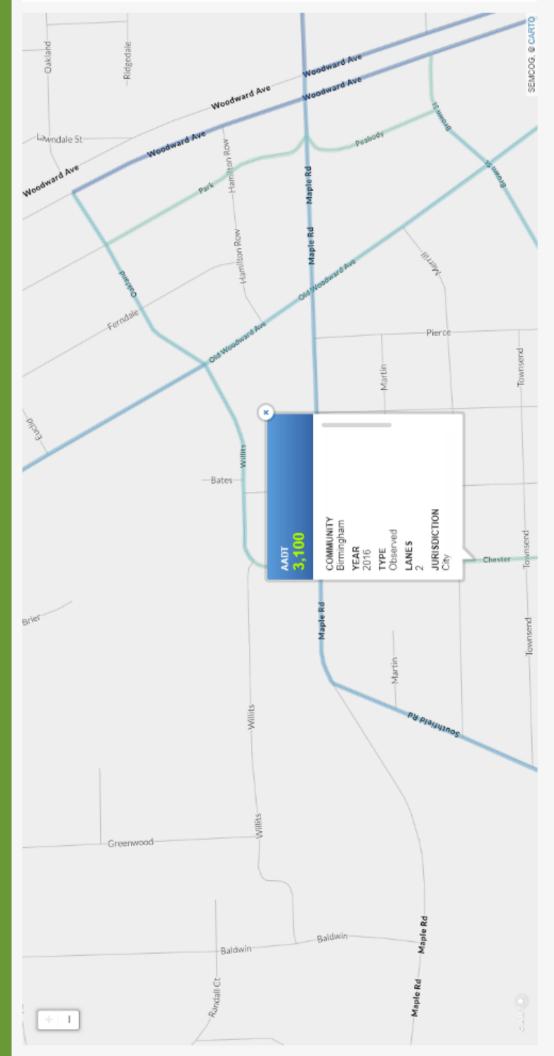


Figure 13A. 2016 Traffic Volume Data on Chester Street Between Maple Road and Brown Street



April 25, 2018

Ms. Jana L. Ecker Planning Director City of Birmingham 151 Martin Street Birmingham, MI 48012

RE: Response to CIS and TIA Review
191 N. Chester Street – The Jeffrey

City of Birmingham, Oakland County, Michigan

SE&D Job No.: S-18051

Dear Ms. Ecker:

Stonefield Engineering and Design ("SE&D") is in receipt of the Community Impact Statement and Traffic Impact Assessment Review letter dated April 24, 2018 issued by Fleis & Vandenbrink for the above-referenced development. Additionally, a revised Traffic Impact Assessment, dated April 25, 2018, has been prepared based on the comments provided within the review letter. The following are responses prepared by our office with respect to the review letter comments:

1. The TIA is dated April 12, <u>2017</u>. For the record, please confirm if this date and correct as necessary.

The first issuance of the Traffic Impact Assessment was prepared April 12, 2018. The 2017 date has been revised.

- 2. The trip generation used in the analysis was developed based on data from the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 10th Edition using land use code 710-General Office Building. Please confirm the following regarding the proposed land use:
  - a. Is the intention of this office building to be used by a single tenant or multiple tenants?

Based on consultations with the project's Architect, it is not known at this time if the office space would be utilized by a single tenant or multiple tenants.

b. Confirm the gross square footage (GSF) of the site. The CIS, TIA and Site Plan all have differing GSF for this site.

The gross floor area utilized within the Traffic Impact Assessment was updated to be consistent with the Architectural Plans dated April 13, 2018.

3. A trip generation comparison of the previous land use and the proposed land uses should be provided.



A trip generation comparison between the proposed office use and the previous church use has been provided and is included within the revised Traffic Impact Assessment.

4. On Page 15 the study states that Willits Street is designated as a *future neighborhood connector route*. The neighborhood connector route was completed in 2017, this should be reflected in the study.

This comment is noted. The revised Traffic Impact Assessment reflects the completed status of the neighborhood connector route.

5. The projected trip generation for this site using the parking garage. Since the parking garage only has 8 spaces, the site traffic trip distribution as shown is misleading. It is anticipated that the majority of site generated traffic will use the adjacent parking facilities and therefore will not have a significant impact to the traffic volumes on Chester Street.

The trip assignment has been revised to show the anticipated trip generation at the site driveway with respect to the parking supply.

6. The completed Traffic Study Questionnaire-Form A should be provided.

The completed Traffic Study Questionnaire-Form A is provided within the revised Traffic Impact Assessment.

7. The traffic engineer for this project should consult with F&V and MKSK to verify the necessary scope of work for this project and an updated TIA should be provided in accordance with the approved scope of work.

Stonefield has consulted F&V regarding the scope of work for this project and has verified that the revised Traffic Impact Assessment meets the minimum requirements of the scope.

If you have any questions regarding the above information, please contact our office.

Best Regards,

Charles D. Olivo, PE, PTOE

Stonefield Engineering and Design, LLC

Tim Ponton

Stonefield Engineering and Design, LLC



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Environmental Services, Inc.

April 2, 2015

Chester Street Partners, LLC Attn: Mr. Rob Krochmal 320 Martin Street, Suite 100 Birmingham, Michigan 48009

RE: PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT FIRST CHURCH OF CHRIST SCIENTIST PROPERTY 191 N. CHESTER SREET BIRMINGHAM, MICHIGAN PERFORMANCE PROJECT # 151226

Dear Mr. Krochmal:

Performance Environmental Services, Inc. (*Performance*) completed a Phase I Environmental Site Assessment Report for the above referenced property.

*Performance* personnel conducted these professional services in accordance with customary principles and practices in the area of environmental science and engineering, and in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines.

Attached, please find the Phase I Environmental Site Assessment Report. If there are any questions or comments concerning this report, please do not hesitate to contact us.

Sincerely,

PERFORMANCE ENVIRONMENTAL SERVICES, INC.

Julie Pratt

Senior Project Professional

Dennis A. Wood

Senior Project Manager

JAP/DAW:jap

Attachments

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### 1.0 SUMMARY

Mr. Rob Krochmal representing Chester Street Partners, LLC contracted Performance Environmental Services, Inc. (*Performance*) to conduct a Phase I Environmental Site Assessment (ESA) of the property located at 191 N. Chester Street in Birmingham, Oakland County, Michigan. *Performance* was contracted to evaluate the study property and visually evaluate surrounding properties for the presence of environmental concerns. The purpose of the Phase I ESA study was to establish an information base for assessing the likelihood of potential environmental concerns at the subject property. Mr. Krochmal has indicated that the Phase I ESA is being conducted to evaluate present and past environmental conditions as a part of due diligence activities related to a real estate transaction (acquisition, potential financing and possible redevelopment) involving the subject site.

Performance conducted this Phase I ESA in order to provide a professional opinion of the possible presence of Recognized Environmental Conditions (hereafter referred to as "RECs") or other possible environmental concerns, if any, associated with the subject site. This Phase I ESA was conducted in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines.

As defined in the ASTM Designation E 1527-13, the term *Recognized Environmental Condition* means, "..."the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

Based on historical documentation, the first developed use of the property appears to be residential, with date of development sometime prior to 1921. The subject property was developed for religious use in the 1920's. The church building has been expanded and remolded over time, with current use remaining a religious institution. A review of historical documentation and municipal records did not identify any use, storage and/or handling of petroleum products or other hazardous materials at the subject property, with the exception of a former heating oil UST system formerly located on the property.

Performance submitted a Freedom of Information Act request to the Remediation Redevelopment Division (RRD) of the Michigan Department of Environmental Quality (MDEQ). Limited file documentation was available, including a Site Assessment / Closure Report, generated by Enkon Environmental Services, dated October 31, 1990. According to the report, Enkon was retained to provide site assessment during removal of a 1,000 gallon heating oil UST located at the subject property. The underground storage tank was buried beneath the front lawn, immediately adjacent to the southeast corner of the building. The report noted that the steel walls and galvanized product lines were in good shape based on observations at the time of removal.

As the tank was uncovered, soil samples were field screened for volatile organic compounds. Evidence of PID readings ranged from 10 ppm to 125 ppm. Grab samples collected from the cavity subsequent to tank removed indicated no evidence of VOCs. A total of six soil samples were collected for analysis for BEX and PNAs. Depths of the samples were not provided, but included sidewall and bottom excavation

samples. It was concluded by Enkon that other than the overburden soils (estimated 50 cubic yards), no contamination was encountered. The contaminated soils were disposed of offsite.

Based on available environmental site assessment research obtained and reviewed and visual observations of the study property and surrounding properties, *Performance* concludes there are no known recognized environmental conditions (REC's) on the study property or on adjoining properties with the potential to impact the study property.

Site assessment activities were conducted associated with the former UST system. Evidence of minimal contamination was observed at the time of removal in overburden soils formerly located on top of the former UST, which were apparently removed and disposed offsite. Subsequent excavation verification samples collected from the excavation bottom and sidewalls indicated no evidence of contamination was present. A Closure Report / Site Assessment Report was prepared concluding no further assessment was necessary to address the former heating oil UST system.

In accordance with ASTM Standard 1527-13, based on available environmental site assessment research obtained and reviewed and visual observations of the study property and surrounding properties, *Performance* concludes there are no known REC's on the study property or on adjoining properties with the potential to impact the study property. The heating oil UST is considered a Historical REC (HREC). By definition, an HREC includes a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Based on the sampling conducted and associated laboratory analysis, the presence of the former heating oil UST is a Historical REC (HREC). The HREC does not present a current REC.

### 2.0 INTRODUCTION

Mr. Rob Krochmal on behalf of Chester Street Partners, LLC contracted Performance Environmental Services, Inc. (*Performance*) to conduct a Phase I Environmental Site Assessment (ESA) of the property located at 191 N. Chester Street in Birmingham, Oakland County, Michigan. Refer to Plate I in Appendix 1, Site Location Map, for general site location.

The subject site is described by the U.S. Geological Survey as being in Township 2 North, Range 10 East, Section 25, City of Birmingham, Oakland County, Michigan. The subject property is located on the southwest corner of Willits Street and N. Chester Street, having an address of 191 N. Chester Street. The following information was obtained from the City of Birmingham Assessing Department:

Property ID #	Known Address	Current Occupant	
08-19-25-356-023	191 N. Chester Street	First Church of Christ Scientist	

Performance was contracted to evaluate the study property and visually evaluate surrounding properties for the presence of environmental concerns. The purpose of the Phase I ESA study was to establish an information base for assessing the likelihood of potential environmental conditions at the subject property. The Phase I ESA is being conducted to evaluate present and past environmental conditions as a part of due diligence activities related to a real estate transaction (acquisition, potential financing) involving the subject site.

Performance conducted the Phase I ESA in order to provide a professional opinion of the possible presence of Recognized Environmental Conditions (hereafter referred to as "RECs") or other possible environmental concerns, if any, associated with the subject site. The Phase I ESA was conducted in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines.

As defined in the ASTM Designation E 1527-13, the term *Recognized Environmental Condition* means, "..."the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment."

The following report summarizes *Performance's* evaluations and conclusions based upon its environmental site assessment research and field activities.

### 2.1 Reliance

The information and opinions included in this report are for the exclusive use of Chester Street Partners, LLC. Any other parties seeking reliance upon this report must obtain prior written approval from *Performance* for such reliance. *Performance* specifically disclaims any and all claims by parties claiming as a third party beneficiary.

### 3.0 SCOPE OF WORK

To assess the likelihood of potential environmental concerns at and surrounding the subject property, *Performance* conducted the following activities:

- A review of the study property legal description and available site maps and USGS maps.
- A field survey of the study site for evidence of site contamination. Performance visually surveyed the subject property to identify potential sources of soil and/or water contamination. This site survey included an examination of the area for evidence of chemical and/or hazardous substances or waste, an accumulation of solid waste, PCB-containing transformers and fluids, above ground and underground storage tanks, potential asbestos-containing materials, potential lead based paint, stressed vegetation, stained or discolored soil/pavement/flooring and/or surface water, or other physical characteristics that may indicate the potential for environmental concern. Color photographs were taken to document site conditions at the time of the survey.
- An examination of available radon data for the study property area in order to determine the potential for radon concerns.

- A visual assessment of the adjoining properties for the presence of environmental concerns with the
  potential to impact the study property including industrial shops, gas service stations, disposal
  facilities, or other land usage that may indicate the potential for environmental concern.
- An examination of historical aerial photographs, topographic maps, Sanborn Maps, and city directories, when available, of the study property and surrounding areas to identify prior land usage that may indicate the potential for environmental concern.
- An examination of previous environmental reports, when made available by Client, generated for the subject property.
- An examination of title documentation for the study property, when made available by Client, to
  identify previous business concerns or land use restrictions with the potential to impact the study
  property.
- A review of available environmental documentation within distances as specified in the ASTM standard E1527-13, concerning local environmental contamination events. As a part of *Performance's* regulatory record review, an environmental regulatory report was obtained from Environmental Data Resources, Inc. (EDR). The EDR report is a tabulation of data from records compiled by Local, State and Federal Government Agencies.
- Interviews with the current or previous site owner and/or building manager (if available), and
  interviews and/or Freedom of Information Act (FOIA) requests to the city and/or township, county and
  state regulatory officials that may indicate the potential for environmental concerns to be present.

### 3.1 <u>Limitations/Qualifications</u>

Performance personnel conducted these professional services in accordance with customary principles and practices in the area of environmental science and engineering, and in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines. Performance has made appropriate inquiry with regard to the presence of hazardous materials or petroleum products in the environments at the study property based upon the Scope of Work. The conclusions presented in the report were based solely on the services described herein and not on scientific tasks or procedures beyond the scope of work or on the time or budgetary constraints imposed by the client. Performance is not to be held responsible for the independent findings, opinions or recommendations made by others based on the field inspection and regulatory and title search data documented by this report.

Please note that all environmental assessments conducted by surficial evaluation are ultimately limited to the context that conclusions are developed and recommendations are made from data drawn from limited research, research time and site inspection. Subsurface conditions were not field investigated as part of this study. In addition, as time progresses, a change may occur in the environmental conditions at the study property and at the surrounding properties.

In preparing this report, *Performance* relied on specific information provided by federal, state, county, and/or local officials and other parties referenced herein and on available information reviewed in the files of federal, state, county, and/or local officials made available to

*Performance* personnel at the time and under the conditions noted. *Performance* did not attempt to independently verify the accuracy or completeness of the information received or reviewed during the course of this investigation.

In preparing this report, *Performance* did not make any specific attempts to check on the compliance of past or present previous owners of the site with respect to any federal, state, county, and/or local laws or regulations, environmental or otherwise. Compliance issues are most accurately addressed with the completion of a Regulatory Compliance Audit, which is outside the scope of work for this investigation.

Environmental concerns, which are beyond the scope of a Phase I ESA as defined by ASTM include the following: ACMs, LBP, radon, water infiltration, mold and wetlands. These issues may affect environmental risk at the subject property and may warrant discussion and/or assessment; however, are considered non-scope issues.

Concurrent with the Phase I ESA, *Performance* personnel conducted a survey for the potential presence of suspect asbestos-containing materials (ACMs). This hazardous materials assessment is not included as a part of the Phase I ESA, but is available under separate cover.

Client agrees that in the event information regarding environmental or other hazardous waste issues at the study property that were known by the client or that come to the attention of the client or client's agent upon completion of this investigation, such information will be brought to the attention of *Performance*. *Performance* reserves the right to evaluate such information and based on this evaluation, modify the conclusions stated in the report.

### 3.2 Limiting Conditions/Data Gaps

Performance has evaluated the information obtained during the completion of the Phase I ESA and has identified the following limiting conditions, deviations, exceptions, data failures and/or significant data gaps:

- *Performance* was only able to obtain a limited amount of historical Assessing, Building and Fire Department Records from the respective sources.
- Performance was granted access to the readily accessible portions of the property.
   Performance only conducted a visual observation of the areas safely accessible and did not access the roof area.
- Performance requested information relative to deed restrictions and environmental liens, and a title search from the Report User. This information was not provided at the time of the assessment. The lack of title abstract or chain of title documentation limited identification of prior owners and any encumbrances.
- Performance provided the Client with a User Questionnaire and owner/operator/occupant questionnaire to be completed. This information was not provided to Performance to assist in completion of the assessment.

 The following sources were reviewed during the course of this assessment and found to be limited: aerial photographs were not available prior to 1937; city directories were not available prior to 1973; topographic maps prior to 1908 were not reasonably ascertainable from local agencies; Sanborn maps provided limited coverage, and other historical sources did not provide coverage of the subject property.

Based on the results of *Performance* assessment and the additional information gathered, no further investigation appears warranted to address these data gaps as *Performance* was able to draw a conclusion in regard to the prior use of the subject site from other sources. The remaining data gaps were not determined to be material in identifying a Recognized Environmental Conditions (RECs) they are not considered by ASTM standards to be significant and therefore, are not individually addressed in this report.

### 4.0 PHYSICAL SITE CHARACTERIZATION

The subject site is described by the U.S. Geological Survey as being in Township 2 North, Range 10 East, Section 25, City of Birmingham, Oakland County, Michigan. The subject property is located on the southwest corner of Willits Street and N. Chester Street, having an address of 191 N. Chester Street. The following information was obtained from the City of Birmingham Assessing Department:

Property ID #	Known Address	Current Occupant	
08-19-25-356-023	191 N. Chester Street	First Church of Christ Scientist	

### 4.1 Current Land Use

The subject property consists of a multi-story commercial building containing offices, meeting rooms, worship center and utility/maintenance rooms. The site is currently used for religious purposes, operated by the First Church of Christ, Scientist. The building encompasses most of the property, with some green space and landscaping to the north, east and west of the building. A paved driveway is situated south of the property. Refer to Plate II, Aerial Site Map in Appendix 1 for additional site details.

### 4.2 Current Surrounding Properties Land Use

The subject property is located on the southwest corner of Willits Street N. Chester Street, one block north of Maple Road. Surrounding properties include commercial and residential development. The following table provides information regarding adjoining properties:

Direction from Subject Site	Comments
North	Residential dwellings
South	Commercial Offices, residential dwelling and barn
East	Parking structures, commercial offices
West	Residential dwelling

### 4.3 Topography

The United States Geological Survey (USGS) Birmingham, Michigan Quadrangle 7.5-minute series topographic map dated 1981, photo-revised from 1968, was reviewed for this ESA. According to the contour lines on the topographic map, the subject property is located at approximately 780 feet above mean sea level (MSL). The contour lines in the area of the subject property indicate the area is sloping toward the northwest. The subject property is depicted on the 1981 map as urban land.

Performance personnel referenced the USGS Maps to determine the distance and direction to the nearest body of water. The USGS Map indicated the closest water body to the study property appears to be the River Rouge, approximately 500 feet west of the site. At the time of the site visit, the topography of the site indicated a gently slope to the west/northwest. Refer to Plate I, Site Location Map in Appendix 1 for the USGS Map.

### 4.4 <u>Hydrogeology</u>

According to topographic map interpretation, the direction of groundwater in the vicinity of the subject property is inferred to flow to the northwest. No settling ponds, lagoons, surface impoundments, wetlands or natural catch basins were observed on the subject property during this assessment. According to available information, the subject property and surrounding properties utilize a public water system operated by the City of Birmingham.

### 4.5 Geology

The EDR Radius Report included a review of the United States Department of Agriculture (USDA) Soil Conservation Survey of Oakland County, Michigan. The soil in the area of the subject site is classified as comprised primarily of the Urban Land. This association is generally described as variable soils near the surface. A copy of the soils information is presented in the EDR Radius report included as an appendix to this report.

According to the online MDEQ GeoWebFace program (<a href="http://ww2.deq.state.mi.us/GeoWebFace">http://ww2.deq.state.mi.us/GeoWebFace</a>) the general area of the subject site is identified as "Lacustrine Clay and Silt" and bedrock in the general area of the subject site is identified as "Coldwater Shale".

### 5.0 SITE RECONNAISSANCE

Performance personnel conducted a walk-through evaluation of the study property on March 5, 2015. Performance personnel traversed the property to identify areas of potential environmental concern. Performance was accompanied during the site walk. This section details the characteristics of the study property as observed on March 5, 2015, by Julie Anna Pratt, Senior Project Professional with Performance.

### 5.1 General Site Characteristics

At the time of the site walk, the study property consisted of the Church of Christ Scientist, an active religious building. *Performance* did not observe the study property to be utilized as a gasoline station, motor repair facility, commercial printing facility, dry cleaner, photo developing laboratory, junkyard or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility.

Vehicle access to the site is limited, as the site is located in the heavily developed downtown Birmingham area. A small driveway and parking area is located at the northwest corner of the site. The building encompasses most of the property, with some landscape and grass adjoining the building to the north, east and west.

Refer to Appendix 2 for Site Photographs of the subject property.

### 5.2 Potential Environmental Concerns

### 5.2.1 Chemical Use, Storage, and/or Waste Management

*Performance* personnel visually evaluated the study property to identify areas of chemical use, storage, and/or waste management. At the time of the site visit, the property was an active religious building. There was no evidence of the current use or storage of petroleum products or hazardous materials in significant quantities on the subject site. Small quantities of some chemicals and cleaners consistent with general commercial uses were noted stored in the building interior.

### 5.2.2 Above Ground/Underground Storage Tanks

Performance personnel conducted a visual evaluation of the study property to identify the absence or presence of any above ground storage tanks (ASTs) or underground storage tanks (USTs). Performance personnel did not observe obvious evidence of any former or current ASTs or USTs on the study property. Performance did observe one unexplained, capped steel pipe extending from beneath the basement floor near the southeast corner of the building.

The lack of visible evidence of USTs, and the fact that the individuals and agencies identified in this report may not be aware of, or did not have record of, the presence of any USTs, does not preclude the possibility that USTs could be present at the subject site. Visible evidence of USTs, such as fill ports or vent pipes, may have been obscured from view, and a UST could have been used at the subject site property without the knowledge of the current owner/operator, site contact, or government agency.

# 5.2.3 <u>Surficial Evaluation (staining, corrosion, stressed vegetation, pools of liquid)</u>

*Performance* did not observe any obvious soil staining, corrosion or surface water contamination (i.e., discoloration, sheen) at the subject site. Snow covered the exterior of the subject property, limiting observations.

### 5.2.4 Odors

Performance did not observe any obvious odors at the subject site.

### 5.2.5 <u>Drains/Sumps</u>

Performance did observe interior floor drains and an apparent sump on the subject property. The apparent sump was identified in the utility/mechanical room near the southeast portion of the property (adjacent to current Sunday school children's area). Visual evaluation of the drains did not identify any unusual staining, sheen or debris. The apparent sump like structure was dry, with no unusual staining, sheen or debris.

### 5.2.6 Pits/Ponds/Lagoons

Performance did not observe any pits, ponds or lagoons at the subject site.

### 5.2.7 Excavation/landfilling

*Performance* did not observe any visually obvious areas of landfilling activities at the subject site.

### 5.2.8 PCB Transformers and Fluids

Performance personnel conducted a visual evaluation of the study property to identify the absence or presence of any PCB-containing fluids or electrical equipment, including transformers. The various switches and/or equipment located in the study property building were observed to be in good condition, with no evidence of leaks or staining.

Performance personnel observed fluorescent light ballasts located throughout the study property building. Performance personnel did not inspect the light ballasts to determine if the light ballasts were PCB containing. However, based on the age of the study property building, Performance considers the fluorescent light ballasts to possess the potential to contain PCB fluids.

The typically accepted industry phase-out date for the use of PCBs in electrical equipment is 1979. Based on the date of construction, the presence of PCBs on the subject property is possible.

### 5.2.9 Solid Waste Management

Performance personnel visually evaluated the study property to identify areas of solid waste management. A dumpster was observed immediately south of the church building adjacent to the adjoining farm building. No issues associated with illicit dumping or other concerns were noted.

### 5.2.10 Utilities

The facility is serviced by the City of Birmingham public water and sewer. There are no known water supply wells or septic system on the property or adjoining properties. According to the Michigan Public Service Commission (MPSC), electricity to the subject property is provided by DTE Energy Company (DTE) and natural gas is supplied by Consumers Energy.

### 5.3 Non-ASTM Scope Considerations

### 5.3.1 Asbestos-Containing Materials

Pursuant to the Code of Federal Regulations 29 CFR 1926.1101 and 1910.1001, surfacing materials and thermal system insulation in buildings constructed *prior to January 1, 1981* must be presumed to be asbestos-containing materials (PACM). Also, asphalt and vinyl flooring material installed *prior to January 1, 1981* must be treated as asbestos-containing.

Based on the age of the study property building, *Performance* personnel's visual observation, information obtained other sources, and current regulations, *Performance* considers the building to possess a high potential to contain ACMs.

Employers or building owners may demonstrate that PACM do not contain asbestos by properly testing the materials in accordance with the OSHA standards. In addition, the OSHA regulations require building owners to exercise due diligence to inform employers and employees about the presence and location of ACM and PACM. Additionally, OSHA standards require building and facility owners to maintain records concerning the presence, location and quantity of ACM and PACM in the building/facility.

Concurrent with the Phase I ESA, *Performance* personnel conducted a survey for the potential presence of suspect asbestos-containing materials (ACMs). This hazardous materials assessment is not included as a part of the Phase I ESA, but is available under separate cover.

### 5.3.2 Lead-Based Paint

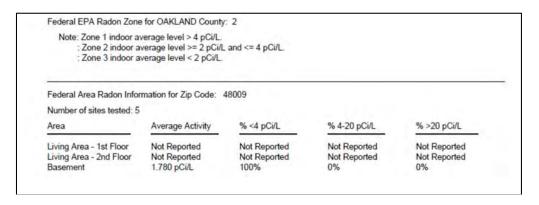
Buildings constructed prior to 1978 have an increased potential to contain lead-based paint. Lead was a major ingredient in most oil interior and exterior paints prior to 1950. In the early 1950s, other ingredients became more popular, but some lead pigments,

corrosion inhibitors, and drying agents were still commonly used. Lead was first regulated in residential paint in 1972 at 0.5 percent and "banned" in 1978, meaning that paint could contain no more than 0.06 percent lead by dry weight.

*Performance* personnel observed the portions of the interior and exterior of the study property building to have been painted. Based on the age of the study property building, *Performance's* observations and current regulation, Performance considers the study property building to possess a high potential to contain lead based paint.

### 5.3.3 <u>Radon</u>

Performance personnel reviewed radon-testing documentation summarized in the EDR Radius Report. Performance evaluated the radon information for Zip Code 48009 in Birmingham, Oakland County, which participated in the radon study.



The radon results for the City of Birmingham showed that the study property is in a Zone 2 Federal EPA Radon Zone. The indoor average radon level is less than 4.0 picocuries/liter (piC/L) of air and greater than 2.0 piC/L.

Local radon gas concentrations can vary substantially with permeability and type of soils, points of entry, and type of ventilation within a building. The only way to determine the absence or presence of radon is to perform a radon test.

### 5.3.4 Water Intrusion

*Performance* did not observe obvious evidence of water intrusion inside the structure on the subject site. No standing water or current moisture was observed.

A cursory visual evaluation for water intrusion was performed to provide a general indication of obvious potential for its presence, and the cursory visual evaluation is not considered a comprehensive investigation.

### 5.3.5 Wetlands/Surface Water

*Performance* personnel conducted a visual evaluation of the study property to identify the potential presence of wetland areas or habitat, and *Performance* personnel observed none on the subject property.

### 5.4 Adjoining Properties Land Use

*Performance* personnel conducted a visual assessment of the adjoining properties as feasible from the subject property and public road right-of-ways in order to identify any businesses with the potential to impact the study property.

Adjoining properties include commercial businesses and residential dwellings, with no obvious signs or evidence of the use, storage and/or handling of petroleum products or hazardous materials.

The adjoining properties *may* utilize chemicals and petroleum products and/or generate chemical and petroleum wastes, which can impact soil and groundwater. Currently, *Performance* has no knowledge of actual environmental contamination emanating from any adjoining or nearby properties.

### 6.0 USER PROVIDED INFORMATION

*Performance* provided a User Questionnaire to the prospective purchaser for completion. A completed User Questionnaire has not been received as of the date of this report.

### 6.1 Title Records, Environmental Liens and AULs

*Performance* was not provided with any title documentation or other documentation indicating the presence of environmental liens or property use restrictions on the subject site.

### 6.2 Specialized Knowledge

The User did not provide any information regarding specialized knowledge regarding the study property or former property usage. At the time of the site visit, Mr. Krochmal did provide visual observation of historical building plans and blueprints, showing the former heating oil UST system located at the southeast portion of the site. In addition, Mr. Krochmal had copies of waste disposal manifests and indicated he would forward copies to *Performances* attention. Copies of the requested documentation have not been received as of the date of this report.

### 6.3 Actual Knowledge of the User

The User indicated that he has no actual knowledge regarding the study property. The extent of former known usage included use as the Church of Christ Scientist.

### 6.4 Valuation Reduction for Environmental Issues

*Performance* was not provided with any evidence that indicated that a valuation reduction has occurred in this property transaction due to environmental issues at the subject site.

### 6.5 Commonly Known or Reasonably Ascertainable Information

*Performance* was not provided with any commonly known or reasonably ascertainable information regarding any environmental issues at the subject site.

### 6.6 Previous Reports and Other Provided Documentation

*Performance* was not provided with any previous reports or other documentation regarding the subject site.

### 7.0 INTERVIEWS

*Performance* provided an ASTM Transaction Screen Questionnaire to the Client to be forwarded to the current property owner for completion. As of the date of this report, a completed questionnaire has not been completed. At the time of the site visit, an owner/operator representative was not present at the site.

### 7.1 Interview with Owner

An ASTM Transaction Screen questionnaire was not received. Owner contact information was not provided.

### 7.2 Interview with User

An ASTM Transaction Screen questionnaire was not received from the User.

### 7.3 <u>Interview with Site Manager</u>

An ASTM Transaction Screen questionnaire was not received. Site operator contact information was not provided.

### 7.4 Interviews with Past Owners, Operators and Occupants

An ASTM Transaction Screen questionnaire was not received. Contact information for past owners, operators and/or occupants was not provided.

#### 7.5 Interviews with Others

No interviews, other than those provided in the Phase I ESA, were conducted by *Performance*.

#### 8.0 REGULATORY AGENCY INFORMATION

#### 8.1 Standard Federal, State and Tribal Environmental Database Record Sources

As a part of *Performance's* regulatory record review, an environmental regulatory report was ordered from Environmental Data Resources, Inc. (EDR). The EDR report is a tabulation of data from the federal U.S. Environmental Protection Agency (USEPA), the Michigan Department of Environmental Quality (MDEQ) and the County Environmental Health Department's records. The record review includes, but is not limited to, research and information from the following databases:

- Federal, State and Tribal National Priorities List (NPL) records and delisted records;
- Federal, State and Tribal Comprehensive Environmental Response, Compensation and Liability Index System (CERCLIS) records;
- Federal Cerclis NFRAP list;
- Federal Resource, Conservation and Recovery Act (RCRA) CORRACTS Facilities List;
- Federal RCRA non-CORRACTS TSD facility list;
- Federal RCRA Generators List;
- Federal Institutional Control/Engineering Control registries;
- Federal Emergency Response Notification System (ERNS) list;
- State and Tribal Hazardous Waste Sites (SHWS);
- State and Tribal Landfill and/or solid waste disposal facilities;
- State and Tribal leaking underground storage tanks (LUST);
- State and Tribal registered underground storage tanks (RUST);
- State and Tribal Institutional Control/Engineering Control registries;
- State and Tribal volunteer cleanup sites; and,
- State and Tribal Brownfield Sites.

The EDR report searches government databases in accordance with the ASTM Standard for conducting Phase I Environmental Site Assessments. The ASTM Standard determines the search distances based on the potential of government database sites to impact the study property. A copy of the EDR report can be found in Appendix 4.

*Performance* reviewed EDR's *Radius Map with GeoCheck®* for the subject site and identified the following sites within the various ASTM radii:

- There are five known RCRA CESQG sites within one-quarter mile of the subject site;
- There are two known RCRA NonGen sites within one-quarter mile of the subject site;
- There are two known Brownfield sites within one-half mile of the subject site;
- There are two known AUL sites within one-half mile of the subject site;
- There are ten known LUST sites within one-half mile of the subject site;
- There are three known UST sites within one-quarter mile of the subject site;
- There are sixteen known INVENTORIES sites within one-half mile of the subject site; including the subject property.
- There are no known Part 201 sites within one-half mile of the subject site;
- There are seven known BEA sites within one-half mile of the subject site;
- The subject property is listed in the WDS database; and,
- There are three EDR Historical Auto Station sites within one-quarter mile of the subject site

Performance's review of the environmental databases considered the potential of contamination from adjoining and nearby sites. To evaluate which of the sites identified in the EDR report present a potential environmental risk to the subject site, *Performance* considered the following criteria: type of database on which the site was identified; location, direction, and distance of the site relative to the subject site; anticipated or known groundwater flow direction and soil conditions in the area; and, surface and subsurface obstructions and diversions present near the property.

The subject property was listed in the EDR database report: WDS and INVENTORY. The INVENTORY listing identified no listing for a BEA submittal, and identified it as a Part 201 Site. No additional information was provided. The WDS database listed the subject property as having an identification number. No additional information was provided regarding type of waste and absence/presence of any violations.

Several properties were identified within one-quarter of a mile from the property. Based on the distance from the site, as well as likely contaminants, these properties do not present an environmental concern to the subject property.

Performance also evaluated the Orphan list as presented in the EDR Radius Report. These are sites identified by EDR as having the potential to impact the subject property, but could not be located because of an incorrect or incomplete addresses. There were no orphan sites identified.

#### 8.1.1 Vapor Migration

ASTM Standard E2600-10, Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions, is a reference document in ASTM E1527-13. Vapor migration must also be considered no differently than contaminated groundwater

migration in the Phase I investigation. "Migrate" and "migration" are defined in E1527 as "the movement of hazardous substances or petroleum products in any form, including, for example, solid and liquid at the surface or subsurface, and vapor in the subsurface."

In accordance with E2600-10, the screening process includes:

- Identification of any known or suspected contaminated sites with chemicals of concern within the area of concern (search distances are different for sites contaminated with non-petroleum hydrocarbons such as chlorinated volatile organics, versus sites contaminated with petroleum hydrocarbons);
- Evaluate for hydraulic or physical barriers between the subject property and the contaminated site; and
- Evaluate groundwater flow direction information to reduce the area of concern based on location in comparison to the subject property (i.e. up gradient, down gradient, or side gradient).

As discussed in the previous section, the subject property was identified as an Inventory and WDS site. Classification in these databases indicates the use, storage and handling of petroleum products and/or other hazardous materials. The extent of any spills or releases on the subject property is not known at this time.

Based on the absence of any sites of known contamination within the critical distance of the subject property, the potential for vapor migration onto the subject site from an adjoining or nearby site to impact the subject property is minimal.

#### 8.2 Michigan Department of Environmental Quality File Review

The subject property was identified in the EDR Radius Report. *Performance* determined that an MDEQ FOIA file review was necessary for the subject property. *Performance* submitted a request to the Remediation and Redevelopment Division (RRD) and the Resource Management Group (RMG) of the MDEQ to conduct an in-house review of any available files for the subject property.

On Monday, March 16, 2015, an in-house review of available documentation was conducted. Limited file documentation was available. A Site Assessment / Closure Report, generated by Enkon Environmental Services, dated October 31, 1990 was reviewed. According to the report, Enkon was retained to provide site assessment during removal of a 1,000 gallon heating oil UST located at the subject property. The underground storage tank was buried beneath the front lawn, immediately adjacent to the southeast corner of the building.

Subsurface conditions encountered during removal of the former UST indicated a thin layer of topsoil overlying at least four feet of light brown, mixed sand and gravel. The tank was a steel, 1,000 gallon UST with no corrosion protection. It was noted that the steel walls and galvanized product lines were in good shape.

As the tank was uncovered, soil samples were field screened for volatile organic compounds. Evidence of PID readings ranged from 10 ppm to 125 ppm in the overburden soils on top of the former UST. Grab samples collected from the cavity subsequent to tank removed indicated no evidence of VOCs. A total of six soil samples were collected for analysis for BEX and PNAs. Depths of the samples were not provided, but included sidewall and bottom excavation samples. The sidewall samples from the western wall were collected adjacent to the former piping run extending to the building. It was concluded by Enkon that other than the overburden soils (estimated 50 cubic yards), no contamination was encountered.

*Performance* also evaluated the Waste Data System (WDS) database with the MDEQ. Limited information was available, identifying the site as a liquid industrial waste generator. Based on the known religious use of the site, and limited information available, the WDS listing is likely associated with the former heating oil UST system.

#### 8.3 City of Birmingham Municipal Offices

On March 5, 2015, *Performance* personnel visited the City of Birmingham to review file documentation from the Assessor's Office, Building Department and Fire Department. A Freedom of Information Act request was submitted to the City Clerk requesting to review available files regarding the study property. On March 17, 2015, the Assessing Department provided an email response indicating that since the property has been tax exempt, no assessing documentation is available for review. The Building and Fire Departments provided available documentation for in-house review.

On March 18, 2015, Community Development Department electronic files were evaluated during an in-house scheduled visit with Ms. Sabrina Martin. The files included several permits and plans for signs, plumbing, electrical and other building related items. Included in the files were architectural plans identifying an existing 1,000 gallon fuel oil UST at the southeast corner of the building, with associated piping running west along the southern side of the building.

On March 18, 2015, the Fire Department paper files were evaluated during an in-house scheduled visit. The files included a permit dated October 1990 for the removal of one 1,000 gallon UST. A City of Birmingham Fire Department memorandum also was in the file documenting removal of one 1,000 gallon UST. The tank was removed by D & H Richmond, with "minimal contamination observed".

It is *Performances* opinion that the minimal contamination observed was likely the overburden soils that were excavated from top of the tank and removed for offsite disposal.

A copy of the City of Birmingham municipal documentation is included in Appendix 5.

#### 9.0 SITE HISTORY

A profile of the historical usage of the site was developed by reviewing available historical records where available. *Performance's* evaluation is summarized in the following sections.

#### 9.1 <u>Historical Aerial Photographs</u>

Performance personnel reviewed aerial photographs of the study property from various years between 1937 through 2012 provided by EDR. Oakland County Property Gateway aerial photographs from 1940 through 2014 were also referenced. The photographs were reviewed to aid in determining past site usage and any area(s) where any environmental contamination would be suspected. Refer to Appendix 6 for copies of the EDR and Oakland County Aerial Photographs. Details regarding these photographs can be found in the following table.

#### **Aerial Photographs**

YEAR	SCALE	Description/Observations
1937	1"=500'	The subject property appears to be developed, surrounded by trees and what appear to be residential dwellings.
1940	1"=100'	The photograph is blurred preventing observations.
1949	1"=500'	The subject property appears to be developed, surrounded by trees and residential dwellings.
1952	1"=500'	No significant changes from the previous photograph.
1956	1"=500'	The subject property remains similar, adjoined by residential dwellings. The properties east of N. Chester appear to be increasingly commercial.
1963	1"=100'	The church building has expanded. Parking areas are situated east of N. Chester Street.
1967	1"=500'	No significant changes from the previous photograph.
1972	1"=500'	No significant changes from the previous photograph.
1974	1"=100'	No significant changes from the previous photograph.
1980	1"=100'	The subject property remains similar. The adjoining property to the south (east) is vacant grass covered land.
1981	1"=500'	No significant changes from the previous photograph.
1983	1"=500'	The subject property remains similar. The adjoining property to the south is now a commercial building.
1987	1"=500'	No significant changes from the previous photograph.
1990	1"=100'	No significant changes from the previous photograph.
1997	1"=500'	No significant changes from the previous photograph.
1999	1"=500'	No significant changes from the previous photograph.
2000, 2002	1"=100'	No significant changes from the previous photograph.
2005	1"=500'	No significant changes from the previous photograph.
2006, 2008	1"=100'	No significant changes from the previous photograph.
2009, 2010, 2012	1"=500′	The property appears similar to that observed at the time of the site visit.
2014	1"=100'	The property appears similar to that observed at the time of the site visit.

#### 9.2 Historical Topographic Maps

*Performance* personnel reviewed topographic maps of the study property from various years between 1908 and 1981 provided by EDR. The maps were reviewed to aid in determining past site usage and any area(s) where any environmental contamination would be suspected. Refer to Appendix 7 for copies of the EDR Topographic Maps.

#### **Topographic Maps**

YEAR	Мар	Description/Observations
1908	Rochester Quad;	The City of Birmingham is developed. The surrounding areas are
1508	15 Min. Series	sparsely developed. The River Rouge is apparent to the west.
1936	Birmingham Quad;	The subject property is developed as a church. Adjoining properties
	7.5 Min. Series	are also developed, but type of usage is undetermined.
1945	Birmingham Quad;	No significant changes are observed from the previous topographic
1343	7.5 Min. Series	map.
1952	Birmingham Quad;	The subject area is shaded in pink, indicating heavily developed Urban
1932	7.5 Min. Series	Land.
1968	Birmingham Quad;	No significant changes are observed from the previous topographic
1900	7.5 Min. Series	map.
1973	Birmingham Quad;	No significant changes are observed from the previous topographic
	7.5 Min. Series	map.
1981	Dirmingham Quade	The subject site is located in a heavily developed area of Birmingham.
	Birmingham Quad; 7.5 Min. Series	Surface elevation is estimated to be 780 feet above mean sea level
	7.5 Will. Selles	(MSL). The River Rouge is located northwest of the subject site.

#### 9.3 Sanborn Fire Insurance Maps

Performance personnel contacted EDR and requested a Sanborn Fire Insurance Map site search for the subject property. Fire insurance maps typically depict the locations of manufacturing and industrial concerns within the city limits and potential fire hazards existing within individual structures. Many times areas of environmental concern, such as the location of underground storage tanks, can be found by referencing fire insurance maps. Performance received a response from EDR indicating Sanborn maps were available for the subject property for years between 1910 and 1960.

#### **Sanborn Maps**

YEAR	Description/Observations
1910	Coverage is not available for the west side of N. Chester Street. The properties east of N. Chester include residential dwellings.
1915	No significant changes from the previous Sanborn map.
1921	The subject property is depicted as a residential dwelling. Adjoining properties are residential.
1926	The subject property is vacant. Adjoining properties remain residential.
1931	The subject property is developed with the First Church of Christ Scientist.
1949	No significant changes from the previous Sanborn map.
1960	The original structure is noted as having been built in 1926. Building additions were added to the south and west, noted as having been constructed in 1953.

A copy of the Sanborn Maps is provided as an attachment in Appendix 8.

#### 9.4 <u>City Directories</u>

City directories list the names, residence location, and sometimes even the occupation of city residents for a given year. They also frequently contain similar information about commercial establishments, thus providing specific addresses and names of establishments over time. City directories allow a researcher to build a history of a site and surrounding area over time and may give an indication if an area has been occupied by businesses that historically have caused environmental problems.

*Performance* personnel reviewed a City Directory Abstract provided by EDR. City Directory sources included the Cole Information Services and the Polk's City Directory Company. The information obtained is summarized in the following paragraph. The addresses listed are inferred subject property addresses from referencing Sanborn maps and municipal documentation.

#### **City Directory Addresses**

Year	Subject Property	Adjoining South (east)	Adjoining South (west)
1973	First Church of Christ Scientist	Residential	Residential
1977	First Church of Christ Scientist	Residential	Residential
1982	First Church of Christ Scientist	W. Maple Associates	Residential
1987	First Church of Christ Scientist	Commercial offices	Residential
1992	First Church of Christ Scientist	Commercial offices	No Listing
1995	First Church of Christ Scientist	Commercial offices	Residential
1999	First Church of Christ Scientist	Commercial offices	Residential
2003	First Church of Christ Scientist	Commercial offices	Residential
2008	First Church of Christ Scientist	Commercial offices	Occupant Unknown
2013	First Church of Christ Scientist	Commercial offices	Residential

Upon review of the city directories for the study property, it appears that the study property was developed for church use prior to 1973. Adjoining properties to the south included residential and commercial use. No gasoline stations, motor repair facilities, dry cleaners, photo developing laboratories, junkyards or landfills were listed as occupants of the study property or adjoining properties to the south.

A copy of the City Directory Image is included as Appendix 9.

#### 9.5 Title Documentation

A fifty-year title search for the subject property can provide additional information regarding the present and previous owners of the site. The chain of title gives the names of previous owners of the subject property, which <u>may</u> provide information as to the previous uses of the property. The records checked in a title search may also identify long-term lessees who may have occupied the site. *Performance* was not provided with title documentation; *Performance* was unable to evaluate for evidence of environmental concerns or restrictions or identify previous ownership.

#### 9.6 Previous Environmental Reports

Performance was not provided with any previous environmental reports for the subject site.

#### 10.0 EVALUATIONS AND CONCLUSIONS

Performance conducted this Phase I ESA in order to provide a professional opinion of the possible presence of RECs or other possible environmental concerns, if any, associated with the subject site. This Phase I ESA was conducted in general conformance with the ASTM E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA AAI guidelines.

#### 10.1 Findings

Based on historical documentation, the first developed use of the property appears to be residential, with date of development sometime prior to 1921. The subject property was developed for religious use in the 1920's. The church building has been expanded and remolded over time, with current use remaining a religious institution. A review of historical documentation and municipal records did not identify any use, storage and/or handling of petroleum products or other hazardous materials at the subject property, with the exception of a former heating oil UST system formerly located on the property.

Performance submitted a Freedom of Information Act request to the Remediation Redevelopment Division (RRD) of the Michigan Department of Environmental Quality (MDEQ). Limited file documentation was available, including a Site Assessment / Closure Report, generated by Enkon Environmental Services, dated October 31, 1990. According to the report, Enkon was retained to provide site assessment during removal of a 1,000 gallon heating oil UST located at the subject property. The underground storage tank was buried beneath the front lawn, immediately adjacent to the southeast corner of the building. The report noted that the steel walls and galvanized product lines were in good shape based on observations at the time of removal.

As the tank was uncovered, soil samples were field screened for volatile organic compounds. Evidence of PID readings ranged from 10 ppm to 125 ppm. Grab samples collected from the cavity subsequent to tank removed indicated no evidence of VOCs. A total of six soil samples were collected for analysis for BEX and PNAs. Depths of the samples were not provided, but

included sidewall and bottom excavation samples. It was concluded by Enkon that other than the overburden soils (estimated 50 cubic yards), no contamination was encountered. The contaminated soils were disposed of offsite.

Based on available environmental site assessment research obtained and reviewed and visual observations of the study property and surrounding properties, *Performance* concludes there are no known recognized environmental conditions (REC's) on the study property or on adjoining properties with the potential to impact the study property.

Site assessment activities were conducted associated with the former UST system. Evidence of minimal contamination was observed at the time of removal in overburden soils formerly located on top of the former UST, which were apparently removed and disposed offsite. Subsequent excavation verification samples collected from the excavation bottom and sidewalls indicated no evidence of contamination was present. A Closure Report / Site Assessment Report was prepared concluding no further assessment was necessary to address the former heating oil UST system.

#### 10.2 Opinions

In accordance with ASTM Standard 1527-13, no evidence of current recognized environmental conditions (REC) or Controlled RECs at or adjoining the subject site. The heating oil UST is considered a Historical REC (HREC). A past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Based on the sampling conducted and associated laboratory analysis, the HREC does not present a current REC.

#### 10.3 Recommendations

Based on available environmental site assessment research obtained and reviewed and visual observations of the study property and surrounding properties, *Performance* concludes there are no known REC's on the study property or on adjoining properties with the potential to impact the study property. The presence of a former heating oil UST is a Historical REC (HREC). However, site assessment activities were conducted at the time of removal with no evidence of soil contamination encountered in closure verification sampling.

#### 10.4 Non Scope Considerations

Based on the age of the structure, *Performance* recommended performing an asbestos survey of the structure on the study property before any renovation, demolition or any maintenance activities that may disturb the building materials. The results of the survey are submitted under separate cover.

Performance personnel observed fluorescent lighting and other electrical equipment in the study property building. Performance personnel did not inspect the light ballasts or other electrical equipment to determine if any were PCB containing. However, due to age of the building, Performance considers the light ballasts and other electrical equipment within the study property building to have potential to contain PCB fluids. Performance recommends testing the light ballasts and other electrical equipment before disposal to determine if they contain PCB fluids. If the items contain PCB fluids, special handling and disposal procedures may be required.

#### 10.5 Environmental Professional

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312. I have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the subject property. I have performed the all appropriate inquiries in general conformance with the standards and practices set forth in 40 CFR Part 312.

Signature of Environmental Professional

April 2, 2015 Date

Julie Anna Pratt

Printed Name of Environmental Professional

#### 11.0 QUALIFICATIONS

Performance personnel conducted these professional services in accordance with customary principles and practices in the area of environmental science and engineering, and in general conformance with the American Society for Testing Materials (ASTM) E 1527-13, Standard Practice for Conducting Environmental Site Assessments and is intended to comply with USEPA All Appropriate Inquiry (AAI) guidelines. Performance has made appropriate inquiry with regard to the presence of hazardous materials or petroleum products in the environments at the study property based upon the Scope of Work. The conclusions presented in the report were based solely on the services described herein and not on scientific tasks or procedures beyond the scope of work or on the time or budgetary constraints imposed by the client. Performance is not to be held responsible for the independent findings, opinions or recommendations made by others based on the field inspection and regulatory and title search data documented by this report.

Please note that all environmental assessments conducted by surficial evaluation are ultimately limited to the context that conclusions are developed and recommendations are made from data drawn from limited research, research time and site inspection. Subsurface conditions were not field investigated as part of this study. In addition, as time progresses, a change may occur in the environmental conditions at the study property and at the surrounding properties.

In preparing this report, *Performance* relied on specific information provided by federal, state, county, and/or local officials and other parties referenced herein and on available information reviewed in the files of federal, state, county, and/or local officials made available to *Performance* personnel at the time and under the conditions noted. *Performance* did not attempt to independently verify the accuracy or completeness of the information received or reviewed during the course of this investigation.

In preparing this report, *Performance* did not make any specific attempts to check on the compliance of past or present previous owners of the site with respect to any federal, state, county, and/or local laws or regulations, environmental or otherwise. Compliance issues are most accurately addressed with the completion of a Regulatory Compliance Audit, which is outside the scope of work for this investigation.

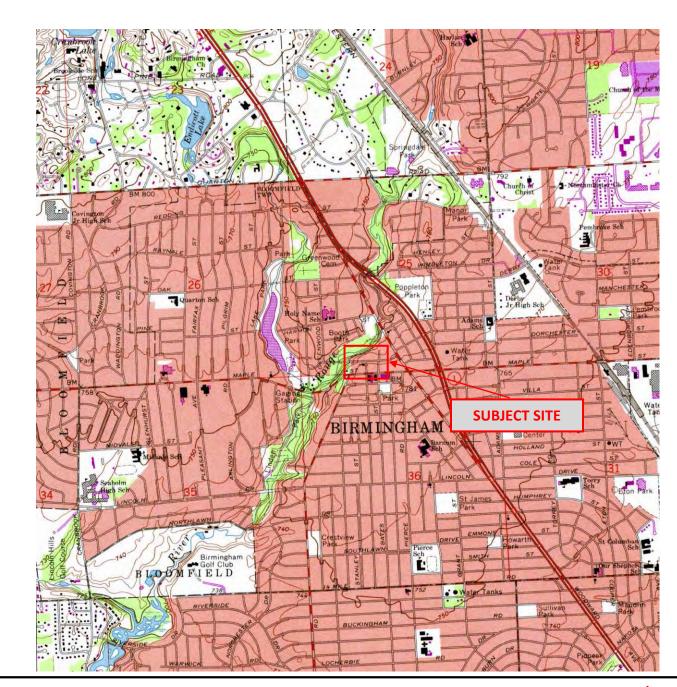
As noted within the scope of work, *Performance* personnel conducted a survey for the potential of suspect asbestos-containing materials (ACMs). The survey was conducted separately from the scope of work included in the Phase I ESA, and is available under separate cover.

Client agrees that in the event information regarding environmental or other hazardous waste issues at the study property that were known by the client or that come to the attention of the client or client's agent upon completion of this investigation, such information will be brought to the attention of *Performance*. *Performance* reserves the right to evaluate such information and based on this evaluation, modify the conclusions stated in the report.

#### 12.0 REFERENCES

- 1) U.S. Geological Survey Topographic Maps, provided by Environmental Data Resources, Inc., Milford, Connecticut (EDR).
- 2) Aerial Photographs provided by EDR.
- 3) Radius Map with GeoCheck®, provided by EDR under date of March 5, 2015.
- 4) City Directory Abstract, 1973 through 2013, provided by EDR.
- 5) City of Birmingham Assessor, Building, and Fire Department Records for the subject site.
- 6) Historical Sanborn Fire Insurance, provided by EDR.
- 7) Google and Bing Aerial Photographs and Maps.

## Appendix 1 Figures



#### REFERENCE

USGS 7.5 MIN TOPOGRAPHIC QUADRANGLE BIRMINGHAM, MICHIGAN QUADRANGLE DATED: 1981 PHOTOREVISED FROM 1968 SCALE: 1: 24,000



#### **FIGURE 1: SITE LOCATION MAP**

#### **Commercial Property**

191 N. Chester Road Birmingham, Oakland County, MI **PROJECT**: 151226

**DATE:** 3/15/15

PREPARED BY:

30553 Wixom Road, Suite 500 Wixom, Michigan 48393

Voice: 248.926.3800 JAP Fax: 248.926.3838





#### **Legend**



Approximate Property Boundary

N

#### FIGURE 2: AERIAL SITE MAP

### **Commercial Property**

191 N. Chester Road

Birmingham, Oakland County, MI

**PROJECT**: 151226

**DATE:** 3/15/15

PREPARED BY: JAP

30553 Wixom Road, Suite 500 Wixom, Michigan 48393

Y: JAP Voice: 248.926.3800 Fax: 248.926.3838



## Appendix 2 Photographs



Near northeast corner of the property looking at the east building elevation.



Near northeast corner of the property looking west along Willits Street.



Near the northwest corner of the building looking east.



Near the northwest corner of the building looking south.



At the southeast corner of the building looking north.



At the southeast corner of the building looking west.



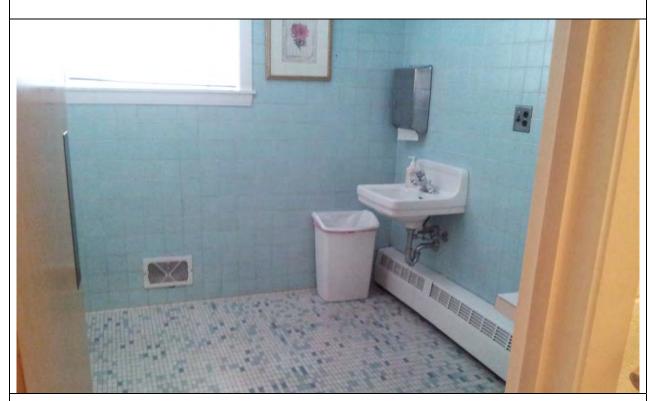
Near the southwest corner of the building looking east along southern property boundary.



Near the southwest corner of the building looking north along the west building elevation.



Interior view.



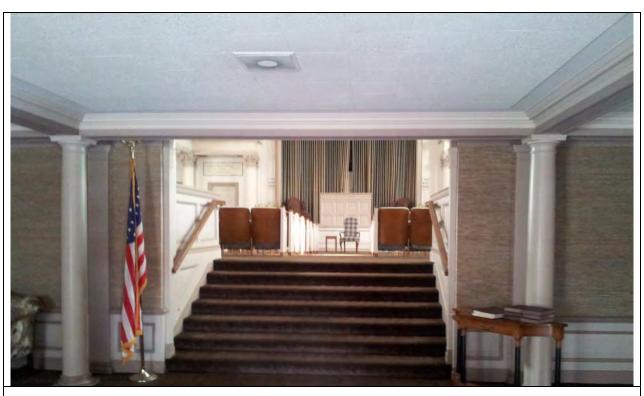
Interior view.



Interior view.



Interior view.



Interior view.



Interior view.



Interior view.



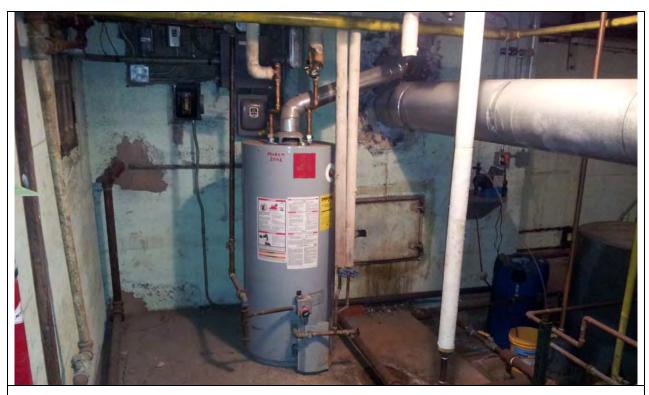
Interior view.



Interior view (oil turbine for pipe organs).



Interior view.



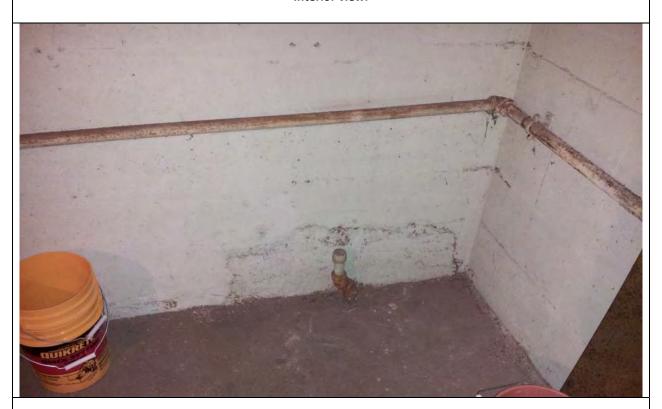
Interior view.



Unexplained sump in utility room.



Interior view.



Interior view, unexplained capped steel pipe.



Adjoining commercial building to the south.



Adjoining commercial building with parking to the east across N. Chester.



Residential dwellings north of Willits Street.



Residential dwelling adjoining west.

### Appendix 3 Questionnaires, Title Documentation

No Questionnaires Provided to *Performance* as of Date of Report

No Title Documentation Provided to *Performance* as of Date of Report

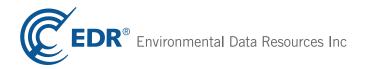
# Appendix 4 Environmental Regulatory Report

191 N. Chester 191 N. Chester Birmingham, MI 48009

Inquiry Number: 4225651.2s

March 05, 2015

### The EDR Radius Map™ Report with GeoCheck®



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**Thank you for your business.**Please contact EDR at 1-800-352-0050 with any questions or comments.

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#### **EXECUTIVE SUMMARY**

A search of available environmental records was conducted by Environmental Data Resources, Inc (EDR). The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-13) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

#### TARGET PROPERTY INFORMATION

#### **ADDRESS**

191 N. CHESTER OAKLAND County, MI 48009

#### **COORDINATES**

Latitude (North): 42.5472000 - 42° 32' 49.92" Longitude (West): 83.2187000 - 83° 13' 7.32"

Universal Tranverse Mercator: Zone 17 UTM X (Meters): 317826.1 UTM Y (Meters): 4712705.5

Elevation: 782 ft. above sea level

#### USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 42083-E2 BIRMINGHAM, MI

Most Recent Revision: 1981

#### **AERIAL PHOTOGRAPHY IN THIS REPORT**

Portions of Photo from: 20120629, 20120702

Source: USDA

#### TARGET PROPERTY SEARCH RESULTS

The target property was identified in the following records. For more information on this property see page 7 of the attached EDR Radius Map report:

Site	Database(s)	EPA ID
FIRST CHURCH OF CHRIST 191 N. CHESTER ST. BIRMINGHAM, MI 48009	INVENTORY	N/A
FIRST CHURCH OF CHRIST 191 N CHESTER ST BIRMINGHAM, MI 48009	WDS	N/A

#### **EXECUTIVE SUMMARY**

#### **DATABASES WITH NO MAPPED SITES**

No mapped sites were found in EDR's search of available ("reasonably ascertainable ") government records either on the target property or within the search radius around the target property for the following databases:

#### STANDARD ENVIRONMENTAL RECORDS

Federal NPL site list	
NPL	National Priority List
	Proposed National Priority List Sites
NPL LIENS	
	'
Federal Delisted NPL site lis	
Delisted NPL	National Priority List Deletions
Federal CERCLIS list	
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
FEDERAL FACILITY	Federal Facility Site Information listing
Federal CERCLIS NFRAP si	te List
CERC-NFRAP	CERCLIS No Further Remedial Action Planned
Federal RCRA CORRACTS to	acilities list
CORRACTS	Corrective Action Report
Federal RCRA non-CORRAC	CTS TSD facilities list
RCRA-TSDF	RCRA - Treatment, Storage and Disposal
Federal RCRA generators lis	st
RCRA-LQG	RCRA - Large Quantity Generators
	RCRA - Small Quantity Generators
Federal institutional control	s / engineering controls registries
US ENG CONTROLS	Engineering Controls Sites List
	Sites with Institutional Controls
LUCIS	Land Use Control Information System
Federal ERNS list	
ERNS	Emergency Response Notification System
State- and tribal - equivalent	CERCLIS
SHWS	This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal
	NPL list.

State and tribal landfill and/or solid waste disposal site lists

SWF/LF..... Solid Waste Facilities Database

State and tribal leaking storage tank lists

INDIAN LUST..... Leaking Underground Storage Tanks on Indian Land

State and tribal registered storage tank lists

AST..... Aboveground Tanks

INDIAN UST...... Underground Storage Tanks on Indian Land

FEMA UST..... Underground Storage Tank Listing

State and tribal voluntary cleanup sites

INDIAN VCP..... Voluntary Cleanup Priority Listing

State and tribal Brownfields sites

BROWNFIELDS..... Brownfields and UST Site Database

ADDITIONAL ENVIRONMENTAL RECORDS

Local Lists of Landfill / Solid Waste Disposal Sites

DEBRIS REGION 9..... Torres Martinez Reservation Illegal Dump Site Locations

ODI\_\_\_\_\_Open Dump Inventory

HIST LF..... Inactive Solid Waste Facilities

SWRCY..... Recycling Facilities

INDIAN ODI...... Report on the Status of Open Dumps on Indian Lands

Local Lists of Hazardous waste / Contaminated Sites

US CDL..... Clandestine Drug Labs

PART 201..... Part 201 Site List

DEL PART 201 Delisted List of Contaminated Sites

US HIST CDL..... National Clandestine Laboratory Register

Local Land Records

LIENS 2..... CERCLA Lien Information

LIENS.....Lien List

Records of Emergency Release Reports

HMIRS..... Hazardous Materials Information Reporting System

SPILLS...... Pollution Emergency Alerting System

Other Ascertainable Records

DOT OPS..... Incident and Accident Data

DOD...... Department of Defense Sites FUDS..... Formerly Used Defense Sites

CONSENT...... Superfund (CERCLA) Consent Decrees

ROD...... Records Of Decision UMTRA..... Uranium Mill Tailings Sites US MINES..... Mines Master Index File

TRIS...... Toxic Chemical Release Inventory System

TSCA..... Toxic Substances Control Act

Act)/TSCA (Toxic Substances Control Act)

HIST FTTS..... FIFRA/TSCA Tracking System Administrative Case Listing

SSTS..... Section 7 Tracking Systems

ICIS...... Integrated Compliance Information System PADS...... PCB Activity Database System MLTS..... Material Licensing Tracking System

RADINFO...... Radiation Information Database

FINDS..... Facility Index System/Facility Registry System RAATS\_\_\_\_\_\_RCRA Administrative Action Tracking System

RMP..... Risk Management Plans

UIC...... Underground Injection Wells Database

DRYCLEANERS Drycleaning Establishments NPDES..... List of Active NPDES Permits AIRS..... Permit and Emissions Inventory Data

INDIAN RESERV...... Indian Reservations
SCRD DRYCLEANERS..... State Coalition for Remediation of Drycleaners Listing US AIRS...... Aerometric Information Retrieval System Facility Subsystem

US FIN ASSUR\_\_\_\_\_ Financial Assurance Information EPA WATCH LIST\_\_\_\_\_ EPA WATCH LIST

COAL ASH DOE..... Steam-Electric Plant Operation Data PRP..... Potentially Responsible Parties 2020 COR ACTION........... 2020 Corrective Action Program List PCB TRANSFORMER...... PCB Transformer Registration Database

COAL ASH EPA...... Coal Combustion Residues Surface Impoundments List

Financial Assurance Information Listing

LEAD SMELTERS..... Lead Smelter Sites COAL ASH...... Coal Ash Disposal Sites

### **EDR HIGH RISK HISTORICAL RECORDS**

# **EDR Exclusive Records**

EDR MGP..... EDR Proprietary Manufactured Gas Plants EDR US Hist Cleaners...... EDR Exclusive Historic Dry Cleaners

#### **EDR RECOVERED GOVERNMENT ARCHIVES**

### Exclusive Recovered Govt. Archives

RGA LUST...... Recovered Government Archive Leaking Underground Storage Tank RGA PART 201\_\_\_\_\_Recovered Government Archive State Hazardous Waste Facilities List

RGA LF..... Recovered Government Archive Solid Waste Facilities List

### **SURROUNDING SITES: SEARCH RESULTS**

Surrounding sites were identified in the following databases.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property.

Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in **bold italics** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

## STANDARD ENVIRONMENTAL RECORDS

## Federal RCRA generators list

RCRA-CESQG: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

A review of the RCRA-CESQG list, as provided by EDR, and dated 12/09/2014 has revealed that there are 5 RCRA-CESQG sites within approximately 0.25 miles of the target property.

Equal/Higher Elevation	Address	Direction / Distance	Map ID	Page	
CENTRAL PARKING SYSTEM	180 CHESTER ST	SSE 0 - 1/8 (0.090 mi.)	В3	7	
BALDWIN HOUSE	200 CHESTER ST	SSE 0 - 1/8 (0.097 mi.)	B5	9	
MICHIGAN BELL TELEPHONE COMPAN	155 HENRIETTA ST	ESE 1/8 - 1/4 (0.150 mi.)	C8	13	
FULLER CENTRAL PARK PROPERTIES	111 S OLD WOODWARD	E 1/8 - 1/4 (0.236 mi.)	16	20	
Lower Elevation	Address	Direction / Distance	Map ID	Page	
JFK INVESTMENT COMPANY LLC	280 N OLD WOODWARD AV	'E ENE 1/8 - 1/4 (0.180 mi.)	12	17	

# State and tribal leaking storage tank lists

LUST: The Leaking Underground Storage Tank Incident Reports contain an inventory of reported leaking underground storage tank incidents. The data come from the Department of Environmental Quality's Leaking Underground Storage Tank (LUST) Database.

A review of the LUST list, as provided by EDR, and dated 12/02/2014 has revealed that there are 10 LUST sites within approximately 0.5 miles of the target property.

Equal/Higher Elevation	Address	Direction / Distance	Map ID	Page	
PROPOSED BALDWIN HOUSE SITE Release Status: Closed	200 CHESTER	SSE 0 - 1/8 (0.099 mi.)	В6	11	
Lower Elevation	Address	Direction / Distance	Map ID	Page	
BIRMINGHAM PUBLIC SCHOOLS Release Status: Open	550 W MERRILL	SSW 1/8 - 1/4 (0.164 mi.)	9	15	
SUNOCO #0008-4178 Release Status: Closed	35001 WOODWARD AVE	E 1/4 - 1/2 (0.361 mi.)	G20	24	

Lower Elevation	Address	Direction / Distance	Map ID	Page
SHELL - HUNTER  Release Status: Open  Release Status: Closed	34977 WOODWARD AVE	E 1/4 - 1/2 (0.374 mi.)	F22	27
MOBIL #03-K9Q Release Status: Open Release Status: Closed	1065 W MAPLE RD	WSW 1/4 - 1/2 (0.400 mi.)	J31	40
JAX KAR WASH #048 Release Status: Open	34745 WOODWARD	ESE 1/4 - 1/2 (0.416 mi.)	L34	48
SPEEDWAY LLC Release Status: Closed	34750 WOODWARD AVE	ESE 1/4 - 1/2 (0.449 mi.)	36	50
SIMON LAND DEVELOPMENT GROUP L Release Status: Open	35975 WOODWARD AVE	N 1/4 - 1/2 (0.464 mi.)	M37	55
ESTATE MOTORS Release Status: Closed	464 S WOODWARD AVE	SE 1/4 - 1/2 (0.466 mi.)	39	60
GHAFARI PROPERTIES INC Release Status: Closed	36101 WOODWARD AVE	N 1/4 - 1/2 (0.472 mi.)	40	60

# State and tribal registered storage tank lists

UST: The Underground Storage Tank database contains registered USTs. USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The data come from the Department of Environmental Quality's Michigan UST database.

A review of the UST list, as provided by EDR, and dated 12/02/2014 has revealed that there are 3 UST sites within approximately 0.25 miles of the target property.

Equal/Higher Elevation	Address	Direction / Distance	Map ID	Page	
WABEEK ASSOC GEN PARTNERSHIP	280 WEST MAPLE RD	ESE 0 - 1/8 (0.096 mi.)	4	9	
PROPOSED BALDWIN HOUSE SITE	200 CHESTER	SSE 0 - 1/8 (0.099 mi.)	B6	11	
BIRMINGHAM CO (M57110)	155 HENRIETTA	ESE 1/8 - 1/4 (0.149 mi.)	C7	12	

### State and tribal institutional control / engineering control registries

AUL: A listing of sites with institutional and/or engineering controls in place.

A review of the AUL list, as provided by EDR, and dated 11/23/2014 has revealed that there are 2 AUL sites within approximately 0.5 miles of the target property.

Lower Elevation	Address	Direction / Distance	Map ID	Page	
CATALYST DEVELOPMENT CO 8 LLC	<b>34977 WOODWARD AVE</b>	<b>E 1/4 - 1/2 (0.374 mi.)</b>	<b>F23</b>	<b>31</b>	
MOBIL #03-K9Q	1065 WEST MAPLE ROAD	WSW 1/4 - 1/2 (0.400 mi.)	J30	39	

### ADDITIONAL ENVIRONMENTAL RECORDS

#### Local Brownfield lists

US BROWNFIELDS: The EPA's listing of Brownfields properties from the Cleanups in My Community program, which provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

A review of the US BROWNFIELDS list, as provided by EDR, and dated 12/22/2014 has revealed that there are 2 US BROWNFIELDS sites within approximately 0.5 miles of the target property.

Lower Elevation	Address	irection / Distance	Map ID	Page	
WEISS SAMONA	34901 WOODWARD AVENUE ES	SE 1/4 - 1/2 (0.392 mi.)	128	34	
GREEN'S ART SUPPLY	400 SOUTH OLD WOODWARD ES	SE 1/4 - 1/2 (0.408 mi.)	K32	42	

#### Local Lists of Hazardous waste / Contaminated Sites

INVENTORY: The Inventory of Facilities has three data sources: Facilities under Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) identified through state funded or private party response activities (Projects); Facilities under Part 213, Leaking Underground Storage Tanks of the NREPA; and Facilities identified through submittals of Baseline Environmental Assessments (BEA) submitted pursuant to Part 201 or Part 213 of the NREPA. The Part 201 Projects Inventory does not include all of the facilities that are subject to regulation under Part 201 because owners are not required to inform the Department of Environmental Quality (DEQ) about the facilities and can pursue cleanup independently. Facilities that are not known to DEQ are not on the Inventory, nor are locations with releases that resulted in low environmental impact. Part 213 facilities listed here may have more than one release; a list of releases for which corrective actions have been completed and list of releases for which corrective action has not been completed is located on the Leaking Underground Storage Tanks Site Search webpage. The DEQ may or may not have reviewed and concurred with the conclusion that the corrective actions described in a closure report meets criteria. A BEA is a document that new or prospective property owners/operations disclose to the DEQ identifying the property as a facility pursuant to Part 201 and Part 213. The Inventory of BEA Facilities overlaps in part with the Part 201 Projects facilities and Part 213 facilities. There may be more than one BEA for each facility.

A review of the INVENTORY list, as provided by EDR, and dated 01/27/2015 has revealed that there are 15 INVENTORY sites within approximately 0.5 miles of the target property.

Lower Elevation	Address	Direction / Distance	Map ID	Page
BIRMINGHAM PUBLIC SCHOOLS	550 W MERRILL	SSW 1/8 - 1/4 (0.164 mi.)	9	15
COMERICA BANK BIRMINGHAM	322 N. OLD WOODWARD	ENE 1/8 - 1/4 (0.171 mi.)	D11	16
CATALYST DEVELOPMENT CO. 8, LL	34977 WOODWARD AVENUE	E 1/4 - 1/2 (0.359 mi.)	F19	24
SUNOCO GASOLINE STATION (FORME	35001 WOODWARD AVENUE	E 1/4 - 1/2 (0.361 mi.)	G21	27
SHELL - HUNTER	34977 WOODWARD AVE	E 1/4 - 1/2 (0.374 mi.)	F22	27
WOODWARD BROWN ASSOCIATES, LLC	34901 WOODWARD AVENUE	ESE 1/4 - 1/2 (0.390 mi.)	24	33
CHINESE RESTAURANT	856 NORTH OLD WOODWARD	ON 1/4 - 1/2 (0.391 mi.)	H26	33
WOODWARD BROWN ASSOC LLC	34901 WOODWARD	ESE 1/4 - 1/2 (0.392 mi.)	129	39
MOBIL #03-K9Q	1065 W MAPLE RD	WSW 1/4 - 1/2 (0.400 mi.)	J31	40
GREEN'S ART SUPPLY	400 SOUTH OLD WOODWARD	DESE 1/4 - 1/2 (0.408 mi.)	K33	47
JAX KAR WASH #048	34745 WOODWARD	ESE 1/4 - 1/2 (0.416 mi.)	L34	48
JAX KAR WASH	34745 WOODWARD AVENUE	ESE 1/4 - 1/2 (0.416 mi.)	L35	50
SIMON LAND DEVELOPMENT GROUP L	35975 WOODWARD AVE	N 1/4 - 1/2 (0.464 mi.)	M37	55
GASOLINE STATION	35975 WOODWARD AVENUE	N 1/4 - 1/2 (0.464 mi.)	M38	59
GHAFARI PROPERTIES INC	36101 WOODWARD AVE	N 1/4 - 1/2 (0.472 mi.)	40	60

#### Other Ascertainable Records

RCRA NonGen / NLR: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

A review of the RCRA NonGen / NLR list, as provided by EDR, and dated 12/09/2014 has revealed that there are 2 RCRA NonGen / NLR sites within approximately 0.25 miles of the target property.

Lower Elevation	Address	Direction / Distance	Map ID	Page	
HOLLYWOOD SHERIDAN ASSOCIATES	185 OAKLAND AVE	ENE 1/8 - 1/4 (0.212 mi.)	E14	19	
DAKOTA	280 HARMON ST	N 1/8 - 1/4 (0.238 mi.)	17	22	

BEA: A BEA is a document that new or prospective property owners/operations disclose to the DEQ identifying the property as a facility pursuant to Part 201 and Part 213. The Inventory of BEA Facilities overlaps in part with the Part 201 Projects facilities and Part 213 facilities. There may be more than one BEA for each facility.

A review of the BEA list, as provided by EDR, and dated 08/21/2013 has revealed that there are 7 BEA sites within approximately 0.5 miles of the target property.

Lower Elevation	Address	Direction / Distance	Map ID	Page	
BROWN STREET OFFICE BUILDING	200 EAST BROWN	SE 1/4 - 1/2 (0.315 mi.)	18	23	
SUNOCO #0008-4178	35001 WOODWARD AVE	E 1/4 - 1/2 (0.361 mi.)	G20	24	
CATALYST DEVELOPMENT CO 8 LLC	34977 WOODWARD AVE	E 1/4 - 1/2 (0.374 mi.)	F23	31	
CHINESE RESTAURANT	856 NORTH OLD WOODWARI	DN 1/4 - 1/2 (0.391 mi.)	H25	33	
WOODWARD BROWN ASSOCIATES, LLC	34901 WOODWARD AVENUE	ESE 1/4 - 1/2 (0.392 mi.)	127	34	
JAX KAR WASH #048	34745 WOODWARD	ESE 1/4 - 1/2 (0.416 mi.)	L34	48	
SIMON LAND DEVELOPMENT GROUP L	35975 WOODWARD AVE	N 1/4 - 1/2 (0.464 mi.)	M37	55	

#### **EDR HIGH RISK HISTORICAL RECORDS**

### **EDR Exclusive Records**

EDR US Hist Auto Stat: EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

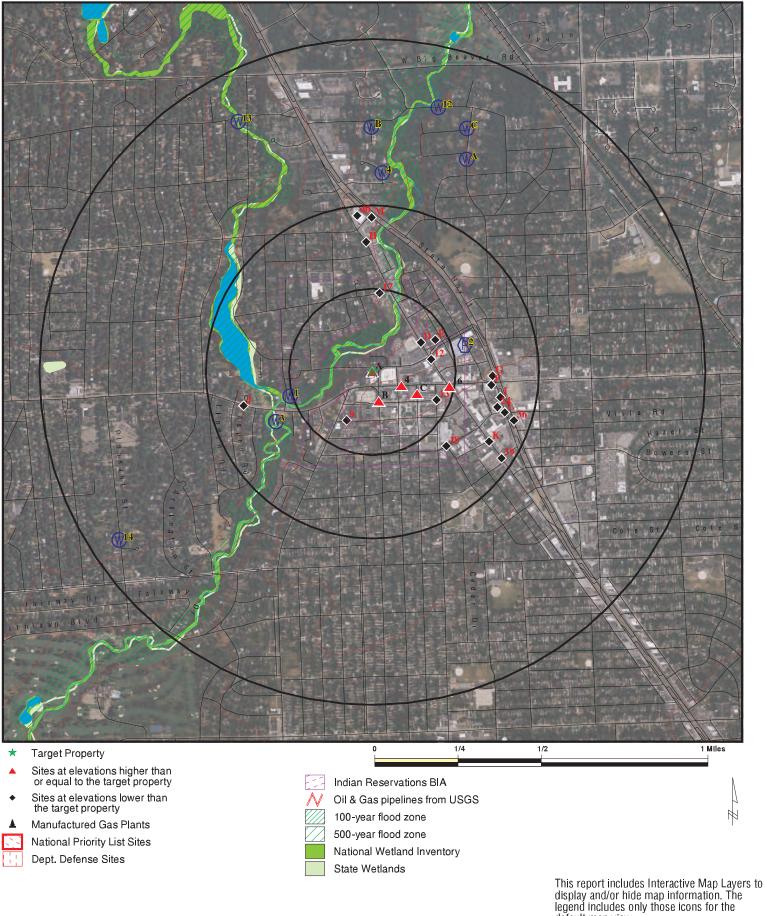
A review of the EDR US Hist Auto Stat list, as provided by EDR, has revealed that there are 3 EDR US Hist Auto Stat sites within approximately 0.25 miles of the target property.

Lower Elevation	Address	Direction / Distance	Map ID	Page
Not reported	322 N OLD WOODWARD AVE	ENE 1/8 - 1/4 (0.171 mi.)	D10	16

Lower Elevation	Address	Direction / Distance	Map ID	Page
Not reported	199 PIERCE ST	ESE 1/8 - 1/4 (0.210 mi.)	13	18
Not reported	180 OAKLAND AVE	ENE 1/8 - 1/4 (0.221 mi.)	E15	20

There were no unmapped sites in this report.

# **OVERVIEW MAP - 4225651.2S**



display and/or hide map information. The legend includes only those icons for the default map view.

191 N. Chester 191 N. Chester SITE NAME: ADDRESS:

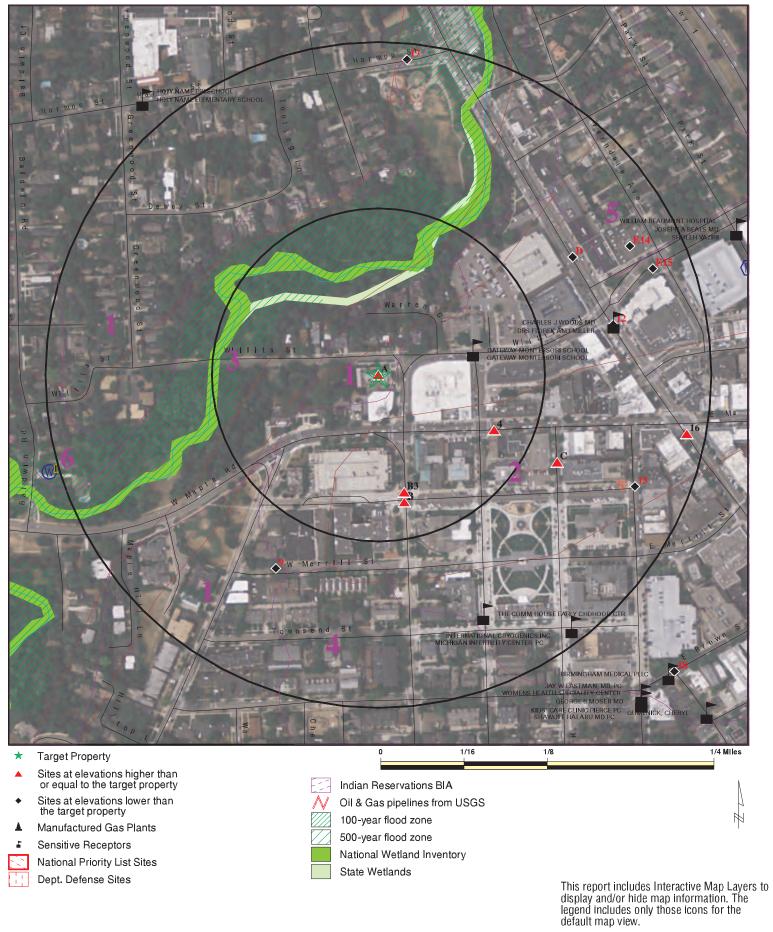
Birmingham MI 48009 LAT/LONG: 42.5472 / 83.2187

Performance Environmental

CLIENT: CONTACT: Julie Pratt INQUIRY #: 4225651.2s

March 05, 2015 3:56 pm DATE:

# **DETAIL MAP - 4225651.2S**



191 N. Chester 191 N. Chester CLIENT: CONTACT: ADDRESS: Julie Pratt Birmingham MI 48009 INQUIRY #: 4225651.2s

SITE NAME:

LAT/LONG: March 05, 2015 3:57 pm 42.5472 / 83.2187 DATE:

Performance Environmental

# **MAP FINDINGS SUMMARY**

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
STANDARD ENVIRONMENT	AL RECORDS							
Federal NPL site list								
NPL Proposed NPL NPL LIENS	1.000 1.000 TP		0 0 NR	0 0 NR	0 0 NR	0 0 NR	NR NR NR	0 0 0
Federal Delisted NPL site	e list							
Delisted NPL	1.000		0	0	0	0	NR	0
Federal CERCLIS list								
CERCLIS FEDERAL FACILITY	0.500 0.500		0 0	0 0	0 0	NR NR	NR NR	0 0
Federal CERCLIS NFRAF	P site List							
CERC-NFRAP	0.500		0	0	0	NR	NR	0
Federal RCRA CORRACT	TS facilities li	st						
CORRACTS	1.000		0	0	0	0	NR	0
Federal RCRA non-CORI	RACTS TSD f	acilities list						
RCRA-TSDF	0.500		0	0	0	NR	NR	0
Federal RCRA generator	s list							
RCRA-LQG RCRA-SQG RCRA-CESQG	0.250 0.250 0.250		0 0 2	0 0 3	NR NR NR	NR NR NR	NR NR NR	0 0 5
Federal institutional con- engineering controls reg								
US ENG CONTROLS US INST CONTROL LUCIS	0.500 0.500 0.500		0 0 0	0 0 0	0 0 0	NR NR NR	NR NR NR	0 0 0
Federal ERNS list								
ERNS	TP		NR	NR	NR	NR	NR	0
State- and tribal - equiva	lent CERCLIS	3						
SHWS	1.000		0	0	0	0	NR	0
State and tribal landfill a solid waste disposal site								
SWF/LF	0.500		0	0	0	NR	NR	0
State and tribal leaking s	storage tank l	ists						
LUST INDIAN LUST	0.500 0.500		1 0	1 0	8 0	NR NR	NR NR	10 0
State and tribal registere	ed storage tan	k lists						
UST	0.250		2	1	NR	NR	NR	3

# **MAP FINDINGS SUMMARY**

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted			
AST INDIAN UST FEMA UST	0.250 0.250 0.250		0 0 0	0 0 0	NR NR NR	NR NR NR	NR NR NR	0 0 0			
State and tribal institutional control / engineering control registries											
AUL	0.500		0	0	2	NR	NR	2			
State and tribal voluntary cleanup sites											
INDIAN VCP	0.500		0	0	0	NR	NR	0			
State and tribal Brownfields sites											
BROWNFIELDS	0.500		0	0	0	NR	NR	0			
ADDITIONAL ENVIRONMEN	TAL RECORDS	<b>S</b>									
		_									
Local Brownfield lists											
US BROWNFIELDS	0.500		0	0	2	NR	NR	2			
Local Lists of Landfill / Solid Waste Disposal Sites											
DEBRIS REGION 9 ODI HIST LF SWRCY INDIAN ODI	0.500 0.500 0.500 0.500 0.500		0 0 0 0	0 0 0 0	0 0 0 0	NR NR NR NR NR	NR NR NR NR NR	0 0 0 0			
Local Lists of Hazardous waste / Contaminated Sites											
US CDL INVENTORY PART 201 DEL PART 201 CDL US HIST CDL	TP 0.500 1.000 1.000 TP TP	1	NR 0 0 0 NR NR	NR 2 0 0 NR NR	NR 13 0 0 NR NR	NR NR 0 0 NR NR	NR NR NR NR NR NR	0 16 0 0 0			
Local Land Records											
LIENS 2 LIENS	TP TP		NR NR	NR NR	NR NR	NR NR	NR NR	0 0			
Records of Emergency Release Reports											
HMIRS SPILLS	TP TP		NR NR	NR NR	NR NR	NR NR	NR NR	0 0			
Other Ascertainable Records											
RCRA NonGen / NLR DOT OPS DOD FUDS CONSENT	0.250 TP 1.000 1.000 1.000		0 NR 0 0	2 NR 0 0	NR NR 0 0	NR NR 0 0	NR NR NR NR NR	2 0 0 0 0			

# **MAP FINDINGS SUMMARY**

Database	Search Distance (Miles)	Target Property	< 1/8	1/8 - 1/4	1/4 - 1/2	1/2 - 1	> 1	Total Plotted
Database  ROD UMTRA US MINES TRIS TSCA FTTS HIST FTTS SSTS ICIS PADS MLTS RADINFO FINDS RAATS RMP UIC DRYCLEANERS NPDES AIRS BEA INDIAN RESERV SCRD DRYCLEANERS US AIRS US FIN ASSUR EPA WATCH LIST COAL ASH DOE PRP			< 1/8 0 0 0 RR NR	1/8 - 1/4  0 0 0 NR NR NR NR NR NR NR NR NR NR NR NR NR	0 0 NR NR NR NR NR NR NR NR NR NR NR NR NR	1/2 - 1  ORRENER NORRE N	>	
2020 COR ACTION PCB TRANSFORMER COAL ASH EPA Financial Assurance WDS LEAD SMELTERS COAL ASH	0.250 TP 0.500 TP TP TP 0.500	1	0 NR 0 NR NR NR	0 NR 0 NR NR NR	NR NR 0 NR NR NR	NR NR NR NR NR NR	NR NR NR NR NR NR	0 0 0 0 1 0
EDR HIGH RISK HISTORICA	IL RECORDS							
EDR Exclusive Records  EDR MGP  EDR US Hist Auto Stat  EDR US Hist Cleaners  EDR RECOVERED GOVERN	1.000 0.250 0.250 MENT ARCHIV	/ES	0 0 0	0 3 0	0 NR NR	0 NR NR	NR NR NR	0 3 0
Exclusive Recovered Go RGA LUST RGA PART 201 RGA LF	vt. Archives TP TP TP		NR NR NR	NR NR NR	NR NR NR	NR NR NR	NR NR NR	0 0 0

# NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

Direction Distance

Distance Elevation Site EDR ID Number Database(s) EPA ID Number

A1 FIRST CHURCH OF CHRIST INVENTORY S114028648
Target 191 N. CHESTER ST. N/A

Target 191 N. CHESTER ST.
Property BIRMINGHAM, MI 48009

Site 1 of 2 in cluster A

Actual: INVENTORY:

**782 ft.** Bea Number: Not reported Township: Birmingham

District: Southeast MI
Data Source: Part 201
Latitude: 42.54709
Longitude: -83.21811

A2 FIRST CHURCH OF CHRIST WDS S111964802

Target 191 N CHESTER ST Property BIRMINGHAM, MI 48009

Site 2 of 2 in cluster A

Actual: WDS:

**782 ft.** Site ld: MIG000025741 WMD ld: 450284

Site Specific Name: FIRST CHURCH OF CHRIST

Mailing Address: 191 N CHESTER ST

Mailing City/State/Zip: 48009
Mailing County: OAKLAND

B3 CENTRAL PARKING SYSTEM RCRA-CESQG 1010321290
SSE 180 CHESTER ST MIK937473619

SSE 180 CHESTER ST < 1/8 BIRMINGHAM, MI 48009

0.090 mi.

476 ft. Site 1 of 3 in cluster B

Relative: RCRA-CESQG:

Higher Date form received by agency: 03/02/2006

Facility name: CENTRAL PARKING SYSTEM

Actual: Facility address: 180 CHESTER ST

Actual: Facility address: 180 CHESTER ST 783 ft. BIRMINGHAM MI

783 ft. BIRMINGHAM, MI 48009
EPA ID: MIK937473619
Contact: CATHERINE BURCH

Contact: CATHERINE BURCH
Contact address: 180 CHESTER ST
BIRMINGHAM, MI 48009

Contact country: US

Contact telephone: (248) 540-9690 Contact email: Not reported

EPA Region: 05

Classification: Conditionally Exempt Small Quantity Generator

Description: Handler: generates 100 kg or less of hazardous waste per calendar month, and accumulates 1000 kg or less of hazardous waste at any time;

or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely

hazardous waste during any calendar month, and accumulates at any

N/A

Map ID MAP FINDINGS
Direction

Distance Elevation

Site Database(s) EPA ID Number

## **CENTRAL PARKING SYSTEM (Continued)**

1010321290

**EDR ID Number** 

time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste

Owner/Operator Summary:

Owner/operator name: CITY OF BIRMINGHAM

Owner/operator address: Not reported Not reported

Owner/operator country:
Owner/operator telephone:
Legal status:
Owner/Operator Type:
Owner/Op start date:
Owner/Op end date:
Not reported
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Owner/operator name: CENTRAL PARKING SYSTEM

Owner/operator address: Not reported

Not reported Not reported

Owner/operator telephone: Not reported Legal status: Private Owner/Operator Type: Operator Owner/Op start date: 01/02/1989 Owner/Op end date: Not reported

Handler Activities Summary:

Owner/operator country:

U.S. importer of hazardous waste: No Mixed waste (haz. and radioactive): No Recycler of hazardous waste: No Transporter of hazardous waste: No Treater, storer or disposer of HW: No Underground injection activity: No On-site burner exemption: No Furnace exemption: No Used oil fuel burner: No Used oil processor: No User oil refiner: No Used oil fuel marketer to burner: No Used oil Specification marketer: No Used oil transfer facility: No Used oil transporter: No

Hazardous Waste Summary:

Waste code: D001

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

MAP FINDINGS Map ID

Direction Distance

Elevation Site Database(s) **EPA ID Number** 

WABEEK ASSOC GEN PARTNERSHIP UST U003834374 N/A

**ESE** 280 WEST MAPLE RD **BIRMINGHAM, MI 48084** < 1/8

0.096 mi. 508 ft.

UST: Relative:

00034440 Higher Facility ID: Facility Type: **CLOSED** 

Owner Name: Actual: MUTUAL BENEFIT LIFE

783 ft. Owner Address: C/0 MORRIS & BERKE 901 WILSHIRE DR SUITE 370

Owner City, St, Zip: TROY, MI 48084

Owner Country: USA Owner Contact: Not reported (734) 362-6808 Owner Phone: Contact: A LYLE BECKWITH Contact Phone: (734) 362-6808 01/11/2001 Date of Collection: 100 Accuracy: Accuracy Value Unit: **FEET** 

Horizontal Datum: NAD83 STATE OF MICHIGAN

Source: Point Line Area: **POINT** 

Desc Category: Plant Entrance (Freight)

Method of Collection: Address Matching-House Number

Latitude: 42.54669 -83.21687 Longitude:

Tank ID:

**Tank Status:** Removed from Ground

Capacity: Not reported FUEL OIL Product: 01/01/1928 Install Date: Remove Date: 12/02/1993 Tank Release Detection: Not reported Pipe Realease Detection: Not reported Piping Material: Unknown Piping Type: Gravity Fed? Construction Material: Unknown Impressed Device: No

В5 **BALDWIN HOUSE** RCRA-CESQG 1014925103 MIK756294448

SSE 200 CHESTER ST **BIRMINGHAM, MI 48009** < 1/8

0.097 mi.

514 ft. Site 2 of 3 in cluster B

RCRA-CESQG: Relative:

Date form received by agency: 04/12/2011 Higher

**BALDWIN HOUSE** Facility name: Actual: Facility address: 200 CHESTER ST 782 ft. BIRMINGHAM, MI 48009

EPA ID: MIK756294448 DON DURR Contact:

Contact address: Not reported Not reported Contact country: US

Contact telephone: (248) 540-4555

SEAN.KELLY@WASTE365.COM Contact email:

EPA Region: 05

TC4225651.2s Page 9

**EDR ID Number** 

Map ID MAP FINDINGS
Direction

Distance Elevation

ion Site Database(s) EPA ID Number

### **BALDWIN HOUSE (Continued)**

1014925103

**EDR ID Number** 

Classification: Conditionally Exempt Small Quantity Generator

Description: Handler: generates 100 kg or less of hazardous waste per calendar

month, and accumulates 1000 kg or less of hazardous waste at any time; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely

hazardous waste

Owner/Operator Summary:

Owner/operator name: BALDWIN HOUSE - DON DURR

Owner/operator address: Not reported

Not reported

Owner/operator country:

Owner/operator telephone:
Legal status:
Owner/Operator Type:
Owner/Op start date:
Owner/Op end date:

Not reported
Private
Operator
Operator
04/11/2011
Not reported

Owner/operator name: BALDWIN HOUSE - DON DURR

Owner/operator address: Not reported

Not reported Not reported

Owner/operator country:

Owner/operator telephone:

Legal status:

Owner/Operator Type:

Owner
Owner/Op start date:

Owner/Op end date:

Not reported

Not reported

Owner

Owner

Not reported

Not reported

#### Handler Activities Summary:

U.S. importer of hazardous waste: No Mixed waste (haz. and radioactive): No Recycler of hazardous waste: No Transporter of hazardous waste: No Treater, storer or disposer of HW: No Underground injection activity: No On-site burner exemption: No Furnace exemption: No Used oil fuel burner: No Used oil processor: No User oil refiner: No Used oil fuel marketer to burner: No Used oil Specification marketer: No Used oil transfer facility: No Used oil transporter: No

Hazardous Waste Summary:

Waste code: D001

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

### **BALDWIN HOUSE (Continued)**

1014925103

U001777213

N/A

LUST

UST

**WDS** 

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

> LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET. WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

PROPOSED BALDWIN HOUSE SITE **B6** 

SSE 200 CHESTER

< 1/8 **BIRMINGHAM, MI 48034** 

0.099 mi.

522 ft. Site 3 of 3 in cluster B LUST:

Relative:

Higher

Facility ID:

Source: STATE OF MICHIGAN

Actual: Birmingham Ltd Divided Assc Ptn Owner Name:

782 ft. 29777 Telegraph Rd Ste 2100 Owner Address: Southfield, MI 48034-7637 Owner City, St, Zip:

> Owner Contact: Not reported (313) 358-2323 Owner Phone:

USA Country:

District: Region 1 - SE Michigan District Office

00037464

**Baldwin House Site** Site Name:

Latitude: 42.54567 Longitude: -83.21853 Date of Collection: 01/11/2001

Method of Collection: Address Matching-House Number

Accuracy: Accuracy Value Unit: **FEET** Horizontal Data: NAD83 **POINT** Point Line Area:

Desc Category: Plant Entrance (Freight)

Leak Number: C-0628-93 05/19/1993 Release Date: Substance Released: Heating Oil Release Status: Closed Release Closed Date: 03/23/1995

UST:

Facility ID: 00037464 Facility Type: **CLOSED** 

Owner Name: BIRMINGHAM LTD DIVIDED ASSC PTN Owner Address: 29777 TELEGRAPH RD STE 2100 Owner City, St, Zip: SOUTHFIELD, MI 48034-7637

Owner Country: USA

Owner Contact: Not reported Owner Phone: (313) 358-2323 Marv Rubin Contact: Contact Phone: (313) 358-2323 Date of Collection: 01/11/2001 Accuracy: 100

Accuracy Value Unit: **FEET** Horizontal Datum: NAD83

STATE OF MICHIGAN Source:

MAP FINDINGS Map ID

Direction Distance

Elevation Site Database(s) **EPA ID Number** 

## PROPOSED BALDWIN HOUSE SITE (Continued)

U001777213

**EDR ID Number** 

Point Line Area: **POINT** 

Desc Category: Plant Entrance (Freight)

Method of Collection: Address Matching-House Number

42.54567 Latitude: Longitude: -83.21853

Tank ID:

Tank Status: **Closed in Ground** Not reported Capacity: Product: UNK Install Date: Not reported 01/01/1969 Remove Date: Tank Release Detection: Not reported Pipe Realease Detection: Not reported Piping Material: Unknown Piping Type: Not reported Construction Material: Unknown Impressed Device: No

WDS:

MIK756294448 Site Id: WMD Id: 489340

Site Specific Name: **BALDWIN HOUSE** Mailing Address: 200 CHESTER ST

Mailing City/State/Zip: 48009 Mailing County: OAKLAND

**C7** UST U003322266 **BIRMINGHAM CO (M57110) ESE 155 HENRIETTA** N/A

1/8-1/4 0.149 mi.

Site 1 of 2 in cluster C 788 ft. UST:

**BIRMINGHAM, MI 75202** 

Relative:

Higher

Facility ID: 00011669 Facility Type: **ACTIVE** 

Actual: 783 ft.

AT&T MICHIGAN Owner Name: 308 S AKARD STE 1700 Owner Address: Owner City, St, Zip: DALLAS, TX 75202

Owner Country: USA

Owner Contact: Lisa Espinosa Owner Phone: (877) 648-2073 Rayshell Wamsley Contact: (214) 464-5394 Contact Phone: Date of Collection: 01/11/2001 Accuracy: 100

Accuracy Value Unit: **FEET** Horizontal Datum: NAD83

STATE OF MICHIGAN Source:

Point Line Area: **POINT** 

Desc Category: Plant Entrance (Freight)

Method of Collection: Address Matching-House Number

Latitude: 42.54619 Longitude: -83.21589

Tank ID:

Tank Status: **Currently In Use** 

MAP FINDINGS Map ID

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

## **BIRMINGHAM CO (M57110) (Continued)**

U003322266

Capacity: 4000 Product: Diesel 05/08/1969 Install Date: Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging, Manual Tank Gauging Pipe Realease Detection: Interstitial Monitoring/Second Containment

Piping Material: Unknown

Piping Type: Suction: Valve at Tank Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID:

**Tank Status: Currently In Use** 

Capacity: 4000 Product: Diesel 05/08/1969 Install Date: Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging, Manual Tank Gauging Pipe Realease Detection: Interstitial Monitoring/Second Containment

Piping Material: Unknown

Piping Type: Suction: Valve at Tank Construction Material: Fiberglass Reinforced plastic

Impressed Device:

Tank ID:

**Tank Status: Currently In Use** 

Capacity: 4000 Product: Diesel 05/08/1969 Install Date: Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging, Manual Tank Gauging Pipe Realease Detection: Interstitial Monitoring/Second Containment

Piping Material: Unknown

Piping Type: Suction: Valve at Tank Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

C8 **MICHIGAN BELL TELEPHONE COMPANY** 

**155 HENRIETTA ST** 1/8-1/4 **BIRMINGHAM, MI 48009** 

0.150 mi.

**ESE** 

793 ft. Site 2 of 2 in cluster C

RCRA-CESQG: Relative:

Date form received by agency: 12/05/2002 Higher

MICHIGAN BELL TELEPHONE COMPANY Facility name:

Actual: Facility address: 155 HENRIETTA ST 783 ft.

BIRMINGHAM, MI 48009 MIT270013519

Mailing address: 36 S FAIRVIEW - 4TH FLOOR

PARK RIDGE, IL 60068

Contact: ZANKHANA SHAH Contact address: 155 HENRIETTA ST

BIRMINGHAM, MI 48009

Contact country: US

Contact telephone: (847) 384-5694 1000237764

MIT270013519

RCRA-CESQG

**FINDS** 

Distance

Elevation Site Database(s) EPA ID Number

## MICHIGAN BELL TELEPHONE COMPANY (Continued)

1000237764

**EDR ID Number** 

Contact email: Not reported

EPA Region: 05

Classification: Conditionally Exempt Small Quantity Generator

Description: Handler: generates 100 kg or less of hazardous waste per calendar

month, and accumulates 1000 kg or less of hazardous waste at any time; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from

the cleanup of a spill, into or on any land or water, of acutely

hazardous waste

Owner/Operator Summary:

Owner/operator name: MICH BELL TELEPHONE

Owner/operator address: Not reported

Not reported

Owner/operator country:

Owner/operator telephone:

Legal status:

Owner/Operator Type:

Owner

Owner/Op start date:

Owner/Op end date:

Not reported

Not reported

Owner

Not reported

Not reported

Owner/operator name: MICH BELL TELEPHONE

Owner/operator address: Not reported

Not reported

Owner/operator country:

Owner/operator telephone:

Legal status:

Owner/Operator Type:

Owner/Op start date:

Owner/Op end date:

Not reported

Not reported

Operator

Operator

Of/21/1998

Not reported

# Handler Activities Summary:

U.S. importer of hazardous waste: No Mixed waste (haz. and radioactive): No Recycler of hazardous waste: No Transporter of hazardous waste: No Treater, storer or disposer of HW: No Underground injection activity: No On-site burner exemption: No Furnace exemption: No Used oil fuel burner: No Used oil processor: No User oil refiner: No Used oil fuel marketer to burner: No Used oil Specification marketer: No Used oil transfer facility: No Used oil transporter: No

Direction Distance

Elevation Site Database(s) EPA ID Number

## MICHIGAN BELL TELEPHONE COMPANY (Continued)

1000237764

**EDR ID Number** 

Historical Generators:

Date form received by agency: 06/01/1981

Site name: MICHIGAN BELL TELEPHONE COMPANY

Classification: Not a generator, verified

Hazardous Waste Summary:

Waste code: D001

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Waste code: D001

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:

Registry ID: 110003719183

Environmental Interest/Information System

RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of

events and activities related to facilities that generate, transport,

and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA

program staff to track the notification, permit, compliance, and

corrective action activities required under RCRA.

BIRMINGHAM PUBLIC SCHOOLS INVENTORY \$102851783

SSW 550 W MERRILL 1/8-1/4 BIRMINGHAM, MI 99999

0.164 mi. 868 ft.

Relative: INVENTORY:

Lower Bea Number: Not reported Township: Not reported Actual: District: Southeast MI 779 ft. Data Source: Part 213

Data Source: Part 213

Latitude: 42.54593

Longitude: -83.21942

LUST:

Facility ID: 50000584

Source: STATE OF MICHIGAN

Owner Name: Nrt Owner

LUST

N/A

MAP FINDINGS Map ID

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

**BIRMINGHAM PUBLIC SCHOOLS (Continued)** 

S102851783

Owner Address: Unknown

Unknown, MI 99999 Owner City, St, Zip: Owner Contact: Not reported Owner Phone: Not reported Country: USA

District: Region 1 - SE Michigan District Office

Birmingham Public Schools Site Name:

42.54592 Latitude: Longitude: -83.21942 Date of Collection: 01/11/2001

Method of Collection: Address Matching-House Number

Accuracy: 100 Accuracy Value Unit: **FEET** Horizontal Data: NAD83 Point Line Area: **POINT** 

Desc Category: Plant Entrance (Freight)

C-1462-90 Leak Number: Release Date: 08/08/1990 Substance Released: Not reported Release Status: Open Release Closed Date: Not reported

D10 EDR US Hist Auto Stat 1015424241 **ENE** 

322 N OLD WOODWARD AVE N/A

1/8-1/4 **BIRMINGHAM, MI 48009** 

0.171 mi.

Site 1 of 2 in cluster D 901 ft.

EDR Historical Auto Stations: Relative:

LONG LAKE AUTO LLC Name: Lower

Year: 2005

Actual: Address: 322 N OLD WOODWARD AVE 771 ft.

**COMERICA BANK BIRMINGHAM** D11 **INVENTORY** S114028625 N/A

**ENE** 322 N. OLD WOODWARD **BIRMINGHAM, MI 48009** 1/8-1/4

0.171 mi.

901 ft. Site 2 of 2 in cluster D

INVENTORY: Relative:

Bea Number: Not reported Lower

Township: Birmingham Actual: District: Southeast MI 771 ft. Data Source: Part 201

Latitude: 42.54826 Longitude: -83.2162

Direction Distance

Distance Elevation Site EDR ID Number

EDR ID Number

EPA ID Number

12 JFK INVESTMENT COMPANY LLC RCRA-CESQG 1016676570 ENE 280 N OLD WOODWARD AVE FINDS MIK244262911

1/8-1/4 0.180 mi. 952 ft.

Actual:

779 ft.

Relative: RCRA-CESQG:

**Lower** Date form received by agency: 03/10/2014

**BIRMINGHAM, MI 48009** 

Facility name: JFK INVESTMENT COMPANY LLC
Facility address: 280 N OLD WOODWARD AVE

BIRMINGHAM, MI 48009

EPA ID: MIK244262911

Mailing address: 43252 WOODWARD AVE

SUTIE 210

BLOOMFIELD HILLS, MI 48302

Contact: RANDY L'HOTE
Contact address: Not reported
Not reported

1100.101

Contact country: US

Contact telephone: (248) 763-6483

Contact email: RANDY@JFKINVESTMENTS.COM

EPA Region: 05

Classification: Conditionally Exempt Small Quantity Generator

Description: Handler: generates 100 kg or less of hazardous waste per calendar

month, and accumulates 1000 kg or less of hazardous waste at any time; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from

the cleanup of a spill, into or on any land or water, of acutely

hazardous waste

Owner/Operator Summary:

Owner/operator name: JFK INVESTMENTS COMPANY LLC

Owner/operator address: Not reported

Not reported

Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Operator
Owner/Op start date: 10/01/1995
Owner/Op end date: Not reported

Owner/operator name: JFK INVESTMENTS COMPANY LLC

Owner/operator address: Not reported

Not reported

Owner/operator country:

Owner/operator telephone:

Legal status:

Owner/Operator Type:

Not reported

Not reported

Private

Owner

Owner/Operator Type: Owner
Owner/Op start date: 10/01/1995
Owner/Op end date: Not reported

MAP FINDINGS Map ID

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

## JFK INVESTMENT COMPANY LLC (Continued)

1016676570

Handler Activities Summary:

U.S. importer of hazardous waste: No Mixed waste (haz. and radioactive): No Recycler of hazardous waste: No Transporter of hazardous waste: No Treater, storer or disposer of HW: No Underground injection activity: No On-site burner exemption: No Furnace exemption: No Used oil fuel burner: No Used oil processor: No User oil refiner: No Used oil fuel marketer to burner: No Used oil Specification marketer: No Used oil transfer facility: No Used oil transporter: No

Hazardous Waste Summary:

D001 Waste code:

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:

Registry ID: 110058887744

Environmental Interest/Information System

RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA program staff to track the notification, permit, compliance, and

corrective action activities required under RCRA.

13 EDR US Hist Auto Stat 1015298290 N/A

**ESE** 199 PIERCE ST

1/8-1/4 **BIRMINGHAM, MI 48009** 

0.210 mi. 1109 ft.

**EDR Historical Auto Stations:** Relative:

Name: AUTOMOTIVE ADVISORY PARTNERS LLC Lower

Year: 2009

Actual: 199 PIERCE ST Address:

781 ft.

Direction Distance

Elevation Site Database(s) EPA ID Number

E14 HOLLYWOOD SHERIDAN ASSOCIATES LLC RCRA NonGen / NLR 1014392513
ENE 185 OAKLAND AVE FINDS MIK674636881

1/8-1/4 BIRMINGHAM, MI 48009

0.212 mi.

1120 ft. Site 1 of 2 in cluster E

Relative: RCRA NonGen / NLR:

**Lower** Date form received by agency: 06/24/2010

Facility name: HOLLYWOOD SHERIDAN ASSOCIATES LLC

Actual: Facility address: 185 OAKLAND AVE 773 ft. BIRMINGHAM ML4:

BIRMINGHAM, MI 48009

EPA ID: MIK674636881
Mailing address: 5700 CROOKS RD

TROY, MI 48098
Contact: JOHN PITRONE
Contact address: 185 OAKLAND AVE

BIRMINGHAM, MI 48009

Contact country: US

Contact telephone: (248) 879-7777
Contact email: Not reported

EPA Region: 05

Classification: Non-Generator

Description: Handler: Non-Generators do not presently generate hazardous waste

Owner/Operator Summary:

Owner/operator name: HOLLYWOOD SHERIDAN ASSOCIATES LLC

Owner/operator address: Not reported Not reported

Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Operator
Owner/Op start date: 01/02/1999
Owner/Op end date: Not reported

Owner/operator name: HOLLYWOOD SHERIDAN ASSOCIATES LLC

Owner/operator address:

Owner/operator country:

Owner/operator telephone:

Not reported
Not reported
Not reported
Not reported
Not reported

Legal status: Private
Owner/Operator Type: Owner
Owner/Op start date: 01/02/1999
Owner/Op end date: Not reported

Handler Activities Summary:

U.S. importer of hazardous waste: No Mixed waste (haz. and radioactive): No Recycler of hazardous waste: No Transporter of hazardous waste: No Treater, storer or disposer of HW: No Underground injection activity: No On-site burner exemption: No Furnace exemption: No Used oil fuel burner: No Used oil processor: No User oil refiner: No Used oil fuel marketer to burner: No

**EDR ID Number** 

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

### **HOLLYWOOD SHERIDAN ASSOCIATES LLC (Continued)**

1014392513

Used oil Specification marketer: No Used oil transfer facility: No Used oil transporter: Nο

Hazardous Waste Summary:

Waste code: D001

IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF Waste name:

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:

Registry ID: 110044620372

Environmental Interest/Information System

MS-ENSITE (Mississippi - Tools For Environmental Management And Protection Organizations). Mississippi Department of Environmental Quality (MDEQ) Office of Pollution Control's (OPC) maintains enSite. It is the electronic Environmental Site Information System that that regulates compliance assurance, permitting, activity tracking, and maintenance of a single agency interest-link to definition master

file.

**EDR US Hist Auto Stat** 1015277420

E15 **ENE 180 OAKLAND AVE** N/A

**BIRMINGHAM, MI 48009** 1/8-1/4

0.221 mi.

1167 ft. Site 2 of 2 in cluster E

**EDR Historical Auto Stations:** Relative:

CLASSIC AUTO EXCHANGE INC Lower Name:

2004 Year:

Actual: 180 OAKLAND AVE Address: 776 ft.

16 **FULLER CENTRAL PARK PROPERTIES LLC** RCRA-CESQG 1016142307 111 S OLD WOODWARD

1/8-1/4 **BIRMINGHAM, MI 48009** 

0.236 mi. 1244 ft.

**East** 

RCRA-CESQG: Relative:

Date form received by agency: 03/12/2013 Higher

FULLER CENTRAL PARK PROPERTIES LLC Facility name:

Actual: Facility address: 111 S OLD WOODWARD

782 ft. BIRMINGHAM, MI 48009

> EPA ID: MIK478599987 Mailing address: 112 PEABODY ST

BIRMINGHAM, MI 48009

Contact: STEVEN G QUINTAL MIK478599987

**FINDS** 

Direction Distance Elevation

evation Site Database(s) EPA ID Number

### FULLER CENTRAL PARK PROPERTIES LLC (Continued)

1016142307

**EDR ID Number** 

Contact address: Not reported

Not reported

Contact country: US

Contact telephone: (248) 642-0024

Contact email: STEVE@FULLERCENTRALPARK.COM

EPA Region: 05

Classification: Conditionally Exempt Small Quantity Generator

Description: Handler: generates 100 kg or less of hazardous waste per calendar

month, and accumulates 1000 kg or less of hazardous waste at any time; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from

the cleanup of a spill, into or on any land or water, of acutely

hazardous waste

Owner/Operator Summary:

Owner/operator name: FULLER CENTRAL PARK PROPERTIES LLC

Owner/operator address: Not reported

Not reported

Owner/operator country: Not reported Owner/operator telephone: Not reported Legal status: Private Owner/Operator Type: Owner Owner/Op start date: 06/01/1976

Owner/Op end date: Not reported

Owner/operator name: FULLER CENTRAL PARK PROPERTIES LLC

Owner/operator address:

Owner/operator country:

Owner/operator telephone:

Not reported
Not reported
Not reported
Not reported
Not reported

Legal status: Private
Owner/Operator Type: Operator
Owner/Op start date: 06/01/1976
Owner/Op end date: Not reported

Handler Activities Summary:

U.S. importer of hazardous waste: No Mixed waste (haz. and radioactive): No Recycler of hazardous waste: No Transporter of hazardous waste: No Treater, storer or disposer of HW: No Underground injection activity: No On-site burner exemption: No Furnace exemption: No Used oil fuel burner: No Used oil processor: No User oil refiner: No Used oil fuel marketer to burner: No

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

### FULLER CENTRAL PARK PROPERTIES LLC (Continued)

1016142307

Used oil Specification marketer: No Used oil transfer facility: No Used oil transporter: Nο

Hazardous Waste Summary:

D001 Waste code:

IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF Waste name:

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:

Registry ID: 110055448608

Environmental Interest/Information System

RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA program staff to track the notification, permit, compliance, and

corrective action activities required under RCRA.

**RCRA NonGen / NLR** 1007099707

17 **DAKOTA** North 280 HARMON ST 1/8-1/4

**BIRMINGHAM, MI 48009** 

0.238 mi. 1255 ft.

RCRA NonGen / NLR: Relative:

Lower Date form received by agency: 06/19/2001 Facility name: DAKOTA

Actual: 280 HARMON ST Facility address: 739 ft. BIRMINGHAM, MI 48009

> EPA ID: MIK718658982 Contact: JOE TRIBUZIO Contact address: 280 HARMON ST

BIRMINGHAM, MI 48009

Contact country: US

Contact telephone: (248) 594-6380 Not reported Contact email:

EPA Region: 05

Classification: Non-Generator

Description: Handler: Non-Generators do not presently generate hazardous waste

Owner/Operator Summary:

Owner/operator name: DAKOTA Owner/operator address: Not reported

Not reported

Owner/operator country: Not reported Owner/operator telephone: Not reported MIK718658982

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

**DAKOTA** (Continued) 1007099707

Legal status: Private Operator Owner/Operator Type: Owner/Op start date: 06/19/2001 Owner/Op end date: Not reported

**DAKOTA** Owner/operator name: Owner/operator address: Not reported Not reported

Owner/operator country: Not reported Owner/operator telephone: Not reported Legal status: Private Owner/Operator Type: Owner Owner/Op start date: 06/19/2001 Owner/Op end date: Not reported

Handler Activities Summary:

U.S. importer of hazardous waste: No Mixed waste (haz. and radioactive): No Recycler of hazardous waste: No Transporter of hazardous waste: No Treater, storer or disposer of HW: Nο Underground injection activity: No On-site burner exemption: No Furnace exemption: No Used oil fuel burner: No Used oil processor: Nο User oil refiner: No Used oil fuel marketer to burner: No Used oil Specification marketer: No Used oil transfer facility: No Used oil transporter: No

Hazardous Waste Summary:

D001 Waste code:

IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF Waste name:

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET. WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

18 **BROWN STREET OFFICE BUILDING** 

SE **200 EAST BROWN** 1/4-1/2 **BIRMINGHAM, MI** 

0.315 mi. 1661 ft.

BEA: Relative:

Secondary Address: Not reported Lower

BEA Number: 3891

Actual: District: Southeast MI 770 ft. Date Received: 05/02/2008

> SMS & Associates, LLC Submitter Name:

Petition Determination: Affirmed Petition Disclosure:

S109094147

N/A

**BEA** 

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

**BROWN STREET OFFICE BUILDING (Continued)** 

Category: No Hazardous Substance(s)

Determination 20107A: No Request Reviewer: tiernang Division Assigned: RRD

**CATALYST DEVELOPMENT CO. 8, LLC** F19

34977 WOODWARD AVENUE **East** 1/4-1/2 OAKLAND (County), MI

0.359 mi.

1895 ft. Site 1 of 3 in cluster F

INVENTORY: Relative:

Bea Number: 200804000LV Lower Birmingham Township: Actual: District: Southeast MI 779 ft.

Data Source: **BEA** Latitude: 42.54663 Longitude: -83.21171

G20 SUNOCO #0008-4178 35001 WOODWARD AVE **East** 1/4-1/2 **BIRMINGHAM, MI 48009** 

0.361 mi.

1907 ft. Site 1 of 2 in cluster G

Relative:

LUST: Lower

Facility ID: 00005935 Source:

STATE OF MICHIGAN Actual: Owner Name: Sunoco Inc (R&M) 779 ft. Owner Address: 1735 Market St 12nd Floor Owner City, St, Zip: Philadelphia, PA 19103

> Owner Contact: **Environmental Compliance Officer**

Owner Phone: (215) 246-8513

Country: USA

District: Region 1 - SE Michigan District Office

Site Name: Sunoco #0008-4178

Latitude: 42.54698 Longitude: -83.21428 Date of Collection: 01/11/2001

Method of Collection: Address Matching-House Number

Accuracy: 100 Accuracy Value Unit: **FEET** Horizontal Data: NAD83 Point Line Area: **POINT** 

Desc Category: Plant Entrance (Freight)

Leak Number: C-0924-96 Release Date: 11/07/1996 Substance Released: Unknown Release Status: Closed Release Closed Date: 06/08/2010

UST:

Facility ID: 00005935 Facility Type: CLOSED

Owner Name: SUNOCO INC (R&M)

Owner Address: 1735 MARKET ST 12ND FLOOR S109094147

**INVENTORY \$114029235** 

LUST

UST

**BEA** 

**WDS** 

N/A

U003320721

N/A

Direction Distance

Elevation Site Database(s) EPA ID Number

### SUNOCO #0008-4178 (Continued)

U003320721

**EDR ID Number** 

Owner City, St, Zip: PHILADELPHIA, PA 19103

Owner Country: USA

Owner Contact: Environmental Compliance Officer

Owner Phone: (215) 246-8513
Contact: Kathleen McCaney
Contact Phone: (215) 246-8513
Date of Collection: 01/11/2001

Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Datum: NAD83

Source: STATE OF MICHIGAN

Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Method of Collection: Address Matching-House Number

Latitude: 42.54698 Longitude: -83.21428

Tank ID:

Tank Status: Removed from Ground

Capacity: 6000
Product: Diesel,6
Install Date: 05/05/1982
Remove Date: 04/01/1988
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Composite(Steel w/Fiberglass), Fiberglass Reinforced plastic

Impressed Device: No

Tank ID: 2

Tank Status: Removed from Ground

Capacity: 1000
Product: Used Oil
Install Date: 05/05/1970
Remove Date: 04/01/1988
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported

Piping Material: Bare Steel, Fiberglass reinforced plastic

Piping Type: Gravity Fed?

Construction Material: Asphalt Coated or Bare Steel, Composite (Steel w/Fiberglass)

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

 Capacity:
 6000

 Product:
 Gasoline

 Install Date:
 05/05/1981

 Remove Date:
 10/01/2003

Tank Release Detection: Automatic Tank Gauging, Inventory Control, Tank Tightness Testing

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Composite(Steel w/Fiberglass)

Impressed Device: No

Direction Distance

Elevation Site Database(s) EPA ID Number

SUNOCO #0008-4178 (Continued)

U003320721

**EDR ID Number** 

Tank ID: 4

Tank Status: Removed from Ground

 Capacity:
 8000

 Product:
 Gasoline

 Install Date:
 05/05/1982

 Remove Date:
 10/01/2003

Tank Release Detection: Automatic Tank Gauging, Inventory Control, Tank Tightness Testing

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Composite(Steel w/Fiberglass), Fiberglass Reinforced plastic

Impressed Device: No

Tank ID: 5

Tank Status: Removed from Ground

 Capacity:
 8000

 Product:
 Gasoline

 Install Date:
 05/05/1982

 Remove Date:
 10/01/2003

Tank Release Detection: Automatic Tank Gauging, Inventory Control, Tank Tightness Testing

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID: 6

Tank Status: Removed from Ground

 Capacity:
 1000

 Product:
 Used Oil

 Install Date:
 04/01/1988

 Remove Date:
 10/14/1998

Tank Release Detection: Tank Tightness Testing
Pipe Realease Detection: Line Tightness Testing
Piping Material: Fiberglass reinforced plastic

Piping Type: Gravity Fed?

Construction Material: Composite(Steel w/Fiberglass)

Impressed Device: No

BEA:

Secondary Address: Not reported BEA Number: 2477

District: Southeast MI Date Received: 07/30/2004

Submitter Name: Birmingham Property, LLC

Petition Determination: No Request

Petition Disclosure: 0

Category: No Hazardous Substance(s)

Determination 20107A: No Request Reviewer: mitchelf

Division Assigned: Environmental Response Division

WDS:

Site Id: MID087750204

MAP FINDINGS Map ID

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

SUNOCO #0008-4178 (Continued)

U003320721

WMD Id: 397695

HORTONS BIRMINGHAM SUNOCO NUMBER 84178 Site Specific Name:

Mailing Address: 1801 MARKET STREET

Mailing City/State/Zip: 19103 Mailing County: Not reported

G21 SUNOCO GASOLINE STATION (FORMER) **INVENTORY** S114038915

INVENTORY

LUST

**UST** 

N/A

U003319719

N/A

**East** 35001 WOODWARD AVENUE 1/4-1/2 OAKLAND (County), MI 48009

0.361 mi.

1907 ft. Site 2 of 2 in cluster G

INVENTORY: Relative:

200402477LV Bea Number: Lower Township: Birmingham Actual: District: Southeast MI 779 ft.

Data Source: BEA

> Latitude: Not reported Longitude: Not reported

F22 **SHELL - HUNTER** 34977 WOODWARD AVE **East** 1/4-1/2 **BIRMINGHAM, MI 49007** 

0.374 mi.

1977 ft. Site 2 of 3 in cluster F

Relative:

Actual:

778 ft.

INVENTORY:

Bea Number: Not reported Lower

Township: Not reported District: Southeast MI Data Source: Part 213

Latitude: 42.53925 -83.20683 Longitude:

LUST:

00002267 Facility ID:

STATE OF MICHIGAN Source: Catalyst Development Co LLC Owner Name: Owner Address: 100 W Michigan Ave Ste 300

Owner City, St, Zip: Kalamazoo, MI 49007 Owner Contact: Not reported Owner Phone: (269) 492-6811

Country: USA

District: Region 1 - SE Michigan District Office

Shell - Hunter Site Name: 42.53925 Latitude: Longitude: -83.20683 Date of Collection: 01/11/2001

Method of Collection: Address Matching-House Number

Accuracy: 100 Accuracy Value Unit: **FEET** Horizontal Data: NAD83 Point Line Area: **POINT** 

Desc Category: Plant Entrance (Freight)

Leak Number: C-0274-08

Direction Distance

Elevation Site Database(s) EPA ID Number

## SHELL - HUNTER (Continued)

U003319719

**EDR ID Number** 

Release Date: 12/10/2008
Substance Released: Used Oil
Release Status: Open
Release Closed Date: Not reported

Leak Number: C-0480-89
Release Date: 12/08/1989
Substance Released: Not reported
Release Status: Closed
Release Closed Date: 05/23/2000

Leak Number: C-1061-89
Release Date: 12/08/1989
Substance Released: Gasoline
Release Status: Closed
Release Closed Date: 05/23/2000

 Leak Number:
 C-1336-98

 Release Date:
 12/30/1998

Substance Released: Unknown,Unknown

Release Status: Closed Release Closed Date: 08/04/1999

UST:

Facility ID: 00002267 Facility Type: CLOSED

Owner Name: CATALYST DEVELOPMENT CO LLC
Owner Address: 100 W MICHIGAN AVE STE 300

Owner City,St,Zip: KALAMAZOO, MI 49007

Owner Country: USA
Owner Contact: Not reported
Owner Phone: (269) 492-6811
Contact: Ms Patti Ownes
Contact Phone: (269) 492-6811
Date of Collection: 01/11/2001
Accuracy: 100

Accuracy Value Unit: FEET Horizontal Datum: NAD83

Source: STATE OF MICHIGAN

Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Method of Collection: Address Matching-House Number

Latitude: 42.53925 Longitude: -83.20683

Tank ID:

Tank Status: Removed from Ground

 Capacity:
 8000

 Product:
 Gasoline

 Install Date:
 09/01/1971

 Remove Date:
 12/07/1999

Tank Release Detection: Automatic Tank Gauging, Inventory Control

Pipe Realease Detection: Line Tightness Testing
Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Direction Distance

Elevation Site Database(s) EPA ID Number

SHELL - HUNTER (Continued)

U003319719

**EDR ID Number** 

Tank ID: 2

Tank Status: Removed from Ground

 Capacity:
 10000

 Product:
 Gasoline

 Install Date:
 12/01/1982

 Remove Date:
 12/07/1999

Tank Release Detection: Automatic Tank Gauging, Inventory Control

Pipe Realease Detection: Line Tightness Testing
Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

 Capacity:
 10000

 Product:
 Gasoline

 Install Date:
 12/01/1982

 Remove Date:
 12/07/1999

Tank Release Detection: Automatic Tank Gauging, Inventory Control

Pipe Realease Detection: Line Tightness Testing
Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

Capacity: 550
Product: Used Oil
Install Date: 04/15/1949
Remove Date: 10/13/1989
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Tank ID: 5

Tank Status: Removed from Ground

 Capacity:
 15000

 Product:
 Gasoline

 Install Date:
 12/01/1999

 Remove Date:
 10/29/2003

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Interstitial Monitoring Double Walled

Piping

Piping Material: Double Walled, ENVIRON GEOFLEX

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Direction Distance

Elevation Site Database(s) EPA ID Number

SHELL - HUNTER (Continued)

U003319719

**EDR ID Number** 

Tank ID: 6

Tank Status: Removed from Ground

Capacity: 12000

Product: Gasoline, Diesel Install Date: 12/01/1999 Remove Date: 10/29/2003

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Interstitial Monitoring Double Walled

Piping

Piping Material: Double Walled, ENVIRON GEOFLEX

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID: 9

Tank Status: Removed from Ground

 Capacity:
 1000

 Product:
 Used Oil

 Install Date:
 12/01/1989

 Remove Date:
 12/07/1999

Tank Release Detection: Inter Monitoring Double Walled Tank

Pipe Realease Detection: ,GroundWater Monitoring,Interstitial Monitoring/Second

Containment, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic Piping Type: Gravity Fed?,Pressure

Construction Material: Double Walled, Fiberglass Reinforced plastic

Impressed Device: No

Tank ID: 10

Tank Status: Removed from Ground

Capacity: Not reported Product: Kerosene Install Date: Not reported Remove Date: 12/01/1998 Tank Release Detection: Not reported Pipe Realease Detection: Not reported Piping Material: Bare Steel

Piping Type: Suction: Valve at Tank
Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Tank ID: 11

Tank Status: Removed from Ground

Capacity: 500
Product: Used Oil
Install Date: Not reported
Remove Date: 02/09/2009
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Unknown
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Direction Distance

Elevation Site Database(s) EPA ID Number

F23 CATALYST DEVELOPMENT CO 8 LLC SPILLS S104912434
East 34977 WOODWARD AVE AUL N/A

East 34977 WOODWARD AVE AUL 1/4-1/2 BIRMINGHAM, MI 48104 BEA

0.374 mi.

Actual:

778 ft.

1977 ft. Site 3 of 3 in cluster F

Relative: PEAS:

Lower Incident Date: 12/23/2000

Office Status:

Initials of Incoming Operator:

Time Received by DNRE Staff:

Not reported

Not reported

Time Occur: Not reported Date Of PEAS Call: 12/23/2000

Complainant / Company: Sgt. Henry w/Michigan State Police

Complainant Address: Unknown
Company Involved: Foster's Oil, Inc.
DEQ Division Involved: SWQD/ State Police

Incident Description: into a storm drain. The Birmingham Fire Department is on the scene.A

gas tanker delivering gasoline accidentally pumped 103 gallons of

gasoline

Description: Not reported

AUL:

Status: Pending
Site Name: Not reported
Property: On-site location

Land Use Restriction Type:
Program Type:
Program Support Assigned User:
Program Support Assigned Date:
Legal Description Of Property:
Based On The Deq Ref #:
MDEQ Reference Number:
RC
Part 213
Not reported
Not reported
11121309003
RC-RRD-213-09-003

Property Or Description Restricted Area: Not reported Lead Division: RRD

File Name Of Hyperlinked Legal Doc: Not reported

Mapped Polygons Area In Square Miles: Not reported Date Data Entry Started: Not reported Date Data Entry Finished: Not reported

Individual Or Staff Assoc With The Mapping: Not reported Program Used To Map Restricted Features: Not reported Date Legal Paperwork Stamped/Filed/Register Of Deeds: 01/12/2009

Commercial I Land Use Restriction: Commercial li Land Use Restriction: 0 Commercial lii Land Use Restriction: 0 Commercial Iv Land Use Restriction: 0 Industrial Land Use Restriction: 0 Residential Land Use Restriction: Recreational Land Use Restriction: 0 Multiple Land-Use Restrictions: n Site Specific Restrictions: 0 Groundwater Consumption Restrictions: 0 **Groundwater Contact Restrictions:** Special Well Construction Requirements: 0 Special Building Restrictions:

Excavation And Soil Movement Restrictions: 0
Soil Movement Requirements: 0
There Is A Restriction On All Construction: 0

**EDR ID Number** 

**WDS** 

Direction Distance

Elevation Site Database(s) EPA ID Number

## CATALYST DEVELOPMENT CO 8 LLC (Continued)

S104912434

**EDR ID Number** 

Monitoring Well Protected, No Tampering Or Removal: 0
There Is An Exposure Barrier In Place: 0
There Is A Health And Safety Plan: 0
There Is A Permanent Marker On The Site: 0

Map Comments: Not reported

Comment: Gas Station, Birmingham Services Inc

BEA:

Secondary Address: (FORMERLY 120 S. HUNTER STREET)

BEA Number: 1071

District: Southeast MI
Date Received: 02/07/2000
Submitter Name: ANDREW BOJI
Petition Determination: No Request

Petition Disclosure: 0

Category: Same Hazardous Substance(s)

Determination 20107A: No Request Reviewer: temppm

Division Assigned: Storage Tank Division

Secondary Address: Not reported BEA Number: 4000 Southeast MI Date Received: 09/12/2008

Submitter Name: Catalyst Development Co. 8, LLC

Petition Determination: No Request

Petition Disclosure: 0

Category: Same Hazardous Substance(s)

Determination 20107A: No Request Reviewer: tiernang

Division Assigned: Storage Tank Division

Secondary Address: (Formerly 120 Hunter)

BEA Number: 2187

District: Southeast MI Date Received: 11/05/2003

Submitter Name: Fuller Central Park Properties IV, LLC

Petition Determination: Affirmed

Petition Disclosure:

Category: No Hazardous Substance(s)

Determination 20107A: Affirmed Reviewer: mitchelf

Division Assigned: Storage Tank Division

WDS:

Site Id: MIR000044230

WMD ld: 413573

Site Specific Name: CATALYST DEVELOPMENT CO 8 LLC

Mailing Address: 34977 WOODWARD AVE

Mailing City/State/Zip: 48104 Mailing County: OAKLAND

MAP FINDINGS Map ID

Direction Distance

Elevation Site Database(s) **EPA ID Number** 

24 **WOODWARD BROWN ASSOCIATES, LLC** 

**ESE** 34901 WOODWARD AVENUE 1/4-1/2 OAKLAND (County), MI 48073

0.390 mi. 2060 ft.

INVENTORY: Relative:

201004572LV Lower Bea Number:

Township: Birmingham Actual: District: Southeast MI 773 ft.

Data Source: BEA Latitude: 42.54567 Longitude: -83.21134

H25 **CHINESE RESTAURANT** 

S108236717 **BEA 856 NORTH OLD WOODWARD AVENUE** North N/A

1/4-1/2 BIRMINGHAM, MI 48009

0.391 mi.

2063 ft. Site 1 of 2 in cluster H

BEA: Relative:

Secondary Address: Not reported Lower

BEA Number: 3364

Actual: District: Southeast MI 751 ft. 11/17/2006 Date Received:

**Grant Perry Development Company** Submitter Name:

Petition Determination: No Request

Petition Disclosure:

Category: No Hazardous Substance(s)

Determination 20107A: No Request mitchelf Reviewer:

Division Assigned: Storage Tank Division

H26 **CHINESE RESTAURANT** INVENTORY S114033310 N/A

North **856 NORTH OLD WOODWARD AVENUE** 

1/4-1/2 OAKLAND (County), MI 48009

0.391 mi.

2063 ft. Site 2 of 2 in cluster H

INVENTORY: Relative:

Bea Number: 200603364LV Lower

Township: Birmingham Actual: District: Southeast MI

751 ft. Data Source: **BEA** 

> Latitude: Not reported Longitude: Not reported

**EDR ID Number** 

S114029255

N/A

**INVENTORY** 

Direction Distance

Elevation Site Database(s) EPA ID Number

I27 WOODWARD BROWN ASSOCIATES, LLC BEA S110624723
ESE 34901 WOODWARD AVENUE N/A

ESE 34901 WOODWARD AVENUE 1/4-1/2 BIRMINGHAM, MI 48073

0.392 mi.

2069 ft. Site 1 of 3 in cluster I

Relative: BEA:

Lower Secondary Address: Not reported

BEA Number: 4572

Actual: District: Southeast MI 775 ft. Date Received: 09/16/2010

Submitter Name: Woodward Brown Associates, LLC

Petition Determination: No Request

Petition Disclosure: 0

Category: No Hazardous Substance(s)

Determination 20107A: No Request Reviewer: berakr Division Assigned: RRD

\_\_\_\_\_

I28 WEISS SAMONA US BROWNFIELDS 1016357344
ESE 34901 WOODWARD AVENUE FINDS N/A

1/4-1/2 BIRMINGHAM, MI 48009

0.392 mi.

2071 ft. Site 2 of 3 in cluster I

Relative: US\_BROWNFIELDS:

Lower Recipient name: Oakland County
Grant type: Assessment

Actual: Property name: WEISS SAMONA
775 ft. Property #: Not reported
Parcel size: .52

Property Description: The Property was developed as a feed mill in 1915. From at least 1921

to at least 1931 the Property was used as a lumber and coal yard, with up to nine buildings and several areas labeled as lumber piles. By 1944 the northern portion of the Property was developed with a bowling alley and by 1949 the southwest corner of the Property was developed with a hand laundry building. The southern portion of the Property was occupied by a used car lot by 1960. The bowling alley reportedly operated until at least 1973 when it was occupied for retail uses. A commercial strip mall building was constructed by 1974 and occupied the southern portion of the Property until 2005. Since the demolition of the buildings in 2005, the Property has been used

as a parking lot. Not reported

Latitude: Longitude: Not reported Not reported HCM label: Map scale: Not reported Point of reference: Not reported Datum: Not reported ACRES property ID: 115761 Start date: Not reported Not reported Completed date: Acres cleaned up: Not reported Cleanup funding: Not reported Cleanup funding source: Not reported Assessment funding: 2800

Assessment funding source: US EPA - Brownfields Assessment Cooperative Agreement

Redevelopment funding: Not reported Redev. funding source: Not reported Redev. funding entity name: Not reported

**EDR ID Number** 

Direction Distance Elevation

Site Database(s) EPA ID Number

## WEISS SAMONA (Continued)

1016357344

**EDR ID Number** 

Redevelopment start date: Not reported

Assessment funding entity: EPA

Cleanup funding entity: Not reported

Grant type: H

Accomplishment type: Phase I Environmental Assessment

Accomplishment count: 0

Cooperative agreement #: 00E92301
Ownership entity: Private
Current owner: Not reported
Did owner change: Not reported
Cleanup required: Unknown
Video available: Not reported

Photo available: Yes Institutional controls required: U

IC Category proprietary controls: Not reported IC cat. info. devices: Not reported Not reported IC cat. gov. controls: IC cat. enforcement permit tools: Not reported IC in place date: Not reported IC in place: Not reported State/tribal program date: Not reported State/tribal program ID: Not reported Not reported State/tribal NFA date: Air contaminated: Not reported Air cleaned: Not reported Not reported Asbestos found: Asbestos cleaned: Not reported Controled substance found: Not reported Controled substance cleaned: Not reported Drinking water affected: Not reported Drinking water cleaned: Not reported

Groundwater affected:

Groundwater cleaned: Not reported

Lead contaminant found: Y

Lead cleaned up:

No media affected:

Unknown media affected:

Other cleaned up:

Not reported

Not reported

Not reported

Other metals found:

Other metals cleaned: Not reported Other contaminants found: Not reported Not reported Other contams found description: PAHs found: Not reported Not reported PAHs cleaned up: Not reported PCBs found: PCBs cleaned up: Not reported Petro products found: Not reported Petro products cleaned: Not reported Sediments found: Not reported Not reported Sediments cleaned: Soil affected:

Soil affected: Y
Soil cleaned up: Not reported
Surface water cleaned: Not reported

VOCs found: Y

VOCs cleaned: Not reported Cleanup other description: Not reported Num. of cleanup and re-dev. jobs: Not reported

Map ID MAP FINDINGS
Direction

Direction Distance Elevation

Site Database(s) EPA ID Number

#### **WEISS SAMONA (Continued)**

1016357344

**EDR ID Number** 

Past use greenspace acreage: Not reported Past use residential acreage: Not reported

Past use commercial acreage: .52

Not reported Past use industrial acreage: Future use greenspace acreage: Not reported Not reported Future use residential acreage: Future use commercial acreage: Not reported Not reported Future use industrial acreage: Greenspace acreage and type: Not reported Superfund Fed. landowner flag: Not reported Arsenic cleaned up: Not reported Not reported Cadmium cleaned up: Chromium cleaned up: Not reported Not reported Copper cleaned up: Iron cleaned up: Not reported mercury cleaned up: Not reported nickel cleaned up: Not reported Not reported No clean up: Pesticides cleaned up: Not reported Selenium cleaned up: Not reported Not reported SVOCs cleaned up: Not reported Unknown clean up: Arsenic contaminant found: Not reported Cadmium contaminant found: Not reported Chromium contaminant found: Not reported Not reported Copper contaminant found: Iron contaminant found: Not reported Mercury contaminant found: Not reported Nickel contaminant found: Not reported No contaminant found: Not reported Pesticides contaminant found: Not reported Selenium contaminant found: Not reported Not reported SVOCs contaminant found: Unknown contaminant found: Not reported Not reported Future Use: Multistory Media affected Bluiding Material: Not reported Media affected indoor air: Not reported Building material media cleaned up: Not reported Indoor air media cleaned up: Not reported Unknown media cleaned up: Not reported Not reported Past Use: Multistory

Recipient name:
Grant type:
Assessment
Property name:
WEISS SAMONA
Property #:
Not reported

Parcel size: .52

Property Description: The Property was developed as a feed mill in 1915. From at least 1921

to at least 1931 the Property was used as a lumber and coal yard, with up to nine buildings and several areas labeled as lumber piles. By 1944 the northern portion of the Property was developed with a bowling alley and by 1949 the southwest corner of the Property was developed with a hand laundry building. The southern portion of the Property was occupied by a used car lot by 1960. The bowling alley reportedly operated until at least 1973 when it was occupied for retail uses. A commercial strip mall building was constructed by 1974 and occupied the southern portion of the Property until 2005. Since

MAP FINDINGS Map ID Direction

Distance Elevation

**EDR ID Number** Site Database(s) **EPA ID Number** 

#### **WEISS SAMONA (Continued)**

1016357344

the demolition of the buildings in 2005, the Property has been used

as a parking lot.

Latitude: Not reported Longitude: Not reported HCM label: Not reported Map scale: Not reported Point of reference: Not reported Not reported Datum: 115761 ACRES property ID: Start date: Not reported Completed date: Not reported Acres cleaned up: Not reported Cleanup funding: Not reported Cleanup funding source: Not reported Assessment funding:

Assessment funding source: US EPA - Brownfields Assessment Cooperative Agreement

Not reported Redevelopment funding: Redev. funding source: Not reported Redev. funding entity name: Not reported Redevelopment start date: Not reported EPA Assessment funding entity:

Not reported Cleanup funding entity:

Grant type: Н

Accomplishment type: Phase II Environmental Assessment

Accomplishment count:

Cooperative agreement #: 00E92301 Ownership entity: Private Current owner: Not reported Did owner change: Not reported Cleanup required: Unknown Video available: Not reported

Photo available: Yes Institutional controls required:

IC Category proprietary controls: Not reported IC cat. info. devices: Not reported IC cat. gov. controls: Not reported IC cat. enforcement permit tools: Not reported IC in place date: Not reported IC in place: Not reported State/tribal program date: Not reported State/tribal program ID: Not reported State/tribal NFA date: Not reported Air contaminated: Not reported Air cleaned: Not reported Not reported Asbestos found: Asbestos cleaned: Not reported Controled substance found: Not reported Controled substance cleaned: Not reported Drinking water affected: Not reported Drinking water cleaned: Not reported Groundwater affected:

Groundwater cleaned: Not reported

Lead contaminant found:

Not reported Lead cleaned up: No media affected: Not reported Unknown media affected: Not reported Other cleaned up: Not reported Map ID MAP FINDINGS
Direction

Distance Elevation

Site Database(s) EPA ID Number

## WEISS SAMONA (Continued)

1016357344

**EDR ID Number** 

Other metals found: Not reported Other metals cleaned: Not reported Other contaminants found: Not reported Other contams found description: PAHs found: Not reported PAHs cleaned up: Not reported PCBs found: Not reported Not reported PCBs cleaned up: Petro products found: Not reported Petro products cleaned: Not reported Sediments found: Not reported Sediments cleaned: Not reported Soil affected: Soil cleaned up: Not reported Surface water cleaned: Not reported VOCs found: VOCs cleaned: Not reported

VOCs cleaned:

Cleanup other description:

Num. of cleanup and re-dev. jobs:

Past use greenspace acreage:

Past use residential acreage:

Past use commercial acreage:

Not reported

Past use commercial acreage: Not reported Past use industrial acreage: Future use greenspace acreage: Not reported Future use residential acreage: Not reported Not reported Future use commercial acreage: Future use industrial acreage: Not reported Greenspace acreage and type: Not reported Superfund Fed. landowner flag: Not reported Arsenic cleaned up: Not reported Not reported Cadmium cleaned up: Chromium cleaned up: Not reported Not reported Copper cleaned up: Iron cleaned up: Not reported mercury cleaned up: Not reported nickel cleaned up: Not reported No clean up: Not reported Pesticides cleaned up: Not reported Selenium cleaned up: Not reported SVOCs cleaned up: Not reported Unknown clean up: Not reported Arsenic contaminant found: Not reported Cadmium contaminant found: Not reported Not reported Chromium contaminant found: Not reported Copper contaminant found: Iron contaminant found: Not reported Not reported Mercury contaminant found: Nickel contaminant found: Not reported No contaminant found: Not reported Not reported Pesticides contaminant found: Selenium contaminant found: Not reported SVOCs contaminant found: Not reported Unknown contaminant found: Not reported Not reported Future Use: Multistory Media affected Bluiding Material: Not reported

Building material media cleaned up: Not reported

Not reported

Media affected indoor air:

MAP FINDINGS Map ID

Direction Distance

Elevation Site Database(s) **EPA ID Number** 

**WEISS SAMONA (Continued)** 1016357344

Indoor air media cleaned up: Not reported Not reported Unknown media cleaned up: Past Use: Multistory Not reported

FINDS:

Registry ID: 110043085050

Environmental Interest/Information System

US EPA Assessment, Cleanup and Redevelopment Exchange System (ACRES)

is an federal online database for Brownfields Grantees to

electronically submit data directly to EPA.

**WOODWARD BROWN ASSOC LLC INVENTORY** S114029254 129 N/A

**ESE** 34901 WOODWARD 1/4-1/2 **BIRMINGHAM, MI 48009** 

0.392 mi.

2071 ft. Site 3 of 3 in cluster I

INVENTORY: Relative:

Bea Number: Not reported Lower Township: Birmingham Actual: District: Southeast MI

775 ft. Data Source: Part 201 Latitude: 42.54567 Longitude: -83.21134

J30 MOBIL #03-K9Q AUL S117057666 **1065 WEST MAPLE ROAD WSW** 

N/A

Pending

**BIRMINGHAM, MI 48009** 1/4-1/2 0.400 mi.

Lower

Site 1 of 2 in cluster J 2113 ft.

AUL: Relative: Status:

Site Name: Not reported Actual: Property: on-site 740 ft. Land Use Restriction Type: RC

> Program Type: Part 213 Program Support Assigned User: Not reported Not reported Program Support Assigned Date: Legal Description Of Property: Not reported Based On The Deq Ref #: 11121314091 MDEQ Reference Number: RC-RRD-213-14-091

Property Or Description Restricted Area: Not reported Lead Division: RD

Not reported File Name Of Hyperlinked Legal Doc: Mapped Polygons Area In Acres: Not reported Mapped Polygons Area In Square Miles: Not reported Date Data Entry Started: Not reported Date Data Entry Finished: Not reported

Individual Or Staff Assoc With The Mapping: Not reported Program Used To Map Restricted Features: Not reported Date Legal Paperwork Stamped/Filed/Register Of Deeds: Not reported

Commercial I Land Use Restriction:

**EDR ID Number** 

MAP FINDINGS Map ID

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

MOBIL #03-K9Q (Continued) S117057666

Commercial li Land Use Restriction: 0 0 Commercial lii Land Use Restriction: Commercial Iv Land Use Restriction: 0 Industrial Land Use Restriction: 0 Residential Land Use Restriction: 0 Recreational Land Use Restriction: 0 Multiple Land-Use Restrictions: 0 Site Specific Restrictions: 0 Groundwater Consumption Restrictions: 0 **Groundwater Contact Restrictions:** Special Well Construction Requirements: 0 Special Building Restrictions:

Excavation And Soil Movement Restrictions: 0 Soil Movement Requirements: 0 There Is A Restriction On All Construction: 0 Monitoring Well Protected, No Tampering Or Removal: 0 There Is An Exposure Barrier In Place: 0 There Is A Health And Safety Plan: 0 There Is A Permanent Marker On The Site:

Map Comments: Not reported

Comment: April 24, 2014 consultant requested DEQ reference #.

J31 MOBIL #03-K9Q **WSW** 1065 W MAPLE RD 1/4-1/2 **BIRMINGHAM, MI 48009** 

0.400 mi.

2113 ft. Site 2 of 2 in cluster J

INVENTORY: Relative:

Bea Number: Not reported Lower Township: Not reported Actual: District: Southeast MI 740 ft.

Data Source: Part 213 Latitude: 42.54759 Longitude: -83.20581

LUST:

Facility ID: 00016689

Source: STATE OF MICHIGAN Hannawa & Adams LLC Owner Name: Owner Address: 1065 E Maple Rd Owner City, St, Zip: Birmingham, MI 48009 Kyle Hannawa Owner Contact:

Owner Phone: Not reported Country: USA

District: Region 1 - SE Michigan District Office

Site Name: Mobil SS #03-K9Q Latitude: 42.54758 Longitude: -83.20580 Date of Collection: 10/04/2007

GPS Code Meas. Standard Positioning Service SA Off Method of Collection:

100 Accuracy: Accuracy Value Unit: **FEET** Horizontal Data: NAD83 Point Line Area: **POINT** 

Desc Category: Plant Entrance (Freight) INVENTORY

**LUST** 

UST

U004117527

N/A

Direction Distance

Elevation Site Database(s) EPA ID Number

#### MOBIL #03-K9Q (Continued)

U004117527

**EDR ID Number** 

Leak Number: C-0322-04 Release Date: 07/15/2004

Substance Released: Gasoline, Gasoline, Gasoline, Used Oil

Release Status: Open
Release Closed Date: Not reported

Leak Number: C-0571-93
Release Date: 05/12/1993
Substance Released: Used Oil,Gasoline

Release Status: Closed Release Closed Date: 07/31/1996

Leak Number: C-1693-91
Release Date: 08/19/1991
Substance Released: Unknown
Release Status: Closed
Release Closed Date: 07/31/1996

Leak Number: C-1748-91
Release Date: 08/26/1991
Substance Released: Unknown
Release Status: Closed
Release Closed Date: 07/31/1996

UST:

Facility ID: 00016689 Facility Type: ACTIVE

Owner Name: HANNAWA & ADAMS LLC
Owner Address: 1065 E MAPLE RD
Owner City,St,Zip: BIRMINGHAM, MI 48009

Owner Country: USA

Owner Contact: Kyle Hannawa Owner Phone: Not reported Contact: Kyle Hannawa (248) 755-2509 Contact Phone: Date of Collection: 10/04/2007 Accuracy: 100 Accuracy Value Unit: **FEET** Horizontal Datum: NAD83

Source: STATE OF MICHIGAN

Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Method of Collection: GPS Code Meas. Standard Positioning Service SA Off

Latitude: 42.54758 Longitude: -83.20580

Tank ID:

Tank Status: Currently In Use

Capacity: 10000
Product: Gasoline
Install Date: 04/21/1984
Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Direction Distance

Elevation Site Database(s) EPA ID Number

MOBIL #03-K9Q (Continued)

U004117527

**EDR ID Number** 

Tank ID: 2

Tank Status: Currently In Use

Capacity: 8000
Product: Gasoline
Install Date: 04/21/1984
Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID:

Tank Status: Currently In Use

Capacity: 6000
Product: Gasoline
Install Date: 04/21/1984
Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

 Capacity:
 1000

 Product:
 Used Oil

 Install Date:
 06/01/1984

 Remove Date:
 06/01/2005

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Gravity Fed?

 ${\bf Construction\ Material:} \qquad {\bf Composite (Steel\ w/Fiberglass), Epoxy\ Coated\ Steel, Fiberglass\ Reinforced}$ 

plastic

Impressed Device: No

K32 GREEN'S ART SUPPLY US BROWNFIELDS 1016603767
ESE 400 SOUTH OLD WOODWARD AVENUE N/A

1/4-1/2 BIRMINGHAM, MI 48009

0.408 mi.

2156 ft. Site 1 of 2 in cluster K

Relative: US BROWNFIELDS:

Lower Recipient name: Oakland County Michigan

Grant type: Assessment

Actual: Property name: GREEN'S ART SUPPLY

**767 ft.** Property #: 19-36-205-042

Parcel size: .58

Property Description: Original development of the subject property occurred prior to 1921

with four residential dwellings. The former northern dwelling was converted into a vulcanizing operation between 1921 and 1926, which operated at the property until the structure was demolished in 1930.

Map ID MAP FINDINGS
Direction

Distance

Elevation Site Database(s) EPA ID Number

## **GREEN'S ART SUPPLY (Continued)**

1016603767

**EDR ID Number** 

The eastern dwelling was redeveloped as a plumbing supply company between 1921 and 1926, which operated (and included several additions) until the early 1950s when the building was demolished. The central dwelling was demolished in 1930, and the northern and central portions of the subject property were redeveloped with a gasoline filling station and automotive service garage in late 1930. The former western dwelling was demolished between 1931 and 1940, and

the area was converted into a parking lot. The northern and central

portions of the property were occupied by Sternals Auto

Supply/Service until 1957 and Standard Oil Company in at least 1945.

The southern warehouse portion of the current building was constructed between 1949 and 1952, and was historically utilized as offices for an Edsel automotive dealership until approximately 1957. The building was redeveloped for retail use in 1958 and the northern portion of the building was expanded between 1963 and 1967 to include the current layout. The property has been occupied by Greens Art

Supply since 1958.

Latitude: 42.543816 Longitude: -83.21211

HCM label: Address Matching-House Number

Map scale: Not reported

Point of reference: Entrance Point of a Facility or Station
Datum: North American Datum of 1983

ACRES property ID: 170095 Start date: Not reported

Completed date: Not reported Acres cleaned up: Not reported Cleanup funding: Not reported Cleanup funding source: Not reported Assessment funding: 9900

Assessment funding source: US EPA - Brownfields Assessment Cooperative Agreement

Redevelopment funding:
Redev. funding source:
Redev. funding entity name:
Redevelopment start date:
Assessment funding entity:
Cleanup funding entity:

Not reported
Not reported
EPA
Not reported

Cleanup lunding entity:

Grant type: F

Accomplishment type: Phase II Environmental Assessment

Accomplishment count: 0

Cooperative agreement #: 00E01208

Ownership entity: Not reported

Current owner: Not reported

Did owner change: Not reported

Cleanup required: No Video available: No Photo available: Yes Institutional controls required: N

IC Category proprietary controls:
IC cat. info. devices:
IC cat. gov. controls:
IC cat. enforcement permit tools:
IC in place date:

Not reported
Not reported
Not reported
Not reported

IC in place:

State/tribal program date: Not reported State/tribal program ID: Not reported State/tribal NFA date: Not reported

Direction Distance Elevation

Site Database(s) EPA ID Number

## **GREEN'S ART SUPPLY (Continued)**

1016603767

**EDR ID Number** 

Air contaminated: Not reported Not reported Air cleaned: Asbestos found: Not reported Asbestos cleaned: Not reported Controled substance found: Not reported Controled substance cleaned: Not reported Drinking water affected: Not reported Not reported Drinking water cleaned: Groundwater affected: Not reported Groundwater cleaned: Not reported Lead contaminant found:

Lead cleaned up: Not reported No media affected: Not reported Unknown media affected: Not reported Other cleaned up: Not reported Other metals found: Not reported Not reported Other metals cleaned: Other contaminants found: Not reported Other contams found description: Not reported PAHs found: Not reported PAHs cleaned up: Not reported PCBs found: Not reported PCBs cleaned up: Not reported Petro products found: Not reported Petro products cleaned: Not reported Not reported Sediments found: Sediments cleaned: Not reported

Soil affected: Y
Soil cleaned up: Not reported
Surface water cleaned: Not reported

VOCs found:

VOCs cleaned:

Cleanup other description:

Num. of cleanup and re-dev. jobs:

Past use greenspace acreage:

Not reported

Not reported

Not reported

Not reported

Not reported

Past use commercial acreage: .58 Past use industrial acreage: Not reported Future use greenspace acreage: Not reported Future use residential acreage: Not reported Future use commercial acreage: Not reported Future use industrial acreage: Not reported Greenspace acreage and type: Not reported Not reported Superfund Fed. landowner flag: Not reported Arsenic cleaned up: Cadmium cleaned up: Not reported Chromium cleaned up: Not reported Copper cleaned up: Not reported Iron cleaned up: Not reported mercury cleaned up: Not reported nickel cleaned up: Not reported No clean up: Not reported Pesticides cleaned up: Not reported Not reported Selenium cleaned up: SVOCs cleaned up: Not reported Unknown clean up: Not reported Arsenic contaminant found: Not reported Map ID MAP FINDINGS
Direction

Distance EDR ID Number Elevation Site EDR ID Number Database(s) EPA ID Number

**GREEN'S ART SUPPLY (Continued)** 

1016603767

Cadmium contaminant found: Not reported Not reported Chromium contaminant found: Not reported Copper contaminant found: Not reported Iron contaminant found: Mercury contaminant found: Not reported Not reported Nickel contaminant found: Not reported No contaminant found: Pesticides contaminant found: Not reported Selenium contaminant found: Not reported SVOCs contaminant found: Not reported Not reported Unknown contaminant found:

Future Use: Multistory 0

Media affected Bluiding Material:
Media affected indoor air:
Not reported
Media affected indoor air:
Not reported
Unknown media cleaned up:
Not reported
Unknown media cleaned up:
Not reported
Not reported
Not reported
Not reported
Not reported
Not reported

Recipient name: Oakland County Michigan

Grant type: Assessment

Property name: GREEN'S ART SUPPLY

Property #: 19-36-205-042

Parcel size: .58

Property Description: Original development of the subject property occurred prior to 1921

with four residential dwellings. The former northern dwelling was converted into a vulcanizing operation between 1921 and 1926, which operated at the property until the structure was demolished in 1930. The eastern dwelling was redeveloped as a plumbing supply company between 1921 and 1926, which operated (and included several additions) until the early 1950s when the building was demolished. The central dwelling was demolished in 1930, and the northern and central portions of the subject property were redeveloped with a gasoline filling station and automotive service garage in late 1930.

The former western dwelling was demolished between 1931 and 1940, and

the area was converted into a parking lot. The northern and central

portions of the property were occupied by Sternals Auto

Supply/Service until 1957 and Standard Oil Company in at least 1945.

The southern warehouse portion of the current building was constructed between 1949 and 1952, and was historically utilized as offices for an Edsel automotive dealership until approximately 1957. The building was redeveloped for retail use in 1958 and the northern portion of the building was expanded between 1963 and 1967 to include the current layout. The property has been occupied by Greens Art

Supply since 1958.

Latitude: 42.543816 Longitude: -83.21211

HCM label: Address Matching-House Number

Map scale: Not reported

Point of reference: Entrance Point of a Facility or Station

Datum: North American Datum of 1983

ACRES property ID: 170095
Start date: Not reported
Completed date: Not reported
Acres cleaned up: Not reported
Cleanup funding: Not reported
Cleanup funding source: Not reported

Direction Distance Elevation

e EDR ID Number on Site Database(s) EPA ID Number

## **GREEN'S ART SUPPLY (Continued)**

1016603767

Assessment funding: 1200

Assessment funding source: US EPA - Brownfields Assessment Cooperative Agreement

Redevelopment funding:
Redev. funding source:
Redev. funding entity name:
Redevelopment start date:
Assessment funding entity:

Not reported
Not reported
EPA

Cleanup funding entity:

Not reported

Grant type:

Accomplishment type: Phase I Environmental Assessment

Accomplishment count: 1

Cooperative agreement #: 00E01208
Ownership entity: Not reported
Current owner: Not reported
Did owner change: Not reported

Cleanup required: No
Video available: No
Photo available: Yes
Institutional controls required: N

IC Category proprietary controls:
IC cat. info. devices:
IC cat. gov. controls:
IC cat. enforcement permit tools:
IC in place date:

Not reported
Not reported
Not reported

IC in place: No

State/tribal program date: Not reported State/tribal program ID: Not reported State/tribal NFA date: Not reported Air contaminated: Not reported Not reported Air cleaned: Asbestos found: Not reported Asbestos cleaned: Not reported Controled substance found: Not reported Controled substance cleaned: Not reported Not reported Drinking water affected: Not reported Drinking water cleaned: Groundwater affected: Not reported Groundwater cleaned: Not reported

Lead contaminant found: Y

Lead cleaned up: Not reported Not reported No media affected: Not reported Unknown media affected: Other cleaned up: Not reported Not reported Other metals found: Not reported Other metals cleaned: Other contaminants found: Not reported Other contams found description: Not reported PAHs found: Not reported PAHs cleaned up: Not reported PCBs found: Not reported PCBs cleaned up: Not reported Petro products found: Not reported Not reported Petro products cleaned: Sediments found: Not reported Sediments cleaned: Not reported

Soil affected: Y

Soil cleaned up: Not reported

Direction Distance Elevation

**EDR ID Number** Site Database(s) **EPA ID Number** 

Not reported

#### **GREEN'S ART SUPPLY (Continued)**

Surface water cleaned:

VOCs found:

1016603767

VOCs cleaned: Not reported Not reported Cleanup other description: Num. of cleanup and re-dev. jobs: Not reported Past use greenspace acreage: Not reported Past use residential acreage: Not reported Past use commercial acreage: .58 Past use industrial acreage: Not reported Future use greenspace acreage: Not reported Not reported Future use residential acreage: Not reported Future use commercial acreage: Future use industrial acreage: Not reported Greenspace acreage and type: Not reported Superfund Fed. landowner flag: Not reported Arsenic cleaned up: Not reported Cadmium cleaned up: Not reported Chromium cleaned up: Not reported Copper cleaned up: Not reported Iron cleaned up: Not reported Not reported mercury cleaned up: nickel cleaned up: Not reported No clean up: Not reported Pesticides cleaned up: Not reported Selenium cleaned up: Not reported Not reported SVOCs cleaned up: Unknown clean up: Not reported Arsenic contaminant found: Not reported Cadmium contaminant found: Not reported Chromium contaminant found: Not reported Copper contaminant found: Not reported Iron contaminant found: Not reported Mercury contaminant found: Not reported Nickel contaminant found: Not reported Not reported No contaminant found: Pesticides contaminant found: Not reported Selenium contaminant found: Not reported SVOCs contaminant found: Not reported Unknown contaminant found: Not reported Future Use: Multistory 0 Media affected Bluiding Material: Not reported Media affected indoor air: Not reported Building material media cleaned up: Not reported Not reported Indoor air media cleaned up: Not reported Unknown media cleaned up: Past Use: Multistory Not reported

> INVENTORY S116710702 N/A

K33 **GREEN'S ART SUPPLY 400 SOUTH OLD WOODWARD ESE** 1/4-1/2 OAKLAND (County), MI 48009 0.408 mi.

2156 ft. Site 2 of 2 in cluster K

INVENTORY: Relative:

Bea Number: 201406069LV Lower Township: Birmingham Actual: District: Southeast MI

767 ft. Data Source: BEA

MAP FINDINGS Map ID

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

## **GREEN'S ART SUPPLY (Continued)**

S116710702

BEA

**WDS** 

Latitude: Not reported Longitude: Not reported

INVENTORY L34 JAX KAR WASH #048 U003319644

**ESE** 34745 WOODWARD LUST N/A UST

1/4-1/2 **BIRMINGHAM, MI 48011** 0.416 mi.

2195 ft. Site 1 of 2 in cluster L

INVENTORY: Relative:

Bea Number: Not reported Lower Township: Not reported Actual: District: Southeast MI 771 ft. Data Source: Part 213

42.53949 Latitude: Longitude: -83.20706

LUST:

Facility ID: 00001952

STATE OF MICHIGAN Source: Owner Name: Jax Kar Wash #048 Owner Address: 34745 Woodward Owner City,St,Zip: Birmingham, MI 48011

Owner Contact: Not reported Owner Phone: Not reported

Country: USA

Region 1 - SE Michigan District Office District:

Site Name: Jax Kar Wash #048

42.53949 Latitude: Longitude: -83.20706 Date of Collection: 01/11/2001

Method of Collection: Address Matching-House Number

100 Accuracy: Accuracy Value Unit: **FEET** Horizontal Data: NAD83 Point Line Area: **POINT** 

Desc Category: Plant Entrance (Freight)

Leak Number: C-0859-00 Release Date: 10/27/2000 Substance Released: Unknown Release Status: Open Release Closed Date: Not reported

UST:

Facility ID: 00001952 Facility Type: CLOSED

Owner Name: JAX KAR WASH #048 34745 WOODWARD Owner Address: Owner City, St, Zip: BIRMINGHAM, MI 48011

FEET

Owner Country: USA Owner Contact: Not reported Owner Phone: Not reported Contact: Abdeem Shakoor Contact Phone: (781) 231-9300 Date of Collection: 01/11/2001 Accuracy: 100

Accuracy Value Unit:

Direction Distance

Elevation Site Database(s) EPA ID Number

## JAX KAR WASH #048 (Continued)

U003319644

**EDR ID Number** 

Horizontal Datum: NAD83

Source: STATE OF MICHIGAN

Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Method of Collection: Address Matching-House Number

Latitude: 42.53949 Longitude: -83.20706

Tank ID:

Tank Status: Removed from Ground

Capacity: 10000
Product: Gasoline
Install Date: 01/01/1966
Remove Date: 10/27/2000
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Tank ID: 2

Tank Status: Removed from Ground

Capacity: 10000
Product: Gasoline
Install Date: 01/01/1966
Remove Date: 10/27/2000
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

BEA:

Secondary Address: Not reported 1459
District: Southeast MI Date Received: 08/08/2001

Submitter Name: BMW CAR WASH, L.L.C.

Petition Determination: No Request

Petition Disclosure: 0

Category: Same Hazardous Substance(s)

Determination 20107A: No Request

Reviewer: cokt

Division Assigned: Storage Tank Division

WDS:

Site Id: MIG000026887 WMD Id: 429618 Site Specific Name: WASH DEPOT

Mailing Address: 34745 WOODWARD AVE

Mailing City/State/Zip: 48009
Mailing County: OAKLAND

MAP FINDINGS Map ID

Direction Distance

**EDR ID Number** Elevation Site **EPA ID Number** Database(s)

L35 **JAX KAR WASH INVENTORY** S114035933 N/A

**ESE 34745 WOODWARD AVENUE** 1/4-1/2 OAKLAND (County), MI 48009

0.416 mi.

2195 ft. Site 2 of 2 in cluster L

Relative:

INVENTORY:

Lower

200101459LV Bea Number: Township: Birmingham

Actual: District: Southeast MI BEA

771 ft. Data Source:

Latitude: Not reported Longitude: Not reported

36 **SPEEDWAY LLC** RCRA-CESQG 1000844604 34750 WOODWARD AVE **ESE FINDS** MID985666387

1/4-1/2 **BIRMINGHAM, MI 48009** 

0.449 mi. 2372 ft.

Facility address:

RCRA-CESQG: Relative:

Lower

Date form received by agency: 08/20/2012

Facility name: SPEEDWAY LLC

Actual: 768 ft.

34750 WOODWARD AVE

BIRMINGHAM, MI 48009

EPA ID: MID985666387 Mailing address: PO BOX 1500

SPRINGFIELD, OH 45501

CHARLES A BESSE Contact:

Contact address: Not reported

Not reported

Contact country: US

Contact telephone: (937) 863-6272

CABESSE@SPEEDWAY.COM Contact email:

EPA Region: 05

Classification: Conditionally Exempt Small Quantity Generator

Description: Handler: generates 100 kg or less of hazardous waste per calendar

month, and accumulates 1000 kg or less of hazardous waste at any time; or generates 1 kg or less of acutely hazardous waste per calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste; or generates 100 kg or less of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water, of acutely hazardous waste during any calendar month, and accumulates at any time: 1 kg or less of acutely hazardous waste; or 100 kg or less of any residue or contaminated soil, waste or other debris resulting from

the cleanup of a spill, into or on any land or water, of acutely

hazardous waste

Owner/Operator Summary:

SPEEDWAY LLC Owner/operator name: Owner/operator address: Not reported

Not reported

Owner/operator country: Not reported Owner/operator telephone: Not reported Legal status: Private

Owner/Operator Type: Operator LUST UST

Direction Distance

Elevation Site Database(s) EPA ID Number

SPEEDWAY LLC (Continued) 1000844604

Owner/Op start date: 06/10/1999
Owner/Op end date: Not reported

Owner/operator name: SPEEDWAY LLC
Owner/operator address: Not reported

Not reported

Owner/operator country: Not reported
Owner/operator telephone: Not reported
Legal status: Private
Owner/Operator Type: Owner
Owner/Op start date: 06/10/1999
Owner/Op end date: Not reported

Handler Activities Summary:

U.S. importer of hazardous waste: No Mixed waste (haz. and radioactive): No Recycler of hazardous waste: No Transporter of hazardous waste: No Treater, storer or disposer of HW: No Underground injection activity: No On-site burner exemption: Nο Furnace exemption: No Used oil fuel burner: No Used oil processor: No User oil refiner: No Used oil fuel marketer to burner: Nο Used oil Specification marketer: No Used oil transfer facility: No Used oil transporter: No

Historical Generators:

Date form received by agency: 06/03/2005

Site name: SPEEDWAY SUPERAMERICA LLC

Classification: Conditionally Exempt Small Quantity Generator

Date form received by agency: 09/17/1998

Site name: SPEEDWAY SUPERAMERICA LLC

Classification: Not a generator, verified

Date form received by agency: 09/02/1993

Site name: SPEEDWAY SUPERAMERICA LLC

Classification: Conditionally Exempt Small Quantity Generator

Hazardous Waste Summary:

Waste code: D001

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Waste code: D001

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS

**EDR ID Number** 

Direction Distance Elevation

evation Site Database(s) EPA ID Number

#### SPEEDWAY LLC (Continued)

1000844604

**EDR ID Number** 

CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Waste code: D001

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Waste code: D001

Waste name: IGNITABLE HAZARDOUS WASTES ARE THOSE WASTES WHICH HAVE A FLASHPOINT OF

LESS THAN 140 DEGREES FAHRENHEIT AS DETERMINED BY A PENSKY-MARTENS CLOSED CUP FLASH POINT TESTER. ANOTHER METHOD OF DETERMINING THE FLASH POINT OF A WASTE IS TO REVIEW THE MATERIAL SAFETY DATA SHEET, WHICH CAN BE OBTAINED FROM THE MANUFACTURER OR DISTRIBUTOR OF THE MATERIAL. LACQUER THINNER IS AN EXAMPLE OF A COMMONLY USED SOLVENT

WHICH WOULD BE CONSIDERED AS IGNITABLE HAZARDOUS WASTE.

Violation Status: No violations found

FINDS:

Registry ID: 110003685968

Environmental Interest/Information System

RCRAInfo is a national information system that supports the Resource Conservation and Recovery Act (RCRA) program through the tracking of events and activities related to facilities that generate, transport, and treat, store, or dispose of hazardous waste. RCRAInfo allows RCRA

program staff to track the notification, permit, compliance, and

corrective action activities required under RCRA.

LUST:

Facility ID: 00016370

Source: STATE OF MICHIGAN
Owner Name: Speedway LLC
Owner Address: PO Box 1500
Owner City,St,Zip: Springfield, OH 45501

Owner Contact: Not reported
Owner Phone: (937) 864-3000

Country: USA

District: Region 1 - SE Michigan District Office

 Site Name:
 Total #2528

 Latitude:
 42.54488

 Longitude:
 -83.20977

 Date of Collection:
 04/06/2007

Method of Collection: GPS Code Meas. Standard Positioning Service SA Off

Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Data: NAD83

Direction Distance

Elevation Site Database(s) EPA ID Number

#### SPEEDWAY LLC (Continued)

1000844604

**EDR ID Number** 

Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Leak Number: C-1633-91
Release Date: 08/27/1991
Substance Released: Unknown
Release Status: Closed
Release Closed Date: 02/09/1996

UST:

Facility ID: 00016370
Facility Type: ACTIVE
Owner Name: SPEEDWAY LLC

Owner Address: PO BOX 1500 Owner City,St,Zip: SPRINGFIELD, OH 45501

Owner Country: USA
Owner Contact: Not reported
Owner Phone: (937) 864-3000
Contact: Toby Rickabaugh
Contact Phone: (937) 864-3000
Date of Collection: 04/06/2007

Date of Collection: 04/06/2
Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Datum: NAD83

Source: STATE OF MICHIGAN

Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Method of Collection: GPS Code Meas. Standard Positioning Service SA Off

Latitude: 42.54488 Longitude: -83.20977

Tank ID:

Tank Status: Removed from Ground

Capacity: 6000
Product: Gasoline
Install Date: 04/21/1972
Remove Date: 03/02/1992
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Tank ID: 2

Tank Status: Removed from Ground

Capacity: 12000
Product: Gasoline
Install Date: 04/21/1974
Remove Date: 03/01/1992
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Direction Distance

Elevation Site Database(s) EPA ID Number

SPEEDWAY LLC (Continued)

Tank ID: 3

Tank Status: Removed from Ground

Capacity: 12000
Product: Diesel
Install Date: 04/21/1974
Remove Date: 03/01/1992
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Tank ID: 4

Tank Status: Removed from Ground

Capacity: 1000
Product: FUEL OIL
Install Date: 04/22/1959
Remove Date: 03/01/1992
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported

Piping Material: COPPER, Galvanized Steel

Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Tank ID: 5

Tank Status: Removed from Ground

Capacity: 550
Product: Used Oil
Install Date: 04/22/1959
Remove Date: 03/01/1992
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Tank ID: 6

Tank Status: Currently In Use

Capacity: 12000
Product: Gasoline
Install Date: 05/01/1992
Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Cathodically Protected Steel

Impressed Device: No

Tank ID: 7

**EDR ID Number** 

1000844604

MAP FINDINGS Map ID

Direction Distance

**EDR ID Number** Elevation Site Database(s) **EPA ID Number** 

SPEEDWAY LLC (Continued)

1000844604

**Tank Status: Currently In Use** 

10000 Capacity: Product: Gasoline Install Date: 05/01/1992 Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Cathodically Protected Steel

Impressed Device: No

Tank ID:

Tank Status: **Currently In Use** 

Capacity: 10000 Product: Gasoline Install Date: 05/01/1992 Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Pressure Piping Type:

Construction Material: Cathodically Protected Steel

Impressed Device: No

Tank ID:

Tank Status: **Currently In Use** 

8000 Capacity: Product: Diesel Install Date: 05/01/1992 Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Cathodically Protected Steel

Impressed Device: No

M37 SIMON LAND DEVELOPMENT GROUP LLC

35975 WOODWARD AVE North 1/4-1/2 **BIRMINGHAM, MI 48084** 0.464 mi.

2451 ft. Site 1 of 2 in cluster M

INVENTORY:

Relative:

Actual:

747 ft.

Lower Bea Number: Not reported

Township: Not reported District: Southeast MI Data Source: Part 213 Latitude: 42.55355 Longitude: -83.21936

LUST:

Facility ID: 00005681

STATE OF MICHIGAN Source:

U003320634

N/A

INVENTORY

**LUST** 

UST

BEA

**WDS** 

Direction Distance

Elevation Site Database(s) EPA ID Number

#### SIMON LAND DEVELOPMENT GROUP LLC (Continued)

Owner Name: Simon Land Development Group LLC

Owner Address: 1826 Northwood Dr Owner City,St,Zip: Troy, MI 48084 Owner Contact: Fawzi Simon Owner Phone: (248) 688-9625

Country: USA

District: Region 1 - SE Michigan District Office

 Site Name:
 Amoco #5791

 Latitude:
 42.55354

 Longitude:
 -83.21935

 Date of Collection:
 01/11/2001

Method of Collection: Address Matching-House Number

Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Data: NAD83
Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Leak Number: C-0008-89
Release Date: 01/13/1989
Substance Released: Not reported
Release Status: Open
Release Closed Date: Not reported

UST:

Facility ID: 00005681 Facility Type: CLOSED

Owner Name: SIMON LAND DEVELOPMENT GROUP LLC

Owner Address: 1826 NORTHWOOD DR

Owner City, St, Zip: TROY, MI 48084

Owner Country: USA

Owner Contact: Fawzi Simon
Owner Phone: (248) 688-9625
Contact: Faiz Simon
Contact Phone: (313) 292-5500
Date of Collection: 01/11/2001
Accuracy: 100
Accuracy Value Unit: FEET

Horizontal Datum: NAD83

Source: STATE OF MICHIGAN

Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Method of Collection: Address Matching-House Number

Latitude: 42.55354 Longitude: -83.21935

Tank ID:

Tank Status: Removed from Ground

Capacity: 6000
Product: Diesel
Install Date: 04/26/1962
Remove Date: 02/09/1989
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel, Lined Interier

Impressed Device: No

**EDR ID Number** 

U003320634

Direction Distance

Elevation Site Database(s) EPA ID Number

## SIMON LAND DEVELOPMENT GROUP LLC (Continued)

U003320634

**EDR ID Number** 

Tank ID: 2

Tank Status: Removed from Ground

Capacity: 6000
Product: Gasoline
Install Date: 04/26/1962
Remove Date: 12/01/1988
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel, Lined Interier

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

Capacity: 6000
Product: Gasoline
Install Date: 04/26/1962
Remove Date: 12/01/1988
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel, Lined Interier

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

Capacity: 6000
Product: Gasoline
Install Date: 04/26/1962
Remove Date: 12/01/1988
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel, Lined Interier

Impressed Device: No

Tank ID: 5

Tank Status: Removed from Ground

Capacity: 8000
Product: Gasoline
Install Date: 04/26/1970
Remove Date: 12/01/1988
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel, Lined Interier

Impressed Device: No

Tank ID: 6

Direction Distance Elevation

vation Site Database(s) EPA ID Number

## SIMON LAND DEVELOPMENT GROUP LLC (Continued)

U003320634

**EDR ID Number** 

Tank Status: Removed from Ground

Capacity: 560
Product: Used Oil
Install Date: 04/27/1959
Remove Date: 11/10/1989
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported
Piping Material: Galvanized Steel
Piping Type: Not reported

Construction Material: Asphalt Coated or Bare Steel

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

 Capacity:
 12000

 Product:
 Gasoline

 Install Date:
 04/26/1986

 Remove Date:
 10/11/2007

Tank Release Detection: Automatic Tank Gauging
Pipe Realease Detection: Automatic Line Leak Detectors
Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Cathodically Protected Steel

Impressed Device: No

Tank ID: 8

Tank Status: Removed from Ground

 Capacity:
 12000

 Product:
 Gasoline

 Install Date:
 04/26/1986

 Remove Date:
 10/11/2007

Tank Release Detection: Automatic Tank Gauging
Pipe Realease Detection: Automatic Line Leak Detectors
Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Cathodically Protected Steel

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

 Capacity:
 12000

 Product:
 Gasoline

 Install Date:
 04/26/1986

 Remove Date:
 10/11/2007

Tank Release Detection: Automatic Tank Gauging
Pipe Realease Detection: Automatic Line Leak Detectors
Piping Material: Fiberglass reinforced plastic

Piping Type: Pressure

Construction Material: Cathodically Protected Steel

Impressed Device: No

Tank ID: 10

Tank Status: Removed from Ground

Direction Distance

Elevation Site Database(s) EPA ID Number

## SIMON LAND DEVELOPMENT GROUP LLC (Continued)

U003320634

**EDR ID Number** 

 Capacity:
 560

 Product:
 Used Oil

 Install Date:
 11/10/1989

 Remove Date:
 11/01/2007

Tank Release Detection: Automatic Tank Gauging
Pipe Realease Detection: Automatic Line Leak Detectors
Piping Material: Fiberglass reinforced plastic, Vent.

Piping Type: Not reported

Construction Material: Cathodically Protected Steel

Impressed Device: No

BEA:

Secondary Address: Not reported 3735
District: Southeast MI Date Received: 11/21/2007

Submitter Name: 35975 Woodward, LLC

Petition Determination: No Request

Petition Disclosure: 0

Category: No Hazardous Substance(s)

Determination 20107A: No Request Reviewer: mitchelf

Division Assigned: Storage Tank Division

Secondary Address: Not reported BEA Number: 3161
District: Southeast MI Date Received: 05/31/2006

Submitter Name: Simon Land Development Group, LLC

Petition Determination: No Request

Petition Disclosure: 0

Category: Same Hazardous Substance(s)

Determination 20107A: No Request Reviewer: schlaufj

Division Assigned: Storage Tank Division

WDS:

Site ld: MID985606458 WMD ld: 404537

Site Specific Name: A & G AUTO CARE
Mailing Address: 35975 WOODWARD AVE

Mailing City/State/Zip: 48009
Mailing County: OAKLAND

GASOLINE STATION

M38 GASOLINE STATION
North 35975 WOODWARD AVENUE
1/4-1/2 OAKLAND (County), MI 48009
0.464 mi.

2451 ft. Site 2 of 2 in cluster M

Relative: INVENTORY:

Lower Bea Number: 200703735LV

Township: Birmingham
Actual: District: Southeast MI

747 ft. Data Source: BEA

Latitude: Not reported Longitude: Not reported

S114035253

N/A

INVENTORY

Direction Distance

Elevation Site Database(s) EPA ID Number

39 ESTATE MOTORS LUST U003330063 SE 464 S WOODWARD AVE WDS N/A

1/4-1/2 0.466 mi. 2463 ft.

Relative: LUST:

Lower Facility ID: 00015180

BIRMINGHAM, MI 99999

Source: STATE OF MICHIGAN

Actual: Owner Name: OWNER ADDRESS UNKNOWN
765 ft. Owner Address: Not Recorded

Owner Address: Not Recorded

Owner City,St,Zip: Not Recorded, XX 99999

Owner Contact: Not reported
Owner Phone: Not reported
Country: USA

District: Region 1 - SE Michigan District Office

Site Name: Estate Motors
Latitude: 42.54384
Longitude: -83.21181
Date of Collection: 01/11/2001

Method of Collection: Address Matching-House Number

Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Data: NAD83

Horizontal Data: NAD83
Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Leak Number: C-1669-91
Release Date: 08/09/1991
Substance Released: Unknown
Release Status: Closed
Release Closed Date: 01/06/1993

Leak Number: C-2071-92
Release Date: 11/20/1992
Substance Released: Gasoline
Release Status: Closed
Release Closed Date: 06/30/1994

WDS:

Site Id: MID040571135

WMD Id: 395465

Site Specific Name: ESTATE MOTORS LTD
Mailing Address: ESTATE MOTORS LTD
464 S OLD WOODWARD AVE

Mailing City/State/Zip: 48009
Mailing County: OAKLAND

40 GHAFARI PROPERTIES INC INVENTORY U003426133
North 36101 WOODWARD AVE LUST N/A

1/4-1/2 0.472 mi. 2490 ft.

Relative: INVENTORY:

Lower Bea Number: Not reported

**BIRMINGHAM, MI 48009** 

Township: Not reported Southeast MI 757 ft. Data Source: Part 213

Latitude: 42.5543 Longitude: -83.21976 UST

**EDR ID Number** 

Direction Distance Elevation

evation Site Database(s) EPA ID Number

## **GHAFARI PROPERTIES INC (Continued)**

U003426133

**EDR ID Number** 

LUST:

Facility ID: 00034940

Source: STATE OF MICHIGAN
Owner Name: Ghafari Properties LLC
Owner Address: 36101 Woodward Ave
Owner City,St,Zip: Birmingham, MI 48009

Owner Contact: Not reported
Owner Phone: (248) 647-0020

Country: USA

District: Region 1 - SE Michigan District Office

 Site Name:
 Mobil #03-kxn

 Latitude:
 42.55429

 Longitude:
 -83.21976

 Date of Collection:
 01/05/2007

Method of Collection: GPS Code Meas. Standard Positioning Service SA Off

Accuracy: 100
Accuracy Value Unit: FEET
Horizontal Data: NAD83
Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Leak Number: C-0276-89
Release Date: 06/29/1989
Substance Released: Not reported
Release Status: Closed
Release Closed Date: 06/12/1996

Leak Number:C-0301-90Release Date:02/21/1990Substance Released:Not reportedRelease Status:ClosedRelease Closed Date:04/04/1996

Leak Number: C-0323-04 Release Date: 07/15/2004

Substance Released: Gasoline, Gasoline, Gasoline, Gasoline

Release Status: Closed Release Closed Date: 01/02/2013

UST:

Facility ID: 00034940 Facility Type: ACTIVE

Owner Name: GHAFARI PROPERTIES LLC
Owner Address: 36101 WOODWARD AVE
Owner City,St,Zip: BIRMINGHAM, MI 48009

Owner Country: USA

Owner Contact: Not reported
Owner Phone: (248) 647-0020
Contact: Sejaan Ghafari
Contact Phone: (248) 647-0020
Date of Collection: 01/05/2007
Accuracy: 100
Accuracy Value Unit: FEET

Horizontal Datum: NAD83

Source: STATE OF MICHIGAN

Point Line Area: POINT

Desc Category: Plant Entrance (Freight)

Direction Distance

Elevation Site Database(s) EPA ID Number

## **GHAFARI PROPERTIES INC (Continued)**

U003426133

**EDR ID Number** 

Method of Collection: GPS Code Meas. Standard Positioning Service SA Off

Latitude: 42.55429 Longitude: -83.21976

Tank ID:

Tank Status: Removed from Ground

Capacity: 12000
Product: Gasoline
Install Date: Not reported
Remove Date: 09/13/1990
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported

Piping Material: Fiberglass reinforced plastic

Piping Type: Not reported

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID: 2

Tank Status: Removed from Ground

Capacity: 10000
Product: Gasoline
Install Date: Not reported
Remove Date: 09/13/1990
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported

Piping Material: Fiberglass reinforced plastic

Piping Type: Not reported

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID:

Tank Status: Removed from Ground

Capacity: 6000
Product: Gasoline
Install Date: Not reported
Remove Date: 09/13/1990
Tank Release Detection: Not reported
Pipe Realease Detection: Not reported

Piping Material: Fiberglass reinforced plastic

Piping Type: Not reported

Construction Material: Fiberglass Reinforced plastic

Impressed Device: No

Tank ID: 4

Tank Status: Currently In Use

Capacity: 10000
Product: Gasoline
Install Date: 09/13/1990
Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Double Walled, Flexible Piping Piping Type: Pressure, Pressure, Pressure Construction Material: Fiberglass Reinforced Plastic

Direction Distance

Elevation Site Database(s) EPA ID Number

## **GHAFARI PROPERTIES INC (Continued)**

U003426133

**EDR ID Number** 

Impressed Device: No

Tank ID: 5

Tank Status: Currently In Use

Capacity: 10000
Product: Gasoline
Install Date: 09/13/1990
Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Fiberglass Reinforced Plastic

Piping Type: Pressure

Construction Material: Lined Interior, Double Walled

Impressed Device: No

Tank ID: 6

Tank Status: Currently In Use

Capacity: 10000
Product: Gasoline
Install Date: 09/13/1990
Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Double Walled, Flexible Piping

Piping Type: Pressure

Construction Material: Fiberglass Reinforced Plastic

Impressed Device: No

Tank ID: 7

Tank Status: Currently In Use

Capacity: 10000
Product: Gasoline
Install Date: 09/13/1990
Remove Date: Not reported

Tank Release Detection: Automatic Tank Gauging

Pipe Realease Detection: Automatic Line Leak Detectors, Line Tightness Testing

Piping Material: Double Walled, Flexible Piping Piping Type: Gravity Fed?, Pressure Construction Material: Fiberglass Reinforced Plastic

Impressed Device: No

Tank ID:

Tank Status: Currently In Use

Capacity: 6000
Product: Water
Install Date: 11/22/2011
Remove Date: Not reported
Tank Release Detection: Not reported

Pipe Realease Detection: Automatic Line Leak Detectors
Piping Material: Double Walled, Flexible Piping

Piping Type: Not reported

Construction Material: Fiberglass Reinforced Plastic, Double Walled

Impressed Device: No

Count: 0 records. ORPHAN SUMMARY

City EDR ID Site Name Site Address Zip Database(s)

NO SITES FOUND

# **GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING**

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

**Number of Days to Update:** Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

### STANDARD ENVIRONMENTAL RECORDS

#### Federal NPL site list

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 12/16/2014 Source: EPA
Date Data Arrived at EDR: 01/08/2015 Telephone: N/A

Number of Days to Update: 32 Next Scheduled EDR Contact: 04/20/2015
Data Release Frequency: Quarterly

**NPL Site Boundaries** 

Sources

EPA's Environmental Photographic Interpretation Center (EPIC)

Telephone: 202-564-7333

EPA Region 1 EPA Region 6

Telephone 617-918-1143 Telephone: 214-655-6659

EPA Region 3 EPA Region 7

Telephone 215-814-5418 Telephone: 913-551-7247

EPA Region 4 EPA Region 8

Telephone 404-562-8033 Telephone: 303-312-6774

EPA Region 5 EPA Region 9

Telephone 312-886-6686 Telephone: 415-947-4246

EPA Region 10

Telephone 206-553-8665

Proposed NPL: Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

Date of Government Version: 12/16/2014 Source: EPA
Date Data Arrived at EDR: 01/08/2015 Telephone: N/A

Number of Days to Update: 32 Next Scheduled EDR Contact: 04/20/2015
Data Release Frequency: Quarterly

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

Date of Government Version: 10/15/1991 Date Data Arrived at EDR: 02/02/1994 Date Made Active in Reports: 03/30/1994

Number of Days to Update: 56

Source: EPA Telephone: 202-564-4267 Last EDR Contact: 08/15/2011

Next Scheduled EDR Contact: 11/28/2011 Data Release Frequency: No Update Planned

#### Federal Delisted NPL site list

**DELISTED NPL: National Priority List Deletions** 

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 12/16/2014 Date Data Arrived at EDR: 01/08/2015 Date Made Active in Reports: 02/09/2015

Number of Days to Update: 32

Source: EPA Telephone: N/A

Next Scheduled EDR Contact: 04/20/2015 Data Release Frequency: Quarterly

#### Federal CERCLIS list

CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System

CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Last EDR Contact: 01/08/2015

Date of Government Version: 10/25/2013 Date Data Arrived at EDR: 11/11/2013 Date Made Active in Reports: 02/13/2014

Number of Days to Update: 94

Source: EPA

Telephone: 703-412-9810 Last EDR Contact: 02/27/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Quarterly

FEDERAL FACILITY: Federal Facility Site Information listing

A listing of National Priority List (NPL) and Base Realignment and Closure (BRAC) sites found in the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Database where EPA Federal Facilities Restoration and Reuse Office is involved in cleanup activities.

Date of Government Version: 07/21/2014 Date Data Arrived at EDR: 10/07/2014 Date Made Active in Reports: 10/20/2014

Number of Days to Update: 13

Source: Environmental Protection Agency

Telephone: 703-603-8704 Last EDR Contact: 01/09/2015

Next Scheduled EDR Contact: 04/20/2015 Data Release Frequency: Varies

#### Federal CERCLIS NFRAP site List

CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned

Archived sites are sites that have been removed and archived from the inventory of CERCLIS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

Date of Government Version: 10/25/2013 Date Data Arrived at EDR: 11/11/2013 Date Made Active in Reports: 02/13/2014

Number of Days to Update: 94

Source: EPA Telephone: 703-412-9810 Last EDR Contact: 02/27/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Quarterly

#### Federal RCRA CORRACTS facilities list

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 12/09/2014 Date Data Arrived at EDR: 12/29/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 31

Source: EPA

Telephone: 800-424-9346 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Quarterly

#### Federal RCRA non-CORRACTS TSD facilities list

RCRA-TSDF: RCRA - Treatment, Storage and Disposal

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Date of Government Version: 12/09/2014 Date Data Arrived at EDR: 12/29/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 31

Source: Environmental Protection Agency

Telephone: 312-886-6186 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Quarterly

#### Federal RCRA generators list

RCRA-LQG: RCRA - Large Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month.

Date of Government Version: 12/09/2014 Date Data Arrived at EDR: 12/29/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 31

Source: Environmental Protection Agency

Telephone: 312-886-6186 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Quarterly

RCRA-SQG: RCRA - Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month.

Date of Government Version: 12/09/2014 Date Data Arrived at EDR: 12/29/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 31

Source: Environmental Protection Agency

Telephone: 312-886-6186 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Quarterly

RCRA-CESQG: RCRA - Conditionally Exempt Small Quantity Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month.

Date of Government Version: 12/09/2014 Date Data Arrived at EDR: 12/29/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 31

Source: Environmental Protection Agency

Telephone: 312-886-6186 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Varies

#### Federal institutional controls / engineering controls registries

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 09/18/2014 Date Data Arrived at EDR: 09/19/2014 Date Made Active in Reports: 10/20/2014

Number of Days to Update: 31

Source: Environmental Protection Agency

Telephone: 703-603-0695 Last EDR Contact: 02/26/2015

Next Scheduled EDR Contact: 06/15/2015 Data Release Frequency: Varies

US INST CONTROL: Sites with Institutional Controls

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 09/18/2014 Date Data Arrived at EDR: 09/19/2014 Date Made Active in Reports: 10/20/2014

Number of Days to Update: 31

Source: Environmental Protection Agency

Telephone: 703-603-0695 Last EDR Contact: 02/26/2015

Next Scheduled EDR Contact: 06/15/2015 Data Release Frequency: Varies

LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 12/03/2014 Date Data Arrived at EDR: 12/12/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 48

Source: Department of the Navy Telephone: 843-820-7326 Last EDR Contact: 02/16/2015

Next Scheduled EDR Contact: 06/01/2015 Data Release Frequency: Varies

### Federal ERNS list

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 09/29/2014 Date Data Arrived at EDR: 09/30/2014 Date Made Active in Reports: 11/06/2014

Number of Days to Update: 37

Source: National Response Center, United States Coast Guard

Telephone: 202-267-2180 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Annually

## State- and tribal - equivalent CERCLIS

SHWS: This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list. This state does not maintain a SHWS list. See the Federal CERCLIS list and Federal NPL list.

Date of Government Version: N/A
Date Data Arrived at EDR: 10/31/2013
Date Made Active in Reports: 11/20/2013

Number of Days to Update: 20

Source: Dept of Environmental Quality

Telephone: 517-284-5103 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: No Update Planned

State and tribal landfill and/or solid waste disposal site lists

SWF/LF: Solid Waste Facilities Database

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 12/29/2014 Date Data Arrived at EDR: 12/30/2014 Date Made Active in Reports: 01/20/2015

Number of Days to Update: 21

Source: Dept of Environmental Quality

Telephone: 517-335-4035 Last EDR Contact: 12/30/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Semi-Annually

#### State and tribal leaking storage tank lists

LUST: Leaking Underground Storage Tank Sites

Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

Date of Government Version: 12/02/2014 Date Data Arrived at EDR: 12/04/2014 Date Made Active in Reports: 01/20/2015

Number of Days to Update: 47

Source: Dept of Environmental Quality

Telephone: 517-373-9837 Last EDR Contact: 02/16/2015

Next Scheduled EDR Contact: 06/01/2015 Data Release Frequency: Annually

INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 01/08/2015 Date Data Arrived at EDR: 01/08/2015 Date Made Active in Reports: 02/09/2015

Number of Days to Update: 32

Source: Environmental Protection Agency

Telephone: 415-972-3372 Last EDR Contact: 01/08/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Quarterly

INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Iowa, Kansas, and Nebraska

Date of Government Version: 09/23/2014 Date Data Arrived at EDR: 11/25/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 65

Source: EPA Region 7 Telephone: 913-551-7003 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in New Mexico and Oklahoma.

Date of Government Version: 10/06/2014 Date Data Arrived at EDR: 10/29/2014 Date Made Active in Reports: 11/17/2014

Number of Days to Update: 19

Source: EPA Region 6 Telephone: 214-665-6597 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

INDIAN LUST R5: Leaking Underground Storage Tanks on Indian Land

Leaking underground storage tanks located on Indian Land in Michigan, Minnesota and Wisconsin.

Date of Government Version: 11/03/2014 Date Data Arrived at EDR: 11/05/2014 Date Made Active in Reports: 11/17/2014

Number of Days to Update: 12

Source: EPA, Region 5 Telephone: 312-886-7439 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015

Data Release Frequency: Varies

INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 11/10/2014 Date Data Arrived at EDR: 11/14/2014 Date Made Active in Reports: 02/09/2015

Number of Days to Update: 87

Source: EPA Region 10 Telephone: 206-553-2857 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Quarterly

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 11/04/2014 Date Data Arrived at EDR: 11/07/2014 Date Made Active in Reports: 11/17/2014

Number of Days to Update: 10

Source: EPA Region 8 Telephone: 303-312-6271 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Quarterly

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 02/01/2013
Date Data Arrived at EDR: 05/01/2013
Date Made Active in Reports: 11/01/2013

Number of Days to Update: 184

Source: EPA Region 1 Telephone: 617-918-1313 Last EDR Contact: 01/30/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land LUSTs on Indian land in Florida, Mississippi and North Carolina.

Date of Government Version: 07/30/2014 Date Data Arrived at EDR: 08/12/2014 Date Made Active in Reports: 08/22/2014

Number of Days to Update: 10

Source: EPA Region 4 Telephone: 404-562-8677 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Semi-Annually

### State and tribal registered storage tank lists

UST: Underground Storage Tank Facility List

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 12/02/2014
Date Data Arrived at EDR: 12/04/2014
Date Made Active in Reports: 01/19/2015

Number of Days to Update: 46

Source: Dept of Environmental Quality

Telephone: 517-335-4035 Last EDR Contact: 02/16/2015

Next Scheduled EDR Contact: 06/01/2015 Data Release Frequency: Annually

UST 2: Underground Storage Tank Listing

A listing of underground storage tank site locations that have unknown owner information.

Date of Government Version: 01/28/2015 Date Data Arrived at EDR: 01/29/2015 Date Made Active in Reports: 02/20/2015

Number of Days to Update: 22

Source: Dept of Environmental Quality Telephone: 517-335-7211

Last EDR Contact: 01/19/2015

Next Scheduled EDR Contact: 05/04/2015 Data Release Frequency: Annually

AST: Aboveground Tanks

Registered Aboveground Storage Tanks.

Date of Government Version: 12/11/2014 Date Data Arrived at EDR: 12/12/2014 Date Made Active in Reports: 01/19/2015

Number of Days to Update: 38

Source: Dept of Environmental Quality Telephone: 517-373-8168 Last EDR Contact: 02/27/2015

Next Scheduled EDR Contact: 06/01/2015 Data Release Frequency: No Update Planned

#### INDIAN UST R1: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 1 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and ten Tribal Nations).

Date of Government Version: 02/01/2013 Date Data Arrived at EDR: 05/01/2013 Date Made Active in Reports: 01/27/2014

Number of Days to Update: 271

Source: EPA, Region 1 Telephone: 617-918-1313 Last EDR Contact: 01/30/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

#### INDIAN UST R4: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Tribal Nations)

Date of Government Version: 07/30/2014 Date Data Arrived at EDR: 08/12/2014 Date Made Active in Reports: 08/22/2014

Number of Days to Update: 10

Source: EPA Region 4 Telephone: 404-562-9424 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Semi-Annually

#### INDIAN UST R5: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 5 (Michigan, Minnesota and Wisconsin and Tribal Nations).

Date of Government Version: 11/03/2014 Date Data Arrived at EDR: 11/05/2014 Date Made Active in Reports: 11/17/2014

Number of Days to Update: 12

Source: EPA Region 5 Telephone: 312-886-6136 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

#### INDIAN UST R6: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 6 (Louisiana, Arkansas, Oklahoma, New Mexico, Texas and 65 Tribes).

Date of Government Version: 10/06/2014 Date Data Arrived at EDR: 10/29/2014 Date Made Active in Reports: 11/06/2014

Number of Days to Update: 8

Source: EPA Region 6 Telephone: 214-665-7591 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Semi-Annually

### INDIAN UST R7: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 7 (Iowa, Kansas, Missouri, Nebraska, and 9 Tribal Nations).

Date of Government Version: 09/23/2014 Date Data Arrived at EDR: 11/25/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 65

Source: EPA Region 7 Telephone: 913-551-7003 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

### INDIAN UST R8: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 Tribal Nations).

Date of Government Version: 11/04/2014 Date Data Arrived at EDR: 11/07/2014 Date Made Active in Reports: 11/17/2014

Number of Days to Update: 10

Source: EPA Region 8 Telephone: 303-312-6137 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Quarterly

INDIAN UST R9: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 9 (Arizona, California, Hawaii, Nevada, the Pacific Islands, and Tribal Nations).

Date of Government Version: 11/13/2014 Date Data Arrived at EDR: 11/18/2014 Date Made Active in Reports: 02/09/2015

Number of Days to Update: 83

Source: EPA Region 9 Telephone: 415-972-3368 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Quarterly

INDIAN UST R10: Underground Storage Tanks on Indian Land

The Indian Underground Storage Tank (UST) database provides information about underground storage tanks on Indian land in EPA Region 10 (Alaska, Idaho, Oregon, Washington, and Tribal Nations).

Date of Government Version: 11/10/2014 Date Data Arrived at EDR: 11/14/2014 Date Made Active in Reports: 02/09/2015

Number of Days to Update: 87

Source: EPA Region 10 Telephone: 206-553-2857 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Quarterly

FEMA UST: Underground Storage Tank Listing

A listing of all FEMA owned underground storage tanks.

Date of Government Version: 01/01/2010 Date Data Arrived at EDR: 02/16/2010 Date Made Active in Reports: 04/12/2010

Number of Days to Update: 55

Source: FEMA

Telephone: 202-646-5797 Last EDR Contact: 01/12/2015

Next Scheduled EDR Contact: 04/27/2015 Data Release Frequency: Varies

### State and tribal institutional control / engineering control registries

AUL: Engineering and Institutional Controls

A listing of sites with institutional and/or engineering controls in place.

Date of Government Version: 11/23/2014 Date Data Arrived at EDR: 12/01/2014 Date Made Active in Reports: 01/20/2015

Number of Days to Update: 50

Source: Dept of Environmental Quality

Telephone: 517-373-4828 Last EDR Contact: 03/03/2015

Next Scheduled EDR Contact: 06/15/2015 Data Release Frequency: Varies

### State and tribal voluntary cleanup sites

INDIAN VCP R1: Voluntary Cleanup Priority Listing

A listing of voluntary cleanup priority sites located on Indian Land located in Region 1.

Date of Government Version: 09/29/2014 Date Data Arrived at EDR: 10/01/2014 Date Made Active in Reports: 11/06/2014

Number of Days to Update: 36

Source: EPA, Region 1 Telephone: 617-918-1102 Last EDR Contact: 12/31/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Varies

INDIAN VCP R7: Voluntary Cleanup Priority Lisitng

A listing of voluntary cleanup priority sites located on Indian Land located in Region 7.

Date of Government Version: 03/20/2008 Date Data Arrived at EDR: 04/22/2008 Date Made Active in Reports: 05/19/2008

Number of Days to Update: 27

Source: EPA, Region 7 Telephone: 913-551-7365 Last EDR Contact: 04/20/2009

Next Scheduled EDR Contact: 07/20/2009 Data Release Frequency: Varies

#### State and tribal Brownfields sites

BROWNFIELDS: Brownfields and USTfield Site Database

All state funded Part 201 and 213 sites, as well as LUST sites that have been redeveloped by private entities using the BEA process. Be aware that this is not a list of all of the potential brownfield sites in Michigan.

Date of Government Version: 07/27/2012 Date Data Arrived at EDR: 07/31/2012 Date Made Active in Reports: 09/20/2012

Number of Days to Update: 51

Source: Dept of Environmental Quality Telephone: 517-373-4805 Last EDR Contact: 01/26/2015 Next Scheduled EDR Contact: 01/22/2015

Data Release Frequency: Varies

### BROWNFIELDS 2: Brownfields Building and Land Site Locations

A listing of brownfield building and land site locations. The listing is a collaborative effort of Michigan Economic Development Corporation, Michigan Economic Developers Association, Detrot Edison, Detroit Area Commercial Board of Realtors

Date of Government Version: 04/09/2007 Date Data Arrived at EDR: 04/10/2007 Date Made Active in Reports: 05/01/2007

Number of Days to Update: 21

Source: Economic Development Corporation

Telephone: 888-522-0103 Last EDR Contact: 02/26/2015

Next Scheduled EDR Contact: 06/15/2015 Data Release Frequency: Varies

#### ADDITIONAL ENVIRONMENTAL RECORDS

#### Local Brownfield lists

US BROWNFIELDS: A Listing of Brownfields Sites

Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties takes development pressures off of undeveloped, open land, and both improves and protects the environment. Assessment, Cleanup and Redevelopment Exchange System (ACRES) stores information reported by EPA Brownfields grant recipients on brownfields properties assessed or cleaned up with grant funding as well as information on Targeted Brownfields Assessments performed by EPA Regions. A listing of ACRES Brownfield sites is obtained from Cleanups in My Community. Cleanups in My Community provides information on Brownfields properties for which information is reported back to EPA, as well as areas served by Brownfields grant programs.

Date of Government Version: 12/22/2014
Date Data Arrived at EDR: 12/22/2014
Date Made Active in Reports: 01/29/2015

Number of Days to Update: 38

Source: Environmental Protection Agency

Telephone: 202-566-2777 Last EDR Contact: 12/22/2014

Next Scheduled EDR Contact: 04/06/2015 Data Release Frequency: Semi-Annually

## Local Lists of Landfill / Solid Waste Disposal Sites

DEBRIS REGION 9: Torres Martinez Reservation Illegal Dump Site Locations

A listing of illegal dump sites location on the Torres Martinez Indian Reservation located in eastern Riverside County and northern Imperial County, California.

Date of Government Version: 01/12/2009 Date Data Arrived at EDR: 05/07/2009 Date Made Active in Reports: 09/21/2009

Number of Days to Update: 137

Source: EPA, Region 9 Telephone: 415-947-4219 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: No Update Planned

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258

Subtitle D Criteria.

Date of Government Version: 06/30/1985 Date Data Arrived at EDR: 08/09/2004 Date Made Active in Reports: 09/17/2004

Number of Days to Update: 39

Source: Environmental Protection Agency

Telephone: 800-424-9346 Last EDR Contact: 06/09/2004 Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

HIST LF: Inactive Solid Waste Facilities

The database contains historical information and is no longer updated.

Date of Government Version: 03/01/1997 Date Data Arrived at EDR: 02/28/2003 Date Made Active in Reports: 03/06/2003

Number of Days to Update: 6

Source: Dept of Environmental Quality

Telephone: 517-335-4034 Last EDR Contact: 02/28/2003 Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

SWRCY: Recycling Facilities

A listing of recycling center locations.

Date of Government Version: 07/11/2014 Date Data Arrived at EDR: 07/11/2014 Date Made Active in Reports: 08/11/2014

Number of Days to Update: 31

Source: Dept of Environmental Quality

Telephone: 517-241-5719 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Varies

INDIAN ODI: Report on the Status of Open Dumps on Indian Lands

Location of open dumps on Indian land.

Date of Government Version: 12/31/1998 Date Data Arrived at EDR: 12/03/2007 Date Made Active in Reports: 01/24/2008

Number of Days to Update: 52

Source: Environmental Protection Agency

Telephone: 703-308-8245 Last EDR Contact: 02/02/2015

Next Scheduled EDR Contact: 05/18/2015 Data Release Frequency: Varies

#### Local Lists of Hazardous waste / Contaminated Sites

US CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 11/10/2014 Date Data Arrived at EDR: 12/01/2014 Date Made Active in Reports: 02/09/2015

Number of Days to Update: 70

Source: Drug Enforcement Administration

Telephone: 202-307-1000 Last EDR Contact: 03/03/2015

Next Scheduled EDR Contact: 06/15/2015 Data Release Frequency: Quarterly

INVENTORY: Inventory of Facilities

The Inventory of Facilities has three data sources: Facilities under Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) identified through state funded or private party response activities (Projects); Facilities under Part 213, Leaking Underground Storage Tanks of the NREPA; and Facilities identified through submittals of Baseline Environmental Assessments (BEA) submitted pursuant to Part 201 or Part 213 of the NREPA. The Part 201 Projects Inventory does not include all of the facilities that are subject to regulation under Part 201 because owners are not required to inform the Department of Environmental Quality (DEQ) about the facilities and can pursue cleanup independently. Facilities that are not known to DEQ are not on the Inventory, nor are locations with releases that resulted in low environmental impact. Part 213 facilities listed here may have more than one release; a list of releases for which corrective actions have been completed and list of releases for which corrective action has not been completed is located on the Leaking Underground Storage Tanks Site Search webpage. The DEQ may or may not have reviewed and concurred with the conclusion that the corrective actions described in a closure report meets criteria. A BEA is a document that new or prospective property owners/operations disclose to the DEQ identifying the property as a facility pursuant to Part 201 and Part 213. The Inventory of BEA Facilities overlaps in part with the Part 201 Projects facilities and Part 213 facilities. There may be more than one BEA for each facility.

Date of Government Version: 01/27/2015 Date Data Arrived at EDR: 01/28/2015 Date Made Active in Reports: 02/20/2015 Number of Days to Update: 23

Source: Department of Environmental Quality Telephone: 517-284-5136 Last EDR Contact: 01/28/2015 Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Quarterly

#### PART 201: Part 201 Site List

A Part 201 Listed site is a location that has been evaluated and scored by the DEQ using the Part 201 scoring model. The location is or includes a "facility" as defined by Part 201, where there has been a release of a hazardous substance(s) in excess of the Part 201 residential criteria, and/or where corrective actions have not been completed under Part 201 to meet the applicable cleanup criteria for unrestricted residential use. The Part 201 List does not include all of the sites of contamination that are subject to regulation under Part 201 because owners are not required to inform the DEQ about the sites and can pursue cleanup independently. Sites of environmental contamination that are not known to DEQ are not on the list, nor are sites with releases that resulted in low environmental

Date of Government Version: 10/01/2013 Date Data Arrived at EDR: 10/03/2014 Date Made Active in Reports: 10/03/2014

Number of Days to Update: 0

Source: Department of Environmental Quality

Telephone: 517-284-5103 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: No Update Planned

### DEL PART 201: Delisted List of Contaminated Sites

A deleted site has been removed from the Part 201 List because information known to the DEQ at the time of the evaluation does not support inclusion on the Part 201 List. This designation is often applied to sites where changes in cleanup criteria resulted in a determination that the site no longer exceeds any applicable cleanup criterion. A delisted site has been removed from the Part 201 List because response actions have reduced the levels of contaminants to concentrations which meet or are below the criteria for unrestricted residential use.

Date of Government Version: 08/01/2013 Date Data Arrived at EDR: 08/01/2013 Date Made Active in Reports: 09/11/2013

Number of Days to Update: 41

CDL: Clandestine Drug Lab Listing A listing of clandestine drug lab locations.

> Date of Government Version: 10/20/2008 Date Data Arrived at EDR: 11/18/2008 Date Made Active in Reports: 11/21/2008

Number of Days to Update: 3

Source: Dept of Environmental Quality Telephone: 517-373-9541 Last EDR Contact: 01/26/2015 Next Scheduled EDR Contact: 05/11/2015

Data Release Frequency: Varies

Source: Department of Community Health Telephone: 517-373-3740 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

US HIST CDL: National Clandestine Laboratory Register

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 11/10/2014 Date Data Arrived at EDR: 12/01/2014 Date Made Active in Reports: 02/09/2015

Number of Days to Update: 70

Source: Drug Enforcement Administration

Telephone: 202-307-1000 Last EDR Contact: 03/03/2015

Next Scheduled EDR Contact: 06/15/2015

Data Release Frequency: No Update Planned

#### Local Land Records

LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 02/18/2014 Date Data Arrived at EDR: 03/18/2014 Date Made Active in Reports: 04/24/2014

Number of Days to Update: 37

Source: Environmental Protection Agency

Telephone: 202-564-6023 Last EDR Contact: 01/30/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

LIENS: Lien List

An Environmental Lien is a charge, security, or encumbrance upon title to a property to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products upon a property, including (but not limited to) liens imposed pursuant to CERCLA 42 USC \* 9607(1) and similar state or local laws. In other words: a lien placed upon a property's title due to an environmental condition

Date of Government Version: 12/12/2014 Date Data Arrived at EDR: 01/21/2015 Date Made Active in Reports: 02/20/2015

Number of Days to Update: 30

Source: Dept of Environmental Quality Telephone: 517-241-7603

Last EDR Contact: 01/19/2015

Next Scheduled EDR Contact: 05/04/2015 Data Release Frequency: Varies

### Records of Emergency Release Reports

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 09/30/2014 Date Data Arrived at EDR: 10/01/2014 Date Made Active in Reports: 11/06/2014

Number of Days to Update: 36

Source: U.S. Department of Transportation

Telephone: 202-366-4555 Last EDR Contact: 12/30/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Annually

PEAS: Pollution Emergency Alerting System

Environmental pollution emergencies reported to the Department of Environmental Quality such as tanker accidents, pipeline breaks, and release of reportable quantities of hazardous substances.

Date of Government Version: 11/30/2014 Date Data Arrived at EDR: 12/12/2014 Date Made Active in Reports: 01/20/2015

Number of Days to Update: 39

Source: Dept of Environmental Quality

Telephone: 517-373-8427 Last EDR Contact: 12/05/2014

Next Scheduled EDR Contact: 03/23/2015 Data Release Frequency: Quarterly

#### Other Ascertainable Records

RCRA NonGen / NLR: RCRA - Non Generators

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Non-Generators do not presently generate hazardous waste.

Date of Government Version: 12/09/2014 Date Data Arrived at EDR: 12/29/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 31

Source: Environmental Protection Agency

Telephone: 312-886-6186 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Varies

DOT OPS: Incident and Accident Data

Department of Transporation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 07/31/2012 Date Data Arrived at EDR: 08/07/2012 Date Made Active in Reports: 09/18/2012

Number of Days to Update: 42

Source: Department of Transporation, Office of Pipeline Safety

Telephone: 202-366-4595 Last EDR Contact: 02/03/2015

Next Scheduled EDR Contact: 05/18/2015 Data Release Frequency: Varies

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 12/31/2005 Date Data Arrived at EDR: 11/10/2006 Date Made Active in Reports: 01/11/2007

Number of Days to Update: 62

Source: USGS Telephone: 888-275-8747

Last EDR Contact: 01/15/2015

Next Scheduled EDR Contact: 04/27/2015 Data Release Frequency: Semi-Annually

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 06/06/2014 Date Data Arrived at EDR: 09/10/2014 Date Made Active in Reports: 09/18/2014

Number of Days to Update: 8

Source: U.S. Army Corps of Engineers

Telephone: 202-528-4285 Last EDR Contact: 12/12/2014

Next Scheduled EDR Contact: 03/23/2015 Data Release Frequency: Varies

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: 12/31/2013 Date Data Arrived at EDR: 01/24/2014 Date Made Active in Reports: 02/24/2014

Number of Days to Update: 31

Source: Department of Justice, Consent Decree Library

Telephone: Varies

Last EDR Contact: 12/24/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Varies

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 11/25/2013 Date Data Arrived at EDR: 12/12/2013 Date Made Active in Reports: 02/24/2014

Number of Days to Update: 74

Source: EPA

Telephone: 703-416-0223 Last EDR Contact: 12/12/2014

Next Scheduled EDR Contact: 03/23/2015 Data Release Frequency: Annually

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 09/14/2010 Date Data Arrived at EDR: 10/07/2011 Date Made Active in Reports: 03/01/2012

Number of Days to Update: 146

Source: Department of Energy Telephone: 505-845-0011 Last EDR Contact: 02/27/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Varies

US MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 12/30/2014 Date Data Arrived at EDR: 12/31/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 29

Source: Department of Labor, Mine Safety and Health Administration

Telephone: 303-231-5959 Last EDR Contact: 12/30/2014

Next Scheduled EDR Contact: 03/16/2015 Data Release Frequency: Semi-Annually

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/2011 Date Data Arrived at EDR: 07/31/2013 Date Made Active in Reports: 09/13/2013

Number of Days to Update: 44

Source: EPA

Telephone: 202-566-0250 Last EDR Contact: 01/29/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Annually

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/2012 Date Data Arrived at EDR: 01/15/2015 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 14

Source: EPA

Telephone: 202-260-5521 Last EDR Contact: 12/22/2014

Next Scheduled EDR Contact: 04/06/2015 Data Release Frequency: Every 4 Years

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act) FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA,

TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 04/09/2009 Date Data Arrived at EDR: 04/16/2009 Date Made Active in Reports: 05/11/2009

Number of Days to Update: 25

Source: EPA/Office of Prevention, Pesticides and Toxic Substances

Telephone: 202-566-1667 Last EDR Contact: 02/23/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Quarterly

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act) A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 04/09/2009 Date Data Arrived at EDR: 04/16/2009 Date Made Active in Reports: 05/11/2009

Number of Days to Update: 25

Source: EPA Telephone: 202-566-1667 Last EDR Contact: 02/23/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Quarterly

#### HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006 Date Data Arrived at EDR: 03/01/2007 Date Made Active in Reports: 04/10/2007

Number of Days to Update: 40

Source: Environmental Protection Agency

Telephone: 202-564-2501 Last EDR Contact: 12/17/2007

Next Scheduled EDR Contact: 03/17/2008 Data Release Frequency: No Update Planned

### HIST FTTS INSP: FIFRA/TSCA Tracking System Inspection & Enforcement Case Listing

A complete inspection and enforcement case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006 Date Data Arrived at EDR: 03/01/2007 Date Made Active in Reports: 04/10/2007

Number of Days to Update: 40

Source: Environmental Protection Agency

Telephone: 202-564-2501 Last EDR Contact: 12/17/2008

Next Scheduled EDR Contact: 03/17/2008 Data Release Frequency: No Update Planned

#### SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/2009 Date Data Arrived at EDR: 12/10/2010 Date Made Active in Reports: 02/25/2011

Number of Days to Update: 77

Source: EPA

Telephone: 202-564-4203 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Annually

## ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 07/31/2014 Date Data Arrived at EDR: 10/29/2014 Date Made Active in Reports: 11/06/2014

Number of Days to Update: 8

Source: Environmental Protection Agency

Telephone: 202-564-5088 Last EDR Contact: 01/09/2015

Next Scheduled EDR Contact: 04/27/2015 Data Release Frequency: Quarterly

## PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 07/01/2014 Date Data Arrived at EDR: 10/15/2014 Date Made Active in Reports: 11/17/2014

Number of Days to Update: 33

Source: EPA

Telephone: 202-566-0500 Last EDR Contact: 01/16/2015

Next Scheduled EDR Contact: 04/27/2015 Data Release Frequency: Annually

#### MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 12/29/2014 Date Data Arrived at EDR: 01/08/2015 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 21

Source: Nuclear Regulatory Commission

Telephone: 301-415-7169 Last EDR Contact: 12/04/2014

Next Scheduled EDR Contact: 03/23/2015 Data Release Frequency: Quarterly

#### RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

Date of Government Version: 10/07/2014 Date Data Arrived at EDR: 10/08/2014 Date Made Active in Reports: 10/20/2014

Number of Days to Update: 12

Source: Environmental Protection Agency

Telephone: 202-343-9775 Last EDR Contact: 02/27/2015

Next Scheduled EDR Contact: 04/20/2015 Data Release Frequency: Quarterly

#### FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 08/16/2014 Date Data Arrived at EDR: 09/10/2014 Date Made Active in Reports: 10/20/2014

Number of Days to Update: 40

Source: EPA

Telephone: (312) 353-2000 Last EDR Contact: 02/27/2015

Next Scheduled EDR Contact: 03/23/2015 Data Release Frequency: Quarterly

### RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995 Date Data Arrived at EDR: 07/03/1995 Date Made Active in Reports: 08/07/1995

Number of Days to Update: 35

Source: EPA

Telephone: 202-564-4104 Last EDR Contact: 06/02/2008

Next Scheduled EDR Contact: 09/01/2008 Data Release Frequency: No Update Planned

RMP: Risk Management Plans

When Congress passed the Clean Air Act Amendments of 1990, it required EPA to publish regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The Risk Management Program Rule (RMP Rule) was written to implement Section 112(r) of these amendments. The rule, which built upon existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program, which includes a(n): Hazard assessment that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases; Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures; and Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g the fire department) should an accident occur.

Date of Government Version: 08/01/2014 Date Data Arrived at EDR: 08/12/2014 Date Made Active in Reports: 11/06/2014

Number of Days to Update: 86

Source: Environmental Protection Agency

Telephone: 202-564-8600 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015

Data Release Frequency: Varies

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG)

and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2011

Date Data Arrived at EDR: 02/26/2013

Date Made Active in Reports: 04/19/2013

Number of Days to Update: 52

Source: EPA/NTIS Telephone: 800-424-9346 Last EDR Contact: 02/24/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Biennially

UIC: Underground Injection Wells Database

A listing of underground injection well locations. The UIC Program is responsible for regulating the construction, operation, permitting, and closure of injection wells that place fluids underground for storage or disposal.

Date of Government Version: 01/30/2015 Date Data Arrived at EDR: 01/30/2015 Date Made Active in Reports: 02/20/2015

Number of Days to Update: 21

Source: Dept of Environmental Quality

Telephone: 517-241-1515 Last EDR Contact: 01/26/2015

Next Scheduled EDR Contact: 05/11/2015

Data Release Frequency: Varies

DRYCLEANERS: Drycleaning Establishments
A listing of drycleaning facilities in Michigan.

Date of Government Version: 01/21/2015 Date Data Arrived at EDR: 01/22/2015 Date Made Active in Reports: 02/20/2015

Number of Days to Update: 29

Source: Dept of Environmental Quality

Telephone: 517-335-4586 Last EDR Contact: 01/19/2015

Next Scheduled EDR Contact: 05/04/2015 Data Release Frequency: Annually

NPDES: List of Active NPDES Permits

General information regarding NPDES (National Pollutant Discharge Elimination System) permits and NPDES Storm Water permits.

Date of Government Version: 01/06/2015 Date Data Arrived at EDR: 01/08/2015 Date Made Active in Reports: 01/20/2015

Number of Days to Update: 12

Source: Dept of Environmental Quality

Telephone: 517-241-1300 Last EDR Contact: 01/08/2015

Next Scheduled EDR Contact: 04/20/2015

Data Release Frequency: Varies

AIRS: Permit and Emissions Inventory Data Permit and emissions inventory data.

Date of Government Version: 09/26/2014 Date Data Arrived at EDR: 09/26/2014 Date Made Active in Reports: 11/19/2014

Number of Days to Update: 54

Source: Dept of Environmental Quality Telephone: 517-373-7074

Last EDR Contact: 12/18/2014

Next Scheduled EDR Contact: 04/06/2015 Data Release Frequency: Varies

#### BEA: Baseline Environmental Assessment Database

A BEA is a document that new or prospective property owners/operations disclose to the DEQ identifying the property as a facility pursuant to Part 201 and Part 213. The Inventory of BEA Facilities overlaps in part with the Part 201 Projects facilities and Part 213 facilities. There may be more than one BEA for each facility.

Date of Government Version: 08/21/2013 Date Data Arrived at EDR: 08/23/2013 Date Made Active in Reports: 09/12/2013

Number of Days to Update: 20

Source: Dept of Environmental Quality Telephone: 517-373-9541 Last EDR Contact: 02/16/2015

Next Scheduled EDR Contact: 06/01/2015 Data Release Frequency: No Update Planned

#### INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 12/31/2005 Date Data Arrived at EDR: 12/08/2006 Date Made Active in Reports: 01/11/2007

Number of Days to Update: 34

Source: USGS

Telephone: 202-208-3710 Last EDR Contact: 01/15/2015

Next Scheduled EDR Contact: 04/27/2015 Data Release Frequency: Semi-Annually

## SCRD DRYCLEANERS: State Coalition for Remediation of Drycleaners Listing

The State Coalition for Remediation of Drycleaners was established in 1998, with support from the U.S. EPA Office of Superfund Remediation and Technology Innovation. It is comprised of representatives of states with established drycleaner remediation programs. Currently the member states are Alabama, Connecticut, Florida, Illinois, Kansas, Minnesota, Missouri, North Carolina, Oregon, South Carolina, Tennessee, Texas, and Wisconsin.

Date of Government Version: 03/07/2011 Date Data Arrived at EDR: 03/09/2011 Date Made Active in Reports: 05/02/2011

Number of Days to Update: 54

Source: Environmental Protection Agency

Telephone: 615-532-8599 Last EDR Contact: 02/18/2015

Next Scheduled EDR Contact: 06/01/2015 Data Release Frequency: Varies

#### COAL ASH EPA: Coal Combustion Residues Surface Impoundments List

A listing of coal combustion residues surface impoundments with high hazard potential ratings.

Date of Government Version: 07/01/2014 Date Data Arrived at EDR: 09/10/2014 Date Made Active in Reports: 10/20/2014

Number of Days to Update: 40

Source: Environmental Protection Agency

Telephone: N/A

Last EDR Contact: 12/12/2014

Next Scheduled EDR Contact: 03/23/2015 Data Release Frequency: Varies

### US FIN ASSUR: Financial Assurance Information

All owners and operators of facilities that treat, store, or dispose of hazardous waste are required to provide proof that they will have sufficient funds to pay for the clean up, closure, and post-closure care of their facilities.

Date of Government Version: 11/19/2014 Date Data Arrived at EDR: 11/21/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 69

Source: Environmental Protection Agency

Telephone: 202-566-1917 Last EDR Contact: 02/16/2015

Next Scheduled EDR Contact: 06/01/2015 Data Release Frequency: Quarterly

## PCB TRANSFORMER: PCB Transformer Registration Database

The database of PCB transformer registrations that includes all PCB registration submittals.

Date of Government Version: 02/01/2011 Date Data Arrived at EDR: 10/19/2011 Date Made Active in Reports: 01/10/2012

Number of Days to Update: 83

Source: Environmental Protection Agency

Telephone: 202-566-0517 Last EDR Contact: 01/30/2015

Next Scheduled EDR Contact: 05/11/2015 Data Release Frequency: Varies

Financial Assurance 1: Financial Assurance Information Listing

Financial assurance information.

Date of Government Version: 01/09/2015 Date Data Arrived at EDR: 01/16/2015 Date Made Active in Reports: 02/20/2015

Number of Days to Update: 35

Source: Dept of Environmental Quality

Telephone: 517-335-6610 Last EDR Contact: 01/05/2015

Next Scheduled EDR Contact: 04/20/2015 Data Release Frequency: Varies

WDS: Waste Data System

The Waste Data System (WDS) tracks activities at facilities regulated by the Solid Waste, Scrap Tire, Hazardous

Waste, and Liquid Industrial Waste programs.

Date of Government Version: 12/08/2014 Date Data Arrived at EDR: 12/08/2014 Date Made Active in Reports: 01/20/2015

Number of Days to Update: 43

Source: Dept of Environmental Quality

Telephone: 517-284-6562 Last EDR Contact: 02/23/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Quarterly

COAL ASH: Coal Ash Disposal Sites

Coal fired power plants in Southeast Michigan that have coal ash handling on site.

Date of Government Version: 10/15/2014 Date Data Arrived at EDR: 10/16/2014 Date Made Active in Reports: 11/26/2014

Number of Days to Update: 41

Source: Dept of Environmental Quality

Telephone: 586-753-3754 Last EDR Contact: 01/05/2015

Next Scheduled EDR Contact: 04/20/2015 Data Release Frequency: Varies

#### EPA WATCH LIST: EPA WATCH LIST

EPA maintains a "Watch List" to facilitate dialogue between EPA, state and local environmental agencies on enforcement matters relating to facilities with alleged violations identified as either significant or high priority. Being on the Watch List does not mean that the facility has actually violated the law only that an investigation by EPA or a state or local environmental agency has led those organizations to allege that an unproven violation has in fact occurred. Being on the Watch List does not represent a higher level of concern regarding the alleged violations that were detected, but instead indicates cases requiring additional dialogue between EPA, state and local agencies - primarily because of the length of time the alleged violation has gone unaddressed or unresolved.

Date of Government Version: 08/30/2013 Date Data Arrived at EDR: 03/21/2014 Date Made Active in Reports: 06/17/2014

Number of Days to Update: 88

Source: Environmental Protection Agency

Telephone: 617-520-3000 Last EDR Contact: 02/09/2015

Next Scheduled EDR Contact: 05/25/2015 Data Release Frequency: Quarterly

PRP: Potentially Responsible Parties

A listing of verified Potentially Responsible Parties

Date of Government Version: 10/25/2013 Date Data Arrived at EDR: 10/17/2014 Date Made Active in Reports: 10/20/2014

Number of Days to Update: 3

Source: EPA

Telephone: 202-564-6023 Last EDR Contact: 02/13/2015

Next Scheduled EDR Contact: 05/25/2015 Data Release Frequency: Quarterly

2020 COR ACTION: 2020 Corrective Action Program List

The EPA has set ambitious goals for the RCRA Corrective Action program by creating the 2020 Corrective Action Universe. This RCRA cleanup baseline includes facilities expected to need corrective action. The 2020 universe contains a wide variety of sites. Some properties are heavily contaminated while others were contaminated but have since been cleaned up. Still others have not been fully investigated yet, and may require little or no remediation. Inclusion in the 2020 Universe does not necessarily imply failure on the part of a facility to meet its RCRA obligations.

Date of Government Version: 11/11/2011 Date Data Arrived at EDR: 05/18/2012 Date Made Active in Reports: 05/25/2012

Number of Days to Update: 7

Source: Environmental Protection Agency

Telephone: 703-308-4044 Last EDR Contact: 02/13/2015

Next Scheduled EDR Contact: 05/25/2015 Data Release Frequency: Varies

LEAD SMELTER 1: Lead Smelter Sites

A listing of former lead smelter site locations.

Date of Government Version: 11/25/2014 Date Data Arrived at EDR: 11/26/2014 Date Made Active in Reports: 01/29/2015

Number of Days to Update: 64

Source: Environmental Protection Agency

Telephone: 703-603-8787 Last EDR Contact: 01/05/2015

Next Scheduled EDR Contact: 04/20/2015 Data Release Frequency: Varies

LEAD SMELTER 2: Lead Smelter Sites

A list of several hundred sites in the U.S. where secondary lead smelting was done from 1931and 1964. These sites

may pose a threat to public health through ingestion or inhalation of contaminated soil or dust

Date of Government Version: 04/05/2001 Date Data Arrived at EDR: 10/27/2010 Date Made Active in Reports: 12/02/2010

Number of Days to Update: 36

Source: American Journal of Public Health

Telephone: 703-305-6451 Last EDR Contact: 12/02/2009 Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

FEDLAND: Federal and Indian Lands

Federally and Indian administrated lands of the United States. Lands included are administrated by: Army Corps of Engineers, Bureau of Reclamation, National Wild and Scenic River, National Wildlife Refuge, Public Domain Land, Wilderness, Wilderness Study Area, Wildlife Management Area, Bureau of Indian Affairs, Bureau of Land Management, Department of Justice, Forest Service, Fish and Wildlife Service, National Park Service.

Date of Government Version: 12/31/2005 Date Data Arrived at EDR: 02/06/2006 Date Made Active in Reports: 01/11/2007

Number of Days to Update: 339

Source: U.S. Geological Survey Telephone: 888-275-8747 Last EDR Contact: 01/15/2015

Next Scheduled EDR Contact: 04/27/2015

Data Release Frequency: N/A

US AIRS (AFS): Aerometric Information Retrieval System Facility Subsystem (AFS)

The database is a sub-system of Aerometric Information Retrieval System (AIRS). AFS contains compliance data on air pollution point sources regulated by the U.S. EPA and/or state and local air regulatory agencies. This information comes from source reports by various stationary sources of air pollution, such as electric power plants, steel mills, factories, and universities, and provides information about the air pollutants they produce. Action, air program, air program pollutant, and general level plant data. It is used to track emissions and compliance data from industrial plants.

Date of Government Version: 10/16/2014 Date Data Arrived at EDR: 10/31/2014 Date Made Active in Reports: 11/17/2014

Number of Days to Update: 17

Source: EPA

Telephone: 202-564-2496 Last EDR Contact: 02/06/2015

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Annually

US AIRS MINOR: Air Facility System Data A listing of minor source facilities.

Date of Government Version: 10/16/2014 Date Data Arrived at EDR: 10/31/2014 Date Made Active in Reports: 11/17/2014

Number of Days to Update: 17

Source: EPA

Telephone: 202-564-2496 Last EDR Contact: 02/06/2015

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Annually

Financial Assurance 2: Financial Assurance Information Listing

A listing of financial assurance information for solid waste facilities. Financial assurance is intended to ensure that resources are available to pay for the cost of closure, post-closure care, and corrective measures if the owner or operator of a regulated facility is unable or unwilling to pay.

Date of Government Version: 01/05/2011 Date Data Arrived at EDR: 01/07/2011 Date Made Active in Reports: 02/14/2011

Number of Days to Update: 38

Source: Dept of Environmental Quality

Telephone: 517-335-4034 Last EDR Contact: 12/29/2014

Next Scheduled EDR Contact: 04/13/2015 Data Release Frequency: Varies

COAL ASH DOE: Sleam-Electric Plan Operation Data

A listing of power plants that store ash in surface ponds.

Date of Government Version: 12/31/2005 Date Data Arrived at EDR: 08/07/2009 Date Made Active in Reports: 10/22/2009

Number of Days to Update: 76

Source: Department of Energy Telephone: 202-586-8719 Last EDR Contact: 01/15/2015

Next Scheduled EDR Contact: 04/27/2015

Data Release Frequency: Varies

#### **EDR HIGH RISK HISTORICAL RECORDS**

#### **EDR Exclusive Records**

EDR MGP: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Date of Government Version: N/A Date Data Arrived at EDR: N/A Date Made Active in Reports: N/A

Number of Days to Update: N/A

Source: EDR. Inc. Telephone: N/A Last EDR Contact: N/A

Next Scheduled EDR Contact: N/A

Data Release Frequency: No Update Planned

#### EDR US Hist Auto Stat: EDR Exclusive Historic Gas Stations

EDR has searched selected national collections of business directories and has collected listings of potential gas station/filling station/service station sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include gas station/filling station/service station establishments. The categories reviewed included, but were not limited to gas, gas station, gasoline station, filling station, auto, automobile repair, auto service station, service station, etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A Date Data Arrived at EDR: N/A Date Made Active in Reports: N/A

Number of Days to Update: N/A

Source: EDR, Inc. Telephone: N/A Last EDR Contact: N/A

Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

### EDR US Hist Cleaners: EDR Exclusive Historic Dry Cleaners

EDR has searched selected national collections of business directories and has collected listings of potential dry cleaner sites that were available to EDR researchers. EDR's review was limited to those categories of sources that might, in EDR's opinion, include dry cleaning establishments. The categories reviewed included, but were not limited to dry cleaners, cleaners, laundry, laundromat, cleaning/laundry, wash & dry etc. This database falls within a category of information EDR classifies as "High Risk Historical Records", or HRHR. EDR's HRHR effort presents unique and sometimes proprietary data about past sites and operations that typically create environmental concerns, but may not show up in current government records searches.

Date of Government Version: N/A
Date Data Arrived at EDR: N/A
Date Made Active in Reports: N/A
Number of Days to Update: N/A

Source: EDR, Inc. Telephone: N/A Last EDR Contact: N/A

Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

### **EDR RECOVERED GOVERNMENT ARCHIVES**

#### Exclusive Recovered Govt. Archives

RGA LUST: Recovered Government Archive Leaking Underground Storage Tank

The EDR Recovered Government Archive Leaking Underground Storage Tank database provides a list of LUST incidents derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Quality in Michigan.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 12/24/2013
Number of Days to Update: 176

Source: Department of Environmental Quality Telephone: N/A Last EDR Contact: 06/01/2012

Next Scheduled EDR Contact: N/A
Data Release Frequency: Varies

RGA LF: Recovered Government Archive Solid Waste Facilities List

The EDR Recovered Government Archive Landfill database provides a list of landfills derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Quality in Michigan.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 01/13/2014
Number of Days to Update: 196

Source: Department of Environmental Quality Telephone: N/A

Last EDR Contact: 06/01/2012 Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

RGA PART 201: Recovered Government Archive State Hazardous Waste Facilities List

The EDR Recovered Government Archive State Hazardous Waste database provides a list of SHWS incidents derived from historical databases and includes many records that no longer appear in current government lists. Compiled from Records formerly available from the Department of Environmental Quality in Michigan.

Date of Government Version: N/A
Date Data Arrived at EDR: 07/01/2013
Date Made Active in Reports: 12/24/2013
Number of Days to Update: 176

Source: Department of Environmental Quality

Telephone: N/A

Last EDR Contact: 06/01/2012 Next Scheduled EDR Contact: N/A Data Release Frequency: Varies

#### OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

CT MANIFEST: Hazardous Waste Manifest Data

Facility and manifest data. Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a tsd facility.

Date of Government Version: 07/30/2013 Date Data Arrived at EDR: 08/19/2013 Date Made Active in Reports: 10/03/2013

Telephone: 860-424-3375 Last EDR Contact: 11/17/2014

Number of Days to Update: 45

Next Scheduled EDR Contact: 03/02/2015 Data Release Frequency: No Update Planned

Source: Department of Energy & Environmental Protection

NJ MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2011 Date Data Arrived at EDR: 07/19/2012 Date Made Active in Reports: 08/28/2012

Number of Days to Update: 40

Source: Department of Environmental Protection

Telephone: N/A

Last EDR Contact: 01/12/2015

Next Scheduled EDR Contact: 04/27/2015 Data Release Frequency: Annually

NY MANIFEST: Facility and Manifest Data

Manifest is a document that lists and tracks hazardous waste from the generator through transporters to a TSD

facility.

Date of Government Version: 01/01/2015 Date Data Arrived at EDR: 02/04/2015 Date Made Active in Reports: 02/27/2015

Number of Days to Update: 23

Telephone: 518-402-8651 Last EDR Contact: 02/04/2015

Next Scheduled EDR Contact: 05/18/2015
Data Release Frequency: Annually

PA MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2013 Date Data Arrived at EDR: 07/21/2014 Date Made Active in Reports: 08/25/2014

Number of Days to Update: 35

Source: Department of Environmental Protection

Source: Department of Environmental Conservation

Telephone: 717-783-8990 Last EDR Contact: 01/19/2015

Next Scheduled EDR Contact: 05/04/2015 Data Release Frequency: Annually

RI MANIFEST: Manifest information

Hazardous waste manifest information

Date of Government Version: 12/31/2013 Date Data Arrived at EDR: 07/15/2014 Date Made Active in Reports: 08/13/2014

Number of Days to Update: 29

Source: Department of Environmental Management

Telephone: 401-222-2797 Last EDR Contact: 02/23/2015

Next Scheduled EDR Contact: 06/08/2015 Data Release Frequency: Annually

WI MANIFEST: Manifest Information

Hazardous waste manifest information.

Date of Government Version: 12/31/2013 Date Data Arrived at EDR: 06/20/2014 Date Made Active in Reports: 08/07/2014

Number of Days to Update: 48

Source: Department of Natural Resources

Telephone: N/A

Last EDR Contact: 12/12/2014

Next Scheduled EDR Contact: 03/30/2015 Data Release Frequency: Annually

Oil/Gas Pipelines: This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

#### AHA Hospitals:

Source: American Hospital Association, Inc.

Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services

Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services,

a federal agency within the U.S. Department of Health and Human Services.

**Nursing Homes** 

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

**Public Schools** 

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary

and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are

comparable across all states.

Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Daycare Centers: Day Care Centers, Group & Family Homes

Source: Bureau of REgulatory Services

Telephone: 517-373-8300

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 2003 & 2011 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005 and 2010 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetlands Inventory
Source: Department of Natural Resources

Telephone: 517-241-2254

Scanned Digital USGS 7.5' Topographic Map (DRG)

Source: United States Geologic Survey

A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

### STREET AND ADDRESS INFORMATION

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# **GEOCHECK®-PHYSICAL SETTING SOURCE ADDENDUM**

#### **TARGET PROPERTY ADDRESS**

191 N. CHESTER 191 N. CHESTER BIRMINGHAM, MI 48009

### **TARGET PROPERTY COORDINATES**

Latitude (North): 42.5472 - 42° 32' 49.92" Longitude (West): 83.2187 - 83° 13' 7.32"

Universal Tranverse Mercator: Zone 17 UTM X (Meters): 317826.1 UTM Y (Meters): 4712705.5

Elevation: 782 ft. above sea level

### **USGS TOPOGRAPHIC MAP**

Target Property Map: 42083-E2 BIRMINGHAM, MI

Most Recent Revision: 1981

EDR's GeoCheck Physical Setting Source Addendum is provided to assist the environmental professional in forming an opinion about the impact of potential contaminant migration.

Assessment of the impact of contaminant migration generally has two principal investigative components:

- 1. Groundwater flow direction, and
- 2. Groundwater flow velocity.

Groundwater flow direction may be impacted by surface topography, hydrology, hydrogeology, characteristics of the soil, and nearby wells. Groundwater flow velocity is generally impacted by the nature of the geologic strata.

## **GROUNDWATER FLOW DIRECTION INFORMATION**

Groundwater flow direction for a particular site is best determined by a qualified environmental professional using site-specific well data. If such data is not reasonably ascertainable, it may be necessary to rely on other sources of information, such as surface topographic information, hydrologic information, hydrogeologic data collected on nearby properties, and regional groundwater flow information (from deep aquifers).

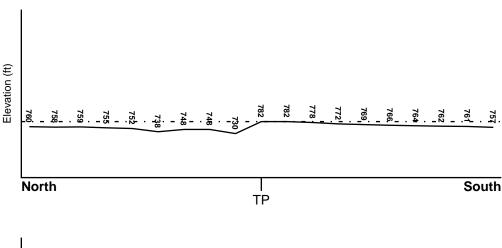
### **TOPOGRAPHIC INFORMATION**

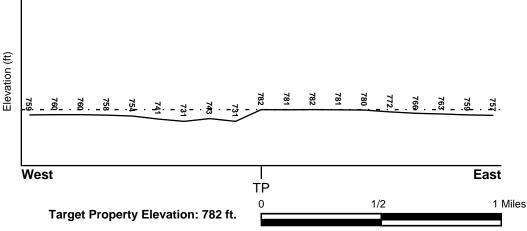
Surface topography may be indicative of the direction of surficial groundwater flow. This information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

#### TARGET PROPERTY TOPOGRAPHY

General Topographic Gradient: General NW

#### SURROUNDING TOPOGRAPHY: ELEVATION PROFILES





Source: Topography has been determined from the USGS 7.5' Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified.

### HYDROLOGIC INFORMATION

Surface water can act as a hydrologic barrier to groundwater flow. Such hydrologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

Refer to the Physical Setting Source Map following this summary for hydrologic information (major waterways and bodies of water).

**FEMA FLOOD ZONE** 

FEMA Flood Electronic Data

Target Property County
OAKLAND, MI

YES - refer to the Overview Map and Detail Map

Flood Plain Panel at Target Property:

26125C - FEMA DFIRM Flood data

Additional Panels in search area:

Not Reported

**NATIONAL WETLAND INVENTORY** 

NWI Electronic

NWI Quad at Target Property

Data Coverage

**BIRMINGHAM** 

YES - refer to the Overview Map and Detail Map

### HYDROGEOLOGIC INFORMATION

Hydrogeologic information obtained by installation of wells on a specific site can often be an indicator of groundwater flow direction in the immediate area. Such hydrogeologic information can be used to assist the environmental professional in forming an opinion about the impact of nearby contaminated properties or, should contamination exist on the target property, what downgradient sites might be impacted.

### Site-Specific Hydrogeological Data\*:

Search Radius: 1.25 miles Status: Not found

### **AQUIFLOW®**

Search Radius: 1.000 Mile.

EDR has developed the AQUIFLOW Information System to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted by environmental professionals to regulatory authorities at select sites and has extracted the date of the report, groundwater flow direction as determined hydrogeologically, and the depth to water table.

 MAP ID
 FROM TP
 GROUNDWATER FLOW

 Not Reported
 GROUNDWATER FLOW

## **GROUNDWATER FLOW VELOCITY INFORMATION**

Groundwater flow velocity information for a particular site is best determined by a qualified environmental professional using site specific geologic and soil strata data. If such data are not reasonably ascertainable, it may be necessary to rely on other sources of information, including geologic age identification, rock stratigraphic unit and soil characteristics data collected on nearby properties and regional soil information. In general, contaminant plumes move more quickly through sandy-gravelly types of soils than silty-clayey types of soils.

## GEOLOGIC INFORMATION IN GENERAL AREA OF TARGET PROPERTY

Geologic information can be used by the environmental professional in forming an opinion about the relative speed at which contaminant migration may be occurring.

#### **ROCK STRATIGRAPHIC UNIT**

## **GEOLOGIC AGE IDENTIFICATION**

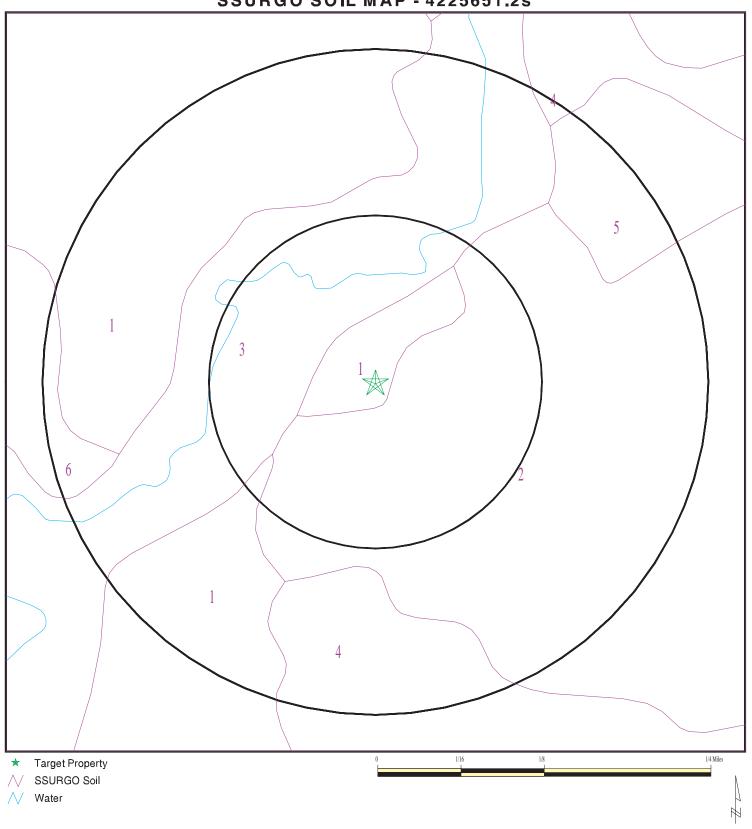
Era: Paleozoic Category: Stratified Sequence

System: Devonian
Series: Upper Devonian

Code: D3 (decoded above as Era, System & Series)

Geologic Age and Rock Stratigraphic Unit Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - a digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

# **SSURGO SOIL MAP - 4225651.2s**



SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

Birmingham MI 48009 42.5472 / 83.2187 LAT/LONG:

Performance Environmental

CLIENT: Performance CONTACT: Julie Pratt INQUIRY#: 4225651.2s

DATE: March 05, 2015 3:58 pm

## DOMINANT SOIL COMPOSITION IN GENERAL AREA OF TARGET PROPERTY

The U.S. Department of Agriculture's (USDA) Soil Conservation Service (SCS) leads the National Cooperative Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. The following information is based on Soil Conservation Service SSURGO data.

Soil	Map	ID:	1
------	-----	-----	---

Soil Component Name: Urban land

Soil Surface Texture:

Hydrologic Group: Not reported

Soil Drainage Class: Hydric Status: Unknown

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

No Layer Information available.

### Soil Map ID: 2

Soil Component Name: Urban land

Soil Surface Texture:

Hydrologic Group: Not reported

Soil Drainage Class: Hydric Status: Unknown

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

No Layer Information available.

#### Soil Map ID: 3

Soil Component Name: Cohoctah

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class B/D - Drained/undrained hydrology class of soils that can be

drained and are classified.

Soil Drainage Class: Poorly drained

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: High

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 0 inches

			Soil Layer	r Information			
	Boundary			Classification		Saturated hydraulic	
Layer	Upper	Lower	Soil Texture Class	AASHTO Group	Unified Soil	conductivity micro m/sec	Soil Reaction (pH)
1	0 inches	11 inches	fine sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Silty Sand.	Max: 42 Min: 14	Max: 7.8 Min: 6.1
2	11 inches	48 inches	sandy loam	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Sands with fines, Silty Sand.	Max: 42 Min: 14	Max: 8.4 Min: 6.1
3	48 inches	59 inches	gravelly sand	Silt-Clay Materials (more than 35 pct. passing No. 200), Silty Soils.	COARSE-GRAINED SOILS, Sands, Clean Sands, Poorly graded sand.	Max: 141 Min: 141	Max: 8.4 Min: 7.4

## Soil Map ID: 4

Soil Component Name: Urban land

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class B/D - Drained/undrained hydrology class of soils that can be

drained and are classified.

Soil Drainage Class: Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 46 inches

No Layer Information available.

Soil Map ID: 5

Soil Component Name: Urban land

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class B/D - Drained/undrained hydrology class of soils that can be

drained and are classified.

Soil Drainage Class: Hydric Status: Unknown

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 130 inches

No Layer Information available.

Soil Map ID: 6

Soil Component Name: Urban land

Soil Surface Texture: fine sandy loam

Hydrologic Group: Class B/D - Drained/undrained hydrology class of soils that can be

drained and are classified.

Soil Drainage Class:

Hydric Status: Partially hydric

Corrosion Potential - Uncoated Steel: Not Reported

Depth to Bedrock Min: > 0 inches

Depth to Watertable Min: > 46 inches

No Layer Information available.

## **LOCAL / REGIONAL WATER AGENCY RECORDS**

EDR Local/Regional Water Agency records provide water well information to assist the environmental professional in assessing sources that may impact ground water flow direction, and in forming an opinion about the impact of contaminant migration on nearby drinking water wells.

## WELL SEARCH DISTANCE INFORMATION

DATABASE SEARCH DISTANCE (miles)

Federal USGS 1.000

Federal FRDS PWS Nearest PWS within 1 mile

State Database 1.000

### FEDERAL USGS WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP
1	USGS40000482179	1/4 - 1/2 Mile WSW
3	USGS40000482170	1/4 - 1/2 Mile WSW
13	USGS40000482207	1/2 - 1 Mile NNW

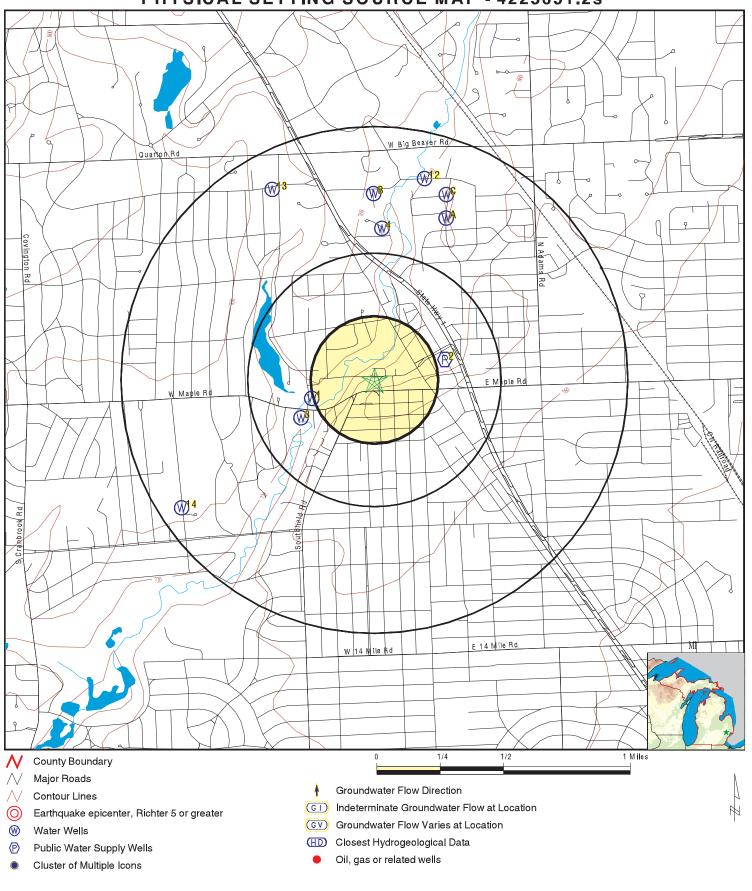
## FEDERAL FRDS PUBLIC WATER SUPPLY SYSTEM INFORMATION

Note: PWS System location is not always the same as well location.

## STATE DATABASE WELL INFORMATION

MAP ID	WELL ID	LOCATION FROM TP	
4	MI30000000095906	1/2 - 1 Mile North	
A5	MI300000095936	1/2 - 1 Mile NNE	
B6	MI300000096235	1/2 - 1 Mile North	
A7	MI300000096148	1/2 - 1 Mile NNE	
B8	MI300000096406	1/2 - 1 Mile North	
B9	MI300000096414	1/2 - 1 Mile North	
C10	MI300000096323	1/2 - 1 Mile NNE	
C11	MI300000096345	1/2 - 1 Mile NNE	
12	MI300000096524	1/2 - 1 Mile NNE	
14	MI300000092595	1/2 - 1 Mile WSW	

# PHYSICAL SETTING SOURCE MAP - 4225651.2s



SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

Birmingham MI 48009 LAT/LONG: 42.5472 / 83.2187

CLIENT: Performan CONTACT: Julie Pratt Performance Environmental

INQUIRY #: 4225651.2s

DATE: March 05, 2015 3:58 pm

### **GEOCHECK®-PHYSICAL SETTING SOURCE MAP FINDINGS**

Map ID Direction Distance

Elevation Database EDR ID Number

WSW FED USGS USGS40000482179

1/4 - 1/2 Mile Lower

Org. Identifier: USGS-MI

Formal name: USGS Michigan Water Science Center

Monloc Identifier: USGS-423246083132501 Monloc name: 02N 10E 36BBBA 01

Monloc type: Well

Monloc desc: Not Reported

04090004 Drainagearea value: Not Reported Huc code: Contrib drainagearea: Not Reported Drainagearea Units: Not Reported 42.5461456 Contrib drainagearea units: Not Reported Latitude: Longitude: -83.2235418 Sourcemap scale: Not Reported Horiz Acc measure: 5 Horiz Acc measure units: seconds

Horiz Collection method: Interpolated from map

Horiz coord refsys: NAD83 Vert measure val: 725 Vert measure units: feet Vertacc measure val: 10

Vert accmeasure units: feet

Vertcollection method: Interpolated from topographic map

Vert coord refsys: NGVD29 Countrycode:

Aquifername: Sand and gravel aquifers (glaciated regions)

Formation type: Pleistocene Series

Aquifer type: Not Reported

Construction date: 19210101 Welldepth: 96

Welldepth units: ft Wellholedepth: Not Reported

Wellholedepth units: Not Reported

Ground-water levels, Number of Measurements: 1

Feet below Feet to
Date Surface Sealevel

1921-01-01 20.00

2 FRDS PWS MI2080663

1/4 - 1/2 Mile Lower

PWS ID: MI2080663

Date Initiated: 7706 Date Deactivated: Not Reported

PWS Name: HUNTER & OAK SHELL SERVICE

980 N HUNTER BLVD BIRMINGHAM 48012

Addressee / Facility: System Owner/Responsible Party

LARRY TROY

S

Facility Latitude: 42 32 54 Facility Longitude: 083 12 48

City Served: Not Reported

Treatment Class: Untreated Population: 00000035

Violations information not reported.

US

## **GEOCHECK®-PHYSICAL SETTING SOURCE MAP FINDINGS**

Map ID Direction Distance

Lower

Elevation Database EDR ID Number

3 WSW FED USGS USGS40000482170 1/4 - 1/2 Mile

Org. Identifier: USGS-MI

Formal name: USGS Michigan Water Science Center

Monloc Identifier: USGS-423242083132801 Monloc name: 02N 10E 36BBBC 01

Monloc type: Well

Monloc desc: Not Reported

04090004 Drainagearea value: Not Reported Huc code: Not Reported Contrib drainagearea: Not Reported Drainagearea Units: 42.5450345 Contrib drainagearea units: Not Reported Latitude: Longitude: -83.2243751 Sourcemap scale: Not Reported Horiz Acc measure: 5 Horiz Acc measure units: seconds

Horiz Collection method: Interpolated from map

Horiz coord refsys: NAD83 Vert measure val: 725 Vert measure units: feet Vertacc measure val: 10

Vert accmeasure units: feet

Vertcollection method: Interpolated from topographic map

Vert coord refsys: NGVD29 Countrycode: US

Aquifername: Not Reported Formation type: Not Reported Aquifer type: Not Reported

Construction date: Not Reported Welldepth: 207

Welldepth units: ft Wellholedepth: Not Reported

Wellholedepth units: Not Reported

Ground-water levels, Number of Measurements: 0

4 North MI WELLS MI300000095906 1/2 - 1 Mile

Lower

 Wellid:
 6300004238
 Import id:
 63028025002

 County:
 Oakland
 Township:
 Bloomfield

 Town range:
 02N 10E
 Section:
 25

Owner name: SCOTT J SELIGMAN TR

Well addr: 73 JUDY
Well depth: 150
Well type: Household
Wssn: 0

 Well num:
 Not Reported
 Driller id:
 131

 Const date:
 1967-12-26 00:00:00.000
 Case type:
 Unknown

Case dia: 4 Case depth: 146 Screen frm: 146 Screen to: 150 Swl: 10 Test depth: 144 Test hours: 3 Test rate: 40

Test rate: 40 Test methd: Unknown

Grouted: 0 Pmp cpcity: 0

Latitude: 42.55586365 Longitude: -83.21811452

# **GEOCHECK®-PHYSICAL SETTING SOURCE MAP FINDINGS**

Methd coll: Elevation:	Address Matching-House Number 748	er	
Elev methd:	Topographoc Map Interpolation	Depth flag:	Not Reported
Elev flag:	Not Reported	-1 3	
Swl flag:	Not Reported		
Elev dem:	748	Elev dif:	0
Elev miv:	748	Aq code:	Drift Well
Aq flag:	Not Reported	·	
Pct aq:	31		
Pct aq d:	31	Pct aq r:	0
Pct maq:	0	Pct maq d:	0
Pct maq r:	0	Pct cm:	27
Pct cm d:	27	Pct cm r:	0
Pct pcm:	43	Pct pcm d:	43
Pct pcm r:	0	Pct na:	0
Pct na d:	0	Pct na r:	0
Pct flag:	Not Reported	Rock top:	-1
D r type:	Not Reported	Spc cpcity:	0
A thicknes:	40	A pct aq:	100
A pct maq:	0	A pct pcm:	0
A pct cm:	0	A pct na:	0
A thickns2:	140	A pct aq2:	29
A pct maq2:	0	A pct pcm2:	46
A pct cm2:	26	A pct na2:	0
A hit swl:	F	A hit top:	F
A hit rock:	F	A sc lith1:	Sand
A sc Imod1:	Fine	A sc Imaq1:	AQ
A sc lpct1:	100	A sc lith2:	Not Reported
A sc Imod2:	Not Reported	A sc Imaq2:	Not Reported
A sc lpct2:	0	Pct aq 1:	30
Pct maq 1:	0	Pct cm 1:	70
Pct pcm 1:	0	Pct na 1:	0
Pct aq 2:	0	Pct maq 2:	0
Pct cm 2:	100	Pct pcm 2:	0
Pct na 2:	0	Pct aq 3:	0
Pct maq 3:	0	Pct cm 3:	30
Pct pcm 3:	70	Pct na 3:	0
Pct aq 4:	0	Pct maq 4:	0
Pct cm 4:	0	Pct pcm 4:	100
Pct mag 5:	0	Pct aq 5: Pct cm 5:	0
Pct maq 5: Pct pcm 5:	100	Pct na 5:	0
Pct aq 6:	60	Pct mag 6:	0
Pct cm 6:	0	Pct pcm 6:	40
Pct na 6:	0	Pct aq 7:	100
Pct maq 7:	0	Pct cm 7:	0
Pct pcm 7:	0	Pct na 7:	0
Pct aq 8:	0	Pct maq 8:	0
Pct cm 8:	0	Pct pcm 8:	0
Pct na 8:	0	Pct aq 9:	0
Pct maq 9:	0	Pct cm 9:	0
Pct pcm 9:	0	Pct na 9:	0
Pct aq 10:	0	Pct mag 10:	0
Pct cm 10:	0	Pct pcm 10:	0
Pct na 10:	0	Pct aq 11:	0
Pct maq 11:	0	Pct cm 11:	0
Pct pcm 11:	0	Pct na 11:	0
Pct aq 12:	0	Pct maq 12:	0
Pct cm 12:	0	Pct pcm 12:	0
Pct na 12:	0	Pct aq 13:	0
Pct maq 13:	0	Pct cm 13:	0
Pct pcm 13:	0	Pct na 13:	0

Within sec: Y Loc match: Y

 Aq code 1:
 D

 Hit swl:
 F

 Athk2:
 140

 Horiz Conduct:
 7.1488

 Vert Conduct:
 .00035

 T2:
 1000.8326

 D50plek:
 243.77624

A5 NNE MI WELLS MI300000095936 1/2 - 1 Mile

Higher

 Wellid:
 6300004244
 Import id:
 63028025008

 County:
 Oakland
 Township:
 Bloomfield

 Town range:
 02N 10E
 Section:
 25

Owner name: DR SAMIR M RAGHEB

Well addr: 1130 OXFORD

Well depth: 116
Well type: Household
Wssn: 0

Well num: Not Reported Driller id: 25
Const date: 1969-02-05 00:00:00.000 Case type: Unknown

 Case dia:
 6

 Case depth:
 113.3

 Screen frm:
 111

 Screen to:
 116

 Swl:
 48

 Test depth:
 100

 Test hours:
 5

Test rate: 55 Test methd: Unknown Grouted: 0 Pmp cpcity: 0

Latitude: 42.55599085 Longitude: -83.21317482

Methd coll: Address Matching-House Number

Elevation: 748

Elev methd: Topographoc Map Interpolation Depth flag: Not Reported

Pct aq r:

Pct cm:

Pct cm r:

Pct maq d:

Elev flag: ELEV\_DIF > 20 feet -- Abs(Elevation feet DEM\_Elevation) > 20 feet

Swl flag: Not Reported

Elev dem: 777 Elev dif: 29
Elev miv: 748 Aq code: Drift Well

Aq flag: Not Reported

Pct aq: 20 Pct aq d: 20 Pct maq: 0 Pct mag r: 0 Pct cm d: 43 Pct pcm: 37 0 Pct pcm r: Pct na d: 0 Pct flag: Not Reported

Pct pcm d: 37 0 Pct na: Pct na r: 0 Rock top: -1 D r type: Not Reported 0 Spc cpcity: A thicknes: 6 A pct aq: 100 A pct maq: 0 A pct pcm: 0 0 A pct cm: A pct na: 0 A thickns2: 68 A pct aq2: 9

0

0

43

0

0 A pct maq2: A pct cm2: 56 F A hit swl: F A hit rock: A sc Imod1: Fine To Medium A sc lpct1: 80 A sc Imod2: Not Reported A sc lpct2: 20 Pct maq 1: 0 15 Pct pcm 1: Pct aq 2: 0 Pct cm 2: 20 Pct na 2: 0 Pct maq 3: 0 Pct pcm 3: 0 Pct aq 4: 0 Pct cm 4: 100 0 Pct na 4: Pct maq 5: 0 Pct pcm 5: 70 Pct aq 6: 0 Pct cm 6: 0 Pct na 6: 0 Pct maq 7: 0 Pct pcm 7: 0 Pct aq 8: 0 Pct cm 8: 0 0 Pct na 8: Pct maq 9: 0 0 Pct pcm 9: Pct aq 10: 0 Pct cm 10: 0 0 Pct na 10: Pct maq 11: 0 Pct pcm 11: 0 Pct aq 12: 0 Pct cm 12: 0 Pct na 12: 0 Pct maq 13: 0 Pct pcm 13: 0 Within sec: Υ D Aq code 1: Hit swl: F 68 Athk2: Horiz Conduct: 1.50359 Vert Conduct: .00018 T2: 102.2438 D50plek: 13.77063

35 A pct pcm2: A pct na2: 0 F A hit top: A sc lith1: Sand A sc Imaq1: AQ A sc lith2: Gravel A sc Imaq2: AQ Pct aq 1: 85 Pct cm 1: 0 0 Pct na 1: 0 Pct maq 2: Pct pcm 2: 80 Pct aq 3: 0 Pct cm 3: 100 Pct na 3: 0 Pct maq 4: 0 Pct pcm 4: 0 Pct aq 5: 0 Pct cm 5: 30 Pct na 5: 0 Pct maq 6: 0 Pct pcm 6: 0 0 Pct aq 7: Pct cm 7: 0 0 Pct na 7: Pct maq 8: 0 0 Pct pcm 8: Pct aq 9: 0 Pct cm 9: 0 0 Pct na 9: Pct mag 10: 0 Pct pcm 10: 0 0 Pct aq 11: Pct cm 11: 0 Pct na 11: 0 Pct maq 12: 0 0 Pct pcm 12: 0 Pct aq 13: Pct cm 13: 0 Pct na 13: 0 Loc match: Υ

MI WELLS MI300000096235

B6 North 1/2 - 1 Mile Lower

Wellid: 63000004241 63028025005 Import id: County: Oakland Township: Bloomfield Town range: 02N 10E Section: 25 RICHARD J PERRY Owner name: 94 MANOR CT Well addr: Well depth: 70 Well type: Household Wssn: 25 Well num: Not Reported Driller id: Unknown 1984-06-03 00:00:00.000 Const date: Case type: Case dia: Case depth: 68.5 Screen frm: 68.5 Screen to: 70 0 Swl: 30 Test depth: Test hours: 1.5 Test methd: Unknown Test rate: 20 Grouted: 0 Pmp cpcity: 0 Latitude: 42.55732465 Longitude: -83.21866952 Methd coll: Address Matching-House Number Elevation: Elev methd: Topographoc Map Interpolation Depth flag: Not Reported Elev flag: Not Reported Swl flag: SWL = 03 Elev dem: 751 Elev dif: Drift Well 748 Elev miv: Aq code: Aq flag: Not Reported Pct aq: 3 Pct aq d: 3 Pct ag r: 0 Pct maq: 0 Pct maq d: 0 0 81 Pct maq r: Pct cm: 81 0 Pct cm d: Pct cm r: Pct pcm: 16 Pct pcm d: 16 Pct pcm r: 0 Pct na: 0 Pct na d: 0 Pct na r: 0 Rock top: Pct flag: Not Reported -1 D r type: Not Reported Spc cpcity: 0 A thicknes: 3 A pct aq: 80 A pct maq: 0 A pct pcm: 0 0 20 A pct cm: A pct na: 70 3 A thickns2: A pct aq2: A pct pcm2: A pct maq2: 0 16 A pct cm2: 81 A pct na2: 0 A hit swl: F A hit top: F A hit rock: F A sc lith1: Sand & Gravel Not Reported AQ A sc Imod1: A sc Imaq1: A sc lpct1: 67 A sc lith2: Clay A sc Imod2: Not Reported A sc Imaq2: CM 33 A sc lpct2: Pct aq 1: 0 0 Pct maq 1: Pct cm 1: 100 Pct pcm 1: 0 Pct na 1: 0 Pct aq 2: 0 Pct maq 2: 0 Pct cm 2: 100 Pct pcm 2: 0 Pct na 2: 0 Pct aq 3: 0 Pct cm 3: Pct maq 3: 0 45 Pct pcm 3: 55 Pct na 3: 0 Pct aq 4: 0 Pct maq 4: 0 0 Pct cm 4: 0 Pct pcm 4: 0 Pct na 4: 0 Pct aq 5: Pct maq 5: 0 Pct cm 5: 0 Pct na 5: Pct pcm 5: 0

Pct aq 6:	0	Pct maq 6:	0
Pct cm 6:	0	Pct pcm 6:	0
Pct na 6:	0	Pct aq 7:	0
Pct maq 7:	0	Pct cm 7:	0
Pct pcm 7:	0	Pct na 7:	0
Pct aq 8:	0	Pct maq 8:	0
Pct cm 8:	0	Pct pcm 8:	0
Pct na 8:	0	Pct aq 9:	0
Pct maq 9:	0	Pct cm 9:	0
Pct pcm 9:	0	Pct na 9:	0
Pct aq 10:	0	Pct maq 10:	0
Pct cm 10:	0	Pct pcm 10:	0
Pct na 10:	0	Pct aq 11:	0
Pct maq 11:	0	Pct cm 11:	0
Pct pcm 11:	0	Pct na 11:	0
Pct aq 12:	0	Pct maq 12:	0
Pct cm 12:	0	Pct pcm 12:	0
Pct na 12:	0	Pct aq 13:	0
Pct maq 13:	0	Pct cm 13:	0
Pct pcm 13:	0	Pct na 13:	0
Within sec:	Υ	Loc match:	Y
Aq code 1:	D		
Hit swl:	F		
Athk2:	70		
Horiz Conduct:	.02907		
Vert Conduct:	.00012		
T2:	2.0347		
D50plek:	.37006		

A7 NNE 1/2 - 1 Mile Higher MI WELLS MI300000096148

63028025007 Wellid: 63000004243 Import id: Bloomfield County: Oakland Township: Town range: 02N 10E Section: 25

ANDREW P TRESTRAIL

118

-83.21311792

Well depth:

Longitude:

Owner name: 1250 OXFORD Well addr:

Well type: Household Wssn: 0 414

Well num: Not Reported Driller id: Const date: 1988-03-16 00:00:00.000 Case type: Steel-black Case dia: Case depth: 118

Screen frm: 113 Screen to: 118 Swl: 34 Test depth: 52 Test hours: 4 Test rate: 35 Test methd: Unknown

Grouted: Pmp cpcity: 1 Latitude: 42.55690875

Methd coll: Elevation:	Address Matching-House Number 748	er	
Elev methd:	Topographoc Map Interpolation	Depth flag:	Not Reported
Elev flag:	ELEV_DIF > 20 feet Abs(Eleva	. •	•
Swl flag:	Not Reported	_ ,	
Elev dem:	781	Elev dif:	33
Elev miv:	748	Aq code:	Drift Well
Aq flag:	Not Reported	•	
Pct aq:	45		
Pct aq d:	45	Pct aq r:	0
Pct maq:	0	Pct maq d:	0
Pct maq r:	0	Pct cm:	42
Pct cm d:	42	Pct cm r:	0
Pct pcm:	13	Pct pcm d:	13
Pct pcm r:	0	Pct na:	0
Pct na d:	0	Pct na r:	0
Pct flag:	Not Reported	Rock top:	-1
D r type:	Not Reported	Spc cpcity:	0
A thicknes:	16	A pct aq:	100
A pct maq:	0	A pct pcm:	0
A pct cm:	0	A pct na:	0
A thickns2:	84	A pct aq2:	24
A pct maq2:	0	A pct pcm2:	18
A pct cm2:	58	A pct na2:	0
A hit swl:	F	A hit top:	F
A hit rock:	F	A sc lith1:	Sand
A sc Imod1:	Wet/Moist	A sc Imaq1:	AQ
A sc lpct1:	100	A sc lith2:	Not Reported
A sc Imod2:	Not Reported	A sc Imaq2:	Not Reported
A sc lpct2:	0	Pct aq 1:	100
Pct maq 1:	0	Pct cm 1:	0
Pct pcm 1:	0	Pct na 1:	0
Pct aq 2:	65	Pct maq 2:	0
Pct cm 2:	35	Pct pcm 2:	0
Pct na 2:	0	Pct aq 3:	0
Pct maq 3:	0	Pct cm 3:	100
Pct pcm 3:	0	Pct na 3:	0
Pct aq 4:	20	Pct maq 4:	0
Pct cm 4:	80	Pct pcm 4:	0
Pct na 4:	0	Pct aq 5:	0
Pct maq 5:	0	Pct cm 5: Pct na 5:	35
Pct pcm 5:	65		0
Pct aq 6: Pct cm 6:	0	Pct maq 6:	0
Pct na 6:	0	Pct pcm 6: Pct aq 7:	0
Pct maq 7:	0	Pct cm 7:	0
Pct pcm 7:	0	Pct na 7:	0
Pct aq 8:	0	Pct maq 8:	0
Pct cm 8:	0	Pct pcm 8:	0
Pct na 8:	0	Pct aq 9:	0
Pct mag 9:	0	Pct cm 9:	0
Pct pcm 9:	0	Pct na 9:	0
Pct aq 10:	0	Pct mag 10:	0
Pct cm 10:	0	Pct pcm 10:	0
Pct na 10:	0	Pct aq 11:	0
Pct maq 11:	0	Pct cm 11:	0
Pct pcm 11:	0	Pct na 11:	0
Pct aq 12:	0	Pct mag 12:	0
Pct cm 12:	0	Pct pcm 12:	0
Pct na 12:	0	Pct aq 13:	0
Pct maq 13:	0	Pct cm 13:	0
Pct pcm 13:	0	Pct na 13:	0

Within sec: Υ Υ Loc match:

Ag code 1: D F Hit swl: Athk2: 84 Horiz Conduct: 2.57327 .00017 Vert Conduct: T2: 216.1549 D50plek: 34.39996

North MI WELLS MI300000096406 1/2 - 1 Mile

Lower

Wellid: 63000004239 63028025003 Import id: County: Oakland Township: Bloomfield 02N 10E Section: 25 Town range:

STEPHEN E GLAZEK Owner name:

85 MANOR RD Well addr:

Well depth:

Well type: Household

Wssn: 0

Not Reported Driller id: 25 Well num: Unknown Const date: 1967-05-24 00:00:00.000 Case type:

Case dia: Case depth: 95.9 Screen frm: 93 Screen to: 98 Swl: 14 Test depth: 88

Test hours: 5

12 Test methd: Test rate: Unknown 0 Grouted: Pmp cpcity: 0

Latitude: 42.55809805 Longitude: -83.21941132

Methd coll: Address Matching-House Number

Elevation:

Elev methd: Topographoc Map Interpolation Depth flag: Not Reported

Elev flag: Not Reported

Swl flag: Not Reported

Elev dem: 758 Elev dif: 10 Drift Well 748 Elev miv: Aq code:

Pct aq r:

Pct cm:

Pct na:

Pct cm r:

Pct pcm d:

Pct maq d:

Aq flag: Not Reported

Pct aq: 23 Pct aq d: 23 Pct maq: 0 Pct maq r: 0 57 Pct cm d: Pct pcm: 11 0 Pct pcm r: Pct na d: 0 Pct flag: Not Reported

0 Pct na r: Rock top: -1 D r type: Not Reported 0 Spc cpcity: A thicknes: 30 A pct aq: 70 A pct maq: 0 A pct pcm: 0 A pct cm: 10 A pct na: 20 A thickns2: 84 A pct aq2: 27

0

0

57

0

11

0

A pct maq2:	0	A pct pcm2:	13
A pct cm2:	52	A pct na2:	7
A hit swl:	F	A hit top:	F
A hit rock:	F	A sc lith1:	Sand & Gravel
A sc Imod1:	Not Reported	A sc lmaq1:	AQ
A sc lpct1:	80	A sc lith2:	Clay
A sc Imod2:	Not Reported	A sc Imaq2:	CM
A sc lpct2:	20	Pct aq 1:	0
Pct maq 1:	0	Pct cm 1:	90
Pct pcm 1:	0	Pct na 1:	10
Pct aq 2:	0	Pct maq 2:	0
Pct cm 2:	100	Pct pcm 2:	0
Pct na 2:	0	Pct aq 3:	10
Pct maq 3:	0	Pct cm 3:	75
Pct pcm 3:	15	Pct na 3:	0
Pct aq 4:	50	Pct maq 4:	0
Pct cm 4:	10	Pct pcm 4:	40
Pct na 4:	0	Pct aq 5:	0
Pct maq 5:	0	Pct cm 5:	0
Pct pcm 5:	0	Pct na 5:	0
Pct aq 6:	0	Pct maq 6:	0
Pct cm 6:	0	Pct pcm 6:	0
Pct na 6:	0	Pct aq 7:	0
Pct maq 7:	0	Pct cm 7:	0
Pct pcm 7:	0	Pct na 7:	0
Pct aq 8:	0	Pct maq 8:	0
Pct cm 8:	0	Pct pcm 8:	0
Pct na 8:	0	Pct aq 9:	0
Pct maq 9:	0	Pct cm 9:	0
Pct pcm 9:	0	Pct na 9:	0
Pct aq 10:	0	Pct mag 10:	0
Pct cm 10:	0	Pct pcm 10:	0
Pct na 10:	0	Pct aq 11:	0
Pct mag 11:	0	Pct cm 11:	0
Pct pcm 11:	0	Pct na 11:	0
Pct aq 12:	0	Pct mag 12:	0
Pct cm 12:	0	Pct pcm 12:	0
Pct na 12:	0	Pct aq 13:	0
Pct mag 13:	0	Pct cm 13:	0
Pct pcm 13:	0	Pct na 13:	0
Within sec:	Υ	Loc match:	Υ
Aq code 1:	Not Reported		
Hit swl:	Not Reported		
Athk2:	0		
Horiz Conduct:	0		
Vert Conduct:	0		
T2:	0		
D50plek:	0		
P. O	<del>-</del>		

B9 North 1/2 - 1 Mile Lower

MI WELLS MI300000096414

Wellid: 63000004240 63028025004 Import id: County: Oakland Township: Bloomfield Town range: 02N 10E Section: 25 SHERYL RYAN Owner name: 86 MANOR RD Well addr: Well depth: 255 Well type: Household Wssn: 25 Well num: Not Reported Driller id: Unknown 1979-01-08 00:00:00.000 Const date: Case type: Case dia: Case depth: 203.8 Screen frm: 0 Screen to: 0 25 Swl: Test depth: 150 Test hours: 9 Test methd: Test rate: 11 Unknown Pmp cpcity: Grouted: n 0 Latitude: 42.55813405 Longitude: -83.21818952 Methd coll: Address Matching-House Number Elevation: Elev methd: Topographoc Map Interpolation Depth flag: Not Reported Elev flag: Not Reported Swl flag: Not Reported 0 Elev dem: 748 Elev dif: Rock Well 748 Elev miv: Aq code: Aq flag: Not Reported Pct aq: 27 Pct aq d: 9 Pct ag r: 68 Pct maq: 0 Pct maq d: 0 0 64 Pct maq r: Pct cm: 78 32 Pct cm d: Pct cm r: Pct pcm: 9 Pct pcm d: 13 Pct pcm r: 0 Pct na: 0 0 Pct na d: 0 Pct na r: Rock top: 179 Pct flag: Not Reported D r type: Not Reported Spc cpcity: 0 A thicknes: 0 A pct aq: 0 A pct maq: 0 A pct pcm: 0 0 0 A pct cm: A pct na: 0 0 A thickns2: A pct aq2: 0 A pct pcm2: 0 A pct maq2: A pct cm2: 0 A pct na2: 0 A hit swl: F A hit top: F A hit rock: A sc lith1: Not Reported Not Reported Not Reported A sc Imod1: A sc Imaq1: A sc lpct1: 0 A sc lith2: Not Reported A sc Imod2: Not Reported A sc Imaq2: Not Reported 0 A sc lpct2: Pct aq 1: 0 0 Pct maq 1: Pct cm 1: 100 Pct pcm 1: 0 Pct na 1: 0 Pct aq 2: 0 Pct maq 2: 0 Pct cm 2: 100 Pct pcm 2: 0 Pct na 2: 0 Pct aq 3: 0 Pct cm 3: Pct maq 3: 0 100 Pct pcm 3: 0 Pct na 3: 0 Pct aq 4: 15 Pct mag 4: 0 0 Pct cm 4: 85 Pct pcm 4: Pct na 4: 0 Pct aq 5: 30 Pct maq 5: 0 Pct cm 5: 70 Pct na 5: Pct pcm 5: 0

Pct maq 6: Pct pcm 6:	0
Pct aq 7:	24
Pct cm 7:	76
_ *** *	-
Pct na 7:	0
Pct maq 8:	0
Pct pcm 8:	0
Pct aq 9:	0
Pct cm 9:	0
Pct na 9:	0
Pct maq 10:	0
Pct pcm 10:	0
Pct aq 11:	0
Pct cm 11:	0
Pct na 11:	0
Pct maq 12:	0
Pct pcm 12:	0
Pct aq 13:	0
Pct cm 13:	0
Pct na 13:	0
Loc match:	Υ

C10 NNE 1/2 - 1 Mile Higher

 Wellid:
 6300004237
 Import id:
 63028025001

 County:
 Oakland
 Township:
 Bloomfield

 Town range:
 02N 10E
 Section:
 25

Owner name: THOMAS A HILBORN

Well addr: 290 HARROW

Well depth: 147

Well type: Household

Wssn: 0

Well num: Not Reported Driller id: 25
Const date: 1976-03-01 00:00:00.000 Case type: Unknown

 Case dia:
 6

 Case depth:
 136

 Screen frm:
 136

 Screen to:
 147

 Swl:
 24

 Test depth:
 133

 Test hours:
 3

 Test rate:
 20

Test rate: 20 Test methd: Unknown

Grouted: 0 Pmp cpcity: 0

Latitude: 42.55772835 Longitude: -83.21330562 MI WELLS

MI300000096323

Methd coll: Address Matching-House Number Elevation: Elev methd: Topographoc Map Interpolation Depth flag: Not Reported Elev flag: ELEV\_DIF > 20 feet -- Abs(Elevation feet DEM\_Elevation) > 20 feet Swl flag: Not Reported Elev dem: 777 Elev dif: Elev miv: 748 Aq code: Drift Well Aq flag: Not Reported Pct aq: 13 0 Pct aq r: Pct aq d: 13 0 Pct maq: 0 Pct maq d: Pct mag r: 0 Pct cm: 76 Pct cm d: 76 Pct cm r: 0 Pct pcm: 8 Pct pcm d: 8 0 Pct pcm r: 0 Pct na: 0 Pct na d: 0 Pct na r: Pct flag: Not Reported Rock top: -1 D r type: Not Reported 0 Spc cpcity: A thicknes: 11 A pct aq: 100 A pct mag: 0 A pct pcm: 0 A pct cm: 0 0 A pct na: A thickns2: 123 A pct aq2: 15 A pct maq2: 0 A pct pcm2: 10 A pct cm2: 75 0 A pct na2: F F A hit swl: A hit top: A hit rock: F A sc lith1: Sand A sc Imod1: Fine A sc Imaq1: AQ Sand A sc lpct1: 64 A sc lith2: A sc Imod2: Very Fine A sc Imaq2: AQ A sc lpct2: 36 Pct aq 1: 0 Pct mag 1: 0 Pct cm 1: 75 Pct pcm 1: 0 Pct na 1: 25 0 0 Pct aq 2: Pct maq 2: Pct cm 2: 100 Pct pcm 2: 0 Pct na 2: 0 Pct aq 3: 0 Pct maq 3: 0 Pct cm 3: 100 Pct na 3: 0 Pct pcm 3: 0 Pct maq 4: 0 Pct aq 4: 40 Pct cm 4: 0 60 Pct pcm 4: Pct na 4: 0 Pct aq 5: 0 Pct maq 5: 0 Pct cm 5: 100 0 Pct na 5: Pct pcm 5: 0 0 Pct maq 6: 0 Pct aq 6: Pct cm 6: 4 96 Pct pcm 6: Pct na 6: 0 Pct aq 7: 0 Pct maq 7: 0 Pct cm 7: 0 Pct pcm 7: 0 Pct na 7: 0 Pct maq 8: Pct aq 8: 0 0 Pct cm 8: 0 Pct pcm 8: 0 Pct na 8: 0 Pct aq 9: 0 0 Pct cm 9: 0 Pct maq 9: 0 0 Pct pcm 9: Pct na 9: 0 Pct aq 10: 0 Pct mag 10: Pct cm 10: 0 Pct pcm 10: 0 Pct na 10: 0 Pct aq 11: 0 Pct maq 11: 0 Pct cm 11: 0 Pct pcm 11: Pct na 11: 0 0 Pct aq 12: 0 Pct mag 12: 0 Pct cm 12: 0 Pct pcm 12: 0 0 0 Pct na 12: Pct aq 13: 0 0 Pct cm 13: Pct maq 13: Pct na 13: Pct pcm 13: 0 0

Within sec: Y Loc match: Y

 Aq code 1:
 D

 Hit swl:
 F

 Athk2:
 123

 Horiz Conduct:
 .11019

 Vert Conduct:
 .0002

 T2:
 13.5536

 D50plek:
 3.7634

C11
NNE
MI WELLS
MI300000096345
1/2 - 1 Mile

Higher

 Wellid:
 6300004245
 Import id:
 63028025009

 County:
 Oakland
 Township:
 Bloomfield

 Town range:
 02N 10E
 Section:
 25

Owner name: BETTIANN ALESSANDRI

Well addr: 1360 OXFORD

Well depth: 124
Well type: Household
Wssn: 0

Well num: Not Reported Driller id: 414
Const date: 1997-05-10 00:00:00.000 Case type: Steel-black

 Case dia:
 5

 Case depth:
 116

 Screen frm:
 116

 Screen to:
 124

 Swl:
 25

 Test depth:
 110

 Test hours:
 2

Test rate: 12 Test methd: Unknown Grouted: 1 Pmp cpcity: 0

Latitude: 42.55785745 Longitude: -83.21296502

Methd coll: Address Matching-House Number

Elevation: 748

A pct cm:

A thickns2:

Elev methd: Topographoc Map Interpolation Depth flag: Not Reported

Elev flag: ELEV\_DIF > 20 feet -- Abs(Elevation feet DEM\_Elevation) > 20 feet

Swl flag: Not Reported

Elev dem:781Elev dif:33Elev miv:748Aq code:Drift Well

Aq flag: Not Reported

Pct aq: 11 Pct aq d: 11 Pct maq: 0 Pct mag r: 0 Pct cm d: 32 Pct pcm: 17 0 Pct pcm r: Pct na d: 0 Pct flag: Not Reported D r type: Not Reported A thicknes: 46 A pct maq: 0

0

99

Pct aq r: 0 Pct maq d: 0 Pct cm: 32 Pct cm r: 0 Pct pcm d: 17 0 Pct na: Pct na r: 0 Rock top: -1 0 Spc cpcity: A pct aq: 30 A pct pcm: 0 A pct na: 70 A pct aq2: 14

A pct maq2:	0	A pct pcm2:	21
A pct cm2:	32	A pct na2:	32
A hit swl:	F	A hit top:	F
A hit rock:	F	A sc lith1:	Sand
A sc Imod1:	Fine	A sc Imaq1:	AQ
A sc lpct1:	100	A sc lith2:	Not Reported
A sc Imod2:	Not Reported	A sc Imaq2:	Not Reported
A sc lpct2:	0	Pct aq 1:	0
Pct maq 1:	0	Pct cm 1:	15
Pct pcm 1:	0	Pct na 1:	85
Pct aq 2:	0	Pct maq 2:	0
Pct cm 2:	100	Pct pcm 2:	0
Pct na 2:	0	Pct aq 3:	0
Pct maq 3:	0	Pct cm 3:	85
Pct pcm 3:	15	Pct na 3:	0
Pct aq 4:	0	Pct maq 4:	0
Pct cm 4:	0	Pct pcm 4:	90
Pct na 4:	10	Pct aq 5:	0
Pct maq 5:	0	Pct cm 5:	0
Pct pcm 5:	0	Pct na 5:	100
Pct aq 6:	0	Pct maq 6:	0
Pct cm 6:	0	Pct pcm 6:	0
Pct na 6:	0	Pct aq 7:	0
Pct maq 7:	0	Pct cm 7:	0
Pct pcm 7:	0	Pct na 7:	0
Pct aq 8:	0	Pct maq 8:	0
Pct cm 8:	0	Pct pcm 8:	0
Pct na 8:	0	Pct aq 9:	0
Pct maq 9:	0	Pct cm 9:	0
Pct pcm 9:	0	Pct na 9:	0
Pct aq 10:	0	Pct maq 10:	0
Pct cm 10:	0	Pct pcm 10:	0
Pct na 10:	0	Pct aq 11:	0
Pct maq 11:	0	Pct cm 11:	0
Pct pcm 11:	0	Pct na 11:	0
Pct aq 12:	0	Pct maq 12:	0
Pct cm 12:	0	Pct pcm 12:	0
Pct na 12:	0	Pct aq 13:	0
Pct maq 13:	0	Pct cm 13:	0
Pct pcm 13:	0	Pct na 13:	0
Within sec:	Υ	Loc match:	Υ
Aq code 1:	Not Reported		
Hit swl:	Not Reported		
Athk2:	0		
Horiz Conduct:	0		
Vert Conduct:	0		
T2:	0		
D50plek:	0		
•			

12 NNE 1/2 - 1 Mile Lower

MI WELLS

MI300000096524

Wellid: 63000004242 63028025006 Import id: County: Oakland Township: Bloomfield Town range: 02N 10E Section: 25 Owner name: MASAT IZU 265 MANOR RD Well addr: Well depth: 94 Well type: Household Wssn: Not Reported 25 Well num: Driller id: Unknown 1976-05-21 00:00:00.000 Const date: Case type: Case dia: 6 Case depth: 87.7 Screen frm: 88 Screen to: 93 18 Swl: 50 Test depth: Test hours: 4 Test methd: Test rate: 80 Unknown Pmp cpcity: Grouted: 0 0 Latitude: 42.55870845 Longitude: -83.21481572 Methd coll: Address Matching-House Number Elevation: Elev methd: Topographoc Map Interpolation Depth flag: Not Reported Elev flag: Not Reported Swl flag: Not Reported 3 Elev dem: 751 Elev dif: Drift Well 748 Elev miv: Aq code: Aq flag: Not Reported Pct aq: 19 Pct aq d: 19 Pct ag r: 0 Pct maq: 0 Pct maq d: 0 0 39 Pct maq r: Pct cm: 39 0 Pct cm d: Pct cm r: Pct pcm: 32 Pct pcm d: 32 Pct pcm r: 0 Pct na: 0 Pct na d: 0 Pct na r: 0 Rock top: Pct flag: Not Reported -1 D r type: Not Reported Spc cpcity: 0 A thicknes: 15 A pct aq: 47 A pct maq: 0 A pct pcm: 0 0 A pct cm: 53 A pct na: A thickns2: 75 9 A pct aq2: A pct pcm2: 31 A pct maq2: 0 A pct cm2: 49 A pct na2: 11 A hit swl: F A hit top: A hit rock: F A sc lith1: Lithology Unknown A sc Imod1: Not Reported A sc Imaq1: NA A sc lpct1: 100 A sc lith2: Not Reported A sc Imod2: Not Reported A sc Imaq2: Not Reported 0 55 A sc lpct2: Pct aq 1: 0 Pct maq 1: 0 Pct cm 1: 0 Pct pcm 1: 45 Pct na 1: Pct aq 2: 0 Pct maq 2: 0 Pct cm 2: 0 Pct pcm 2: 100 Pct na 2: 0 Pct aq 3: 0 Pct cm 3: Pct maq 3: 0 95 Pct pcm 3: 5 Pct na 3: 0 Pct aq 4: 10 Pct mag 4: 0 0 Pct cm 4: 90 Pct pcm 4: 0 Pct na 4: 0 Pct aq 5: Pct maq 5: 0 Pct cm 5: 0 Pct na 5: Pct pcm 5: 0

Pct aq 6:	0	Pct maq 6:	0
Pct cm 6:	0	Pct pcm 6:	0
Pct na 6:	0	Pct aq 7:	0
Pct maq 7:	0	Pct cm 7:	0
Pct pcm 7:	0	Pct na 7:	0
Pct aq 8:	0	Pct maq 8:	0
Pct cm 8:	0	Pct pcm 8:	0
Pct na 8:	0	Pct aq 9:	0
Pct maq 9:	0	Pct cm 9:	0
Pct pcm 9:	0	Pct na 9:	0
Pct aq 10:	0	Pct maq 10:	0
Pct cm 10:	0	Pct pcm 10:	0
Pct na 10:	0	Pct aq 11:	0
Pct maq 11:	0	Pct cm 11:	0
Pct pcm 11:	0	Pct na 11:	0
Pct aq 12:	0	Pct maq 12:	0
Pct cm 12:	0	Pct pcm 12:	0
Pct na 12:	0	Pct aq 13:	0
Pct maq 13:	0	Pct cm 13:	0
Pct pcm 13:	0	Pct na 13:	0
Within sec:	Υ	Loc match:	Υ
Aq code 1:	Not Reported		
Hit swl:	Not Reported		

13
NNW
FED USGS USGS40000482207
1/2 - 1 Mile

Org. Identifier: USGS-MI

Athk2:

T2:

D50plek:

Horiz Conduct:

Vert Conduct:

Formal name: USGS Michigan Water Science Center

Monloc Identifier: USGS-423329083133601 Monloc name: 02N 10E 26AADA 01

0

0

0

0

0

Monloc type: Well

Monloc desc: Not Reported

Huc code: 04090004 Drainagearea value: Not Reported Not Reported Drainagearea Units: Not Reported Contrib drainagearea: 42.5580898 Contrib drainagearea units: Not Reported Latitude: Longitude: -83.2265978 Sourcemap scale: Not Reported Horiz Acc measure: Horiz Acc measure units: seconds

Horiz Collection method: Interpolated from map

Horiz coord refsys: NAD83 Vert measure val: 745
Vert measure units: feet Vertacc measure val: 10

Vert accmeasure units: feet

Vertcollection method: Interpolated from topographic map

Vert coord refsys: NGVD29 Countrycode: US

Aquifername: Sand and gravel aquifers (glaciated regions)

Formation type: Pleistocene Series

Aquifer type: Not Reported

Construction date: 19290101 Welldepth: 81

Welldepth units: ft Wellholedepth: Not Reported

Wellholedepth units: Not Reported

Ground-water levels, Number of Measurements: 1

Feet below Feet to Date Surface Sealevel

-----

1929-03-01 6.00

14 WSW MI WELLS MI300000092595 1/2 - 1 Mile

Lower

 Wellid:
 6300004316
 Import id:
 63028035001

 County:
 Oakland
 Township:
 Bloomfield

 Town range:
 02N 10E
 Section:
 35

Owner name: RICHARD M & LYDIA G WALLACE

Well addr: 860 PLEASANT

Well depth: 103
Well type: Irrigation
Wssn: 0

Well num: Not Reported Driller id: 25
Const date: 1970-03-24 00:00:00.000 Case type: Unknown

 Case dia:
 4

 Case depth:
 97

 Screen frm:
 98

 Screen to:
 103

 Swl:
 20

 Test depth:
 95

 Test hours:
 4

Test rate: 10 Test methd: Unknown Grouted: 0 Pmp opcity: 0

Latitude: 42.53988755 Longitude: -83.23359602

Methd coll: Address Matching-House Number

83

Elevation: 735

A thickns2:

Elev methd: Topographoc Map Interpolation Depth flag: Not Reported

Elev flag: Not Reported Swl flag: Not Reported

Elev dem: 741 Elev dif: 6

Elev miv: 735 Aq code: Drift Well

Aq flag: Not Reported

Pct aq: 7 Pct aq d: Pct aq r: 0 0 Pct maq d: 0 Pct maq: Pct maq r: 0 Pct cm: 54 Pct cm d: 54 Pct cm r: 0 20 Pct pcm: Pct pcm d: 20 0 Pct na: Pct pcm r: 3 0 Pct na d: 3 Pct na r: Pct flag: Not Reported -1 Rock top: D r type: Not Reported Spc cpcity: 0 A thicknes: 21 A pct aq: 24 0 A pct maq: A pct pcm: 0 A pct cm: 0 A pct na: 76

A pct aq2:

A pct maq2:	0
A pct cm2:	52
A hit swl:	F
A hit rock:	F
A sc Imod1:	W/Silt
A sc lpct1:	100
A sc Imod2:	Not Reported
A sc lpct2:	0
Pct maq 1:	0
Pct pcm 1:	15
Pct aq 2:	0
Pct cm 2:	100
Pct na 2:	0
Pct maq 3:	0
Pct pcm 3:	0
Pct aq 4:	5
Pct cm 4:	15
Pct na 4:	0
Pct maq 5:	0
Pct pcm 5:	10
Pct aq 6:	0
Pct cm 6:	0
Pct na 6:	0
Pct maq 7:	0
Pct pcm 7:	0
Pct aq 8:	0
Pct cm 8:	0
Pct na 8:	0
Pct mag 9:	0
Pct pcm 9:	0
Pct aq 10:	0
Pct cm 10:	0
Pct na 10:	0
Pct mag 11:	0
Pct pcm 11:	0
Pct aq 12:	0
Pct cm 12:	0
Pct na 12:	0
Pct mag 13:	0
Pct pcm 13:	0
Within sec:	Υ

Aq code 1: Hit swl:

Horiz Conduct:

Vert Conduct:

Athk2:

T2: D50plek: Not Reported

Not Reported

0

0

0

0

A pct pcm2: A pct na2: A hit top: A sc lith1: A sc Imaq1: A sc lith2: A sc Imaq2: Pct aq 1: Pct cm 1: Pct na 1: Pct maq 2: Pct pcm 2: Pct aq 3: Pct cm 3: Pct na 3: Pct maq 4: Pct pcm 4: Pct aq 5: Pct cm 5: Pct na 5: Pct maq 6: Pct pcm 6: Pct aq 7: Pct cm 7: Pct na 7: Pct maq 8: Pct pcm 8: Pct aq 9: Pct cm 9: Pct na 9: Pct maq 10: Pct pcm 10: Pct aq 11: Pct cm 11: Pct na 11: Pct maq 12: Pct pcm 12: Pct aq 13: Pct cm 13: Pct na 13:

Loc match:

22

19

AQ

Sand & Gravel

Not Reported

Not Reported

F

#### AREA RADON INFORMATION

State Database: MI Radon

Radon Test Results

Zipcode	Test Date	LT Sign	Result
	<del></del>		
48009	4/21/2007		1.5
48009	1/14/2008		1.5
48009	7/14/2004		1.5
48009	4/7/2004		1.5
48009	4/12/2002		1.4
48009	7/29/2004		1.4
48009	7/27/2009		1.5
48009	10/19/2009		1.5
48009	5/29/2001		1.4
48009	1/29/2009		1.4
48009	4/7/2006		1.4
48009	12/4/2006		1.4
48009	5/28/2003		1.3
48009	1/24/2009		1.3
48009	1/6/1997		1.2
48009	8/22/2002		1.2
48009	5/24/2002		1.2
48009	3/26/2004		1.2
48009	3/26/2004		1.2
48009	3/26/2004		1.2
48009	2/8/2005		1.2
48009	10/13/1995		1.1
48009	7/1/1998		1.1
48009	5/10/2002		1.1
48009	5/31/2002		1.1
48009	2/24/2003		1.1
48009	1/27/2009		1.2
48009	1/24/2009		1.2
48009	2/17/2009		1.2
48009	2/14/2009		1.2
48009	2/2/2009		1.1
48009	3/22/2004		1.1
48009	3/7/2008		1.1
48009	6/8/2002		1.0
48009	2/2/2009		1.1
48009	7/3/1995		1.0
48009	2/26/1999		1.0
48009	2/16/2005		1.9
48009	2/2/2006		1.9
48009	11/15/2001		1.9
48009	4/20/1998		1.9
48009	3/11/2003		1.8
48009	10/13/2008		1.9
48009	10/27/2000		1.9
48009	2/27/2009		1.9
48009	4/3/2009		1.9
48009			

#### AREA RADON INFORMATION

	4/40/4000		4.0
40000	1/13/1996		1.8
48009	2/21/1995		1.8
48009	11/20/2007		1.8
48009	10/13/1995		1.7
48009	7/29/2003		1.7
48009	4/29/2002		1.7
48009	10/31/2002		1.7
48009	1/18/2003		1.7
48009	1/28/2003		1.7
48009	11/22/2003		1.6
48009	12/30/2003		1.6
48009	2/7/2009		1.7
48009	1/29/2009		1.7
48009	5/11/2007	<	0.3
48009	5/7/2005		0.5
48009	3/8/2004		0.5
48009	1/29/2004	<	0.3
48009	1/12/2004	<	0.3
48009	4/7/2006	<	0.3
48009	6/2/2004	<	0.3
48009	3/21/2007		0.5
48009	8/30/1999		0.5
48009	11/16/2004	<	0.3
48009	3/18/1994		0.5
48009	3/18/1994		0.5
48009	9/26/1998	<	0.3
48009	2/18/1999	<	0.3
48009	1/22/2008	<	0.3
48009	5/20/2003	<	0.3
48009	5/10/2002	<	0.3
48009	5/23/2002	<	0.3
48009	4/15/2002	<	0.3
48009	1/15/2007	<	0.3
48009	1/20/1998		0.8
48009	7/3/1995		0.8
48009	3/15/2004		0.7
48009	3/19/2003		0.7
48009	3/29/2004		0.8
48009	4/17/2004		0.6
48009	3/24/2006		0.8
48009	10/9/2004		0.9
48009	2/9/2004		0.9
48009	2/21/2004		0.9
48009	11/10/2006		0.9
48009	1/21/2008		0.6
48009	1/15/2008		0.6
48009	1/29/2009		0.6
48009	3/13/2009		0.7
48009	2/20/2009		0.6
48009	1/24/2009		0.8
48009	2/7/2009		0.8
48009	1/24/2009		0.6
48009	2/3/2009		0.9
48009	7/1/1998		0.7
48009	3/19/2003		0.6
48009	4/13/2002		0.6
48009			

#### AREA RADON INFORMATION

	4/1/2002		0.6
48009	1/26/2009		0.9
48009	4/24/2002		0.5
48009	4/22/2003		0.6
48009	1/26/2009		2.6
48009	1/22/2009		2.8
48009	1/7/2009		2.5
48009	11/23/2007		2.4
	11/9/2007		2.4
48009 48009	9/28/1999		2.4
48009	10/30/2006		2.2
48009	3/23/2009		2.4
48009	1/26/2009		2.3
48009	12/3/1994		2.2
48009	4/23/2002		2.2
48009	4/29/2002		2.2
48009	2/7/2003		2.2
48009	1/8/2007		2.3
48009	2/25/2002		2.1
48009	12/2/2002		2.7
48009	11/14/2003		2.6
48009	6/10/2002		2.7
48009	1/13/2006		2.6
48009	10/31/2009		3.0
48009	1/3/2004		2.8
48009	11/3/2007		2.7
48009	11/7/2007		3.8
48009	7/28/2008		3.6
48009	5/21/2004		3.5
48009	4/28/2003		3.5
48009	1/2/2010		3.5
48009	9/8/2009		3.5
48009	11/6/2008		3.4
48009	2/25/2004		3.2
48009	4/9/2004		3.3
48009	11/10/2007		3.2
48009	1/24/2009	<	0.3
48009	11/11/2003		3.7
48009	1/25/2010	<	0.3
48009	1/4/1997		3.8
48009	1/14/2002		3.8
48009	6/9/2003		3.8
48009	11/22/1997		3.6
48009	7/16/2007		5.6
48009	7/16/1999		5.5
48009	1/24/2009		5.9
48009	6/12/2004		4.7
48009	10/20/2008		5.0
48009	9/29/2007		5.0
48009	3/13/2002		4.6
48009	5/27/2002		4.6
48009	6/9/2008		6.7
48009	7/6/2007		7.7
48009	4/12/2002		2.0
48009	5/8/2002		2.0
48009	9/17/2001		22.4
48009	3/11/2001		22.4

#### AREA RADON INFORMATION

	3/5/2009	14.4
48009	2/7/2009	12.6
48009	5/27/2002	8.0
48009	6/24/2002	10.8
48009	7/24/1999	8.6
48009	1/24/2009	2.1
48009	11/7/2008	4.2
48009	10/10/2006	4.2
48009	8/19/2008	4.1
48009	2/1/2008	4.5
48009	10/23/2007	4.5

Federal EPA Radon Zone for OAKLAND County: 2

Note: Zone 1 indoor average level > 4 pCi/L.

: Zone 2 indoor average level >= 2 pCi/L and <= 4 pCi/L.

: Zone 3 indoor average level < 2 pCi/L.

Federal Area Radon Information for Zip Code: 48009

Number of sites tested: 5

Area	Average Activity	% <4 pCi/L	% 4-20 pCi/L	% >20 pCi/L		
Living Area - 1st Floor	Not Reported	Not Reported	Not Reported	Not Reported		
Living Area - 2nd Floor	Not Reported	Not Reported	Not Reported	Not Reported		
Basement	1.780 pCi/L	100%	0%	0%		

#### PHYSICAL SETTING SOURCE RECORDS SEARCHED

#### **TOPOGRAPHIC INFORMATION**

USGS 7.5' Digital Elevation Model (DEM)

Source: United States Geologic Survey

EDR acquired the USGS 7.5' Digital Elevation Model in 2002 and updated it in 2006. The 7.5 minute DEM corresponds to the USGS 1:24,000- and 1:25,000-scale topographic quadrangle maps. The DEM provides elevation data with consistent elevation units and projection.

Scanned Digital USGS 7.5' Topographic Map (DRG)

Source: United States Geologic Survey

A digital raster graphic (DRG) is a scanned image of a U.S. Geological Survey topographic map. The map images are made by scanning published paper maps on high-resolution scanners. The raster image is georeferenced and fit to the Universal Transverse Mercator (UTM) projection.

#### HYDROLOGIC INFORMATION

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 2003 & 2011 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002, 2005 and 2010 from the U.S. Fish and Wildlife Service.

State Wetlands Data: Wetlands Inventory Source: Department of Natural Resources

Telephone: 517-241-2254

#### HYDROGEOLOGIC INFORMATION

AQUIFLOW<sup>R</sup> Information System

Source: EDR proprietary database of groundwater flow information

EDR has developed the AQUIFLOW Information System (AIS) to provide data on the general direction of groundwater flow at specific points. EDR has reviewed reports submitted to regulatory authorities at select sites and has extracted the date of the report, hydrogeologically determined groundwater flow direction and depth to water table information.

#### **GEOLOGIC INFORMATION**

Geologic Age and Rock Stratigraphic Unit

Source: P.G. Schruben, R.E. Arndt and W.J. Bawiec, Geology of the Conterminous U.S. at 1:2,500,000 Scale - A digital representation of the 1974 P.B. King and H.M. Beikman Map, USGS Digital Data Series DDS - 11 (1994).

STATSGO: State Soil Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Services

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) leads the national Conservation Soil Survey (NCSS) and is responsible for collecting, storing, maintaining and distributing soil survey information for privately owned lands in the United States. A soil map in a soil survey is a representation of soil patterns in a landscape. Soil maps for STATSGO are compiled by generalizing more detailed (SSURGO) soil survey maps.

SSURGO: Soil Survey Geographic Database

Source: Department of Agriculture, Natural Resources Conservation Services (NRCS)

Telephone: 800-672-5559

SSURGO is the most detailed level of mapping done by the Natural Resources Conservation Services, mapping scales generally range from 1:12,000 to 1:63,360. Field mapping methods using national standards are used to construct the soil maps in the Soil Survey Geographic (SSURGO) database. SSURGO digitizing duplicates the original soil survey maps. This level of mapping is designed for use by landowners, townships and county natural resource planning and management.

#### PHYSICAL SETTING SOURCE RECORDS SEARCHED

#### LOCAL / REGIONAL WATER AGENCY RECORDS

FEDERAL WATER WELLS

PWS: Public Water Systems

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Public Water System data from the Federal Reporting Data System. A PWS is any water system which provides water to at least 25 people for at least 60 days annually. PWSs provide water from wells, rivers and other sources.

PWS ENF: Public Water Systems Violation and Enforcement Data

Source: EPA/Office of Drinking Water

Telephone: 202-564-3750

Violation and Enforcement data for Public Water Systems from the Safe Drinking Water Information System (SDWIS) after August 1995. Prior to August 1995, the data came from the Federal Reporting Data System (FRDS).

USGS Water Wells: USGS National Water Inventory System (NWIS)

This database contains descriptive information on sites where the USGS collects or has collected data on surface water and/or groundwater. The groundwater data includes information on wells, springs, and other sources of groundwater.

#### OTHER STATE DATABASE INFORMATION

#### **RADON**

State Database: MI Radon

Source: Department of Environmental Quality

Telephone: 517-335-9551 Radon Test Results

#### Michigan Radon Test Results

Source: Department of Environmental Quality

Telephone: 517-335-8037

These results are from test kits distributed by the local health departments and used by

Michigan residents. There is no way of knowing whether the devices were used properly, whether there are duplicates (or repeat verification) test (i.e., more than one sample per home), etc.

#### Area Radon Information

Source: USGS

Telephone: 703-356-4020

The National Radon Database has been developed by the U.S. Environmental Protection Agency

(USEPA) and is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study covers the years 1986 - 1992. Where necessary data has been supplemented by information collected at private sources such as universities and research institutions.

#### EPA Radon Zones

Source: EPA

Telephone: 703-356-4020

Sections 307 & 309 of IRAA directed EPA to list and identify areas of U.S. with the potential for elevated indoor

radon levels.

#### **OTHER**

Airport Landing Facilities: Private and public use landing facilities

Source: Federal Aviation Administration, 800-457-6656

Epicenters: World earthquake epicenters, Richter 5 or greater

Source: Department of Commerce, National Oceanic and Atmospheric Administration

Earthquake Fault Lines: The fault lines displayed on EDR's Topographic map are digitized quaternary faultlines, prepared in 1975 by the United State Geological Survey

#### PHYSICAL SETTING SOURCE RECORDS SEARCHED

#### STREET AND ADDRESS INFORMATION

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# Appendix 5 Local Documentation



#### OAKLAND COUNTY EXECUTIVE L. BROOKS PATTERSON

HEALTH DIVISION

Kathleen Forzley, Manager (248) 858-1280 | health@oakgov.com

March 19, 2015

JULIE PRATT
PERFORMANCE ENVIRONMENTAL SERVICES INC
30553 WIXOM ROAD SUITE 500
WIXOM MI 48393

RE: FOIA REQUEST

191 N CHESTER

BIRMINGHAM, OAKLAND COUNTY, MI

PARCEL #: 19-25-356-023

Dear Ms. Pratt:

Your request is approved in part and denied in part. Per your request and a review of our records, the Oakland County Health Division (OCHD) has no information regarding on-site sewage disposal permits, well logs, or water well permits for the captioned property. This Division does not maintain files for LUSTs, ASTs or USTs for this site. There are no known landfills on this property.

Your request for information regarding "...not limited to..." and "...hazardous material usage..." is denied for the reason that it fails to meet conditions of MCL 15.233(1) of the Freedom of Information Act, Act 442 of 1976 (FOIA), in that it does not describe a public record sufficiently to enable the public body to find the public record.

If you wish to modify your request by providing a complete list of specific concerns and properties, with date ranges for the information you desire, OCHD will provide available information in compliance with the FOIA.

It is recommended that you contact the Michigan Department of Licensing and Regulatory Affairs and the Michigan Department of Environmental Quality as those agencies have regulatory authority over certain environmental pollutants and monitoring activities. Similarly, it is advised that you contact the local water supply and sewer agencies as they may have authority over certain aspects of the captioned property. If you have any questions, please contact this Division at (248) 858-1312.

#### YOUR FURTHER LEGAL RIGHTS

To the extent that this response, in your opinion, constitutes a denial of your FOIA rights under the Michigan Freedom of Information Act, your statutory remedies under MCL 15.240, as required to be provided to you by the statute, are as follows:

#### MCL 15.240

- (1) If a public body makes a final determination to deny all or a portion of a request, the requesting person may do 1 of the following at his or her option:
  - (a) Submit to L. Brooks Patterson, Oakland County Executive, a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.
  - (b) Commence an action in the circuit court to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny the request.
- (2) Within 10 days after receiving a written appeal pursuant to subsection (1)(a), the head of the public body shall do one of the following:
  - (a) Reverse the disclosure denial.
  - (b) Issue a written notice to the requesting person upholding the disclosure denial.
  - (c) Reverse the disclosure denial in part and issue a written notice to the requesting person upholding the disclosure denial in part.
  - (d) Under unusual circumstances, issue a notice extending for not more than 10 business days the period during which the head of the public body shall respond to the written appeal. The head of the public body shall not issue more than one notice of extension for a particular written appeal.
- (3) A board or commission that is the head of a public body is not considered to have received a written appeal under subsection (2) until the first regularly scheduled meeting of that board or commission following submission of the written appeal under subsection (1)(a). If the head of the public body fails to respond to a written appeal pursuant to subsection (2), or if the head of the public body upholds all or a portion of the disclosure denial that is the subject of the written appeal, the requesting person may seek judicial review of the nondisclosure by commencing an action in the circuit court under subsection (1)(b).
- (4) In an action commenced under subsection (1)(b), a court that determines a public record is not exempt from disclosure shall order the public body to cease withholding or to produce all or a portion of a public record wrongfully withheld, regardless of the location of the public record. The circuit court of the county in which the complainant resides or has his or her principal place of business, or the circuit court for the county in which the public record or an office of the public body is located has venue over the action. The court shall determine the matter de novo and the burden is on the public body to sustain its denial. The court, on its own motion, may view the public record in controversy in private before reaching a decision. Failure to comply with an order of the court may be punished as contempt of court.
- (5) An action commenced under this section and appeal from an action commenced under this section shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.
- (6) If a person asserting the right to inspect, copy, or to receive a copy of all or a portion of a a:\hs\\191NChester.docfoia

public record prevails in an action commenced under to this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or the public body prevails in part, the court may, in its discretion, award all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. The award shall be assessed against the public body liable for damages under subsection.

(7) If the circuit court determines in an action commenced under this section that the public body has arbitrarily and capriciously violated this act by refusal or delay in disclosing or providing copies of a public record, the court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$500.00 to the person seeking the right to inspect or receive a copy of a public record. The damages shall not be assessed against an individual, but shall be assessed against the next succeeding public body, that is not an individual and that kept or maintained the public record as a part of its public function.

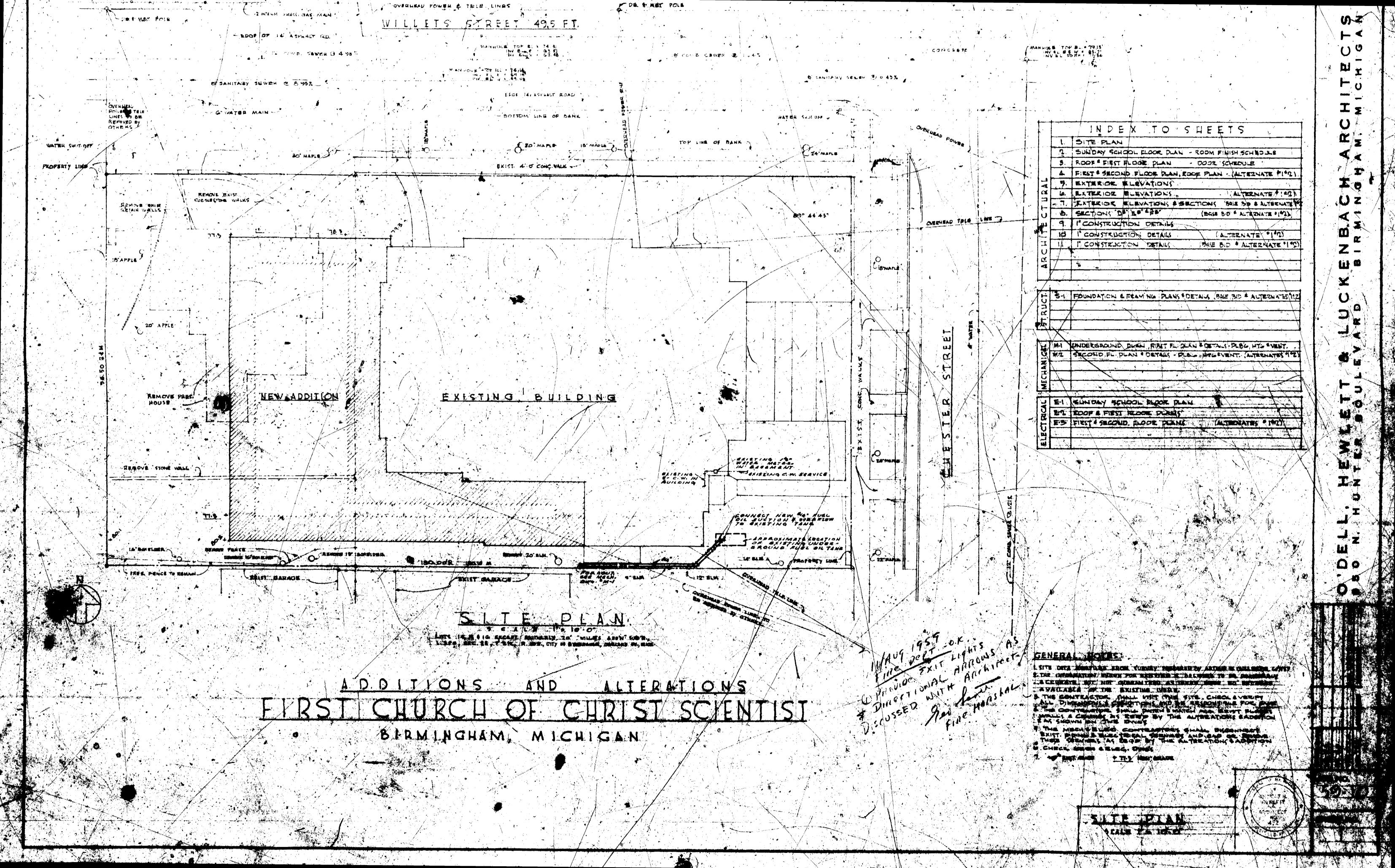
Sincerely,

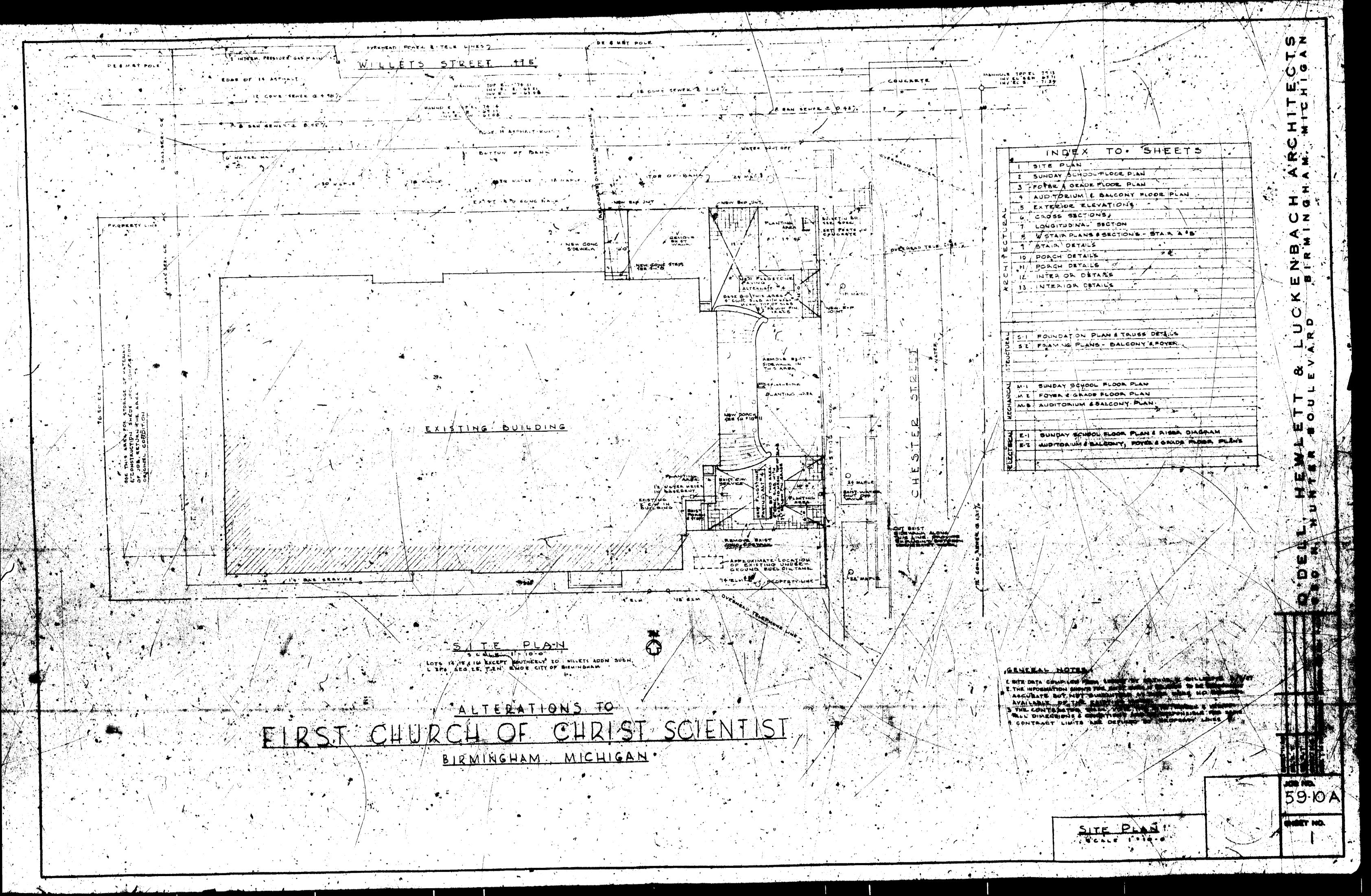
OAKLAND COUNTY HEALTH DIVISION
Department of Health and Human Services

Richard C. Peresky, R.E.H.S. M.S.

Senior Public Health Sanitarian Environmental Health Services

cc: Anthony Drautz, R.S., M.S.A., Administrator, Environmental Health Services





#101-000.00-502.000

APPLICANT'S COPY - White

# City of Birmingham, Michigan FIRE AND BUILDING INSPECTION DEPARTMENTS PERMIT

No 09388

	PERMI	T		10/17	190
Fee \$ 10.00			Date		
191 N. Chester,	Birmingham, MI 480	109			NI
	Street and Number				rmit No.
All installations and ope	rations under this permit shall conform	m to the requi	irements of the f	Millingham C	
A permit is hereby granted for					
The rea of evolosives					
- the stanks for	r flammable liquids			• • • • • • •	
of the state of th	d Detroleum Gas Systems.				
CDC1	oning or Dry-dveing equipm	nent			
The installation of Dry-Circle Removing one 1, C	00 gallon tank				
Kelina Attia					
		7705	MacArth	ar, Re	dford, MI 4824
D&H Richman		- 1 day 3		Address	
Permit gran	ited to				
F CILLIE S.					
mit includes					
				z Vallow	CLERK'S COPY - Green
	TREASURER'S COPY - Pink	INSPE	CTOR'S COP	Yellow	CLERK'S COPY - Green



D. Rex Bleeker

Environmental Engineer

9382 Lilley Road Plymouth, MI 48170

(313) 454-9280 FAX (313) 454-9281

# sam fire Department

2 SOUTH ADAMS ROAD INGHAM, MICHIGAN 48009

> JEFFREY L. SLY Assistant Fire Chief

BUSINESS (313) 646-1127 (313) 646-1128

DAVID G. EDGINTON Fire Marshal

Fice M 71 Underground Storage Tank

10-17-90

NAME CHRISTIAN Science CHURCH ADDRESS

ENVIRONMENTAL ENGINEER D REF BIECKER

TANK 1 TANK 2

TANK 3

TANK 4

FUEL OIL PRODUCT:

SERIAL NO: 665 606

SIZE -IF KNOWN:

1000 9A1

IS TANK REPLACED:

MINIMAL CONTAMINATION OBSERVED. TANKS Remarko By Of H RICHMAN

2894-15

# MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY REQUEST FOR DISCLOSURE OF DEQ RECORDS

Under The Freedom Of Information Act
This information is required under 1976 PA 442, as amended, in order to request public records.

PD, RMD-SEMDO duel- 3-17-15

ALL INFORMATION MUST BE TYPED OR PRINTED EXCEPT FOR WRITTEN SIGNATURES									
Company Name or Organization (if applicable) Performance Environmental Services		Project/Reference	e Number						
Requester's First Name Julie	's First Name Requester's I		's Last Name Pratt		Daytime Phone # (include Area Code) 586-424-7355				
Address (Street and Number) 30553 Wixom Road, Suite 500				Fa	Fax # (include Area Code) 248-926-3838				
<sup>city</sup> wixom	State mi	Zin Code			E-mail: julie.pratt@perform-env.com				
This request is for records from Lansing Central and/or District Office									
SUBMISSION DATE 3/9/15  I wish to review the records listed below I wish to receive a copy of the records listed below I wish to receive an estimate for the cost of fulfilling my request									
NOTE: To refine the searching process, you may wish to narrow down your request by calling the Environmental Assistance Center (1-800-662-9278) for assistance, or checking specific boxes related to particular divisions. If you do not see what you are looking for in the list below, please feel free to use the additional comments field. For additional program information, please click here.  Programs: If you are only requesting the available information from certain programs, then please list the site number (i.e., Site 1, 2, etc. or "ALL") in the appropriate form field(s) provided below. (see division acronyms in site table below).									
AQD - Permits			OWMRP (RMG)	- Hazardo	ous Waste	ID#:	1.		
RRD - BEA Only		1	OWMRP (RMG)	OWMRP (RMG)- Solid Waste/Scrap Tires/Medical Waste /					
RRD - Environmental Remediation		1	OOGM - Oil, Gas and Minerals						
RRD - Leaking Underground Storage Tanks (Part	213)	1	WRD -Groundwater						
RRD -Superfund			WRD - Water Permits						
Storage Tanks (Part 211)- Jim Lucas – Lucasj@michigan.gov		SUBMIT to DLARA	WRD - Stormwater						
ODWMA (RMG)- Public Water Supply WRD - W									
Check boxes for each Division you are requesting files from (You must provide the section, township, range for oil, gas and minerals records)									
Description Provide a detailed description of materials being requested. At a minimum, include the Facility Name, Street Address, City and ©öünty			Air Quality (AQD)	Oil, Gas & Minerals (OOGM)	Remediation & Redevelopment (RRD)	Resource Management (RMG)	Water Resources (WRD)		
Site 1 191 N. Chester, Birmingham, MI	ક તમાર માન્યો અને મેળવી ત્યુપત્ર કે હતો. ઉદ્યો	ns in generalism (standard), en sen en en en en	Oakland	i a a la califación de la califación de la califación de la califación de la califación de la califación de la	Section Code to the		al second		
Site 2			Oakland						
Site 3	20	1	COUNTY						
Site 4		No 212	COUNTY						
Site 5			COUNTY						
Additional Comments:  Please contact me to schedule an on-site file review of available documentation.									



#### SITE ASSESSMENT / CLOSURE REPORT

1-1,000 Gallon Heating Oil U.S.T

#### FIRST CHURCH OF CHRIST SCIENCE

Located at 191 North Chester Street Birmingham, MI 48009



Prepared for Martha Moyer

FIRST CHURCH OF CHRIST SCIENCE
191 North Chester Street
Birmingham, MI 48009

BY

ENKON ENVIRONMENTAL SERVICES, INC.

October 31, 1990

#### <u>AUTHORIZATION</u>

ENKON Environmental Services, Inc. was retained by Ms. Martha Moyer of The First Church of Christ Science to perform the site assessment/closure report for a 1,000 gallon heating oil underground storage tank (U.S.T) which was located at the First Church of Christ Science in Birmingham, Michigan.

#### SCOPE OF WORK

The scope of work consisted of the following tasks:

- O Conduct a visual survey of the vicinity, examining for: surrounding populations and land usage; locations and distance to nearby surface water structures; locations and distance to any drinking water or other types of water wells; locations and distance to any subsurface sewers, conduits, other UST's, and other buried structures on the property.
  - o Perform a visual examination of the exterior surface of the underground storage tank; checking for signs of deterioration or other potential exit points which may have allowed the stored product to escape.
- o Analyze the air inside the interior chamber of the exhumed tank to ensure the absence of any residual flammable liquids or explosive organic vapor concentrations using on-site analytical techniques.
- o Perform a visual inspection on the excavation zone walls and floor after the tank was exhumed; examining for signs of contamination from the product in the storage tank.
- o Remove selected soil "grab" samples from the walls and floor of the excavation zone and conduct a "head space" analysis on them; examining for the presence of "volatile organic compounds" using on-site analytical techniques.
- o Perform random spot checks of the ambient air around the excavation zone during the act of removing the contaminated soil; examining for the presence of released "volatile organic compounds" using on-site analytical techniques.

### ENKON Environmental Services, Inc. First Church of Christ Science - Birmingham, Michigan

- o Monitor the soil removal with an ORGANIC VAPOR ANALYZER to insure that only contaminated soils are stockpiled for later off-site disposal.
- o After completing the removal of the contaminated soil which surrounded the underground storage tank, obtain the required soil samples for off-site laboratory analysis.

#### ANALYTICAL METHODOLOGY

On-site sample analysis was performed using a Foxboro Model 128 Organic Vapor Analyzer/Gas Chromatograph (OVA/GC). Two different analysis procedures were used; direct ambient air vapor analysis and analysis of samples which have been prepared using a modified version of the "head space" organic vapor development procedure. A complete discussion of both the Model 128 OVA/GC and the modified "head space" sample preparation procedure are attached in Appendix C of this document.

Canton Analytical Laboratory, Inc. in the city of Ypsilanti, Michigan was used to perform the required off-site sample analyses.

#### SITE CLIMATOLOGICAL CONDITIONS

The city of Birmingham is located in the humid continental climatic zone of lower Southeast Michigan. Birmingham's climate is controlled by 1) its proximity to Lake St. Clair, and 2) the many small natural lakes which are north and west of the city. The mean annual temperature is  $48.5^{\circ}$  F with the mean summer and winter temperatures being  $70.9^{\circ}$  F and  $25.3^{\circ}$  F respectively. The area receives an average of 30.35 inches of rain distributed across an average of 67 days each year. The mean annual wind is from the southwest at 10.0 miles per hour. An average October day has a typical high temperature of  $63.7^{\circ}$  F and a typical low temperature of  $42.7^{\circ}$  F. The day that the tank was removed, the weather was sunny,  $70^{\circ}$  F, with 20 MPH southwesterly winds.

#### SITE VICINITY CONDITIONS

The property consists of a sixty feet wide by one hundred fifty feet deep parcel of land located at 191 North Chester Street in the city of Birmingham. It is bordered on the west by a single family residence, on the north by Willits Street, on the east by North Chester Street, and on the south by a paved alley. There is a single ten thousand (estimated) square feet building located on the property. The underground storage tank was buried beneath the front lawn immediately adjacent to the southeast corner of the building. A drawing depicting the location of the heating oil U.S.T. is included in Appendix A of this report. The entire parcel of land and the building is used as a place of worship and study.

The property is located along the northwestern edge of downtown Birmingham. The neighborhood surrounding this piece of property is used for both residential and office and commercial purposes. The closest residential dwellings were approximately two hundred fifty feet both north and west of the excavation zone. No potable or other use water wells were observed within a 1000 feet radius of the excavation zone. The closest surface water structure was a stream which ran through a park approximately one half-mile to the west.

North Chester Street is a major, four lane, vehicular artery which is part of the traffic diversion loop around downtown Birmingham. It experiences heavy traffic during the normal commuting and working hours of each work day.

The church building is connected to the municipal potable water supply and sewage system. No storm drains, or sewer manhole covers were observed within 1000 of the excavation zone.

#### SITE GROUNDWATER CONDITIONS

During the period of time that the UST was being removed, the excavation zone did not display any groundwater activity.

#### SOIL DESCRIPTION

The typical wall profile consists of four inches of sod above an eighteen inch layer of black sandy loam topsoil. The soil below the topsoil horizon consists of at least four feet of light brown mixed sand and gravel.

#### TANK DESCRIPTION

The tank was a standard, single wall, steel 1,000 gallon underground storage tank (UL Serial # 665606). Except for the asphalt coating, the tank did not have any corrosion protection. A thorough examination of the tank failed to uncover any signs of corrosion or other potential points of product release. The steel walls of the tank, as well as the galvanized product lines were all in excellent shape. The tank was inspected by Mr. David Edginton, Fire Marshal for the city of Birmingham.

#### ON-SITE SOIL ANALYSIS

ENKON arrived on-site and discovered that the contractor, (D & H Richmond), had already exposed the top of the tank. Soil from the exposed edges of the tank were sampled and analyzed on-site for entrained "volatile organic compounds" (VOC). The initial readings were: north side, 125 parts per million (ppm); east side, 10 ppm; south side, 15 ppm; west side, 25 ppm.

After the tank was removed ENKON collected samples from the excavation walls and floor and analyzed them on-site for the presence of VOCs. None of these samples contained any entrained VOCs.

Upon completion of the sampling and on-site analysis of the excavation zone soil surfaces, the final soil samples were collected for submittal to Canton Analytical Laboratory.

The analytical results for these samples are summarized in the table below. A copy of the laboratory analytical report is included in Appendix B of this document.

SUMMARY OF THE	T.	RY ANAT.	VSTS OF	THE FI	NAL SOI	L SAMPLE	
SUPPLANT OF THE	TEDOKATO	MI MAN	TOID OI				=
	SS#1 mg/kg (ppm)	SS#2 mg/kg (ppm)	SS#3 mg/kg (ppm)	SS#4 mg/kg (ppm)	SS#5 mg/kg (ppm)	ss#6 mg/kg (ppm)	MDNR   Limit   (ppm)
BTEX							
Benzene Ethylbenzene Toluene	<0.01 <0.01 <0.01	<0.01 <0.01 <0.01	<0.01 <0.01 <0.01	<0.01 <0.01 <0.01	<0.01 <0.01 <0.01	<0.01 <0.01 <0.01 <0.01	0.01 0.01 0.01 0.01
Xylenes	<0.01	<0.01	<0.01	<0.01	<0.01	<b>~0.01</b>	1 0.01
610 POLYNUCLEAR AROMATICS							
Naphthalene	<0.04	<0.04	<0.04	<0.04	<0.04	<0.04	0.04
Acenaphthylene	<0.06	<0.06	<0.06	<0.06	<0.06 <0.04	<0.06 <0.04	0.06
Acenaphthene	<0.04 <0.02	<0.04 <0.02	<0.04 <0.02	<0.04 <0.02	<0.04	<0.04	0.02
Fluorene Phenathrene	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	0.02
Anthracene	<0.02	<0.02	<0.02		<0.02	<0.02	0.02
Fluoranthene	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	0.02
Pyrene	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	0.02
Benzo(a)anthracene	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	0.02
Chrysene	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02 <0.02	0.02
Benzo(b) fluoranthene		<0.02	<0.02	<0.02 <0.02	<0.02 <0.02	<0.02	0.02
Benzo(k)fluoranthene		<0.02 <0.02	<0.02 <0.02	<0.02	<0.02	<0.02	0.02
Benzo(a)pyrene	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	0.02
Dibenzo(a,h)anthrace	<0.02	<0.02	<0.02	<0.02	<0.02	<0.02	0.02
Benzo(ghi)perylene Indeno(1,2,3-cd)pyre		<0.02	<0.02	<0.02	<0.02	<0.02	0.02

```
SS#1 = Excavation zone; north wall composite
SS#2 = Excavation zone; east wall composite
SS#3 = Excavation zone; south wall composite
SS#4 = Excavation zone; west wall composite
SS#5 = Excavation floor; 1,000 gallon heating oil tank; north end
SS#6 = Excavation floor; 1,000 gallon heating oil tank; south end
MDNR = Michigan Department of Natural Resources Type A Criteria Limits
```

PLATE 1

#### CONCLUSION

As shown by the off-site analytical laboratory results, all the exposed soil surfaces of the U.S.T excavation zone at the First Church of Christian Science meet the Michigan Department of Natural Resources Underground Storage Tank Type "A" Closure Criteria.

It is the opinion of ENKON Environmental Services, Inc. that, no residual potential environmental impact to the surrounding soil and groundwater from the removal of the 1,000 gallon heating oil underground storage tank and approximately fifty cubic yards of soil from the First Church of Christian Science facility in Birmingham, Michigan appears evident.

Sincerely, ENKON Environmental Services, Inc.

D. Rex Bleeker

Environmental Engineer

APPENDIX A - - -

MAPS & DRAWINGS

I Site Location

II Soil Sample Locations



ENVIRONMENTAL SERVICES, INC काद कर SITE LOCATION E TANKONES MELBORNE ğ TOSE MITE 8 REFINER HUMPHE Y HIMPHRY FOR CHES BOWNELL SHERING HA BE BEANTLANDS STANLEY BELSHOOTED PERSONELLY PERSONELLY CHAPIN CHAPIN EMMON SOUTH MITH Gor SMITH HIR WOOD MINOR STATE OF THE PROPERTY OF LALER MOAL C But a COME STATES River SPRINGER TOARS LINOA MARGUERITE ELIZABETH MADOLINE MILLSIDE. FRES ADA Besumont S SEASON ! P. ANTATION & HasnBl PRINCE OVER BEECHAVEN DAVED LINE ELM CLHOLEVICO Project: First Church of Christ Science - 191 North Chester



Main Entrance Concrete Sidewalk S#1 \_ \_ S#1 \_ \_ \_ S\$#1 Remote Fill Line (End was capped) Soil Profile 855#4 y" Sod E-Black 1 Sandy Loam SS#2 -- 18" Topsoil 1,000 Gallon Brown Fuel Oil Tank S Light Brown e 55#2 14 ?" Mixed Sand and Gravel ES (Crabapple X Tree ed 55 # 2 Excavation Zone 15' Long by 8' Wide by 6' Deep 3 Lines; 2 Product 1 Vent Paved Alleyway Project: 1st Church of Chris. Sci. Date: 19/18/90 Scale: None

### APPENDIX B - - -

### LABORATORY ANALYTICAL RESULTS

Ι	Definitions	

II EP Toxicity Limits

III TCLP Limits

IV MDNR Petroleum Hydrocarbon Limits

V Published Laboratory Results

### EXPLANATION OF THE SYMBOLS USED =

BTEX = An acronym for benzene, toluene, ethyl benzene, xylenes. EPTOX = Extraction Procedure Toxicity; a 24 hour acidic water extraction procedure followed by analysis of the extract for pH, corrosivity, 10 metals, and 24 organic compounds. = Minimum Detection Level; the lowest analytical quantity MDL which can be detected by the instrument. Varies from instrument to instrument and method to method. of general guidelines are usually provided for reference. mg/kg = milligrams per kilogram (equivalent to ppm). These units are used with solid (dry weight) materials. = milligrams per Liter (equivalent to ppm). mg/L These units are used with liquid materials. = An acronym for polynuclear aromatic hydrocarbons; a class PAH of multi-ring organic molecules (also called PNA). = See PAH PNA = parts per billion; the number of units out of a total of ppb one billion units (units of weight - usually micrograms). = parts per million; the number of units out of a total of ppm one million units (units of weight - usually milligrams). = Total petroleum hydrocarbons; the combined total of all TPH the analyzed petroleum hydrocarbon concentrations. ug/kg = micrograms per kilogram (equivalent to ppb). These units are used with solid (dry weight) materials. = micrograms per Liter (equivalent to ppb). uq/L These units are used with liquid materials.

CORROSIVITY = A material with a pH of 2.0 or less or 12.5 or more. The standard is the ability to corrode bare steel at a rate of 1/4 inch or more per year under specific test conditions. FLASH POINT = The temperature at which a liquid or solid gives off enough vapor to form an ignitable mixture with the air above the material's surface.

IGNITABILITY = The temperature at which the material or it's vapors catches fire in an enclosed place and in the presence of a source of ignition (usually expressed as the Flash Point.)

pH = A measure of the acidity or alkalinity of a material. It is represented by a number which is the logarithm of the reciprocal of the hydrogen ion concentration of a solution.

REACTIVITY = A partial definition is; a cyanide- or sulfide-bearing material which, when exposed to pH conditions between 2.0 and 12.5 emits toxic fumes in dangerous quantities.

l gram = 1,000 milligrams = 1,000,000 micrograms 1 Liter  $(H_20)$  = 1 kilogram = 1,000 grams = 1,000,000 milligrams = 1,000,000,000 micrograms

EP Toxicity Characteristics h	by EPA Method	1310 ———
Analyte	Minimum Detection Limit	Maximum Limit for Nonhazardous
Ignitability, F° EPA Method 1010	Not Applicabl	e > 140 F°
Corrosivity, pH Units EPA M 9040 Reactivity; as Cyanide, EPA 9010 Reactivity; as Sulfide, EPA 9030 Arsenic, EP Tox., EPA Meth. 7060 Barium, EP Tox., EPA Method 7080 Cadmium, EP Tox., EPA Meth. 7130 Chromium, EP Tox., EPA Meth 7190 Copper, EP Tox., EPA Method 7210 Lead, EP Tox., EPA Method 7420 Mercury, EP Tox., EPA Meth. 7470 Selenium, EP Tox., EPA Meth. 7740 Silver, EP Tox., EPA Method 7760 Zinc, EP Tox., EPA Method 7950	1.00 mg/kg 1.00 mg/kg 0.05 mg/kg 0.10 mg/kg 0.01 mg/kg 0.05 mg/kg 0.01 mg/kg 0.01 mg/kg 0.05 mg/kg 0.05 mg/kg 0.01 mg/kg 0.01 mg/kg	5.0 mg/kg 100.0 mg/kg 1.0 mg/kg 5.0 mg/kg 100.0 mg/kg 5.0 mg/kg 0.2 mg/kg 1.0 mg/kg 5.0 mg/kg
Endrin EPA Method 8080 (1,2,3,4,10,10-hexachlroro-1,7-Epoxy-1,4,4a,5,6,7,8,8a octahydro 1,4-endo, endo-5.8-dimethanonaphthalene)	0.006 mg/kg	0.020 mg/kg
Lindane EPA Method 8080 (1,2,3,4,5,6-hexa-chlorocyclo-hexane, gamma isomer)	0.076 mg/kg	0.400 mg/kg
Methoxychlor EPA Method 8080 (1,1,1-trichloro-2,2-bis (p-methoxyphenly)ethane)	0.0001 mg/kg	10.0 mg/kg
Toxaphene EPA Method 8080 $(C_{10}H_{10}Cl_8$ . Technical chlorinated camphene, 67-69 % Cl)	0.001 mg/kg	0.5 mg/kg
2,4,D EPA Method 8150 2,4-D(2,4-Dichlorophenoxyacetic Acid)	0.001 mg/kg	10.0 mg/kg
2,4,5-TP EPA Method 8150 2,4,5 TP Silvex (2,4,5-Trichloro- phenoxyproprionic acid)	0.001 mg/kg	1.0 mg/kg

TCLP Wa	ste Characterization	n —
	Minimum Detection	Maximum Nonhazardous
	Limit in soil (ppm)	
GENERAL CHARACTERISTICS		
Flash Point	Not Applicable	140° F
Corrosivity (pH)	Not Applicable	<2.0 or >12.5
Reactivity as Cyanide	1.0	Level determined
Reactivity as Sulfide	1.0	for each case.
METALS (TCLP Extraction)		
Arsenic (As)	0.05	5.0
Barium (Ba)	0.01	100.0
Cadmium (Cd)	0.01	1.0
Chromium (Cr)	0.05	5.0
Lead (Pb)	0.01	
Mercury (Hg)	0.01	0.2
Selenium (Se)	0.01	1.0
Copper (Cu) [MDNR only	0.01	100.0
Zinc (Zn) [MDNR only	0.01	500.0
VOLATILE ORGANIC COMPOUND	S (Zero Headspace E	0.5
Benzene	0.005 0.005	0.5
Carbon Tetrachloride		100.0
Chlorobenzene	0.005 0.005	6.0
Chloroform	0.005	7.5
1,4-Dichlorobenzene	0.005	0.5
1,2-Dichloroethane	0.005	0.7
1,1-Dichloroethylene	0.050	200.0
Methyl Ethyl Ketone Pyridine	Not Detected	5.0
Tetrachloroethylene	0.005	0.7
Trichloroethylene	0.005	0.5
Vinyl Chloride	0.010	0.2
ACID EXTRACTABLES (TCLP E		
o-Cresol	0.660	200.0
m-Cresol	0.660	200.0
p-Cresol	0.660	200.0
Cresol (total)	0.660	200.0
Pentachlorophenol	0.660	100.0
2,4,5-Trichlorophenol	0.660	400.0
2,4,6-Trichlorophenol	0.660	2.0
BASE NEUTRAL COMPOUNDS (		0 13
Hexachlorobenzene	0.660	0.13 0.5
Hexachloro-1,3-butadie		3.0
Hexachloroethane	0.660	2.0
Nitrobenzene	0.660 0.660	0.13
2,4-Dinitrotoluene		0.13
PESTICIDES (TCLP Extract:	0.006	0.02
Endrin	0.076	0.4
Lindane	0.017	10.0
Methoxychlor Chlordane	0.0017	0.03
Heptachlor	0.0017	0.008
HERBACIDES (TCLP Extract:		3.000
2,4-D	0.001	10.0
2,4-D 2,4,5-TP (Silvex)	0.001	1.0
21110 11 (0111011)		

Michigan DNR Recommended Maximum Concentration Levels -Criteria for Petroleum Hydrocarbons in Soil and Water (All values are expressed in parts per million-ppm)

		Criteria* coundwater		Criteria coundwater
BTEX Benzene Ethylbenzene Toluene Xylenes	0.010 0.010 0.010 0.010	0.001 0.001 0.001 0.001	0.020 0.600 0.800 0.400	0.001 0.030 0.040 0.020
MTBE Methyl(tert)butylether	0.010	0.001	0.400	0.020
Acenaphthene Acenaphthylene* Anthracene Benzo(a)anthracene Benzo(a)pyrene Benzo(b)fluoranthene Benzo(ghi)perylene* Benzo(k)fluoranthene Chrysene Dibenzo(a,h)anthracene Fluoranthene Fluorene Indeno(1,2,3-cd)pyrene Naphthalene Phenathrene* Pyrene	0.020 0.060 0.020 0.020 0.020 0.020 0.020 0.020 0.020 0.020 0.020 0.020 0.020	0.003 0.006 0.003 0.003 <sup>+</sup> 0.003 <sup>+</sup> 0.003 0.003 <sup>+</sup> 0.003 <sup>+</sup> 0.003 0.003 0.003 0.003 0.003	8.000 0.060 40.000 0.100 0.100 0.100 0.100 0.100 6.000 6.000 6.000 0.100 8.000 0.20 4.000	0.400 0.006 2.000 0.003 0.003 0.003 0.003 0.003 0.300 0.300 0.300 0.003 0.400 0.003 0.200

<sup>\*</sup> Values are the method of detection's limit.

† When criteria are below method of detection limits, target remediation levels are method of detection limits.



CHAIN OF CUSTODY RECORD -	
client: First Church of Christian Science	
Location: 191 North Chester Birminhen48009	
Investigator: 1) Rex 13(oeks	

Item #	Date	Time	Grab Comp.	Type of Analysis	Description of Sample
1	10/17		C	Blex/PNA	Dorth Wall Composite
2	10/17	and the second s	C	RIE+/PNA	East World Composet
3	10/17		C	Bre-/PNA	Sauti Wall Composite
4	10/17		C	BREX/PNA	West Wall Congresale
5	10/17		G	BIEX IPNA	Exe Flori N Tank End
6	(0(17		G	BTEX/PNA	Exc Floor S Tank End Washe Sail Composite
7	(0/17		1 c 3	EP-TOX Metale 8 Flush Communicat	1
			(	BIE+, ISCB	
	C. SPECIAL CONTROL OF THE PARTY	No. OpenSellEnder on the	in the weather and the control of th	Control of the Contro	Makes of the Section

Dates	10/18/90	Relinquish 4	Olly Blecker	Recipient	Joseph Bull
			Joseph Pull		000111
Dater	10/12/40	Relinquish	DOSEPH P. SULLIVAN		STANDY MILLER
Dates		Relinquish		Recipient,	
Dater		Relinquish		Recipient	
Dates		Relinquish		_ Recipient	

		<b>V</b> Franklogsfell	ENKON ENVIRONMENT				
SAMPLES RECEIVED	ED 10/18/90	nocconnegate Victor (2000) and All South All South	CAL REPORT#	9935	and visiting and provide constitution of the c	PAGE 1	e en
LAB# 9221405 LAB# 9221406 LAB# 9221407 LAB# 9221408 LAB# 9221409	FIRST CHURCH FIRST CHURCH FIRST CHURCH FIRST CHURCH FIRST CHURCH	OF CHRIS	STIAN SCIENCE NORTH STIAN SCIENCE EAST V STIAN SCIENCE SOUTH STIAN SCIENCE WEST V STIAN SCIENCE EXC. F	H WALL COMPOSITE WALL COMPOSITE WALL COMPOSITE FLOOR N. TANK E			
LAB#	H H H H H U H H H H H H H H	======================================	5 9221406 mg/kg	9221407 mg/kg	9221408 mg/kg	9221409 mg/kg	9221410 mg/kg
BETX		انية الأمادالمعاصر الآ تاقي يتدأنا الإنتاء			er manemakung dipi dimikung kengkang berang dipi men		
Benzene		< 0.010	< 0.010	< 0.010	0.010	< 0.010	< 0.010
Ethylbenzene	₹.	< 0.010	< 0.010 -	< 0.010	0.010	< 0.010	< 0.010
Toluene		< 0.010	< 0.010	< 0.010	0.010	< 0.010	< 0.010
Xylenes		< 0.010	< 0.010	< 0.010	< 0.010	< 0.010 ×	< 0.010
610 POLYNUCLEAR	AROMATICS	ostonomienie za piecznej	i				
Naphthalene		^ O. O.	< 0.04	<.0.04	0.04		
Acenaphthylene		^ O. O.	< 0.06	< 0.06	^ O. O.		
Acenaphthene		^ O. O.	< 0.04	< 0.04	^ O. O4	< 0.04	
Fluorene		^ • • • •	< 0.02	< 0.02	0.02	< 0.02	^ O. O2
Phenanthrene		, 0 0	< 0.02	< 0.02	0.02	< 0.02	< 0.02
Anthracene			< 0.02	< 0.02	0.02	< 0.02	
Fluoranthene		^ o.	< 0.02	< 0.02	0.02	< 0.02	< 0.02
		ma de					•

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Benzó(ghi)perylene (0.02 <0.02 <0.02 <0.02 <0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02 <	0.01	^ ^ ^ ^ ^ ^	ENKON ENVIRONMENTAL SERVICES  CAL REPORT# 9935  PAGE 2
< 0.02 < 0.02 < 0.02 < 0.02 < 0.02 < 0.02			No.

CAL REPORT#	ENKON ENVIRONMENTAL
9935 3866	SERVICES

PAGE 3

LAB# 9221411 FIRST CHURCH OF CHRISTIAN SCIENCE WASTE SOIL COMPOSITE

SAMPLES RECEIVED 10/18/90

### ####### TARUT COORCO OT		
LAB#	9221411	
WASTE CHARACTERIZATION, DNR2		,
Ignitibility, Deg. F	> 200*N	
Corrosivity, pH Units	<b>т</b>	
REACTIVITY		
As Cyanide, mg/kg	< 0.05	
as Sulfide, mg/kg	^ O.U	
Arsenic, EP Tox., mg/l	< 0.43	
Barium, EP Tox., mg/l	0,12	
Cadmium, EP Tox., mg/l	0.02	
Chromium, Tot., EP Tox, mg/l	< 0.02	
Copper, EP Tox., mg/l	< 0.02	
Lead, EP Tox., mg/l	< 0.09	•
Mercury, EP Tox., mg/1-	< 0.003	
Selenium, EP Tox., mg/l	< 0.020	
Silver, EP Tox., mg/l	< 0.03	
Zinc, EP Tox., mg/l	1.6	

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"YES/NO, CAPACITY TO SUSTAIN BURNING AFTER BEING FLAMED.

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	SAMPLES RECEIVED 10/18/90	ENKON ENVIRONMENTAL SERVICES CAL REPORT# 9935	
(ene (ene (ene (ene (ene (ene (ene (ene	LAB# UNITS	9221411 mg/kg	
Rene (lene (lene (lo16 (lo22) (lo232 (lo242 (lo254 (lo254 (lo254 (lo256) (lo260 (lo260) (lo260	BETX		
Denzene	Benzene		
Renes S BY AROCHLOR 1016 11232 11242 11248 11254 11260 11262 Total	Ethylbenzene	CUI .	
S BY AROCHLOR  1016  1221  1232  1242  1254  1260  Total	Toluene	0.087	
S BY AROCHLOR  1016  1221  1232  1242  1248  1254  1260  7otal	Xylenes	NJ CO	
1016 1221 1232 1242 1248 1260 1260	ΥĦ		
1232 1232 1242 1248 1254 1260 1260	PCB-1016		
1232 1242 1248 1254 1260 1262	1221		,
1242 1248 1254 1260	PCB-1232		
1248 1254 1260 1262	PCB-1242		
1254 1260 1262 Total	1		
1260 1262 Total	PCB-1254		
1262   Total	PCB-1260		
Total	PCB-1262		

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\*Higher level of detection due to matrix interference.

#### APPENDIX C - - -

### EQUIPMENT DESCRIPTIONS

- I Organic Vapor Analyzer Instrument Description
- II Procedure for Testing Soil for the Presence of Organic Vapors

### ORGANIC VAPOR ANALYZER INSTRUMENT DESCRIPTION =

The Foxboro Instruments "Century" Model 128 ORGANIC VAPOR ANALYZER is a sensitive instrument designed to measure trace quantities of organic materials in air. It is essentially a flame laboratory utilized in detector such as chromatographs and has similar analytical capacities. The flame ionization detector is an almost universal detector for organic compounds with the sensitivity to measure in the parts per million range (V/V) in the presence of such interfering gases such as atmospheric moisture, nitrogen dioxides, carbon monoxide, and carbon dioxide.

In general, the hydrogen flame ionization detector is more sensitive for hydrocarbons than any other class of organic compounds. The response of the detector varies from compound to compound, but gives repeatable results with all types of hydrocarbons; i.e., saturated hydrocarbons (alkanes), unsaturated hydrocarbons, (alkenes and alkynes) and aromatic hydrocarbons.

The instrument consists of a portable, self contained eight inch by twelve inch by sixteen inch case containing the electronics, the sampling air pump, valves, plumbing, hydrogen gas storage cylinder, and flame oxidation chamber. The case has a hand held probe attached to it by an eighteen inch long cable. The hand held probe contains both the sample up-take tube and the analog concentration display meter.

Volatile organic carbon vapors in air are detected when the hand held probe draws them into the instrument using a stream of air. The sampled air is passed through a chamber containing a hydrogen flame. Any combustible organic carbon vapors present in the air stream are burned by the hydrogen flame. The combustion products of most carbon containing vapors (carbon dioxide, carbon monoxide and the FREON family of gases excluded) produce charged ions. The instrument is configured to collect these charged products on a special collector plate located in the combustion chamber. The accumulation of the charged particles on this plate increases the amount of electric current passing through the plate charging circuit, creating an electrical signal which is then

converted to a meter reading for display on the instrument's dial meter.

The electronics are configured to ensure that there is a direct correlation between the amount of collected ions and the displayed concentration values. This allows the operator to calibrate the meter to provide specific concentration readings for a particular gas. Most of the time methane gas in air  $(CH_4)$  is used to perform the calibration. Although other gases can be used.

Prior to operation, the instrument is calibrated as follows. First the indicating dial meter is "zeroed" out by drawing clean air (air passed through an activated charcoal cartridge) through the probe and adjusting the "zero" control. Next a commercially prepared gas mixture (usually 100 ppm methane [CH4] in air) is introduced into the instrument and the "gain" control adjusted reading on the dial meter corresponds to until the concentration of the gas mixture. Next the linearity is set by switching to the next higher "readout-scale" setting and adjusting the set screw located in the face of the analog display to This allows the detector to correspond to the correct reading. accurately respond to the concentration of volatile organic carbon vapors across three magnitudes of concentration; 1 to 10 ppm, 10 to 100 ppm, and 100 to 1000 ppm.

# PROCEDURE FOR TESTING SOIL FOR THE PRESENCE OF ORGANIC VAPORS

The analysis for the presence of organic vapors entrained in a soil or water sample is accomplished by filling a clean pint jar about three quarters full with the material in question. The jar opening is covered with a layer of aluminum foil and the lid loosely replaced on the jar. The sample is then allowed to warm-up for a short period of time (usually a couple of minutes) to allow the material to outgas any entrained vapors. The operator then removes the lid and inserts the tip of the hand held probe through the layer of aluminum foil into the upper portion of the jar and obtains a reading. This process is usually referred to as "Head Space Analysis".

ARORS A HET

D & H RICHMAN, INC.

1095 Union Lake Road -- Union Lake, MI 48085

Taliaphone #(313)363-3110

Fax No. #(313)363-2308

Fax Transmission

	To: Oladipo Cyinsan - Detroit District Supv. for DNR
	DATE: October 19, 1990
	FAX NO.: 313/953-0243
	FROM: Karen Provenzano
	SUBJECT: Notice for removal of contaminated soils
	REPLY REQUESTED: ( ) YES ( X ) NO
	COMMENTS:
	PLEASE ACCEPT THIS AS OUR 48 HOUR NOTICE THAT REMOVAL OF
	CONTAMINATED SOILS WILL OCCUR ON OR AFTER TUESDAY, OCTOBER 23, 1990
	ATTHE FOLLOWING JOBSITES:
	MILLER IPMENT - AT 32910 PLYMOUTH ROAD IN LIVONIA
l	JEANS H. WARF - AT 29950 TWELVE MILE IN FARMINGTON HILLS
	METRO HEON PT 23544 HOOVER ROAD IN WARREN
~ {}	FIRST CHURCH OF CHRIST - AT 191 N. CHESTER IN BIRMINGHAM
anti otte	ST. COUNTY (CAPEC) - AT 21 AIRPORT DRIVE IN PORT HO. A

NOTE: If any part of this transmission was missing or unreadable please note it on your copy of this cover sheet and fax it back to us for retransmission.

# Appendix 6 Aerial Photographs

191 N. Chester 191 N. Chester Birmingham, MI 48009

Inquiry Number: 4225651.9

March 05, 2015

# The EDR Aerial Photo Decade Package



### **EDR Aerial Photo Decade Package**

Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

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### **Date EDR Searched Historical Sources:**

Aerial Photography March 05, 2015

# **Target Property:**

191 N. Chester

Birmingham, MI 48009

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
1937	Aerial Photograph. Scale: 1"=500'	Flight Year: 1937	EDR
1949	Aerial Photograph. Scale: 1"=500'	Flight Year: 1949	USGS
1952	Aerial Photograph. Scale: 1"=500'	Flight Year: 1952	USGS
1956	Aerial Photograph. Scale: 1"=500'	Flight Year: 1956	USGS
1967	Aerial Photograph. Scale: 1"=500'	Flight Year: 1967	USGS
1972	Aerial Photograph. Scale: 1"=500'	Flight Year: 1972	USGS
1976	Aerial Photograph. Scale: 1"=500'	Flight Year: 1976	USGS
1983	Aerial Photograph. Scale: 1"=500'	Flight Year: 1983	USGS
1987	Aerial Photograph. Scale: 1"=500'	Flight Year: 1987	USGS
1997	Aerial Photograph. Scale: 1"=500'	Flight Year: 1997	USGS
1999	Aerial Photograph. Scale: 1"=500'	/DOQQ - acquisition dates: 1999	USGS/DOQQ
2005	Aerial Photograph. Scale: 1"=500'	Flight Year: 2005	USDA/NAIP
2009	Aerial Photograph. Scale: 1"=500'	Flight Year: 2009	USDA/NAIP
2010	Aerial Photograph. Scale: 1"=500'	Flight Year: 2010	USDA/NAIP
2012	Aerial Photograph. Scale: 1"=500'	Flight Year: 2012	USDA/NAIP

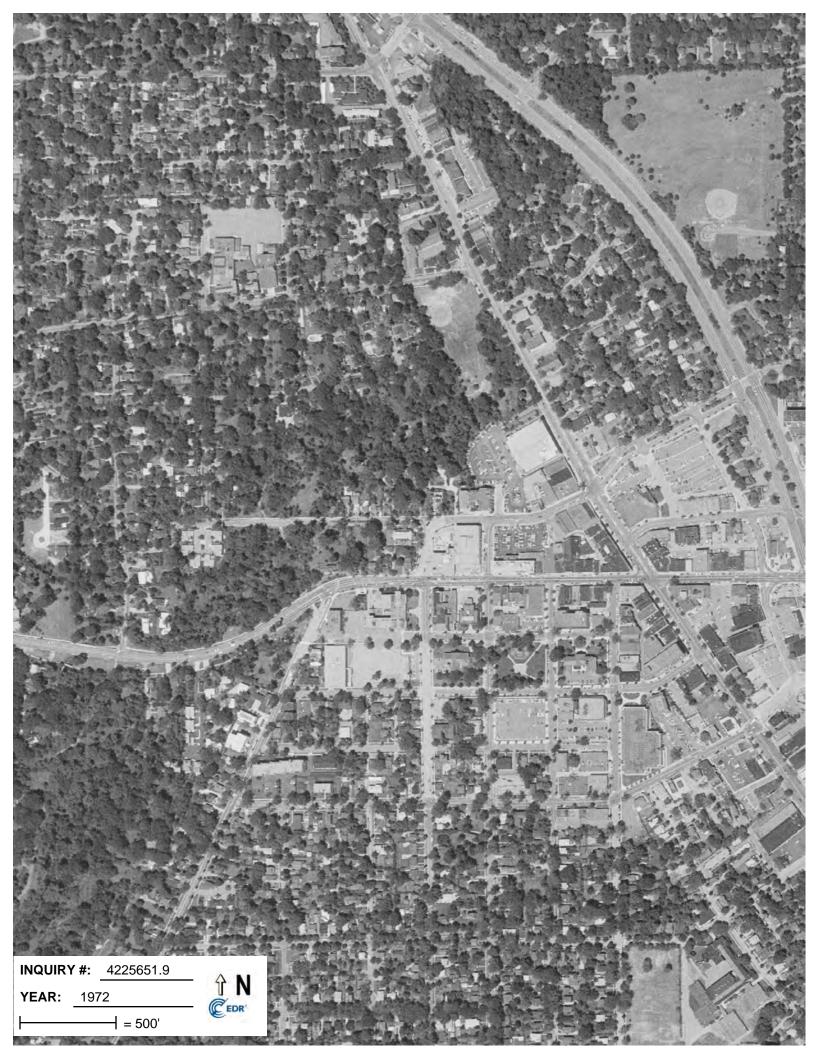


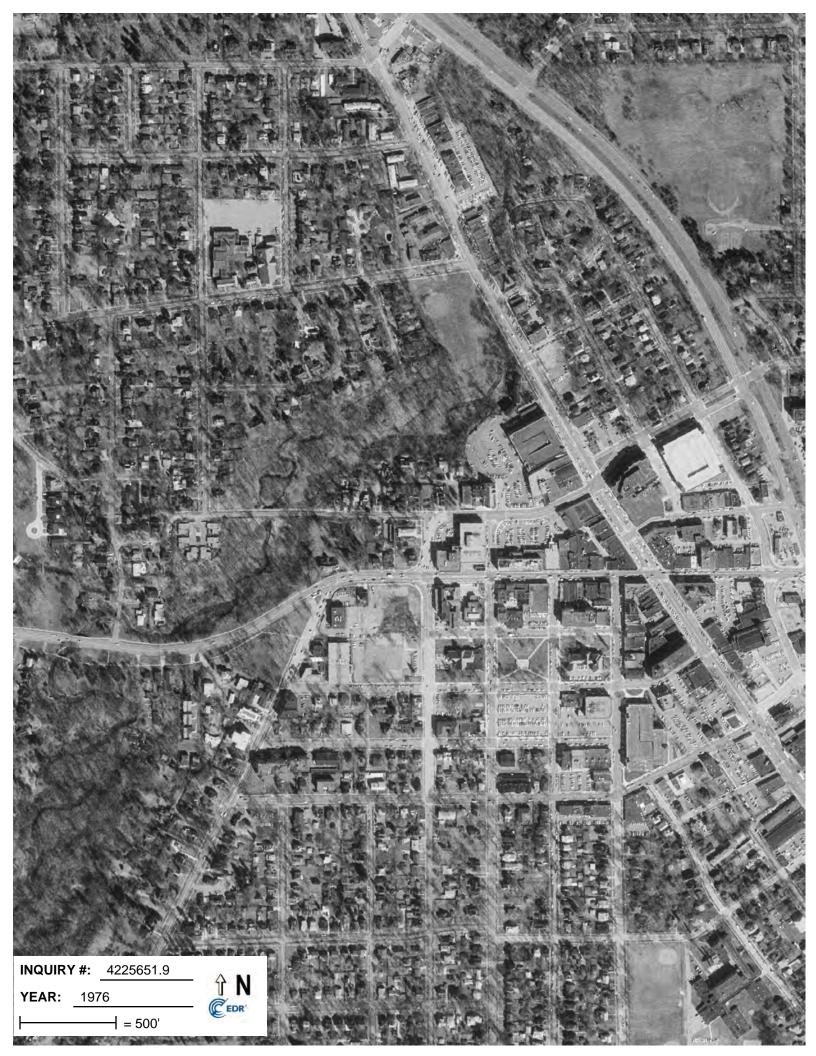














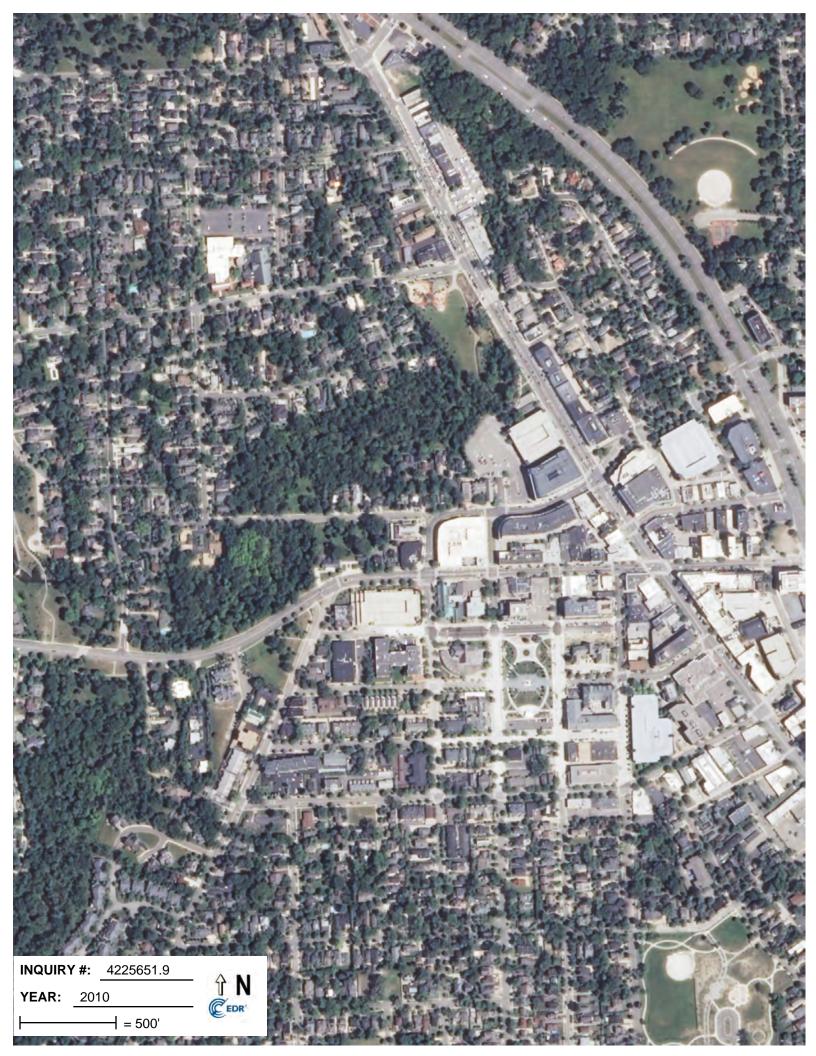


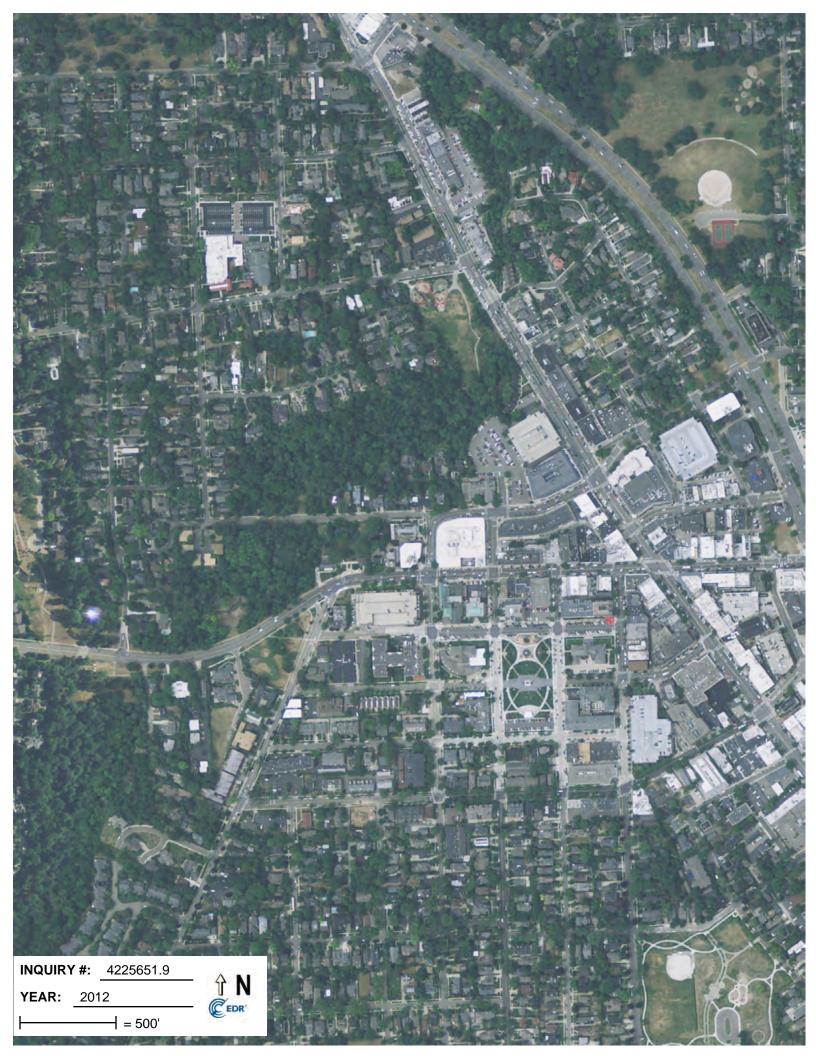












# Appendix 7 Topographic Maps

191 N. Chester 191 N. Chester Birmingham, MI 48009

Inquiry Number: 4225651.4

March 05, 2015

## **EDR** Historical Topographic Map Report



## **EDR Historical Topographic Map Report**

Environmental Data Resources, Inc.s (EDR) Historical Topographic Map Report is designed to assist professionals in evaluating potential liability on a target property resulting from past activities. EDRs Historical Topographic Map Report includes a search of a collection of public and private color historical topographic maps, dating back to the early 1900s.

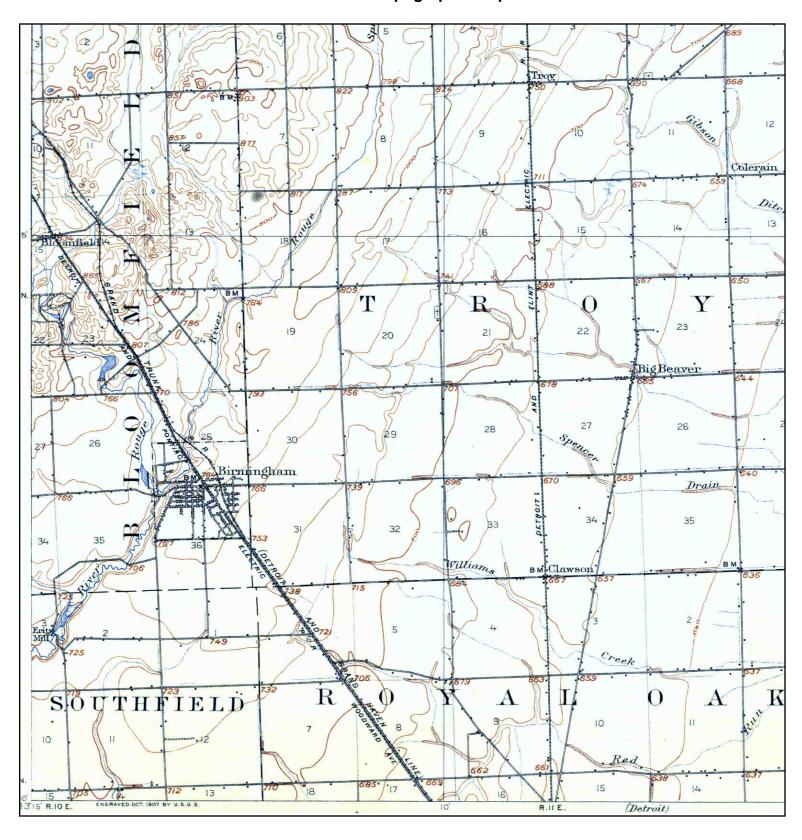
Thank you for your business.
Please contact EDR at 1-800-352-0050 with any questions or comments.

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TARGET QUAD

NAME: ROCHESTER

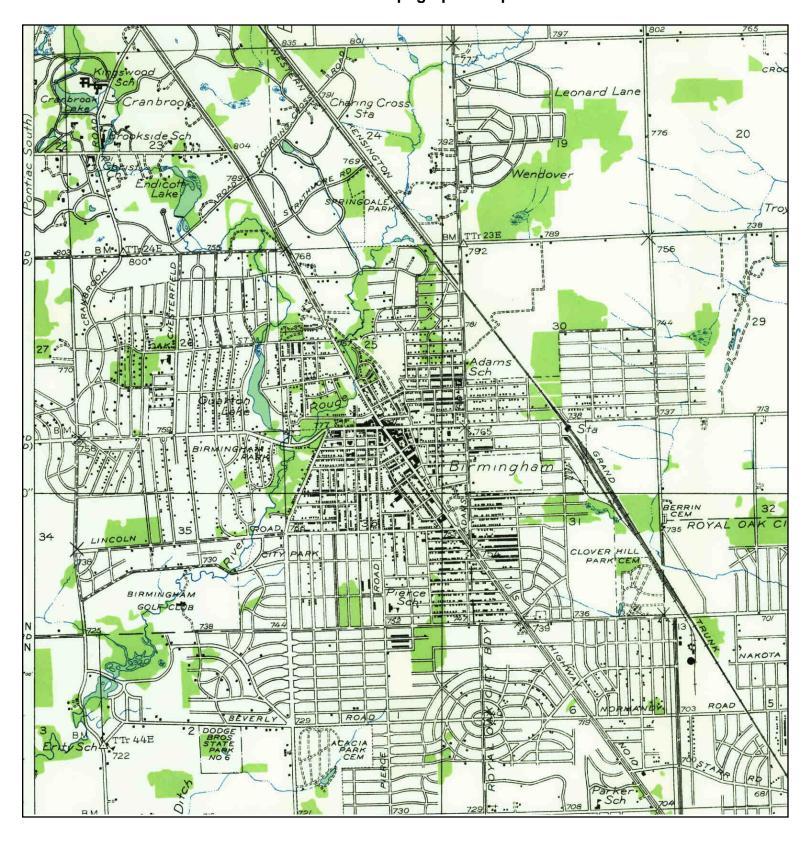
MAP YEAR: 1908

SERIES: 15 SCALE: 1:62500 SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

Birmingham, MI 48009

LAT/LONG: 42.5472 / -83.2187

CLIENT: Performance Environmental





TARGET QUAD

NAME: BIRMINGHAM

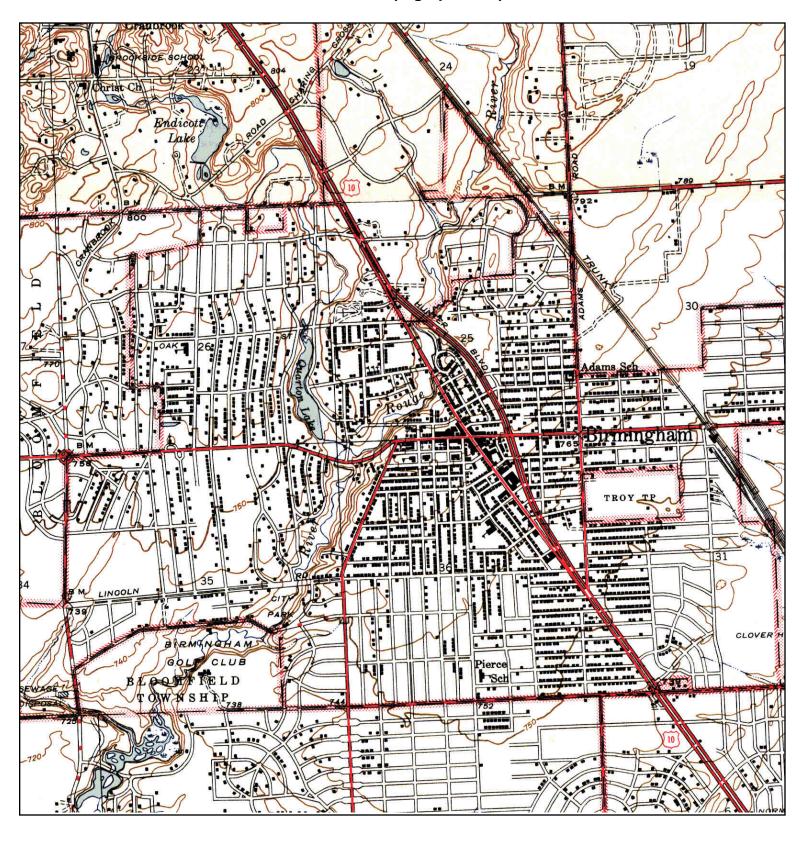
MAP YEAR: 1936

SERIES: 7.5 SCALE: 1:31680 SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

DRESS: 191 N. Chester
Birmingham, MI 48009

LAT/LONG: 42.5472 / -83.2187

CLIENT: Performance Environmental





**TARGET QUAD** 

NAME: BIRMINGHAM

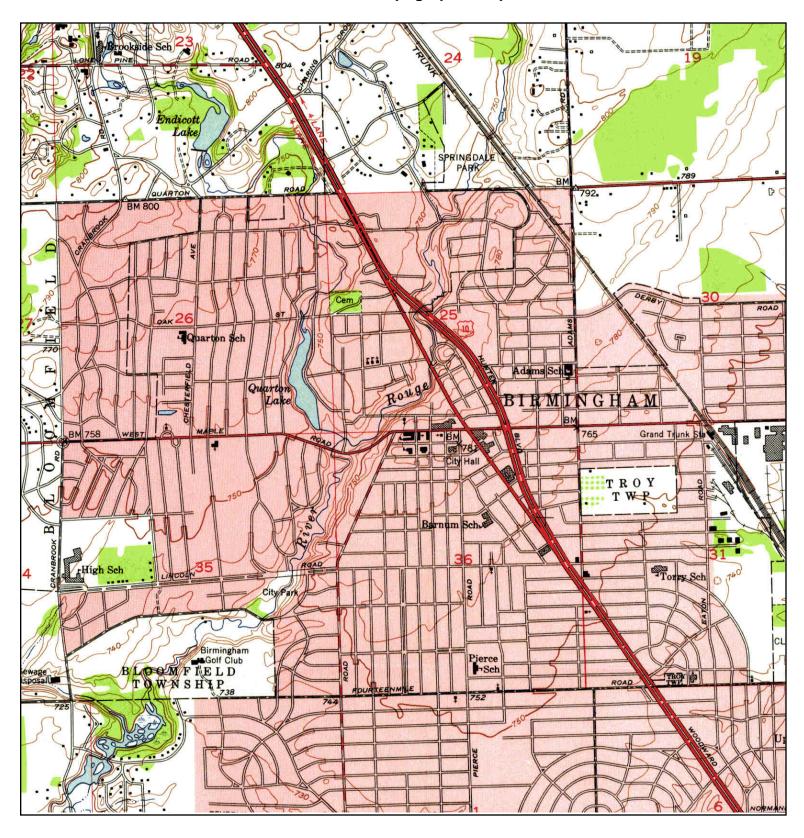
MAP YEAR: 1945

SERIES: 7.5 SCALE: 1:24000 SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

Birmingham, MI 48009

LAT/LONG: 42.5472 / -83.2187

CLIENT: Performance Environmental





TARGET QUAD

NAME: BIRMINGHAM

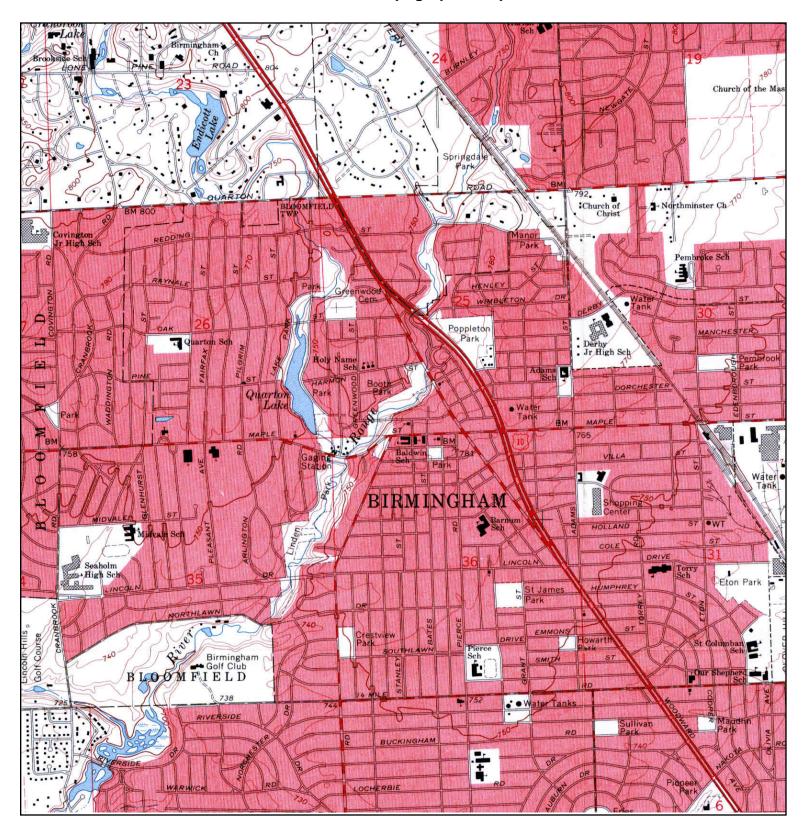
MAP YEAR: 1952

SERIES: 7.5 SCALE: 1:24000 SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

Birmingham, MI 48009

LAT/LONG: 42.5472 / -83.2187

CLIENT: Performance Environmental





TARGET QUAD

NAME: BIRMINGHAM

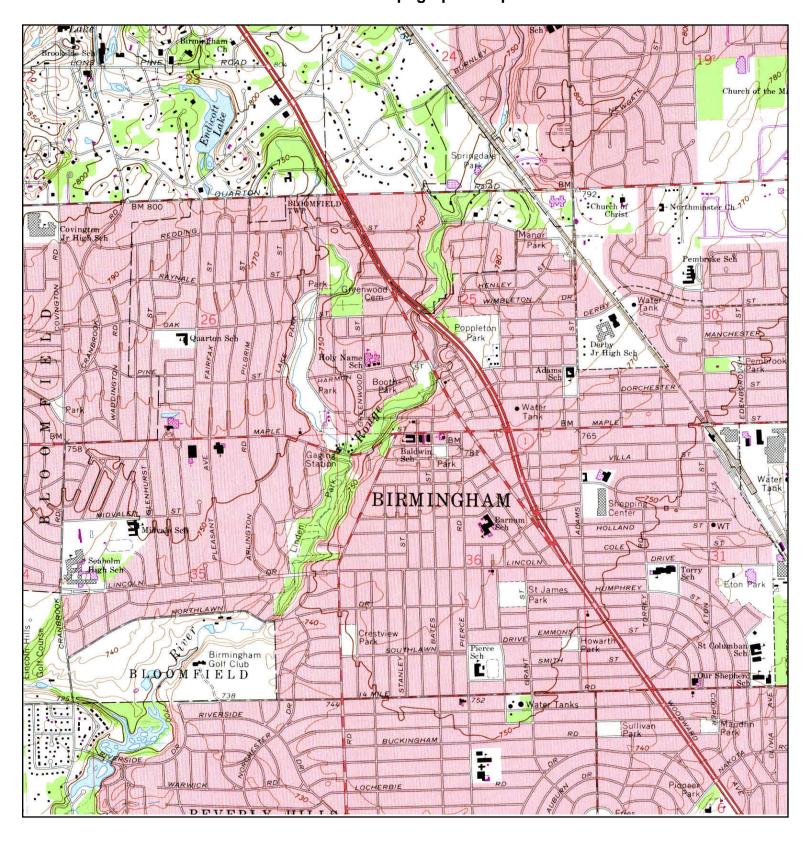
MAP YEAR: 1968

SERIES: 7.5 SCALE: 1:24000 SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

Birmingham, MI 48009

LAT/LONG: 42.5472 / -83.2187

CLIENT: Performance Environmental





TARGET QUAD

NAME: BIRMINGHAM

MAP YEAR: 1973

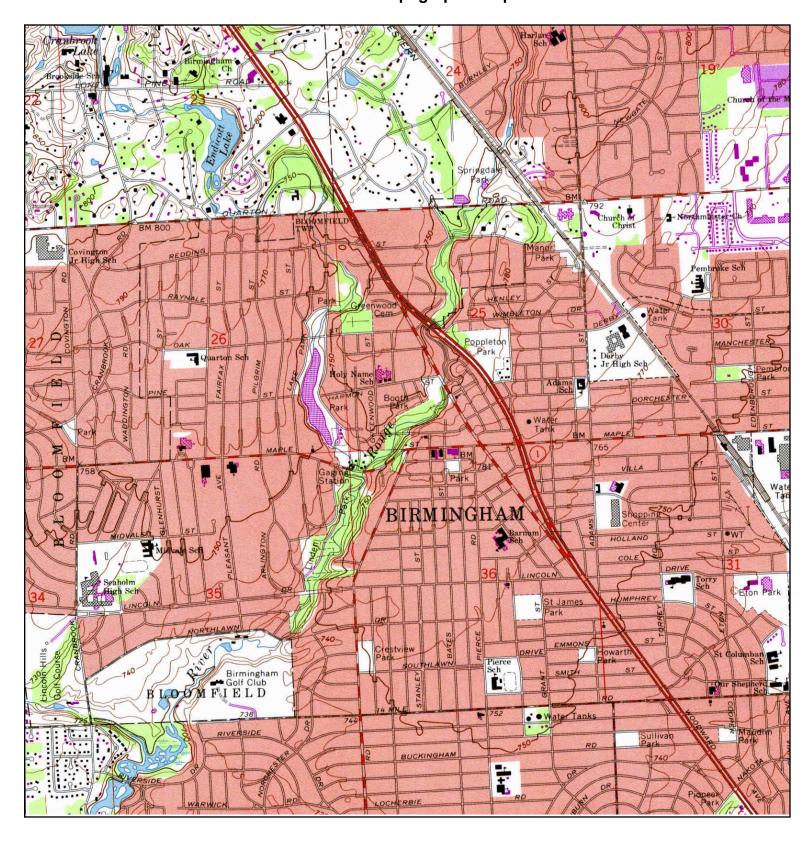
PHOTOREVISED FROM: 1968

SERIES: 7.5 SCALE: 1:24000 SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

Birmingham, MI 48009

LAT/LONG: 42.5472 / -83.2187

CLIENT: Performance Environmental





TARGET QUAD

NAME: BIRMINGHAM

MAP YEAR: 1981

PHOTOREVISED FROM: 1968

SERIES: 7.5 SCALE: 1:24000 SITE NAME: 191 N. Chester ADDRESS: 191 N. Chester

Birmingham, MI 48009

LAT/LONG: 42.5472 / -83.2187

CLIENT: Performance Environmental

# Appendix 8 Sanborn Maps

191 N. Chester 191 N. Chester Birmingham, MI 48009

Inquiry Number: 4225651.3

March 05, 2015

## **Certified Sanborn® Map Report**



## Certified Sanborn® Map Report

3/05/15

Site Name: Client Name:

191 N. Chester Performance Environmental191 N. Chester 30553 Wixom Road

Birmingham, MI 48009 Wixom, MI 48393

EDR Inquiry # 4225651.3 Contact: Julie Pratt



The Sanborn Library has been searched by EDR and maps covering the target property location as provided by Performance Environmental were identified for the years listed below. The Sanborn Library is the largest, most complete collection of fire insurance maps. The collection includes maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow, and others. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by the Sanborn Library LLC, the copyright holder for the collection. Results can be authenticated by visiting www.edrnet.com/sanborn.

The Sanborn Library is continually enhanced with newly identified map archives. This report accesses all maps in the collection as of the day this report was generated.

#### Certified Sanborn Results:

Site Name: 191 N. Chester Address: 191 N. Chester

City, State, Zip: Birmingham, MI 48009

**Cross Street:** 

**P.O.** # NA **Project**: 151226

Certification # 9057-411B-BC55

#### Maps Provided:

1960 1910

1949

1931

1926

1921 1915



Sanborn® Library search results Certification # 9057-411B-BC55

The Sanborn Library includes more than 1.2 million fire insurance maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow and others which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

Library of Congress

University Publications of America

✓ EDR Private Collection

The Sanborn Library LLC Since 1866™

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## Sanborn Sheet Thumbnails

This Certified Sanborn Map Report is based upon the following Sanborn Fire Insurance map sheets.



#### 1960 Source Sheets





Volume 1, Sheet 2

Volume 1, Sheet 9

#### 1949 Source Sheets





Volume 1, Sheet 2

Volume 1, Sheet 9

#### 1931 Source Sheets





Volume 1, Sheet 2

Volume 1, Sheet 9

### 1926 Source Sheets







Volume 1, Sheet 2

Volume 1, Sheet 4

Volume 1, Sheet 6

### 1921 Source Sheets





Volume 1, Sheet 2

Volume 1, Sheet 3

## 1915 Source Sheets

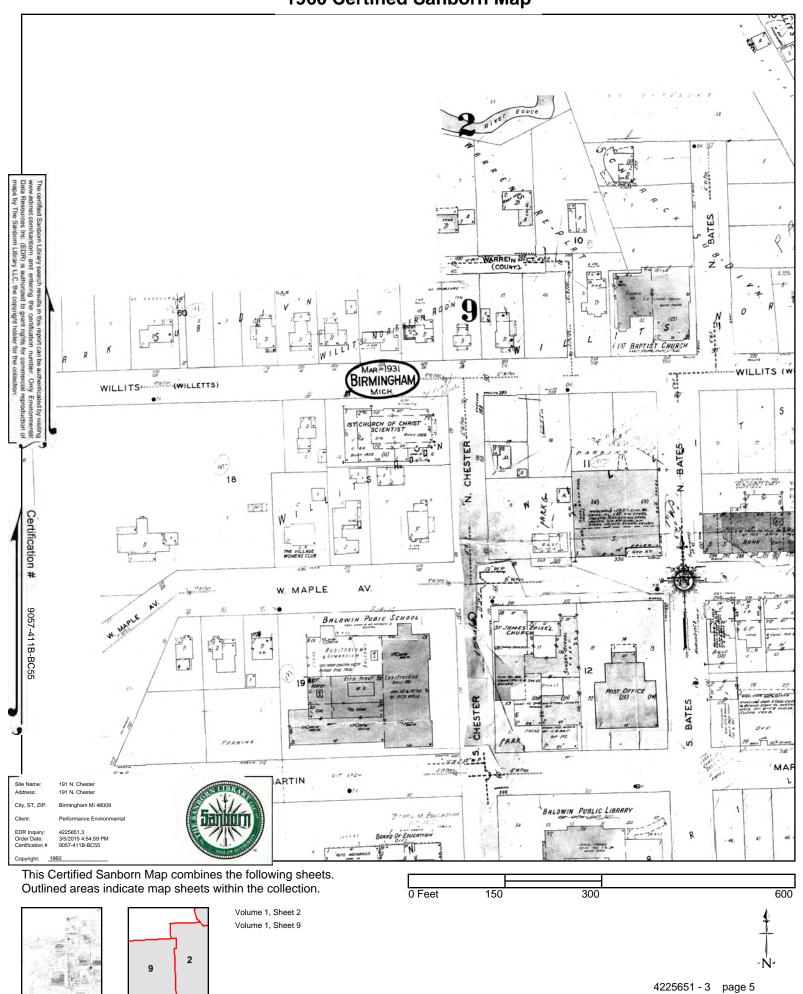


Volume 1, Sheet 2

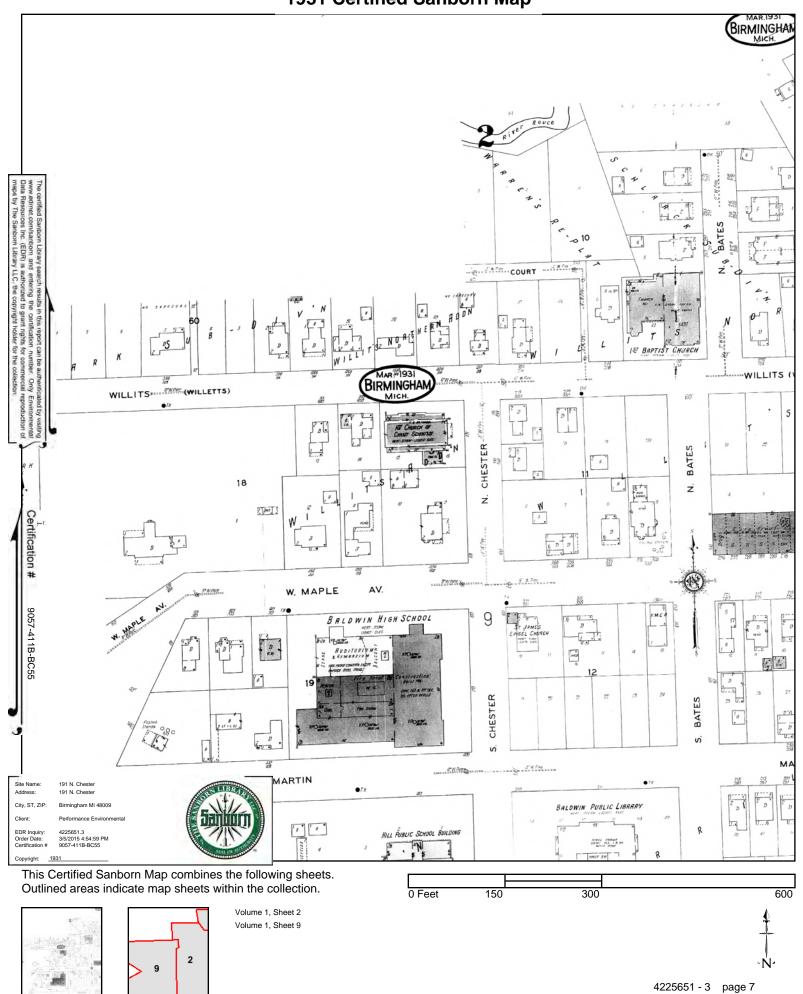
### 1910 Source Sheets

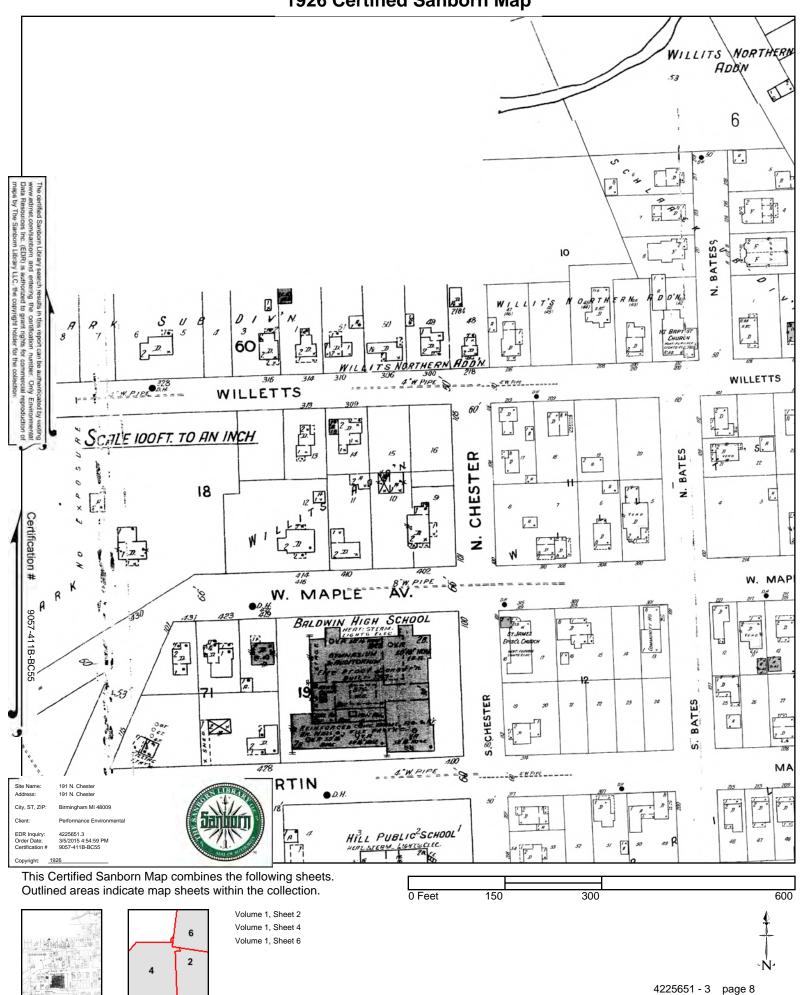


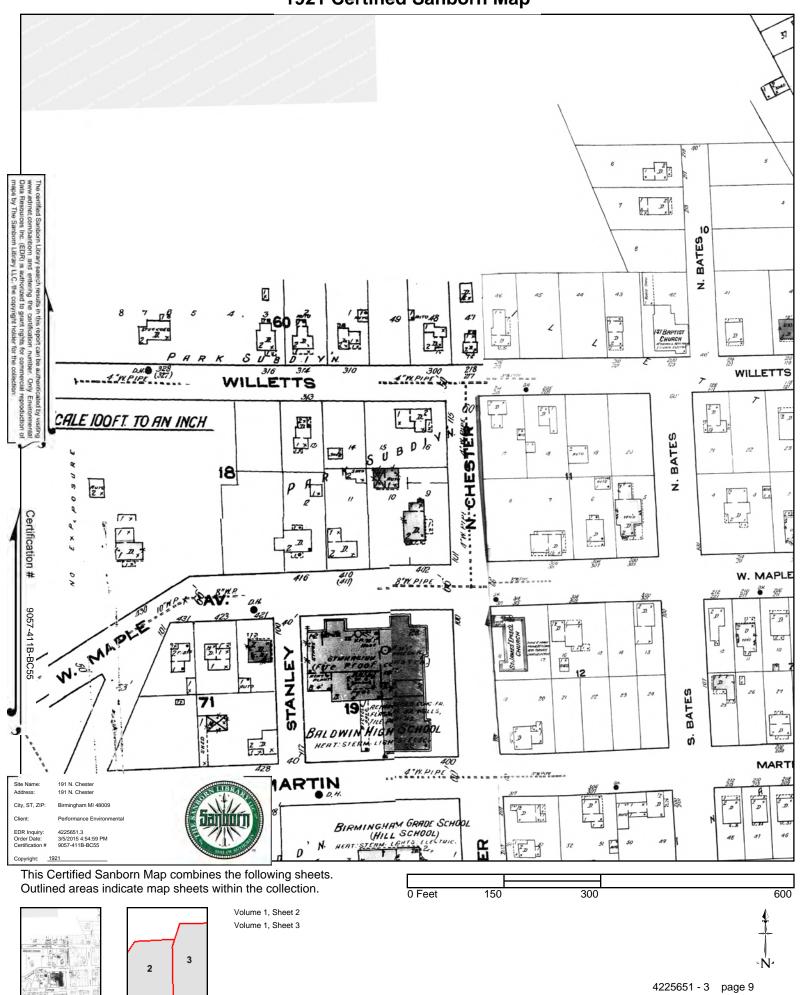
Volume 1, Sheet 1

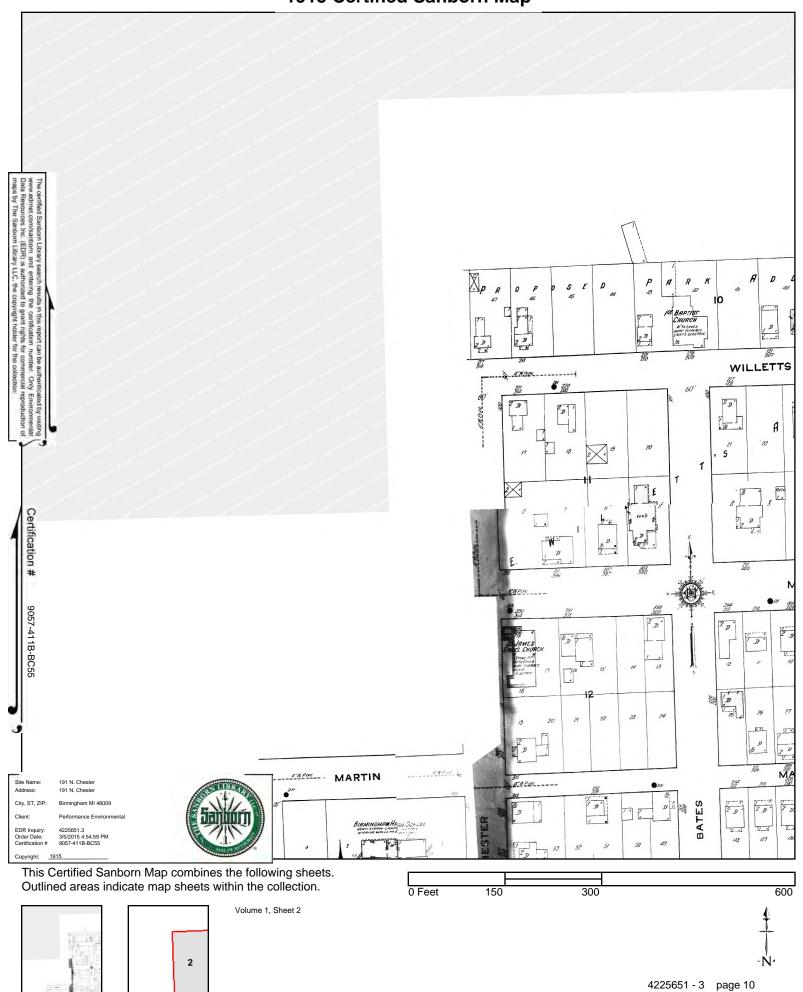


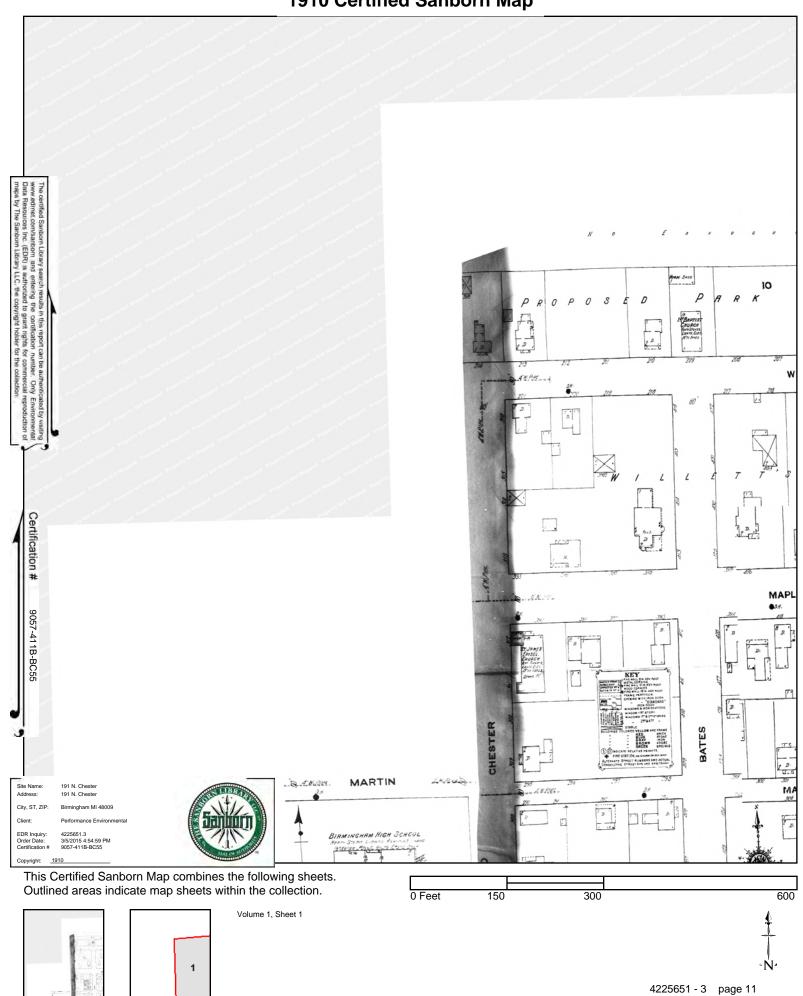












# Appendix 9 City Directory Abstract

**191 N. Chester** 191 N. Chester Birmingham, MI 48009

Inquiry Number: 4225651.5

March 13, 2015

## The EDR-City Directory Image Report



## **TABLE OF CONTENTS**

#### **SECTION**

**Executive Summary** 

**Findings** 

**City Directory Images** 

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## **EXECUTIVE SUMMARY**

### **DESCRIPTION**

Environmental Data Resources, Inc.'s (EDR) City Directory Report is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's City Directory Report includes a search of available city directory data at 5 year intervals.

#### **RESEARCH SUMMARY**

The following research sources were consulted in the preparation of this report. A check mark indicates where information was identified in the source and provided in this report.

<u>Year</u>	Target Street	Cross Street	<u>Source</u>
2013	$\overline{\checkmark}$		Cole Information Services
2008	$\overline{\checkmark}$		Cole Information Services
2003	$\overline{\checkmark}$		Cole Information Services
1999	$\overline{\checkmark}$		Cole Information Services
1995	$\overline{\checkmark}$		Cole Information Services
1992	$\overline{\checkmark}$		Cole Information Services
1987	$\overline{\checkmark}$		Bresser's Cross-Index Directory Company
1982	$\overline{\checkmark}$		Bresser's Cross-Index Directory Company
1977	$\overline{\checkmark}$	$\square$	Bresser's Cross-Index Directory Company
1973	$\overline{\checkmark}$	$\square$	Bresser's Cross-Index Directory Company

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## **FINDINGS**

## TARGET PROPERTY STREET

191 N. Chester Birmingham, MI 48009

<u>Year</u>	<u>CD Image</u>	<u>Source</u>
N CHESTE	ER ST	
2013	pg A1	Cole Information Services
2008	pg A3	Cole Information Services
2003	pg A5	Cole Information Services
1999	pg A8	Cole Information Services
1995	pg A12	Cole Information Services
1992	pg A16	Cole Information Services
1987	pg A20	Bresser's Cross-Index Directory Company
1982	pg A22	Bresser's Cross-Index Directory Company
1977	pg A24	Bresser's Cross-Index Directory Company
1973	pg A26	Bresser's Cross-Index Directory Company

4225651-5 Page 2

## **FINDINGS**

## **CROSS STREETS**

<u>Year</u>	CD Image	<u>Source</u>
<u>W MAPLE</u>	<u>RD</u>	
2013	pg. A2	Cole Information Services
2008	pg. A4	Cole Information Services
2003	pg. A6	Cole Information Services
1999	pg. A10	Cole Information Services
1995	pg. A13	Cole Information Services
1992	pg. A17	Cole Information Services
1987	pg. A21	Bresser's Cross-Index Directory Company
1982	pg. A23	Bresser's Cross-Index Directory Company
1977	pg. A25	Bresser's Cross-Index Directory Company
1973	pg. A27	Bresser's Cross-Index Directory Company

4225651-5 Page 3



Target Street	Cross Street	<u>Source</u>
✓	-	Cole Information Service

## N CHESTER ST 2013

191	FIRST CHURCH OF CHRIST SCIENTIST BIR

Cole Information Services

## W MAPLE RD 2013

245 250 254 268 270 271 280	OPTIK BIRMINGHAM ADVENTURES IN TOYS QUATRINE MI J MCLAUGHLIN BIRMINGHAM BEYOND JUICE BIRMINGHAM TENDER INC D DEVELOPMENT CORPORATION ESSHAKI ENTERPRISES MCDONNELL CONLEY MCKELVIE DELUCA PC MORRIS STEVEN M MD SCHIFF BARBARA A STREET
282	WORLDWIDE MERCHANT SERVICES GNC
284	OLD WORLD OLIVE PRESS BACKCOUNTRY NORTH
20.	SMITH & HAWKEN STORE 835
286	BEAUTY BY RX
299	ELM DESIGN USA LLC
	LINDA DRESSNER NEWYORK
355	ST JAMES EPISCOPAL CHURCH
360	MCCANN ERICKSON
400	400 WEST MAPLE LIMITED
	BERLIN FAMILY LAW GROUP
	BRISTOL CAPITAL GROUP
	CAIN DAVID G
	CARLSON GASKEY & OLDS PC
	COMMUNICATIONS D I A
	HUNTER HOUSE MUSEUM
	INTEGRA REALTY RES
	JAMAL HAMOOD & ASSOCIATES PC
	KNIGHT FIRTH & EDWARDS
	MEDASSIST
	PATRICK PARTNERS LLC REISMAN CHARLES P
	RUNCO WILLIAM ATTORNEY
	SPERRY VAN NESS
460	ERIC JIRGENS
484	LINDA BLOCH
556	CITY OF BIRMINGHAM
745	MICHAEL LEWISTON
763	DALE ROBERTS
775	ELLIOTT RUBY
-	

Target Street Cross Street Source

✓ - Cole Information Services

## N CHESTER ST 2008

191 THI	E FIRST CHURCH OF CHRIST SCIENTIST

## W MAPLE RD 2008

245	OPTIK BIRMINGHAM
254	QUATRINE FURNITURE INC
268	NICOLE MILLER INC
270	BEYOND JUICE BIRMINGHAM
271	TENDER INC
280	BARBARA A SCHIFF PHD
	BERLONI AMERICA CHICAGO LLC
	EHRLICH FOLEY & SERWER PC INC
	EPSTEIN STONEMAN & SCHMIER METROWEST
	MCKELVIE DELUCA PC
	STONEMAN & SCHMIER INVESTMENTS PLYMO
	WIRELESS OHIO
299	LINDA DRESNER
330	MEYERS STEIN
	WHIMSICAL OCCASIONS
355	SAINT JAMES EPISCOPAL CHURCH
	TEAM
360	FARMER JACK
	MC CANN ERICKSON DETROIT
400	400 WEST MAPLE LIMITED
	BATOR & BERLIN PC
	BRISTOL CAPITAL GROUP
	CARLSON GASKEY & OLDS PC
	CONCEPT WATERHOUSE LLC
	EL CAMINO RESOURCES LTD
	INTEGRATE DEAN APPRAISAL
	JAMAL HAMMOD & ASSOCIATES PC
	PAUL TISDALE
	REISMAN CHARLES P
	SHANNON DEVELOPMENT LLC
	SPERRY VANNESS PROPERTY INVEST
	UPTOWN MORTGAGE INC
460	OCCUPANT UNKNOWN
484	LINDA BLOCH
556	BIRMINGHAM HISTORICAL MUSEUM & PARK
7.45	CITY OF BIRMINGHAM
745	MICHAEL LEWISTON
763	DALE ROBERTS
775	ELLIOTT RUBY
	FRANK STANCZAK

Target Street	Cross Street	<u>Source</u>
✓	-	Cole Information Service

# N CHESTER ST 2003

191	FIRST CHURCH OF CHRIST SCNTST

245	BLOOMFIELD OPTICAL
240	OCCUPANT UNKNOWN
	RAVEN OPTICS INC
247	S & S SHOE CORP
	SELL TOM
254	MERCHANT OF VINO CELLAR CLCTN
	OCCUPANT UNKNOWN
	QUATRINE WASHABLE FURNITURE
270	FIBRES
271	TENDER INC
280	EHRLICH RUPP SERWE
	PESLAR KAREN & DREW FOUNDATION
	RELATED RETAIL CORP
	SHELDON KALISHER
282	OCCUPANT UNKNOWN
284	SMITH & HAWKEN
286	OCCUPANT UNKNOWN
	WILLITS CONSTRUCTION
299	LINDA DRESNER INC
	OCCUPANT UNKNOWN
336	OCCUPANT UNKNOWN
355	OCCUPANT UNKNOWN
	ST JAMES EPISCOPAL CHURCH ST JAMES PRE SCHOOL
365	ROXIE SALON
400	400 WEST MAPLE LIMITED
400	ALAN G EDWARDS
	AUTOCOM COMMUNICATIONS INC
	BATOR & BERLIN PC
	BATOR & ZARTARIAN PC
	CARLSON GASKEY & OLDS PC
	DEAN APPRAISAL CO
	DOUGLAS A FIRTH
	FOUR HUNDRED WEST MAPLE LTD
	FRENCH INSTITUTE OF MICHIGAN
	HOME EQUITY ASSOCS INC
	HOSPI HELP INC
	INTEGRA DEAN APPRAISAL
	KNIGHT & FIRTH PC
	LAW OFFICE OF DAVID CAIN
	ODONNELL J TERENCE ATTY
	PIONEER DEVELOPMENT CO
	REISMAN CHARLES P ATTY
	ROBERT B BAYER
	STONE CO
	SYLVIA DELIN ATTY AT LAW
460	TISDALE PAUL A ATTY
460 484	SHIRLEY HERSEY OCCUPANT UNKNOWN
484 500	HUNTER HOUSE MUSEUM
500	TIGIALEIV LIGGGE INIGGEOINI

<u>Target Street</u> <u>Cross Street</u> <u>Source</u>
- Cole Information Services

W MAPLE RD 2003 (Cont'd)

			W MAPLE RD	2003	(Cont'd)	
6 6 6 7 7 7	556 679 695 697 645 63 675 010	SUSANNAH WORTH ROBERT TURECAMO OCCUPANT UNKNOV OCCUPANT UNKNOV MICHAEL LEWISTON DALE ROBERTS ELLIOTT RUBY DONALD MANVEL	VN VN			

<u>Target Street</u> <u>Cross Street</u> <u>Source</u>

✓ - Cole Information Services

### N CHESTER ST 1999

		N CHESTER ST	1999	
191 200	FIRST CHURCH OF A DIMARIA A TEACHE A WALTON ALFRED HENSON ALFRED LINDENBON ALFRED LINDENBON ALTA CAMERON ANDREA GAVEY ARMAND GANDOL B BALLNIK B FLANNERY B RICHARDS B WEISE BALDWIN HOUSE BENNETT WRIGHT BETTY LINDEN C BEGGS C BULLIS C LOUSSIA CHARLES CAMPBE CHRIS PEFLEY CLYDE RIEHL D STADWICK DAVID PIGGOTT DENNIS DEMASEK E BURCH E CATALINE E LAIB E MORRIS E ROGERS EDWARD HOBAN FRANCES KONTOS G DAVIS G SHENK GEORGE KOHLHO GISELA MORRIS H DOSHOIAN H WALTERS HELEN OCONNOR I MCLEOD J HAILEY JOHN CLEMONS JUDSON DECKER	ECHRIST SCIENTIST  AUM  FI  S  F	1999	
	JOHN CLEMONS			

LISBETH RUSSELL

<u>Target Street</u> <u>Cross Street</u> <u>Source</u>

✓ - Cole Information Services

N CHESTER ST 1999 (Cont'd)

200 LOREEN KLAGSTAD

LOUISE DEVOR

LUCILLE MCCORMICK

M GRUNDY

**M JONES** 

M REILLY

MELVIN NIEMAN

NANCY RANKE

NAT CANVASSER

P BARNHART

P WEINNER

PAUL BOULUS

PAUL DUROCHER

PAUL KUEBLER

PHYLLIS FORESMAN

**R GARVIN** 

R KELLY

R SKOCZEK

ROBERT SHAUGHNESSY

ROSE VOLPIANSKI

**RUBY CURRIN** 

S SUTKIN

SAMUEL MANCUSO

SUE ARBOLEDA

SYLVIA CICHY

T CASEY

TAMATHA WILSON

**V SWEENEY** 

**VAN CROMAR** 

WALTER BRENT

WILLIAM GUISINGER

WILMA WOLF

245 BLOOMFIELD OPTICAL HERNESKO RONALD OD 247 HANSEL N GRETEL SHOES & DANCEWEAR SELL TOM 254 MERCHANT OF VINO WHOLE FOODS MARKET MRCHNT OF VINO MRKTPLC MRCHNT OF VINO CELLAR COLL 271 ANNIE ADGATE LEONARD DUCKMAN RICHARD HOPCROFT TENDER INCORPORATED TODDS ROOM 280 EHRLICH JOSEPH H ATTORNEY FOLEY FRED A ATTORNEY
HERNESKO RONALD OD  247 HANSEL N GRETEL SHOES & DANCEWEAR SELL TOM  254 MERCHANT OF VINO WHOLE FOODS MARKET MRCHNT OF VINO MRKTPLC MRCHNT OF VINO CELLAR COLL  271 ANNIE ADGATE LEONARD DUCKMAN RICHARD HOPCROFT TENDER INCORPORATED TODDS ROOM  280 EHRLICH JOSEPH H ATTORNEY FISH MICHAEL A ATTORNEY
247 HANSEL N GRETEL SHOES & DANCEWEAR SELL TOM  254 MERCHANT OF VINO WHOLE FOODS MARKET MRCHNT OF VINO MRKTPLC MRCHNT OF VINO CELLAR COLL  271 ANNIE ADGATE LEONARD DUCKMAN RICHARD HOPCROFT TENDER INCORPORATED TODDS ROOM  280 EHRLICH JOSEPH H ATTORNEY FISH MICHAEL A ATTORNEY
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280 EHRLICH JOSEPH H ATTORNEY FISH MICHAEL A ATTORNEY
FISH MICHAEL A ATTORNEY
FOLEY EDED A ATTORNEY
FULET FRED A ALTURNET
GREGORY GEORGE W ATTORNEY
LEE HENRY P PC ATTORNEY
MAPLE BATES ASSOCIATES
RUPP EHRLICH FOLEY SERWER & FISH
SERWER WILLIAM D ATTORNEY
STERNBERG JEFFREY S ATTORNEY
STONEMAN MARTIN ATTORNEY
282 GNC
284 GULIANS
286 KIDDLYWINKS
299 DRESNER LINDA INCORPORATED CLTHR
300 OCCUPANT UNKNOWN
320 DENISE VARNER
336 JACOBSONS
355 ROGER TILDEN
ST JAMES EPISCOPAL CHURCH
400 400 WEST MAPLE LIMITED
BATOR ROUALET & BERLIN PC ATTORNEYS
BAYER ROBERT B
BERLIN WILLIAM E ATTORNEY
CAIN DAVID G ATTORNEY
CAMERON ROWE PLC ATTORNEY
CAVANAUGH COMPANY THE
DELIN SYLVIA ATTORNEY AT LAW
FEMRITE MARCIA E ATTORNEY
HEALTH SOLUTIONS HARRIS HEALTHTRENDS
HECK ERMA L ATTORNEY
HULBERT CATHERINE ATTORNEY
JOHNSON SHEILA M ATTORNEY
MEDI ASSIST
MEGERIAN KATHLEEN A ATTORNEY
ODONNELL J TERENCE ATTORNEY
PARKER D ANN PC ATTORNEY
PIONEER DEVELOPMENT COMPANY
REISMAN CHARLES P ATTORNEY
ROBINSON JEFFREY ASSOCIATES INCORPORATED

Target Street Cross Street Source
- Cole Information Services

# W MAPLE RD 1999 (Cont'd)

400	ROUALET NANCY J ATTORNEY SCOTT MARTIN A ATTORNEY SCREENVISION CINEMA NETWORK SIEGEL BRUCE G ATTORNEY SILVERMAN ELIZABETH PC ATTORNEY STONE & COMPANY INCORPORATED TISDALE PAUL A ATTORNEY VERSAILLES GROUP LIMITED WARTEL DANIEL CPA WEBB WILLIAM W ATTORNEY ZARTARIAN MARK ATTORNEY
460	CARRIE HERSEY
484	LINDA BLOCH
500	HUNTER HOUSE MUSEUM
556	BIRMINGHAM CITY OF ALLEN HOUSE CUSTODIAN S WORTH
679	OCCUPANT UNKNOWN
681	Q SUTTON
695	OCCUPANT UNKNOWN
697	OCCUPANT UNKNOWN
745	MICHAEL LEWISTON
763	DALE ROBERTS
775	ELLIOTT RUBY
809	ECCENTRIC THE
	OBSERVER & ECCENTRIC NEWSPAPERS THE

Target Street Cross Street Source

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# N CHESTER ST 1995

191	CHURCH OF CHRIST SCIENTIST

0.45	DI COMEIEI D'ODTICAL CED
245	BLOOMFIELD OPTICAL CTR HANSEL N GRETEL BY GABE SHOES
247 254	MERCHANT OF VINO
268	TWIGS IMAGES PAST
270 271	
2/1	MILANO FUR & LEATHER INC
	SEBASTIONSS LEATHER
	SMITH, LINDLEY J TENDER INC
200	
280	COMERICA MORTGAGE CORP ENTERTAINMENT DIRC
	FISH, MICHAEL A FRED A FOLEY
	GEORGE W GREGORY
	JEFFREY S STERNBERG
	LEE & GREGORY
	MICHAEL A FISH
	RUPP EHRLICH FOLEY SERWER
	U S PARCEL & MAIL INTL INC
	WILLIAM D SERWER
282	BENETTON
284	GULIANS
296	I D
250	MARK KELLER W END
299	LINDA DRESNER INC
200	OCCUPANT UNKNOWNN
320	BLACKTOP PAVING & MAINTENANCE
336	JACOBSON STORES INC
	JACOBSONS BEAUTY SALON
355	OPPORTUNITY SHOP
	ST ANNES GIFT SHOP
	ST JAMES EPISCOPAL CHURCH
	ST JAMES NURSERY SCHOOL
	ST JAMES UNDERCRFT
400	424 ASSOCIATES
	ADCOLE CORP
	ALAN S WORTMAN
	AMTEL SYSTEMS
	BATOR & ZARTARIAN
	BATOR, GREGORY
	BENDER&BORSENIK A
	BERLIN, WILLIAM
	BISDORF, KENNETH J
	BRYAN KNEZ
	C G HATHAWAY ATY
	CAIN, DAVID G
	CAMBELL&ASSOCIATES
	CAMBRIDGE TECHNOLOGY PARTNERS
	CHARLES P REISMAN
	CMPRHNSV SEARCH

W MAPLE RD 1995 (Cont'd)

400 CYNTHIA G HATHAWAY

D ANN PARKER

D H BORSENIK ATY

D L PHILLIPS ATY

DANIEL WARTEL CPA

DAVID A SEBASTIAN & ASSOC

DAVID G CAIN

DESON, SARAH G

E H LERCHEN JR ATY

E SILVERMAN ATY

EL CAMINO RESOURCES LTD

ELDERCARE HOME CARE GROUP INC

**ENERGY RESOURCE MANAGEMENT INC** 

FLAGGMAN, LS

FLD ENTERPRISES INC

**FLUITROL TECHNOLOGIES** 

FOUR TWO FOUR MAPLE ASSOC

**G T YOUNG ATY** 

HALEY WALLACE REED

HALEY, WALLACE R

HARTY, PAUL

**HECK & WEBB** 

HENRY L GOLD

**HM SHOWTIME** 

HOME SHOWTIME

HULBERT, C

J TERENCE ODONNELL

JACOBSON ASSOCIATES

**KAY HONIGMAN** 

**KEELER GROUP** 

KILGORE, LA

LAN HUGHES SYSTEMS INC

LAWRENCE S FLAGGMAN

LEASELINE FINANCIAL

MARCIA E FEMRITE

MARK, SHERI

MORTGAGE BROKERS OF AMERICA

MUELLER FLAGGMAN KILGORE DESON

MUELLER, MICHAEL R

N A BEAMISH ATY

**NANCY JOHN ATY** 

**OUTSIDE MAGAZINE** 

PAUL A TISDALE

PAUL W HARTY

POWER SYSTEMS RESEARCH

PROGRESSIVE FINANCIAL SVC

ROBINSON JEFFREY ASSOC INC

ROUALET, NANCY

**S & D MANAGEMENT** 

**S&D MANAGEMENT** 

# W MAPLE RD 1995 (Cont'd)

400	SALON 313
	SCREENVISION CINEMA NETWORK
	SHEILA M JOHNSON LAW OFFICES
	STONE & CO
	TED MILLER PUBLIC RELATIONS
	TOTAL REALTY SVC
	VERNON G LEOPOLD
	VIADUCK PRODUCTIONS
	WARTEL, DANIEL
	WEBB, WILLIAM W
460	HERSEY, SCOTT A
484	DANIELSON, LEN
	WOHL, JOHN H
500	HUNTER HOUSE MUSEUM
556	ALLEN HOUSE HISTORICAL HOME
679	DELAURA, ROBERT
697	FAIR, PAUL
700	BANNON, KEVIN
745	LEWISTON, MICHAEL B
747	OCCUPANT UNKNOWNN
763	ROBERTS, DALE G
775	FRANK STANCZAK
	RUBY, ELLIOTT J

Target Street	Cross Street	<u>Source</u>
✓	-	Cole Information Service

# N CHESTER ST 1992

191	CHURCH CHRIST SCNT

0.45	DI MEI D'ODTIOL ONTD
245 247	BLMFLD OPTICL CNTR HANSEL N GRETEL SH
241	TOM SCHEY ATY
254	MERCHANT OF VINO
268	TWIGS INC
271	MARKO, S
	MILANO FUR&LEATHER
280	A S BROWN DVLPMT
	ASB ASSET MNGMNT
	DEJAGER CONSTRCTN ENTERTAINMENT DIRC
	LONE PINE REALTY
282	BENETTON
284	GULIANS
296	MARK KELLER W END
299	LINDA DRESNER INC
336	JACOBSONS
355	OPPORTUNITY SHOP
	ST ANNES GIFT SHOP
	ST JAMES EPISC CH
	ST JAMES OPPTY SHP ST JAMES UNDERCRFT
	ST'JAMES NRSRY SCH
400	1ST CNTNTL REALTY
	A S WORTMAN ATY
	AERIE PRESS INC
	AMTEL SYSTEMS
	BENDER&BORSENIK A
	BHM FAMILY THERAPY
	BLUE STAR FNDTN BRYAN KNEZ ATY
	BRYEN, ERIC R
	C G HATHAWAY ATY
	C P REISMAN ATY
	CMPRHNSV SEARCH
	CREATIVE LIFE
	D ANN PARKER
	D H BORSENIK ATY
	D L MORRIS ATY
	D L PHILLIPS ATY
	D WARTEL CPA DAVID G CAIN ATY
	DAVID G CAIN ATT DAVID L MORRIS ATY
	DR T L STULBERG
	E H LERCHEN JR ATY
	E R BRYEN PC
	E SILVERMAN ATY
	ENERGY RESOURCE MG
	ERMA L HECK ATY
	EXECUTIVE SUITES

W MAPLE RD 1992 (Cont'd)

400 **FLD ENTERPRISES** FOUR TWO FOUR ASCS **G T YOUNG ATY GREGORY BATOR ATY** H M BABCOCK ATY **HECK&WEBB ATY** HENRY GOLD ATY HONIGMAN-SINGER A **HYMAN&LIPPITT ATY** J B WOLFE ATY JACK B WOLFE ATY JACK B WOLFE PC **KEELER GROUP** LAWRENCE ASSOCS LEASELINE FNCL M E WEAVER ATY M ZARTARIAN ATY MAPLE EXEC SUITES MARK ZARTARIAN ATY MAUREEN DUFFY ATY MCCUEN&ASSOCS MICHL J KINNEY ATY MORTGAGE BROKERS N A BEAMISH ATY P A TISDALE ATY PACIFIC WRLD MRTGE PAUL LOOCK ATY PAUL W HARTY ATY PETER E ROBINSON R A CAMERON PROF **ROBINSON-JEFFREY ROWE CAMERON** SCREENVISN CINEMA SEMIKRON INC STULBERG, TRACEY L TAMBRANDS CORP V A SAPIENZA ATY WARTEL, DANIEL WEAVER&DUFFY ATY WILLIAM WEBB ATY WORLD WIDE FNCL WRLD WIDE MORTGAGE

ZARTARIAN&BATOR A 484 DANIELSON, LEN WOHL, JOHN H

500 HUNTER HSE MUSEUM

556 ALLEN HS HSTRCL HM CITY ALLEN HOUSE

DELAURA, ROBERT

747 PRESKIN, GREGORY

679

<u>Target Street</u> <u>Cross Street</u> <u>Source</u>
- Cole Information Services

W MAPLE RD 1992 (Cont'd)

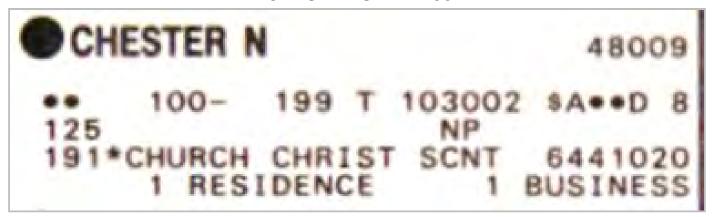
Target Street

**Cross Street** 

<u>Source</u>

Bresser's Cross-Index Directory

N CHESTER ST 1987



-		1001
	2*BENETTON 4*LEGTARDS ET CETERA	H5401085
29	6*MARK KELLER W END	5409378
28	9*SENTRY-WAYS&MEANS *WAYS&MEANS	2586444 2586444
33	*WAYS&MEANS CAPABL 6*JACOBSONS	2586444
	*JACOBSONS	6463511
36	*ST JAMES EPISC CH	6446442
	*ST JAMES OPPTY SHP	6446442
	*ST JAMES UNDERCRET	6449804
20	*ST JAMES NRSRY SCH	6440820 116446995
40	*AMER GREETNG CORP	5407884 -6445433
	*APPLIED BTU INC *R D AREDDY ATY	6420971
	*G BAILEY ATY *JOHN I BAIN ATY	5403557 H2580717
	*JOHN I BAIN ATY *JAMES R BANDY *BENDER&ASSOC ATY *CRAIG W BENDER ATY *BIRMNGHM CMPTR GRP *D H BORSENIK ATY	6422080
	*CRAIG W BENDER ATY	6427230
	*BIRMNGHM CMPTR GRP *D H BORSENIK ATY	5400640 6427230
	*DAVID G CAIN ATY *T CARLESIMO ATY	6428120 6421292
	ATERRY M CARR ATY	-2520555
	*COLDWELL BANKER *COMMDTY STL&PRCSG *COMPUTERS HOLDING	2586610
	*COMPUTERS HOLDING *COOKIE KITCHEN	12589361 5406043
	*S A CRANE ATY	5406040 2585850
	*ELITE BUSI SERV *ENVNML ENGNG&TECHN	116445433
	*EPICUREAN DINING *ESTES&SCHWEICKERT	116468080
	*L M FELDMAN ATY *FINALCO INC	6424727
	+DITO ETALAN ATV	6442221
	*STEVE FINEGOOD ATY *FOUR TWO FOUR ASCS *GRO ACCOUNTING	6451711 6428417
	*GRO ACCOUNTING *HENRY GOLD ATY	H2589496 6422822
	*GRAPHIC SALES	5403636
	*HEALTH-CARE RECRTS *J H HEMMING ATY	
	*D T HUMPHREY AGCY	П2581120 П6459060
	*CLIFFORD JOHNSON *R D KACZMARCZYK *J M KINNEH ATY	5409599 5403557
	*KINNEY&LOOCK ATY	5403557
	*D P KOLLY ATY *R KOTTLER INC	2586141 II5403377
	*PAUL LOOCK ATY *MKS INSTRUMENTS	5403557 5404870
	*MANHTN COOKIES	5406040
	*MAPLE LAW CENTER *MICH MCSI	6441540 H2589360
	*A MILLSTEIN ATY *RICHARD NEHLS INC	5402050 5406313
	*NICHOLS PRTLND DIV	п5405564 п2589114
		22589494
	*D ANN PARKER *PERSONAL FINANCIAL	6423050 6421175
	*C P REISMAN ATY	2585595
	*R W SCRIPTER ATY	-2588991
	*JAMES R SHEEHAN *GARY D SIEGEL ATY	6422420 5408022
	*G W SMITH&CO	5409155 H2589520
	*N L STROMAN ATY	m2588886
	*COOKIE KITCHEN *THERMAL RETENTION	-6445433
	*C F URBAUER&ASSOCS	
	*D WARTEL CPA *STEPH M WITTENBERG	3 m2588877
	*A S WORTMAN ATY *MARK ZARTARIAN ATY	16440552 6427844
	24 NP	
4	60 RONALD E BOOSE SCOTT A HERSEY	5 6468762 6446553
	WARREN HERSEY WARREN HERSEY	6446531
4	84 LEN DANIELSON LILLIAN DANIELSON	3 5409546
	JOHN H WOHL	3 5409546
	00*HUNTER HSE MUSEUM 19*E F DELAHUNTE	6477588
-	*E S PANKOTAN SCHL	6444677
5	56*ALLEN HS HSTRCL H	M 6422817
	*BIRMINGHAM ALLEN *BIRMINGHAM ALLEN *ROGER SMITH	6449946 6422817
6	79 ROBERT DELAURA	5 5402723
	81 95 E WILSON-DEDERKO	п2585654
	97 747 NP	
6		646517
6	63 DALE G ROBERTS 75 C J DICHTING M L GERMAIN	646517 -2585939 H2585939

Target Street

**Cross Street** 

<u>Source</u>

Bresser's Cross-Index Directory

N CHESTER ST 1982

CHESTER N 48011

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1 RESIDENCE 1 BUSINESS

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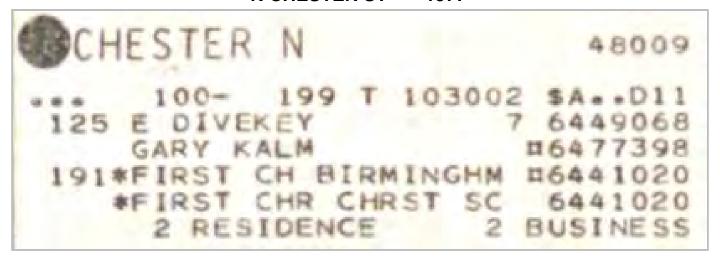
Target Street

**Cross Street** 

<u>Source</u>

Bresser's Cross-Index Directory

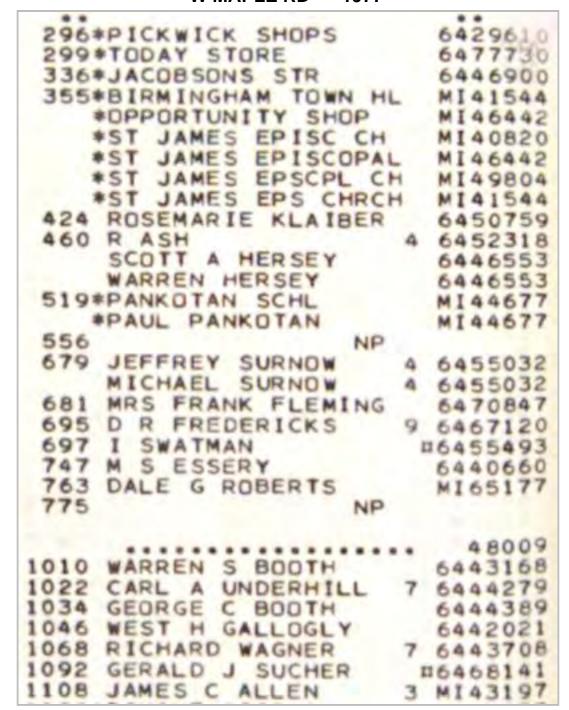
N CHESTER ST 1977



Target Street

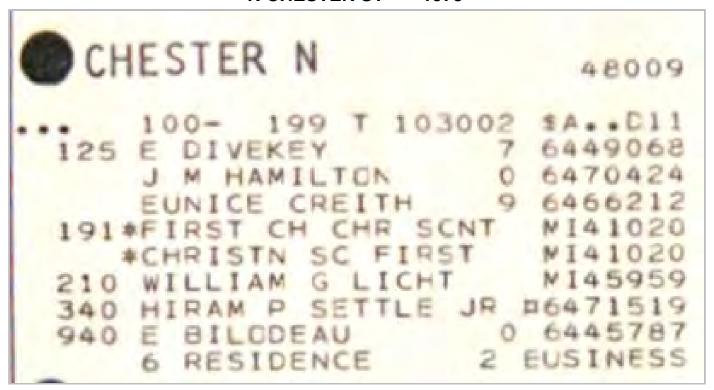
Cross Street

Source
Bresser's Cross-Index Directory



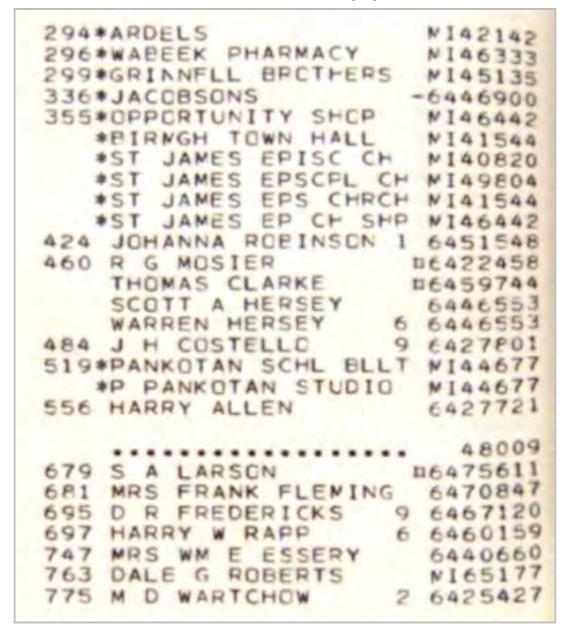
Bresser's Cross-Index Directory

N CHESTER ST 1973



<u>Target Street</u> <u>Cross Street</u>

<u>Source</u> Bresser's Cross-Index Directory





30553 Wixom Road, Suite 500 • Wixom, Michigan 48393 • Voice: 248.926.3800 • Fax: 248.926.3838 12330 Perry Highway, Suite 240 • Wexford, PA 15090 • Voice: 412.463.6576

Environmental Services, Inc.

March 19, 2015

Mr. Rob Krochmal Chester Street Partners, LLC 320 Martin Street, Suite 100 Birmingham, MI 48009

RE: HAZARDOUS MATERIALS SURVEY REPORT 191 N. CHESTER STREET BIRMINGHAM, MICHIGAN PERFORMANCE PROJECT #151225

Dear Mr. Krochmal:

In accordance with your request, Performance Environmental Services, Inc. conducted a hazardous materials survey of the property located at 191 N. Chester Street in Detroit, Michigan. To complete the survey, an EPA certified and Michigan Department of Licensing and Regulatory Affairs (LARA) accredited Asbestos Building Inspector performed an on-site investigation of the property and collected samples suspected of containing asbestos in accessible areas within the study area. The purpose of the survey was to note the presence of materials that have the potential to become hazardous during demolition and to locate and to identify building materials suspected of containing asbestos. The suspected asbestos-containing samples were analyzed at a National Voluntary Laboratory Accreditation Program (NVLAP) accredited laboratory using Polarized Light Microscopy (PLM).

As a result of our survey and laboratory analysis, <u>the following hazardous and asbestos-containing materials</u> were identified:

Hazardous Material									
Material	~ Quantity	Location							
Exit sign	18	By doors throughout, box in 1 <sup>st</sup> floor storage room by furnace and boiler rooms							
Thermostat	10	Throughout							
Copy machine	2	East room between boys and girls bathrooms on 1 <sup>st</sup> floor, administrative office by south foyer							
Fluorescent light bulb	200	Sunday school and day care areas, storage rooms							
Fluorescent light ballast	90	Sunday school and day care areas, storage rooms							
Window air conditioning unit	3	Treasurer and board of directors rooms, administrative office off south foyer							
Fire extinguisher	8	Throughout							
Computer monitor	3	East room between boys and girls bathrooms on 1st floor, administrative office by south foyer							
Furnace	4	Boiler and furnace rooms							
Compact fluorescent light bulb	18	In box in storage room between boiler and furnace rooms							

Chester Street Partners Hazardous Material Survey Report 191 N. Chester Street Birmingham, Michigan March 19, 2015 Page 2

Hazardous Material								
Material	~ Quantity	Location						
Lawn mower	1	Storage room between boiler and furnace rooms						
Snow blower	1	Storage room between boiler and furnace rooms						
Gasoline container	2	Storage room between boiler and furnace rooms						
Paint can (gallon)	19	Storage room between boiler and furnace rooms						
Paint can (pint)	1	Storage room between boiler and furnace rooms						
Paint can (quart)	19	Storage room between boiler and furnace rooms, closet by hall to boiler room						
Spray paint can	11	Storage room between boiler and furnace rooms						
Can of paint thinner	1	Storage room between boiler and furnace rooms						
Pesticide spray can	6	Storage room between boiler and furnace rooms, storage closet in hall to boiler room						
Oiling can (small)	1	Storage room between boiler and furnace rooms						
Small engine oil (small bottles)	3	Boiler room						
Tank	1	Boiler room						
Corrosive material (5 gallon)	2	Boiler room						
Underground fuel oil tank	1	Underground NE of boiler room						
WD40 (small can)	1	Closet off hall to boiler room						

HA #	Material Description	Asbestos-Containing Material	Location	~ Quantity
1	9" x 9" Floor tile (green with black and white specks) and black mastic	Floor tile	Treasurer and committee rooms, soloist room closet, closets in corridor west of south foyer	860 ft <sup>2</sup>
3	Textured paint on soft plaster	Paint	Men's and women's bathrooms off south corridor in upper level	200 ft <sup>2</sup>
4	Carpet glue (yellow) over 9" x 9" floor tile (green with black and white specks) and black mastic	Floor tile	Board of directors and soloist rooms, west and south upper level corridors	750 ft <sup>2</sup>
6	Firedoors and/or fireframes	Firedoors and/or fireframes	Office corridor behind main auditorium, north door in west corridor, Sunday school north entrance doors, furnace room door	5 Doors
12	Exterior window glaze	Glaze	Windows throughout	68 Windows (34 ft²)

Chester Street Partners
Hazardous Material Survey Report
191 N. Chester Street
Birmingham, Michigan
March 19, 2015
Page 3

HA #	Material Description	Asbestos-Containing Material	Location	~ Quantity
13	Exterior caulk	Caulk	Window frames,	68
			door frames and	Windows
			vent edges	(34 ft²),
				5 doors
				(2.5 ft²),
				4 vents
				(2 ft <sup>2</sup> )
14	Sink undercoating (black)	Sink undercoating	Day care room on	1 sink
			1 <sup>st</sup> floor	
15	0"-6" O.D. Millboard straight	Insulation	Under auditorium,	475 feet
	run pipe insulation		storage/mechanical room	
			NE of boiler room, furnace	
			room, storage room east of	
			furnace room	
16	0"-6" O.D. Mudded pipe fitting	Fitting insulation	Under auditorium,	60 Fittings
	insulation on Millboard straight		storage/mechanical room	
	run pipe insulation		NE of boiler room, furnace	
			room, storage room east of	
			furnace room	
17	Mud between cloth and tar-	Cloth	Furnace room and storage	380 ft <sup>2</sup>
	coated fiberglass duct insulation		room east of furnace room	
20	Sliding firedoor	Firedoor	North boiler room door	1 Door

Attached, please find the Hazardous Materials Survey Report, which includes the complete laboratory data and the chain of custody records. If there are any questions or comments concerning this report or our recommendations, please do not hesitate to contact us.

Respectfully,

PERFORMANCE ENVIRONMENTAL SERVICES, INC.

expens S. Bross

Jeffrey S. Gross

Senior Project Manager

Dennis A. Wood

Senior Project Manager

JSG/DAW:hr

Attachments

# **TABLE OF CONTENTS**

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	SURVEY OVERVIEW AND FINDINGS	
	SUMMARY AND RECOMMENDATIONS	
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#### 1.0 INTRODUCTION

Chester Street Partners (Chester) contracted Performance Environmental Services, Inc. (*Performance*) to conduct a hazardous materials survey of the property located at 191 N. Chester Street in Birmingham, Michigan. The purpose of the survey was to note the presence of materials that have the potential to become hazardous during renovation or demolition and to locate and identify building materials suspected of containing asbestos. *Performance* representative Mr. Thomas Carpenter (Accreditation #A34314) conducted the on-site survey and sample collection activities on March 5-6, 2015.

#### 2.0 SCOPE OF WORK

Chester provided locations for the scope of work and the subsequent survey area. An EPA certified and Michigan Department of Licensing and Regulatory Affairs (LARA) accredited Asbestos Building Inspector performed the survey to note the presence of materials that have the potential to become hazardous during renovation or demolition and to locate and sample materials suspected of containing asbestos. *Performance* also provided project review, report preparation and consultation services during the course of this project.

As part of this study, *Performance* completed the following:

- Conducted a survey of accessible areas to note the presence of materials that have the potential
  to become hazardous during renovation or demolition and to locate building materials
  suspected of containing asbestos;
- 2) Collected bulk material samples for subsequent analysis by Polarized Light Microscopy (PLM); and,
- 3) Submitted bulk samples collected during this survey to a National Voluntary Laboratory Accreditation Program (NVLAP) accredited laboratory for PLM analysis.

*Performance* assembled the information collected during the study in this report, which details the laboratory results and locations of sampled materials.

#### 3.0 SURVEY OVERVIEW AND FINDINGS

### 3.1 SUSPECTED HAZARDOUS AND ASBESTOS-CONTAINING BUILDING MATERIALS

As a result of our survey, *Performance* observed equipment that contained materials that may become hazardous during demolition. The potentially hazardous materials were documented as follows:

Hazardous Material										
Material	~ Quantity	Location								
Exit sign	18	By doors throughout, box in 1 <sup>st</sup> floor storage room by furnace and boiler rooms								
Thermostat	10	Throughout								

Hazardous Material								
Material	~ Quantity	Location						
Copy machine	2	East room between boys and girls bathrooms on 1 <sup>st</sup> floor, administrative office by south foyer						
Fluorescent light bulb	200	Sunday school and day care areas, storage rooms						
Fluorescent light ballast	90	Sunday school and day care areas, storage rooms						
Window air conditioning unit	3	Treasurer and board of directors rooms, administrative office off south foyer						
Fire extinguisher	8	Throughout						
Computer monitor	3	East room between boys and girls bathrooms on 1 <sup>st</sup> floor, administrative office by south foyer						
Furnace	4	Boiler and furnace rooms						
Compact fluorescent light bulb	18	In box in storage room between boiler and furnace rooms						
Lawn mower	1	Storage room between boiler and furnace rooms						
Snow blower	1	Storage room between boiler and furnace rooms						
Gasoline container	2	Storage room between boiler and furnace rooms						
Paint can (gallon)	19	Storage room between boiler and furnace rooms						
Paint can (pint)	1	Storage room between boiler and furnace rooms						
Paint can (quart)	19	Storage room between boiler and furnace rooms, closet by hall to boiler room						
Spray paint can	11	Storage room between boiler and furnace rooms						
Can of paint thinner	1	Storage room between boiler and furnace rooms						
Pesticide spray can	6	Storage room between boiler and furnace rooms, storage closet in hall to boiler room						
Oiling can (small)	1	Storage room between boiler and furnace rooms						
Small engine oil (small bottles)	3	Boiler room						
Tank	1	Boiler room						
Corrosive material (5 gallon)	2	Boiler room						
Underground fuel oil tank	1	Underground NE of boiler room						
WD40 (small can)	1	Closet off hall to boiler room						

*Performance* also observed twenty (20) types of material suspected of containing asbestos. The suspect materials were classified into homogeneous areas. A homogeneous area (HA) is a building material that appears similar in terms of color, texture, and apparent date of application. The materials were assigned HA numbers 1 through 20, and were compiled as follows:

- 1) 9" x 9" Floor tile (green with black and white specks) and black mastic;
- 2) 1' x 1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown gluepods;
- 3) Textured paint on soft plaster;
- 4) Carpet glue (yellow) over 9" x 9" floor tile (green with black and white specks) and black mastic;

- 5) Hard plaster;
- 6) Firedoors and/or fireframes;
- 7) 1' x 1' Glued-on ceiling tile (small holes, uneven) and black gluepods;
- 8) 1' x 1' Glued-on ceiling tile (gouges) and dark brown gluepods;
- 9) 0"-6" O.D. Mudded pipe fitting insulation on fiberglass straight run pipe insulation;
- 10) >6"-12" O.D. Mudded pipe fitting insulation on fiberglass straight run pipe insulation;
- 11) 1' x 1' Glued-on ceiling tile (large, evenly spaced holes) and brown gluepods;
- 12) Exterior window glaze;
- 13) Exterior caulk;
- 14) Sink undercoating (black);
- 15) 0"-6" O.D. Millboard straight run pipe insulation;
- 16) 0"-6" O.D. Mudded pipe fitting insulation on Millboard straight run pipe insulation;
- 17) Mud between cloth and tar-coated fiberglass duct insulation;
- 18) Covebase mastic (brown);
- 19) Carpet glue (yellow) and black mastic; and,
- 20) Sliding firedoor.

#### 3.2 IDENTIFIED ASBESTOS-CONTAINING BUILDING MATERIALS

*Performance* collected fifty-three (53) bulk material samples of the identified homogeneous areas and submitted them to an NVLAP-accredited laboratory for PLM analysis. As the laboratory results indicate, *asbestos was detected in the following HA numbers:* 

HA#	Material Description	Asbestos-Containing Material	Location	Asbestos Content
1	9" x 9" Floor tile (green with black and white specks) and	Floor tile	Treasurer and committee rooms, soloist room closet,	10% Chrysotile/ NAD
	black mastic		closets in corridor west of south foyer	
3	Textured paint on soft plaster	Paint	Men's and women's bathrooms off south corridor in upper level	12% Chrysotile
4	Carpet glue (yellow) over 9" x 9" floor tile (green with black and white specks) and black mastic	Floor tile	Board of directors and soloist rooms, west and south upper level corridors	NAD/ 10% Chrysotile/ NAD
6	Firedoors and/or fireframes	Firedoors and/or fireframes	Office corridor behind main auditorium, north door in west corridor, Sunday school north entrance doors, furnace room door	Assumed
12	Exterior window glaze	Glaze	Windows throughout	0-1.5% Chrysotile
13	Exterior caulk	Caulk	Window frames, door frames and vent edges	2% Chrysotile

HA#	Material Description	Asbestos-Containing Material	Location	Asbestos Content
14	Sink undercoating	Sink undercoating	Day care room on	10% Chrysotile
	(black)		1 <sup>st</sup> floor	
15	0"-6" O.D. Millboard	Insulation	Under auditorium,	10% Chrysotile
	straight run		storage/mechanical	
	pipe insulation		room NE of boiler	
			room, furnace room,	
			storage room east of	
			furnace room	
16	0"-6" O.D. Mudded	Fitting insulation	Under auditorium,	0-25%
	pipe fitting insulation		storage/mechanical	Chrysotile
	on Millboard straight		room NE of boiler	
	run pipe insulation		room, furnace room,	
			storage room east of	
			furnace room	
17	Mud between cloth	Cloth	Furnace room and	20% Chrysotile
	and tar-coated		storage room east of	
	fiberglass		furnace room	
	duct insulation			
20	Sliding firedoor	Firedoor	North boiler	Assumed
			room door	

Refer to the attached Appendix for the complete laboratory data and the Chain of Custody records.

### 3.3 DISCUSSION

### 3.3.1 Asbestos Control and Management

Renovation and demolition activities, as well as some maintenance activities have the potential to disturb materials and release asbestos fibers into the environment.

#### EPA:

The Environmental Protection Agency (EPA), under the National Emission Standards for Hazardous Air Pollutants (NESHAPS), requires notification and procedures for emissions control depending on whether the asbestos material in question falls into the definition of "Regulated Asbestos-Containing Material" (RACM). NESHAPS defines RACM as:

- (a) Friable asbestos material,
- (b) Category I nonfriable ACM that has become friable,
- (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or
- (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

The proceeding items summarize basic requirements for demolition and renovation projects according to NESHAPS:

- (1) In a facility being **demolished**, notification requirements and procedures for asbestos emission control apply if the combined amount of RACM is (i) At least 260 linear feet on pipes or at least 160 square feet on other facility components, or (ii) At least 35 cubic feet off facility components where the length or area could not be measured previously.
- (2) In a facility being <u>demolished</u>, only the notification requirements apply, if the combined amount of RACM is (i) <u>Less than</u> 260 linear feet on pipes and less than 160 square feet on other facility components, and (ii) <u>Less than</u> 35 cubic feet off facility components where the length or area could not be measured previously or there is no asbestos.
- (3) If the facility is being <u>demolished</u> under an order of a State or local government agency issued because the facility is structurally unsound and in danger of imminent collapse, specific requirements apply (see NESHAPS for details).
- (4) If the facility is being <u>renovated</u>, notification requirements and procedures for asbestos emission control apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is (i) At least 260 linear feet on pipes or at least 160 square feet on other facility components, or (ii) At least 35 cubic feet off facility components where the length or area could not be measured previously.

#### **Michigan LARA:**

According to the Michigan Department of Licensing and Regulatory Affairs (LARA), in a facility where demolition, renovation or encapsulation is to occur, notification requirements and procedures for asbestos emission control apply if the combined amount of RACM is at least 10 linear feet on pipes or at least 15 square feet on other facility components.

#### 3.3.2 Survey Limitations and Miscellaneous Field Notes

Performance noted that was no access to the roof. In addition, above ceiling access was extremely limited and most of the building had plaster ceilings or glued-on ceiling tiles. Damage via bulk sampling was kept to a minimum per the client; therefore, samples that required damage to intact materials were taken in very limited locations to minimize damage.

Performance quantified the visible TSI under the auditorium floor but the entire area was not visible; there might be some TSI that was not visible. In addition, there might be additional TSI under the floors, behind walls and above ceilings that would not have been visible during the survey.

The scope of work for this project did not include the sampling of ceramic tile. Potential asbestos-containing materials associated with ceramic tile include underlying flooring materials and/or mastic.

Although *Performance* made every attempt to locate below floor heating ducts, there may be asbestos-containing heating ducts inside or under the cement slab floor that were not visible or were inaccessible.

*Performance* made every attempt to sample the chimney stack (if present); however, there may be asbestos-containing material inside the stack that was not visible or was inaccessible.

Remodeling and renovations within buildings often result in asbestos-containing flooring products (flooring and mastics) being covered with non-asbestos flooring products. Although every attempt is made to delineate flooring types during survey activities, due to the limited destructive nature of sampling *Performance* assumes asbestos-containing materials may be present below sampled flooring in areas not inspected. It is imperative that if flooring finishes in an area differ from areas where samples were collected, additional samples are collected and analyzed of the newly uncovered material before disturbance occurs.

*Performance* did not sample any system that presented a health and safety hazard to the inspector such as energized electrical systems, elevator components, active mechanical systems, or within confined spaces.

*Performance* has prepared this report for the express use of its clients and their approved agents. Although some of the information included in this report or in portions of this report may be required to be included in notifications to various parties, this report is not intended to be used as an asbestos specification or work plan.

This report is based upon conditions observed at the property at the time of the inspection. This report does not intend to identify all hazards or to indicate that other hazards do not exist at the project site. Environmental conditions and regulations are subject to constant change and reinterpretation.

#### 4.0 SUMMARY AND RECOMMENDATIONS

#### **Hazardous Materials:**

The items listed in the hazardous materials table in section 3.1 of this report contain materials that can become hazardous during renovation or demolition. *Performance* recommends removing the hazardous materials before renovation or demolition and properly disposing of the materials according to the applicable laws and regulations.

The scope of work for this project did not include testing for lead-based paint. *Performance* did note that peeling paint was found throughout the structure. Although current regulations do not require removal of lead-based paint prior to renovation or demolition, *Performance* recommends testing for airborne lead during renovation or demolition activities to ensure that worker exposure does not exceed permissible exposure limits. Furthermore, *Performance* recommends avoiding activities that may increase worker exposure to potential airborne lead. Activities that can increase worker exposure include sanding, grinding, cutting, or abrading lead-based painted materials.

#### **Asbestos-Containing Materials:**

#### **Friable Materials:**

Performance recommends abating the textured paint (HA#3), thermal system insulation materials (HA#15 and HA#16) and mud cloth (HA#17) if they have the potential to be disturbed. If the identified materials are not removed or disturbed, then *Performance* recommends that an Operations and Maintenance Program be prepared to facilitate the in-place management of these asbestos-containing materials.

### **Category I Nonfriable Materials:**

Referring to the definition of RACM in section 3.3.1, EPA NESHAPS requires removal of Category I nonfriable ACM prior to a renovation or demolition if they have become friable or if they will be or have been subjected to sanding, grinding, cutting, or abrading.

If the facility is being renovated, *Performance* recommends abating the flooring materials (HA#1 and HA#4) if it has the potential to be disturbed.

As per EPA and OSHA regulations, if the facility is being demolished, abatement of the flooring materials would not typically be required unless one of the following occurs:

- 1. The flooring material becomes non-intact (ACM has crumbled, been pulverized, or otherwise deteriorated so that the asbestos is no longer likely to be bound with its matrix) during the demolition activities;
- 2. The flooring material becomes a RACM (Category I nonfriable that has become friable or that will be or has been subjected to sanding, grinding, cutting, or abrading) through aggressive demolition methods; or,
- 3. The concrete under the flooring must be reclaimed.

However, due to current regulatory interpretation and enforcement which states that standard demolition techniques are resulting in Category I non-friable material becoming either non-intact or friable, *Performance* recommends abating the flooring materials (HA#1 and HA#4) prior to the facility being demolished. Based on the current regulatory stance on Category I non-friable material, if the material is not abated prior to demolition activities, the potential exists for citations and fines for the owner and operator by the regulatory agencies.

If the identified materials are not removed or disturbed and is remaining in place, then *Performance* recommends that an Operations and Maintenance Program be prepared to facilitate the in-place management of these asbestos-containing materials.

#### **Category II Nonfriable Materials:**

Referring to the definition of RACM in section 3.3.1, EPA NESHAPS requires removal prior to a renovation or demolition of all Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations. Due to the ambiguous nature of this statement,

*Performance* recommends abating the exterior window glaze (HA#12), exterior caulk (HA#13) and sink undercoating (HA#14) if they have the potential to be disturbed.

If the identified materials are not removed or disturbed, then *Performance* recommends that an Operations and Maintenance Program be prepared to facilitate the in-place management of these asbestos-containing materials.

### **Assumed Materials:**

The firedoors and/or fireframes (HA#6 and HA#20) are assumed to contain a friable asbestos-containing material and therefore cannot be disturbed (drilled, sawed, etc.) during renovation or demolition activities. *Performance* recommends removing the firedoors intact, with its associated doorframes, before any renovation or demolition activities. If the identified materials are not removed or disturbed, then *Performance* recommends that an Operations and Maintenance Program be prepared to facilitate the in-place management of these asbestos-containing materials.

# **APPENDIX**

# **SURVEY DOCUMENTATION**

### **CONTENTS**

- ► CERTIFICATES OF LABORATORY ANALYSIS
- CHAIN OF CUSTODY RECORDS





Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Chrysotile - 10%

Non-Asbestos

Other - 100%

Lab ID #: 57569 - 01

Cust. #: 1-1

Material: 9x9 Green w/Black& White Speck FT Location: S. Closet in Large Com.Rm. UL SW End

Appearance: grey,fibrous,homogenous

Layer: 1 of 2

Lab ID #: 57569 - 01a

Cust. #: 1-1

Material: Mastic

Location: S. Closet in Large Com.Rm. UL SW End

Appearance: black,nonfibrous,homogenous

Layer: 2 of 2

Lab ID #: 57569 - 02

Cust. #: 1-2

Material: 9x9 Green w/Black& White Speck FT

Location: S. Closet in Large Com.Rm. UL SW End

Appearance:

Layer: 1 of 2

Asbestos Present: YES

Other - 90%

Asbestos Present: **NO** 

No Asbestos Observed

Asbestos Present:

NOT ANALYZED

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

Test Method EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield false/negative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples tested and to insure the integrity of the results, may only be reproduced in full. This certificate may not be used by the customer to claim product endorsement by NVLAP or any agency of the US Government. APEX Research Inc. is not responsible for the accuracy of the results for layered samples or samples comprising multiple materials. Liability limited to cost of analysis.





Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15

Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Asbestos Present: NO

Asbestos Present: **NO** 

Asbestos Present: NO

No Asbestos Observed

No Asbestos Observed

No Asbestos Observed

Non-Asbestos

Other - 100%

Cellulose - 90%

Other - 10%

Other - 100%

Lab ID #: 57569 - 02a

Cust. #: 1-2

Material: Mastic

Location: S. Closet in Large Com.Rm. UL SW End

Appearance: black,nonfibrous,homogenous

Layer: 2 of 2

Lab ID #: 57569 - 03

Cust. #: 2-1

Material: 1x1 Glued-On CT-Med & Lrg Holes-Uneven

Location: Lrg Committee Rm. By Partition-UL SW End Appearance: brown, fibrous, homogenous

Layer: 1 of 2

Lab ID #: 57569 - 03a

Cust. #: 2-1

Material: Glue Pod

Location: Lrg Committee Rm. By Partition-UL SW End

Appearance: brown,nonfibrous,homogenous

Layer: 2 of 2

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

Test Method EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield false/negative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples tested and to insure the integrity of the results, may only be reproduced in full. This certificate may not be used by the customer to claim product endorsement by NVLAP or any agency of the US Government. APEX Research Inc. is not responsible for the accuracy of the results for layered samples or samples comprising multiple materials. Liability limited to cost of analysis.





Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Asbestos Present: **NO** 

No Asbestos Observed

Non-Asbestos

Cellulose - 90%

Other - 10%

Other - 100%

Lab ID #: 57569 - 04

Cust. #: 2-2

Material: 1x1 Glued-On CT-Med & Lrg Holes-Uneven Location: Lrg Committee Rm. By Partition-UL SW End

Appearance: brown,fibrous,homogenous

Layer: 1 of 2

Lab ID #: 57569 - 04a

Cust. #: 2-2

Material: Glue Pod

Location: Lrg Committee Rm. By Partition-UL SW End

Appearance: brown, nonfibrous, homogenous

Layer: 2 of 2

Lab ID #: 57569 - 05

Cust. #: 2-3

Material: 1x1 Glued-On CT-Med & Lrg Holes-Uneven

Location: Lrg Committee Rm. By Partition-UL SW End

Appearance: brown, fibrous, homogenous

Asbestos Present: **NO** 

No Asbestos Observed

Asbestos Present: NO

No Asbestos Observed

Other - 20%

Cellulose - 80%

Layer: 1 of 2

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

Test Method EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield false/negative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples tested and to insure the integrity of the results, may only be reproduced in full. This certificate may not be used by the customer to claim product endorsement by NVLAP or any agency of the US Government. APEX Research Inc. is not responsible for the accuracy of the results for layered samples or samples comprising multiple materials. Liability limited to cost of analysis.





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ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15

Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Asbestos Present: NO

Asbestos Present: **NO** 

Asbestos Present: NO

No Asbestos Observed

No Asbestos Observed

No Asbestos Observed

Non-Asbestos

Other - 100%

Cellulose - 90%

Other - 10%

Other - 100%

Lab ID #: 57569 - 05a

Cust. #: 2-3

Material: Glue Pod

Location: Lrg Committee Rm. By Partition-UL SW End

Appearance: brown, nonfibrous, homogenous

Layer: 2 of 2

Lab ID #: 57569 - 06

Cust. #: 2-4

Location: Small Committee Rm - Upper Level SW End

Appearance: brown, fibrous, homogenous

Layer: 1 of 2

Lab ID #: 57569 - 06a

Cust. #: 2-4

Material: Glue Pod

Location: Small Committee Rm - Upper Level SW End

Material: 1x1 Glued-On CT-Med & Lrg Holes-Uneven

Appearance: brown,nonfibrous,homogenous

Layer: 2 of 2

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

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Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Asbestos Present: **NO** 

Asbestos Present: **NO** 

Asbestos Present: YES

Chrysotile - 12%

No Asbestos Observed

No Asbestos Observed

Non-Asbestos

Cellulose - 90%

Other - 10%

Other - 100%

Other - 88%

Lab ID #: 57569 - 07

Cust. #: 2-5

Material: 1x1 Glued-On CT-Med & Lrg Holes-Uneven Location: Small Committee Rm - Upper Level SW End

Appearance: brown,fibrous,homogenous

Layer: 1 of 2

Lab ID #: 57569 - 07a

Cust. #: 2-5

Material: Glue Pod

Location: Small Committee Rm - Upper Level SW End

Appearance: brown, nonfibrous, homogenous

Layer: 2 of 2

Lab ID #: 57569 - 08

Cust. #: 3-1

Material: Textured Paint on Soft Plaster

Location: SE Men's Bath-Upper Level E. End Window

Appearance: white, fibrous, homogenous

Layer: 1 of 1

For Layered Samples, each component will be analyzed and reported separately

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Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15

Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 09

Cust. #: 3-2

Maria 1. T. 4 ... 1

Material: Textured Paint on Soft Plaster

NOT ANALYZED

Asbestos Present:

Location: SE Men's Bath-Upper Level W. End Window

Appearance: Layer: c

Lab ID #: 57569 - 10

Asbestos Present:

Cust. #: 3-3

Cust. π. 5-5

Material: Textured Paint on Soft Plaster

NOT ANALYZED

Location: SE Women's Bath - Upper Lvl by Ctr Vent

Appearance: Layer:

Lab ID #: 57569 - 11

Asbestos Present: **NO**No Asbestos Observed

Cust. #: 5-1

Material: Hard Plaster - Finish Coat

Location: E. Wall of Balcony of Auditorium Appearance: white,nonfibrous,homogenous

Layer: 1 of 2

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Robert T. Letarte Jr., Laboratory Director

Other - 100%

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Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Asbestos Present: **NO** 

POINT COUNT RESULT

Chrysotile - Trace

Non-Asbestos

Other - 100%

Lab ID #: 57569 - 11a

Cust. #: 5-1

ust. #: 5-1

Material: Base Coat

Location: E. Wall of Balcony of Auditorium

Appearance: grey, fibrous, homogenous

Layer: 2 of 2

Asbestos Present: NO

No Asbestos Observed

Other - 100%

Cust. #: 5-2

Lab ID #: 57569 - 12

Material: Hard Plaster - Finish Coat

Location: Attic Organ Above Stage of Audit. E. Wall

Appearance: white, nonfibrous, homogenous

Layer: 1 of 2

Lab ID #: 57569 - 12a

Asbestos Present: NO

Chrysotile - 0.25%

Other - 99.75%

Cust. #: 5-2

Material: Base Coat

Location: Attic Organ Above Stage of Audit. E. Wall

POINT COUNT RESULT

Appearance: grey,fibrous,homogenous

Layer: 2 of 2

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Robert T. Letarte Jr., Laboratory Director

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Date Analyzed: 03/11/15

Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

No Asbestos Observed

Non-Asbestos

Lab ID #: 57569 - 13

Cust. #: 5-3

Material: Hard Plaster - Finish Coat

Location: Attic Organ Above Stage of Audit. N. Wall

Appearance: white, nonfibrous, homogenous

Layer: 1 of 2

Lab ID #: 57569 - 13a

Cust. #: 5-3

Material: Base Coat

Location: Attic Organ Above Stage of Audit. N. Wall

Appearance: grey, fibrous, homogenous

Lab ID #: 57569 - 14

Layer: 2 of 2

Asbestos Present: NO

No Asbestos Observed

Cust. #: 5-4

Material: Hard Plaster - Finish Coat

Location: Chase in Day Care Rm - N. End of 1st FL

Appearance: white, nonfibrous, homogenous

Layer: 1 of 2

Asbestos Present: NO

Other - 100%

Other - 100%

Other - 100%

Asbestos Present: **NO** 

Chrysotile - Trace

POINT COUNT RESULT

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Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15

Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Asbestos Present: **NO** 

POINT COUNT RESULT

Chrysotile - 0.25%

Non-Asbestos

Other - 99.75%

Lab ID #: 57569 - 14a

Cust. #: 5-4

Material: Base Coat

Location: Chase in Day Care Rm - N. End of 1st FL

Appearance: grey,fibrous,homogenous

Layer: 2 of 2

Lab ID #: 57569 - 15

Asbestos Present: **NO** 

No Asbestos Observed

Other - 100%

Other - 99.5%

Cust. #: 5-5

Material: Hard Plaster - Finish Coat

Location: Storage/Mech Rm. by NE Stairs-1st FL Appearance: white, nonfibrous, homogenous

Layer: 1 of 2

Lab ID #: 57569 - 15a

Cust. #: 5-5

Material: Base Coat

Location: Storage/Mech Rm. by NE Stairs-1st FL

Appearance: grey,fibrous,homogenous

Layer: 2 of 2

Asbestos Present: **NO** 

Chrysotile - 0.25%

POINT COUNT RESULT

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Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Non-Asbestos

Other - 100%

Other - 99.75%

Other - 100%

Lab ID #: 57569 - 16

Cust. #: 5-6

Material: Hard Plaster - Finish Coat

Location: Storage/Mech Rm. NE of Boiler RM E. Wall

Appearance: white, nonfibrous, homogenous

Layer: 1 of 2

Lab ID #: 57569 - 16a

Cust. #: 5-6

Material: Base Coat

Location: Storage/Mech Rm. NE of Boiler RM E. Wall

Appearance: grey,fibrous,homogenous

Layer: 2 of 2

Lab ID #: 57569 - 17

Cust. #: 5-7

Material: Hard Plaster - Finish Coat

Location: Storage/Mech Rm. NE of Boiler RM S. Wall

Appearance: white, nonfibrous, homogenous

Layer: 1 of 2

Asbestos Type/Percent

Asbestos Present: NO

No Asbestos Observed

Asbestos Present: **NO** 

Chrysotile - 0.25%

POINT COUNT RESULT

Asbestos Present: NO

No Asbestos Observed

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Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Appearance: grey,fibrous,homogenous

Asbestos Type/Percent

Non-Asbestos

Other - 100%

Lab ID #: 57569 - 17a

Cust. #: 5-7

Material: Base Coat

Location: Storage/Mech Rm. NE of Boiler RM S. Wall

Layer: 2 of 2

Lab ID #: 57569 - 18

Cust. #: 7-1

Material: 1x1 Glued-On CT - Sm. Holes Uneven Location: SW Corner of Soloist Rm - UL S. End Appearance: brown, fibrous, homogenous

Layer: 1 of 2

Lab ID #: 57569 - 18a

Cust. #: 7-1

Material: Glue Pod

Location: SW Corner of Soloist Rm - UL S. End Appearance: black,nonfibrous,homogenous

Layer: 2 of 2

Asbestos Present: **NO** 

Chrysotile - Trace

POINT COUNT RESULT

Asbestos Present: **NO** No Asbestos Observed

Cellulose - 90%

Other - 10%

Other - 100%

Asbestos Present: NO

No Asbestos Observed

For Layered Samples, each component will be analyzed and reported separately

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Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 19

Cust. #: 7-2

Material: 1x1 Glued-On CT - Sm. Holes Uneven Location: SW Corner of Soloist Rm- UL S. End Appearance: brown,fibrous,homogenous

Layer: 1 of 2

Asbestos Present: NO

No Asbestos Observed

Cellulose - 90%

Other - 10%

Lab ID #: 57569 - 19a

Cust. #: 7-2

Material: Glue Pod

Location: SW Corner of Soloist Rm - UL S. End Appearance: black,nonfibrous,homogenous

Layer: 2 of 2

Asbestos Present: **NO** 

No Asbestos Observed

Other - 100%

Lab ID #: 57569 - 20

Cust. #: 7-3

Asbestos Present: NO

Cellulose - 90%

No Asbestos Observed

Other - 10%

Material: 1x1 Glued-On CT - Sm. Holes Uneven

Location: SW Corner of Soloist Rm - UL S. End Appearance: brown, fibrous, homogenous

Layer: 1 of 2

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Date Collected: 3/5-6/2015

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Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 20a

Cust. #: 7-3

tomicle Clue

Material: Glue Pod

Location: SW Corner of Soloist Rm - UL S. End Appearance: black,nonfibrous,homogenous

Layer: 2 of 2

Asbestos Present: NO

No Asbestos Observed

Other - 100%

Lab ID #: 57569 - 21

Cust. #: 8-1

Material: 1x1 Glued-On Ceiling Tile - Gouges Location: SE End of Main Foyer - Upper Level Appearance: white,fibrous,homogenous

Layer: 1 of 2

Asbestos Present: **NO** 

Cellulose - 5%

No Asbestos Observed

Mineral Wool - 65%

Other - 30%

Other - 100%

Lab ID #: 57569 - 21a

Cust. #: 8-1

Material: Glue Pod

Location: SE End of Main Foyer - Upper Level Appearance: brown,nonfibrous,homogenous

Layer: 2 of 2

Asbestos Present: **NO**No Asbestos Observed

For Layered Samples, each component will be analyzed and reported separately.

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Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 22

Cust. #: 8-2

Material: 1x1 Glued-On Ceiling Tile - Gouges Location: SE End of Main Foyer - Upper Level

Appearance: white, fibrous, homogenous

Layer: 1 of 2

Asbestos Present: NO

No Asbestos Observed

Cellulose - 5%

Mineral Wool - 60%

Other - 35%

Other - 100%

Lab ID #: 57569 - 22a

Cust. #: 8-2

Material: Glue Pod

Location: SE End of Main Foyer - Upper Level Appearance: brown, nonfibrous, homogenous

Layer: 2 of 2

Asbestos Present: **NO** No Asbestos Observed

Lab ID #: 57569 - 23

Cust. #: 8-3

Material: 1x1 Glued-On Ceiling Tile - Gouges Location: SE End of Main Foyer - Upper Level

Appearance: white, fibrous, homogenous

Layer: 1 of 2

Asbestos Present: NO

No Asbestos Observed

Cellulose - 5%

Mineral Wool - 65%

Other - 30%

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

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Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Asbestos Present: NO

No Asbestos Observed

Non-Asbestos

Other - 100%

Lab ID #: 57569 - 23a

Cust. #: 8-3

Material: Glue Pod

Location: SE End of Main Foyer - Upper Level Appearance: brown, nonfibrous, homogenous

Layer: 2 of 2

Lab ID #: 57569 - 24

Cellulose - 10%

Cust. #: 9-1

Material: 0-6"OD Mudded PFI on FG Straight Run PI

Location: AHU-2 Space E. of SE Stairs -Upper Level

Appearance: grey,fibrous,nonhomogenous

Layer: 1 of 1

Asbestos Present: **NO** No Asbestos Observed

Mineral Wool - 20% Other - 70%

Asbestos Present: NO

Cellulose - 10%

Cust. #: 9-2

Lab ID #: 57569 - 25

No Asbestos Observed

Mineral Wool - 20%

Material: 0-6"OD Mudded PFI on FG Straight Run PI

Location: Chase in Day Care Rm - N. End of 1st FL

Appearance: grey,fibrous,nonhomogenous

Layer: 1 of 1

Other - 70%

For Layered Samples, each component will be analyzed and reported separately

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Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 26

Cust. #: 9-3

Material: 0-6"OD Mudded PFI on FG Straight Run PI

Location: NW End of Boiler Rm/ Hot Water Tank-1st Appearance: grey,fibrous,nonhomogenous

Layer: 1 of 1

Cust. #: 10-1

Lab ID #: 57569 - 27

Material: >6-12"OD Mudded PF/ FG Straight Run PI

Location: SW Corner Storage/Mech NE of Boiler Rm Appearance: grey,fibrous,homogenous

Layer: 1 of 1

Lab ID #: 57569 - 28

Cust. #: 10-2

Material: >6-12"OD Mudded PFI/ FG Straight Run PI

Appearance: grey,fibrous,homogenous

Location: SW Corner of Boiler Rm by W. Door-1st FL

Layer: 1 of 1

Asbestos Present: **NO** 

No Asbestos Observed

Cellulose - 10%

Mineral Wool - 20%

Mineral Wool - 25%

Other - 70%

Asbestos Present: **NO** 

No Asbestos Observed

Other - 75%

Asbestos Present:

No Asbestos Observedn%

Mineral Wool - 25%

Other - 75%

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

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Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Mineral Wool - 30%

Lab ID #: 57569 - 29

Cust. #: 10-3

Material: >6-12"OD Mudded PFI/ FG Straight Run PI

Location: SE Corner of Boiler Rm - 1st FL

Appearance: grey,fibrous,homogenous

Layer: 1 of 1

Lab ID #: 57569 - 30

Cust. #: 11-1

Material: 1x1 Glued-On CT (Lrg Evenly Spaced Holes)

Location: N. End of Sunday School Area - 1st FL Appearance: brown, fibrous, homogenous

Layer: 1 of 2

Lab ID #: 57569 - 30a

Cust. #: 11-1

Material: Glue Pod

Location: N. End of Sunday School Area - 1st FL Appearance: brown,nonfibrous,homogenous

Layer: 2 of 2

Asbestos Present: **NO** 

No Asbestos Observed

Other - 70%

Asbestos Present: **NO** 

No Asbestos Observed

Cellulose - 80%

Other - 100%

Other - 20%

Asbestos Present: NO

No Asbestos Observed

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Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 31

Asbestos Present: **NO** 

Cellulose - 80%

Cust. #: 11-2

No Asbestos Observed

Other - 20%

Material: 1x1 Glued-On CT (Lrg Evenly Spaced Holes) Location: N. End of Sunday School Area - 1st FL

Appearance: brown,fibrous,homogenous

Layer: 1 of 2

Lab ID #: 57569 - 31a

Asbestos Present: **NO** No Asbestos Observed

Other - 100%

Cust. #: 11-2

Material: Glue Pod

Location: N. End of Sunday School Area - 1st FL Appearance: brown, nonfibrous, homogenous

Layer: 2 of 2

Lab ID #: 57569 - 32

Asbestos Present: NO

Cellulose - 80%

Cust. #: 11-3

No Asbestos Observed

Other - 20%

Material: 1x1 Glued-On CT (Lrg Evenly Spaced Holes)

Location: N. End of Sunday School Area - 1st FL

Appearance: brown,fibrous,homogenous Layer: 1 of 2

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

Test Method EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield false/negative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples tested and to insure the integrity of the results, may only be reproduced in full. This certificate may not be used by the customer to claim product endorsement by NVLAP or any agency of the US Government. APEX Research Inc. is not responsible for the accuracy of the results for layered samples or samples comprising multiple materials. Liability limited to cost of analysis.





Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 32a

Cust. #: 11-3

Material: Glue Pod

Location: N. End of Sunday School Area - 1st FL Appearance: brown, nonfibrous, homogenous

Layer: 2 of 2

Asbestos Present: NO

No Asbestos Observed

Other - 100%

Lab ID #: 57569 - 33

Asbestos Present: **NO** 

Cellulose - 80%

Cust. #: 11-4

No Asbestos Observed

Other - 20%

Other - 100%

Material: 1x1 Glued-On CT (Lrg Evenly Spaced Holes)

Location: N. End of Sunday School Area - 1st FL

Appearance: brown, fibrous, homogenous

Layer: 1 of 2

Asbestos Present: NO

Lab ID #: 57569 - 33a

Cust. #: 11-4

Material: Glue Pod

Location: N. End of Sunday School Area - 1st FL Appearance: brown,nonfibrous,homogenous

Layer: 2 of 2

No Asbestos Observed

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

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Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Cellulose - 80%

Lab ID #: 57569 - 34

Cust. #: 11-5

Material: 1x1 Glued-On CT (Lrg Evenly Spaced Holes)

Location: N. End of Sunday School Area - 1st FL Appearance: brown,fibrous,homogenous

Layer: 1 of 2

Lab ID #: 57569 - 34a

Cust. #: 11-5

Material: Glue Pod

Location: N. End of Sunday School Area - 1st FL Appearance: brown, nonfibrous, homogenous

Layer: 2 of 2

Lab ID #: 57569 - 35

Cust. #: 12-1

Material: Exterior Window Glaze

Location: In Girl's Bathrm. NE of Boiler Rm-1st FL

Appearance: grey,fibrous,homogenous

Layer: 1 of 1

Asbestos Present: **NO** 

No Asbestos Observed

Other - 20%

Other - 100%

Cellulose - 3%

Other - 97%

Asbestos Present: **NO** 

Asbestos Present: NO

No Asbestos Observed

No Asbestos Observed

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

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Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 36

Asbestos Present: **YES** 

Chrysotile - 1.5%

Other - 98.5%

Cust. #: 12-2

Material: Exterior Window Glaze

Location: Front Window S.of Main Foyer Ent. Doors

Appearance: grey,fibrous,homogenous

Layer: 1 of 1

Lab ID #: 57569 - 37

Asbestos Present: **YES** 

POINT COUNT RESULT

POINT COUNT RESULT

Other - 98.0%

Cust. #: 13-1

Material: Exterior Caulk

Location: NW Door to Sunday School Area - 1st FL

Appearance: grey,fibrous,homogenous

Layer: 1 of 1

Lab ID #: 57569 - 38

Asbestos Present:

Chrysotile - 2.0%

Cust. #: 13-2

Material: Exterior Caulk

NOT ANALYZED

Location: NE Day Care Window - 1st FL

Appearance: Layer:

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

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Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15

Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 39

Cust. #: 14-1

Material: Sink Undercoating - Black Location: Day Care Sink - 1st FL

Appearance: black, fibrous, homogenous

Layer: 1 of 1

Lab ID #: 57569 - 40

Cust. #: 14-2

Location: Day Care Sink - 1st FL

Appearance: Layer:

Asbestos Present: YES

Other - 90%

Chrysotile - 10%

Asbestos Present:

NOT ANALYZED

Material: Sink Undercoating - Black

Lab ID #: 57569 - 41

Asbestos Present: YES Chrysotile - 10%

Other - 90%

Cust. #: 15-1

Material: 0-6"OD Millboard Straight Run PI

Location: Storage/Mech Rm. NE of Boiler Rm S. Ctr

Appearance: brown, fibrous, nonhomogenous

Layer: 1 of 1

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

Test Method EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield false/negative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples tested and to insure the integrity of the results, may only be reproduced in full. This certificate may not be used by the customer to claim product endorsement by NVLAP or any agency of the US Government. APEX Research Inc. is not responsible for the accuracy of the results for layered samples or samples comprising multiple materials. Liability limited to cost of analysis.





Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 42

Cust. #: 15-2

Material: 0-6"OD Millboard Straight Run PI

NOT ANALYZED

Asbestos Present:

Location: Storage Rm Btwn Boiler/Furnace Rm S. End

Appearance: Layer: of

Lab ID #: 57569 - 43

Asbestos Present:

Cust. #: 15-3

Material: 0-6"OD Millboard Straight Run PI

NOT ANALYZED

Location: Storage Rm Btwn Boiler/Furnace Rm S. End

Appearance: Layer: of

Lab ID #: 57569 - 44

Asbestos Present: NO

Cellulose - 10%

Other - 70%

Cust. #: 16-1

No Asbestos Observed

Mineral Wool - 20%

Material: 0-6"OD Mudded PFI/ Millboard Straight Run

Location: Storage/Mech Rm. NE of Boiler Rm E. End

Appearance: grey,fibrous,nonhomogenous

Layer: 1 of 1

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

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Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 45

Asbestos Present: YES

Cellulose - 10%

Cust. #: 16-2

Chrysotile - 25%

Other - 65%

Material: 0-6"OD Mudded PFI/ Millboard Straight Run Location: SW End of Storage Rm Btwn Boiler/Furnace

Appearance: grey,fibrous,nonhomogenous

Layer: 1 of 1

Lab ID #: 57569 - 46

Asbestos Present:

Cust. #: 16-3

Material: 0-6"OD Mudded PFI/ Millboard Straight Run NOT ANALYZED

Location: SW Corner of Furnace Rm Along S. Wall

Appearance: Layer:

Lab ID #: 57569 - 47

Asbestos Present: YES

Cellulose - 10%

Cust. #: 17-1

Chrysotile - 20%

Mineral Wool - 20%

Material: Mud Btwn Cloth & Tar-Coated FG Duct Insul

Other - 50%

Location: Duct on SW Corner of Furnace F1-b

Appearance: grey,fibrous,homogenous

For Layered Samples, each component will be analyzed and reported separately

Layer: 1 of 1

Robert T. Letarte Jr., Laboratory Director

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Project: 191 N. Chester St. Project # 151225

Report To:

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Non-Asbestos

Lab ID #: 57569 - 48

Cust. #: 17-2

Material: Mud Btwn Cloth & Tar-Coated FG Duct Insul

Location: Duct on SE Corner of Furnace F2

NOT ANALYZED

Asbestos Present:

Appearance: Layer:

Lab ID #: 57569 - 49

Asbestos Present:

Cust. #: 17-3

Material: Mud Btwn Cloth & Tar-Coated FG Duct Insul

Location: Duct on SE Corner of Furnace F2

NOT ANALYZED

Appearance: Layer:

Lab ID #: 57569 - 50

Asbestos Present: **NO** No Asbestos Observed

Other - 100%

Cust. #: 18-1

Material: Covebase Mastic

Location: N. Closet Lrg Committee Rm UL SW End

Appearance: brown, nonfibrous, homogenous

Layer: 1 of 1

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

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Project: 191 N. Chester St. Project # 151225

**Report To:** 

Mr. Thomas Carpenter

Performance Environmental Services, Inc.

30553 Wixom Rd., Ste. 500

Wixom, MI 48393

ARI Report # 15-57569

Date Collected: 3/5-6/2015

Date Received: 03/09/15

Date Analyzed: 03/11/15 Date Reported: 03/11/15

Sample Information

Asbestos Type/Percent

Asbestos Present: **NO** 

Asbestos Present: **NO** 

No Asbestos Observed

No Asbestos Observed

Non-Asbestos

Other - 100%

Cellulose - 1%

Other - 99%

Lab ID #: 57569 - 51

Cust. #: 18-2

Material: Covebase Mastic

Location: N. Closet Lrg Committee Rm UL SW End

Appearance: brown, nonfibrous, homogenous

Layer: 1 of 1

Lab ID #: 57569 - 52

Cust. #: 19-1

Material: Carpet Glue over Black Mastic

Location: E. End of S. Foyer Hall Btwn Doors & Stairs

Appearance: black,fibrous,nonhomogenous

Layer: 1 of 1

Lab ID #: 57569 - 53

Cust. #: 19-2

Material: Carpet Glue over Black Mastic

Location: E. End of S. Foyer Hall by Door - Upper Leve

Appearance: black,fibrous,nonhomogenous

Layer: 1 of 1

Asbestos Present: NO

No Asbestos Observed

Cellulose - 1%

Other - 99%

For Layered Samples, each component will be analyzed and reported separately

Robert T. Letarte Jr., Laboratory Director

Test Method EPA 600/R-93/116 was used to analyze the above samples. Matrix interference and/or resolution limits may yield false/negative results in certain circumstances. Suspect floor tiles containing <1% should be tested with SEM or TEM. This certificate of analysis relates only to the samples tested and to insure the integrity of the results, may only be reproduced in full. This certificate may not be used by the customer to claim product endorsement by NVLAP or any agency of the US Government. APEX Research Inc. is not responsible for the accuracy of the results for layered samples or samples comprising multiple materials. Liability limited to cost of analysis.

# \* 57569

Performance Environmental Services, Inc.

PLM LABORATORY CHAIN OF CUSTODY

3/5-6/15 DATE COLLECTED: LOCATION: Birmingham, MI TECHNICIAN 2: CLIENT: Chester Street Partners Thomas Carpenter 191 N Chester Street PROJECT #: 151225 TECHNICIAN 1: PROJECT:

			SAMPLES RELINQUISHED BY:		DATE:	S	SAMPLES ACCEPTED BY:	DATE
<u> </u>	Thomas W. Carpenter	>/	Homed W. Carpeter		3/7/2015	Now I	*Silvinus	WAR 0 9 2015
I							Z	APEX RESEABLE
	NOTIF	NOTIFY RESULTS VIA:	labdata@perform-env.com	TURNAROUND TIME:	48 hours		TEST HA LAYERS UNTIL POSITIVE:	Yes
·1	HA NUMBER	SAMPLE NUMBER	MATERIAL DESCRIPTION	SAMPLING	SAMPLING LOCATION	TEM VERIFY (PLM≤1%)	COMMENTS/RESULTS	JLTS
<i>a</i>	н	1-1	9" x 9" Floor tile (green with black and white specks) and black mastic	South closet in large com SW end	South closet in large committee room - upper level SW end			
C	1	1-2	9" x 9" Floor tile (green with black and white specks) and black mastic		South closet in large committee room - upper level - SW end			
<i>w</i>	2	2-1	1'x1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods	Large committee room b SW end	Large committee room by partition - upper level - SW end			
2	2	2-2	$1^{\circ} \times 1^{\circ}$ Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods	Large committee room b SW end	Large committee room by partition - upper level - SW end		-	
2	2	2-3	1'x1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods	Large committee room b SW end	Large committee room by partition - upper level - SW end			
9	2	2-4	$1^{\prime} \times 1^{\prime}$ Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods	Small committee room - upper level - SW end	upper level - SW end	·		
~	2	2-5	1' x 1' Glued-on ceiling tile (medium and large holes, uneven) and dark brown glue pods	Small committee room - upper level - SW end	upper level - SW end			
8	m	3-1	Textured paint on soft plaster	SE men's bathroom - upper level - east end of window	oer level - east end of			
0	m	3-2	Textured paint on soft plaster	SE men's bathroom - upper level - west end of window	ner level - west end of			
<u>_0</u>	т	3-3	Textured paint on soft plaster	SE women's bathroom - upper level - by center vent	upper level - by center			

# Performance Environmental Services, Inc.

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3/5-6/15 DATE COLLECTED: LOCATION: Birmingham, MI **TECHNICIAN 2:** CLIENT: Chester Street Partners Thomas Carpenter 191 N Chester Street PROJECT #: 151225 TECHNICIAN 1: PROJECT:

i			SAMPLES RELINQUISHED BY:		DATE:	SA	SAMPLES ACCEPTED BY:	DAME: V	
<u> </u>	Thomas W. Carpenter	penter Monus W	W. Congo		3/7/2015	Indu	-	MAR 0 9 2015 4:30	6:30
								APEX RESEABLE	
<u> </u>	NOTIF	NOTIFY RESULTS VIA:	labdata@perform-env.com	TURNAROUND TIME:	48 hours		TEST HA LAYERS UNTIL POSITIVE:	Yes	o 9
<u> </u>	HA NUMBER	SAMPLE NUMBER	MATERIAL DESCRIPTION	SAMPLING LOCATION		TEM VERIFY (PLM ≤ 1%)	COMMENTS/RESULTS	JLTS	
	w	5-1	Hard plaster	East wall of balcony of auditorium	шn				
78	5	5-2	Hard plaster	Attic organ space above stage of auditorium - east wall	of auditorium - east				
ū	S	5-3	Hard plaster	Attic organ space above stage of auditorium - north wall	of auditorium -				
2	S	5-4	Hard plaster	Chase in day care room - north end of 1st floor	end of 1st floor				
5	S.	5-5	Hard plaster	Storage/mechanical room by NE stairs - 1st floor	E stairs - 1st floor				
2	S	5-6	Hard plaster	Storage/mechanical room NE of boiler room - 1st floor - east wall	of boiler room - 1st				
7	5	5-7	Hard plaster	Storage/mechanical room NE of boiler room - 1st floor - south wall	ıf boiler room - 1st				
8	7	7-1	1'x1' Glued-on ceiling tile (small holes, uneven) and black glue pods	SW corner of soloist room - upper level - south end	per level - south end				
2	7	7-2	1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue pods	SW corner of soloist room - upper level - south end	per level - south end				
20	7	7-3	1' x 1' Glued-on ceiling tile (small holes, uneven) and black glue SW corner of soloist room - upper level - south end pods	SW corner of soloist room - upp	per level - south end				
1									

# **Performance**

Environmental Services, Inc.

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MAR 0 9 2014 9:30 APEX RESEARCY 3/5-6/15 COMMENTS/RESULTS TEST HA LAYERS UNTIL POSITIVE: SAMPLES ACCEPTED BY: DATE COLLECTED: LOCATION: Birmingham, MI TEM VERIFY (PLM ≤ 1%) Junky Junky 48 hours SW corner of boiler room by west door - 1st floor Chase in day care room - north end of 1st floor O"-6" O.D. Mudded pipe fitting insulation on fiberglass straight | NW end of boiler room by hot water tank - 1st | Ino pipe insulation SW corner of storage/mechanical room NE of North end of Sunday school area - 1st floor 3/7/2015 AHU-2 space east of SE stairs - upper level DATE: SAMPLING LOCATION SE corner of boiler room - 1st floor 1' x 1' Glued-on ceiling tile (gouges) and dark brown glue pods SE end of main foyer - upper level 1' x 1' Glued-on ceiling tile (gouges) and dark brown glue pods  $\,$  SE end of main foyer - upper level 1' x 1' Glued-on ceiling tile (gouges) and dark brown glue pods  $\ |$  SE end of main foyer - upper level **TECHNICIAN 2:** TURNAROUND TIME: boiler room - 1st floor 0"-6" O.D. Mudded pipe fitting insulation on fiberglass straight 0"-6" O.D. Mudded pipe fitting insulation on fiberglass straight  $1^{\circ} \times 1^{\circ}$  Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods CLIENT: Chester Street Partners > 6"-12" O.D. Mudded pipe fitting insulation on fiberglass straight run pipe insulation > 6"-12" O.D. Mudded pipe fitting insulation on fiberglass straight run pipe insulation > 6"-12" O.D. Mudded pipe fitting insulation on fiberglass straight run pipe insulation labdata@perform-env.com MATERIAL DESCRIPTION SAMPLES RELINQUISHED BY: Thomas Carpenter run pipe insulation run pipe insulation SAMPLE NUMBER 191 N Chester Street NOTIFY RESULTS VIA: 10-2 10-3 11-1 8-2 8 .3 10-1 8-1 9-1 9-2 9-3 151225 Thomas W. Carpenter **TECHNICIAN 1:** PROJECT #: HA NUMBER PROJECT: 9 5 吕 17 Ø Ø  $\infty$ σ თ σ 26 27 R 3 24

# Performance Environmental Services, Inc.

PLM LABORATORY CHAIN OF CUSTODY

PROJECT #:	151225 CLI	CLIENT: Chester Street Partners			DATE COLLECTED:	3/5-6/15
PROJECT:	191 N Chester Street				LOCATION: Birmingham, MI	
TECHNICIAN 1:	Thomas Carpenter		TECHNICIAN 2:			
	SAMPLES RELINQUISHED BY:	SHED BY:		DATE.	CANADI ES ACCEDTED DV.	

			SAMPLES RELINQUISHED BY:		DATE:	Š	SAMPLES ACCEPTED BY:		
<u>- 1</u>	Thomas W. Carpenter	المالة	composite ( worth		3/7/2015	Buch	J	WAR 6 9 215936	15930
							4	Company of Company	2
<u> </u>	NOTIF	NOTIFY RESULTS VIA:	labdata@perform-env.com	TURNAROUND TIME:	48 hours		TEST HA LAYERS UNTIL POSITIVE:	Yes	Ē
ıl	HA NUMBER	SAMPLE NUMBER	MATERIAL DESCRIPTION	SAMPLING LOCATION	CATION	TEM VERIFY (PLM ≤ 1%)	COMMENTS/RESULTS	ILTS	
20	11	11-2	1' x 1' Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods	North end of Sunday school area - 1st floor	area - 1st floor				
2%	11	11-3	$1^{\circ} \times 1^{\circ}$ Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods	North end of Sunday school area - 1st floor	area - 1st floor				
33	11	11-4	1' x 1' Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods	North end of Sunday school area - 1st floor	area - 1st floor				
35	11	11-5	1' x 1' Glued-on ceiling tile (large, evenly spaced holes) and brown glue pods	North end of Sunday school area - 1st floor	area - 1st floor				
63	12	12-1	Exterior window glaze	Window in girl's bathroom NE of boiler room - 1st floor	E of boiler room - 1st				
36	12	12-2	Exterior window glaze	Front window south of main foyer entrance doors - upper level	foyer entrance doors -				
8	13	13-1	Exterior caulk	NW door to Sunday school area - 1st floor	rea - 1st floor				
80	13	13-2	Exterior caulk	NE day care window - 1st floor	0.				
29	14	14-1	Sink undercoating (black)	Day care sink - 1st floor					
9	14	14-2	Sink undercoating (black)	Day care sink - 1st floor					
I									

Page 4 of 6

# Performance Environmental Services, Inc.

PLM LABORATORY CHAIN OF CUSTODY

3/5-6/15 DATE COLLECTED: LOCATION: Birmingham, MI **TECHNICIAN 2:** CLIENT: Chester Street Partners Thomas Carpenter 191 N Chester Street PROJECT #: 151225 TECHNICIAN 1: PROJECT:

			SAMPLES RELINQUISHED BY:	DATE:	15	SAMPLES ACCEPTED BY:	PATE	
<u></u> '		3					DAILE	
<u>- 1</u>	Thomas W. Carpenter		2d We Capach	3/7/2015	J.M.J.		MAR 0 9 20	2015 9.30
1							ATT OF STATE AND	Š
	NOTIF	NOTIFY RESULTS VIA:	labdata@perform-env.com	TURNAROUND TIME: 48 hours		TEST HA LAYERS UNTIL POSITIVE:	Yes	Š
	HA NUMBER	SAMPLE NUMBER	MATERIAL DESCRIPTION	SAMPLING LOCATION	TEM VERIFY (PLM ≤ 1%)	COMMENTS/RESULTS	LTS	
2	15	15-1	0"-6" O.D. Millboard straight run pipe insulation	Storage/mechanical room NE of boiler room - 1st floor - south center				
7	15	15-2	0"-6" O.D. Millboard straight run pipe insulation	Storage room between boiler and furnace rooms - south end - 1st floor				
3	15	15-3	0"-6" O.D. Millboard straight run pipe insulation	Storage room between boiler and furnace rooms - south end - 1st floor				
2	16	16-1	0"-6" O.D. Mudded pipe fitting insulation on Millboard straight Storage/mechanical room NE of boiler room - 1st run pipe insulation	Storage/mechanical room NE of boiler room - 1st floor - east end				
3	16	16-2	0"-6" O.D. Mudded pipe fitting insulation on Millboard straight SW end of storage room between boiler and run pipe insulation	SW end of storage room between boiler and furnace rooms near west door				
3	16	16-3	0"-6" O.D. Mudded pipe fitting insulation on Millboard straight run pipe insulation	SW corner of furnace room along south wall				
Ü	17	17-1	Mud between cloth and tar-coated fiberglass duct insulation	Duct on SW corner of furnace F1-b in furnace room - 1st floor				
48	17	17-2	Mud between cloth and tar-coated fiberglass duct insulation	Duct on SE corner of furnace F2 in furnace room - 1st floor				
2	17	17-3	Mud between cloth and tar-coated fiberglass duct insulation	Duct on SE corner of furnace F2 in furnace room - 1st floor				
50	18	18-1	Covebase mastic (brown)	North closet in large committee room - upper level - SW end				

# Performance Environmental Services, Inc.

PLM LABORATORY CHAIN OF CUSTODY

3/5-6/15			F DYATE:	207 0 0 3 X	V V	4	ULTS							
DATE COLLECTED:	LOCATION: Birmingham, MI		SAMPLES ACCEPTED BY:			TEST HA LAYERS UNTIL POSITIVE:	COMMENTS/RESULTS							
	LOCATION:			Ande			TEM VERIFY							
			DATE	3/7/2015		48 hours	SAMPLING LOCATION	North closet in large committee room - upper level . SW end	East end of south foyer hallway between doors and stairs to main foyer - upper level	naliway by door - upper				
		TECHNICIAN 2:				TURNAROUND TIME:	SAMPLING	North closet in large com SW end	East end of south foyer hallway b stairs to main foyer - upper level	East end of south foyer hallway by door - upper level				
CLIENT: Chester Street Partners		Thomas Carpenter	SAMPLES RELINQUISHED BY:	the Continue		labdata@perform-env.com	MATERIAL DESCRIPTION	Covebase mastic (brown)	Carpet glue (yellow) over black mastic	Carpet glue (yellow) over black mastic		·		
151225	191 N Chester Street			penter () Nom		NOTIFY RESULTS VIA:	SAMPLE NUMBER	18-2	19-1	19-2				
PROJECT #:	PROJECT:	TECHNICIAN 1:		homas W. Carpenter		NOTIF	HA NUMBER	18	19	19				

2 2 E

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## Section 5 CIS Checklist Supplemental Information

The Jeffrey 191 N Chester Birmingham, MI 48009

## **Combined CIS and Site Plan Review Supplemental Information**

### **General Information**

- Name and address of applicant and proof of ownership;
   See Section 2
- Name of Development (if applicable);The Jeffrey
- 3. Address and Legal description
  191 N Chester Birmingham, MI 48009
  See survey for legal description
- 4. Name and address of the land surveyor; Nowak & Fraus Engineers 46777 Woodward Ave, Pontiac, MI 48342 (248) 332-7931
- 5. Legend and notes, including a graphic scale, north point, and date; **See Site Plan**
- 6. A separate location map;

Please refer to Section 3 for Vicinity and sheet SP.100b and SP.100c for Location map

7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;

Please refer to Section 4 for Zoning Map

- 8. Details of all proposed site plan changes
  - Removal of existing porch and existing entry on the east.
  - Addition of new lobby and entry to the property line (east)
  - Addition of new office space to the west (no additional building footprint)
  - Addition of garage entry to the north.
  - Grading and landscaping to meet city of Birmingham requirements.

## Planning & Zoning Issues

9. Recommended land use of the subject property as designated on the future land use map of the City's Master Plan;

Current Zoning TZ2; See section 4

- 10. Goals and objectives of the city's Master Plans that demonstrate the city's support of the proposed development;
  - Proposed project is to be constructed within the boundaries of the Birmingham Overlay District and implement the Downtown Birmingham Plan
  - Proposed project encourages a form of development that will achieve the physical qualities necessary to enhance the economic vitality of Downtown Birmingham
  - Previously site plan approved two- story front addition is built to the width and property line as required under the TZ2 zoning
  - The proposed additions on the west do not increase the existing building footprint and are in keeping with the proposed front addition
- 11. Whether or not the project site is located within an area of the city for which an The Planning Board in which special design has adopted urban Design Plan criteria or other supplemental development requirements apply;

  Yes
- 12. The current zoning classification of the subject property; Current zoning of the subject property is TZ2. Property will conform to this zoning.
- 13. The zoning classification required for the proposed development; **TZ2**
- 14. The existing land uses adjacent to the proposed project: **TZ3, R7, R1**
- 15. Complete the attached "Zoning Requirements Analysis" chart; **Refer to Section 4**

### **Land Development Issues**

16. A survey and site drainage plan;

Refer to the enclosed engineering plans of the site

17. Identify any sensitive soils on site that will require stabilization or alteration in order to support the proposed development:

### No sensitive soils

- 18. Whether or not the proposed development will occur on a steep slope, and if so, the measures that will be taken to overcome potential erosion, slope stability and runoff; Refer to enclosed paving, grading and soil erosion plan. During construction of the building, care will be taken to prevent sediment laden soils from leaving the site by employing soil erosion best management techniques.
- 19. The volume of excavated soils to be removed from the site and /or delivered to the Site, and a map of the proposed haul routes;

Approximately 970 CY of in-place soils will be removed from the site for the construction of the new addition on the east. Refer to attached haul route map at the end of this section.

20. Identify the potential hazards and nuisances that may be created by the proposed development and the suggested methods of mitigating such hazards; **No potential hazards and nuisances.** 

### **Private Utilities**

- 21. Indicate the source of all required private utilities to be provided;
  - Refer to the enclosed utility plan of the site
  - Electricity, Natural and cable/telephone services existing to remain
- 22. Provide verification that all required utility easements have been secured for necessary private utilities:

Refer to the enclosed utility plan of the site.

### Noise Levels

23. Provide a reading of existing ambient noise and estimated future noise levels on the site:

Included in the Appendix is a study completed by Kolano and Saha Consulting Engineers for Sound Level Measurements and Noise Impact Assessment,

24. Indicate whether the project will be exposed to or cause noise levels which exceed those levels prescribed in Chapter 50, Division 4, Section 50-71 through 50-77 of the Birmingham City Code, as amended:

The Noise Impact Assessment Study prepared for the property concludes that the proposed development will be able to comply with the Birmingham Noise Ordinance limits.

25. Indicate whether the site is appropriate for the proposed activities and facilities given the existing ambient noise and the estimated future noise levels of the site:

Based on the information provided the Noise Impact Assessment study through deliberate effort to minimize noisy equipment, the proposed development will be able to comply with the Birmingham Noise Ordinance limits

## **Air Quality**

26. Indicate whether the project is located in the vicinity of a monitoring station where air quality violations have been registered and, if so, provide information as to whether the project will increase air quality problems in the area:

The property is located in the Southeast Michigan Air Quality District. The monitoring station is located in Oak Park. Current Ambient Air Quality Standards are under existing minimum standards as set forth by the EPA.

27. Indicate if the nature of the project or its potential users would be particularly sensitive to existing air pollution levels and, if so, indicate how the project has been designed to mitigate possible adverse effects;

The development is consistent with the other downtown Birmingham projects. HVAC equipment units will have filters and the exhausts will be designed to meet all current code requirements.

**28**. Indicate whether the proposal will establish a trend which, if continued, may lead to violation of air quality standards in the future;

We do not anticipate that the development will establish a trend that will adversely affect air quality within the Downtown District.

29. Indicate whether the proposed project will have parking facilities for more than 75 cars and indicate percentage of required parking that is proposed;

The proposed development will have (3) outdoor and (8) indoor parking spaces located in the parking garage. The code requires no parking spaces to be provided.

## **Environmental Design and Historic Values**

30. Indicate whether there will be demonstrable destruction or physical alteration of the natural or human made environment on site or in the right of way (ie. clearance of trees, substantial regrading etc.);

Refer to enclosed engineering site plans.

The sidewalks and streetscape on Chester and Willits will be rebuilt to the appropriate standards.

Willits will have a new garage entrance drive.

31. Indicate whether there will be an intrusion of elements out of character or scale with the existing physical environment (ie. significant changes in size, scale of building, floor levels, entrance patterns, height, materials, color or style from

that of surrounding developments);

No

32. Indicate all elements of the project that are eligible for LEED points if the building were to be LEED certified:

We have determined that LEED certification will not be a part of this development.

33. Indicate whether the proposed structure will block or degrade views, change the skyline or create a new focal point;

The structure will not degrade views. We believe that the building will create a new focal point. Letters from neighbors approving new views are attached as a part of the application.

34. Indicate whether there will be objectionable visual pollution introduced directly or indirectly due to loading docks, trash receptacles or parking, and indicate mitigation measures for same;

We are requesting a variance from the loading dock requirement. Trash receptacles and recycling are located within the building and will not cause visual pollution. Indoor parking is accessed by a new entry/exit from Willits St.

35. Indicate whether there will be an interference with or impairment of ambient conditions necessary for the enjoyment of the physical environment (ie. vibration, dust, odor, heat, glare etc.);

The proposed development will not generate abnormal vibrations, dust, odor, heat, glare or other noxious elements that would prohibit enjoyment of the existing environment.

36. Indicate whether the project area and environs contain any properties listed on the National Register of Historic Places or the city's inventory of historic structures:

This property does not appear on the National Register of Historic Places or the City's Inventory of historic structures.

37. Provide any information on the project area that the State Historic Preservation Office (SHPO) may have:

We are not aware of the property appearing on the SHPO

38. Indicate whether there will be other properties within the boundaries or in the vicinity of the project that appear to be historic and thus require consultation with the SHPO as to eligibility for the National register;

No surrounding properties appear to be historic.

39. Indicate whether the Department of the Interior has been requested to make a determination of eligibility on properties the SHPO or HDC deems eligible and affected by the project;

There is no indication that the Department of the Interior has been requested to make a determination on the historic value of the surrounding properties.

40. Provide proof that the HDC has been given an opportunity to comment on properties that are listed on or have been found eligible for the National Register and which would be affected by the project;

**Does Not Apply** 

# Refuse

41. Indicate whether the existing or planned solid waste disposal system will adequately service the proposed development including space for separation of recyclable materials:

Space for refuse and recycling areas for the building occupants will be provided as per standards of the city and area.

42. Indicate whether the design capacity of the existing or planned solid waste disposal system will be exceeded as a result of the project:

Solid waste generated from this facility will be standard and can be handled easily by local waste management companies

43. Indicate whether existing or planned waste water systems will be able to adequately service the proposed development:

Yes. The existing sewer service flow basis of design and capacity of the combined sewer has been reviewed and confirmed by the City Engineer.

44. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

It is not anticipated that the design capacity of the municipal combined sewer will be exceeded by the development.

45. Indicate the elements of the project that have been incorporated to reduce the amount of water entering the sewer system (such as low flush toilets, Energy Star appliances, restricted flow faucets, greywater recycling etc.);

Building design will incorporate restricted flow plumbing fixtures and Energy Star appliances wherever possible.

## Storm Sewer

46. Indicate whether existing or planned storm water disposal and treatment systems will adequately serve the proposed development:

Yes

47. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

It is not anticipated that the design capacity of the municipal sewer system will be exceeded by the proposed development.

48. Indicate the elements of the project that have been incorporated to reduce the amount of storm water entering the sewer system (such as the use of pervious concrete, rain gardens, greywater recycling, green paved etc.):

All care will be taken by ownership to use appropriate storm water management techniques, in accordance with the Birmingham Storm water Ordinance. http://www.bhamgov.org/government/departments/treasury/storm\_water\_utility\_ordinance.php

# **Water Service**

49. Indicate whether either the municipal water utility or onsite water supply system is adequate to serve the proposed project;

Existing domestic system to be adequate; new fire suppression system to be added.

50. Indicate whether the water quality is safe from both a chemical and bacteriological standpoint;

The latest published water quality report can be found at the following address: http://www.bhamgov.org/document\_center/Engineering/2015\_Water\_Quality%20R eport.pdf

51. Indicate whether the intended location of the service will be compatible with the location and elevation of the main;

Existing system to remain or be relocated

# **Public Safety**

52. Whether or not the project location provides adequate access to police, fire and emergency medical services:

Building is directly on Chester and Willits Street right of way line and offers direct access for emergency personnel.

53. Whether or not the proposed project design provides easy access for emergency vehicles and individuals (ie. are there obstacles to access, such as one way roads, narrow bridges etc.);

Project located on corner of on Chester and Willits Street with direct access to all local arteries.

54. Whether or not there are plans for a security system which can be expanded, and whether approval for same has been granted by the police department;

A security system is proposed. Approval upon review to meet all police department requirements.

55. Detailed description of all fire access to the building, site, fire hydrants and water connections;

Fire department connection to be coordinated per fire department; Full fire suppression throughout; Access to all floors via fire stairs and elevators; Full state of the art alarm system

- 56. Whether or not there are plans for adherence to all city and N.F.P.A. fire codes: **All NFPA codes will be followed.**
- 57. Proof that one elevator has been designed to accommodate a medical cart: **New Elevator to accommodate a medical cart**
- 58. Detailed specifications on all fire lanes/parking lot surfaces/alleys/streets to demonstrate the ability to accommodate the weight of emergency / fire vehicles; **Existing street access, concrete parking lot surfaces**
- 59. Detailed description of all fire suppression systems: **To be submitted with Construction Documents**
- 60. Provide completed FORM A –Transportation Study Questionnaire (Abbreviated); See Traffic Impact Assessment as prepared by Stonefield engineering.
- 61. Provide completed FORM B Transportation Study Questionnaire if required by the city's transportation consultant; See Traffic Impact Assessment as prepared by Stonefield engineering. Does not apply if absent in the study
- 62. Indicate whether transportation facilities and services will be adequate to meet the needs of all users (i.e. access to public transportation, bicycle accommodations, pedestrian connections, disabled, elderly etc.);
- Bus Stop is located in close proximity on Maple
- A Bike rack will be provided to accommodate (2) bikes
- Pedestrian access available at Chester and Willits St.
- Full Barrier free access to all levels of the building
- 63. Indicate how the project will improve the mobility of all groups by providing transportation choices;

Occupants and visitors can easily access the facility by foot via sidewalks, by car from parking on the street or from nearby parking deck and by bus. A Bike rack will be provided for bikers. The building is located adjacent to the city's neighborhood connector route.

64. Indicate how the users of the building will be encouraged to use public transit and non motorized forms of transportation;

A Bus stop is in close proximity on Maple. A Bike rack will be provided on site for occupants and visitors. The Bike rack will be consistent with Birmingham city standards.

65. Indicate the elements that have been incorporated into the site and surrounding right-of-way to encourage mode shift away from private vehicle trips;

# A Bus stop in close proximity on Maple. A Bike rack on site will be provided for (2) bikes

66. Indicate the elements of the project that have been provided to improve the comfort and safety of cyclists (such as secured or covered bicycle parking, lockers, bike lanes/p aths, bicycle share program etc.);

# A Bike rack will be provided on site for (2) bikes

- 67. Indicate the elements of the project that have been provided to improve the comfort and safety of pedestrians (such as wheelchair ramps, crosswalk markings, pedestrian activated signal lights, bulb outs, benches, landscaping, lighting etc.);
- Wheelchair and all barrier free access provided
- Access route developed north and east of building including planters and trees
- The building is located adjacent to the city's neighborhood connector route.
- 68. Indicate the elements of the project that have been provided to encourage the use of sustainable transportation modes (such as receptacles for electric vehicle charging, parking for scooters/Smart cars etc.):

# Not at this time

69. Indicate whether there are any visual indicators of pond and / or stream water quality problems on or near the site;

# **Not Applicable**

70. Indicate whether the project will involve any increase in impervious surface area and if so, indicate the runoff control measures that will be undertaken:

Refer to the enclosed survey and drainage plans paving plans of the site.

71. Indicate whether the project will affect surface water flows on water levels of ponds or other water bodies:

It is not anticipated that the development will impact any existing surface water flows of ponds or other water bodies.

72. Indicate whether the project may affect or be affected by a wetland, flood plain, or floodway;

It is not anticipated that the development will be impacted or propose impact an existing wetland, floodplain, or floodway. Refer to the enclosed engineering site plans

73. Indicate whether the project location or construction will adversely impact unique natural features on or near the site:

It is not anticipated that the development will be impact or propose impact an existing unique natural features on or near the site.

74. Indicate whether the project will either destroy or isolate a unique natural feature from public access;

Current site is private and the development will not impede the public access to amenities that surround it.

75. Indicate whether any unique natural feature will pose safety hazards for the proposed development;

No existing natural feature will pose any safety hazards for the development.

76. Indicate whether the project will damage or destroy existing wildlife habitats; **Proposed project will not destroy and existing wildlife or habitats** 

# Other Information

77. Any other information as may reasonably be required by the city to assure an adequate analysis of all existing and proposed site features and conditions.

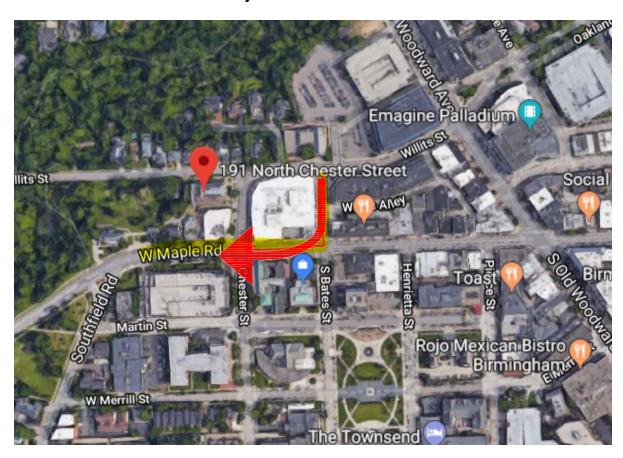
Our office will be happy to supply all additional requested information by the city.

## **Professional Qualifications**

The preparer(s) of the CIS must indicate their professional qualifications, which must include registration in the state of Michigan in their profession where licensing is a state requirement for the practice of the profession (i.e. engineer, surveyor, architect etc.). Where the state does not require licensing (ie. planner, urban designer, economist etc.), the preparer must demonstrate acceptable credentials including, but not limited to, membership in professional societies, university degrees, documentation illustrating professional experience in preparing CIS related materials for similar projects.

# Kevin Biddison, AIA

# **HAUL ROUTE MAP- The Jeffrey**



# PROPOSED RENOVATION AND NEW ADDITION FOR:

# THE JEFFREY

# **CONDITIONS OF WORK**

CONSTRUCTION COORDINATION:

1. ALL CONTRACTORS SHALL REVIEW ALL DRAWINGS & ARE RESPONSIBLE FOR A COMPLETE REVIEW & SITE VISIT. ITEMS AFFECTING ALL TRADES ARE PLACED THROUGHOUT SET & NO "EXTRAS" FOR MISSED ITEMS IN OTHER SECTIONS WILL BE PERMITTED. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY ARCHITECT OF ANY AMBIGUITY, INCONSISTENCY OR ERRORS WHICH THEY DISCOVER UPON EXAMINATION OF DOCUMENTS, THE SITE OR LOCAL CONDITIONS

2. ANY CONTRACTOR OR SUBCONTRACTOR BY SUBMITTING A BID WARRANT'S THAT HE HAS VISITED THE SITE AND IS AWARE OF ANY AND ALL SITE CONDITIONS AFFECTING HIS BID.

3. THE CONTRACTOR BY COMMENCING WORK ACCEPTS THE CONDITIONS OF THE SITE & THE COMPLETENESS OF CONTRACT DOCUMENTS.

4. FIELD VERIFY ALL DIMENSIONS AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ARCHITECT. DO NOT SCALE DRAWINGS USE FIGURED DIMENSIONS ONLY.

5. ANY MATERIAL OR LABOR NEITHER SHOWN ON THE DRAWINGS NOR SPECIFIED, BUT WHICH IS OBVIOUSLY NECESSARY TO COMPLETE THE WORK IN A WORKMANLIKE MANNER SHALL BE FURNISHED WITHOUT COST TO THE OWNER.

6. ALL MATERIALS FURNISHED AND INSTALLED BY THE GENERAL CONTRACTOR SHALL BE FREE FROM DEFECTS. ALL WORK SHALL BE GUARANTEED FOR A PERIOD OF (1) YEAR FROM DATE OF ACCEPTANCE OF WORK. DURING THIS PERIOD THE GENERAL CONTRACTOR SHALL CORRECT ANY PROBLEMS DUE TO DEFECTIVE MATERIALS OR FAULTY WORKMANSHIP AT NO COST TO THE OWNER. ANY PROBLEM THAT OCCURS DURING CONSTRUCTION SHALL IMMEDIATELY BE CORRECTED TO THE SATISFACTION OF THE OWNER.

7. NO SUBSTITUTIONS OF SPECIFIED MATERIAL OR EQUIPMENT WILL BE ACCEPTED UNLESS WRITTEN REQUEST FOR APPROVAL HAS BEEN RECEIVED BY THE ARCHITECT AND CONTRACTOR HAS RECEIVED WRITTEN APPROVAL FROM ARCHITECT.

8. DURING AND AT THE COMPLETION OF THE CONTRACTOR'S DAILY WORK, CONTRACTOR IS RESPONSIBLE FOR THE CLEANING UP AND REMOVAL OF ALL RUBBISH AND DEBRIS BEFORE LEAVING THE PROJECT JOB SITE.

PERMITS & SAFETY:

1. GENERAL CONTRACTOR SHALL APPLY & SUBMIT FOR BUILDING PERMIT.

2. GENERAL CONTRACTOR SHALL OBTAIN "ALL RISK" INSURANCE AND ALL CUSTOMARY STATUTORY INSURANCE FOR COMPREHENSIVE GENERAL LIABILITY, ETC. AS REQUIRED BY OWNER/LANDLORD.

3. GENERAL CONTRACTOR SHALL PROVIDE ADEQUATE PROTECTION OF WORK, MATERIALS, FIXTURES, ETC. IN LEASED SPACE FROM LOSS OR DAMAGE FROM FIRE, THEFT OR VANDALISM.

4. ALL WORK SHALL BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA). THE FOLLOWING ARE STRICTLY PROHIBITED WORK PRACTICES.

A. ANY COMBUSTIBLE MATERIALS ABOVE FINISHED CEILING OR IN ANY NON-SPRINKLED OCATIONS.

B. IMPOSING ANY STRUCTURAL LOAD, TEMPORARY OR PERMANENT ON ANY PART OF THE LANDLORD'S WORK OR STRUCTURE WITHOUT PRIOR WRITTEN APPROVAL.

C. CUTTING ANY HOLES IN LANDLORD'S EXISTING FLOOR SLABS, WALLS OR ROOF WITHOUT PROPER APPROVAL'S PROPER APPROVALS FROM LANDLORD. BEFORE STARTING ANY UNDERSLAB WORK CONTRACTORS MUST CHECK WITH THE LANDLORD OR SUPERINTENDENT OF THE LANDLORD'S GENERAL CONTRACTOR TO DETERMINE IF ANY COMMON UTILITY OR OTHER TENANT UTILITY LINES EXIST WITHIN THE SPACE.

CODE COMPLIANCE:

1. WORK INDICATED IS TO BE EXECUTED IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL

FIRE EXTINGUISHERS SHALL BE PROVIDED BY G.C. AND INSTALLED DER THE FIRE

2. FIRE EXTINGUISHERS SHALL BE PROVIDED BY G.C. AND INSTALLED PER THE FIRE

3. ALL WALL FINISHES TO MEET CLASS III FLAME SPREAD RATINGS IN ACCORDANCE WITH MBC-2015 CHAPTER 8.

4. INTERIOR FINISHES IN EXIT ACCESS CORRIDORS, OTHER EXIT WAYS, ROOMS, AND ENCLOSED SPACES IN USE GROUPS "B" AND "S" IN SPRINKLED BUILDINGS ARE REQUIRED TO HAVE AT LEAST A CLASS C: FLAME SPREAD 76-200; SMOKE DEVELOPED 0-450; RATING AS LISTED IN THE 2015 MICHIGAN BUILDING CODE.

5. SAFETY GLAZING MUST HAVE PERMANENT IDENTIFICATION IN ACCORDANCE WITH THE 2015

6. ALL REQUIREMENTS OF THE MICHIGAN BARRIER FREE ACT & THE AMERICAN'S WITH DISABILITIES ACT SHALL BE MAINTAINED TO COMPLY WITH ICC/A117.1-2009.

7. ALL OFFICE FURNITURE & EQUIPMENT TO BE PROVIDED BY TENANT- SHOWN FOR LAYOUT PURPOSES ONLY. TO COMPLY WITH ADA- ICC/A117.1-2009 (TYP.) REQUIREMENTS, A MINIMUM OF 5%, BUT NOT LESS THAN (1) OF THE LUNCHROOM TABLES AND EMPLOYEE WORKSTATIONS (CUBICLES) SHALL BE ACCESSIBLE. ACCESSIBLE TABLE AND WORKSTATION TOPS SHALL BE 28" MIN. TO 34" MAX. A.F.F. KNEE AND TOE CLEARANCES AS FOLLOWS SHALL ALSO APPLYTOE: 4" MIN. HIGH, 17" MIN. TO 25" MAX. DEPTH, AND 30" MIN. WIDE. KNEE: 27" MIN. HIGH, 11" DEEP @ 9" HIGH TO 8" DEEP @ 27" HIGH, AND 30" MIN. WIDE.

8. ALL ENTRANCE AND EXIT DOORS SHALL HAVE BARRIER FREE ACCESSIBILITY TO COMPLY

9. TO COMPLY WITH ADA - ICC/A117.1-2009 (TYP.) REQUIREMENTS, CHANGES IN LEVEL GREATER THAN 1/2" SHALL BE RAMPED AND CHANGES IN LEVEL BETWEEN 1/4" AND 1/2" SHALL BE BEVELED A MAXIMUM OF 1:2.

10. ALL LUNCHROOM APPLIANCES TO BE PROVIDED BY TENANT. TO COMPLY WITH ADA-ICC/A117.1-2009 (TYP.) REQUIREMENTS, DISHWASHERS MUST FIT UNDER A 34" HIGH (32 1/4" CLEAR UNDER) COUNTERTOP, THE REFRIGERATOR MUST BE A SIDE-BY-SIDE OR BOTTOM FREEZER UNIT, AND ALL MICROWAVE CONTROLS TO BE NO HIGHER THAN 46" A.F.F. TO MEET OBSTRUCTED HIGH SIDE REACH REQUIREMENTS.

11. SIGNAGE INDICATING ACCESSIBILITY PROVISIONS SHALL BE PROVIDED AT EACH DOOR TO AN EXIT DISCHARGE. A TACTILE SIGN STATING EXIT AND COMPLYING WITH ICC/ANSI A117.1-2009 SHALL BE PLACED ADJACENT TO THE DOOR. PLEASE REFER TO SHEET A. 601 FOR ADDITIONAL INFORMATION AND LOCATION.

# FIRE SUPPRESSION NOTE:

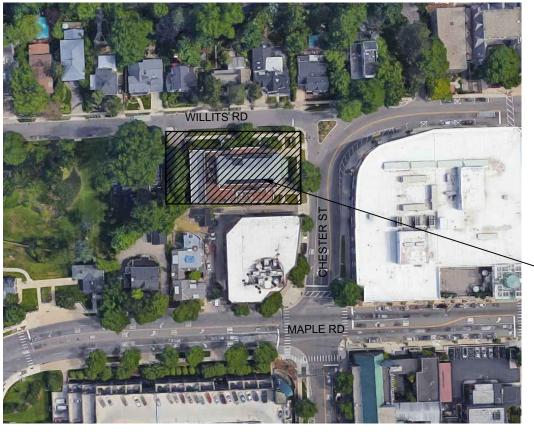
THE BUILDING IS PROVIDED WITH A FULL AUTOMATIC FIRE PROTECTION SPRINKLER SYSTEM (FIRE SUPPRESSION SYSTEM) WHICH WILL BE DESIGNED TO MEET M.B.C. REQUIREMENTS AND CITY OF BIRMINGHAM INSPECTION AND PERMIT APPROVAL. SPRINKLER CONTRACTOR SHALL BE FULLY LICENSED AND BE RESPONSIBLE FOR PREPARATION OF ENGINEERING DRAWING, SUBMISSION OF DRAWINGS TO ALL LOCAL AND STATE AGENCIES FOR APPROVAL, AND FOR COORDINATION OF REQUIREMENTS WITH OWNERS AND TENANTS INSURANCE CARRIER.

NOTE:

FIRE PROTECTION SYSTEM FOR THE BUILDING EQUAL TO ORDINARY HAZARD N.F.P.A. NO. 13 CRITERIA WITH ONE (1) 6" D.I. BUILDING SERVICE PROVIDED. PROTECTION BASED ON TENANT WAREHOUSING 12'-0" A.F.F.

BUILDING TO BE EQUIPPED WITH A FIRE ALARM SYSTEM (PER SPECIFICATIONS PAID FOR BY TENANT )AS REQUIRED PER N.F.P.A. 72-2015 BASED ON BUILDING OCCUPANCY.

TYPE 2A FIRE EXTINGUISHERS SHALL BE PROVIDED AND SPACED A MAX. OF 75' APART PER SECTION 906.1 OF THE 2015 INTERNATIONAL FIRE CODE AND / OR BY THE DIRECTION OF THE FIRE MARSHAL.



- EXISTING BUILDING: 191 N CHESTER ST, BIRMINGHAM, MI 48009



# biddison | architecture + design

320 Martin Street Suite 10 Birmingham, MI 48009 t:248.554.9500 Contact Person: Kevin Biddison

e.mail: kb@biddison-ad.com

Consultants

# PROJECT ADDRESS

191 N Chester St, Birmingham, MI 48009

ZONED: TZ-2

# APPLICANT INFORMATION

CONTACT PERSON:

Sam Surnow 320 Martin St, Suite 100 Birmingham, MI 48009

# GENERAL CONTRACTOR:

Ronnisch Construction 4327 Delemere Ct, Royal Oak, MI 48073

p.(248) 549-1800

# SHEET INDEX

T.101 TITLE SHEET

SP1 C1 L1 C2 C4 C5 C6	PRELIMINARY ENG. SITE PLAN EXIST. BOUNDARY/TOPO/TREE SURVEY PLAN LANDSCAPE PLAN SITE DEMOLITION PLAN PAVING AND GRADING PLAN UTILITY PLAN SOIL EROSION/DRAINAGE AREA PLAN
D1 D2	WATER MAIN STANDARD DETAILS SEWER STANDARD DETAILS
SP.100a SP.100b	
A.100 A.101 A.102	LOWER LEVEL PLAN FIRST FLOOR PLAN SECOND FLOOR PLAN
	ELEVATIONS ELEVATIONS (SHOWING ADDITION IN COLOR FOR VISUAL CLARITY) ELEVATIONS (SHOWING ADDITION IN COLOR FOR VISUAL CLARITY) PRELIMINARY SECTION

Project data

GOVERNING CODES:

2015 MICHIGAN BUILDING CODE 2015 MICHIGAN PLUMBING CODE 2015 MICHIGAN MECHANICAL CODE 2015 MICHIGAN REHABILITATION CODE 2015 INTERNATIONAL FUEL GAS CODE MICHIGAN ELECTRICAL CODE, 2014 N.E.C. W/ PART 8 STATE AMENDMENTS ICC/ANSI A117.1-2015 AND MICHIGAN BARRIER FREE DESIGN LAW OF PUBLIC ACT 1 OF 1966 AS AMENDED. MICHIGAN UNIFORM ENERGY CODE RULES PART 10 WITH ANSI/ASHRAE/IESNA STANDARD 90.1-2015 2015 INTERNATIONAL FIRE CODE NFPA 13 - 2010 NFPA 72 - 2010

BUILDING USE GROUP(S): BUSINESS: B

TYPE OF CONSTRUCTION: 2015 MBC: 2B (UN-PROTECTED)

NFPA 220: TYPE II-000

NFPA 13: 2010

NFPA 72: 2010

ZONING
SPECIAL LAND USE PERMIT
COMMUNITY IMPACT STUDY & SITE PL. REV.
REVISIONS PER CITY
08.29.17
01.15.18
04.13.18
05.03.18
Project no.

1997-17

Sheet no.

Issued for

T.101

GENERAL PAVING NOTES

PAVEMENT SHALL BE OF THE TYPE, THICKNESS AND CROSS SECTION AS INDICATED ON THE

CONCRETE: PORTLAND CEMENT TYPE IA (AIR-ENTRAINED) WITH A MINIMUM CEMENT CONTENT OF SIX SACKS PER CUBIC YARD, MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI AND A SLUMP OF 1 1/2 TO 3 INCHES.

BASE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100L, 20AA; SURFACE COURSE - MDOT BITUMINOUS MIXTURE NO. 1100T, 20AA; ASPHALT CEMENT PENETRATION GRADE 85-100, BOND COAT - MDOT SS-1H EMULSION AT 0.10 GALLON PER SQUARE YARD; MAXIMUM 2 INCH LIFT.

PAVEMENT BASE SHALL BE COMPACTED TO 95% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF PROPOSED PAVEMENT. EXISTING SUB-BASE SHALL BE PROOF-ROLLED IN THE PRESENCE OF THE ENGINEER TO DETERMINE STABILITY. ALL CONCRETE PAVEMENT, DRIVEWAYS, CURB & GUTTER, ETC., SHALL BE SPRAY CURED WITH WHITE MEMBRANE CURING COMPOUND IMMEDIATELY FOLLOWING FINISHING OPERATION. ALL CONCRETE PAVEMENT JOINTS SHALL BE FILLED WITH HOT POURED RUBBERIZED ASPHALT JOINT SEALING COMPOUND IMMEDIATELY AFTER SAWCUT OPERATION. FEDERAL SPECIFICATION

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION, CURRENT EDITION. ALL TOP OF CURB ELEVATIONS, AS SHOWN ON THE PLANS, ARE CALCULATED FOR A 6"

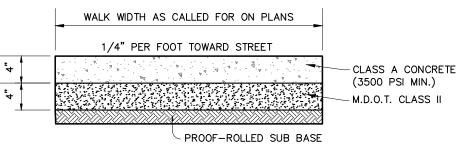
CONCRETE CURB UNLESS OTHERWISE NOTED. ALL SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1993, SHALL BE INSTALLED AS INDICATED ON THE PLANS.

CONSTRUCTION OF A NEW OR RECONSTRUCTED DRIVE APPROACH CONNECTING TO AN EXISTING STATE OR COUNTY ROADWAY SHALL BE ALLOWED ONLY AFTER AN APPROVED PERMIT HAS BEEN SECURED FROM THE AGENCY HAVING JURISDICTION OVER SAID ROADWAY. FOR ANY WORK WITHIN THE PUBLIC RIGHT—OF—WAY, THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL INSPECTION.

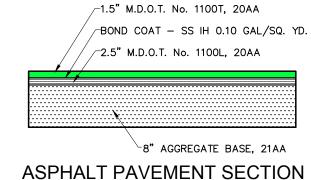
EXISTING TOPSOIL, VEGETATION AND ORGANIC MATERIALS SHALL BE STRIPPED AND REMOVED FROM PROPOSED PAVEMENT AREA PRIOR TO PLACEMENT OF BASE MATERIALS. EXPANSION JOINTS SHOULD BE INSTALLED AT THE END OF ALL INTERSECTION RADII. SIDEWALK RAMPS, CONFORMING TO PUBLIC ACT NO. 8, 1973, SHALL BE INSTALLED AS SHOWN AT ALL STREET INTERSECTIONS AND AT ALL BARRIER FREE PARKING AREAS AS

ALL PAVEMENT AREAS SHALL BE PROOF-ROLLED UNDER THE SUPERVISION OF A GEOTECHNICAL ENGINEER PRIOR TO THE PLACEMENT OF BASE MATERIALS AND PAVING

FILL AREAS SHALL BE MACHINE COMPACTED IN UNIFORM LIFTS NOT EXCEEDING 9 INCHES THICK TO 98% OF THE MAXIMUM DENSITY (MODIFIED PROCTOR) PRIOR TO PLACEMENT OF



CONCRETE SIDEWALK SECTION



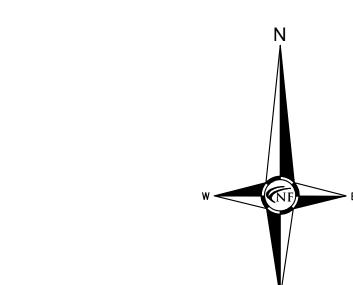
(DRIVE AND PARKING)

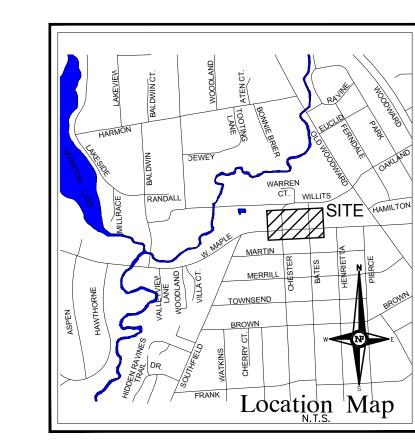
PROOF-ROLLED SUB BASE

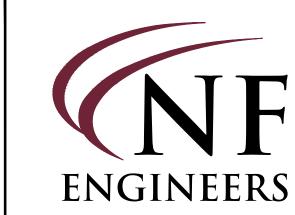
CONCRETE PAVEMENT SECTION

78" CONCRETE PAVEMENT (3500 PSI MIN.)

√6" AGGREGATE BASE, 21AA







**CIVIL ENGINEERS** LAND SURVEYORS LAND PLANNERS

NOWAK & FRAUS ENGINEERS 46777 WOODWARD AVE. PONTIAC, MI 48342-5032 TEL. (248) 332-7931 FAX. (248) 332-8257

SEAL BRAD W. BRICKEL ENGINEER NO. 54071 , PROFESSIONA'

PROJECT The Jeffrey

CLIENT

Chester Street Partners, LLC c/o The Surnow Group 320 Martin St., Suite 100 Birmingham, MI 48009

Contact: Sam Surnow 248.877.4000 - Phone

PROJECT LOCATION

Part of the SW 1/4 of Section 25 T.2N., R.10E. City of Birmingham, Oakland County, Michigan

SHEET Preliminary Engineering Site Plan

Know what's **below** Call before you dig.

REVISIONS 01-15-18 ISSUED FOR SITE PLAN REVIEW 05-03-18 REVISED PER CITY REVIEW

DRAWN BY: R. Johnson **DESIGNED BY:** B. Brickel APPROVED BY: B. Brickel DATE: January 4, 2018

SCALE: 1'' = 20'

SHEET NO.

SP1

NFE JOB NO.

N/A 10' (S.&W.) 6.7'(S.),30.6'(W.) LIGHTING NOTE CITY LIGHTS WILL BE INSTALL BY DTE ENERGY THROUGH A CITY CONTRACT (TYP) TRASH COLLECTION NOTE TRASH TO BE COLLECTED INTERNALLY, NO EXTERIOR DUMPSTER ENCLOSURE REQUIRED FOR THIS PROJECT. PAVING LEGEND PROPOSED CONCRETE PAVEMENT PROPOSED ASPHALT PAVEMENT LEGEND - EXISTING SANITARY SEWER SAN. CLEAN OUT HYDRANT GATE\_VALVE EXISTING WATERMAIN MANHOLE CATCH BASIN EXISTING STORM SEWER EX. R. Y. CATCH BASIN EXISTING BURIED CABLES UTILITY POLE GUY POLE OVERHEAD LINES LIGHT POLE SIGN · \_\_\_\_ EXISTING GAS MAIN ----- PR. SANITARY SEWER GATE VALVE PR. WATER MAIN PR. R. Y. CATCH BASIN PROPOSED LIGHT POLE TC 600.00 PR. TOP OF CURB ELEVATION GU 600.00 PR. GUTTER ELEVATION TW 600.00 PR. TOP OF WALK ELEVATION TP 600.00 PR. TOP OF PVMT. ELEVATION FG 600.00 FINISH GRADE ELEVATION

SITE DATA

BUILDING FOOTPRINT PARKING & DRIVES

SETBACK REQUIREMENTS FRONT:

OPEN SPACE

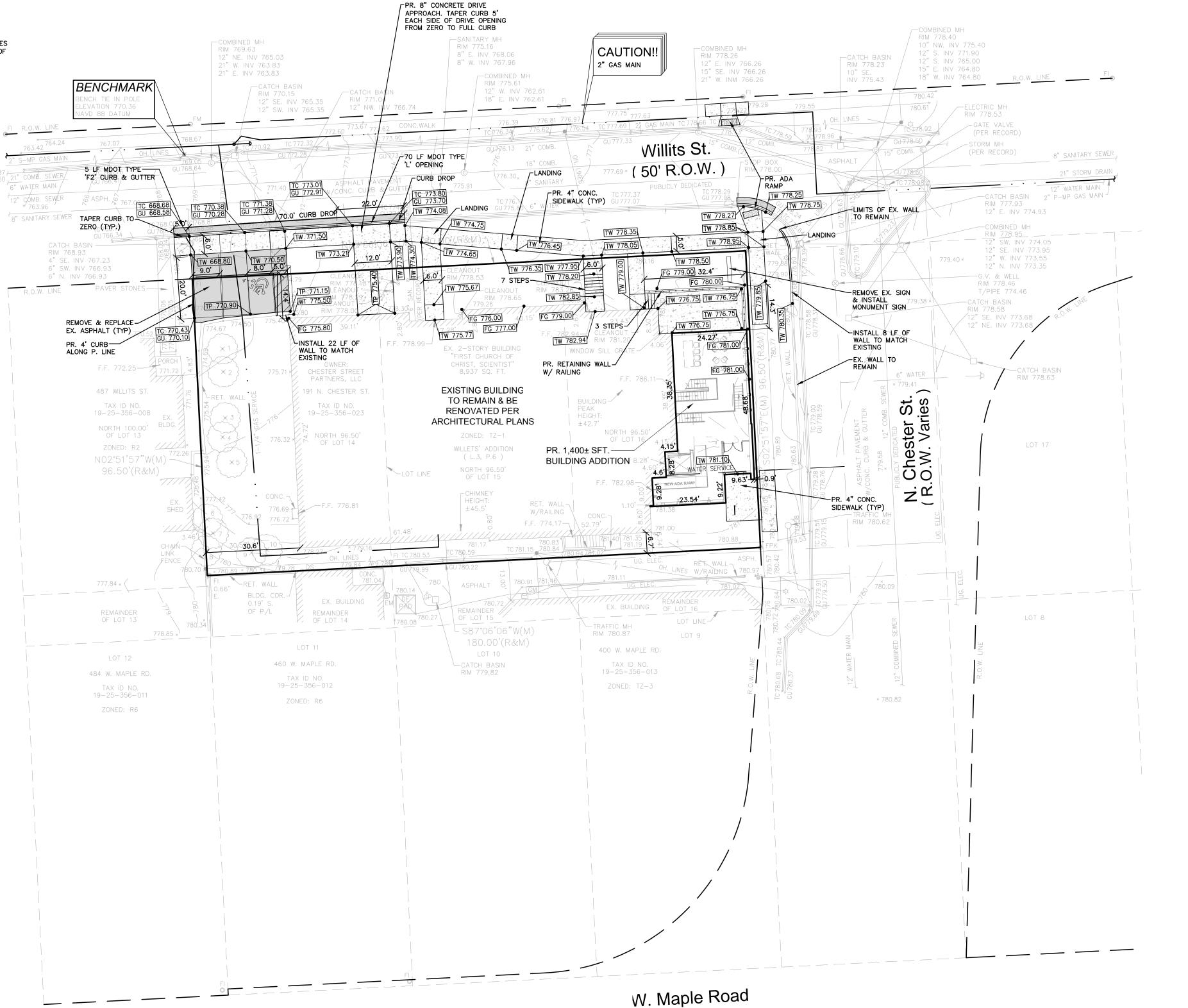
SITE AREA GROSS/NET: 17,370.00 SFT. OR 0.399 ACRES

ZONING
EXISTING: TZ-1 (ATTACHED SINGLE-FAMILY RES.)

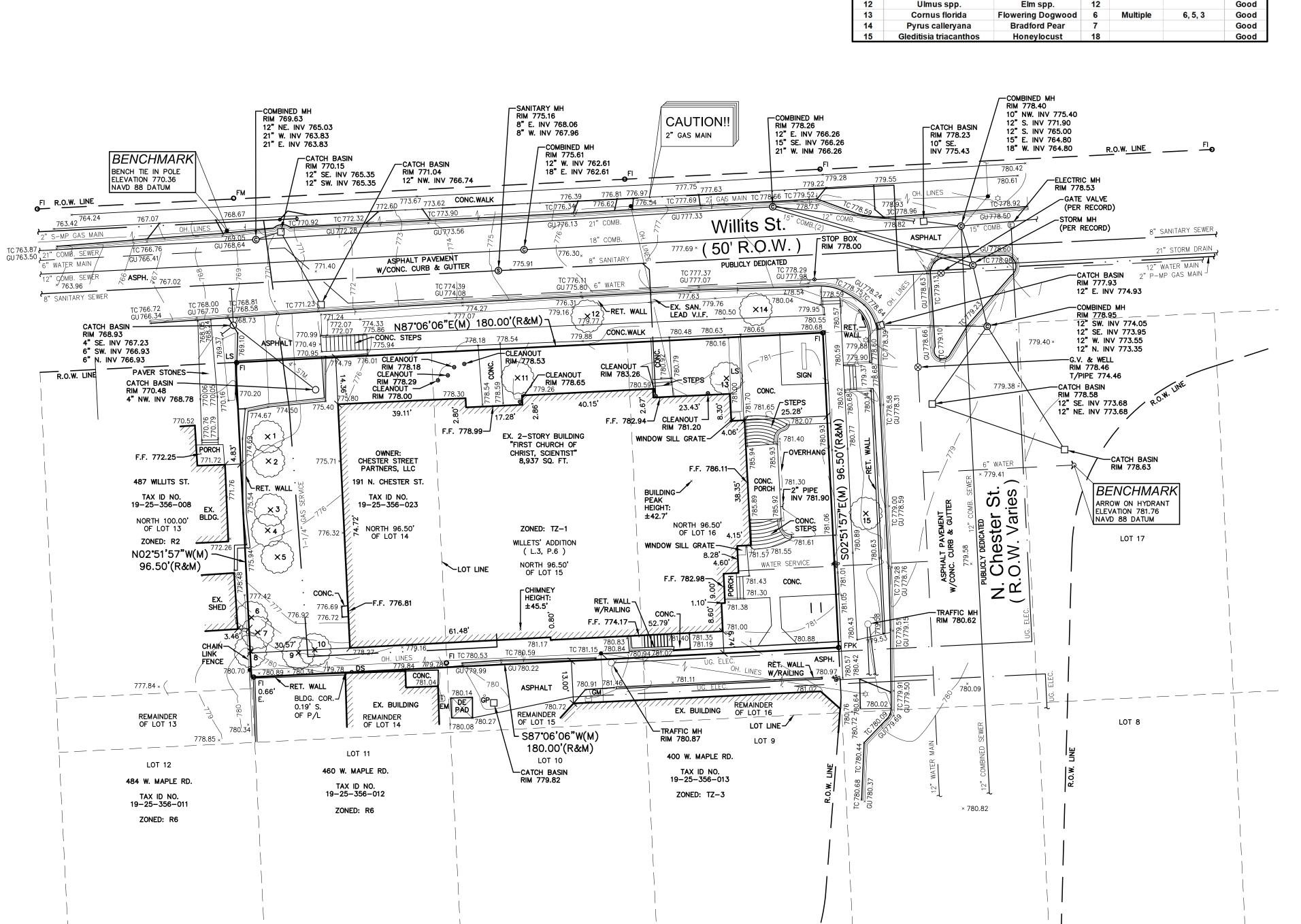
17,370.00 SFT. 10,328.04 SFT. 821.28 SFT. 6,220.68 SFT.

REQUIRED PROVIDED 0.0' (N.&E.) 14.4'(N.),0.9'(E.)

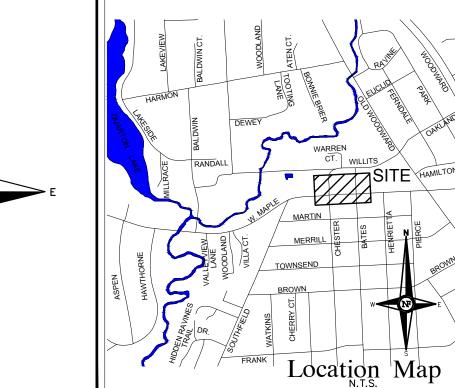
100.0% 59.5% 4.7% 35.8%



		Tree II	rventor	y List		
Job Num	ıber:	K190				
Job Loca	ation: 191 I	N Chester St., Birmingha	m, MI			
Client		The Surnow Group				
Conditio	n Description Notes:					
"Good" -	no observed structural de	fects*				
"Fair" - n	ninor structural defects, ma	arginal form, some insec	t activit	y noted*		
"Poor" -	major structural defects, p	oor form, insect infested	*			
	ral defects may include dec			•	ch unions	
cankers,	poor tree architecture, dea	d/failed branches due to	various	s causes.		
Tree #	Botanical Name	Common Name	Dia.	Type	Other Dia.	Condition
1	Pinus strobus	Eastern White Pine	14	Type	Other Dia.	Good
2	Pinus strobus	Eastern White Pine	15			Good
3	Pinus strobus	Eastern White Pine	18			Good
4	Pinus strobus	Eastern White Pine	13			Good
5	Pinus strobus	Eastern White Pine	12			Good
6	Thuja occidentalis	Northern White-cedar	7			Good
7	Thuja occidentalis	Northern White-cedar	6			Good
8	Juglans nigra	Black Walnut	22			Good
9	Thuja occidentalis	Northern White-cedar	8			Good
10	Thuja occidentalis	Northern White-cedar	12			Good
11	Amelanchier spp.	Serviceberry	4	Multiple	4, 4, 4	Good
12	Ulmus spp.	Elm spp.	12			Good
13	Cornus florida	Flowering Dogwood	6	Multiple	6, 5, 3	Good
14	Pyrus calleryana	Bradford Pear	7	-		Good
	·					Good



W. Maple Road



# SITE DATA

SITE AREA: 17,370.00 SQUARE FEET OR 0.398 ACRES

ZONING: TZ-1, TRANSITIONAL ZONING 1

THE CLIENT DID NOT PROVIDE THE SURVEYOR WITH A ZONING REPORT AT THE TIME OF THE SURVEY, THEREFORE NO ADDITIONAL INFORMATION CAN BE PROVIDED.

# LEGAL DESCRIPTION

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS: THE NORTH 96.50 FEET OF LOTS 14, 15 AND 16 OF WILLETS' ADDITION TO THE CITY OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 3 OF PLATS, PAGE 6, OAKLAND COUNTY RECORDS.

ADDRESS: 191 N. CHESTER STREET, BIRMINGHAM, MI 48009 TAX ID NO. 19-25-356-023

# DATUM NOTE

THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88), REFERENCED HEREON, IS ONE (1) FOOT LOWER THAN THE CITY OF BIRMINGHAM'S VERTICAL DATUM.

# FLOOD HAZARD NOTE

THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREA INDICATED BY FLOOD INSURANCE RATE MAP (FIRM) NO. 26125C0537F EFFECTIVE DATE: SEPTEMBER 29, 2006. (ZONE X)

# **SNOW NOTE**

SURVEY COMPLETED UNDER SNOWY CONDITIONS, AND EXACT LOCATION OF PAVEMENT, CURBS, AND SURFACE STRUCTURES

# TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION. THE SURVEY MAY NOT SHOW ALL EASEMENTS OF RECORD UNLESS AN UPDATED TITLE POLICY IS FURNISHED TO THE SURVEYOR BY THE OWNER.

MISS DIG / UTILITY DISCLAIMER NOTE A MISS DIG TICKET NUMBER B73540430, PURSUANT TO MICHIGAN PUBLIC ACT 174 WAS ENTERED FOR THE SURVEYED PROPERTY. DUE TO THE EXTENDED REPORTING PERIOD FOR UNDERGROUND FACILITY

OWNERS TO PROVIDE THEIR RECORDS, THE SURVEY MAY NOT REFLECT ALL THE UTILITIES AT THE TIME THE SURVEY WAS ISSUED ON JANUARY 4, 2018. THE SURVEY ONLY REFLECTS THOSE UTILITIES WHICH COULD BE OBSERVED BY THE SURVEYOR IN THE FIELD OR AS DEPICTED BY THE UTILITY COMPANY RECORDS FURNISH PRIOR TO THE DATE THIS SURVEY WAS ISSUED. THE CLIENT AND/OR THEIR AUTHORIZED AGENT SHALL VERIFY WITH THE FACILITY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

# **CERTIFICATE OF SURVEY**

KEVIN

NAVAROLI

SURVEYOR

53503

PROFESSIONAL

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY

1-4-2018 DATE

LEGEND	
MANHOLE(MH)  CO  HYDRANT(HYD)  GATE VALVE(GVW)  MANHOLE(MH)  CATCH_BASIN(CB)	EXISTING SANITARY SEWER EXISTING SAN. CLEAN OUT EXISTING WATER MAIN
——————————————————————————————————————	EXISTING STORM SEWER  EX. R.Y. CATCH BASIN
UTILITY POLE GUY POLE  UP  UP  UP  UP	EX. UNDERGROUND (UG.) CABLOVERHEAD (OH.) LINES LIGHT POLE SIGN
LS CONC. DE	EXISTING GAS MAIN LANDSCAPE CONCRETE DETROIT EDISON
GP R.O.W.	GUARD POST RIGHT-OF-WAY
SI (TYP)	SET IRON TYPICAL RECORD
(R) (M) C/L	MEASURED CENTERLINE
WW GM EM	WINDOW WELL GAS METER ELECTRIC METER
ES MB AC	END SECTION  MAILBOX  AIR CONDITIONING UNIT
× 15 RET. WALL	TREE TAG NUMBER RETAINING WALL



NOWAK & FRAUS ENGINEERS 46777 WOODWARD AVE.

PONTIAC, MI 48342-5032 TEL. (248) 332-7931 FAX. (248) 332-8257

SEAL

PROJECT The Jeffrey

191 N. Chester St.

# CLIENT

Chester Street Partners, LLC c/o The Surnow Group 320 Martin St., Suite 100 Birmingham, MI 48009

Contact: Sam Surnow 248.877.4000 - Phone

# PROJECT LOCATION

Part of the SW 1/4 of Section 25 T.2N., R.10E. City of Birmingham, Oakland County, Michigan

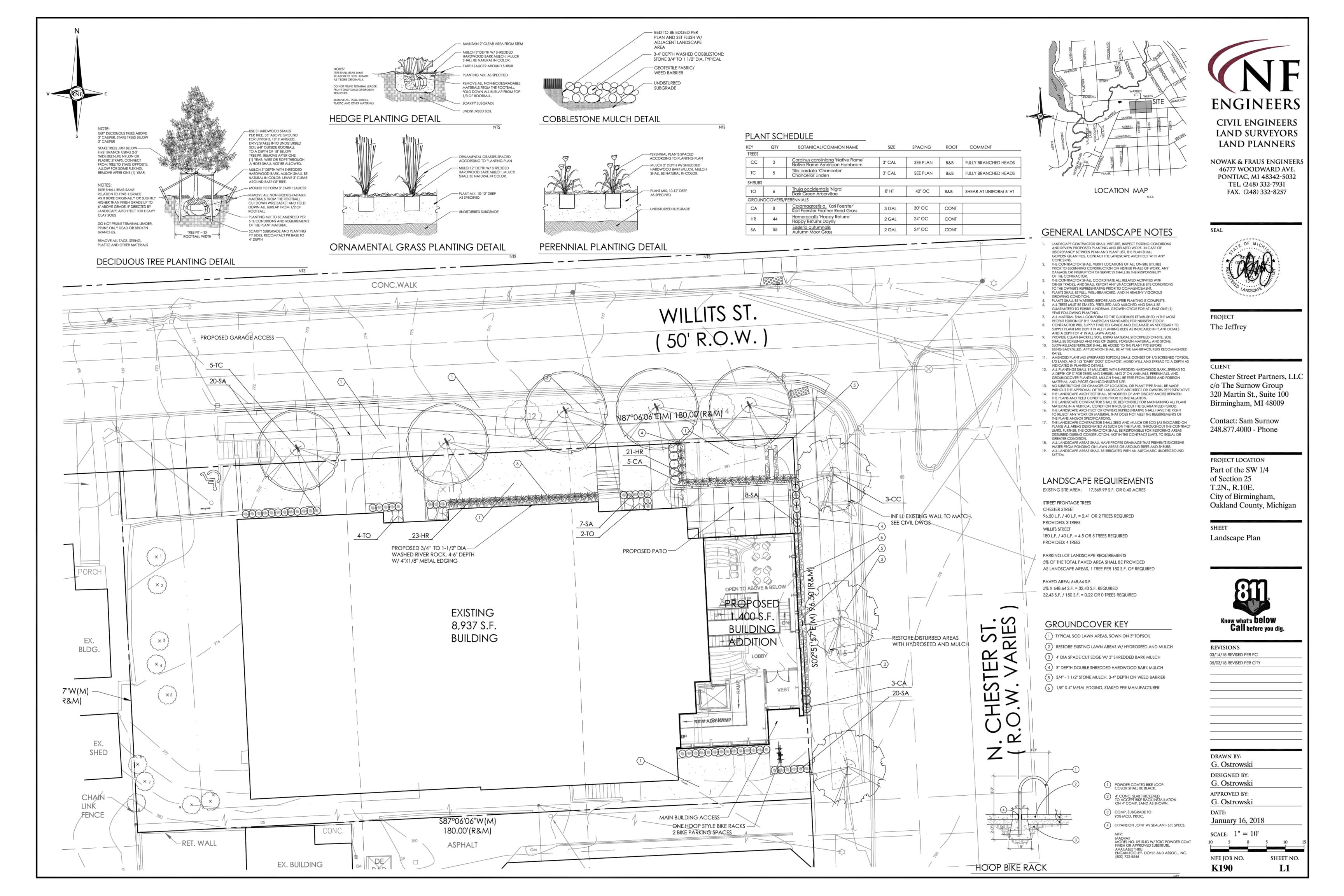
# SHEET

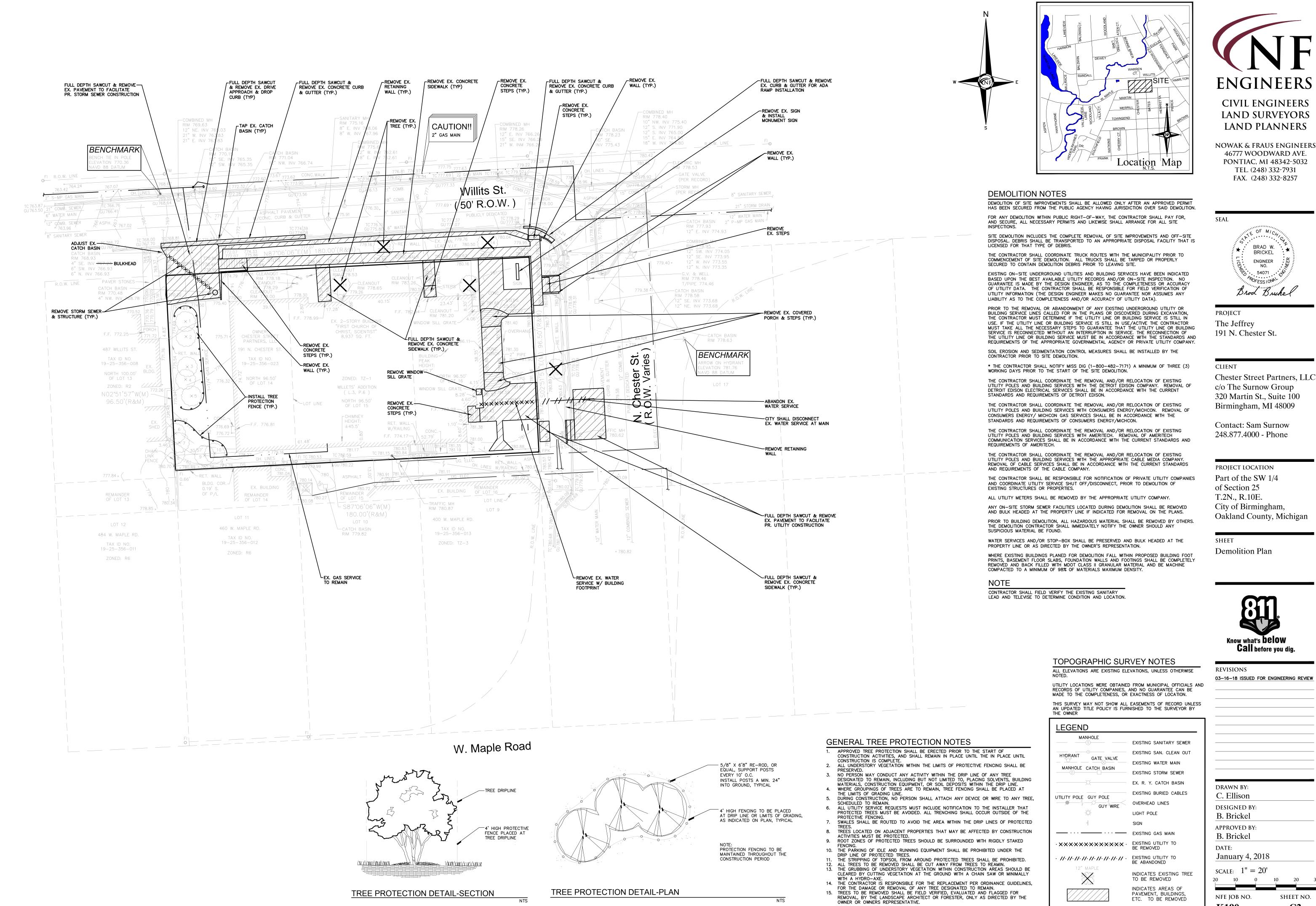
REVISIONS

Boundary / Topographic / Tree Survey

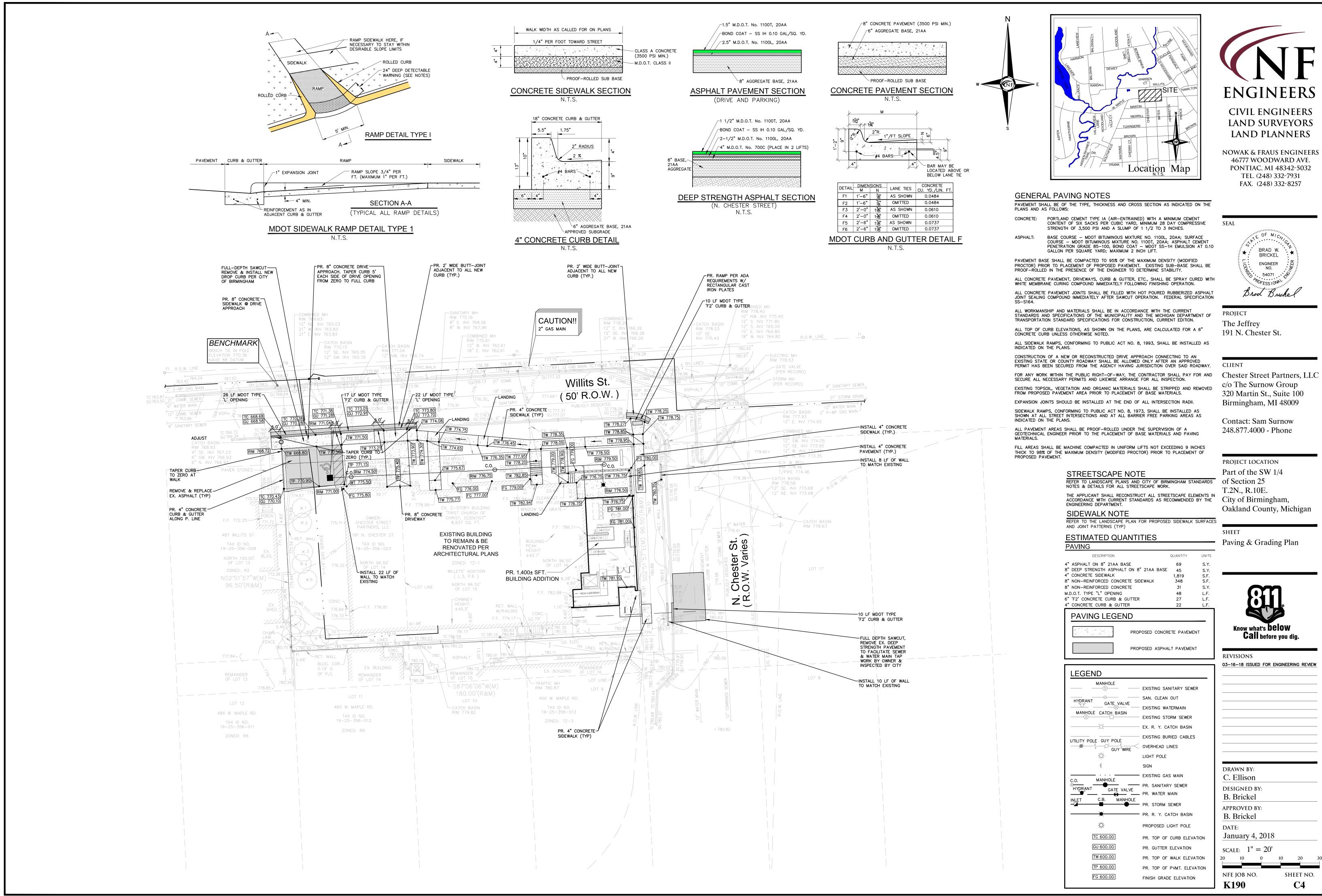


3-16-18 ISSUED FOR E	NGINEERING	REVIEW
PRAWN BY:		
M. Carnaghi		
ESIGNED BY:		
PPROVED BY:		
K. Navaroli		
ATE:		
anuary 4, 2018		
CALE: $1'' = 20'$		
10 0	10 2	0 3
FE JOB NO.	SHEET	ΓNO.
<b>X190</b>	$\mathbf{C}$	1





Chester Street Partners, LLC



STORM SEWER NOTES

ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE MUNICIPALITY. THE MUNICIPALITY STANDARD NOTES, DETAILS AND SPECIFICATIONS SHALL BE INCORPORATED AS PART OF THEIR PLANS.

ALL STORM SEWER TRENCHES UNDER OR WITHIN THREE (3) FEET OF EXISTING OR PROPOSED PAVEMENT SHOULD BE BACKFILLED WITH MDOT CLASS II MATERIAL (SAND) AND BE MACHINE COMPACTED TO A MINIMUM OF 95% OF THE MATERIAL'S MAXIMUM DENSITY. PAVEMENT SHALL INCLUDE PARKING LOTS, DRIVE APPROACHES, CURB & GUTTER AND ADJACENT WALLS.

STORM SEWER SHALL BE OF THE TYPE, SIZE & CLASS DESIGNATION INDICATED ON THE PLANS AND SHALL BE INSTALLED AT THE PROPOSED LINE AND GRADE INDICATED.

ALL STORM SEWER PIPE SHALL BE REINFORCED CONCRETE PIPE CONFORMING TO ASTM

ALL STORM SEWER PIPE SHALL BE INSTALLED ON CLASS "B" BEDDING OR BETTER UNLESS

SPECIFICATION C-76, CL IV.

ALL MANHOLE, CATCH BASIN, INLET, REAR YARD DRAIN FRAMES AND COVERS SHALL BE AS INDICATED ON THE PLANS IN ACCORDANCE WITH MUNICIPALITY STANDARDS.

THE CONTRACTOR SHALL NOTIFY MISS DIG (1-800-482-7171) A MINIMUM OF THREE (3) WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.

EXACT GRADES AND INVERTS OF PROPOSED STORM SEWER ARE TO BE CHECKED WITH THE FIELD ENGINEER PRIOR AND DURING INSTALLATION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE DESIGN ENGINEER OF ANY PLAN INCONSISTENCY AN/OR UTILITY CONFLICTS.

ALL STORM SEWER PIPE JOINTS SHALL BE "PREMIUM JOINT" MODIFIED GROOVED TONGUE,

(M.G.T.) WITH SYNTHETIC RUBBER GASKETS CONFORMING TO ASTM SPECIFICATION C-443 & C-361 UNLESS OTHERWISE INDICATED ON THE PLANS. ALTERNATE JOINT CONNECTION MAYBE STANDARD GROOVED TONGUE WITH COLD MASTIC (DEWITT #10 JOINT COMPOUND OR EQUAL).

FACTORY MANUFACTURED PRECAST TEE SECTIONS SHALL BE USED FOR ROOF DRAINS AND/OR

SUMP PUMP LEADS AND LATERALS WHERE INDICATED ON THE PLANS. BLIND TOP CONNECTIONS INTO STORM SEWER WILL NOT BE PERMITTED BY BREAKING PIPE WALL.

THE UNDERGROUND SITE CONTRACTOR SHALL INSTALL ALL STORM SEWER BUILDING LEADS TO

GROUTED RIP RAP SHALL BE INSTALLED AT THE ENDS OF ALL CULVERTS AND END SECTIONS. GROUTED RIP RAP SHALL LIKEWISE BE INSTALLED AT OUTLET POINTS IN DETENTION AND SEDIMENTATION FACILITY. THE MINIMUM WIDTH OF THE RIP RAP SHALL BE TWICE THE OUTSIDE DIAMETER OF THE PIPE. THE RIP RAP SHALL EXTEND FROM THE BOTTOM OF THE SLOPE TO

THE CONTRACTOR SHALL PAY FOR AND SECURE ALL NECESSARY PERMITS AND LIKEWISE ARRANGE FOR ALL SITE INSPECTION.

# SANITARY SEWER NOTES

WITHIN FIVE (5) FEET OF PROPOSED BUILDING.

THE CONTRACTOR SHALL NOTIFY THE INSPECTION SECTION OF THE DETROIT WATER AND SEWERAGE DEPT. AT (313) 833-4682 AT LEAST 48 HOURS PRIOR TO THE START OF ANY SANITARY SEWER CONSTRUCTION.

ALL SEWERS TO BE PLACED ON CLASS "B" BEDDING OR BETTER.

CONCRETE COLLAR IS TO ENCASE THE NEW PIPE AND OPENING.

WYES, RISERS AND HOUSE LEADS ARE TO BE PLACED AT LOCATIONS SHOWN ON THE PLANS OR AS DIRECTED BY THE ENGINEER. ALL WYES ARE INCIDENTAL.

EACH WYE OR HOUSE LEAD SHALL HAVE A PLUG OF THE SAME TYPE OF JOINT AS THE

HOUSE LEADS SHALL BE A MINIMUM OF 9 FEET DEEP AT THE PROPERTY LINE.

WHENEVER EXISTING MANHOLES OR SEWER PIPE ARE TO BE TAPPED, HOLES ARE TO BE DRILLED AT 4 INCH CENTER TO CENTER SPACINGS AROUND THE PERIPHERY OF THE PROPOSED OPENING TO CREATE A PLANE OF WEAKNESS JOINT — A 12 INCH THICK

MAXIMUM INFILTRATION SHALL NOT EXCEED 100 GALLONS PER INCH OF DIAMETER PER MILE OF PIPE PER 24 HOURS. FOR PURPOSES OF TESTING INFILTRATION, A BULKHEAD WITH A ONE INCH DIAMETER PIPE SHALL BE PROVIDED AT THE DOWNSTREAM MANHOLE.

THE INSIDE JOINTS FOR ALL SANITARY SEWERS 30" AND LARGER SHALL BE CEMENT POINTED.

ALL SANITARY SEWER MANHOLES SHALL BE PROVIDED WITH WATER TIGHT BOLT DOWN COVERS.

ALL CONCRETE SANITARY SEWER, MANHOLE AND PIPE JOINT SHALL BE MODIFIED GROOVED TONGUE WITH RUBBER GASKETS AS REQUIRED UNDER THE CURRENT ADOPTED A.S.T.M.

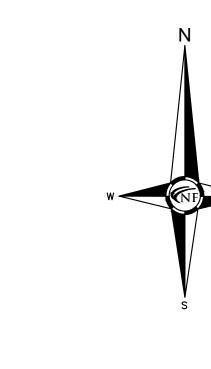
CONTACT THE OFFICE OF THE MACOMB COUNTY PUBLIC WORKS COMMISSIONER AT 469-5325, 48 HOURS BEFORE CONSTRUCTION.

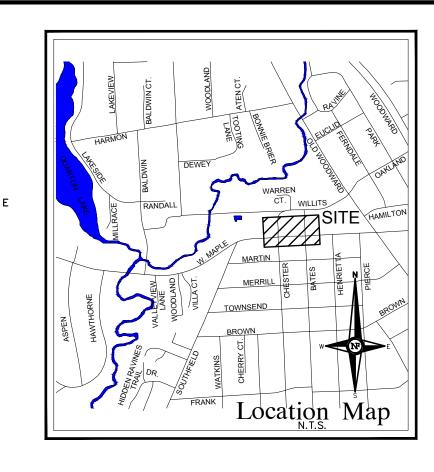
NO GROUND WATER, STORM WATER, CONSTRUCTION WATER, DOWNSPOUT OR WEEP TILE

DRAINAGE SHALL BE ALLOWED TO ENTER ANY SANITARY SEWER INSTALLATION.

ALL SANITARY SEWER LEADS SHALL BE INSTALLED TO A POINT 5 FEET FROM THE PROPOSED BUILDING.

	T=	15 Minutes		Time of Cond	centration			City of Birmir	ngham, Oakla	nd County, I	MI						Project No:		K190			
	I =	175 / (T+25)		10 Year Storm Event Intensity			Storm Sewer Calculations			Storm Sewer Calculations Project Name: The Jef			The Jeffrey									
	n (cmp)	0.025		Manning's Ro	oughness Coe	efficient											Location:		191 Chester			
	n (Conc.)	0.013		Manning's Ro	oughness Coe	efficient											Dated:		8-Mar-18			
	n (Pvc)	0.009		Manning's Ro	oughness Coe	efficient																
_	_		_	5 6				D 1 6 11		-												
Drainage	From	То	Drainage	Runoff	Equivalent		Time of	Rainfall	Actual	Pipe	Pipe	Pipe	Flow Full	Time of	Full Pipe	H. G. Elev.	H. G. Elev.	H. G.	Ground	_	Invert Elev.	
Area	Manhole	Manhole	Area	Coefficient	Area	Area	Concentration	Intensity	Discharge	Size	Slope	Length	Velocity	Flow	Capacity	Upper End	Lower End	Slope	Elevation		Upper End	
(Location)	Number	Number	(Acres)	(C)	(C * A)	(Sum C * A)	(Minutes)	(Inches/Hr.)	(CFS)	(Inches) (	% Slope)	(Feet)	(Ft / Sec)	(Minutes)	(CFS)	(Feet)	(Feet)	(% Slope)	(Upper)	(Feet)	(Feet)	(Feet)
Α	5	4	0.010	0.90	0.01	0.01	15.00	4.38	0.04	4	1.00	11	3.15	0.06	0.27	773.65	773.65	0.02	776.50	0.11	773.50	773.39
В	4	3	0.240	0.90	0.22	0.23	15.06	4.37	0.98	8	0.50	56	3.54	0.26	1.23	773.63	773.45	0.32	779.50	0.28	773.20	772.92
	3	2 Drop	0.000	0.90	0.00	0.23	15.32	4.34	0.98	8	3.00	74	8.66	0.14	3.02	671.08	670.84	0.31	776.75	2.22	772.92	770.70
	2 Drop	1	0.000	0.90	0.00	0.23	15.46	4.32	0.97	8	3.80	11	9.75	0.02	3.40	670.84	670.81	0.31	774.50	0.42	770.70	770.28
	1	EX	0.000	0.90	0.00	0.23	15.48	4.32	0.97	8	2.50	25	7.91	0.05	2.76	667.39	667.31	0.31	771.00	0.63	767.40	766.78







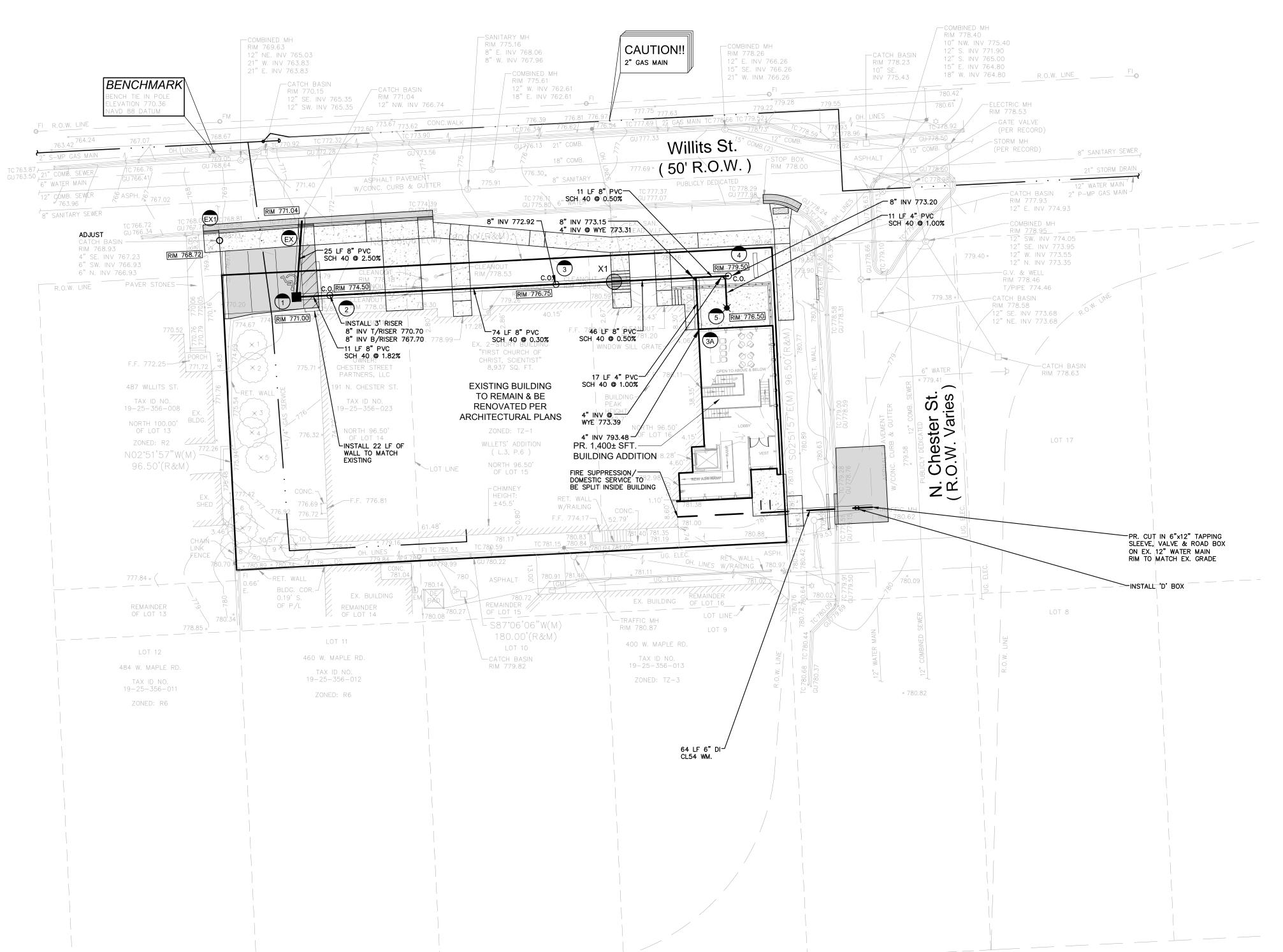
LAND PLANNERS

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032

TEL. (248) 332-7931

FAX. (248) 332-8257

LAND SURVEYORS



W. Maple Road

Storm Sewer Structure Schedule						
Structure Name	Structure Details					
#1 2' DIA. CATCH BASIN W/ 2' SUMP	PR. RIM 771.00 PR. 8" E. INV. 767.50 PR. 8" N. INV. 767.40					
#2 CLEANOUT DROP CONNECTION	PR. RIM 774.50 PR. 8" W. INV. 767.70 PR. 8" E. INV. 770.70					
#3 CLEANOUT	PR. RIM 776.75 PR. 8" W. INV. 770.92 PR. 8" E. INV. 772.92					
#4 CLEANOUT	PR. RIM 779.50 PR. 4" S. INV. 773.39 PR. 8" W. INV. 773.20					
#5 LANDSCAPE DRAIN	PR. RIM 776.50 PR. 4" N. INV. 773.50					
#EX TAP EX. CATCH BASIN	PR. RIM 771.04 PR. 8" S. INV. 766.78 EX. 12" NW. INV. 766.74					
#EX1 ADJUST EX. CATCH BASIN	PR. RIM 768.72					

# LEGAL DESCRIPTION

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

THE NORTH 96.50 FEET OF LOTS 14, 15 AND 16 OF WILLETS' ADDITION TO THE CITY OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 3 OF PLATS, PAGE 6, OAKLAND COUNTY RECORDS.

ADDRESS: 191 N. CHESTER STREET, BIRMINGHAM, MI 48009
TAX ID NO. 19-25-356-023
UTILITY CROSSING SCHEDULE

X1 PR. 8" STM. B/P 772.97 EX. 6" SAN. T/P V.I.F.

UTILITY SERVICE NOTE

EXISTING SANITARY SEWER LEAD TO REMAIN. LOCATION UNKNOWN. ASSUMED CONNECTION TO WILLITS STREET.

PERMITS TO PERFORM WATER, SANITARY, AND/OR STORM SEWER TAPS SHALL BE OBTAINED BY THE APPLICANT FROM THE APPROPRIATE GOVERNING AGENCY.

ESTIMATED QUANT
STORM SEWER
DESCRIPTION

8" PVC SCH	40, SEWER PIPE	167	L
4" PVC SCH	1 40, SEWER PIPE	28	L
LANDSCAPE	DRAIN	1	Е
CLEANOUT		3	Е
2' DIA. INLE	T W/ 2' SUMP	1	Е
SEWER TAP	/CONNECTION	1	E
WATER	MAIN		

QUANTITY

DESCRIPTION QUANTITY

6" D.I., CLASS 54, WATER MAIN 64

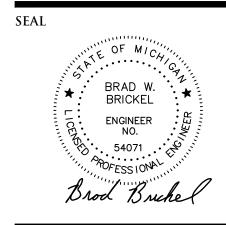
WATER MAIN CONNECTION 1

LEGEND	
MANHOLE	EXISTING SANITARY SEWER
HYDRANT GATE_VALVE	SAN. CLEAN OUT
	EXISTING WATER MAIN
	EXISTING STORM SEWER
<u> </u>	EX. R. Y. CATCH BASIN
UTILITY POLE GUY POLE	EXISTING BURIED CABLES
	OVERHEAD LINES
禁	LIGHT POLE
d d	SIGN
C.O. MANHOLE	EXISTING GAS MAIN
0.0.	PR. SANITARY SEWER
- GATE VALVE	PR. WATER MAIN
	PR. STORM SEWER
<b>———</b>	PR. R. Y. CATCH BASIN

SAND BACKFILL

(95 % DENSITY)

PROPOSED LIGHT POLE



PROJECT
The Jeffrey
191 N. Chester St.

# CLIENT

Chester Street Partners, LLC c/o The Surnow Group 320 Martin St., Suite 100 Birmingham, MI 48009

Contact: Sam Surnow 248.877.4000 - Phone

# PROJECT LOCATION Part of the SW 1/4

of Section 25 T.2N., R.10E. City of Birmingham, Oakland County, Michigan

SHEET
Utility Plan



REVISIONS
03-16-18 ISSUED FOR ENGINEERING REVIEW

DRAWN BY:
C. Ellison

DESIGNED BY:
B. Brickel

APPROVED BY:
B. Brickel

DATE:

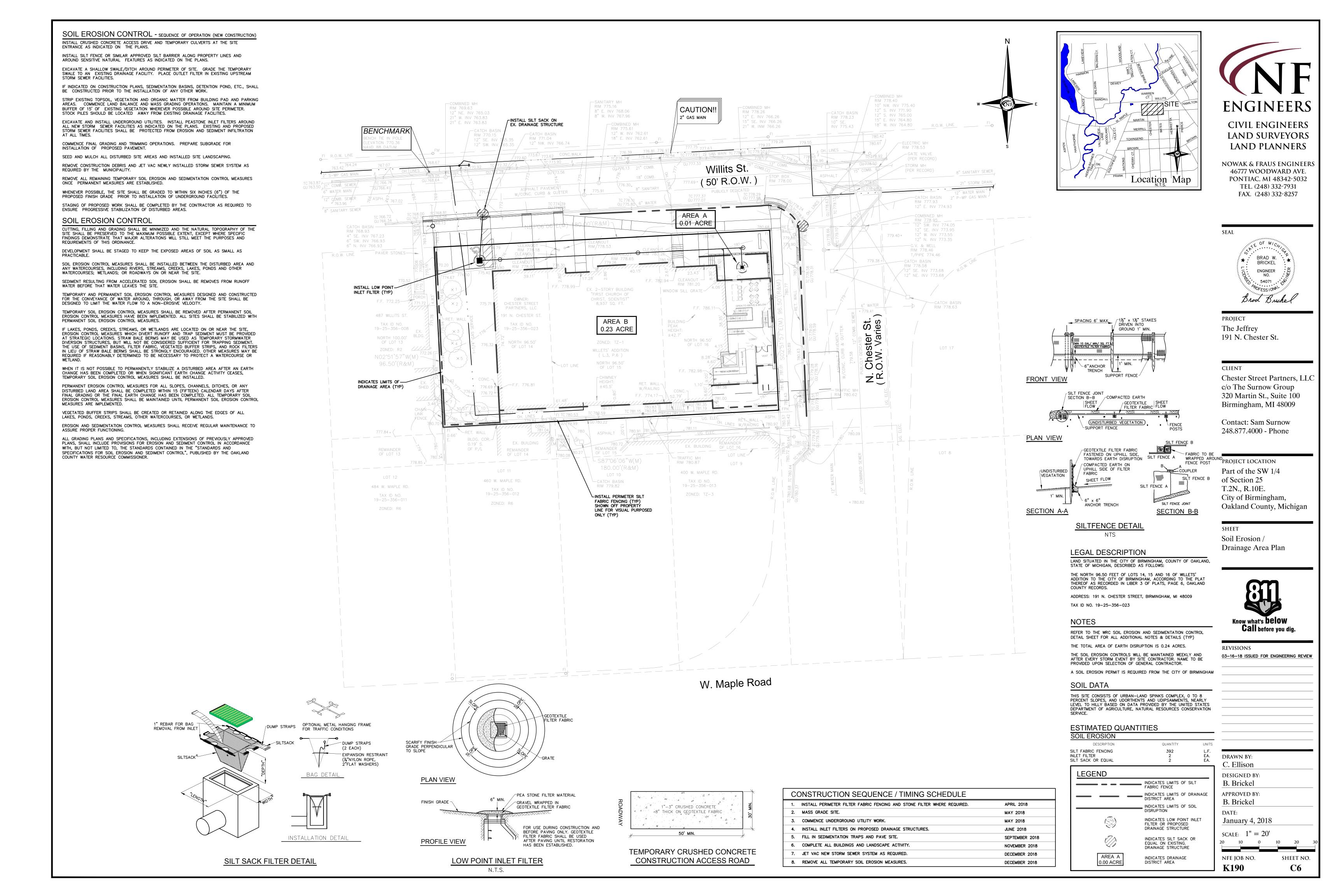
January 4, 2018

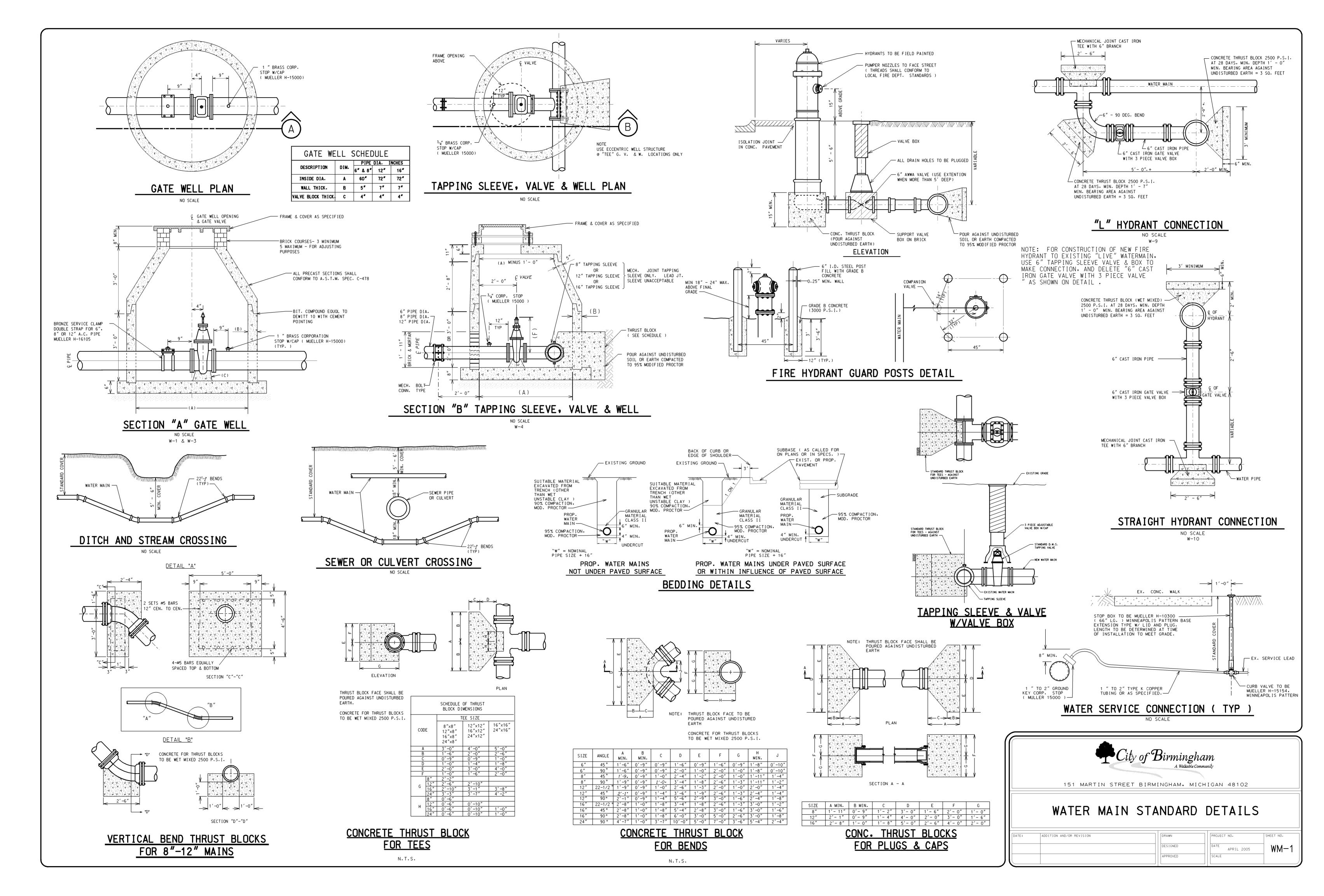
SCALE: 1" = 20'

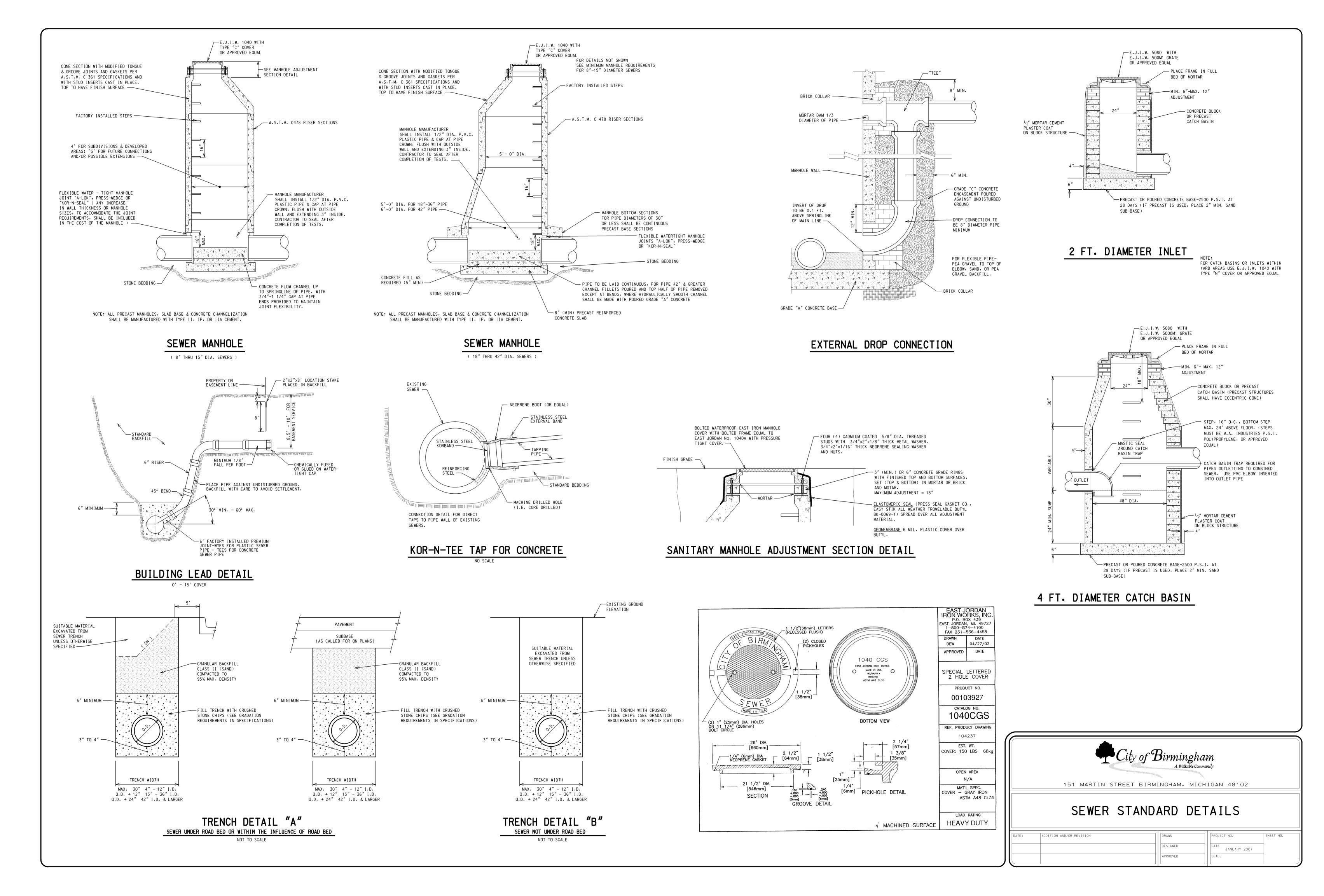
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SHEET NO.

NFE JOB NO.

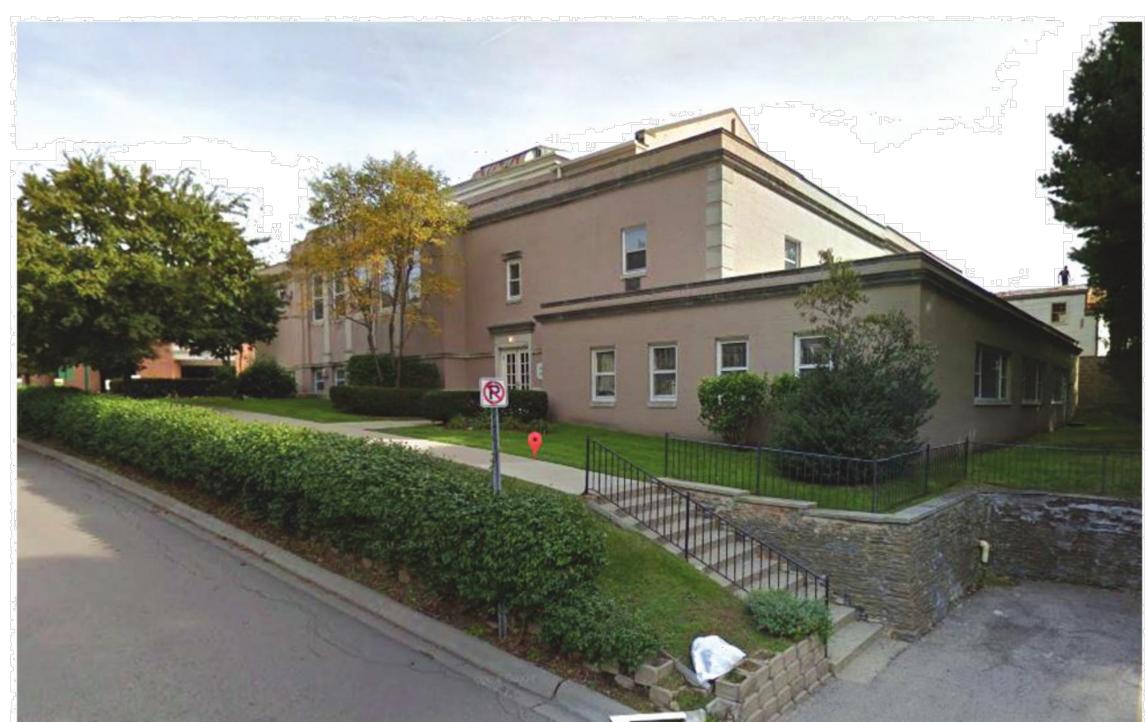














# PROPOSED BUILDING RENOVATION FOR:

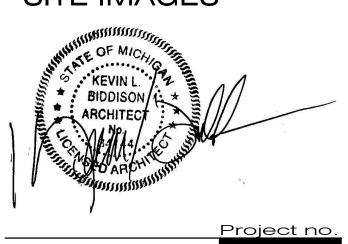
THE JEFFREY

191 N Chester St Birmingham, Michigan 48009

SPECIAL LAND USE
PERMIT 01.15.18
CIS & SITE PLAN REVIEW 04.13.18

# Sheet title

# EXISTING SITE IMAGES



1997.17

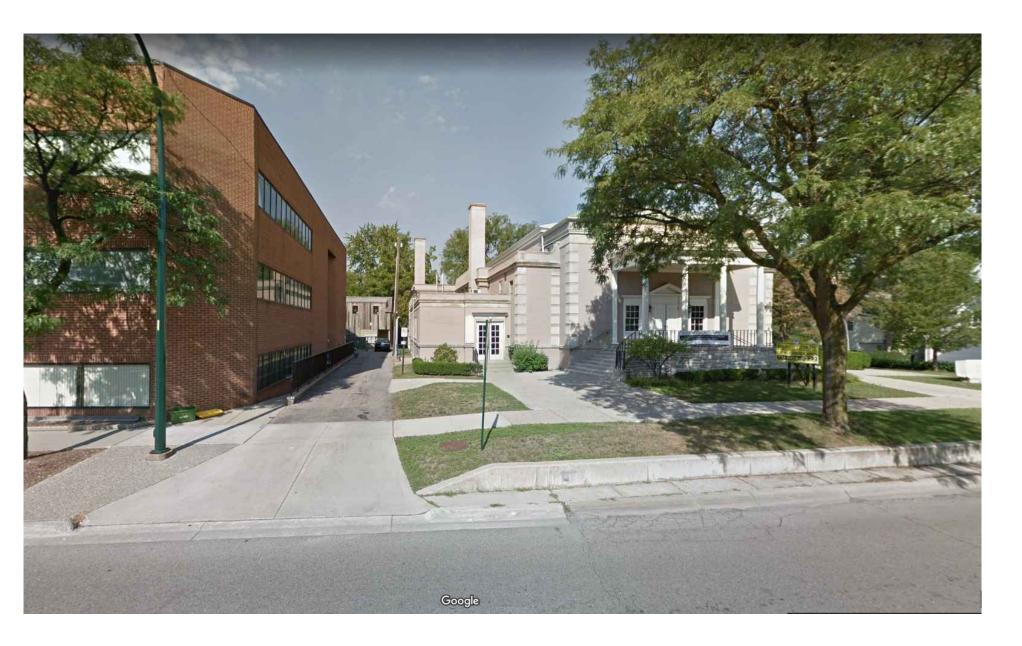
Sheet no.

SP.100

architecture + design

320 Martin St. Suite 10
Birmingham, MI 48009
t:248.554.9500

Consultants



EXISTING VIEW FROM CHESTER ST.

NO SCALE



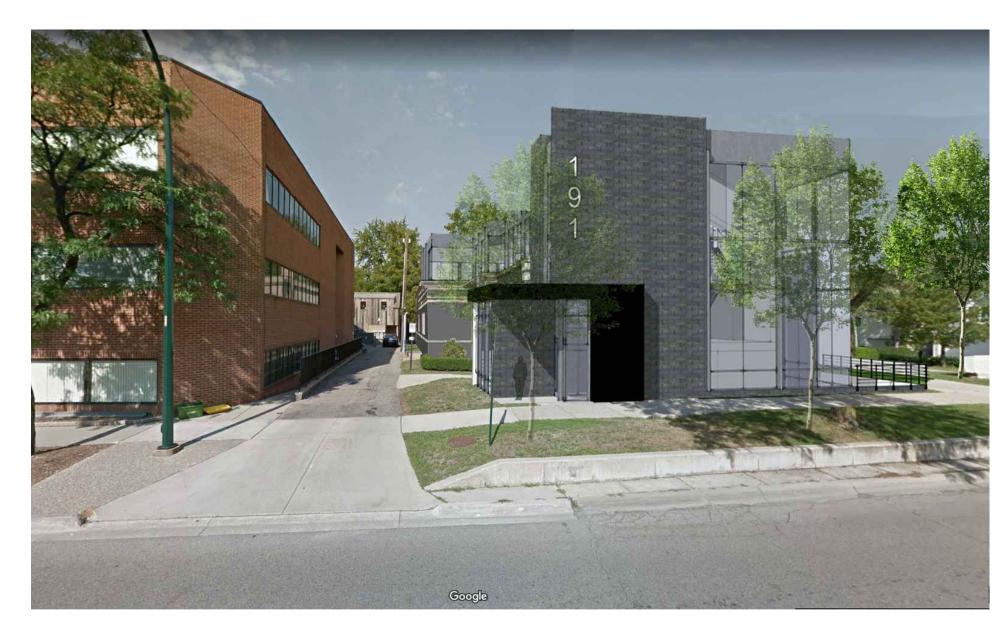
EXISTING VIEW FROM WILLITS ST.

NO SCALE



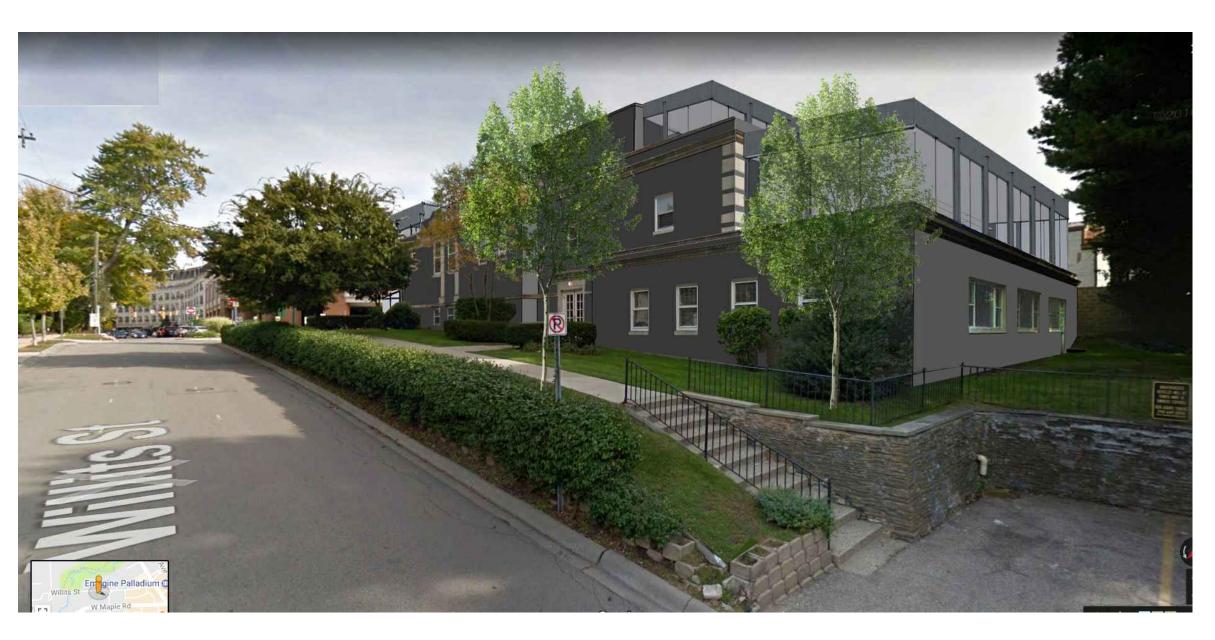
EXISTING VIEW FROM WILLITS ST.

NO SCALE



PROPOSED VIEW FROM CHESTER ST.

NO SCALE



PROPOSED VIEW FROM WILLITS ST.



PROPOSED VIEW FROM WILLITS ST.

NO SCALE

PROPOSED BUILDING RENOVATION FOR:

THE JEFFREY

191 N Chester St Birmingham, Michigan 48009

Issued dr/c

05.03.18

REV. PER CITY

Sheet title
SITE IMAGESEXIST. & PROPOSED



1997.17



# biddison

architecture + design 320 Martin St. Suite 10 Birmingham, MI 48009 t:248.554.9500

# Consultants

PROJECT ADDRESS 191 N Chester St, Birmingham, MI 48009

ZONED: TZ-2

APPLICANT INFORMATION

CONTACT PERSON: Sam Surnow 320 Martin St, Suite 100 Birmingham, MI 48009

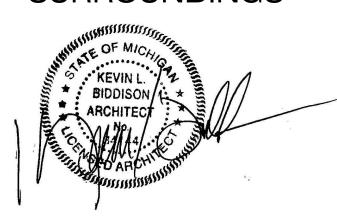
PROPOSED BUILDING RENOVATION FOR:

# THE JEFFREY

191 N Chester St Birmingham, Michigan 48009

ZONING	08.29.17
SPECIAL LAND USE	
PERMIT	01.16.18
ZONING BD. APPEAL	02.15.18
PLANNING COMMISSION	03.13.18
CIS & SITE PLAN REVIEW	04.13.18
REV. PER CITY	05.03.18

# EXISTING SITE SURROUNDINGS



1997.17

SP.101b



AREAS MARKED IN RED ON "THE JEFFREY"
REPRESENT NEW FLOOR AREA ADDITIONS
TO THE BUILDING

# biddison

architecture + design 320 Martin St. Suite 10 Birmingham, MI 48009 t:248.554.9500

# Consultants

PROJECT ADDRESS 191 N Chester St, Birmingham, MI 48009

ZONED: TZ-2

APPLICANT INFORMATION

CONTACT PERSON: Sam Surnow 320 Martin St, Suite 100 Birmingham, MI 48009

# Project title

PROPOSED BUILDING RENOVATION FOR:

# THE JEFFREY

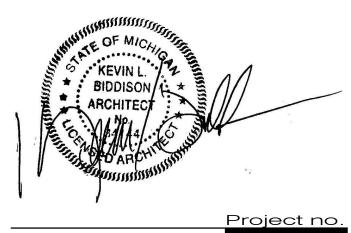
191 N Chester St Birmingham, Michigan 48009

# Issued dr/ch

NING	08.29.17
PECIAL LAND USE	
RMIT	01.16.18
NING BD. APPEAL	02.15.18
ANNING COMMISSION	03.13.18
S & SITE PLAN REVIEW	04.13.18
EV. PER CITY	05.03.18

# Sheet title

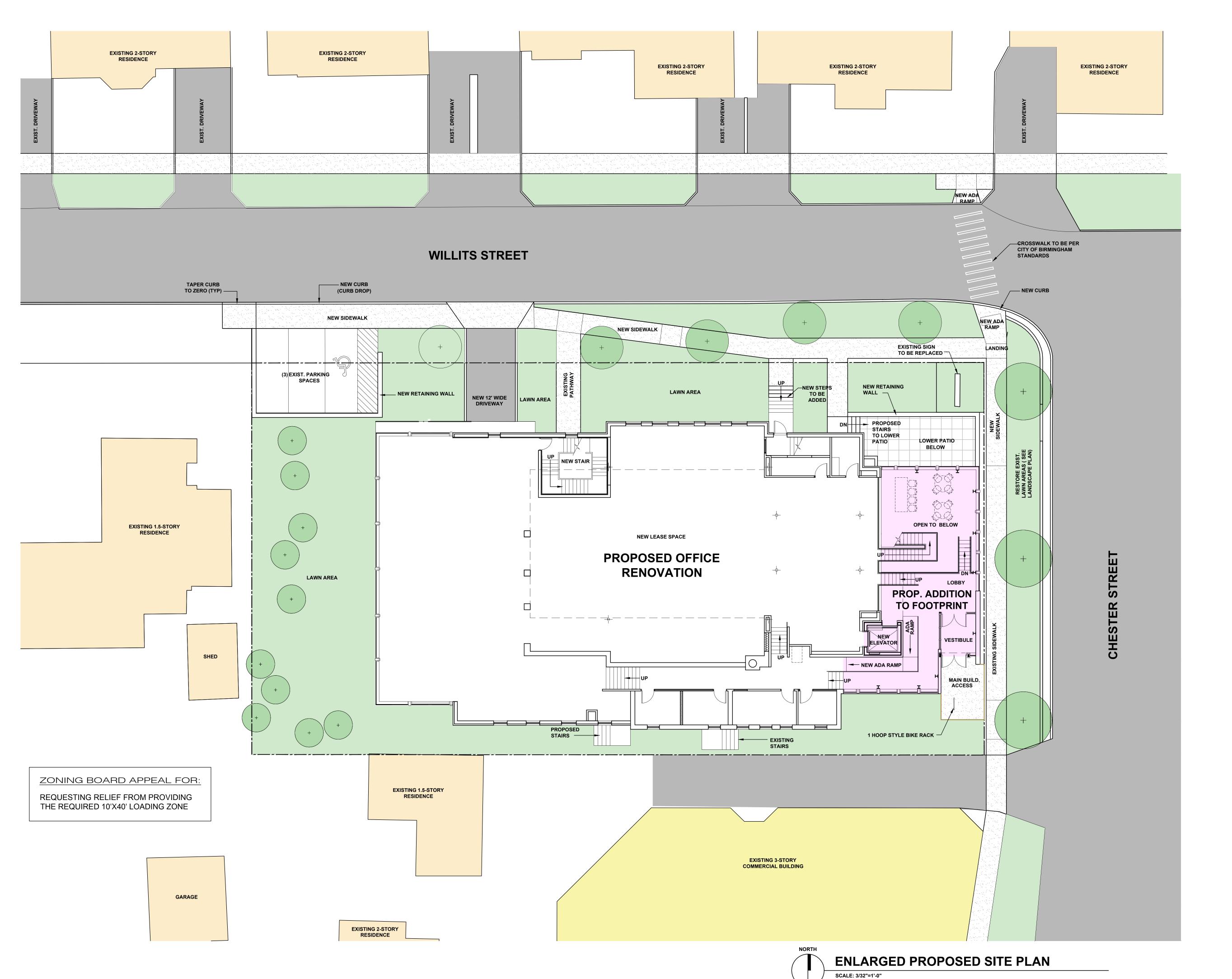
# PROPOSED SITE PLAN & SURROUND.



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Sheet no.

SP.100c



# biddison

architecture + design

320 Martin St. Suite 10 Birmingham, MI 48009 t:248.554.9500

Consultants

PROJECT ADDRESS 191 N Chester St, Birmingham, MI 48009

ZONED: TZ-2

APPLICANT INFORMATION

CONTACT PERSON: Sam Surnow 320 Martin St, Suite 100 Birmingham, MI 48009

Project title

PROPOSED BUILDING RENOVATION FOR:

THE JEFFREY

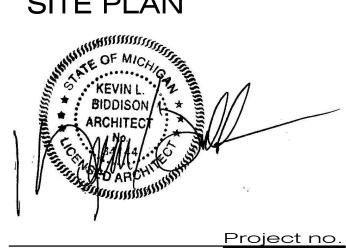
191 N Chester St Birmingham, Michigan 48009

Issued dr/ch

ZONING SPECIAL LAND USE PERMIT 08.29.17 PERMIT 01.16.18
ZONING BD. APPEAL 02.15.18
PLANNING COMMISSION 03.13.18
CIS & SITE PLAN REVIEW 04.13.18
REV. PER CITY 05.03.18

Sheet title

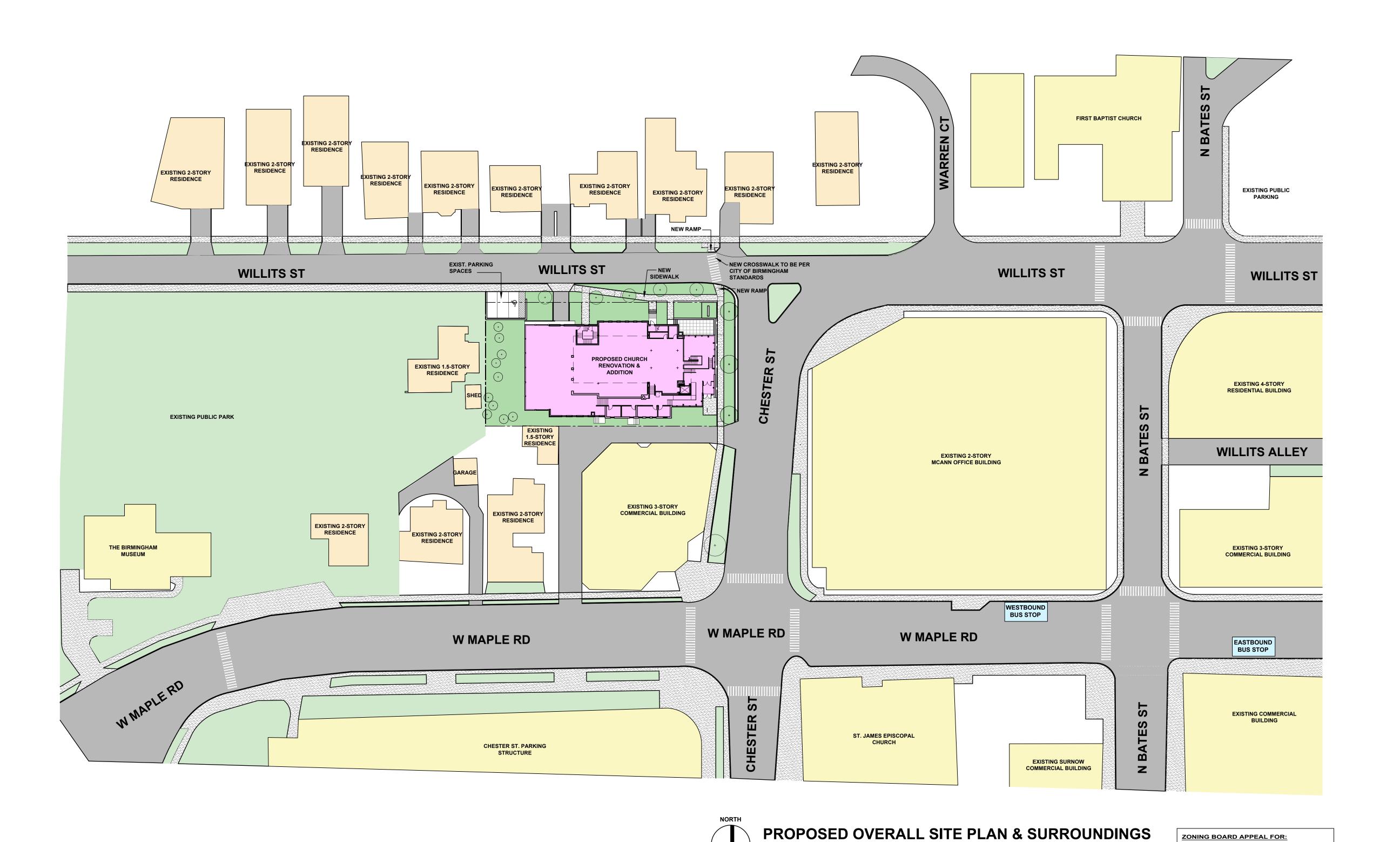
ENLARGED PROP. SITE PLAN



1997.17

Sheet no.

SP.101



NO SCALE

# biddison

architecture + design 320 Martin St. Suite 10 Birmingham, MI 48009 t:248.554.9500

Consultants

PROJECT ADDRESS 191 N Chester St, Birmingham, MI 48009

ZONED: TZ-2

APPLICANT INFORMATION

CONTACT PERSON: Sam Surnow 320 Martin St, Suite 100 Birmingham, MI 48009

Project title

PROPOSED BUILDING RENOVATION FOR:

THE JEFFREY

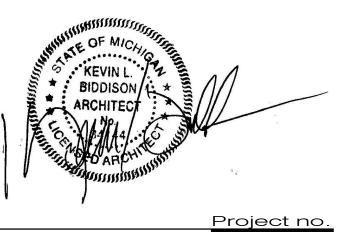
191 N Chester St Birmingham, Michigan 48009

Issued dr/ch

ZONING SPECIAL LAND USE PERMIT 08.29.17 PERMIT 01.16.18
ZONING BD. APPEAL 02.15.18
PLANNING COMMISSION 03.13.18
CIS & SITE PLAN REVIEW 04.13.18
REV. PER CITY 05.03.18

Sheet title

PROP. OVERALL SITE & SURROUNDINGS



REQUESTING RELIEF FROM PROVIDING THE REQUIRED 10'X40' LOADING ZONE

1997.17

Sheet no.

SP.102

# FEATURES & SPECIFICATIONS

Provides years of maintenance-free illumination for outdoor use in residential & commercial applications, Ideal for applications such as lighting walkways and stairways.

CONSTRUCTION Cast-aluminum housing with corrosion-resistant paint in either dark bronze or white finish.

# ADA compliant. OPTICS 4000K CCT LEDs.

Polycarbonate lens protects the LED from moisture, dirt and other contaminants. LUMEN MAINTENANCE: The LED will deliver 70% of its initial lumens at 50,000 hour average LED life. See Lighting Facts label on page 2 for performance details.

ELECTRICAL MVOLT driver operates on any line voltage from 120-277V.

Operating temperature -30°C to 40°C. 1KV surge protection standard.

INSTALLATION

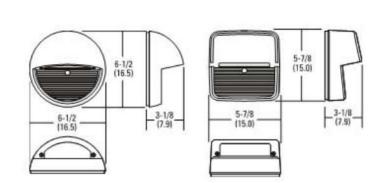
Surface mount to universal junction box (provided by others). LISTINGS

UL Listed to U.S. and Canadian safety standards for wet locations. Tested in accordance with IESNA LM-79 and LM-80 standards.

WARRANTY Five-year limited warranty. Full warranty terms located at <a href="https://www.AcuityBrands.com/CustomerResources/Terms">www.AcuityBrands.com/CustomerResources/Terms</a> and Conditions aspx.

Note: Specifications are subject to change without notice.

Actual performance may differ as a result of end-user environment and application.



**Outdoor General Purpose** 

**OLSR & OLSS** 

ORDERING INFORMATION	Example: OLSS DD			
Series	Color temperature (CCT)	Voltage	Finish	
OLSR Step light round OLSS Step light square	(blank) 4000K	(blank) MVOLT (120V-277V)	DDB Dark bronze WH White	

DECORATIVE INDOOR & OUTDOOR OLSR-OLSS

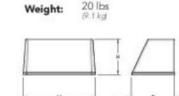
One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 • www.lithonia.com

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**WST LED** Architectural Wall Sconce

# Specifications

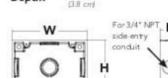
Luminaire 10-3/16"



Optional Back Box (PBBW)

Optional Back Box (BBW)

LITHONIA LIGHTING.





# Capable Luminaire

This item is an A+ capable luminaire, which has been designed and tested to provide consistent color appearance and system-level interoperability.

- All configurations of this luminaire meet the Acuity Brands' specification for chromatic consistency
- This luminaire is A+ Certified when ordered with DTL® controls marked by a shaded background. DTL DLL equipped luminaires meet the A+ specification for luminaire to photocontrol interoperability1
- . This luminaire is part of an A+ Certified solution for ROAM® or XPoint™ Wireless control networks, providing out-of-the-box control compatibility with simple commissioning, when ordered with drivers and control options marked by a shaded background

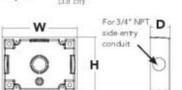
To learn more about A+, visit www.acuitybrands.com/aplus.

See ordering tree for details.

A+ Certified Solutions for ROAM require the order of one ROAM node per luminaire. Sold Separately: Link to Roam; Link to DTL DLL

# - w -

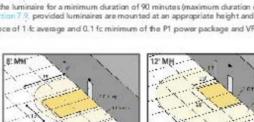




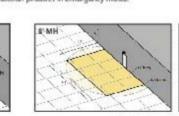


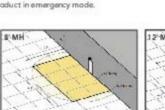


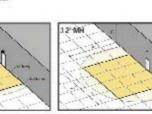


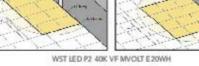


WST LED P1 27K VF MVOLT E7WH



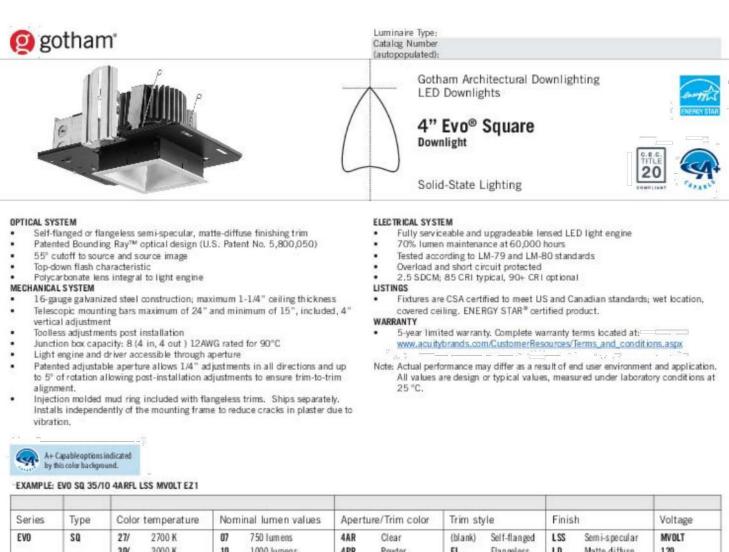












Series	Type	Color temperature	Color temperature Nominal lumen values Ape		rture/Trim color Trim style			nish	Voltage
EVO	SQ	\$0 27/ 2700 K 07 750 lumens 4AR 30/ 3000 K 10 1000 lumens 4PR 35/ 3500 K 15 1500 lumens 4WTR 40/ 4000 K 20 2000 lumens 4WR 50/ 5000 K 25 2500 lumens 4BR 30 3000 lumens			Clear Pewter Wheat White Black	(blank) Self-flanged FL Flangeless		S Semi-sp Matte-di	
Driver <sup>3</sup>	<u> </u>	1 0			Options				
EZ10 EZ1 EZB EDAB EDXB	eldoLED 0-10 eldoLED SOL eldoLED POW dimming to	IdoLED 0-10V ECOdrive. Linear dimming to 10% min. IdoLED 0-10V ECOdrive. Linear dimming to 1% min. IdoLED 0-10V SOLOdrive. Logarithmic dimming to <1%. IdoLED SOLOdrive DALI. Logarithmic dimming to <1%. IdoLED POWERdrive DMX with RDM (remote device management). Square Law limming to <1%. Includes termination resistor. Refer to DMXR Manual.  Point Wireless, eldoLED 0-10V ECOdrive. Linear dimming to 1%. Refer to XPoint				SF Single fuse. Specify 120V or 277V.  TRW <sup>6</sup> White painted flange  Black painted flange  EL <sup>8</sup> Emergency battery pack with integral test switch, CEC compliant  ELR <sup>6</sup> Emergency battery pack with remote test switch, CEC compliant			Bodine generator transfer device. Sj 120V or 277V. Chicago plenum. Specify 120V or 27 High CRI (90+) RELOC®-ready
EXAB	XPoint Wirele XPoint tech s	ess, eldoLED 0-10V SOLO drive	. Refer to	NPS80EZ <sup>S</sup> NPS80EZER <sup>S,9</sup>	nLight <sup>®</sup> dimming 0-10V eldoLED di nLight <sup>®</sup> dimming	rivers.		luminaire connecti enable a simple a consistent factory	
ECOS245 ECOS34	Lutron® Hi- Minimum lu	Lutron® Hi-Lume® 2-wire forward-phase driver. Minimum dimming level 1%. Minimum lumen 1000/Maximum lumen 3000. Lutron® Hi-Lume® 3-wire or EcoSystem® dimming driver. Minimum dimming				0-10V eldoLED de trols fixtures on e nLight <sup>®</sup> Lumen C	rivers. ER con- emergency circu	it.	installed option ac all ABL luminaire brands. Refer to R
		vel 1%. Minimum lumen 1000/Maximum lumen 4500.			· n			7	for complete nome clature.
	MOVED I Ze. IM	mmunrumen 1000/maximu	iii Tuineti 4300.		. 10-1			10	clature.

GOTHAM ARCHITECTURAL DOWNLIGHTING | P 800.315.4982 | gotham lighting.com © 2010-2017 Acuity Brands Lighting, Inc. All Rights Reserved. Rev. 11:09/17. Specifications subject to change without notice.





Ordering Information			E	XAMPLE: WST	LED P1 40K VF MVOLT DDB		
WST LED							
Series	Performance Package	Color temperature	Distribution	Voltage	Mounting		
WST LED	P1 1,500 Lumen package P2 3,000 Lumen package P3 6,000 Lumen package	27K 2700K 30K 3000K 40K 4000 K 50K 5000K	VF Visual comfort forward throw VW Visual comfort wide	MVOLT <sup>1</sup> 277 <sup>2</sup> 120 <sup>3</sup> 347 <sup>2</sup> 208 <sup>2</sup> 480 <sup>2</sup> 240 <sup>3</sup>	Shipped included (blank) Surface mounting bracket Shipped separately BBW Surface-mounted back box <sup>1</sup> PBBW Premium surface-mounted back box <sup>2</sup>		

ptions				Finish (req	uired)
PE PER PERS PERS PERS PERS PERS PERS PER	Photodeciric cell, buttointype <sup>1</sup> NEMA twist-lock receptacle only (controls ordered separate) <sup>6</sup> Five-wire receptacle only (controls ordered separate) <sup>6</sup> Seven-wire receptacle only (controls ordered separate) <sup>6</sup> Motion/Ambient Light Sensor, 8-15' mounting height, ambient sensor enabled at 11c <sup>1s</sup> 180° motion/ambient light sensor, 15-30' mounting height, ambient sensor enabled at 11c <sup>1s</sup> Motion/ambient sensor, 15-30' mounting height, ambient sensor enabled at 11c <sup>1s</sup> Single fuse (120, 277, 347V) <sup>1</sup> Double fuse (120, 240, 480V) <sup>1</sup> Dual switching <sup>1</sup> Emergency blattery backup, Non CBC compliant (7W) <sup>1s</sup>	E7WC E7WHR E20WH E20WC E23WHR LCE RCE Shipped: RBPW WG	Emergency battery backup, Non CEC compliant (cold, 7W)**** Remote emergency battery backup, Non CEC compliant (remote 7W)**** Emergency battery pack 18W constant power, CEC compliant** Emergency battery pack -20°C 18W constant power, CEC compliant** Remote emergency battery backup, Non CEC compliant (remote 20W)** Left side conduit entry** Right side conduit entry**  separately Remote back plate* Vandal quard**	DDBXD DBLXD DNAXD DWHXD DSSXD DDBTXD DBLBXD DNATXD DWHGXD DWHGXD	Dark bronze Glack Natural aluminum White Sandstone Textured dark bronze Textured black Textured black Textured sandstone

Accessories WSTVCPB9W00000 U Premium Surface - mounted backbox

WSBBW DDBTX U Surface - mounted back box

RBPWDDBXDU Retrofit back plate

10' x 10' Gridlines

EVO-SQ-4-OPEN

PAGE 1 OF 4

4 Top conduit entry standard. 5 Need to specify 120, 208, 240 or 277 voltage.

7 Not available with VG or WG. See PER Table.

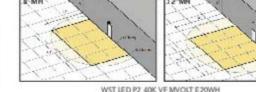
8 Reference Motion Sensor table. 1 MVOLT driver operates on any line voltage from 120-277V (50/60 9 Not available with Emergency options, PE or PER options. 10 Not available with 347/480V. 2 Single fuse (SF) requires 120V, 277V or 347V. Double fuse (DF) requires 208V, 240V or 480V. 11 Battery pack rated for -20° to 40°C.

3 Also available as a separate accessory; see accessories information. 13 Warranty period is 3-years 14 Not available with BBW. 15 Must order with fixture; not an accessory. 6 Photocell ordered and shipped as a separate line item from Acuity Brands Controls. Shorting Cap included.

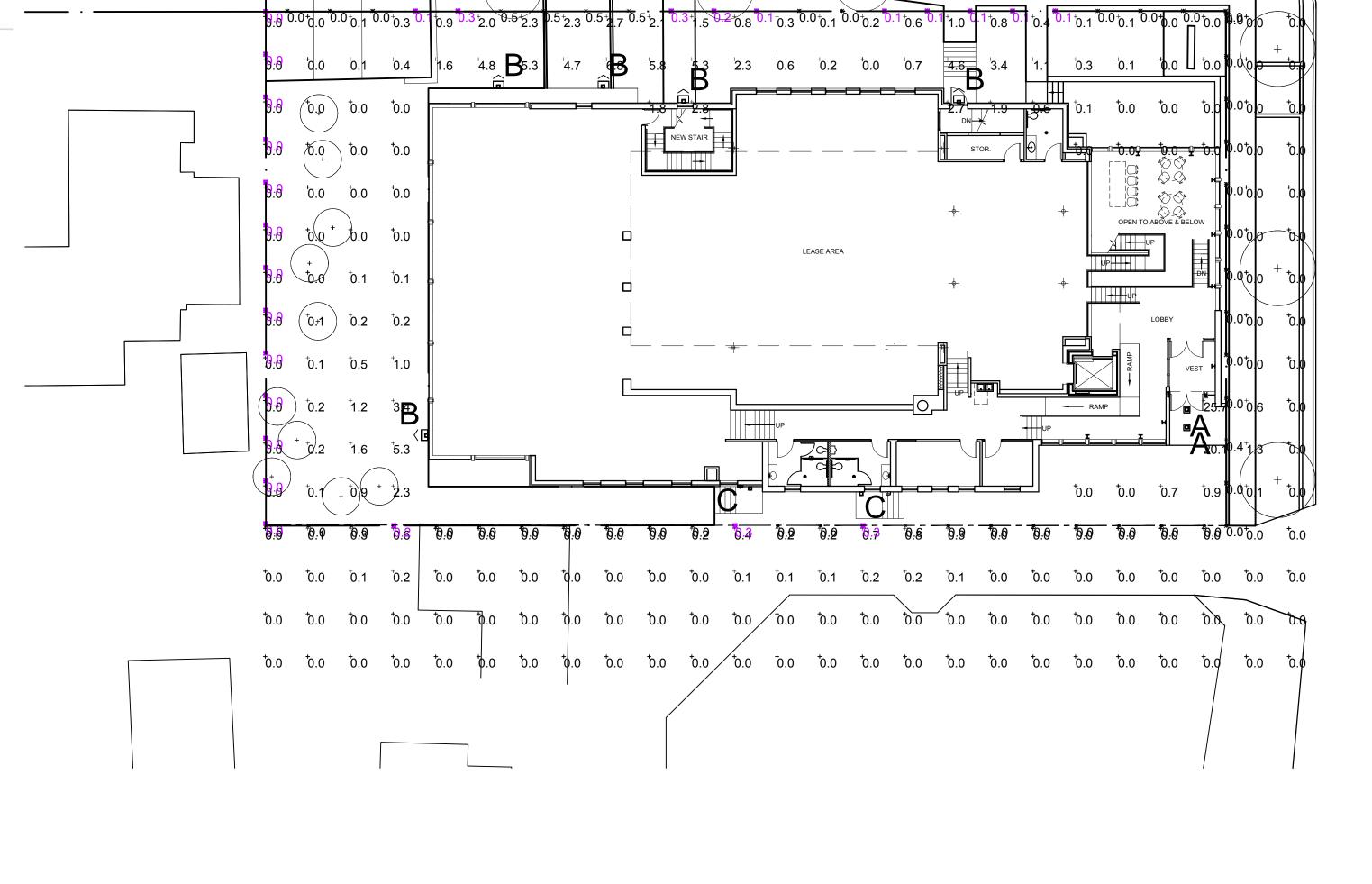
# **Emergency Battery Operation**

The emergency battery backup is integral to the luminaire — no external housing required! This design provides reliable emergency operation while maintaining the aesthetics of the product. All emergency backup configurations include an independent secondary driver with an integral relay to immediately detect AC power loss, meeting interpretations of NFPA 70/NEC 2008 - 700.18 The emergency battery will power the luminaire for a minimum duration of 90 minutes (maximum duration of free hours) from the time supply power is lost, per international Building Code Section 1006 and NFPA 101 Life Salety Code Section 7.9, provided luminaires are mounted at an appropriate height and illuminate an open space with no major obstructions. The examples below show illuminance of 1.4c average and 0.1 fc minimum of the P1 power package and VF distribution product in emergency mode.

8' and 12' Mounting Height



WST-LED Rev. 11/01/17



Plan View Scale - 1" = 16ft

NERAL NOTE	
SEET HIMINIAIDE LOCATIONS EOD	MOUNTING HEIGH

b.0 d.0 o.b o.1

0.2 0.3

1. SEE LUMINAIRE LOCATIONS FOR MOUNTING HEIGH 2. SEE LUMINAIRE SCHEDULE FOR LIGHT LOSS FACTOR.

LIGHTING QUALITY COMPLIANCE.

3. CALCULATIONS ARE SHOWN IN FOOTCANDLES AT GRADE UNLESS NOTED.

THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING / FUTURE FIELD CONDITIONS. THIS LIGHTING LAYOUT REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S

LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, AND OTHER VARIABLE FIELD CONDITIONS. MOUNTING HEIGHTS INDICATED ARE FROM GRADE AND/OR FLOOR UP.

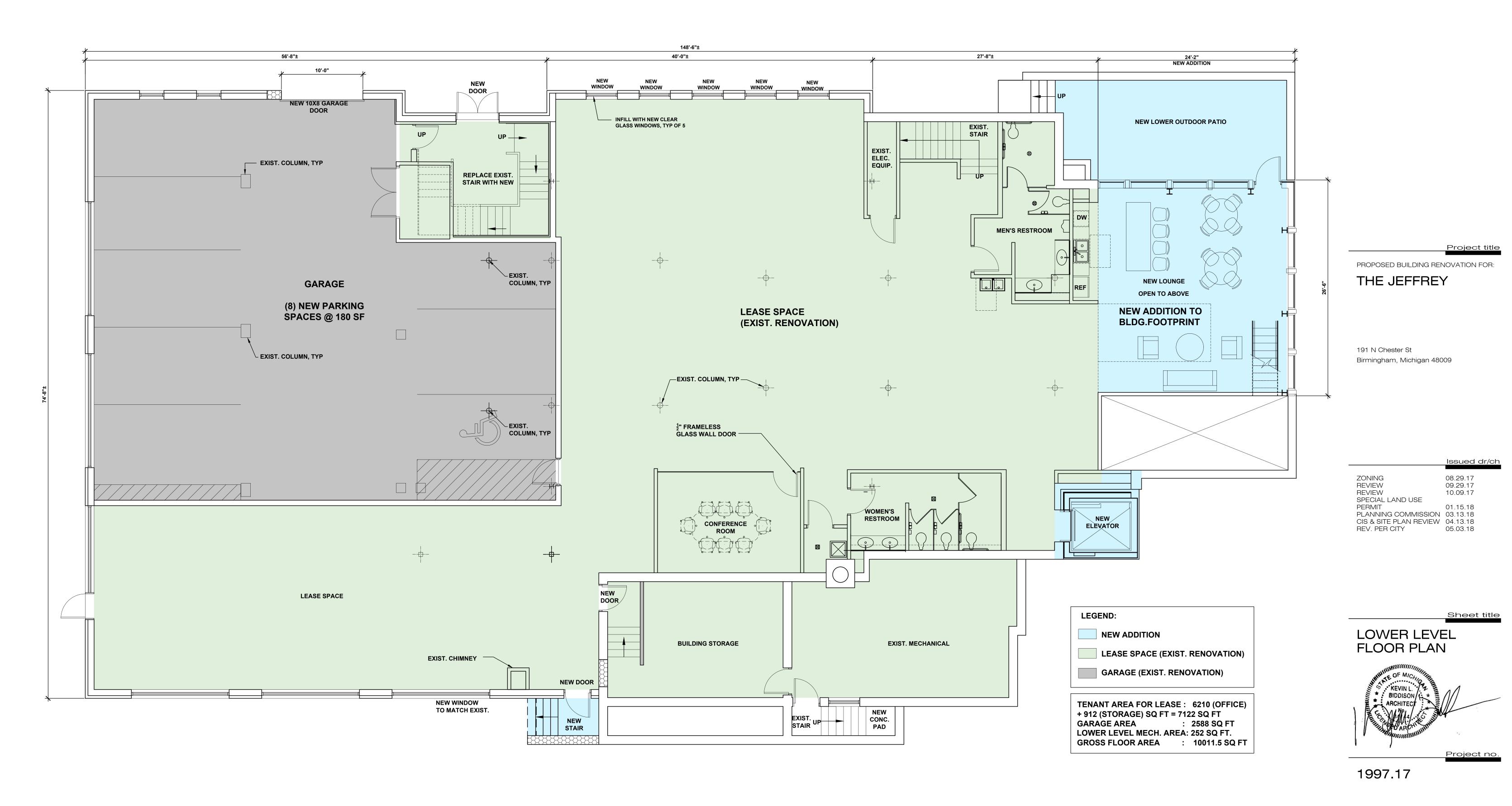
THESE LIGHTING CALCULATIONS ARE NOT A SUBSTITUTE FOR INDEPENDENT ENGINEERING ANALYSIS OF LIGHTING SYSTEM SUITABILITY AND SAFETY. THE ENGINEER AND/OR ARCHITECT IS RESPONSIBLE TO REVIEW FOR MICHIGAN ENERGY CODE AND

Statistics				<del></del>			
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	Avg/Max
East Property line @ 6' AFG	ж	0.0 fc	0.4 fc	0.0 fc	N/A	N/A	0.0:1
North Property line @ 6' AFG	ж	0.2 fc	0.5 fc	0.0 fc	N/A	N/A	0.4:1
South Property line @ 6' AFG	ж	0.1 fc	0.6 fc	0.0 fc	N/A	N/A	0.2:1
West Property line @ 6' AFG	ж	0.0 fc	0.0 fc	0.0 fc	N/A	N/A	N/A

Schedule												
Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens per Lamp	LLF	Wattage	Mounting Height
	А	2	Gotham Architectural Lighting	EVO SQ 35/30 4AR MWD LSS	3000LM 80 CRI 3500K 4ftft EVO SQUARE DOWNLIGHT SEMI SPECULAR	LED	1	EVO_SQ_35_30_4AR _MWD_LSS.ies	3187	0.9	36.91	12'-0"
	В	5	Lithonia Lighting	WST LED P1 40K VW MVOLT	WST LED, Performance package 1, 4000 K, visual comfort wide, MVOLT	LED	1	WST_LED_P1_40K_V W_MVOLT.ies	1659	0.9	12	12'-0"
	С	2	Lithonia Lighting	OLSR	OUTDOOR LED ROUND STEP LIGHT WITH 4000K LEDS AND POLYCARBONATE LENS	LED	1	OLSR.ies	358	0.9	9.15	10'-0"

Designer LM/AM 1/16/2018 Scale Not to Scale Drawing No. PP101 #18-10693-V1 1 of 1

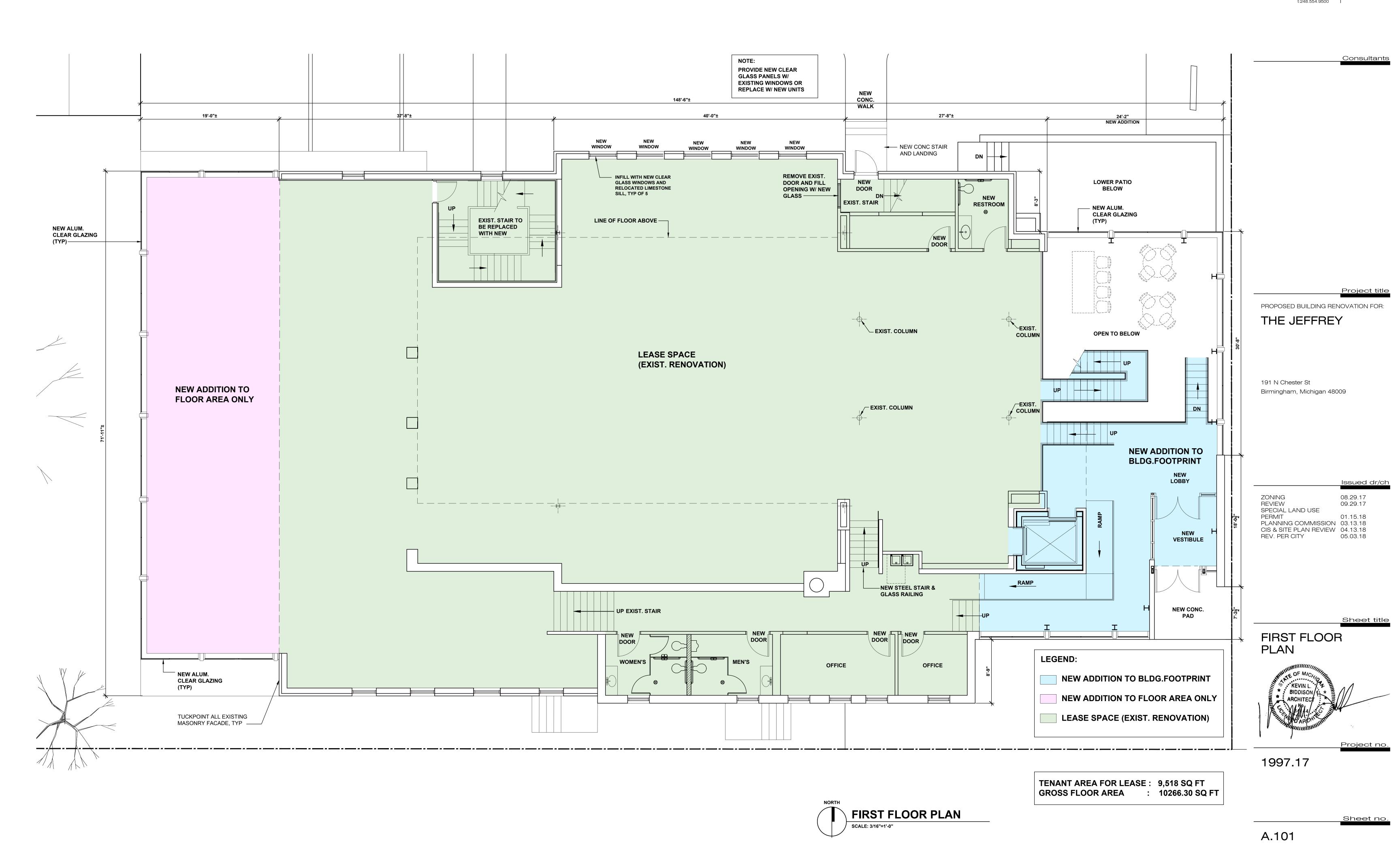


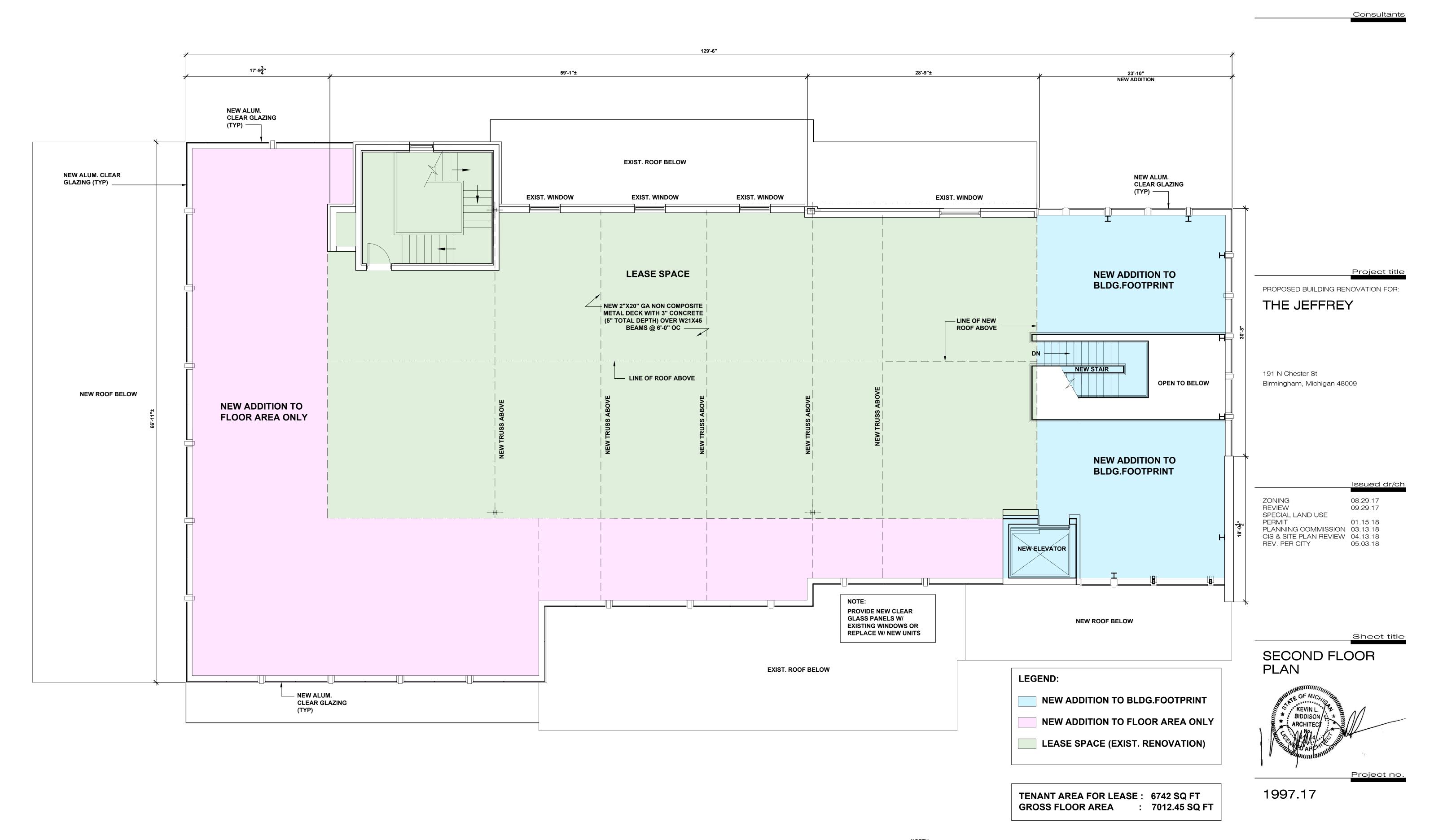


LOWER LEVEL FLOOR PLAN

SCALE: 3/16"=1'-0"

Sheet no.









— EXIST BRICK- PAINT

NEW BRICK ELEVATOR SHAFT ——

**NEW BRICK WALL** 

POWDER COATED ALUM. RAILING —

---- NEW ZINC METAL PANEL

MEW ALUM. CLEAR GLAZING

biddison

architecture + design

320 Martin St. Suite 10 Birmingham, MI 48009 t:248.554.9500

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR: THE JEFFREY

DENOTES NEW WINDOW/DOOR

191 N Chester St Birmingham, Michigan 48009

SPECIAL LAND USE
PERMIT 01.15.18
PLANNING COMMISSION 03.13.18
CIS & SITE PLAN REVIEW 04.13.18

Sheet title

PROPOSED ELEVATIONS



1997.17

DENOTES NEW WINDOW/DOOR



NEW GARAGE DOOR

PROPOSED EAST ELEVATION

- NEW ZINC METAL PANEL

NEW ALUM. CLEAR GLAZING

A.201

— NEW STANDING SEAM METAL ROOF

SCALE: 3/16"=1'-0"

A.201



Project title

Consultants

PROPOSED BUILDING RENOVATION FOR:

THE JEFFREY

191 N Chester St Birmingham, Michigan 48009







DENOTES NEW WINDOW/DOOF



- EXIST BRICK- PAINT

NEW BRICK ELEVATOR SHAFT ----

NEW BRICK WALL

---- NEW ZINC METAL PANEL

POWDER COATED ALUM. RAILING —

--- NEW ALUM. CLEAR GLAZING

biddison

architecture + design

320 Martin St. Suite 10 Birmingham, MI 48009 t:248.554.9500

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:

THE JEFFREY

DENOTES NEW WINDOW/DOOR

191 N Chester St Birmingham, Michigan 48009

SPECIAL LAND USE
PERMIT 01.15.18
PLANNING COMMISSION 03.13.18
CIS & SITE PLAN REVIEW 04.13.18

Sheet title

PROPOSED ELEVATIONS



1997.17

DENOTES NEW WINDOW/DOOR

NEW GARAGE DOOR

PROPOSED EAST ELEVATION

- NEW ZINC METAL PANEL

NEW ALUM. CLEAR GLAZING

A.201

METAL ROOF

SCALE: 3/16"=1'-0"

320 Martin St. Suite 10 Birmingham, MI 48009 t:248.554.9500

Consultants

Project title

Issued dr/ch

Sheet title

Project no.

PROPOSED BUILDING RENOVATION FOR:

THE JEFFREY

191 N Chester St Birmingham, Michigan 48009

PROPOSED WEST ELEVATION

SCALE: 3/16"=1'-0"

● DENOTES NEW WINDOW/DOOF

NEW BRICK ELEVATOR SHAFT

202.01 A.202

SCALE: 3/16"=1"-0"

NEW ZINC METAL PANELS NEW ZINC METAL PANELS SPECIAL LAND USE
PERMIT 01.15.18
PLANNING COMMISSION 03.13.18
CIS & SITE PLAN REVIEW 04.13.18 ... NEW ALUM. CLEAR GLAZING NEW BRICK WALL NEW BRICK ELEVATOR SHAFT NEW ALUM. CLEAR GLAZING NEW METAL CANOPY PROPOSED ELEVATIONS 1997.17

NEW ZINC METAL PANELS

EXIST. BRICK - PAINT -

EXIST. PARKING SPACES -

EXIST. BRICK - PAINT -

PROPOSED SOUTH ELEVATION

DENOTES NEW WINDOW/DOOR

Sheet no.

Consultants

Project title

THE JEFFREY

PROPOSED BUILDING RENOVATION FOR:

191 N Chester St Birmingham, Michigan 48009

ZONING 08.29.17
REVIEW 09.29.17
SPECIAL LAND USE
PERMIT 01.15.18
PLANNING COMMISSION 03.13.18
CIS & SITE PLAN REVIEW 04.13.18
REV. PER CITY 05.03.18

Sheet title

PRELIMINARY SECTIONS

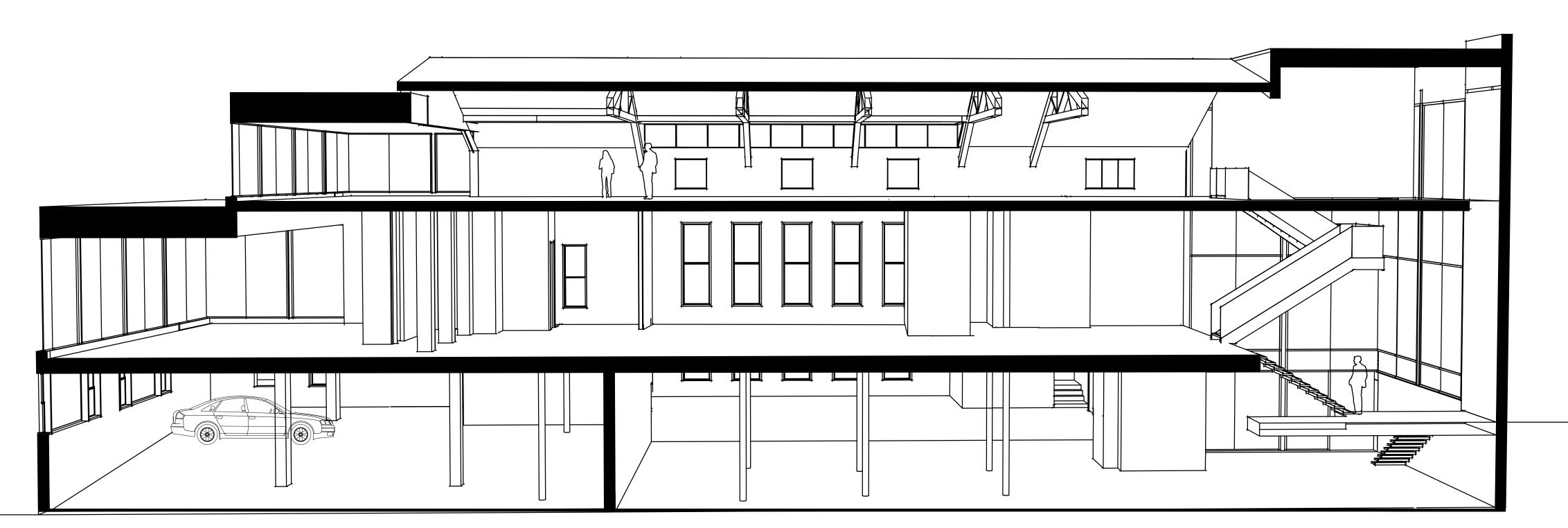
Project no. 1997.17

Sheet no.

A.301

PRELIMINARY SECTION

A.301 NO SCALE





April 24, 2018

**VIA EMAIL** 

Ms. Jana L. Ecker Planning Director City of Birmingham 151 Martin Street Birmingham, Michigan 48012

RE: 191 N. Chester Street – The Jeffery

**Community Impact Statement and Traffic Impact Assessment Review** 

Dear Ms. Ecker:

Fleis & VandenBrink (F&V) and MKSK staff have completed our review of the Community Impact Statement (CIS), the Trip Impact Assessment (TIA) and Site Plan for the proposed office development at 191 N. Chester Street. The CIS was prepared by Biddison Architecture dated April 13, 2018, the TIA was prepared by Stonefield dated April 12, 2017 and the site plan dated prepared by Nowak and Fraus is dated March 14, 2018. All of the documents were received by F&V and MKSK for review on April 18, 2018. Based on this review, we have the following comments and observations:

## COMMUNITY IMPACT STATEMENT

- 1. Item #63 should also identify that the project is located adjacent to the City's neighborhood connector route.
- Item #64 states that a bike rack will be provided. Please indicate here how many bike parking spaces will
  be provided and if the four bike parking spaces proposed are adequate to encourage employees and
  visitors to use this mode of transportation. The bike rack should be consistent with the City standards and
  noted herein.
- 3. Item #65 consider providing ride sharing facilities (pick-up/drop-off areas).
- 4. Item #66 states that a bike rack will be provided for occupants and visitors. If possible, it is recommended that a bike rack for employees is provided within the parking garage to provide safe, secure and covered bicycle parking.
- 5. Item #67 states "crosswalks (will be) available at pedestrian access points of the building. Please identify where the pedestrian crosswalks are proposed.

## TRAFFIC IMPACT ASSESSMENT

- 1. The TIA is dated April 12, 2017. For the record, please confirm if this date and correct as necessary.
- 2. The trip generation used in the analysis was developed based on data from the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 10<sup>th</sup> Edition* using land use code 710-General Office Building. Please confirm the following regarding the proposed land use:
  - a. Is the intention of this office building to be used by a single tenant or multiple tenants?
  - b. Confirm the gross square footage (GSF) of the site. The CIS, TIA and Site Plan all have differing GSF for this site.
- 3. A trip generation comparison of the previous land use and the proposed land uses should be provided.

- 4. On Page 15 the study states that Willits Street is designated as a future neighborhood connector route. The neighborhood connector route was completed in 2017, this should be reflected in the study.
- 5. The projected trip generation for this site using the parking garage. Since the parking garage only has 8 spaces, the site traffic trip distribution as shown is misleading. It is anticipated that the majority of site generated traffic will use the adjacent parking facilities and therefore will not have a significant impact to the traffic volumes on Chester Street.
- 6. The completed Traffic Study Questionnaire-Form A should be provided.
- 7. The traffic engineer for this project should consult with F&V and MKSK to verify the necessary scope of work for this project and an updated TIA should be provided in accordance with the approved scope of work.

# SITE PLAN

- 1. There is a proposed ADA ramp that will replace the existing staircase on Willits Street. This ADA ramp does not have a corresponding ramp on the opposite side of the road. The proposed pedestrian connectivity shall be ADA compliant.
- 2. There is a proposed ADA parking space provided in the existing parking facility to remain. Please verify that this will meet ADA compliance and access via the proposed new sidewalk as shown.
- 3. There is a proposed ADA parking space in the proposed parking garage. The parking space should meet ADA requirements. In addition, there is no access to the upper floors from the parking garage other than through the lower lever leased spaces. Please clarify how ADA access will be provided.

We hope that this review satisfies the City's current planning needs regarding this project. If you have any questions or concerns, please contact our offices.

Sincerely,

FLEIS & VANDENBRINK

Julie M. Kroll, PE, PTOE

Sr. Project Manager

JMK:BKS:jmk

MKSK Studios

Brad Strader, AICP, PTP

Principal





April 25, 2018

Ms. Julie Knoll, P.E. Fleis & VanDenbrink 27725 Stansbury Blvd. Suite 195 Farmington Hills, Mi. 48334

Re: 191 Chester Street - The Jeffery

Community Impact Statement and Traffic Study

Dear Ms. Knoll,

Please review the item by item response to your review and questions regarding the above referenced project.

## Community Impact Study:

- Adjacentcy to the City's neighborhood connector route is so noted and has been added to the CIS as requested.
- 2. A single bike rack consistent with City Standards will be provided which will handle two bikes and will be more than enough to provide space for those who wish to ride a bike to work. The Post Office building at 320 Martin Street, which Mr. Surnow also owns and resides in, is the same square footage with a single City bike rack out front on the sidewalk, which has proven to more than service the needs of that building.
- 3. The current site is very tight and does not provide for additional areas that could be designated strictly for pick up and drop off for ride sharing. Since the front entry of the building faces Chester and is located at the sidewalk we feel that those few in this small building who might be ride sharing would have access to the City parking directly in front of the building for this pick up and drop off.
- 4. We can review the possibility of bike parking inside the garage but due to the very tight nature of that area for the purpose for which it was intended it might not be possible. However since we are providing one bike rack for both occupants and visitors it will need to be on site not in the garage.
- 5. The cross walk at the corner of Maple and Chester is currently in place. This gives access from the downtown area and the Chester Street Parking structure, which is where the majority of the buildings occupants and visitors will park and walk to the building. No other street crossing points exist, any future crosswalk at the Willits and Chester corner would be provided by the City of Birmingham.

## Traffic Impact Study:

Refer to the attached response from Stonefield Engineering.

## Site Plan:

- 1. The proposed ADA ramp on the Corner of Willits Street was a requirement discussed with the City of Birmingham Building and Engineering Departments on site and was provided at their request to give ADA accessibility to an existing non-compliant corner for use for a future pedestrian cross walk. Any crosswalk development to the north side of Willits will be provided by the City of Birmingham in the future it is not part of our project work.
- 2. The existing ADA parking space and access to the building has been reviewed and approved but the City of Birmingham Engineering Department and was designed in conjunction with them.



3. ADA access from the garage will be provided via the new elevator on the lower level. If the building becomes a multi- tenant facility a corridor would be provided from the garage into the common areas of the building to allow for direct access to the elevator. In addition the front entry of the building on Chester Street will provide grade level access into the building which will be provided with an internal ADA ramp along with the elevator to provide access to all levels of the building.

Thank you for your input on this project we look forward to seeing it service the community in a positive way as it is redeveloped. If you have any further questions or concerns please do not hesitate to contact me.

Sincerely,

Kevin Biddison, AIA Biddison architecture



April 25, 2018

Ms. Jana L. Ecker Planning Director City of Birmingham 151 Martin Street Birmingham, MI 48012

RE: Response to CIS and TIA Review
191 N. Chester Street – The Jeffrey

City of Birmingham, Oakland County, Michigan

SE&D Job No.: S-18051

Dear Ms. Ecker:

Stonefield Engineering and Design ("SE&D") is in receipt of the Community Impact Statement and Traffic Impact Assessment Review letter dated April 24, 2018 issued by Fleis & Vandenbrink for the above-referenced development. Additionally, a revised Traffic Impact Assessment, dated April 25, 2018, has been prepared based on the comments provided within the review letter. The following are responses prepared by our office with respect to the review letter comments:

1. The TIA is dated April 12, <u>2017</u>. For the record, please confirm if this date and correct as necessary.

The first issuance of the Traffic Impact Assessment was prepared April 12, 2018. The 2017 date has been revised.

- 2. The trip generation used in the analysis was developed based on data from the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 10th Edition using land use code 710-General Office Building. Please confirm the following regarding the proposed land use:
  - a. Is the intention of this office building to be used by a single tenant or multiple tenants?

Based on consultations with the project's Architect, it is not known at this time if the office space would be utilized by a single tenant or multiple tenants.

b. Confirm the gross square footage (GSF) of the site. The CIS, TIA and Site Plan all have differing GSF for this site.

The gross floor area utilized within the Traffic Impact Assessment was updated to be consistent with the Architectural Plans dated April 13, 2018.

3. A trip generation comparison of the previous land use and the proposed land uses should be provided.



A trip generation comparison between the proposed office use and the previous church use has been provided and is included within the revised Traffic Impact Assessment.

4. On Page 15 the study states that Willits Street is designated as a *future neighborhood connector route*. The neighborhood connector route was completed in 2017, this should be reflected in the study.

This comment is noted. The revised Traffic Impact Assessment reflects the completed status of the neighborhood connector route.

5. The projected trip generation for this site using the parking garage. Since the parking garage only has 8 spaces, the site traffic trip distribution as shown is misleading. It is anticipated that the majority of site generated traffic will use the adjacent parking facilities and therefore will not have a significant impact to the traffic volumes on Chester Street.

The trip assignment has been revised to show the anticipated trip generation at the site driveway with respect to the parking supply.

6. The completed Traffic Study Questionnaire-Form A should be provided.

The completed Traffic Study Questionnaire-Form A is provided within the revised Traffic Impact Assessment.

7. The traffic engineer for this project should consult with F&V and MKSK to verify the necessary scope of work for this project and an updated TIA should be provided in accordance with the approved scope of work.

Stonefield has consulted F&V regarding the scope of work for this project and has verified that the revised Traffic Impact Assessment meets the minimum requirements of the scope.

If you have any questions regarding the above information, please contact our office.

Best Regards,

Charles D. Olivo, PE, PTOE

Stonefield Engineering and Design, LLC

Tim Ponton

Stonefield Engineering and Design, LLC

To: City of Birmingham Planning Board c/o Ms. Jana Ecker, Planning Director

**MKSK** 

4219 Woodward Avenue Suite 305 Detroit, MI 48201 313.652.1101

May 4th, 2018

City of Birmingham 151 Martin Street Birmingham, Michigan 48012

RE: 191 N. Chester Traffic Study

Dear City of Birmingham Planning Board,

F&V and MKSK reviewed the traffic impact study prepared by Stonefield on behalf of the developer who proposed to redevelop the former church at 191 N Chester into an office building, "The Jeffery". In response to our review, the applicant's team made revisions to the Community and Transportation Impact Studies. Those changes are summarized in the letters dated April 25 from Biddison Architecture and Stonefield.

Generally the response and corrections address our previous comments. We had suggested additional bike racks and location of one in the garage to better encourage its use. The applicant's response was timid and non-committal.

The former church generated traffic and parking during non-peak times. While small, the office will still add traffic and parking demands during the peak weekday periods. The nearest public parking structure has limited available parking. We want to emphasize the importance that the owner assertively pursue programs and incentives to encourage employees to consider alternatives to single occupant vehicle trips. This includes not only making bike use convenient, but also incentives such as offering employees free SMART passes to take transit to work. And also a commitment to work with the City as it evaluates off-site parking shuttles for employees.

Sincerely,

Julie M. Kroll, PE, PTOE

Julie M. Kicell

Sr. Project Manager | Fleis and Vanderbink

Brad Strader, AICP, PTP

Dearly K. Frader

Principal | MKSK Detroit



# **MEMORANDUM**

**Planning Division** 

DATE: May 4, 2018

TO: Planning Board Members

FROM: Nicholas J. Dupuis – Planning Intern

**APPROVED:** Jana Ecker, Planning Director

SUBJECT: 191 N. Chester – The Jeffrey – CIS, Special Land Use

Permit, Final Site Plan & Design Review (All changes in

blue type)

# **Community Impact Study**

#### I. INTRODUCTION

The 0.40 acre subject site, 191 N. Chester is currently a vacant church at the corner of Chester and Willits, at the outer edge of the Downtown Overlay District. The applicant is seeking a Special Land Use Permit to transform the church building into an office complex. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 district. The 3 tenant lease spaces proposed measure over 3,000 sq. ft. (6,210 sq. ft., 9,518 sq. ft. & 6,742 sq. ft.), which all exceed the permitted size in the TZ-2 zoning district without a Special Land Use Permit.

The applicant was required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E)(3) of the Zoning Ordinance, as the proposed remodeling/additions bring the total gross floor area of the building north of 20,000 sq. ft., and the additions are greater than 10% of the gross floor area of the existing structure and/or building.

#### II. COMMUNITY IMPACT STUDY

As stated above, the applicant was required to prepare a Community Impact Study given the size of the proposed development. The Zoning Ordinance recognizes that buildings of a certain size may affect community services, the environment, and neighboring properties. The CIS acts as a foundation for discussion between the Planning Board and the applicant, beyond the normal scope of information addressed in the Special Land Use Permit, Final Site Plan and Design Review application. The Planning Board "accepts" the CIS prior to taking action on the Special Land Use Permit, Final Site Plan and Design Review.

# A. Planning & Zoning Issues:

#### Use

The property is currently zoned TZ-2 (Transitional Zoning 2) and C (Community) in the Downtown Overlay District. The proposed office use is a permitted principal use in the TZ-2 and C zoning districts.

# Master Plan Compliance: Downtown Birmingham 2016 Plan

Article 3, section 3.01 of the Zoning Ordinance states that the purposes of the Downtown Birmingham Overlay District are to:

- (a) Encourage and direct development within the boundaries of the Overlay Zoning District and implement the 2016 Plan;
- (b) Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the 2016 Plan;
- (c) Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and
- (d) Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage.

The proposed development implements some of the recommendations contained in the <u>Downtown Birmingham 2016 Master Plan</u> ("2016 Plan") as the applicant is proposing to renovate and add to a building Downtown that is compatible with the context and the desired character of the City. The proposed project encourages a form of development that will achieve the physical qualities necessary to enhance the economic vitality of Downtown Birmingham.

The proposed development and its uses relate to the pedestrian, as the building is proposed to be built to the property line at Chester and is proposed with human scale detailing on the first floor, including canopies, large windows, high quality facades, a patio at grade, and pedestrian entrances from Chester and Willits. The 2016 Plan encourages proper building mass and scale to create an environment that is more comfortable to pedestrians creating a walkable downtown. The proposed development will help improve the visual appearance of the area, by creating a denser, more compact development and remaining consistent with the existing architectural traditions and fabrics of Downtown Birmingham. The main entry to the building is proposed to be located on Chester Street.

In addition, the 2016 Plan encourages pedestrian-scale features which should be incorporated on the first floor of buildings and at entrances to help relate buildings to the streetscape. The plan for the proposed building includes pedestrian canopies and extensive glazing.

Streetscape components are an integral part of the 2016 Plan. The applicant is required to maintain the pedestrian scale street lighting and street trees along all streetscapes. The CIS explains that a bike rack will be available to visitors and occupants, but the applicant has not yet provided a full streetscape plan.

# **B. Land Development Issues:**

The subject site is currently home to a 3-story church complex with setbacks on all sides. The proposed project will bring the front of the building to the property line with an addition, which will be the only increase in footprint and impervious surface on the site. The adjacent parcels to the east and south are fully developed and impervious areas (Integra and McCann Worldgroup), and public thoroughfares exist to the east and north (Chester and Willits). The applicant has indicated in their site plan that the existing lead to the City stormwater system will remain, and that the development is not anticipated to exceed the capacity of the municipal sewer system.

The applicant has submitted a Phase 1 Environmental Site Assessment (ESA) dated April 2<sup>nd</sup>, 2015, prepared by Performance Environmental Services. The report concludes that there are no Recognized Environmental Conditions associated with the site, as the property has been home to the Church since the 1920's. Because of the null findings in the Phase 1 ESA, the applicant did not proceed to a Phase 2 ESA.

The applicant estimates that 970 cubic yards of in-place soils will be removed from the site for construction of the new addition on the east (front) of the building. A haul route has been submitted that shows excavated soils leaving the site eastbound on Willits, southbound on S. Bates, then westbound on W. Maple.

The CIS states that the completed development will not cause any potential hazards or nuisances. However, vibration and dust issues may be present during construction. The applicant has not suggested any mitigation techniques for dust, noise and vibrations that may occur during construction.

# C. Utilities, Noise and Air Issues:

In accordance with the 2016 Plan, all utilities on the site should be buried to visually enhance the site. Thus, **the applicant will be required to bury all utilities on the site**. The applicant has indicated that all existing utilities present on site will remain and be utilized by the proposed offices. The applicant has indicated that it is believed the existing utilities will be able to adequately supply the development with no capacity issues. **The applicant must gain approval from the City Engineer prior to site plan approvals.** 

A noise study was prepared by Kolano and Saha Engineers, Inc. dated April 13<sup>th</sup>, 2018. Measurements were taken using a calibrated Bruel & Kjaer 2270 environmental noise analyzer from 12:00 p.m. on April 11<sup>th</sup> to 4:00 p.m. on April 12<sup>th</sup>. The equipment was placed on the site approximately 20 feet south of the closest traffic lane on Willits, and 90 feet west of the closest traffic lane on Chester. The data gathered a daytime sound level average of 54 dB, and a nighttime sound level average of 45 dB. HUD determined that a level of 65 dB is a desirable goal for residential land use. The sound engineers confirmed that the proposed development will be able to comply with the Birmingham noise ordinance.

The Noise Impact Assessment noted that the only noise that will emanate from the proposed new development will come from the building's heating and cooling mechanical systems, below grade exhaust fans, and emergency power generator.

The noise study provides that the project site will likely comply with the City's noise limits for commercial developments. Specification sheets for all mechanical equipment will be reviewed at Final Site Plan Review for noise output to ensure that the City's noise limits for commercial property will be met.

The applicant has stated in the CIS that the subject site is located in the Southeast Michigan Air Quality District. Monitoring stations are located in Oak Park, and there are no air quality violations in this attainment area. The proposed development use is identical to its surrounding uses and will not establish any trend of air quality standards. Potential air pollution will come from the vehicles in the parking deck and HVAC units.

# D. Environmental Design and Historic Values:

The CIS and site plans suggest that there will be no degradation of the physical or natural environments associated with the site. The applicant will be increasing the number of trees currently existing on the property, as well as providing significant improvements to the grading of the sidewalk. The changes will involve a regrading and installation of ADA ramps where stairs are currently present at the corner of Chester and Willits. A complete landscaping and design review, including streetscape elements, will be conducted as a part of the Final Site Plan review process.

The site is not listed on the National Register of Historic Places or located in any of the City's historic districts.

# E. Refuse, Sewer and Water:

The CIS describes a refuse storage area inside of the garage located off of Willits. The CIS does not mention a separate area for recyclables. The applicant has indicated that the solid waste generated from this facility will be standard

and can be handled easily by a local waste management company.

The CIS further states that the development will be utilizing existing sewer and water connections to the site and does not anticipate capacities to be exceeded by the new structure.

# F. Public Safety:

The applicant has stated that the proposed development provides direct access for police, fire and emergency vehicles and personnel from both Chester and Willits. Access to the building on Chester is in the center and at grade. Access along Willits street can be made via two entry doors or the proposed garage. The CIS also states that an elevator that can accommodate a medical cart is proposed.

The applicant has not provided information on the required safety measures for the new project, such as a fire suppression system or a Knox Box. This was labeled as TBD in the CIS and will be required at the time of Final Site Plan review. The Police and Fire Departments will require further information to ensure that all life safety issues have been addressed.

The applicant has indicated in the CIS that they will be using a security system and fire suppression system, but has not determined which system and the level of performance. The applicant will be required to submit details of the proposed security system, and they must be provided and approved by the Police Department.

# **G. Transportation Issues:**

The CIS states that on-site parking will support the proposed development in the form of a parking garage with 8 spaces, and 3 spaces off of Willits, but will require the use of public parking as well. In addition, bus service is currently available in close proximity on Maple. Given the location of the proposed development, a vast majority of retail options, restaurants, and personal services are also available within walking distance of the site. The applicant also notes that there will be bike racks available for visitors and occupants.

The applicant has provided a transportation study prepared by Stonefield Engineering dated April 12<sup>th</sup>, 2017. The applicant used Form A – Traffic Study Questionnaire in lieu of a full Form B – Transportation Study.

The traffic study states that the building is located within Birmingham's Parking Assessment District, which requires no additional parking. Based on the traffic data gathered, the engineers concluded that trip generation and traffic will be dispersed throughout the roadways due to the need for some visitors/occupants to utilize public parking areas, such as the Chester Street Parking Deck or onstreet parking. No roadway improvements are warranted by the proposed

development.

The traffic study has been sent to the City's traffic engineers, Fleis & Vandenbrink, but a return letter has not been received as of yet. The City expects to receive said letter by April 25<sup>th</sup>, 2018.

Please see attached letter dated April 24, 2018 from Fleis & Vandenbrink outlining their comments on the traffic study and CIS documents submitted. Several minor issues were raised regarding clerical errors, bicycle parking and storage on site, drop off and pick up facilities, ADA compliance and parking issues. The applicant submitted two letters dated April 25, 2018 to address some of the concerns raised. All of the clerical errors have been corrected and amendments made to the CIS. Since April 25, 2018 the applicant has added one bicycle parking rack (City standard loop) on Chester Street near the front entrance, as they advised they did not have room within the enclosed parking area for bicycle parking. The applicant has also reviewed all ADA and traffic issues with the Engineering Department and the traffic consultant, and made all of the required corrections. Specifically, the applicant has revised the layout of the parking spaces in the ROW along Willits, added a sidewalk across the entry apron to the enclosed parking area, widened the apron of the entry drive, and added crosswalk striping and ADA ramp and landing across on the north side of Willits as requested by the Planning Board. changes were also made to the slope of the ADA ramp proposed on the south side of Willits by the crosswalk. The site plan has also been revised to show all adjacent property conditions around the subject site as requested by the Planning Board. A final review letter from the City's transportation consultant's dated May 4, 2018 is attached for your review, approving the traffic study. Several suggestions were made for the applicant to convey to future tenants of the building.

# H. Parking Issues:

The CIS indicates that the proposed development will have an enclosed garage beneath the building with 8 parking spaces, as well as an existing small 3-car parking lot on the northwest corner of the property. There is no percentage of required parking for the other uses because the proposed project is within the Parking Assessment District. A thorough discussion of the parking requirements is contained in the attached Special Land Use Permit, Final Site Plan and Design Review report.

## I. Natural Features:

The applicant has indicated that there will be little impact on natural features or bodies of water as a result of the proposed development, as the proposed building will be renovated, including a small addition to the front of the building. There are no ponds or streams near the project, and landscaping will be added

to the site.

# J. Departmental Reports

- 1. <u>Engineering Division</u> The Engineering Department has no concerns at this time.
- 2. <u>Department of Public Services</u> The Department of Public Services has no concerns at this time.
- 3. <u>Fire Department</u> The Fire Department has no concerns at this time.
- 4. Police Department The Police Department has no concerns at this time.
- 5. <u>Building Division</u> The Building Division has no concerns at this time.

# **K. Summary of CIS:**

The following issues remain outstanding with regards to the CIS:

- (1) Provide mitigation strategies for control of noise vibration and dust;
- (2) Applicant will be required to bury all utilities on the site;
- (3) Provide space for the separation of recyclables; and
- (4) Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Department.

# L. Suggested Action:

- To <u>ACCEPT</u> the Community Impact Study as provided by the applicant for the proposed development at 191 N. Chester – The Jeffrey – with the following conditions:
  - (1) Provide mitigation strategies for control of noise vibration and dust;
  - (2) Applicant will be required to bury all utilities on the site;
  - (3) Provide space for the separation of recyclables; and
  - (4) Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Department.

#### OR

2. To <u>POSTPONE</u> action on the Community Impact Study as provided by the applicant for the proposed development at 191 N. Chester – The Jeffrey, allowing the applicant the opportunity to address the issues raised above.

3.	To <u>DECLINE</u> the Community Impact Study as provided by the applicant for the
	proposed development at 191 N. Chester – The Jeffrey – for the following
	reasons:
	1)
	2)
	3)

# Special Land Use Permit, Final Site Plan & Design Review

#### III. Final Site Plan Review

The 0.40 acre subject site, 191 N. Chester, is located at the corner of Chester and Willits on the outer edge of Downtown Birmingham. The Planning Board recommended approval to the City Commission for a rezoning from TZ1 to TZ2 on September 13th, 2017 to allow the former Church of Christ Scientist building to become an office space. On October 16th, 2017, the City Commission approved the request for a rezoning to TZ-2. The transformed office building is proposed to contain 22,470 sq. ft. of office space. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 district. The proposed floor plans for the renovated office building show three tenant lease spaces, all of which will be over the permitted 3,000 sq. ft. (6,210 sq. ft., 9,518 sq. ft. & 6,742sq. ft.). Thus, the applicant is seeking a Special Land Use Permit to allow for three office tenants to each exceed 3,000 sq. ft. in area.

A highlight of the proposed transformation of the former Church use to an office use is the proposed 1,355 sq. ft. addition to the front of the building. The applicant is also proposing to add to the upper floors, bringing the sides and the rear of the building outward to maximize tenant lease space. Along with the design of an overhead garage door off of Willits, a new roof, new windows, and new paint, the additions will create an entirely new look for the building. The proposed addition will bring the gross floor area to 27,290.25 sq. ft. (figure includes the 10,011 sq. ft. lower level and the 2,493 sq. ft. indoor garage).

The applicant appeared before, and was approved by the Planning Board on January 25<sup>th</sup>, 2018 for a Special Land Use Permit, Final Site Plan and Design Review for the renovation and addition to the front of the building. Because the applicant has revised the plans to include more additions, they are required to come before the Planning Board again.

All relevant meeting minutes are attached for your review.

# 1.0 Land Use and Zoning

- 1.1. Existing Land Use The existing land use is a vacant Church.
- 1.2 <u>Zoning</u> The parcel is zoned TZ-2 (Transitional Zoning 2) and C (Community) in the Downtown Overlay.

1.3 <u>Summary of Adjacent Land Use and Zoning</u> - The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site, including the 2016 Regulating Plan.

	North	South	East	West
Existing Land Use	Residential	Commercial	Commercial	Residential
Existing Zoning District	R2, Single- Family Residential	TZ-3, Transitional Zone-3	B-4, Business- Residential	R2, Single- Family Residential
Overlay Zoning District	N/A	D-4	D-4	N/A

# 1. Setback and Height Requirements

The attached summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed development.

## 3.0 Screening and Landscaping

- 3.1 <u>Dumpster Screening</u> The applicant indicated that there will be a designated area for trash collection inside the building underneath the stairs located in the garage area. Therefore, the trash area will be fully screened by the building.
- 3.2 <u>Parking Lot Screening</u> The subject site is located in the Parking Assessment District and thus no parking is required on site. However, the applicant is proposing an 8-space garage with access off of Willits. Thus, the parking will be fully screened within the building. All proposed parking spaces are 180 sq. ft.

The applicant also noted three existing outdoor spaces that are located at the northwest corner of the property in the application. The submitted site plans show these three existing outdoor spaces, and the applicant indicated that they will be screened on either side with a five foot concrete masonry split face retaining wall which will match the building. As the site currently stands, the spaces are set below grade with a stone retaining wall and landscaping. As these parking spaces directly abut the street for primary access, there is no screen wall screening the view of the parking spaces from Willits. However, these are existing, non-

conforming parking spaces for screening.

- 3.3 <u>Mechanical Equipment Screening</u> The applicant has indicated that the building will utilize the existing rooftop mechanical units that are already screened by the parapet of the building. The applicant has also noted that there may be additional mechanical equipment placed on the inside of the building. Therefore, all mechanical equipment will be fully screened.
- 3.4 <u>Landscaping</u> The applicant has submitted a landscape plan for the proposed development detailing the size, type, and placement of plants across the site. All of the proposed plantings are permitted and are described in the table below:

Trees Shrubs Groundcovers/Perennials

	<b>Botanical/Common Name</b>	Size	Quantity
;	Carpinus Caroliniana/ Native Flame	3" CAL	3
	Tilia cordata/ Chancellor Linden	3" CAL	5
;	Thuja accidentalis/ Niagra – Dark Green Arborvitae	8′ HT	6
;	Calamagrostis/ Karl Forester Feather Reed Grass	3 GAL	8
	Hemerocalis/ Happy Returns Daylily	2 GAL	44
	Sesleria autumnalis/ Autumn Moor Grass	2 GAL	55

Article 4, Section 4.20 of the Zoning Ordinance requires deciduous trees to be a minimum of 3 inches in caliper. The proposed trees meet this requirement. The applicant is not required to provide parking lot landscaping, as the three existing parking spaces are less than 7,500 sq. ft. in area.

3.5 <u>Streetscape Elements</u> – The submitted site plans show 3 street trees along N. Chester, and 5 street trees along Willits. Article 4, Section 4.20 of the Zoning Ordinance requires one street tree per 40 ft. of frontage; the applicant is required to have 2 streets along N. Chester and 5 street trees along Willits. The applicant meets the standards of Article 4, Section 4.20.

The applicant is proposing substantial changes to the streetscape along Willits to greatly enhance pedestrian circulation. The existing sidewalk along Willits includes several steps due to the grade. The applicant intends to regrade the northern edge of the property and right-of-way to construct a new sidewalk with appropriate slopes and landings to permit the removal of the stairs at the corner of Willits and N. Chester and replace them with a new ADA ramp and pad. This will create a more walkable street in front of the proposed development.

Although the CIS indicates the addition of a bicycle rack for visitors and occupants, the applicant has not shown the location of any bike racks, trash receptacles, or benches on the submitted

site plan. The Planning Board may wish to require any or all of the above to be added to the streetscape. The applicant has now added a bicycle parking rack along Chester Street along the front of the new lobby addition.

# 4.0 Parking, Loading and Circulation

- 4.1 Parking The proposed office building does not require on-site parking, as it is located within the Parking Assessment District. However, the submitted site plans show eight parking spaces within a garage proposed in the lower level of the building. The applicant is also proposing to retain the three existing outdoor spaces located at the north-west corner of the property with an ADA space available. The proposed parking spaces all measure the appropriate 180 sq. ft. in area.
- 4.2 <u>Loading</u> Article 4, Section 4.24 of the Zoning Ordinance requires office uses in between 10,001 and 50,000 sq. ft. in size to provide one off-street loading space. The proposed development contains 16,493 sq. ft. of office space, thus is required to provide one off street loading space. The applicant has not proposed an off street loading space. Therefore, the applicant must submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals. The applicant is scheduled to appear before the Board of Zoning Appeals on May 8<sup>th</sup>, 2018.
- 4.3 <u>Vehicular Circulation and Access</u> Access to the proposed development will predominantly be by foot, but access to the vehicular garage will be via a driveway and garage door off of Willits. The driveway is proposed to be 12 ft. wide.
- 4.4 <u>Pedestrian Circulation and Access</u> The principal pedestrian entrance is proposed on N. Chester. The entrance is equipped with an ADA ramp and an elevator to the upper and lower floors. Secondary pedestrian access is also provided along the Willits façade.

# 5.0 Lighting

The applicant has submitted a photometric plan, along with specification sheets for the proposed luminaires. The photometric plan demonstrates that all of the lighting requirements of Article 4, Section 4.21 of the Zoning Ordinance have been met with regards to property line light levels. There are two recessed canopy lights manufactured by Gotham to be installed beneath the new canopy at the entrance on Chester, at 36.91 watts each. Two wall sconces manufactured by Lithonia Lighting are proposed along the south building elevation at the stair wells. These are 9.15 watts each and proposed to be mounted at a height of 10'. Five architectural wall sconce manufactured by Lithonia Lighting are also proposed on the north and west

building elevations. These fixtures are 12 watts each, and proposed to be mounted at a height of 12'. All proposed lighting is fully cut off and black in color.

# 6.0 Departmental Reports

- 1. <u>Engineering Division</u> The Engineering Department has no concerns at this time.
- 2. <u>Department of Public Services</u> The Department of Public Services has no concerns at this time.
- 3. Fire Department The Fire Department has no concerns at this time.
- 4. Police Department The Police Department has no concerns at this time.
- 5. <u>Building Division</u> The Building Division has no concerns at this time.

# 7.0 Design Review

The applicant is proposing to renovate the existing Church of Christ Scientist to create an office building. The transformation from Church to office will include the removal of the existing porch and entry to create an addition off of the front of the building to be used as the primary entryway to the building, bringing it to the property line. There will also be repairs done and paint (SW 7069 Iron Ore) added to the existing masonry, a new quartz -zinc metal roof, a new garage with a 10' x 8' garage door (material and color unknown), and new windows added to the building. Some material samples and colors have been provided at this time, but the missing details must be provided.

For the new addition, the applicant is proposing new grey brick (manufacturer unknown), quartz -zinc metal paneling for coping and roofing, an aluminum clear glass window system, and a new anthra-zinc metal canopy in black for the new front entrance. This will modernize the front of the building and give it more of an office building look, as opposed to a Church look. Since the proposed addition will be bringing the building to the property line, the building's street presence will match that of the McCann building to the east, and Integra building to the south.

The original building will be painted charcoal grey (SW 7069 Iron Ore) and have a new grey standing seam metal roof installed, along with 24 new clear glass windows/doors. The applicant is also proposing to create three new patios on the property, one off of the new addition, one off of the back of the building at the first floor, and finally, one on the second floor. The patio proposed with the addition will be enclosed with a powder coated aluminum railing. The other patios will be enclosed with aluminum and tempered glass railing systems. Article 3, Section 3.04 of the Zoning Ordinance requires

balconies, railings and porch structures to be wood, metal, cast concrete, or stone. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the Board of Zoning Appeals. The applicant has revised the plans to show all proposed railings in black powder coated aluminum.

The applicant is not proposing any signage at this time.

The applicant has provided window samples showing clear glass with a visual light transmittance of 80% for the new windows.

# 8.0 Approval Criteria

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property and not diminish the value thereof.
- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

#### 9.0 Recommendation

Based on a review of the site plan submitted, the Planning Division recommends that the Planning Board <u>APPROVE</u> the Special Land Use Permit, Final Site Plan and Design Review for 191 N. Chester – The Jeffrey – with the following conditions:

- 1. Applicant submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals; and
- 2. Applicant submits full material samples and specifications to complete the design review.

# **10.0** Sample Motion Language

Motion to <u>APPROVE</u> the Special Land Use Permit, Final Site Plan and Design Review for 191 N. Chester – The Jeffrey – subject to the following conditions:

- 1. Applicant submit revised plans showing the placement and measurements of one off street loading space, or obtain a variance from the Board of Zoning Appeals; and
- 2. Applicant submits full material samples and specifications to complete the design review.

# OR

Motion to <u>DENY</u> the Special Land Use Permit, Final Site Plan and Design Review For 191 N. Chester – The Jeffrey – for the following reasons:				
1.				
2.				
3				
OR				
•••				
Motion to <u>POSTPONE</u> the Special Land Use Permit, Final Site Plan and Design Review for 191 N. Chester – The Jeffrey – for the following reasons: 1.				
2.				
? ?				

# Zoning Compliance Summary Sheet Final Site Plan Review 191 N. Chester

**Existing Site:** Church of Christ, Scientist

Zoning: TZ-2, Transitional Zone 2 & C, Community

Land Use: Commercial

# **Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
Existing Land Use	Residential	Commercial	Commercial	Residential
Existing Zoning District	R-2, Single- Family Residential	TZ-3, Transitional Zone 3	B-4, Business Residential	R-2, Single- Family Residential
Overlay Zoning District	N/A	D-4	D-4	N/A

**Land Area:** Existing: 0.40 acres (17,370 ft<sup>2</sup>)

Proposed:  $0.40 \text{ acres } (17,370 \text{ ft}^2)$ 

**Dwelling Units:** Existing: 0

Proposed: 0

Minimum Lot Area/Unit: Required: N/A

Proposed: N/A

Min. Floor Area /Unit: Required: N/A

Proposed: N/A

Max. Total Floor Area: Required: N/A

Proposed: N/A

**Min. Open Space:** Required: N/A

Proposed: N/A

**Max. Lot Coverage:** Required: N/A

Proposed: N/A

**Front Setback:** Required: 0-5 ft.

Proposed: 0 ft.

**Side Setbacks** Required: 0 ft. from interior side lot line

10 ft. from side lot line abutting a single family district

Proposed: **No changes proposed.** (7 ft. from abutting single family

district, 0 ft. along Willits)

**Rear Setback:** Required: 10 ft.

20 ft. abutting single family zoning district

Proposed: **No changes proposed.** (30 ft.)

Min. Front+Rear Setback Required: N/A

Proposed: N/A

**Max. Bldg. Height:** Permitted: 30 ft., 2 stories

Proposed: **No changes proposed.** (35 ft., 2 stories)

**Min. Eave Height:** Required: N/A

Proposed: N/A

**Floor-Ceiling Height:** Required: 14 ft.

Proposed: **No changes proposed.** 

**Front Entry:** Required: N/A

Proposed: N/A

**Absence of Bldg. Façade:** Required: N/A

Proposed: N/A

**Opening Width:** Required: N/A

Proposed: N/A

**Parking:** Required: None required, Parking Assessment District

Proposed: 11 total - 8 within proposed garage, 3 existing

Min. Parking Space Size: Required: 180 ft<sup>2</sup>

Proposed: 180 ft<sup>2</sup>

**Parking in Frontage:** Required: N/A

Proposed: N/A

**Loading Area:** Required:  $1 (40' \times 12' \times 14')$ 

Proposed: 0

The applicant must submit plans showing a screened loading space measuring  $40 \times 12 \times 14$  or obtain a variance from the Board of Zoning Appeals.

**Screening:** 

<u>Parking</u>: Required: 6 ft. masonry screen wall

Proposed: 8 spaces fully screened within building

3 existing unscreened legal, non-conforming parking spaces

<u>Loading</u>: Required: 6 ft. masonry screen wall

Proposed: None proposed

The applicant must submit plans showing the screening details for one off-street loading space, or obtain a variance from the Board of Zoning

Appeals.

Rooftop Mechanical: Required: Full screening to compliment the building

Proposed: Fully screened by existing parapet and building structure.

<u>Elect. Transformer</u>: Required: Fully screened from public view

Proposed: No transformer is proposed on the property.

Dumpster: Required: 6 ft. high capped masonry wall with wooden gates

Proposed: Fully screened by building.

# CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, SEPTEMBER 13, 2017

# City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on September 13, 2017. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert

Koseck, Vice- Chairperson Gillian Lazar, Bryan Williams

**Absent:** Board Member Janelle Whipple-Boyce; Alternate Board Members Lisa

Prasad, Daniel Share; Student Representatives Ariana Afrakhteh, Isabella

Niskar

**Administration:** Matthew Baka, Sr. Planner

Jana Ecker, Planning Director Carole Salutes, Recording Secretary

# **REZONING REQUEST**

191 N. Chester, First Church of Christ, Scientist
 Request for rezoning from TZ-1 to TZ-2 (Transitional Zoning) to allow
 adaptive reuse of the existing building for office use

Chairman Clein returned to chair the meeting.

Ms. Ecker reported that the property owner is requesting the rezoning of the property to keep the building as-is on site while renovating the inside for an office use.

The subject site is located on the west side of N. Chester, with single-family homes to the north and office/commercial buildings to the south (Integra Building) and east (McCann Worldgroup Building). The area of the site is .40 acres, the building is 16,000 sq. ft. in size. The subject property is in the Downtown Overlay District and was zoned C - Community Use, due to its former use as a church. At the time of the transitional rezoning the City Commission created the TZ-1 Zone District and the TZ-3 Zone District. They did not create the TZ-2 Zone District then and the property was rezoned TZ-1 which allows only a residential use and not an office use.

The applicant lists a number of reasons that with the City's adoption of TZ-2 into the Zoning Ordinance, the TZ-2 classification would be better suited. The applicant would like to re-purpose the existing church building into an office use. While office use is permitted in the TZ-2 Zoning District, any office use over 3,000 sq. ft. in size would require a Special Land Use Permit ("SLUP"). The applicant has affirmed the building is not suitable for adaptive reuse to residential.

The applicant had meetings with the adjoining property owners who have indicated a desire to keep the existing building as opposed to demolishing it and increasing and changing the height and mass with a new structure. They felt building as it stands would have the least impact on the neighborhood in terms of scale, visibility, and traffic.

The applicant has tried to market the building as a religious institution but has been unsuccessful in finding someone who is interested.

The only physical modification done to the building was in 1956 when an addition was added to the existing church. The church building is still in fair condition today.

Based on a review of the rezoning application and supporting documentation submitted by the applicant, a review of the applicable Master Plan documents, current zoning and recent development trends in the area, the Planning Dept. finds that the applicant meets the established ordinance requirements to qualify for a rezoning of the property from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2) to permit the adaptive reuse of the building for office/commercial use. Given the recommendations of the Master Plan and the 2016 Plan, the existing mix of uses in the immediate neighborhood, and given the age and character of the building, the proposal to adaptively reuse the building is appropriate and compatible with the area. The Planning Board will make a recommendation to the City Commission and the City Commission shall make the final determination on whether this potential rezoning should be approved.

Mr. Boyle asked what design oversight there might be with this building if it was rezoned to TZ-2. Ms. Ecker replied that just the design of the building would go to the Design Review Board or come to the Planning Board for review. If they are going to propose over 3,000 sq. ft. of office use, it will come to the Planning Board because it would require a SLUP which would bring in all of the design elements as well as the signage. Then it would go to the City Commission for the final decision.

In response to Mr. Koseck, Ms. Ecker said the applicant has the option to seek a use variance for the building. The Chairman asked about the difference between TZ-1 and TZ-2 with regard to massing and height. Ms. Ecker advised that TZ-1 allows three stories and 35 ft. in height with a minimum of two stories. In TZ-2 only a two-story maximum is allowed.

Ms. Ecker explained for Mr. Boyle that there is no requirement that there must be a mix of uses on a transitional zoned property.

Mr. Williams said a question for the City Attorney would be whether the site can be rezoned to TZ-2 with the condition that the building structure remain the same. Ms. Ecker noted the Planning Board at this level has not made a recommendation to go down the conditional rezoning path.

The applicant, Mr. Sam Surnow, 320 Martin, said they have spent a lot of time over the last three years trying to figure out what to do because they acquired the property before it was rezoned to TZ-1. Based on feedback from all of the neighbors and the

different departments, they have been guided in the direction of rezoning the existing building for office use. They feel it is the best choice. It seems that a residential development would have the potential to change the impact on the neighborhood. Onsite parking will be needed to be marketable and to attract tenants. Therefore they will have to take away a few thousand feet in the lower level to make room for ten or fifteen parking spaces. Then, after taking away the common areas, the office space left will be much less than 16,000 sq. ft.

Mr. Surnow stated that they decided not to apply for a use variance with the BZA because having a use variance in a TZ-1 Zone that is meant for residential use only would be contradictory. Also if the City could have rezoned to TZ-2 which didn't exist at the time, it probably would have. They don't have an issue with coming up with an agreement stating they will preserve exactly what is there if the City Commission requested that.

Mr. Kevin Biddison, 320 Martin, added they are excited hopefully to be involved in another project with the Surnows. This is really a similar challenge to what they did with the post office and they are looking to do some of the very same things and create multi-uses for smaller businesses which can tuck into the very unusual nature of the building.

No one from the public came forward with comments at 8:38 p.m.

Mr. Boyle observed that office space is changing. He hoped this iconic building will be redesigned and repurposed in such a way that it can accommodate the contemporary office and how it is going to operate. Also, he thought a mixed use in some shape or form might enliven this street.

Mr. Koseck noted this is a unique building on a challenging site. The Chester Parking Structure is least used so the project could help to populate that. These developers have a proven track record and he is in favor of the proposal to rezone.

# Motion by Mr. Koseck

Seconded by Mr. Boyle to recommend approval to the City Commission for the rezoning of 191 N. Chester from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2).

Chairman Clein thought the adaptive reuse that is being proposed is awesome and the rezoning to facilitate that makes perfect sense. However he has concerns about rezoning, and that means ten years from now the building could be razed and a 17,000 sq. ft. site could turn into 30,000 sq. ft. of something. He leans toward approving the request because he feels this is a fantastic project but he thinks the Commission needs to weigh those concerns.

At 8:43 p.m. there were no comments from the members of the public on the motion.

# Motion carried, 6-0.

ROLLCALL VOTE

Yeas: Koseck, Boyle, Clein, Jeffares, Lazar, Williams Nays: None Absent: Whipple-Boyce

# BIRMINGHAM CITY COMMISSION MINUTES OCTOBER 16, 2017

# VI. NEW BUSINESS 10-267-17 PUBLIC HEARING TO CONSIDER THE REZONING OF 191 N.CHESTER FROM TZ1 TO TZ2

From City Planner Ecker's staff report to City Manager Valentine dated October 6, 2017:

The property owner of 191 N. Chester (The First Church of Christ, Scientist), is requesting the rezoning of the property from TZ-1 (Transitional Zone 1) to TZ-2 (Transitional Zone 2) to allow office use. The subject site is located on the west side of N. Chester, with single family homes to the north and office/commercial buildings to the south (Integra Building) and east (McCann Worldgroup Building). The subject property is currently zoned TZ1 (Transitional Zoning), as well as C - Community Use in the Downtown Overlay District, due to its former use as a Church. On September 13, 2017, the Planning Board conducted a public hearing to consider the requested rezoning. After much discussion, the Planning Board voted to recommend approval of the proposed rezoning to the City Commission. The applicant has submitted a letter voluntarily offering to limit the use of the property at 191 N. Chester to office use only should the rezoning to TZ2 be approved. The applicant has also submitted numerous letters of support from the surrounding property owners.

# City Planner Ecker continued:

- In 2015, the Commission created TZ1 and TZ3. TZ2 was added in the past year.
- 191 N. Chester was previously zoned as R4 Residential, and then it was re-zoned to TZ1. TZ3 allowed too many uses on the site.
- Applicant would now like the property re-zoned to TZ2. TZ2 allows uses beyond residential, which are the only uses permitted by TZ1.
- Applicant is looking to keep the exterior of the building, and to re-build the inside as office space.
- A TZ1 designation is residential, and allows for three stories and a height of thirty-five feet. A TZ2 designation allows for more uses, but it only allows for two stories and a height of thirty feet.
- When an applicant applies for re-zoning, they must submit the following information:
  - An explanation of why the re-zoning is necessary for the preservation and enjoyments of the rights of usage commonly associated with property ownership;
  - An explanation of why the existing zoning classification is no longer appropriate;
  - An explanation of why the proposed re-zoning will not be detrimental to the surrounding properties;
  - A land survey.
- The current applicant explained that:

- The building was determined not to be of interest to any religious institution, and also not tenable for residential adaptation.
- Re-zoning the building for office use would preserve the current building, does not change the character of the neighborhood, and creates less traffic than a possible residential re-use.
- Planning staff performed a review of the application's adherence to existing zoning and Master Planning requirements for the site, an analysis of existing uses of the property within the general area, the suitability of the property in question to the uses permitted under the existing zoning classification, and the general trend of development in the area of the property in question, including any changes that have taken place in the zoning classification.
- This area is considered part of a commercial piece on the edge of downtown, which according to the 1980 Master Plan "should be restricted to office and low intensity commercial use" whenever possible. The currently submitted application is in line with this goal.
  - This area is also zoned according to the Downtown Birmingham 2016 Plan as C – 5 October 16, 2017 Community, which requires the City to retain and enhance the character and vitality of downtown, and make sure new architecture is compatible with old. Keeping the exterior of the building, as proposed in the application, is also in line with this goal.
  - The Zoning Ordinance states that "the purpose of the Zoning Ordinance is to guide the growth and development of the City, in accordance with the goals, objectives, and strategies stated within the Birmingham Future Land Use Plan and the 2016 Plan." The adaptive re-use proposed by the applicant supports the City's growth, development, and re-use, and maintains the character of the neighborhood.
  - Since there is a four-story office building to the south, the McCann Building to the east, and single family residential homes to the north and west, this proposed zoning change could be considered transitional between the high density commercial business district on one side and the single-family low density residential on the other side.
  - With the current TZ1 zoning, the building in question could not be used for a religious institution without a use variance, since it is restricted to residential use.
  - Several changes have occurred to office buildings in the area, and the only rezoning in the area was the change of this building's zoning designation from R4 to TZ1.
- Upon review of the aforementioned information, the Planning Department and the Planning Board recommended that 151 N. Chester be rezoned from TZ1 to TZ2. The Commission should also consider whether to accept the applicant's offer to restrict the use to office and commercial use only.

City Planner Ecker confirmed for Commissioner Hoff that 151 N. Chester is historical, but is not a historically-designated building, and that the parking would be built out into the basement of the building. City Planner Ecker also confirmed that if this re-zoning is granted, a much larger building could be built in this building's stead later on.

Mayor Nickita explained that conditional zoning is a possibility in order to address concerns of what would be allowed, although the Commission has not taken that route before.

City Attorney Currier confirmed for Commissioner DeWeese that if any further construction were to occur in the future after this re-zoning, the construction would still need to adhere to both the greater zoning and whatever conditional zoning the Commission may apply.

City Planner Ecker confirmed for Mayor Pro Tem Harris that a Special Land Use Permit (SLUP) would be required for this use, and City Attorney Currier confirmed that if the building were to change hands, the conditions of the SLUP would have to be followed or they would need to be amended by the Commission at the request of the new owner.

Mayor Nickita opened the public hearing at 8:12 p.m.

Sam Surnow of the Surnow Company (320 Martin Street) explained that while many possibilities for the building were explored, the conclusion was that the building would need to be torn down in order to adhere to TZ1. The Surnow Company met with the building's neighbors in March to solicit feedback, and the neighborhood overwhelmingly expressed its desire to keep the building. Mr. Surnow explained that:

- Of the 16,000 sq. ft., an estimated 3,000 and 4,000 sq. ft. will be used for parking while the rest of the building is maintained;
- The Surnow Company would be willing to restrict traffic exiting the building so that employees could only make a right onto Chester;
- Fire suppression would be included in the parking lot, the building would be made wheelchair-accessible, and it would be brought up to code.

Mr. Biddison, the architect on this project from Biddison Architecture, explained:

- That the main floor would be maintained as public space, with former mechanical spaces being repurposed as storage for office users;
- The trusses may be changed from the inside into an additional useable level;
- An elevator would be added;
- Some stairs would be re-configured;
- And the windows would be maintained, but the floors would be repositioned so the windows are at an appropriate height.

Mr. Biddison confirmed for Commissioner DeWeese that the parking lot would include about twelve spaces.

City Planner Ecker confirmed for Commissioner Hoff that:

- The Surnow Company can keep the existing roof lines within TZ2 because the building is grandfathered in, even if they decide to build up into the trusses to create a level.
- If the conditional zoning is not accepted, either a church or food and drink establishment could go into the building with a SLUP.

• The Surnow Company is considering permanent offices, not bistro offices similar to an application submitted by a previous group.

Lauren Stein spoke in support of the proposed project and re-zoning by the Surnow Company.

Susan Martin wholly supported renovating the existing building with the conditional zoning for business use only.

Mayor Nickita closed the public hearing at 8:36 p.m.

City Planner Ecker explained to Commissioner Hoff that information on traffic pattern changes will not be available until after re-zoning is approved.

**MOTION:** Motion by Commissioner DeWeese, seconded by Commissioner Bordman: To approve the rezoning of 191 N. Chester from TZ1 (Transitional Zoning) to TZ2 (Transitional Zoning) as recommended by the Planning Board on September 13, 2017 with the conditions as outlined in the letter dated October 5, 2017 from Chester Street Partners, LLC, A Surnow Company.

Mayor Nickita clarified that Birmingham does not usually re-zone in response to developer requests, but that this is a unique situation because:

- The requested zoning designation did not exist at the original time of zoning;
- To maintain the current zoning would essentially require the demolition of the current building and the construction of a higher density space, which is counter to Birmingham's goals, and;
- The Surnow Company offered to take on additional conditional zoning in order to maintain the intended use category long-term.

VOTE: Yeas, 7

Nays, 0

Absent, 0

# CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, JANUARY 24, 2018

# City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on January 24, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert

Koseck, Vice-Chairperson Gillian Lazar, Janelle Whipple-Boyce, Bryan

Williams

**Also Present:** Nasseem Ramin

**Absent:** Alternate Board Member Daniel Share; Student Representatives Ariana

Afrakhteh, Isabella Niskar

**Administration:** Matthew Baka, Sr. Planner

Nicholas Dupuis, Planning Intern Carole Salutes, Recording Secretary

#### 01-16-18

2. 191 N. Chester (Church of Christ, Scientist, renamed The Jeffrey)
Request for approval of the Final Site Plan and Design to allow for exterior design and site changes to the existing building to convert to office use larger than 3,000 sq. ft. in size

Mr. Dupuis explained the 0.40 acre subject site is located at the corner of Chester and Willits on the outer edge of Downtown Birmingham. The Planning Board recommended approval to the City Commission for a rezoning from TZ-1 to TZ-2 on September 13, 2017 to allow the former Church of Christ Scientist building to permit office use.

The City Commission approved the request for a rezoning to TZ-2. The transformed office building is proposed to contain 16,493 sq. ft. of office space. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 District. The proposed floor plans for the renovated office building show three tenant lease spaces, all of which will be over the permitted 3,000 sq. ft. Thus, the applicant is seeking a SLUP to allow for three office tenants to each exceed 3,000 sq. ft. in area. A highlight of the proposed transformation of the former Church use to an office use is the proposed 1,355 sq. ft. addition to the front of the building. Along with the design of an overhead garage door off of Willits, a new roof, new windows, and new paint, a new lobby addition will create an entirely new look for the building.

Based on Article 4, section 4.20 of the Zoning Ordinance, the applicant is required to have two street trees along N. Chester and five street trees along Willits. *Thus, the* 

# applicant must add an additional tree along Willits or obtain a waiver from the Staff Arborist.

The Dept. of Public Services states that instead of Sweet Gums along Chester St., they require a different variety of tree for this location due to the fruit of the species and the proximity to the sidewalks. Also, irrigation should be installed.

The proposed development contains 16,493 sq. ft. of office space, thus is required to provide one off-street loading space. The applicant has not proposed an off-street loading space. Therefore, the applicant must submit revised plans showing the placement and measurements of one off-street loading space, or obtain a variance from the Board of Zoning Appeals ("BZA").

# Design Review

The transformation from Church to office will include the removal of the existing porch and entry to create an addition on the front of the building to be used as the primary entryway to the building, bringing it to the property line. There will also be repairs done and paint (SW 7069 Iron Ore) added to the existing masonry, a new quartz -zinc metal roof, a new garage with a 10 ft. x 8 ft. garage door (material and color unknown), and new windows added to the building. Some material samples and colors have been provided at this time, but the missing details must be provided.

For the new addition, the applicant is proposing new grey brick (manufacturer unknown), quartz -zinc metal paneling for coping and roofing, an aluminum clear glass window system, and a new anthra-zinc metal canopy in black for the new front entrance. This will modernize the front of the building and give it more of an office building look, as opposed to a Church look. The proposed addition will bring the building to the property line and the building's street presence will match that of the McCann Building to the east and the Integra Building to the south.

The original building will be painted charcoal grey (SW 7069 Iron Ore) and have a new grey standing seam metal roof, along with 24 new clear glass windows/doors. The applicant is also proposing to create three new patios on the property, one off of the new addition, one off of the back of the building at the first floor, and finally, one on the second floor. The patio proposed with the addition will be enclosed with a powder coated aluminum railing. The other patios will be enclosed with an aluminum and tempered glass railing system. Article 3, Section 3.04 of the Zoning Ordinance requires balconies, railings and porch structures to be wood, metal, cast concrete, or stone. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the BZA.

The applicant is not proposing any signage at this time. The applicant has provided window samples showing clear glass with a visual light transmittance of 80% for the new windows.

Mr. Williams received confirmation that the applicant may have to come back for a SLUP amendment when the tenants and signage are identified.

Mr. Jeffares noted there are sterile cultivars of Sweet Gum trees that do not have fruit. Mr. Baka said the applicant would have to talk to the arborist and work that out.

Mr. Boyle felt that adding street furniture does not help in that particular location. Mr. Jeffares said he cannot fathom not having a bike rack on the property, assuming the building has been named after Jeffrey Surnow. There was general agreement on the bike racks.

Mr. Kevin Biddison, Biddison Architecture, 320 Martin, thought the adjustments that are planned will greatly improve the building. The tenant signage will go on the main brick frontage on the Chester side. There is an existing ground sign on the property but they do not know if it is something they would request.

Mr. Sam Surnow, the developer, 320 Martin, agreed there is no other location for signage other than on Chester.

There were no comments from the public at 8:15 p.m.

# Motion by Ms. Whipple-Boyce

Seconded by Mr. Williams to recommend APPROVAL the Final Site Plan and Special Land Use Permit to the City Commission for 191 N. Chester, The Jeffrey, with the following conditions:

- 1. The applicant must add an additional tree along Willits, or obtain a waiver from the Staff Arborist;
- 2. The applicant replace the proposed Sweet Gum trees along Chester and provide irrigation for trees;
- 3. The applicant must submit revised plans showing the placement and measurements of one off-street loading space, or obtain a variance from the BZA; 4. The applicant will need to submit revised plans showing a railing made of metal, wood, cast concrete, or stone, or obtain a variance from the BZA; and
- 5. The applicant add bike racks.

Ms. Whipple-Boyce and Mr. Koseck thought the applicant did a great job with the front of the building. Mr. Williams added this is great utilization of an existing structure.

There were no comments from the public on the motion.

# Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Whipple-Boyce, Williams, Boyle, Clein, Jeffares, Koseck, Lazar

Nays: None Absent: None

# CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, APRIL 25, 2018

City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 25, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck,

Daniel Share, Bryan Williams; Alternate Board Member Nasseen Ramin; Student Representatives Madison Dominato (left at 9:10 p.m.), Sam Fogel (left at 9:05

p.m.)

**Absent:** Board Member Janelle Whipple-Boyce; Student Representative Ellie McElroy

**Administration:** Matthew Baka, Sr. Planner

Jana Ecker, Planning Director Carole Salutes, Recording Secretary

04-69-18

# SPECIAL LAND USE PERMIT ("SLUP") FINAL SITE PLAN AND DESIGN REVIEW

#### 1. 191 N. Chester

**The Jeffery** (formerly Church of Christ, Scientist)

Request for approval of Community Impact Study ("CIS"), Application for SLUP, and Final Site Plan and Design Review to allow renovation and expansion to the existing building for office use over 3,000 sq. ft. in size

CIS

Ms. Ecker advised the applicant was required to prepare a CIS in accordance with Article 7, section 7.27(E)(3) of the Zoning Ordinance, as the proposed remodeling/additions bring the total gross floor area of the building above 20,000 sq. ft., and the additions are greater than 10% of the gross floor area of the existing building.

The 0.40 acre subject site is currently a vacant church at the corner of Chester and Willits, at the outer edge of the Downtown Overlay District. The applicant is seeking a SLUP to transform the church building into an office building. The Zoning Ordinance limits tenants of an office building to 3,000 sq. ft. per tenant in the TZ-2 District. The three tenant lease spaces proposed measure over 3,000 sq. ft., and thus all exceed the permitted size in the TZ-2 Zoning District without a SLUP.

The CIS states that the completed development will not cause any potential hazards or nuisances. However, vibration and dust issues may be present during construction. The applicant has not suggested any mitigation techniques for dust, noise and vibrations that may occur during construction. They may want to comment on how they will deal with that during construction. Generally, that is handled through the Building and Engineering Depts.

In accordance with the 2016 Plan, all utilities on the site should be buried to visually enhance the site. Thus, the applicant will be required to bury the existing utilities on the site.

The CIS describes a refuse storage area inside of the garage located off of Willits. The CIS does not mention a separate area for recyclables. The applicant has indicated that the solid waste generated from this facility will be standard and can be handled easily by a local waste management company.

The applicant has not provided information on the required safety measures for the new project, such as a fire suppression system or a Knox Box. This was labeled as TBD in the CIS and will be required at the time of Final Site Plan Review. The Police and Fire Depts. will require further information to ensure that all life safety issues have been addressed. The applicant has indicated in the CIS that they will be using a security system and fire suppression system, but has not determined which system and the level of performance. The applicant will be required to submit details of the proposed security system, and they must be provided to and approved by the Police Dept.

A transportation study has been submitted which was forwarded to the City's Traffic Consultants, Fleis & Vandenbrink ("F&V") and MKSK who provided a letter that Ms. Ecker passed around. It appears there will not be a significant traffic impact as a result of this project. Therefore, no further road improvements are warranted. The applicant has submitted new documentation from Stonefield Engineering with regards to traffic, and a letter from Biddison Architecture regarding some of the other issues. The City's Traffic Consultant did not have time to review the new documentation before tonight's meeting.

#### Motion by Mr. Williams

Seconded by Mr. Boyle to receive and file three documents:

- Letter dated April 24, 2018 from Fleis & Vandenbrink and MKSK Studios;
- Letter dated April 25, 2018 from Biddison Architecture;
- Letter dated April 25, 2018 from Stonefield Engineering and Designs.

# Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Williams, Boyle, Clein, Jeffares, Koseck, Ramin, Share

Navs: None

Absent: Whipple-Boyce

Ms. Ecker mentioned that the F&V letter also talked about the proposed ADA compliant ramp that will replace the existing stairs on Willits. However, when one crosses the street there is no ramp. The Engineering Dept. has indicated they will ask the applicant to complete a ramp and striping to the other side. Also, F&V has asked the applicant to show that the proposed ADA space in the existing parking facility will remain and to confirm that it meets ADA requirements. Further, to make sure the ADA spot in the proposed parking garage will meet ADA requirements, and also to make sure there is direct access from the parking lot into the building and to the elevator.

Mr. Boyle suggested that some of the requirements of the CIS could be reduced because they add up to a lot of work in the applicant's part to collect all of the information.

Mr. Kevin Biddison, Biddison Architecture, 320 Martin, noted that the sidewalk will extend across the drive. Also there is a future sidewalk that will be extended to the west. All of the ADA ramps and exterior parking spaces have already been approved by the Engineering Dept. The building has complete ADA access from the garage level as well as from the sidewalk at Chester.

Mr. Jeffares observed that the crosswalk from the ramp on the northeast corner of the property ends in someone's driveway. Chairman Clein noted the City Engineer will review whether or not that is appropriate.

The Chairman invited members of the public to come forward and speak about the CIS at 8:25 p.m.

Mr. Derek Hutchins said he is the owner of 468 Willits, which is the driveway that was mentioned. He stated that generally he is in support of the project. He cautioned that when the steps along Willits are replaced by a ramp, it will become totally dangerous in the winter when there is ice and snow. Also, he suggested maybe the ramp entering into the lower level could be opened up from the road so it is easier to turn in and out.

Mr. Otto Renacosorti thought the upgrade fits right in with the buildings Downtown. He asked the board to keep in mind how dangerous the traffic situation at that corner is for pedestrians.

Mr. Eric Jergins, 460 W. Maple Rd., agreed it will be nice to see something transformational happen to the Church. However he was concerned about the amount of square footage that is being added to the space. The planned addition creates a vertical glass wall along the entire southern elevation that is a full story above and 9 ft. away from his building. Therefore he asked:

- If the building has to go to 27,000 sq. ft.;
- Can the vertical wall be offset further than it is;
- Does it have to be entirely all glass looking over his property.

Even modest modifications to their proposal could make a better connection to surrounding properties.

Mr. Boyle suggested moving the CIS forward and getting to the site plan by asking that the applicant work with the City to address the issues raised.

#### Motion by Mr. Share

Seconded by Mr. Williams To POSTPONE action on the CIS for 191 N. Chester, The Jeffrey, to May 9, 2018 until the Planning Board receives the final report from the consultants.

At 8:43 p.m. no comments were heard from the public on this motion.

## Motion carried, 6-1.

ROLLCALL VOTE

Yeas: Share, Williams, Clein, Jeffares, Koseck, Ramin

Nays: Boyle

Absent: Whipple-Boyce

## Final Site Plan Review

Ms. Ecker recalled the applicant appeared before, and was approved by the Planning Board on January 25, 2018 for a SLUP, and Final Site Plan and Design Review for the renovation and addition to the front of the building. Because the applicant has revised the plans to include more additions, they are required to come before the Planning Board again.

The proposed development contains 16,493 sq. ft. of office space, thus is required to provide one off-street loading space. The applicant has not proposed an off-street loading space. Therefore, the applicant must submit revised plans showing the placement and measurements of one off-street loading space, or obtain a variance from the Board of Zoning Appeals ("BZA"). The applicant is scheduled to appear before the Board of Zoning Appeals on May 8th, 2018.

Ms. Ecker noted the applicant is filling in some of the upper space of the building but the overall height is not being increased. The first-floor footprint remains the same.

Mr. Kevin Biddison pointed out the changes from the last review.

A highlight of the proposed transformation of the former Church use to an office use is the proposed 1,355 sq. ft. addition to the front of the building. They are also proposing to add to the second floor by bumping out to the south and to the west, in order to maximize tenant lease space. The first-floor footprint of the building is not changing. Along with the design of an overhead garage door off of Willits, a new roof, new windows, and new paint, the changes will create an entirely new look for the building. The proposed additions will bring the gross floor area to 27,290.25 sq. ft. (figure includes the 10,011 sq. ft. lower level and the 2,493 sq. ft. indoor garage).

A new driveway is proposed off of Willits which comes into an indoor garage containing eight spaces. In addition, the site contains three more spaces off of Willits.

In response to Mr. Share, Mr. Biddison explained the height of 191 Chester is basically the same as the office building immediately to the south on the corner of Maple Rd. and Chester.

Mr. Biddison stated as long as the Engineering Dept. is fine with them having a wider curb cut for the driveway, he has no issue with it.

Mr. Sam Surnow, the developer, 320 Martin, said that after the Planning Board's approval in January, they realized that the existing product design was incomplete. While the front facade opened up the building, it didn't really solve the issue of the natural light. By adding glass to the south side which faces a commercial alley and the dormer that would replace the eyesore where the HVAC equipment is on the north, they realized the space would be drastically improved. Closing in the roof area not only tied the building together but it allowed them to utilize the space effectively while staying within the building footprint.

All of the residential neighbors have supported them in writing. With respect to Mr. Jergins' comments, Mr. Surnow didn't think that it was necessarily realistic to think that the existing structure would stay there forever. Because they have one person who is on the commercial side that doesn't agree with their plan, he feels like there is only so much they can do, so they have come to the Planning Board for Site Plan approval.

In answer to Chairman Clein's inquiry about how they plan to operate the facility if the variance for the off-street loading space is granted, Mr. Biddison responded the only deliveries will be from small vans or UPS trucks. When a tenant moves in or out every few years, it can be managed at a time when there is low traffic. There is not an area on the site where a truck could fit. They entertained trying to provide space in the front of the building from the sidewalk to the building, and they were told by the Engineering Dept. that if they can only get 35 ft., that is not enough. Forty feet is needed. There are also parking spaces on the street that can be used for deliveries.

Ms. Ecker showed the materials which are the same as last time. She noted the issues that have to be resolved by Final Site Plan Review:

- The off-street loading space;
- The glass material that is proposed for the outdoor terrace railings;
- Full material samples and spec sheets on all the materials and mechanical equipment;
- Streetscape elements.

Mr. Biddison advised there is one other item, which is the landscape comments, and they have all been taken care of. The glass rails are now steel rails. Burial of the overhead electric service will have to be addressed. All other utilities are underground. The building will be fully suppressed. There will be a Knox Box on the front, and the Fire Dept. connection will be updated in the CIS.

Mr. Williams announced he likes the better utilization of space. The Police Dept. needs to address this intersection because it is not safe.

Mr. Jeffares noted from a massing standpoint under TZ-1, if this building were torn down a new development could have larger massing than what exists presently.

#### Design Review

The transformation from Church to office will include the removal of the existing porch and entry to create an addition off of the front of the building to be used as the primary entryway to the building, bringing it to the property line. There will also be repairs done and paint (SW 7069 Iron Ore) added to the existing masonry, a new quartz -zinc metal roof, a new garage with a 10 ft. x 8 ft. garage door, and new windows added to the building.

For the new addition, the applicant is proposing new grey brick, quartz -zinc metal paneling for coping and roofing, an aluminum clear glass window system, and a new anthra-zinc metal canopy in black for the new front entrance. Since the proposed addition will be bringing the building to the property line, the building's street presence will match that of the McCann building to the east, and the Integra building to the south.

The original building will be painted charcoal grey (SW 7069 Iron Ore) and have a new grey standing seam metal roof installed, along with 24 new clear glass windows/doors.

# Motion by Mr. Boyle

Seconded by Mr. Share to POSTPONE to May 9, 2018 action on the CIS, Final Site Plan and Design Review, and SLUP for 191 N. Chester, The Jeffery, in order to allow the applicant to undertake the necessary amendments to the site plan as the board has requested. In particular, identifying the interchange, the crosswalks, the location of the entrance, and expanding the apron of the entrance for the parking area to go on a site plan that the board would then sign. At the same time, from the sample language in front of the board, make sure the applicant complies with the site issues regarding details and the like.

Mr. Koseck cautioned that when the applicant comes back they should make it really clear on the drawings what is existing and what is new. Aerial photographs will make it easier to tell the story.

There were no comments on the motion from members of the audience at 9:15 p.m.

# Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Boyle, Share, Clein, Jeffares, Koseck, Ramin, Williams Nays: None Absent: Whipple-Boyce

# CITY OF BIRMINGHAM REGULAR MEETING OF THE PLANNING BOARD WEDNESDAY, MAY 9, 2018

# City Commission Room 151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board heldonMay 9, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board MembersRobin Boyle (arrived at 7:48 p.m.),

Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Student Representatives Madison Dominato (left at 8:45

p.m.),Ellie McElroy

**Absent:** Alternate Board Member Nasseen Ramin; Student Representative Sam

Fogel

**Administration:** Brooks Cowan, Planner

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

05-80-18

# SPECIAL LAND USE PERMIT ("SLUP") FINAL SITE PLAN AND DESIGNREVIEW

2. 191 N. Chester The Jeffery (formerly Church of Christ, Scientist)
Request for approval of Community Impact Study ("CIS"), Application for SLUP, and Final Site Plan and Design Review to allow renovation and expansion to the existing building for office use over 3,000 sq. ft. in size

CIS

Ms. Ecker reported that a letter dated May 4, 2018 has been received from Fleis & Vandenbrink and MKSK, the City's traffic consultants, and they have signed off on the traffic portion of the study.

Ms. Ecker advised that since April 25, 2018 the applicant has added one bicycle parking rack (City standard loop) on Chester near the front entrance, and they advised they did not have room within the enclosed parking area for bicycle parking. The applicant has also reviewed all ADA and traffic issues with the Engineering Dept. and the traffic consultant, and made all of the required corrections. Specifically, the applicant has revised the layout of the parking spaces in the R-O-W along Willits, added a sidewalk across the entry apron to the enclosed parking area, widened the apron of the entry drive, and added crosswalk striping, ADA ramp and landing across on the north side of

Willits as requested by the Planning Board. Minor changes were also made to the slope of the ADA ramp proposed on the south side of Willits by the crosswalk. The site plan has also been revised to show all adjacent property conditions around the subject site as requested by the Planning Board.

Mr. Williams thought the applicant should address whether all utilities on site will be buried as required and how that relates to adjoining properties. Chairman wanted to see them buried unless there is a reason otherwise. There seems to be only one strand from the pole across the street so it doesn't seem onerous to him.

Mr. Kevin Biddison, Biddison Architecture, 320 Martin, came forward. It is correct that the only feed is from a pole across the street. They will look at that and work with the City Engineer. Also, some additional bike parking will be provided inside. The security system will be taken care of once they know the number of tenants. The Engineering Dept. allowed them to put in a flare up to 2.5 ft. wide at the end of the drive. There is a room inside the garage that will be used for recycling and trash. As far as noise and dust during construction, they will take whatever precautions are necessary. The demo is already completed, which is probably the worst part, so he doesn't see any problems going forward.

### **Motion by Mr. Williams**

Seconded by Mr. Share to ACCEPT the CIS as provided by the applicant for the proposed development at 191 N. Chester, the Jeffery with the following conditions:

- 1. Applicant provide mitigation strategies for control of noise vibration and dust;
- 2. Applicant will be required to bury all utilities on the site subject to the concurrence of the City Engineer.
- 3. Applicant provide space for the separation of recyclables; and
- 4. Applicant provide information on all life safety issues and Fire Dept. approval, as well as details on the proposed security system provided to and approved by the Police Dept.

#### Motion carried, 5-0.

**VOICE VOTE** 

Yeas: Williams, Share, Clein, Jeffares, Whipple-Boyce

Nays: None

Absent: Boyle, Koseck

Special Land Use Permit ("SLUP"), Final Site Planand Design Review

Ms. Ecker reported that the applicant received a variance from the Board of Zoning Appeals to eliminate the required loading space. They have now added a bicycle parking rack along N. Chester in front of the new lobby addition. Additionally, the applicant has revised the plans to show all proposed railings in black powder coated aluminum.

#### Motion by Mr. Williams

Seconded by Mr. Jeffares to APPROVE the SLUP, Final Site Plan and Design Review for 191 N. Chester, The Jeffrey, subject to the following condition:

1. Applicant submits for administrative approval material samples and specifications to complete design review for the garage door.

No one from the public wished to speak on the motion.

## Motion carried, 5-0.

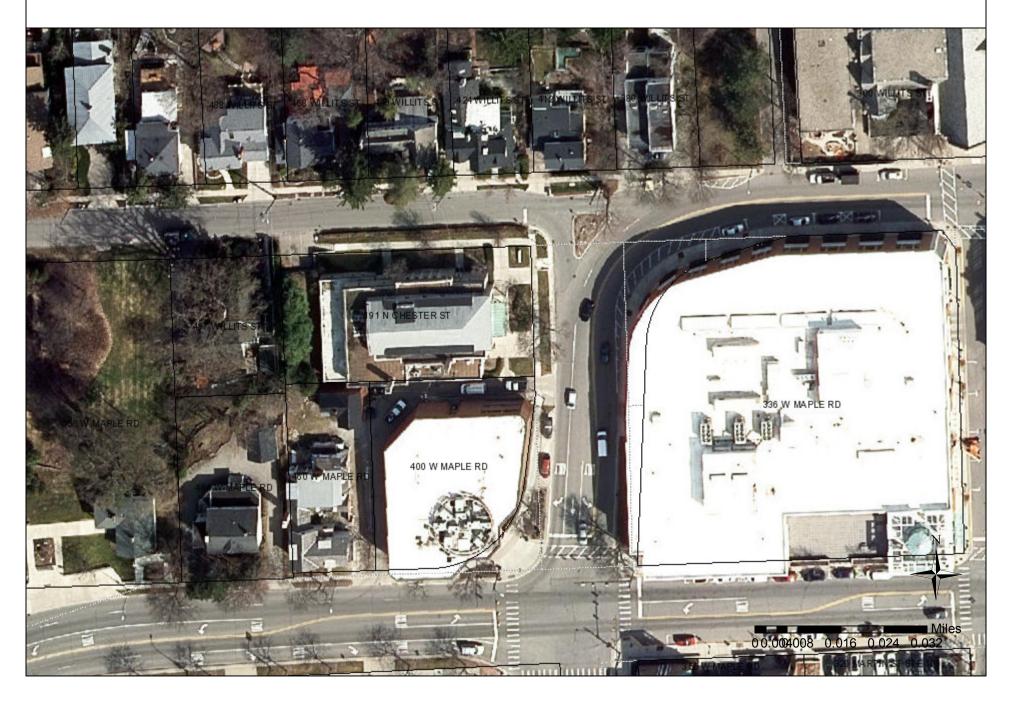
**VOICE VOTE** 

Yeas: Williams, Jeffares, Clein, Share, Whipple-Boyce

Nays: None

Absent: Boyle, Koseck

191 N. Chester



# **NOTICE OF PUBLIC HEARING**

# BIRMINGHAM CITY COMMISSION SPECIAL LAND USE PERMIT AMENDMENT

Meeting Date, Time, Location:	Monday, June 25, 2018 at 7:30 PM Municipal Building, 151 Martin Birmingham, MI
Location of Request:	34977 Woodward-Hazel Ravines Downtown
Nature of Hearing:	To consider a Special Land Use Permit aamendment to allow for the proposed renovations and decorations.
City Staff Contact:	Jana Ecker 248.530.1841 jecker@bhamgov.org
Notice Requirements:	Mailed to all property owners and occupants within 300 feet of subject address. Publish June 10, 2018
Approved minutes may be reviewed at:	City Clerk's Office

Persons wishing to express their views may do so in person at the hearing or in writing addressed to City Clerk, City of Birmingham, 151 Martin, Birmingham, MI 48009.

Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk's Office at 248.530.1880 (voice) or 248.644.5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.



# **MEMORANDUM**

**Planning Division** 

DATE: June 14<sup>th</sup>, 2018

TO: Joseph A. Valentine, City Manager

FROM: Jana Ecker, Planning Director

SUBJECT: Public Hearing for 34977 Woodward - Hazel Ravines

Downtown- Special Land Use Permit and Final Site Plan &

**Design Review** 

The subject site is located at 34977 Woodward. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant, Hazel Ravines Downtown, is seeking a Special Land Use Permit ("SLUP") to operate a new establishment serving alcoholic liquors and to make interior and exterior changes to the former Stand restaurant space, including replacing awnings, adding planters/landscaping, reworking the vestibule and adding new signage.

On May 23, 2018, the Planning Board conducted a public hearing on the above application for a Special Land Use Permit and Final Site Plan and Design Review for Hazel Ravines Downtown, and the Planning Board voted unanimously to recommend approval to the City Commission of a SLUP for Hazel Ravines Downtown at 34977 Woodward with the following conditions:

- The applicant must remove the evergreen shrub letter sign, as it is in the public right-ofway;
- 2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
- 3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
- 4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
- 5. The applicant addresses the requests of all City Departments:

Accordingly, the City Commission set a public hearing date of June 25, 2018 to consider the above request for a Special Land Use Permit Amendment. Please find the attached Planning Board staff report, meeting minutes and application attachments for your review.

Please see attached report from the Police Department outlining the results of their investigation into the new ownership entity. The Police Department investigated the new ownership team and have found nothing in the background of the new owner that would give cause to deny the applicant's ownership transfer request of Hazel & Ravines LLC.

#### SUGGESTED ACTION:

To approve a Special Land Use Permit Amendment for 34977 Woodward to allow a new restaurant, Hazel Ravines Downtown, to open in the former Stand restaurant, and to allow for design and signage changes for the new restaurant;

#### AND

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license transfer request of Hazel & Ravines LLC that requests a transfer of a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009;

#### AND

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Hazel & Ravines LLC approving the liquor license transfer request of Hazel & Ravines LLC that requested a Class C License transfer to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009.



# **MEMORANDUM**

**Police Department** 

DATE: May 2, 2018

TO: Joseph A. Valentine, City Manager

Jana Ecker, Planning Director

FROM: Mark H. Clemence, Chief of Police

SUBJECT: Hazel & Ravines LLC request to transfer ownership of a Class C

and SDM liquor licenses with Sunday sale (AM and PM) and an Outdoor Service Permit to be located at 34977 Woodward Avenue, Birmingham, Oakland County, Michigan, to be issued

pursuant to MCL 436.1521(A)(1)(B).

The police department has received a request from Honigman, Miller, Schwartz, and Cohn LLP regarding an application from Hazel & Ravines LLC, to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009, in regard to the listed subject. Hazel & Ravines LLC has paid the initial fee of \$1,500.00 for a business that serves alcoholic beverages for consumption on the premises per section 7.33 of the Birmingham City Code.

Hazel & Ravines LLC will go before the Birmingham Planning Board for Final Site Plan Review and a SLUP to be located at 34977 Woodward Avenue in late June 2018. Hazel & Ravines will also be seeking a Bistro License under Chapter 10, Alcoholic Liquors, of the Birmingham City Code.

There will be two stockholders for Hazel & Ravines LLC. The stockholders are Beth Hussey and Emmele Herrold. Hussey will own 91% of Hazel & Ravines LLC, with Herrold owning the remaining 9%. Hussey has successfully operated the popular One-Eyed Betty restaurant in Ferndale, MI from 2/5/2012 to 10/1/2017. Hussey currently operates the Hub Stadium in Auburn Hills.

Hazel & Ravines proposes to install interior seating for 212 patrons, 26 of which will be at the bar. The outdoor dining area will be on private property and will seat 20 additional patrons adjacent to the building. This outdoor dining area provides for safe and efficient pedestrian flow. Hussey, the restaurateur, has over 20 years of experience in the hospitality industry. She was the operating manager in 3 full service dining restaurants. Lunch and dinner service is planned. Specialties include Yemenese Foul, Porcini and Short Rib, Peruvian Half Chicken, Oaxacan Shrimp, and Vegan Cauliflower Steak. They have applied for a Bistro License in order to serve fine wines and beers. The hours of operation will be Monday – Friday 11:00am to 12:00am, Saturday – Sunday 9:00am-12:00am.

The renovation of the establishment, furniture, fixtures and equipment amounted to \$750,000 that was partially financed by a SBA loan from Huntington Bank, along with \$200,000 provided from Hussey's and Herrold's personal accounts. There are sufficient funds in Hussey's and Harrold's bank accounts to pay for additional related business start-up costs. Hazel & Ravines

signed a 5 year lease, with three additional 5 year options to renew. The initial lease cost is 7% of sales the first year, with a  $\frac{1}{4}$  percent increase each year, capping at 8% of sales in year number 5.

A background check was conducted on both stockholders. Beth Hussey was checked using the Law Enforcement Information Network (LEIN), the Court's Law Enforcement Management Information System (Clemis) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN). Hussey has never held a liquor license in the past and has no negative law enforcement contacts.

Emmele Herrold was also checked using the Law Enforcement Information Network (LEIN), the Court's Law Enforcement Management Information System (Clemis) and the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network (MAGLOCLEN). Herrold has no past liquor license violations and no negative law enforcement contacts.

#### SUGGESTED RESOLUTION:

To authorize the Chief of Police to sign the MLCC Police Investigation Report (LC-1800) and to approve the liquor license transfer request of Hazel & Ravines LLC that requests a transfer of a Class C License to be issued under MCL 436.1521(A)(1)(B) and SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Hazel & Ravines LLC approving the liquor license transfer request of Hazel & Ravines LLC that requested a Class C License transfer to be issued under MCL 436.1521 (A)(1)(B) & SDM License with Outdoor Service (1 Area) to be located at 34977 Woodward Avenue, Birmingham, Oakland County, MI 48009.

# HAZEL RAVINES DOWNTOWN 34977 WOODWARD SPECIAL LAND USE PERMIT 2018

- WHEREAS, Hazel Ravines Downtown filed an application pursuant to Article 7, section 7.34 of Chapter 126, Zoning, of the City Code to operate a food and drink establishment in the B4 zone district in accordance Article 2, Section 2.37 of Chapter 126, Zoning, of the City Code;
- WHEREAS, The land for which the Special Land Use Permit is sought is located on the west side of Woodward Avenue;
- WHEREAS, The land is zoned B-4, and is located within the Downtown Birmingham Overlay District, which permits the operation of food and drink establishments serving alcoholic beverages with a Special Land Use Permit;
- WHEREAS, Article 7, section 7.34 of Chapter 126, Zoning requires a Special Land Use Permit to be considered and acted upon by the Birmingham City Commission, after receiving recommendations on the site plan and design from the Planning Board for the proposed Special Land Use;
- WHEREAS, The applicant submitted an application for a Special Land Use Permit to open a new establishment serving alcoholic liquors and to make interior and exterior changes and add new signage to the former Stand restaurant space;
- WHEREAS, The Planning Board reviewed the application on May 23<sup>rd</sup>, 2018 for a Special Land Use Permit and Final Site Plan Review and recommended approval to the Birmingham City Commission with the following conditions:
  - 1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
  - 2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
  - 3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
  - 4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
  - 5. The applicant addresses the requests of all City Departments.

- WHEREAS, The applicant has agreed to comply with the conditions of the Planning Board approval;
- WHEREAS, The Birmingham City Commission has reviewed Hazel Ravines Downtown's Special Land Use Permit application and the standards for such review as set forth in Article 7, section 7.36 of Chapter 126, Zoning, of the City Code;
- NOW, THEREFORE, BE IT RESOLVED, The Birmingham City Commission finds the standards imposed under the City Code have been met, subject to the conditions below, and that Hazel Ravines Downtown's application for a Special Land Use Permit and Final Site Plan at 34977 Woodward is hereby approved;
- BE IT FURTHER RESOLVED, That the City Commission determines that to assure continued compliance with Code standards and to protect public health, safety, and welfare, this Special Land Use Permit is granted subject to the following conditions:
  - 1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
  - 2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
  - 3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
  - 4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval;
  - 5. The applicant addresses the requests of all City Departments;
  - 6. Hazel Ravines Downtown shall abide by all provisions of the Birmingham City Code; and
  - 7. The Special Land Use Permit may be canceled by the City Commission upon finding that the continued use is not in the public interest including, but not limited to, violations of the state law or Birmingham City Code.
- BE IT FURTHER RESOLVED, That failure to comply with any of the above conditions shall result in termination of the Special Land Use Permit.
- BE IT FURTHER RESOLVED, Except as herein specifically provided, Hazel Ravines Downtown and its heirs, successors, and assigns shall be bound by all ordinances of the City of Birmingham in effect at the time of the issuance of this permit, and as they may be subsequently amended. Failure of Hazel Ravines and Downtown to comply with all the ordinances of the City may result in the Commission revoking this Special Land Use Permit.
- MAY IT BE FURTHER RESOLVED that Hazel Ravines Downtown is recommended for the operation of a food and drink establishment serving alcoholic beverages on premises with a Class C Liquor License, at 34977 Woodward Avenue,

Birmingham, Michigan, 48009, above all others, pursuant to Chapter 10, Alcoholic Liquors, of the Birmingham City Code, subject to final inspection.

I, Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Birmingham City Commission at its regular meeting held on June 25, 2018.

Cherilynn Mynsberge, City Clerk



# Special Land Use Permit Application – Economic Development License Planning Division

1. Applicant	Property Owner
Name: MEAH HUSSEI Address: SANN (HICKERING AHE	Name: <u>CATALYST DEVEL / PATIL OWENS</u> EAddress: 100 W MICHLEAN AVE STE 300
Address: 341 CHRANG MAR	3201. KALAMAZOO, MI 49007
Phone Number: 148 - 765 - 0237	Phone Number: 269 - 4916810
Fax Number:	Fax Number: 169 - 490 - 6811
Email Address: MAH HUGGEY O GMAIL, COM	Email Address: POWENS & CATALYST DEVCO, COM.
	Project Designer/Developer
Name: KEVIN BLATR	Name: RONAYD ROMAN, INC
Address: WASHINGTON SAVARE	Address: 175 E FRANK ST
VANGING, MI 40933	BIRMINGHAM, MI 48009
Phone Number: 517 - 377 - 0778	Phone Number: <u>248-723-5790</u>
Fax Number: 517 - 484 - 67.66 Email Address: KBLAIR O. HONIGMAN, COM	Fax Number:
Email Address. BUTTLE HUTSTOT ATT COLI	Email Address. While the following the follo
3. Required Attachments	
Warranty Deed with legal description of property	Completed Checklist
Certified Land Survey	<ul> <li>Proof of ability to finance the proposed project</li> </ul>
Signed Contract	• Required fee (see Fee Schedule for applicable amount)
<ul> <li>Catalog sheets for all proposed lighting &amp; outdoor furniture</li> </ul>	<ul> <li>Fifteen (15) folded copies of plans including color elevations</li> </ul>
<ul> <li>Photographs of existing site and buildings</li> </ul>	showing all materials and an itemized list of all changes for
• Samples and/or specification sheets of all materials to be used	which approval is requested with the changes marked in color
<ul> <li>Landscape Plan showing all existing and proposed elements</li> </ul>	• One (1) additional set of plans mounted on a foam board,
	including a color rendering of each elevation
4. Project Information	
4. Troject information	<b>#100</b>
Address/Location of Property: 34977 WOODWARD A	Mame of Historic District site is in, if any: N.A.
BIRMINGHAM, WM 48009	Date of HDC Approval, if any:
Name of Proposed Restaurant: HATEL RAVINES & DOWNT	Date of Application for Preliminary Site Plan:
Sidwell #: 08 - 19 - 36 - 25 - 001	Date of Preliminary Site Plan Approval:
Current Use: RESTAURAN	Date of Application for Final Site Plan:
Proposed Use: RESTAURANT	Date of Final Site Plan Approval:
Area in Acres:	Date of Revised Final Site Plan Approval:
Current Zoning: B-4,D-4 overlay Zoning of Adjacent Properties. B-4, B-2	Date of Final Site Plan Approval:  Date of DRB approval, if any:
Is there a current SLUP in effect for this site?:	Date of DRB approval, if any:  Date of Last SLUP Amendment:
is there a current SEOT in effect for this site:	Date of East SEO1 Amendment.
5 Details of the Nature of Work Proposed (Site plan & d	asian alamants)
5. Details of the Nature of Work Proposed (Site plan & d	coign cicmonto)
SEE ATTACHNENT	
THE PARTY OF THE P	

CITY OF BIRMINGHAM

Receipt 423209

Receipt 423209

Amount \$2,700.00

6. Buildings and Structures existing on site	
Number of Buildings on site:  Height of Building & # of stories:  EXIST.	Use of Buildings: MXED USE REGID/OFF/RE Height of rooftop mechanical equipment: EXIST.
7. Floor Use and Area (in square feet)	
Structures: Restaurant Space: Office space: NIA.  Total floor area:	•Retail space: •Number of Residential Units: •Rental or Condominium:
8. Proposed Restaurant Operation	
Number of Indoor Seats:  Number of Outdoor Seats:  Entertainment Proposed:  Years of Experience in Birmingham:  Previous LCC Complaints?  Tables provided along street façade:  Required front setback:  Required rear setback:  Required total side setback:	Type of Cuisine:
9. Outdoor Dining Facility	3
Location (sidewalk right-of-way or on-street parking space):  NEITHER - CONVERTING EXIST VESTIBUTION OF INTO NEW INVOIR/OUTDOOR PATTO:  Hours of operation:  Width of unobstructed sidewalk between door and café (5'requied)  CLEAR - AU TABLES & CHAIRS ON  Platform proposed:  N. A. PRIVATE PROPERTIES THAT IN THE PROPERTIES IN THE PROPERT	Table umbrellas height and material: Number and location of parking spaces: N. A.
10. Required and Proposed Parking	
Number of parking spaces:  Location of off site parking:  Screenwall material:  N.A OBD PARKING  N.A.  N.A.	Location of parking spaces:  Shared Parking Agreement?:  Height of screenwall:
11. Landscaping	
Location of landscape areas: C. NORTH EAST CORNER OF PROPERTY & C. (2) NEW PLANTERS OUTSIDE OF BLOGENTRY / WHICH IS ALGO PART OF 12. Streetscape THE NEW INDOOR/OUTDOOR	
Sidewalk width:	Description of benches or planters:
Number of benches:  Number of planters:  Number of existing street trees:  Number of proposed street trees:  Streetscape Plan submitted?:	Species of existing street trees:  Species of proposed street trees:

13.	Loading
10.	Louding

Required number of loading space Location of loading spaces on the	s: EXIGNNG - N.A. site: ADJACENT TO BL	Proposed number of loading sp.	aces: EXISTING - 1
14. Mechanical Equipmen	t		
Ground Mounted Mechani Number of ground mounted units: Size of ground mounted units (Lx	N.A.	Location of all gournd mounted	l units:N. &
Screenwall material:	N.A.	Height of screenwall:	N.A.
Rooftop Mechanical Equip Number of rooftop units:  Type of rooftop units:	KISTING-N.A.	Location of all ground mounted Size of rooftop units (LxWxH)	
Screenwall material:  Location of screenwalls:		Height of screenwall: Percentage of rooftop covered l Distance from units to rooftop	by mechanical units: `A.
15. Lighting			
Number of light standards on build Size of light fixtures (LxWxH):		Type of light standards on build Height from grade:	ling:
Maximum wattage per fixture: Parking lot lighting:	l) I)	Proposed wattage per fixture: _	tt
the applicant to advise the Pla approved site plan or Special procedures and guidelines for with same. The undersigned discussed.	anning Division and / or Bu Land Use Permit. The un r site plan review and Spec will be in attendance at th	ed correct, and understands the uilding Division of any addition dersigned further states that the cial Land Use Permits in Birmine Planning Board meeting when Date:	nal changes made to an hey have reviewed the ngham and have complied
Print Name:	h LAOV		1/3/18
Signature of Applicant:	Jucare 1	Date:	[17]10
Print Name:	TIVSET	0.	la la
Signature of Architect:	Monneams	<u>Date: 4</u>	13/18
Print Name:	BONISLAWSKA		
	Office	e Use Only	
Application #:	Date Received:	Fee:	
Date of Approval:	Date of Denial:	Accepted b	y:

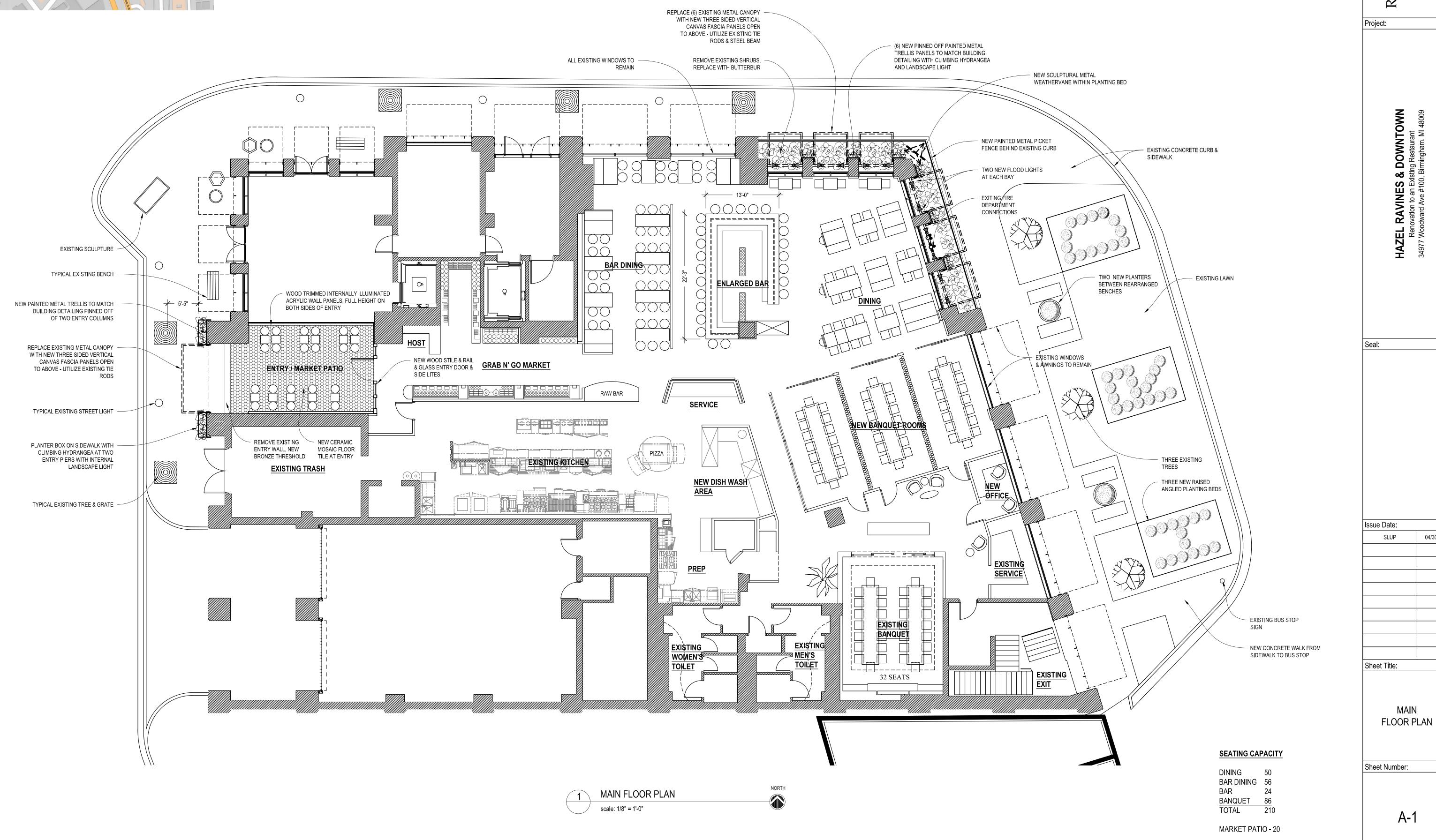


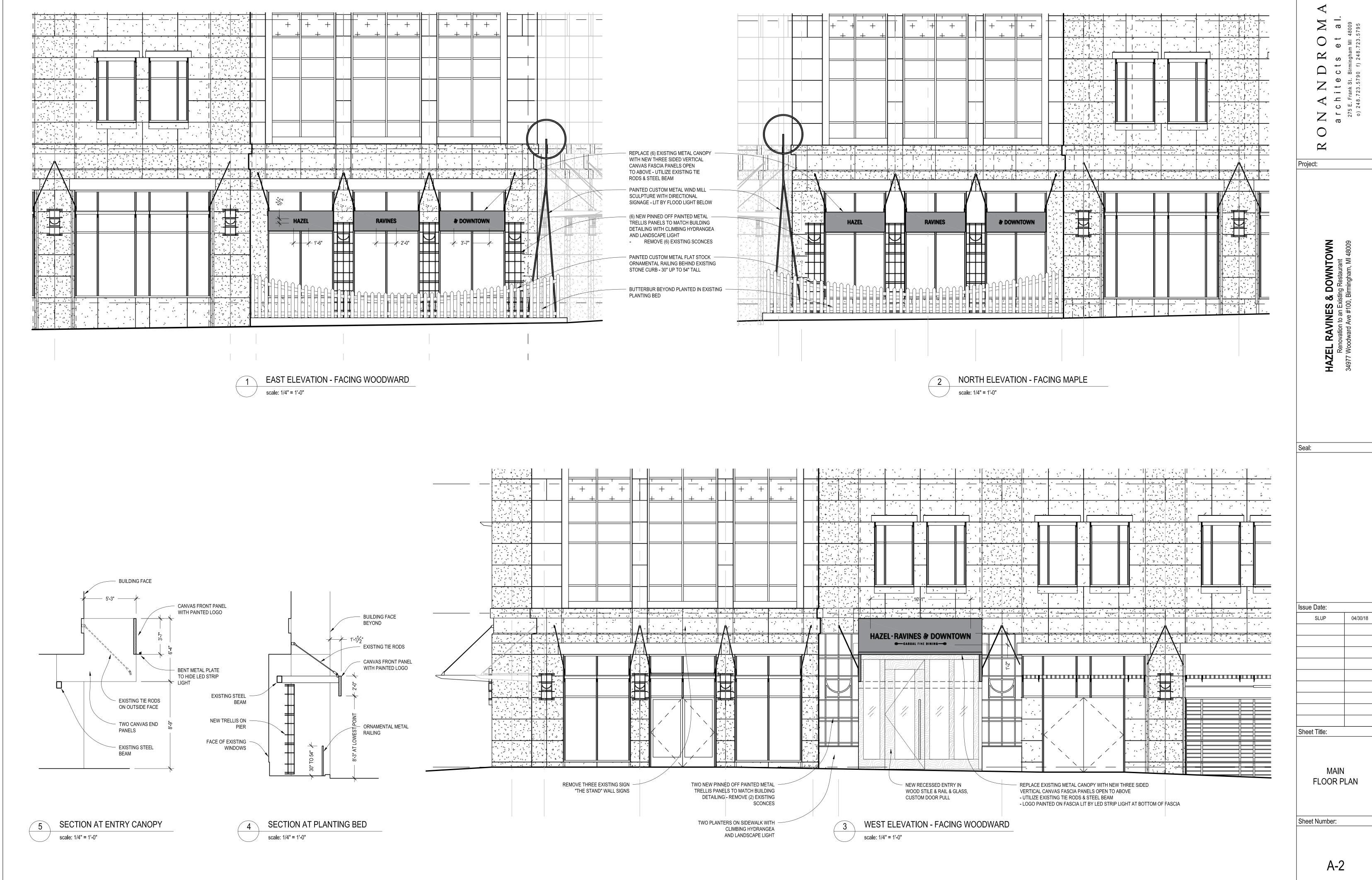
# Notice Signs - Rental Application Community Development

1. Applicant Name: Beth Husser Address: 3 422 Chicker Phone Number: 248 • 16 Fax Number:	SOEBH IM	Property Owner Name: Catalyst Development / Path Owns Address: 100 w. Michigan Ave. stc 300   Kalamazav MI y 9007 Phone Number: 269.492.680 Fax Number:
2. Project Information Address/Location of Property: Name of Development	34977 woodwordAm.	Name of Historic District site is in, if any: N.T.  Current Use: A-Z  Current Zoning: B-Y, D-Y owlay
City Commission: Historic District Commission:	als:	Board of Zoning Appeals: Design Review Board: Housing Board of Appeals:
responsibility of the app project will be reviewed remains posted during the pay a rental fee and secu immediately following the will be refunded when the	licant to post the Notice Sig by the appropriate board or he entire 15 day mandatory urity deposit for the Notice S he date of the hearing at whi he Notice Sign(s) are returned eturn the Notice Sign(s) and	e and correct, and understands that it is the in(s) at least 15 days prior to the date on which the commission, and to ensure that the Notice Sign(s) posting period. The undersigned further agrees to Sign(s), and to remove all such signs on the day ch the project was reviewed. The security deposited undamaged to the Community Development d/or damage to the Notice Sign(s) will result in
Signature of Applicant:	JON 1	Date: 4(13/18/
Application #:	Office U	Ise Only Fee:
Date of Approval:	Date of Denial:	Reviewed hv

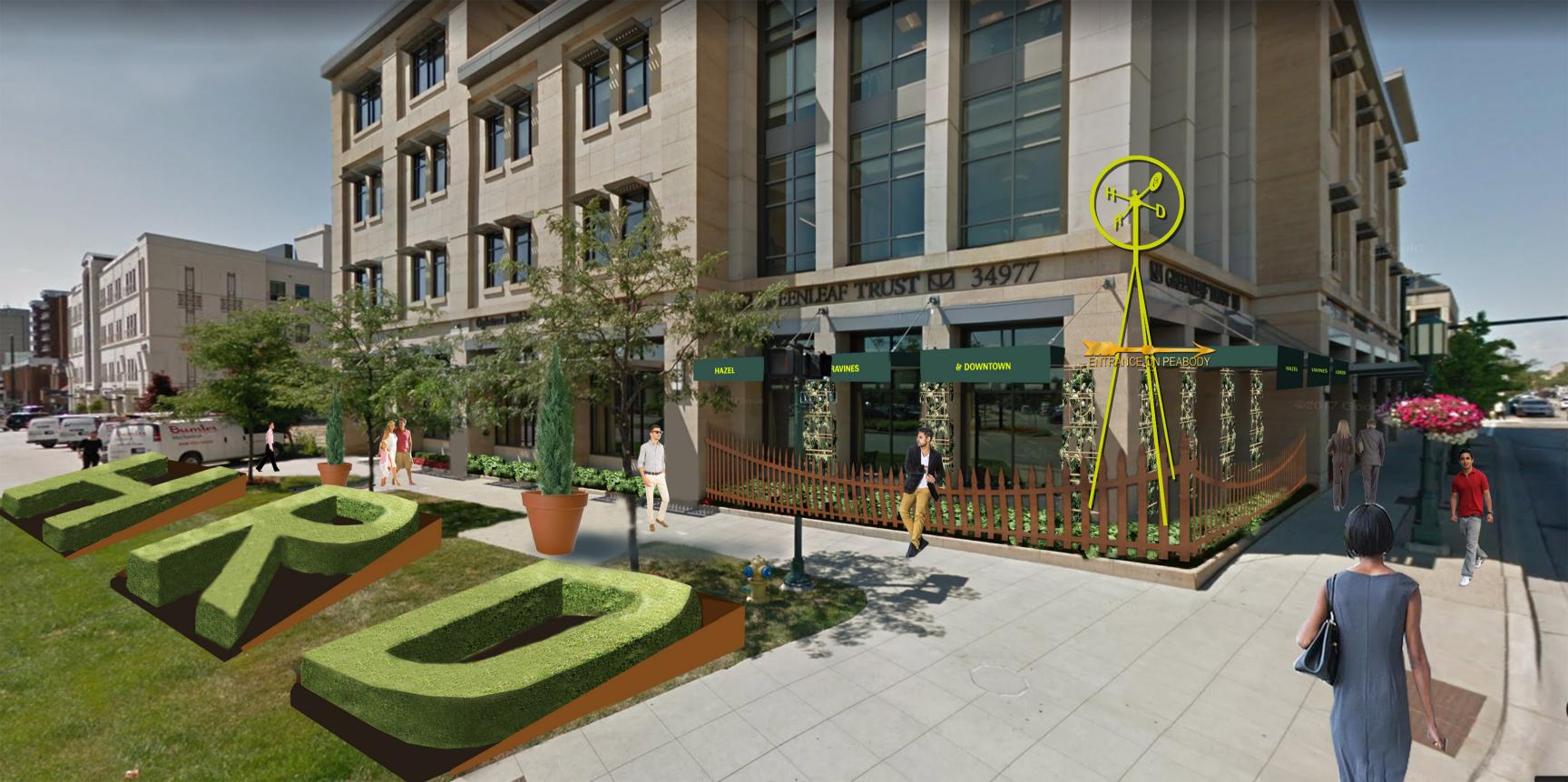
04/30/18



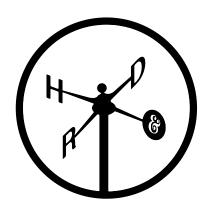




Z







# **HAZEL·RAVINES & DOWNTOWN**

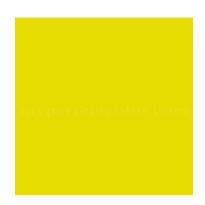




NEW CANVAS COLOR SUNBRELLA FOREST GREEN



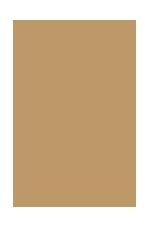
EXISTING MANKATO STONE ON BUILDING



LOGO COLOR PANTONE 396C



EXISTING BRONZE ALUMINUM WINDOW SASH



PAINTED METAL TRELLIS COLOR



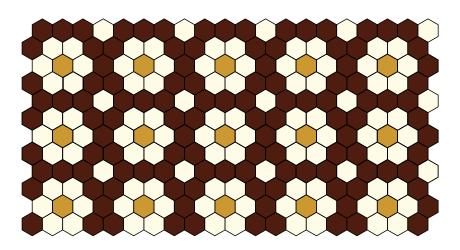
MARKET PATIO TABLE & CHAIR FERMOB METAL FOLDING BISTRO COLLECTION IN "POPPY"



HONEY OAK STILE & RAIL ENTRY & WOOD WALL TRIM



**ILLUMINATED WALL PANELS** 



CERAMIC MOSAIC 1" HEX FLOOR TILE AT ENTRY, CINNABAR, CRISP LINEN, LUMINARY GOLD



**BRONZE PLATE** 



BUTTERBUR PLANTS IN EXISTING PLANTING BED



CLIMBING HYDRANGEA ON TRELLISES





PRUNED EVERGREEN SHRUB LETTERS IN CORTEN FRAMED ANGLED PLANTING BED



IRON OXIDE STEEL PRIMER COLOR ON ORNAMENTAL RAILING



# FLF15 / FLF30 / FLF50

# Flood lights

This series has a thin, smart and stylish shape with excellent cooling and high lumen efficacy of 115-120 lm/w. With various mounting options, this series is a great choice for anyone needing large amounts of light at a energy saving cost.





**Installation Diagram** 

# **Features**

- Corrosion-Resistant Coating Finish
- Imported high-dense aluminum alloy housing
- High transparency and weather resistant lens
- Color options: Bronze, Black, White, Gray

# **Applications**

- Architecture
- Sports grounds
- Billboards
- High Ways
- Tunnels, Bridges

# **Specifications**

	Model:	FLF15	FLF30	FLF50
eal	Lumen Efficacy:	115 lm / w	115 lm / w	120 lm / w
Geneal	Lumen Output:	1,725 lm	2,700 lm	6,000 lm
g d	Input Power:	15W	30W	50W
Eledrical	Input Voltage:	100-277V	100-277V	100-277V
	Power Factor:	>90%	>90%	>90%
ō	Color Temperature (CCT):	3000k - 5700k	3000k - 5700k	3000k - 5700k
Golor	Color Rendering Index (CR	i): <mark>&gt;80</mark>	>80	>80
	Dimmable:	Yes	Yes	Yes
na	Dimensions: Yoke	4.66 in x 4.25 in x 1.5 in	6.6 in x 6.75 in x 1.6 in	7.8 in x 8.5 in x 1.8 in
Ope <b>d</b> ional	Knuck	le 6.89 in x 4.76 in x 3.07 in	4.72 in x 3.27 in x 2.60 in	8.62 in x 5.94 in x 3.54 in
ď	Rating:	(IP65)	IP65	IP65
	Warranty:	5 Year	5 Year	5 Year
	Mounting Option:	YK(Yoke)/KN (Knuckle)	YK(Yoke)/KN (Knuckle)	YK(Yoke)/KN (Knuckle)

# Halogen: FL-103B-MR8-20 LED: FL-103B-LED-T3-4

# <u>Halogen</u>

Model#: FL-103B-MR8-20

**Size:** 13/8"W X 4"L **Material:** Solid Brass **Finish:** Natural Bronze

Mounting: 1/2" NPT stake included

Lens: Clear Tempered

**Electrical:** 12V AC **Lamp:** 20W MR8

**Light Spread:** Up to 10 ft. x 30 degree

Lumens: 800 avg.

Lamp Life: 2,000 hours avg.

# **LED**

Model#: FL-103B-LED-T3-4

**Size:** 13/8"W X 4"L **Material:** Solid Brass **Finish:** Natural Bronze

Mounting: 1/2" NPT stake included

**Lens:** Clear Tempered **Electrical:** 9v – 15v AC

Lamp: 4W T3

Kelvin: 3000k, Warm White

Compare to: 20w MR8

Light Spread: Up to 10 ft. x 30 degree

Lumens: 320 avg.

Lamp Life: 30,000 hours avg.

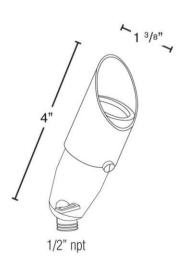
# **Tiparillo Accent Liter**

# **Key Features:**

Solid brass material with natural finish. Tempered lens.

High temperature socket and O ring. Adjustable glare shield and light source allows for varying beam control. Heavy construction (tool-less).







# **INFINILINE® X 120V LED Strip Light**

SPECIFICATION SHEET















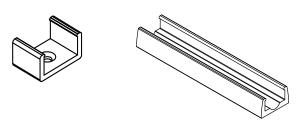


		INFINILINE® X	
Voltage	/Wattage	120V / 4.57W/ft.	
	2700K	452 Lm/ft.	
	3000K	502 Lm/ft.	
Lumens <sup>1</sup>	3500K	461 Lm/ft.	
Luillelis	4000K	462 Lm/ft.	
	4500K	443 Lm/ft.	
	6000K	510 Lm/ft.	
Max	. Run²	200 feet	
<b>Custom Produced</b>		4 in. Increments	
LED	Chips	s 36/foot	
Color Temperature		2700, 3000, 3500, 4000, 4500, 6000	
CRI 90+		90+	
Dim	mable	No	
Field Cuttable		No	
Dime	nsions	0.31 x 0.1 in. (W x H)	
Environment		Outdoor / Wet Location / IP65	
Certificatio		UL Listed 2388	
War	ranty	5-Year Warranty	

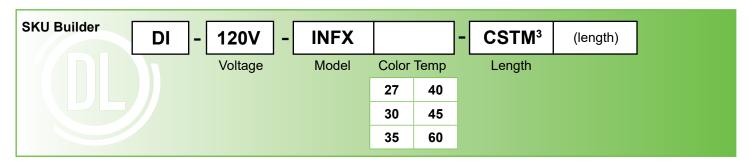
# **ADDITIONAL ACCESSORIES**

Accessories listed below fully support our Tape Light product line. Further information on these products and more accessories can be found in our latest catalog or online at www.DiodeLED.com.

SKU	DESCRIPTION
DI-INF-MTCL-5	MOUNTING CLIP (5 PACK) Small clip used to secure INFINILINE® X LED Strip Light. Includes 5 clips and 5 screws.
DI-INF-MTCH	MOUNTING CHANNEL Cuttable channel used to secure INFINILINE® X LED Strip Light.



Visit the product page at www.DiodeLED.com for installation guides, .IES files, voltage drop charts, and LM-79 reports



Example: DI-120V-INFX42-CSTM-20' = Diode, 120 Volt, INFINILINE®, 4,200° CCT, 20 feet custom cut.



# **MEMORANDUM**

**Planning Division** 

DATE: May 16<sup>th</sup>, 2018

TO: Jana Ecker, Planning Director

FROM: Nicholas Dupuis, Planning Intern

SUBJECT: 34977 Woodward – Hazel Ravines and Downtown – Special Land

Use Permit, Final Site Plan & Design Review

### **Executive Summary**

The subject site is located at 34977 Woodward on the west side of Woodward, on the southwest corner of Woodward and Maple. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District.

The applicant is proposing to make several design changes to the exterior of the building including replacing awnings, adding planters/landscaping, and reworking the vestibule. The proposed new restaurant, Hazel Ravines Downtown, will replace the former restaurant, The Stand.

Chapter 10 of the Birmingham City Code requires that the applicant obtain a Special Land Use Permit Amendment and approval from the City Commission to make changes to an establishment with an Economic Development License within the City of Birmingham. Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Design Review and Special Land Use Permit, and then obtain approval from the City Commission for the Final Site Plan and Design Review, and Special Land Use Permit.

#### 1.0 Land Use and Zoning

- 1.1 <u>Existing Land Use</u> The site is currently used as a mixed-use commercial building (Greenleaf Trust) with 4<sup>th</sup> and 5<sup>th</sup> floor residential units. The tenant space changes applied for are located in the first floor restaurant space.
- 1.2 <u>Existing Zoning</u> The property is currently zoned B-4, Business-Residential, and D-4 in the Downtown Overlay District. The existing use and surrounding uses appear to conform to the permitted uses of each Zoning District.
- 1.3 <u>Summary of Land Use and Zoning</u> The following chart summarizes existing land use and zoning adjacent to and/or in the vicinity of the subject site.

	North	South	East	West
Existing Land Use	Commercial/ Parking	Vacant	Vacant Commercial	Commercial
Existing Zoning District	B-4, Business Residential	B-4, Business Residential	B-2, General Business	B-4, Business Residential
Downtown Overlay Zoning District	D-4	D-4	D-4	D-4
Triangle Overlay District	N/A	N/A	N/A	N/A

## 2.0 Screening and Landscaping

- 2.1 <u>Screening</u> No changes are proposed at this time.
- 2.2 <u>Landscaping</u> The applicant is proposing no removals of existing landscaping. Rather, the applicant is proposing to add several landscape elements including:
  - Three new raised angled planting beds with pruned evergreen shrubs formed to read "HRD" on the east road berm, facing Woodward in the MDOT right-of-way.
  - Two new planters along the Woodward streetscape placed in between rearranged existing benches. Planters to be filled with Skyrocket Juniper in terracotta pots.
  - Replacing shrubs in the corner garden with Butterbur plants as well as adding painted metal trellises with Climbing Hydrangea approximately 9 ft. in height.
  - Two new planter boxes along the building western façade, adjacent to the proposed reworked entrance to the indoor/outdoor patio. Planter boxes are to be filled with Climbing Hydrangea on painted metal trellises approximately 9 ft. in height.

The applicant complies with Article 4, Section 4.20 (Landscaping) of the Zoning Ordinance.

# 3.0 Parking, Loading, Access, and Circulation

- 3.1 <u>Parking</u> The subject site is located within the Parking Assessment District, thus the applicant is not required to provide on-site parking for the restaurant use.
- 3.2 <u>Loading</u> No changes are proposed at this time.

- 3.3 <u>Vehicular Access & Circulation</u> Vehicular access to the building will not be altered.
- 3.4 <u>Pedestrian Access & Circulation</u> The western entry is proposed to be reworked, thus all pedestrian access to the new restaurant will be on Peabody. Pedestrian access to the office uses above will remain on Maple.
- 3.5 <u>Streetscape</u> The applicant is proposing to rearrange four existing benches along the eastern (Woodward) streetscape to make room for two planters in between them. The applicant is also proposing the aforementioned planters in the Woodward right-of-way with bushes spelling the letters "H R D." No other changes are proposed to the streetscape; however, the Planning Board may wish to require the addition of bike racks or waste receptacles where they see fit.

The applicant is also proposing to add a new concrete walk from the existing sidewalk to the existing bus stop area located at the southeast corner of the property. This addition will support the intent of Birmingham's Multi-Modal Transportation Plan in that the concrete pad will upgrade the physical environment of the transit facility creating a safer and more comfortable environment for transit users and pedestrians, as well as make it more handicap accessible. The Planning Board may also wish to require the applicant to add a bench or bike rack to this location.

# 4.0 Lighting

The applicant is proposing to remove (8) of the existing decorative sconces where the new trellises are proposed. Also, the applicant is proposing the addition of two new exterior floodlights at each bay around the architectural features on the east and north elevations. The applicant has submitted specification sheets for two separate styles of light fixtures. The proposed flood light fixtures are bronze in color, have a 1,725 lumen output, and measure roughly  $5 \times 4 \times 2$  inches in dimension. The second light fixture for which specification sheets were supplied, have a natural brass finish, can be halogen (800 lumen) or LED (320 lumen), and are roughly  $2 \times 4$  inches in dimension.

The new lights are proposed to be installed on the ground and directed upwards to illuminate the architectural bays on the building. The landscape lights would also be installed on the ground at each of the trellis locations, directed upwards onto the trellis plantings. **The Planning Board may wish to approve the lighting if they see fit.** 

Article 4, Section 4.21 of the Zoning Ordinance requires all light fixtures to be full cutoff or cutoff, as defined in Section 9.02, and positioned in a manner that does not unreasonably invade abutting or adjacent properties. Exception to cutoff luminaries can be made at the discretion of the Planning Board, Historic District Commission, or Design Review Board under any of the following conditions:

a. The distribution of upward light is controlled by means of refractors or shielding to the effect that it be used solely for the purpose of decorative enhancement of

- the luminaire itself and does not expel undue ambient light into the nighttime environment.
- b. The luminaire is neither obtrusive nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety, with appropriate methods used to eliminate undesirable glare and/or reflections.
- c. The luminaire is consistent with the intent of the Master Plan, Urban Design Plan(s), Triangle district plan, Rail District plan and/or Downtown Birmingham 2016 Report, as applicable.
- d. The scale, color, design or material of the luminaire will enhance the site on which it is located, as well as be compatible with the surrounding buildings or neighborhood.
- e. Lighting designed for architectural enhancement of building features (i.e. architectural enhancement lighting). Appropriate methods shall be used to minimize reflection and glare.
- f. The site lighting meets all requirements set forth in this ordinance including, but not limited to, light trespass and nuisance violations.

## 5.0 Departmental Reports

- 5.1 <u>Engineering Division</u> The Engineering Department has provided the following comments.
  - The existing sidewalk on the west side of the building is already minimal.
     Installing planter boxes that take this below the minimum five feet is inappropriate.
- 5.2 <u>Department of Public Services</u> No comments have been received at the time of this time.
- 5.3 <u>Fire Department</u> The Fire Department has given the following comments:

The fire department has no concerns with the concept of this proposed project. But, looking at the supplied plans, they appear to be also remodeling areas inside this existing restaurant, along with the vestibule, and the dining patio. Floor plans, fire suppression plans, and fire alarm plans will need to be submitted for reviews.

Also note, the occupant load schedule lists seating at 20 for the Market Patio, but the plan depicts seating for 22 people.

- 5.4 <u>Police Department</u> The Police Department has no concerns at this time.
- 5.5 <u>Building Division</u> No comments had been received at the time of this report.

### 6.0 Design Review

The applicant is proposing the following changes to the first floor restaurant space:

- 1. Replace 6 existing aluminum awnings with new fabric awnings (Sunbrella "Forest Green") on painted metal frames.
- 2. Rework landscaping in corner landscape beds with new proposed ground mounted sculptural signage letters (Pantone "396 C") and new groundcover with landscaping lighting, as well as a new painted metal fence (Iron Oxide Steel Primer) behind the existing curb. Trellises will also be installed on the façade to support climbing hydrangeas.
- 3. Remove the existing metal canopy over the west entrance and remove the glass storefront entry wall to convert the entry vestibule into an indoor/outdoor seating patio. The canopy will be replaced with a new fabric awning (Sunbrella "Forest Green") on a painted metal frame with new signage above. The new patio will have illuminated wall panels and new tile flooring (Ceramic Mosaic Hex Tile "Cinnabar, Crisp Linen, Luminary Gold").

The applicant has submitted details and samples on the proposed design materials and colors.

The proposed fabric awnings will be colored Forest Green (by Sunbrella). The valences will contain signage colored Pantone 396 C (a flat yellow). Signage details are provided in the next section.

#### **SIGNAGE**

The applicant is proposing signage along the replaced canopies at the northeast corner of the building, as well as over the new entry canopy on the west entrance. The proposed signs for the project are indicated at nine (9) different locations. Seven of the new canopies have signage proposed, the large weathervane sculpture is considered a sign, and the hedges proposed to spell the initials of the restaurant would be considered a sign under the definition of a sign in the Sign Ordinance.

Article 01 section 1.10 B(4)(d) states the following; Each business whose principle square footage is on the first story, may have one sign per entry. The proposal does not meet these requirements. The applicant is located on the first floor however they only have one entrance which permits only one sign. Article 01 section 1.10 B(4)states the following; A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 feet in vertical dimension by any horizontal dimension. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 feet in vertical dimension by any horizontal dimension. The proposal meets this requirement.

The proposed canopy signs at the northeast corner involve 6 canopies with one word per canopy. The signs read "Hunter Ravines & Downtown" in the aforementioned Pantone 396 C flat yellow color. The total signage dimensions for the each set of signage (one on Woodward frontage and one on Maple frontage) is 7  $\,$  ft. 1 in. wide  $\,$  by 5  $\,$ 1/2 in. tall, which equals around 3.22 sq. ft. per sign. There are six  $\,$ 1 total signs, which equal 19.32 sq. ft. of signage total.

The signage located at the west entrance along Peabody St. is located on a canopy over the reworked entrance to the indoor/outdoor dining area. The signage measures 10 ft. 1 in. wide by 1 ft. 2 in. tall. The west entrance canopy signage is proposed to be lit by an LED strip located

at the bottom of the fascia. The applicant will need to submit the specifications on the LED stripping before City Commission approval.

The landscaping beds located in the road berm along Woodward containing pruned evergreen shrub letters H, R, and D must also be considered a sign based on the definition of "Sign" given in Article 3, Section 3.02 of the Sign Ordinance. Article 1, Section 1.03 (G) further states that no sign shall be erected or placed in the public right of way. The road berm located in front of the proposed restaurant is considered a public right of way, thus no signage is allowed.

Finally, the applicant is proposing a sculptural metal weathervane in the landscaping bed at the northeast corner of the building. The turning element of the weathervane contains the letters H, R and D, and an arrow is proposed to read "Entrance on Peabody." Although no dimensions are given, the weathervane appears to rise over 8 ft. in height, which is greater than the maximum height allowed for a ground sign. The weathervane appears to be a pole sign and would fall under the prohibited sign types outlined in Article 1, Section 1.03 (E) of the Sign Ordinance.

The applicant must remove the evergreen shrub letter sign, as it is in the public rights of way, remove the weathervane pole sign (or submit specifications showing dimensions equaling no greater than 30 sq. ft. per side and a maximum of 8 ft. tall), and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals.

## 7.0 Downtown Birmingham 2016 Overlay District

The site is located within the D-4 zone of the DB 2016 Regulating Plan, within the Downtown Birmingham Overlay District. The D-4 zone encourages mixed use, five story buildings such as this. Restaurant use on the first floor is permitted under the definition of retail contained in Article 9, section 9.02, Definitions, in the Zoning Ordinance.

#### 8.0 Approval Criteria for Final Site Plan

In accordance with Article 7, section 7.27 of the Zoning Ordinance, the proposed plans for development must meet the following conditions:

- (1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.
- (2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
- (3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.

May 16<sup>th</sup>, 2018

- (4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
- (5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
- (6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

### 9.0 Approval Criteria for Special Land Use Permits

Article 07, section 7.34 of the Zoning Ordinance specifies the procedures and approval criteria for Special Land Use Permits. Use approval, site plan approval, and design review are the responsibilities of the City Commission. This section reads, in part:

Prior to its consideration of a special land use application (SLUP) for an initial permit or an amendment to a permit, the City Commission shall refer the site plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the site plan and design of the buildings and uses proposed for the site described in the application of amendment.

The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the site plan and design.

#### 10.0 Suggested Action

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** of the Special Land Use Permit, Final Site Plan & Design Review for 34977 Woodward – Hazel Ravines Downtown – with the following conditions:

- The applicant must remove the evergreen shrub letter sign, as it is in the public rights of way, bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
- 2. The applicant correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
- 3. The applicant provide the location of all new lighting fixtures prior to City Commission approval; and
- 4. The applicant address the requests of all City departments.

#### 11.0 Sample Motion Language

Based on a review of the site plans submitted, the Planning Division recommends that the Planning Board recommend **APPROVAL** of the Special Land Use Permit, Final Site

Plan & Design Review for 34977 Woodward – Hazel Ravines Downtown – with the following conditions:

- The applicant must remove the evergreen shrub letter sign, as it is in the public rights of way, bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;
- 2. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
- 3. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
- 4. The applicant address the requests of all City departments.

#### OR

Motion to recommend <b>DENIAL</b> of the Special Land Use Permit, Final Site Plan & Design
Review for 34977 Woodward – Hazel Ravines Downtown – for the following reasons:
·
OR
Motion to recommend <b>POSTPONEMENT</b> of the Special Land Use Permit, Final Site Pland Design Review for 34977 Woodward – Hazel Ravines Downtown – with the following conditions:
·
·

# Zoning Compliance Summary Sheet CIS and Preliminary Site Plan Review 34977 Woodward – Hazel Ravines & Downtown

**Existing Site:** 5-story mixed use building (Greenleaf Trust)

Zoning: B-4 (Business-Residential), D-4 (Downtown Overlay)

Land Use: Commercial, Office, Residential

## **Existing Land Use and Zoning of Adjacent Properties:**

	North	South	East	West
Existing Land Use	Commercial/ Parking	Vacant	Vacant	Commercial
Existing Zoning District	B-4, Business Residential	B-4, Business Residential	B-2 (General Business)	B-4, Business Residential
Overlay Zoning District	D-4 (Downtown Overlay)	D-4 (Downtown Overlay)	MU-7, (Triangle District Overlay)	D-4 (Downtown Overlay)

**Land Area:** Existing: 8,295 sq. ft.

Proposed: 8,295 sq. ft. (no changes proposed)

**Dwelling Units:** Existing: N/A

Proposed: N/A

Minimum Lot Area/Unit: Required: N/A

Proposed: N/A

Min. Floor Area /Unit: Required: 600 sq. ft. (one bedroom)

800 sq. ft. (two bedroom)

1,000 sq. ft. (three or more bedroom)

Proposed: N/A

Max. Total Floor Area: Required: 100% for commercial/office uses

Proposed: 100% (no changes proposed)

Min. Open Space: Required: N/A

Proposed: N/A

Max. Lot Coverage: Required: N/A

Proposed: N/A

Front Setback: Required: 0 ft.

Proposed: 0 ft. (no changes proposed)

**Side Setbacks** Required: 0 ft.

Proposed: 0 ft. (no changes proposed)

**Rear Setback:** Required: 10 ft.

Proposed: 0 ft. (existing, no changes proposed)

Min. Front + Rear Setback Required: N/A

Proposed: N/A

Max. Bldg. Height: Permitted: 60 ft., 5 stories

Proposed: Existing (no changes proposed)

Min. Eave Height: Required: N/A

Proposed: N/A

**Parking:** Required: None required for proposed restaurant

Proposed: (No changes proposed)

Min. Parking Space Size: Required: 180 sq. ft.

Proposed: 180 sq. ft. (no changes proposed)

**Loading Area:** Required: 2 loading spaces (12 ft. x 40 ft.)

Proposed: 2 loading spaces (12 ft. x 40 ft.) (no changes proposed)

Screening:

Parking: Required: 32 in. capped masonry wall

Proposed: Fully screened by building (no changes proposed)

Loading: Required: 6 ft. capped masonry screenwall

Proposed: Loading space is on-street (no changes proposed)

Rooftop Mechanical: Required: Fully screened from public view

Proposed: Fully screened from public view (no changes proposed)

Elect. Transformer: Required: N/A

Proposed: N/A

<u>Dumpster</u>: Required: 6 ft. masonry screenwall with wood gates

Proposed: Fully screened by building (no changes proposed)

### R O N A N D R O M A N

#### SLUP APPLICATION RESPONSE

**Date:** 4/13/2018

5. REMOVE (6) EXISTING ALUMINUM AWNING COMPONENTS AT NORTH EAST CORNER, REMOVE EXISTING "THE STAND" SIGNAGE FROM SIGN BAND AND INSTALL (6) NEW FABRIC AWNINGS ON PAINTED METAL FRAMES.

REWORK LANDSCAPING IN CORNER LANDSCAPE BEDS WITH NEW PROPOSED GROUND MOUNTED SCULPTURAL SIGNAGE LETTERS AND NEW (RIVERROCK OR KYOTO STONE) GROUNDCOVER, AND NEW LANDSCAPE LIGHTING.

REMOVE (1) EXISTING METAL CANOPY AND "THE STAND" SIGNAGE FROM OVER EXISTING ENTRY AT WEST SIDE OF BUILDING; REMOVE ALUMINUM SASH AND GLASS STOREFRONT ENTRY WALL, CONVERT ENTRY VESTIBULE INTO INDOOR/OUTDOOR PATIO AREA WITH NEW FABRIC AWNING ON PAINTED METAL FRAME AND NEW SIGNAGE ABOVE NEW AWNING. REWORK OF VESTIBULE INCLUDES INSTALLATION OF NEW ALUMINUM AND GLASS STOREFRONT AT EAST END AS NEW ENTRY TO RESTAURANT, AND INSTALLATION OF ILLUMINATED WALL PANELS ON NORTH AND SOUTH WALLS. WESTERN ENTRY AREA TO HAVE (2) NEW EXTERIOR PLANTERS WITH \_\_\_\_\_LANDSCAPING.

### R O N A N D R O M A N

### TRANSMITTAL

Date: 5/1/2018

To: Jana Ecker/Nicholas Dupuis

Planning Department City of Birmingham

**From:** Nicole Adler

Ron and Roman, Inc.

Re: Hazel, Ravines & Downtown

SLUP

34977 Woodward Ave.

Encl: (2) copies – plans, elevations, renderings, materials & cut sheets

#### Planning Board Minutes May 23, 2018

## SPECIAL LAND USE PERMIT ("SLUP") FINAL SITE PLAN AND DESIGN REVIEW

2. 34977 Woodward Ave., Hazel Ravines & Downtown (formerly The Stand) - Application for SLUP and Final Site Plan and Design Review to open a new restaurant serving alcoholic liquors, with exterior design changes and new signage proposed.

Mr. Baka noted the subject site is located at 34977 Woodward Ave. on the southwest corner of Woodward Ave. and Maple Rd. The parcel is zoned B-4, Business-Residential and D-4 in the Downtown Overlay District. The applicant is proposing to make several design changes to the building including replacing awnings, adding planters/ landscaping, and reworking the vestibule. They are proposing to enlarge the bar and add three new banquet rooms to the dining area. There will be table tops along the windows on the north façade.

The proposed new restaurant, Hazel Ravines & Downtown, will replace the existing restaurant, The Stand. Chapter 10 of the Birmingham City Code requires that the applicant obtain a SLUP Amendment and approval from the City Commission to make changes to an establishment with an Economic Development Liquor License within the City of Birmingham. An Economic Development License does not restrict size nor does it require outdoor dining. Accordingly, the applicant will be required to obtain a recommendation from the Planning Board on the Final Site Plan and Design Review and SLUP, and then obtain approval from the City Commission for the Final Site Plan and Design Review, and SLUP.

#### Design Review

The applicant is proposing the following changes to the first floor restaurant space:

- 1. Replace six existing aluminum awnings with new fabric awnings (Sunbrella "Forest Green") on painted metal frames.
- 2. Rework landscaping in corner landscape beds with new proposed ground mounted sculptural signage letters (Pantone "396 C") and new groundcover with landscaping lighting in the M-DOT right-of-way, as well as a new painted metal fence (Iron Oxide Steel Primer) behind the existing curb. Trellises will also be installed on the façade to support climbing Hydrangeas.
- 3. Remove the existing metal canopy over the west entrance and remove the glass storefront entry wall to convert the entry vestibule into an indoor/outdoor seating patio. The canopy will be replaced with a new fabric awning (Sunbrella "Forest Green") on a painted metal frame with new signage above. The new patio will have illuminated wall panels and new tile flooring (Ceramic Mosaic Hex Tile "Cinnabar, Crisp Linen, Luminary Gold").

The applicant has submitted details and samples on the proposed design materials and colors. Signage

Mr. Baka advised that the applicant is proposing signage along the replaced canopies at the northeast corner of the building, as well as over the new entry canopy on the west entrance.

The proposed signs for the project are indicated at nine different locations. Seven of the new canopies have signage proposed, the large weathervane sculpture is considered a sign, and the hedges proposed to spell the initials of the restaurant would be considered a sign under the definition of a sign in the Sign Ordinance.

Article 01 section 1.10 B (4) (d) states the following: Each business whose principal square footage is on the first story may have one sign per entry. The proposal does not meet these requirements. The applicant is located on the first floor; however they only have one entrance which permits only one sign.

Article 01 section 1.10 B (4) states the following: A single external sign band or zone may be applied to the facade of a building between the first and second floors, provided that it shall be a maximum of 1.5 ft. in vertical dimension by any horizontal dimension. Woodward Avenue Address: The external sign band or zone shall be a maximum of 2 ft. in vertical dimension by any horizontal dimension. The proposal meets this requirement.

The proposed canopy signs at the northeast corner involve six canopies with one word per canopy. The signs read "Hunter Ravines & Downtown" in the aforementioned Pantone 396 C flat yellow color. The total signage dimensions for the each set of signage (one on Woodward Ave. frontage and one on Maple Rd. frontage) is 7 ft. 1 in. wide by 5 ½ in. tall. There are six total signs, which equal 19.32 sq. ft. of signage total. The signage located at the west entrance along Peabody St. is located on a canopy over the reworked entrance to the indoor/outdoor dining area. The signage measures 10 ft. 1 in. wide by 1 ft. 2 in. tall. The west entrance canopy signage is proposed to be lit by an LED strip located at the bottom of the fascia.

The landscaping beds located in the road berm along Woodward Ave. containing pruned evergreen shrub letters H, R, and D must also be considered a sign based on the definition of "Sign" given in Article 3, section 3.02 of the Sign Ordinance. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way, remove the weathervane pole sign (or submit specifications showing dimensions equaling no greater than 30 sq. ft. per side and a maximum of 8 ft. tall), and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals ("BZA").

Mr. Koseck received confirmation that the evergreen letter sign that is located in the M-DOT right-of-way would be subject to Birmingham's landscape standards, but would have to be approved by M-DOT.

Mr. Roman Bonislawski, Ron and Roman Architects, explained they are not proposing to serve outside in the patio area. However, people are welcome to purchase food at the Grab and Go Market to be consumed there. The mosaic tiles and illuminated walls invite people into this casual spot. It is a public space for anyone to use. Inside they are eliminating one banquet room, keeping one and then creating a new banquet set-up for private functions. The rest of the changes on the interior will be a brand new, fresh, casual, Birmingham appropriate spot. The sculpture on the corner is an operable weathervane that works with the signage band so that people will notice it and be directed towards the entrance. It has always been a sore spot

with them that the businesses that occur at this really important intersection cannot succeed. However, they are in agreement that this is probably the best opportunity to succeed. Responding to Ms. Whipple-Boyce, Mr. Bonislawski explained the picket fence shows as a traditional piece on the corner.

Mr. Koseck noted that part of the problem with The Stand was that people could not see into it. With this proposal he feels the picket fence and the HRD plantings make the site look cluttered and they don't beckon him to come in.

Mr. Bonislawski said with regard to the fence that part of what they do is to introduce a small component of shock value. The fence relates back to the neighborhood aspect of what the business is. The downtown feature is the trendier characteristic of the proposal and the ravines is the more eclectic, world traveled feature.

In discussing why two previous restaurants on that site failed, Mr. Williams observed that he has eaten at both Zazios and The Stand and has had better meals elsewhere. What he disliked about both of them was the openness. So, to him what has been done inside is a significant improvement. Adding some private dining and meeting rooms is probably a good thing.

Chairman Clein agreed with Mr. Koseck on the fence. He is very happy with the internal changes on the project but really dislikes the HRD landscape signage. He didn't think it would receive approval from the State. He didn't have an issue with the other proposed signage but did not like the weathervane.

No one from the public had comments on the project at 9 p.m.

Ms. Whipple-Boyce thought the proposal is great and hopes that it succeeds. The interior layout is so much improved. She loves the patio where there will be tons of morning traffic. Then people will come back for afternoon meetings in the great little banquet rooms. Further, she supports the additional band signage on the building because she thinks it is essential and it will be up-lighted from below. However, she was not a huge fan of the landscaped HRD sign or the fence.

Mr. Jeffares thought they are on the right track with making the dining area smaller. While he agrees with everybody on the HRD, he feels it would be cool to do something different with that space.

#### Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce that based on the site plans submitted, the Planning Board recommends APPROVAL to the City Commission of the SLUP, Final Site Plan and Design Review for 34977 Woodward Ave., Hunter, Ravines & Downtown with the following conditions:

- 1. The applicant must remove the evergreen shrub letter sign, as it is in the public right-of-way;
- 2. The applicant must bring the signage into compliance in regards to size, and reduce the number of signs to one or obtain a variance from the Board of Zoning Appeals;

- 3. The applicant must correct the indoor/outdoor dining area plan to show 20 seats, or adjust the seating calculation to include a 22 seat patio;
- 4. The applicant must provide the location of all new lighting fixtures prior to City Commission approval; and
- 5. The applicant addresses the requests of all City Departments.

#### Motion carried, 7-0.

**VOICE VOTE** 

Yeas: Williams, Whipple-Boyce, Boyle, Clein, Emerine, Jeffares, Koseck

Nays: None Absent: None



## **MEMORANDUM**

#### Office of the City Manager

**DATE:** June 22, 2018

TO: City Commission

FROM: Joseph A. Valentine, City Manager

SUBJECT: Baldwin Library Youth Room Renovation

As previously reported by the Library Director, plans have been underway to initiate Phase 2 of the Baldwin Public Library expansion and renovation of the Youth Services section.

On June 18, 2018 the Library Board passed a motion approving issuing an RFP for design development, construction drawings, bidding and construction administration for the expansion and renovation of the Youth Services section of the Library.

The RFP was also reviewed by City staff and is being presented for consideration by the City Commission to authorize its issuance. Once designs are completed, this item will return to the City Commission for approval to bid the project based on the final designs.

#### Suggested Resolution:

To authorize the issuance of the Request for Proposals as recommended by the Library Board to finalize designs and prepare for the expansion and renovation of the Youth Services section of the Baldwin Public Library, with the necessary funds to be paid by the Library.

To: Joe Valentine, City Manager

From: Doug Koschik, Library Director

Date: June 21, 2018

Subject: RFP for Youth Room Design Development, etc.

At its June 18, 2018, meeting, the Baldwin Public Library Board of Directors approved the issuance of a Request for Proposals (RFP) for design development, construction drawings, bidding, and construction administration for the proposed expansion and renovation of the Youth Services section of the Library. Below is the relevant excerpt from the draft minutes of the meeting:

**Motion:** To approve the issuance of a Request for Proposals (RFP) for design development, construction drawings, bidding, and construction administration, based on a draft, on page 19, for the proposed expansion and renovation of the Youth Services section of the Baldwin Public Library, conditioned on review and approval by the City.

1<sup>st</sup> Pisano 2<sup>nd</sup> Mark

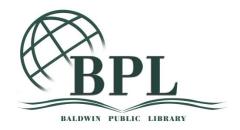
Yeas: Pisano, Underdown, Aidenbaum and Mark.

Nays: None.

Absent and excused: Suhay and Tera.

The motion was approved unanimously.

The Library Board respectfully requests that the Birmingham City Commission now consider the proposed RFP and approve its issuance.



# REQUEST FOR PROPOSALS For Expansion and Renovation of Youth Services Section of Baldwin Public Library

Sealed proposals endorsed <u>"EXPANSION AND RENOVATION OF YOUTH SERVICES SECTION OF BALDWIN PUBLIC LIBRARY"</u>, will be received at the Administrative Office of the Baldwin Public Library, 300 West Merrill Street, Birmingham, Michigan, 48009; until <u>3:30 p.m. on Monday, July 30, 2018</u>, after which time bids will be publicly opened and read.

Bidders will be required to attend a mandatory pre-bid meeting on Monday, July 9, 2018, at 2:00 p.m. at the Baldwin Public Library. Bidders must register for the pre-bid meeting by 4:00 on Friday, July 6, 2018, by contacting Associate Library Director Rebekah Craft at rebekah.craft@balwinlib.org.

The Baldwin Public Library, in conjunction with the City of Birmingham, Michigan, is accepting sealed bid proposals from qualified professional firms to carry out design development, construction drawings, provide bid assistance and construction administration for the expansion and renovation of the Services section of the Baldwin Public Library, based on the conceptual/schematic design developed by Luckenbach Ziegelman Gardner. This work must be performed as specified in accordance with the specifications contained in this Request For Proposals (RFP).

The RFP, including the specifications, may be obtained online from the Michigan Intergovernmental Trade Network at <a href="http://www.mitn.info">http://www.mitn.info</a> or at the Baldwin Public Library, 300 West Merrill St., Birmingham, Michigan, ATTENTION: Rebekah Craft, Associate Director.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

**Submitted to MITN:** June 26, 2018 **Mandatory Pre-Bid Meeting**: July 9, 2018

**Deadline for Submissions:** 3:30 p.m. on Monday, July 30, 2018 **Contact Person:** Rebekah Craft, Associate Director

300 W Merrill St.

Birmingham, MI 48009 Phone: 248.554.4682

Email: rebekah.craft@baldwinlib.org



# REQUEST FOR PROPOSALS For Expansion and Renovation of Youth Services Section of Baldwin Public Library

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#### INTRODUCTION

For purposes of this request for proposals the City of Birmingham, Michigan (hereby known as "City") and the Baldwin Public Library (hereby known as "Library") will be referred to as "Client" and the private firm will hereby be referred to as "Architect."

The Client is accepting sealed bid proposals from qualified professional firms to provide architectural services to carry out design development, construction drawings, provide bid assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the conceptual/schematic designs of January 27, 2018, included as Attachment E herein. This work must be performed as specified in accordance with the specifications outlined by the Scope of Work contained in this Request For Proposals (RFP).

During the evaluation process, the Client reserves the right, where it may serve the Client's best interest to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the Client, firms submitting proposals may be requested to make oral presentations as part of the evaluation.

It is anticipated the selection of a firm will be completed by August 13, 2018. An Agreement for services will be required with the selected Architect. A copy of the Agreement is contained herein for reference. Contract services will commence upon execution of the service agreement by the Client.

The Architect will work with the Library on the Design Development and Construction Drawing phases, with the City in a supportive role. The Architect will then work with the City during the Bidding and Construction Administration phases, with the Library in a supportive role.

### **REQUEST FOR PROPOSALS (RFP)**

The purpose of this RFP is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide architectural services to carry out design development, construction drawings, provide bid assistance and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the conceptual/schematic designs of January 27, 2018, included as Attachment E herein.

#### MANDATORY PRE-BID MEETING

Prior to submitting a bid, interested firms are required to attend a pre-bid meeting to conduct an on-site visit of the location and access to the project location to make inquiries about the RFP. The pre-bid meeting is scheduled for July 9, 2018, at 2:00 p.m. at the Baldwin Public Library.

#### INVITATION TO SUBMIT A PROPOSAL

Proposals shall be submitted no later than 3:30 p.m. on Monday, July 30, 2018 to:

Baldwin Public Library
Attn: Rebekah Craft
300 W. Merrill St.
Birmingham, Michigan 48009

rebekah.craft@baldwinlib.org

One (1) original and one (1) print copy and one (1) electronic copy, in PDF format, of the proposal shall be submitted. The two print copies of the proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, "EXPANSION AND RENOVATION OF YOUTH SERVICES SECTION OF BALDWIN PUBLIC LIBRARY." Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened, to the proposer. Proposer may submit more than one proposal provided each proposal meets the functional requirements.

#### **INSTRUCTIONS TO BIDDERS**

- Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Architect's Responsibilities). If more than one bid is submitted, a separate bid proposal form must be used for each.
- 2. Any request for clarification of this RFP shall be made <u>in writing</u> and delivered to: Rebekah Craft, Associate Director, 300 W. Merrill St., Birmingham, MI 48009 or <u>rebekah.craft@baldwinlib.org</u>. Such request for clarification shall be delivered, in writing, <u>no later than 5 days prior to the deadline for submissions</u>. Any request will be reviewed by the Client, and responses will be shared with all bidders who signed in at the Pre-Bid Meeting.
- 3. All proposals must be submitted following the RFP format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All proposals must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFP format by the respondent.
- 4. The contract will be awarded by the Client to the most responsive and responsible bidder with the lowest price and the contract will require the completion of the work pursuant to these documents.
- 5. Each respondent shall include in his or her proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. The Baldwin Public Library is a sub-unit of the City of Birmingham, a tax-exempt municipal government located in Oakland

- County. Do not include such taxes in the proposal figure. The Client will furnish the successful company with tax exemption information when requested.
- 6. Each respondent shall include in their proposal the following information: Firm name, address, city, state, zip code, telephone number, and fax number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by the City and Library should be directed as part of their proposal.

#### **EVALUATION PROCEDURE AND CRITERIA**

The evaluation panel will consist of members of the Baldwin Public Library Board of Directors and any other person(s) designated by the City who will evaluate the proposals based on, but not limited to 1) the ability to provide services as outlined, 2) related experience with similar projects, Architect background, and personnel qualifications, 3) quality of materials proposed, 4) overall costs, and 5) references. This review will consider the following criteria:

- 1. Experience and qualifications of the proposed team members, including interior design staff and partners, who will be assigned to the Project.
- 2. Experience and demonstrated ability in the design of libraries and similar public projects, with priority given to experience and ability in the design of libraries.
- Demonstrated understanding of the expectations of Birmingham and/or similar communities that place high value on aesthetics of public spaces, as well as an understanding of the importance of the Library as part of Birmingham's civic center.
- 4. Bid price for design development, preparation of construction documents, bidding assistance, and construction administration for the project.
- 5. Demonstrated performance in execution of projects on time and within budget.
- 6. Quality and completeness of proposal.

#### **TERMS AND CONDITIONS**

- 1. The Client reserves the right to reject any or all proposals received, waive informalities, or accept any proposal, in whole or in part, it deems best. The Client reserves the right to award the contract to the next most qualified Architect if the successful Architect does not execute a contract within ten (10) business days after the award of the proposal.
- 2. The Client reserves the right to request clarification of information submitted and to request additional information of one or more Architects.

- 3. The Client reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The Client may terminate this Agreement at any point in the process upon notice to Architect sufficient to indicate the Client's desire to do so. In the case of such a stoppage, the Client agrees to pay Architect for services rendered to the time of notice, subject to the contract maximum amount.
- 4. Any proposal may be withdrawn up until the date and time set above for the opening of the proposals. Any proposals not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the proposal.
- 5. The cost of preparing and submitting a proposal is the responsibility of the Architect and shall not be chargeable in any manner to the Client.
- 6. Payment will be made within thirty (30) days after invoice has been accepted by the Client. Acceptance by the Client is defined as authorization by the designated Client representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the Client.
- 7. The Architect will not exceed the timelines established for the completion of this project.
- 8. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.
- 9. The Client will own the final designs and documents prepared by the Architect as part of this RFP.

#### **ARCHITECT'S RESPONSIBILITIES**

Each bidder shall provide the following as part of their proposal:

- 1. All completed and signed forms requested for completion within this RFP.
  - a. Bidder's Agreement (Attachment B)
  - b. Cost Proposal (Attachment C)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D)
  - d. Agreement (Attachment A only if selected by the Client).
- 2. Provide a description of completed projects (including library projects) that demonstrate the firm's ability to complete projects of similar scope, size, and purposed, and in a timely manner, and within budget.

- 3. Include a statement of design philosophy, especially in regards to public libraries in the 21<sup>st</sup> century.
- 4. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project, as well as all others associated with the firm that are assigned to the project and include names, titles, phone numbers, email addresses and assigned role for the project.
- 5. Provide a list of sub-architects and their qualifications, which include names, titles, phone numbers, email addresses and their respective role in this project as applicable.
- 6. Any changes in the staff members assigned to the project (principals, staff and/or others) shall be communicated to the Client in writing within two (2) business days.
- 7. Provide three (3) client references from past projects, include name of contact, title, and current phone number. At least two (2) of the client references should be for projects of a similar size and scope for a municipal client.
- 8. Provide a project timeline addressing each section within the Scope of Work and a description of the overall project approach. Include a statement that the Architect will be available according to the proposed timeline.
- 9. The Architect will be responsible for any changes necessary for the plans to be approved by the Client.

#### **CLIENT RESPONSIBILITIES**

- The Client will provide a designated representative to work with the Architect to coordinate both the Client and the Architect's efforts and to inspect and verify any work performed by the Architect. During the design development and creation of construction document phase, the lead agency will be the Library, and during the bidding and construction administration phase, the lead agency will be the City.
- 2. The Library will provide access to the building during regular business hours.

#### **SETTLEMENT OF DISPUTES**

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

#### **INSURANCE**

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

#### **CONTINUATION OF COVERAGE**

The Architect also agrees to provide all insurance coverages as specified. Upon failure of the Architect to obtain or maintain such insurance coverage for the term of the agreement, the City and Library may, at their option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, the Client shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

#### **EXECUTION OF CONTRACT**

The bidder whose proposal is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any bid shall not be binding upon the Client until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandonment of all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

#### INDEMNIFICATION

The successful bidder agrees to indemnify the City and the Library and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

#### **CONFLICT OF INTEREST**

The successful bidder is subject to certain conflict of interest requirements/restrictions. Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

#### **EXAMINATION OF PROPOSAL MATERIALS**

The submission of a proposal shall be deemed a representation and warranty by the Architect that it has investigated all aspects of the RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands the RFP. Statistical information which may be contained in the RFP or any addendum thereto is for informational purposes only.

#### PROJECT TIMELINE

- 1. Mandatory pre-bid meeting will be held at the Library on Monday, July 9, 2018, at 2:00 p.m.
- 2. Proposals will be submitted by 3:30 p.m. on Monday, July 30, 2018

- 3. The Library Board will recommend the successful candidate to the Birmingham City Commission, which will make the final decision to execute an agreement at its regularly scheduled meeting on August 13, 2018.
- 4. Architect will have the Design Development and Construction Document elements outlined in the Scope of Work section of this RFP completed by December 20, 2018.
- 5. The Bidding and Construction Administration phases will occur only after funding for the Project has been confirmed.

The Architect will not exceed the timelines established for the completion of this project.

#### **SCOPE OF WORK**

The Architect shall perform the following services in accordance with the requirements as defined herein.

#### **Overview**

The Baldwin Public Library—located at 300 West Merrill in downtown Birmingham—was built in 1927, with major additions completed in 1960 and 1982. The original building was designed by Marcus Burrowes; the 1960 addition was designed by Linn Smith; and the 1982 building was designed by Gunnar Birkerts.

The main purpose of this RFP is to secure design development, construction drawings, bidding assistance, and construction administration services for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on a concept plan previously developed. That design is detailed in Attachment E.

#### **Program Confirmation**

- 1) Assist Library in determination of responsibilities, procedures, and schedule requirements. The Architect will be responsible for documentation of all meetings associated with the Project.
- 2) Review existing studies, space programming, layouts and designs provided by Library with regard to the Scope of Work of the project. Provide early advice to the Library on possible changes to the objectives to assure feasibility, quality, meeting cost budget, and minimizing reductions in service during construction.

3) Confirm with Library the professional fees and the schedule.

#### PHASE 1

#### **Design Development**

- Based on the conceptual/schematic designs of January 27, 2018, develop Design Development Documents for the Library's approval. The process will include meetings with Library staff to hear their opinions, meetings with Library administration and the Library Board Building Committee, and a presentation to the Library Board.
- 2) The Design Development Documents shall illustrate and describe the development of the approved Schematic Design Documents and shall consist of drawings and other documents—including plans, sections, elevations, typical construction details, and diagrammatic layouts of building systems—to fix and describe the size and character of the Project as to architectural; interior design; structural, mechanical, and electrical systems; and landscaping (children's terrace, children's garden, landscaping along Bates Street, etc.)—including lighting, acoustics, and internal materials and finishes--and such other elements as may be appropriate. The Design Development Documents shall also include outline specifications that identify major materials and systems and establish in general their quality levels.
- 3) The Architect shall update cost estimates (including a line-by-line breakout of all fees, architectural costs, construction costs, furnishings, shelving, technology, and construction and design contingencies) and submit them to the Library.
- 4) The Architect shall update the project phasing plan and construction timeline and submit those to the Library.
- 5) The Architect shall provide renderings of internal and external features suitable for public viewing and preliminary code compliance review by the City's Building Department.
- 6) The Architect shall ensure that all proposed work—including mechanical and electrical—will not compromise possible future modifications and additions to the building.

7) The Library will determine, in consultation with the Architect, if a library planning consultant is needed and, if so, the extent of the involvement.

#### **Construction Documents**

- 1) Construction documents shall include, but not be limited to, detailed civil, architectural, engineering, and shop drawings for the construction of this project.
- 2) Based on the Library's approval of the Design Development Documents and the Library's authorization of any adjustments in the Project requirements and the budget for the cost of work, the Architect shall prepare Construction Documents for the Library's approval.
- 3) The process will include meetings with Library staff, the Library Board Building Committee and the City's Building Department.
- 4) The Construction Documents shall illustrate and describe the further development of the approved Design Development Documents and shall consist of drawings, specifications, and structural calculations, setting forth in detail the quality levels of materials and systems. Any and all terms and conditions associated with construction documents will be subject to the review and approval of the City.
- 5) The Architect shall provide 4 sets of the competed construction documents to the City's Building Department for code compliance review.
- 6) The Architect shall make any necessary updates to the cost estimates.
- 7) The Architect shall ensure that all work proposed—including mechanical and electrical—will not compromise possible future modifications and additions to the building.
- 8) Design Development and Construction Documents shall be completed by December 20, 2018.

#### PHASE 2

#### **Bidding Assistance**

- 1. The Architect, following the approval of the Construction Documents and the latest preliminary cost estimate of construction cost, shall assist the Client in obtaining bids and shall assist in the bidding process by:
  - a) Assisting the Client in the preparation of the Architectural specifications for the City's bid documents.
  - b) Assisting the Client by participating in a mandatory pre-bid meeting with bidders for construction.
  - c) Assisting the Client in the preparation of responses to questions from the prospective bidders and providing clarifications and interpretations of the bidding specification documents to all prospective bidders in the form of addenda.
  - d) Assist in the evaluation of bids for the selection of a construction contractor.

#### **Construction Administration**

- The Architect shall assist the City in providing administration of the construction project. The Architect's responsibility to provide assistance under this section of the Scope of Work shall commence upon the award of the initial contract for construction and terminates upon the payment of the final payment to the construction contractor.
- 2. The Architect shall be a representative of and shall advise and consult with the City during the administration of the contract for construction. The Architect shall regularly advise and consult with the City during the construction phase.
- 3. The Architect shall visit the site and may be accompanied by a representative of the City's Building Department at intervals appropriate to the stage of construction, or as otherwise agreed by the City and Architect, (1) to become generally familiar with and to keep the City informed about the progress and quality of the portion of the work completed, (2) to endeavor to guard the City against defects and deficiencies in the work, and (3) to determine in general if the work is being performed in a manner indicating that the work, when fully completed, will be in accordance with the contract documents. However, the Architect shall not be required to make exhaustive continuous on-site inspections to check the quality or quantity of work. The Architect shall neither have control over or charge of, not be responsible for, the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the work.

- 4. The Architect shall report to the City all known deviations from the contract documents and from the most recent construction schedule submitted by the construction contractor. However, the Architect shall not be responsible for the construction contractor's failure to perform work in accordance with the requirements of the contract documents. The Architect shall be responsible for the Architect's negligent acts or omissions, but shall not have control over or charge of and shall not be responsible for acts or omissions of the construction contractor, subcontractors, or their agents or employees, or of any acts of any other persons or entities performing portions of the work.
- 5. The Architect shall, at times outlined in this RFP, have access to the construction site to facilitate its visits.
- 6. Except for code compliance or permit related issues as deemed necessary by the City, the Architect shall serve as the primary contact in communicating with the construction contractor concerning matters arising out of or relating to the construction documents. Communications by and with the Architect's consultants shall be through the Architect.
- 7. The Architect has the authority to reject work that does not conform to the contract documents, following consultation with the City.
- 8. The Architect shall review and respond to requests for information about the contract documents.
- 9. The Architect shall maintain a record of submittals and copies of submittals supplied by the construction contractor.
- 10. The Architect may authorize minor changes in the work that are consistent with the intent of the contract documents and do not involve an adjustment in the contract sum or an extension of the contract time, upon review and approval by the City and Library.
- 11. The Architect shall conduct inspections to determine the date or dates of substantial completion and the date of final completion.
- 12. The Architect shall prepare change orders and construction change directives, with supporting documentation and data if deemed necessary by the City for the City's approval and execution in accordance with the construction documents.
- 13. The Architect shall review and certify the amounts due the construction contractor to the designated City representative.

### **ATTACHMENT A - AGREEMENT**

# For Expansion and Renovation of Youth Services Section of Baldwin Public Library

This AGREEMENT, made thisday of, 2018, by and between CITY OF BIRMINGHAM, having its principal office at 151 Martin Street, Birmingham MI (hereinafter sometimes called "City/Library"), and, Inc., having its principal office at (hereinafter called "Architect"), provides as follows:
WITNESSETH: WHEREAS, the City of Birmingham, in conjunction with the Baldwin Public Library, is desirous of having work completed to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the approved concept plan of January 27, 2018.
WHEREAS, the City/Library has heretofore advertised for bids for the procurement and performance of services required to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the approved conceptual/schematic designs of January 27, 2018, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.
WHEREAS, the Architect has professional qualifications that meet the project requirements and has made a bid in accordance with such request for cost proposals to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the approved conceptual/schematic designs of January 27, 2018.
NOW, THEREFORE, for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:
1. It is mutually agreed by and between the parties that the documents consisting of the Request for Proposal to perform design development, creation of construction drawings, provide bidding assistance, and construction administration for the expansion and renovation of the Youth Services section of the Baldwin Public Library, based on the approved conceptual/schematic designs of January 27, 2018, and the Architect's cost proposal dated, 2018 shall be incorporated herein by reference and

shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFP.

2.	The C	City/L	ibra	ry shall p	ay the	Architect	for the	perf	orma	ance o	f th	is Aç	greement i	in
an	amount	not	to	exceed			,	as	set	forth	in	the	Architect	'S
		, 2	:018	3 cost pro	posal.									

- 3. This Agreement shall commence upon execution by both parties, unless the City/Library exercises its option to terminate the Agreement in accordance with the Request for Proposals.
- 4. The Architect shall employ personnel of good moral character and fitness in performing all services under this Agreement.
- 5. The Architect and the City/Library agree that the Architect is acting as an independent Architect with respect to the Architect's role in providing services to the City and Library pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Architect nor its employees shall be construed as employees of the City or Library. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City/Library nor the Architect shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Architect shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City/Library, or be deemed an employee of the City/Library for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City/Library.
- 6. The Architect acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Architect recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City/Library. Therefore, the Architect agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Architect shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Architect further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Architect agrees to perform all

services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.

- 8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Architect without the prior written consent of the City/Library. Any attempt at assignment without prior written consent shall be void and of no effect.
- 10. The Architect agrees that neither it nor its subcontractors will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Architect shall inform the City/Library of all claims or suits asserted against it by the Architect's employees who work pursuant to this Agreement. The Architect shall provide the City/Library with periodic status reports concerning all such claims or suits, at intervals established by the City/Library.
- 11. The Architect shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
- 12. The Architect shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Architect shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: Architect shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Architects Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. <u>Motor Vehicle Liability</u>: Architect shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence

- combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
- D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham and the Baldwin Public Library, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
- E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Architect will provide services that are customarily subject to this type of coverage.
- F. <u>Pollution Liability Insurance</u>: Architect shall procure and maintain during the life of this Agreement, Pollution Liability Insurance, with limits of liability of not less than \$1,000,000, per occurrence preferred, but claims made accepted.
- G. Owners Architects Protective Liability: The Architect shall procure and maintain during the life this contract, an Owners Architects Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham and the Baldwin Public Library shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- H. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- Proof of Insurance Coverage: Architect shall provide the City of Birmingham, at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;

- 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
- 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- J. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Architect shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- K. <u>Maintaining Insurance</u>: Upon failure of the Architect to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
- 13. To the fullest extent permitted by law, the Architect and any entity or person for whom the Architect is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham and the Baldwin Public Library, their elected and appointed officials, employees and volunteers and others working on behalf of the City/Library against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Birmingham and the Baldwin Public Library, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham and the Baldwin Public Library, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City/Library.
- 14. If, after the effective date of this Agreement, any official of the City or Library, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Architect, the City/Library shall have the right to terminate this Agreement without further liability to the Architect if the disqualification has not been removed within thirty (30) days after the City or Library has given the Architect notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- 15. If Architect fails to perform its obligations hereunder, the City/Library may take any and all remedial actions provided by the general specifications or otherwise permitted by law.
- 16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

For the City: For the Library: For the Architect:

City of Birmingham Baldwin Public Library
Attn: City Manager Attn: Library Director
151 Martin Street 300 West Merrill St.
Birmingham, MI 48009 Birmingham, MI 48009

- 17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.
- 18. <u>FAIR PROCUREMENT OPPORTUNITY:</u> Procurement for the City/Library will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City/Library.

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:	ARCHITECT
	By:
	CITY OF BIRMINGHAM
	By: Andrew Harris Its: Mayor

	By:
	Cherilynn Mynsberge Its: City Clerk
Approved:	
Joe Valentine, City Manager (Approved as to substance)	
Timothy J. Currier, City Attorney (Approved as to form)	
Mark Gerber, Director of Finance (Approved as to financial obligation)	-
Doug Koschik, Library Director (Approved as to substance)	

#### ATTACHMENT B - BIDDER'S AGREEMENT

# For Expansion and Renovation of Youth Services Section of Baldwin Public Library

In submitting this proposal, as herein described, the Architect agrees that:

- 1. They have carefully examined the specifications, terms and Agreement of the Request for Proposal and all other provisions of this document and understand the meaning, intent, and requirement of it.
- 2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

PREPARED BY (Print Name)	DATE
TITLE	DATE
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
COMPANY	
ADDRESS	PHONE
ADDRESS	PHONE
NAME OF PARENT COMPANY	PHONE
NAME OF FAREIT COMPANY	THORE
ADDRESS	

### **ATTACHMENT C - COST PROPOSAL**

# For Expansion and Renovation of Youth Services Section of Baldwin Public Library

In order for the bid to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work shall be itemized by a dollar amount based on the Phases and elements included in this Request for Proposal as follows:

COST PROPOSAL				
ITEM	BID AMOUNT			
Phase 1				
Design Development	\$			
Construction Documents	\$			
Phase 2				
Bidding Assistance	\$			
Construction Administration	\$			
TOTAL BID AMOUNT	\$			

Firm Name	
Authorized signature	Date

# ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM For Expansion and Renovation of Youth Services Section of

xpansion and Renovation of Youth Services Section of Baldwin Public Library

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the Library accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a bid for consideration by the Library.

PREPARED BY	DATE
(Print Name)	
TITLE	DATE
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
COMPANY	
ADDRESS	PHONE
NAME OF PARENT COMPANY	PHONE
ADDRESS	
TAYPAYER I D #	

#### ATTACHMENT E - CONCEPTUAL/SCHEMATIC ESTIMATES & DESIGNS

# For Expansion and Renovation of Youth Services Section of Baldwin Public Library

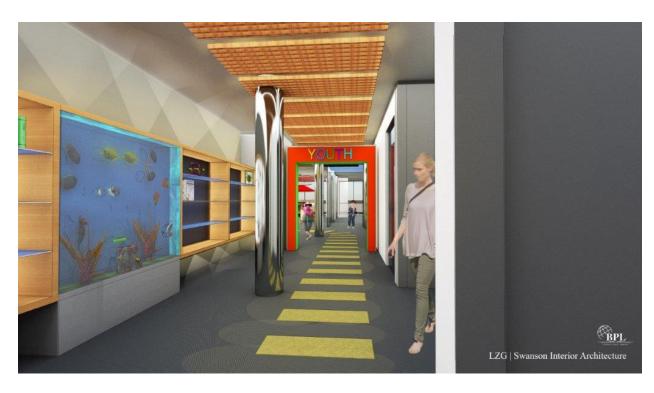
By the end of the conceptual/schematic stage, the Library decided that the orientation of the shelving should be east-west, rather than north-south. The first rendering in this section—the aerial view—is from an early stage in the process and shows the shelving positioned north-south. Therefore, that aspect of the rendering should be considered incorrect. The three plans illustrating the interior layout of the Youth Room show the shelving positioned east-west. They are correct.

The expansion and renovation of the Youth Room is Phase 2 of a proposed threephase project. The last plan in this section shows Phase 2 (in blue) in relation to Phase 1 (already completed) and Phase 3 (proposed for 2022-2023).

# Youth Room Expansion and Renovation Cost Estimates as of January 2018

The cost of the project, in 2019 dollars, is estimated to be \$2,231,000. The *total* cost, in 2019 dollars, *including owner's contingency*, is estimated to be \$2,348,000.









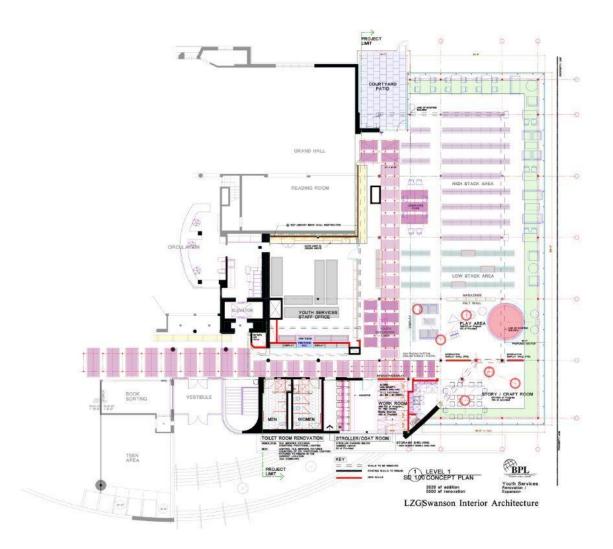


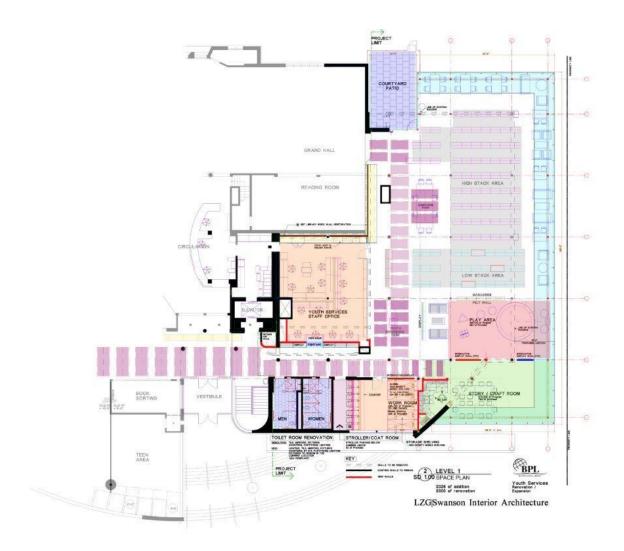


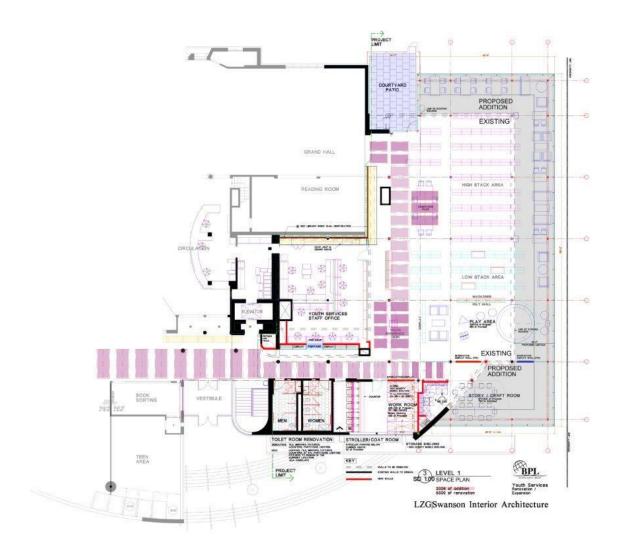




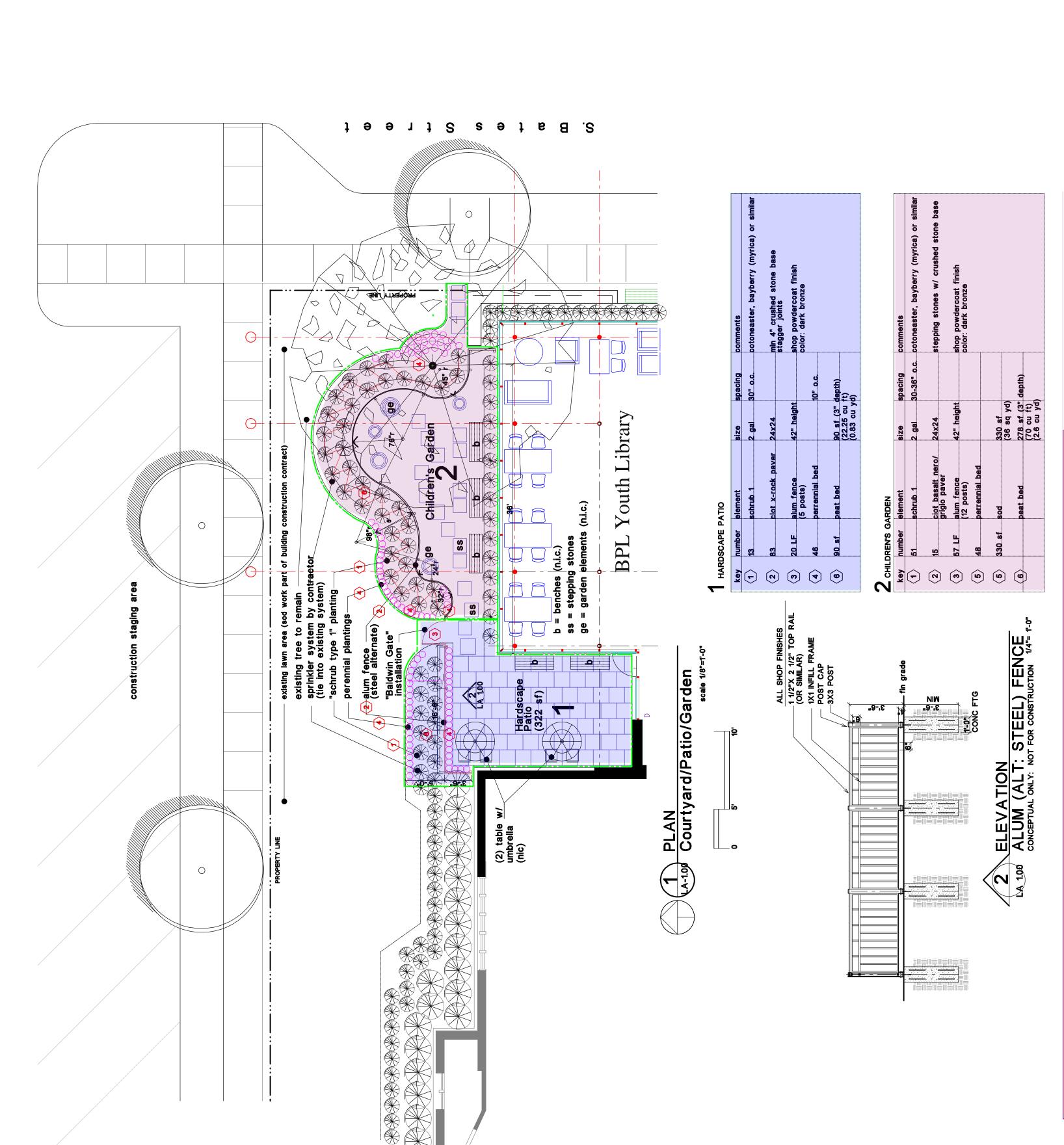








Project Num 3017



Luckenbach

Ziegelman

Gardner

Architects

PLLC

555 South Old Woodward Ave. Birmingham, Michigan 48009

248.644.0600 248.642.3990 Youth Services Renovation / Expansion

Garden + Courtyard

Children's

MOT FOR CONSTRUCTION

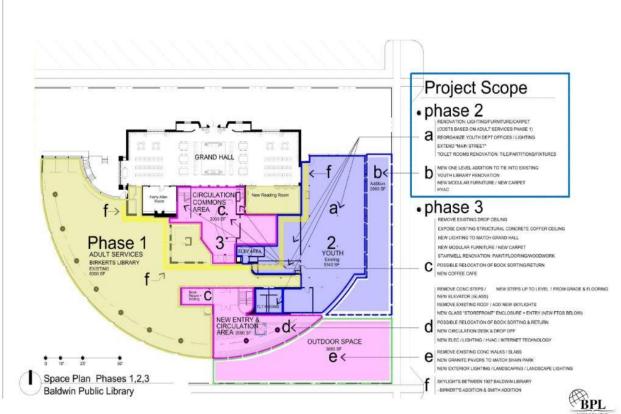
**BEVIEW** 

300 West Merrill Street Birmingham, MI 48009

LIBRARY

**PUBI** 

O



Luckenbach | Ziegelman | Gardner Architects

# ATTACHMENT F - GEOTECHNICAL INVESTIGATION

# For Expansion and Renovation of Youth Services Section of Baldwin Public Library

The following report was prepared by Testing Engineers & Consultants, Inc., 1343 Rochester Road, P.O. Box 249, Troy, Michigan 48099, in February 2018.

## Baldwin Public Library 300 W. Merrill Street Birmingham, Michigan 48009

## GEOTECHNICAL INVESTIGATION

**FOR** 

Proposed Youth Services Renovation/Addition Baldwin Public Library 300 W. Merrill Birmingham, Michigan

TEC Report: 58620

By:

Testing Engineers & Consultants, Inc. 1343 Rochester Road P.O. Box 249 Troy, Michigan 48099-0249 (248) 588-6200

February 21, 2018

TEC Report: 58620

Date Issued: February 21, 2018

Mr. Doug Koschik, Director Baldwin Public Library 300 W. Merrill Street Birmingham, Michigan 48009

Re: Geotechnical Investigation for

Proposed Youth Services Renovation/Addition

Baldwin Public Library

300 W. Merrill

Birmingham, Michigan

Dear Mr. Koschik:

Please find enclosed the results of a geotechnical investigation performed at the above referenced site. This geotechnical report presents our field and laboratory results; engineering analysis; and our recommendations for design of foundation and slabs, as well as important construction considerations.

As you may know, Testing Engineers & Consultants, Inc. (TEC) has fifty one years of experience in Quality Control Testing and Construction Inspection. We would be pleased to provide any of these services on this project.

Should you have any questions regarding this report, please let us know. It has been a pleasure to be of service to you.

Respectfully submitted,

TESTING ENGINEERS & CONSULTANTS, INC.

Carey J. Suhan, P.E.,

Vice President, Geotechnical & Environmental Services

CJS/ln Enclosure

cc: Luckenbach/Ziegelman/Gardner Architects, Attn: Mr. John Gardner

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#### 1.0 INTRODUCTION

This report presents the results of a geotechnical investigation for the proposed Baldwin Public Library renovation/addition located at 300 W. Merrill in Birmingham, Michigan. Authorization to perform this investigation was given by Mr. Doug Koschik, Director, Baldwin Public Library in a signed copy of TEC Proposal 060-18-0001 dated January 3, 2018.

Based on information provided, we understand that the project will consist of construction of a single story building addition on a crawl space to match the existing building. The addition will be mostly on the east side of the existing building and loads are expected to be moderate.

The footprint of the proposed addition will be 2,026 square feet and the renovation area will be 5,500 square feet. The addition will be built at the eastern area of the existing library building. The present ground elevation is about +780 feet and the existing floor slab over the crawl space is 786.65 feet.

The architects also requested that as an option the crawl space is not to be constructed and the floor slab for the addition be supported on engineered fill at the required elevation in order to match the elevation of the existing floor slab.

The purpose of this investigation was to obtain information necessary to determine basic engineering properties of soils at the site through a series of test borings and laboratory tests performed on the soil samples obtained during the field investigation. This information has been evaluated to provide the general recommendations for site development preparations, foundation requirements, floor slab designs and other geotechnical information.

#### 2.0 FIELD INVESTIGATION

Three test borings were drilled on the site at the locations shown on the Test Boring Location Plan. The locations are accurate to within a short distance of the locations shown on the location plan included in the appendix. The location of the test borings was given to us by the architect. The test borings were drilled on February 6 and 7, 2018 with truck-mounted auger equipment to a depth of 25 feet.

Drilling methods and standard penetration tests were performed in general accordance with the current ASTM D1452 and D1586 procedures, respectively. These procedures specify that a standard 2-inch O.D. split-barrel sampler be driven by a 140-pound hammer with a free fall of 30 inches. The number of hammer blows required to drive the split-barrel sampler through three successive 6-inch increments is recorded on the Test Boring Log. The first 6-inch increment is used for setting the sampler firmly in the soil and the sum of the hammer blows for the second and third increments is referred to as the "Standard Penetration Index" (N). N values were obtained with an automatic trip hammer.

#### 2.0 FIELD INVESTIGATION (Cont'd)

From the standard penetration test a soil sample is recovered in the liner sampler tubes that are located inside the split-barrel sampler. Upon recovery of a soil sample, the liner tubes are removed from the split-barrel sampler and placed in a container which is sealed to minimize moisture losses during transportation to the laboratory. Standard penetration tests are usually made at depths of 2 ½, 5, 7 ½ and 10 feet and at 5-foot depth intervals thereafter. These parameters may vary for a given project depending on the nature of the subsoils and the geotechnical information required.

#### 3.0 LABORATORY TESTING

The laboratory testing consisted of determining the unconfined compressive strength, the natural bulk density and the natural moisture content of the soil samples recovered in the liner sampler tubes. In the unconfined compression tests, the compressive strength of the soil is determined by axially loading a soil sample until failure is observed or 15% strain, whichever occurs first. The above referenced test data are recorded on the boring logs. Some test results may deviate from the norm because of variations in texture, imperfect samples, presence of pebbles and/or sand streaks, etc. The results are still reported although they may not be relevant.

The particle size distribution of three granular soil samples was also determined. The distribution provides estimates of the permeability and permeability-related behavior of the granular soils. The results are included in the appendix.

The laboratory test results apply to the samples tested and some results may not be representative of the soil mass because of variations in composition and texture, as well as imperfect samples and presence of pebbles and/or sand streaks in cohesive samples, etc.

Samples taken in the field are retained in our laboratory for 60 days and are then destroyed unless special disposition is requested by the client. Samples retained over a long period of time are subject to moisture loss and are then no longer representative of the conditions initially encountered.

#### 4.0 GENERAL SUBSURFACE CONDITIONS

#### 4.1 Subsoil Conditions

The soil conditions encountered in the borings are presented on the individual boring logs. Each log presents the soil types encountered at that location as well as laboratory test data, ground water data, and other pertinent information. Descriptions of the various soil consistencies, relative densities and particle sizes are given in the Appendix. Definitions of the terms and symbols utilized in this report may be found in ASTM D653.

#### 4.1 Subsoil Conditions (Cont'd)

The subsurface conditions encountered in the borings may be generalized as follows for purpose of analysis. Please refer to the limitations regarding the uncertainties involved in such a generalization.

Stratification lines shown on the boring logs are approximate indications of change from one soil type to another and are not intended to represent an area of exact geological change.

The strata encountered are described below:

#### Concrete

A concrete slab 4 inches thick was encountered in Boring No. 3 overlying a layer of dark brown sand.

#### Dark Brown Sand Fill To Possible Fill

A layer of dark brown sand and trace of gravel (with some topsoil in Boring No. 2) was encountered in all borings. This layer extends a depth of 3 feet.

Standard penetration values in the dark brown sand range from 5 to 10 blows per foot. Bulk densities range from 101 to 125 pounds per cubic foot (pcf) with moisture contents range from 9 percent to 17.2 percent of the dry weight of the soil.

#### Brown Medium To Fine Sand

A deposit of brown medium to fine sand with some silt and trace of gravel is present below the fill and possible fill. This deposit extends to a depth of 14.5 feet in Boring No. 1 to 17 feet in Boring No. 3.

Standard penetration values range from 3 to 38 blows per foot. Bulk densities range from 102 to 127 pcf with moisture contents of 2.1 percent to 18.8 percent of the dry weight of the soil. The higher moisture contents may indicate the presence of silt or clay in the granular soils.

### **Gray Clay With Some Silt**

A deposit of moist gray clay with some silt and trace of gravel was found below the sand and continues to the end of the test borings (25').

Standard penetration values range from 10 to 15 blows per foot with unconfined compressive strengths of 2,310 to 6,180 psf. Bulk densities range from 120 to 137 pcf with moisture contents of 14 percent to 32.6 percent of the dry weight of the soil.

#### 4.2 Ground Water Observations

Water level readings were taken in the bore holes during and after the completion of drilling. These observations are noted on the respective Test Boring Logs. Ground water was first encountered at depths ranging from 13'3" in Boring No. 3 to 14' in Boring No. 2. At completion of the borings and removal of the augers, Boring No. 2 caved at 13'4". Ground water was measured in Boring No. 3 at 12'2". No ground water was noted in Boring No. 1, at the completion of the boring.

It should be noted that short-term ground water observations may not provide a reliable indication of the actual ground water table. In clayey soils this would be due to the slow rate of infiltration of water into the borehole as well as the potential for water to become trapped in overlying layers of the granular soils during periods of heavy rainfall. It should be expected that ground water levels fluctuate with seasonal and climatic changes. Elevations of gray colored soils tend to indicate a ground water level of long term low static water table.

#### 5.0 ANALYSIS AND RECOMMENDATIONS

### **5.1** Proposed Development

The proposed development is to consist of a single story addition mostly at the east side of the existing Baldwin Public Library. The single story building addition will have a crawl space to match the existing building. The footprint of the addition will be about 2,026 square feet. Renovations will take place in areas with total footprint of about 5,500 square feet. The elevation of the floor slab of the addition will be the same as that of the floor slab of the existing library.

### **5.2** Ground Water Conditions

The position of water levels found in test borings may vary somewhat depending on seasonal precipitation. At the level encountered in the borings, it should present little problems for design or construction of foundations of the addition. We have assumed that the utilities are in place. Any seepage water encountered during construction should be controllable by direct pumping from excavations.

### **5.3** Recommended Earthwork Operations

Within the limits of areas to be developed, the surface concrete, vegetation and topsoil should be removed prior to the site being graded. Areas which will receive surface pavements should then be rolled with a vibrating roller to consolidate the loose sand. This should be followed by a proofroll to identify soft or yielding areas. Small equipment will likely need to be used in the crawl space area.

#### **5.3** Recommended Earthwork Operations (Cont'd)

Care should be taken during the use of the vibrating roller to avoid damaging the existing building. It may be possible to stabilize soft areas with crushed stone or concrete. Soft spots that cannot be stabilized should be removed and replaced with compacted engineered fill.

Engineered backfill required for construction excavations or fill required to achieve desired grades should preferably consist of clean and well graded granular soils. On-site material could be satisfactory for use, particularly for balancing and grading the site if they are approved by the geotechnical engineer. Fill should be placed in uniform layers not more than 9 inches in thickness with the soils in each layer compacted to a minimum of 95% of the maximum density as determined by ASTM D-1557. Fill should be at approximately the optimum moisture content during placement and compaction. Furthermore, frozen material must not be used as fill and fill should not be placed on frozen ground.

Since the surface soils are predominantly sands, lateral support structure or side sloping with a minimum 1 ½H:1V ratio will be required for the anticipated excavations. Care must be exercised when excavating adjacent to existing foundations to avoid undermining them. Soils exposed in the bases of all satisfactory foundation excavations should be protected against any detrimental change in conditions such as from disturbances, rain or freezing. Surface run-off water should be drained away from the excavations and not be allowed to pond. If possible, all footing concrete should be placed the same day the excavation is made. If this is not possible, the footing excavations should be adequately protected.

#### **5.4** Foundation Recommendations

The on-site soils are generally acceptable for support of the proposed structure on shallow foundations. Local building codes and climatic conditions require that exterior foundations be placed at a minimum depth of 3 ½ feet below finished grade to provide for adequate frost protection. Interior foundations may be below the floor at a lesser depth if not exposed to frost penetration. In any case, the footings should be deep enough to bear on original soil below the fill. At minimum depths, foundations both interior and exterior can be designed for a maximum net allowable bearing pressure of 1,500 psf.

In the area of Boring No. 3, a very loose layer of moist brown sand with trace of gravel was encountered at a depth of 3 to  $5\frac{1}{2}$  feet below existing ground surface. It is recommended that the foundations in the area be extended to  $5\frac{1}{2}$  to 6 feet.

The recommended design bearing pressure should provide a factor of safety of about 2.5 to 3 against shear failure and limit differential settlements between adjacent columns to less than 3/4 inch.

Alternatively all of the foundations could be extended to a depth of 6 ½ feet and be designed for a net allowable bearing capacity of 2,500 psf.

At areas where the new foundations abut existing foundations the new foundations should be sloped in order to place the new foundations at the same elevations as the existing foundations.

#### **5.4** Foundation Recommendations (Cont'd)

To minimize the lateral earth pressure on the crawl space walls, the walls should be backfilled with clean sand fill. Material meeting MDOT Class II grading requirements or approved alternate should suffice. Care should be exercised to limit the compaction of the backfill in order to avoid overstressing the walls. Light compaction equipment and thin fill lifts should be used.

The walls should be designed to resist the at-rest lateral pressure imposed by the granular fill, i.e., they should be designed against the pressure from a liquid with an equivalent fluid weight of 60 pcf. This value assumes that a properly installed and maintained perimeter drain will eliminate the water pressure on the wall.

From a review of the borings and assumptions made about the lower lying soils a seismic site class of D is recommended for design. It is assumed that the lower lying soils below the bottom of the borings have an average N value between 15 and 50 and shear strengths between 1000 psf and 2000 psf. This appears to be a reasonable assumption from general geology of the area. This is based off of the Michigan Building Code, which incorporates the International Building Code.

#### 5.5 Floor Slabs and Pavements

The subgrade resulting from the site preparation, as outlined in the recommended earthwork operations section, will provide a fair subgrade for support of pavements and floor slabs. The pavements should be sloped and shaped in order to provide effective surface drainage and prevent water ponding.

Floor slabs, sidewalks and other concrete pavements should be placed on a minimum of 4 inches of clean compacted sand meeting MDOT Class II specifications or MDOT 21AA which will remain more stable during concrete placement.

In the event that a crawl space is not to be used and the floor slab in the area of the addition is to be placed on engineered fill, the fill should be prepared as per the recommendations given in the Earthwork Preparation section. Furthermore, the following considerations should be made as outlined below.

Exposed subgrades deteriorate over time, however, and if left alone for a while the prepared subgrade should again be thoroughly proofrolled immediately prior to placement of fill to raise the grade to verify its suitability. Any disturbed materials encountered during the proofroll should be re-compacted or removed and replaced with engineered fill. Subgrade soils for slabs on grade and pavements should be protected against frost during winter construction. Any frozen soils should be thawed and compacted, or removed and replaced with engineered fill prior to slab-on-grade and pavement construction.

#### 5.5 Floor Slabs and Pavements (Cont'd)

To permit slab settlement without damaging other structural elements, the slab should be detailed with isolation joints at walls and around footings. As an alternate to construction of isolation joints at column footings, the footings could be separated from the slab with a minimum of six inches of compacted granular fill. Based upon the encountered subgrade soils, the stipulated subgrade preparation procedures and the expected fill to raise the grade, an estimated standard Modulus of Subgrade Reaction (30-inch diameter plate) of 150 pounds per cubic inch may be used for design. To improve the uniformity of support, the slab should be placed on a minimum of six inches of clean compacted granular fill meeting MDOT Class II grading requirements or dense graded crushed aggregate.

The slab performance can be improved through a number of details. Shrinkage cracks can be controlled by installing welded wire fabric in the slab. Cracking can also be reduced through the use of control joints.

Water vapor normally passes through concrete and evaporates from its surface if the concrete is not sealed. Even good quality, well-consolidated concrete is not impermeable to the slow passage of water vapor. Many floor coverings and floor finishes/seals are impermeable, that is, they act like a vapor retarder and the build-up of moisture beneath them is likely to damage the covering/finish. Even when such coverings/finishes are not used, moisture can condense beneath objects on the floor promoting creation of mildew and molds. Furthermore, where the subgrade consists of saturated cohesive soils, water from curing concrete can increase the moisture in the subgrade soils and, in turn, decrease their modulus of subgrade reaction.

For the above reasons, we generally recommend that damp-proofing in the form of a vapor retarder be provided beneath floor slabs that will receive an impermeable floor covering/finish as well as where the floor/room will be used for a purpose that makes passage of water through the floor undesirable. In any event we recommend placement of a vapor retarder beneath the crawl space floor or directly on the crawl space if a floor slab is not constructed.

It should be understood that placement of a vapor retarder beneath a concrete slab reduces but does not eliminate moisture transmission through the slab and suppliers of potential floor covering/finish should be consulted with regard to moisture transmission tolerances. We recommend that the vapor retarder be placed in accordance with American Concrete Institute (ACI) recommendations.

#### 5.6 Limitations

The field and laboratory data, analysis and recommendations presented in this report are based on the field conditions during the time of this investigation. These conditions are not expected to change except maybe near the excavations of existing foundations.

#### 5.6 Limitations (Cont'd)

Based on our field and laboratory data these conditions are indicative of the site. Changes and unforeseen conditions may be encountered during the construction period due to unforeseen conditions (during the field investigation) and ground changes during construction. Therefore, a geotechnical engineer familiar with the site should be present to ensure that proper construction procedures are used.

#### 6.0 DESIGN REVIEW AND FIELD MONITORING

The evaluations and recommendations presented in this report relative to site preparation and building addition foundations have been formulated on the basis of assumed and provided data relating to the location, type and finished grades for the proposed structure and adjacent areas. Any significant change in this data should be brought to our attention for review and evaluation with respect to the prevailing subsoil conditions.

When the building addition and foundation plans are finalized, a consultation should be arranged with us for a review to verify that the evaluations and recommendations have been properly interpreted.

Soil conditions at the site could vary from those generalized on the basis of test borings made at specific locations. It is therefore recommended that Testing Engineers & Consultants, Inc. be retained to provide soil engineering services during the site preparation, excavation and foundation phases of the proposed project. This is to observe compliance with the design concepts, specifications and recommendations. Also, this provides opportunity for design changes to be made in the event that subsurface conditions differ from those anticipated prior to the start of construction.

Harry I. Papadopoulos, PhD Senior Project Engineer

HIP/CJS/ln I:\gs\Job Files\58600-58699\58620\58620.doc Carey J. Suhan, PE Vice President, Geotechnical & Environmental Services

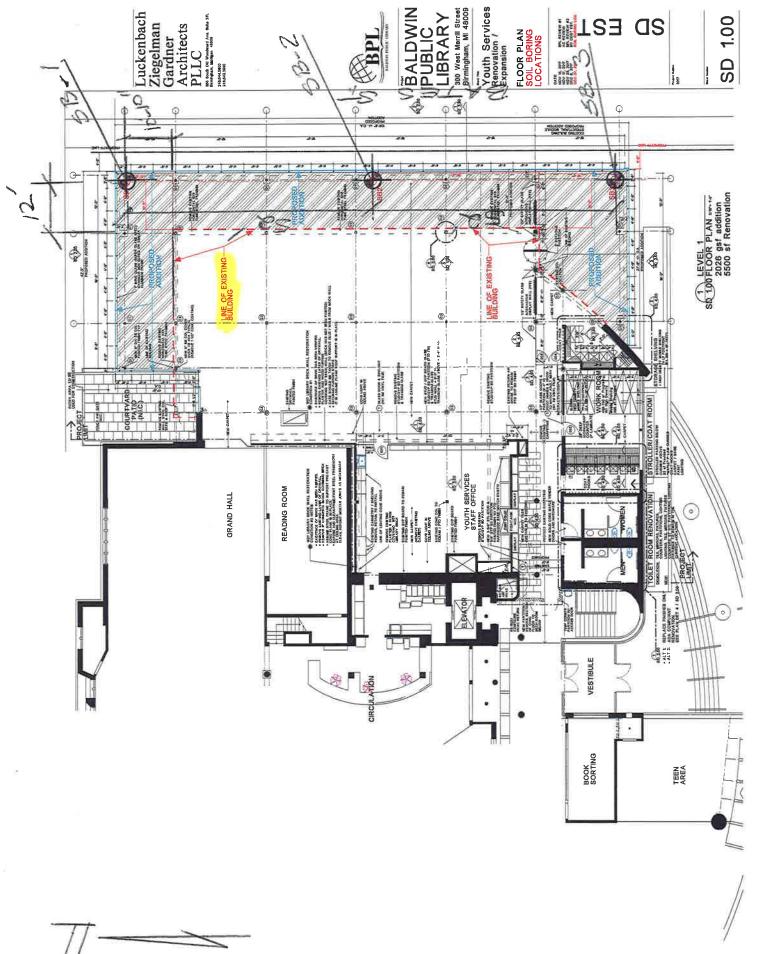
# **APPENDIX**

Test Boring Location Plan

Logs Of Test Borings

Sieve Analysis Results

General Notes For Soil Classification





Testing Engineers & Consultants, Inc. 1343 Rochester Road - PO Box 249 - Troy, Michigan - 48099-0249 (248) 588-6200 or (313) T-E-S-T-I-N-G Fax (248) 588-6232

Drilled By: I. Mickle

Boring No.: 1 Job No.: 58620

Client: Baldwin Public Library Location: Birmingham, Michigan

Type of Rig: Truck Drilling Method: Solid Stem Augers

Started: 2/6/2018

**Ground Surface Elevation: Completed: 2/6/2018** 

Depth (ft)	Sample Type	N	Strata Change	Soil Classification	w	d	qu
2.5—	LS	4 3 2	3	Loose Moist Dark Brown Sand With Trace Of Gravel-FILL	9.0	101	
5.0 —	LS	3 4 3		Loose Moist Brown Medium To Fine SAND With Some Silt & Trace Of Gravel	7.1	116	
7.5—	LS	4 3 4	6	Loose Moist Brown Medium To Fine SAND With Some Silt & Trace Of Gravel	3.2	104	
- - 10.0 —	LS	2 3 4			9.6	102	
12.5— 12.5— - - 15.0—	LS	5 6 8	13.5 14.5 16	Medium Compact Wet Brown Clayey Fine SAND  Stiff Moist Variegated CLAY With Some Silt	17.1	126	2310
17.5— 17.5— - - - 20.0—	LS	4 6 8		Stiff Moist Gray CLAY With Some Silt & Trace Of Gravel	14.0	137	5770
- 22.5 — - - - -	LS	3 5 7	25		14.7	131	4780
SS - 2" ).	idard Penetrat D. Split Spoor	Sample	e w - H2O, d - Bulk l	Bottom of Borehole at 25' Water Enco Density, pcf	ountered:	13'6"	
ST - She AS - Aug	tional Liner Sa lby Tube Sam er Sample	ole	qu - Unco DP - Dire RC - Roc			9	

Project: Proposed Youth Services Renovation/Addition



Testing Engineers & Consultants, Inc. 1343 Rochester Road - PO Box 249 - Troy, Michigan - 48099-0249 (248) 588-6200 or (313) T-E-S-T-I-N-G Fax (248) 588-6232

Project: Proposed Youth Services Renovation/Addition

Boring No.: 2 Job No.: 58620

Client: Baldwin Public Library Location: Birmingham, Michigan

Type of Rig: Truck Drilled By: I. Mickle

Drilling Method: Solid Stem Augers Started: 2/7/2018

**Ground Surface Elevation: Completed: 2/7/2018** 

Depth (ft)	Sample Type	N	Strata Change	Soil Classification	w	d	qu
2.5	LS	3 4 4	2.7	Loose Moist Dark Brown Sand & Topsoil-FILL	12.1	108	
5.0	LS	3 3 3		Loose Moist Brown SAND With Trace Of Gravel	10.9	119	
7.5—	LS	3 5 6	6.5	Medium Compact Moist Brown Fine SAND With Trace Of Gravel & Pebbles	7.9	115	
10.0	LS	3 6 11			5.1	119	
12.5 —	LS	4 8 6	14 14.8	Medium Compact Wet Brown Clayey Fine SAND  Stiff Moist Gray CLAY With Some Silt & Trace Of Gravel	30.7	114	4040
17.5	LS	3 4 6			32.6	120	
22.5— - - - -	LS	4 6 8	25		20.4	127	4200
"N" - Stan SS - 2" ).	dard Penetrat D. Split Spoor	ion Resistanc Sample	e w - H2O, d - Bulk l	Bottom of Borehole at 25'  % of dry weight Density, pcf  Water Enco	untered:	14'0"	
ST - She	D. Split Spoor tional Liner Sa lby Tube Sam er Sample	mple ole	qu - Unco DP - Dire RC - Roc	onfined Compression, psf ct Push At Complet	ion: Cave	d In 13'4"	



Testing Engineers & Consultants, Inc. 1343 Rochester Road - PO Box 249 - Troy, Michigan - 48099-0249 (248) 588-6200 or (313) T-E-S-T-I-N-G Fax (248) 588-6232

Boring No.: 3 Job No.: 58620

Project: Proposed Youth Services Renovation/Addition

Client: Baldwin Public Library

Location: Birmingham, Michigan

Drilled By: I. Mickle

Drilling Method: Solid Stem Augers

Started: 2/6/2018

**Ground Surface Elevation:** 

Type of Rig: Truck

**Completed: 2/6/2018** 

Depth (ft)	Sample Type	N	Strata Change	Soil Classification	w	d	qu
2.5	LS	15 6 4	.33	CONCRETE (4")  Medium Compact Moist Dark Brown SAND-Possible Fill	17.2	125	
5.0 —	LS	2 2 1	5.5	Very Loose Moist Brown Fine SAND With Trace Of Gravel & Silt	4.8	115	
7.5 - 7.5	LS	3 4 7	8	Medium Compact Moist Brown Fine SAND With Trace Of Silt & Clay	2.6	106	
- - - 10.0 -	LS	8 16 22		Compact Moist Brown Medium SAND With Trace Of Gravel & Pebbles	4.0	119	
12.5 <del>-</del> 1-			13.3				
- - 15.0 <del>-</del> -	LS	4 8 12		Medium Compact Wet Brown SAND With Some Clay	18.8	127	
- - 17.5 — - -	LS	4	17	Stiff Moist Gray CLAY With Some Silt & Trace Of Gravel	17.0	132	6180
20.0 <del>-</del> - - - -		6 9					
22.5 — - - - -	LS	4 7 8	0.5		16.8	131	4450
"N" - Stan	dard Penetrat D. Split Spoor	ion Resistanc	25 e w - H2O, d - Bulk	Bottom of Borehole at 25' % of dry weight Density, pcf Density, pcf	ountered:	13'3"	l
LS - Sec ST - She	tional Liner Sa lby Tube Sam	mple	qu - Unco DP - Dire RC - Roo	ct Push At Complete	t <b>ion:</b> 12'2"		
AS - Auger Sample RC - Rock Core  Boring No. 3							

PROJECT: Proposed Youth Services Addition

Baldwin Public Library

Birmingham, Michigan LOCATION:

CLIENT: **Baldwin Public Library**  **TEC REPORT NUMBER: 58620** 

Date Sampled: 2/6/18

DATE: Thursday, February 08, 2018

Brown Medium to Fine Sand With Material Description:

Some Silt, Trace of Gravel

Sample Source / Depth: B-1 @ 5' Sampled By: I. Mickle

Sample Location: TEC Lab Sample Number: 4111

Intended Use: Remarks:

	AGGREGATE ANALYSIS							
Sieve No.	Total Weight Retained	Total Percent Retained	Total Percent Passing	Specification Range	SAMP DAT			
3"					Initial Sample Weight (g)	256.5		
2-1/2"					Weight After Wash (g)	223.1		
1-1/2"					Loss in Weight (g)	33.4		
1"					Loss by Wash (%)	13.0%		
3/4"		0.0	100.0					
1/2"	5.3	2.1	97.9					
3/8"	10.1	3.9	96.1					
#4	23.1	9.0	91.0					
#10	47.7	18.6	81.4					
#20	89.6	34.9	65.1					
#30	114.2	44.5	55.5					
#40	139.5	54.4	45.6		Tested By:	H. Spahiu		
#100	206.6	80.5	19.5		Reviewed By:	G. Putt		
#200	223.1	87.0	13.0					
Total Sample	256.5	100.0	0.0		<u> </u>			
Test Method:	ASTM C117/C136		AASHTO T11/T27		MTM 108/109 X			

Remarks:

Respectfully Submitted: Testing Engineers and Consultants, Inc. **PROJECT:** Proposed Youth Services Addition

Baldwin Public Library

Birmingham, Michigan LOCATION:

CLIENT: **Baldwin Public Library**  **TEC REPORT NUMBER: 58620** 

Date Sampled: 2/6/18

DATE: Thursday, February 08, 2018

Brown Fine Sand With Trace of Material Description:

Gravel & Silt

B-3 @ 5' Sample Source / Depth: Sampled By: I. Mickle

Sample Location: TEC Lab Sample Number: 4112

Intended Use: Remarks:

			AGGREGAT	E ANALYSIS		
Sieve No.	Total Weight Retained	Total Percent Retained	Total Percent Passing	Specification Range	SAMP DATA	
3"					Initial Sample Weight (g)	225.7
2-1/2"					Weight After Wash (g)	216.4
1-1/2"					Loss in Weight (g)	9.3
1"					Loss by Wash (%)	4.1%
3/4"						
1/2"		0.0	100.0			
3/8"	3.6	1.6	98.4			
#4	16.9	7.5	92.5			
#10	27.7	12.3	87.7			
#20	44.4	19.7	80.3			
#30	59.0	26.1	73.9			
#40	86.1	38.1	61.9		Tested By:	H. Spahiu
#100	213.5	94.6	5.4		Reviewed By:	G. Putt
#200	216.4	95.9	4.1			
Total Sample	225.7	100.0	0.0			
Test Method:	ASTM C117/C136		AASHTO T11/T27	•	MTM 108/109 X	

Remarks:

Respectfully Submitted: Testing Engineers and Consultants, Inc. PROJECT: Proposed Youth Services Addition

Baldwin Public Library

Birmingham, Michigan LOCATION:

CLIENT: **Baldwin Public Library**  **TEC REPORT NUMBER: 58620** 

Date Sampled: 2/6/18

DATE: Thursday, February 08, 2018

Brown Fine Sand With Trace of Material Description:

Gravel & Silt

B-3 @ 7.5' Sample Source / Depth: Sampled By: I. Mickle

Sample Location: TEC Lab Sample Number: 4113

Intended Use: Remarks:

	AGGREGATE ANALYSIS							
Sieve No.	Total Weight Retained	Total Percent Retained	Total Percent Passing	Specification Range	SAMP DAT			
3"					Initial Sample Weight (g)	227.3		
2-1/2"					Weight After Wash (g)	216.3		
1-1/2"					Loss in Weight (g)	11.0		
1"					Loss by Wash (%)	4.8%		
3/4"		0.0	100.0					
1/2"	1.1	0.5	99.5					
3/8"	2.1	0.9	99.1					
#4	8.0	3.5	96.5					
#10	12.5	5.5	94.5					
#20	16.6	7.3	92.7					
#30	21.8	9.6	90.4					
#40	40.2	17.7	82.3		Tested By:	H. Spahiu		
#100	211.7	93.1	6.9		Reviewed By:	G. Putt		
#200	216.3	95.2	4.8					
Total Sample	227.3	100.0	0.0					
Test Method:	ASTM C117/C136		AASHTO T11/T27		MTM 108/109 X			

Remarks:

Respectfully Submitted: Testing Engineers and Consultants, Inc.

#### **SOIL DESCRIPTIONS**

In order to provide uniformity throughout our projects, the following nomenclature has been adopted to describe soil characteristics:

#### **CONSISTENCY AND RELATIVE DENSITY**

СОН	ESIVE SOII	LS	GRANUI	LAR SOILS
UNCONFINED COMPRESSIVE STRENGTH, PSF	"N" VALUES	CONSISTENCY	"N" VALUES	RELATIVE DENSITY
Below 500	0 – 2	Very Soft	0 - 4	Very Loose
500 – 1,000	3 – 4	Soft	5 – 10	Loose
1,000 – 2,000	5 – 8	Plastic	11 – 30	Medium Compact
2,000 – 4,000	9 – 15	Firm	31 – 50	Compact
4,000 – 8,000	16 – 30	Stiff	50+	Dense
8,000 – 16,000	31 – 50	Ex. Stiff		
Over 16,000	51+	Hard		

# Material Types By Particle Size ASTM D2487

BOULDERS Stones Over 12" In Diameter
COBBLES Stones 3" To 12" In Diameter

GRAVEL #4 To 3" Diameter
COARSE SAND #10 To #4 Sieves
MEDIUM SAND #40 To #10 Sieves

#### **SOIL DESCRIPTIONS (Cont'd)**

Material Types By Particle Size ASTM D2487

FINE SAND #200 To #40 Sieves

SILT Minus #200 Sieve Material,

Fairly Non-Plastic, Falls Below

"A"-Line

CLAY Minus #200 Sieve Material Plastic

Material That Has A Tendency To Stick Together, Can Be Rolled Into Fine Rods When Moistened;

Falls Above "A"-Line

PEAT Black Organic Material

Containing Partially Decayed

Vegetable Matter

MARL Fresh Water Deposits Of Calcium

Carbonate, Often Containing Percentages Of Peat, Clay

& Fine Sand

SWAMP BOTTOM DEPOSITS Mixtures Of Peat, Marl,

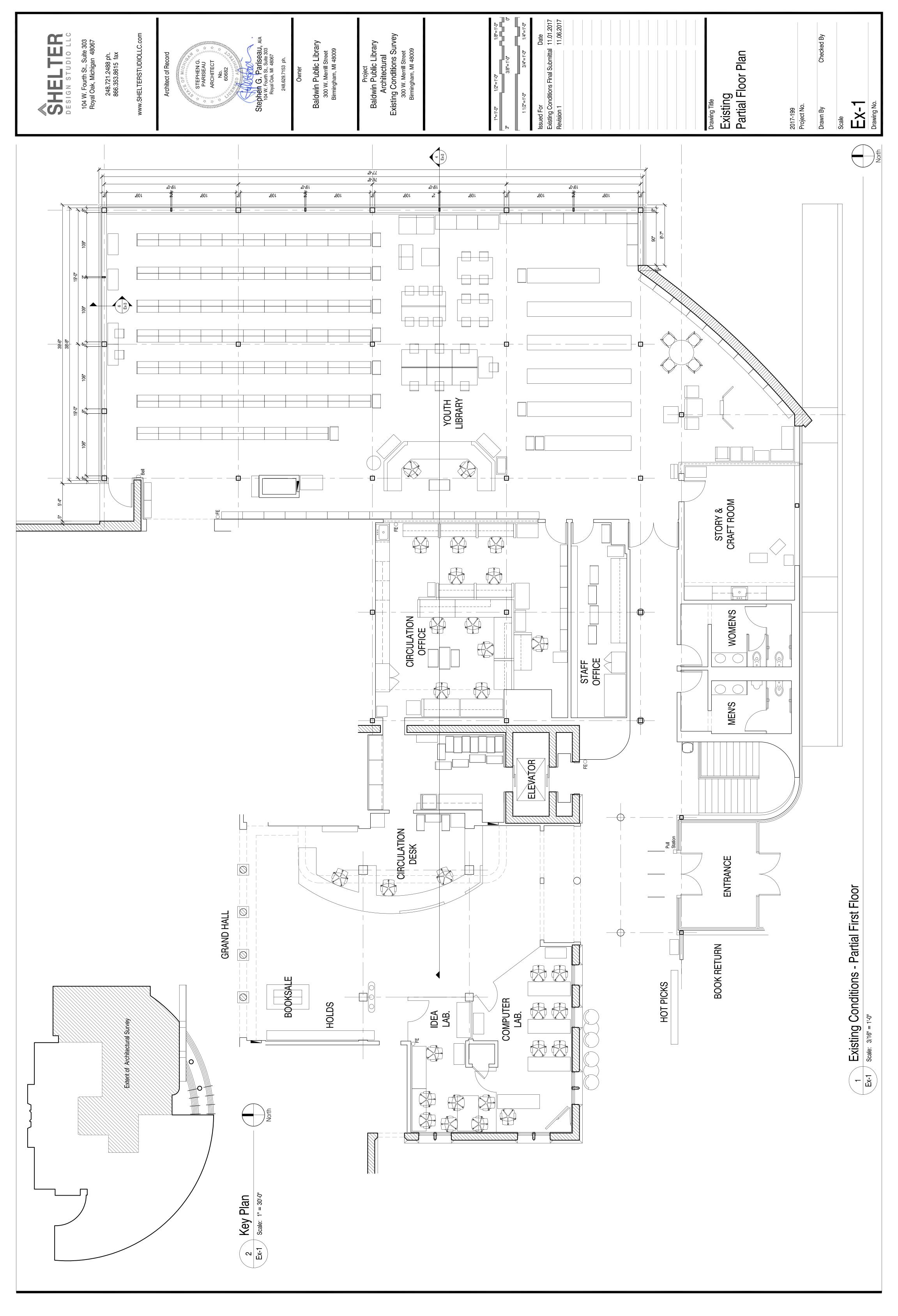
Vegetation & Fine Sand

Containing Large Amounts Of Decayable Organic Material

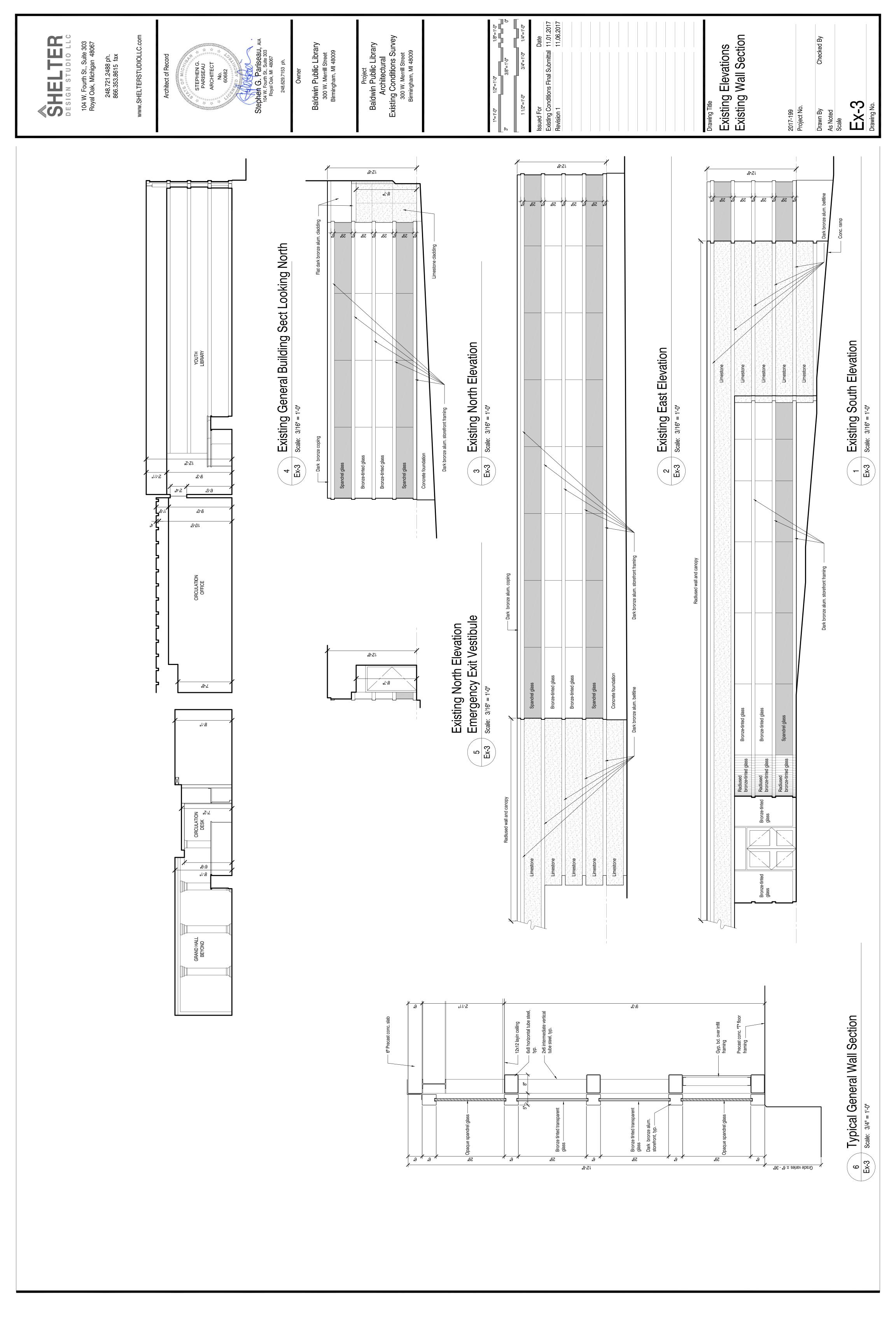
# ATTACHMENT G - DRAWINGS OF EXISTING CONDITIONS

# For Expansion and Renovation of Youth Services Section of Baldwin Public Library

The following drawings were prepared by Shelter Design Studio, 104 W. Fourth Street, Suite 303, Royal Oak, Michigan 48067, in November 2017.







# ATTACHMENT H - HEATING AND COOLING EVALUATION

# For Expansion and Renovation of Youth Services Section of Baldwin Public Library

The following report was prepared by Peter Basso Associates, 5145 Livernois, Suite 100, Troy, MI 48098, in January 2018.

in Sumary		Remarks	OK, capacity of existing system is more than what is required for the expanded area.	The cooling demand of the proposed expansion exceeds the capacity of the existing system. The proposed expansion is approx. 18,300 BTUH or about 1.5 tons greater than what is available.
Heating and Cooling Evaluation Sumary	Proposed System Capacity	Requirements	- 99,120 ВТИН	208,719 BTUH
Heatir	Calculated Existing System   Proposed System Capacity	Capacity	- 126,945 ВТИН	190,417 BTUH
			Heating Load	Cooling Load

The perimeter heat loss per lineal foot of the proposed expansion wall is less then 200 BTUH/LF and based on good engineering practice would not require supplemental heating elements, but might be considered.



### **MEMORANDUM**

### Office of the City Manager

**DATE:** June 21, 2018

TO: Joseph A. Valentine, City Manager

FROM: Tiffany J. Gunter, Assistant City Manager

**SUBJECT:** Professional Services Contract Recommendation - Development

**Consultant for N. Old Woodward Avenue / Bates Street Project** 

A recommendation was made on the meeting of June 4, 2018 directing the City to continue discussion with Walbridge / Woodward Bates Partners LLC to advance their proposal for increased parking and Bates Street development in a combined and incremental development approach; and further, to consider the engagement of a development consultant to represent the City in future negotiations.

A development consultant would be part of a comprehensive development team that would also include key staff, outside development attorney, bond counsel, and an environmental consultant to represent the City's interests in further evaluating and structuring a development deal with Woodward Bates Partners LLC.

The scope of the Development Consultant would include the following:

- Lead the proposal evaluation and analysis required to support contract negotiations with the Developer in cooperation with staff, environmental consultant, and the development attorney;
- Provide periodic updates to the City and attend internal meetings as required;
- Review pro formas and financial plans prepared by the Developer and comments on the project's overall financial structure and assumptions including, but not limited to:
  - Rental Rates
  - Absorption Schedule
  - Lease Up Cost
  - Vacancy Rates
  - Cost of Capital
  - Operating Expenses
  - Debt Structure
  - Developer Equity Allocation;
- Review of debt and equity structure as proposed for the project;
- Review any available term sheets, commitment letters, etc. from lenders;
- Analyze source and stability of Developer equity;

- Conduct a cursory market survey to evaluate proposal plans in the context of current market conditions as well as the City's master plan;
- Review background and experience of project team members with respect to project completion and successful delivery; and
- Attendance at meetings and communication with the City and other identified parties relevant to the success of the proposed development.

The City's development team would also include the expertise of an environmental consultant who would evaluate any environmental issues with the property should they exist, development counsel who would be responsible for negotiating and drafting a development agreement for the project along with bond counsel that would advise the City in establishing a bond component for the applicable public parking elements of the project.

Although competitive bidding is not required for Professional Services under the City's purchasing regulations, a Request for Quotes (RFQ) was issued to a qualified group of development consultants to provide cost proposals for these services. Three cost proposals were received that all met the minimum criteria sought after in the RFQ. The firms included:

Firm Name	Bid Amount
Plante Moran Cresa/REIA	\$75,000
Jones Lang LaSalle Inc.	\$91,240
S2 Partners, LLC	\$308,000

The cost differential between the quotes was due to the number of estimated hours required to complete the work. While Jones Lang LaSalle (JLL) estimated approximately 370 hours at \$170 per hour and S2 Partners, LLC estimated approximately 960 hours at \$300 per hour, Plante Moran Cresa/REIA (PMC) estimated a total cost not to exceed \$75,000 with an hourly rate ranging between \$200-350 per hour, which would provide approximately 272 hours if we calculate using the mid-range cost per hour.

Staff reviewed the project approach for each of the firms and concluded that the approach outlined in the JLL quote was clear with respect to their role in supporting and participating in contract negotiations while the PMC quote offered a deliverable of a final report with findings, observations, and conclusions without a clear deliverable as it relates to contract negotiations.

JLL provided the most comprehensive response to the City's request and the following resolution recommends that JLL be selected as the Development Consultant for the N. Old Woodward / Bates Street Project.

Staff and the City Attorney also evaluated multiple Development Attorney's to support the review of the proposed development and lead negotiations in establishing a public/private development agreement, as well as, bond counsel. Staff recommends engaging the services of

Miller Canfield for these roles. Pat McGow of Miller Canfield has served as the City's bond counsel for several years. Pat has recommended Joe Fazio as strong development counsel that will lead negotiations on behalf of the City. Joe's specific areas of expertise include complex commercial real estate acquisitions and developments, with extensive experience in ground leasing, entity formation, public/private development agreements, as well as conventional, securitized and tax-increment financing.

#### SUGGESTED RESOLUTION:

To authorize the City to engage the firm of Jones Lang LaSalle, Inc. to provide development consulting services for an amount not to exceed \$91,240 utilizing the Parking Enterprise Fund account #585-538.001-811.0000. Further, direct the Mayor and City Clerk to sign the agreement on behalf of the City contingent upon receipt of required Insurance Certificates. Also, to authorize the City to engage the legal services of Miller Canfield to serve as the development attorney and bond counsel.







June 21, 2018

Ms. Tiffany Gunter Assistant City Manager City of Birmingham P.O. Box 3001 Birmingham, MI 48012

### RE: PROPOSAL FOR DEVELOPMENT CONSULTING SERVICES N. OLD WOODWARD PARKING GARAGE / BATES STREET EXTENSION AND MIXED USE DEVELOPMENT

Dear Tiffany,

JLL's Project and Development Services team is pleased to present this proposal to provide development consulting services for your upcoming parking garage and mixed use development project located in Birmingham, MI. We operate in a client-focused, best-in-class service delivery mindset. Our approach is to work as an extension of our clients, and instill a collaborative work environment with professional team members to drive the focus of your vision and goals.

JLL has unparalleled expertise and experience as a full-service, one-stop, vertically integrated real estate services and investment management firm providing service to a multitude of public sector clients. We are positioned to exceed the solicitation requirements and believe we can add significant value through the following components:

- Experienced team Zarah Broglin will be your dedicated resource and single point of contact for this project. Zarah is highly versed in the delivery of new development and parking structure projects. Zarah will rely on this experience, as well as her interactions with JLL's research team and the financial support of Kirco Manix, to expertly analyze the Developer's proposal to ensure accuracy and the best outcome for the City of Birmingham.
- **Public sector expertise** We have helped more than 250 public sector clients find new ways to maximize their real estate. We combine public and private sector best practices and experience to deliver a full range of integrated real estate solutions and financial advisory services focused on the unique needs and missions of public sector organizations. JLL is the premier provider of P3 Advisory Services in the nation and will bring that expertise to bear to the City of Birmingham.
- Strong reserach platform JLL has a local reserach team that is experienced and knowledgable in providing our clients with the most accurate and timely market data. For this project, we will use this expertise to ensure market intelligence and insight aligns with the Developer's due diligence package.

We would be honored to partner with the City of Birmingham for your upcoming development consulting project. Please do not hesitate to contact me if you need additional information at +1 313 910 6396.

Sincerely,

JLL

Timothy R. Kay
Managing Director
Project and Development Services
Tim.Kay@am.jll.com



### 01. Requested forms

# ATTACHMENT B - BIDDER'S AGREEMENT Development Consulting Services

In submitting this quote, as herein described, the Consultant agrees that:

- 1. They have carefully examined the specifications, terms and Agreement of the Request for Quote and all other provisions of this document and understand the meaning, intent, and requirement of it.
- 2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

Tim Kay	6/21/2018	
PREPARED BY	DATE	
(Print Name)		
Managing Director	6/21/2018	
TITLE	DATE	
The same of the sa		
mo	Tim.Kay@am.jll.com	
AUTHORIZED SIGNATURE	E-MAIL ADDRESS	
JLL		
	anni Amini A	
COMPANY		
226 E. Hudson Ave., Royal Oak, MI	248-581-3311	
ADDRESS	PHONE	
lanca Lanca La Calla Anadasa Ina	040 700 5000	
Jones Lang LaSalle Americas, Inc.	312-782-5800	
NAME OF PARENT COMPANY	PHONE	
200 E. Randolph Drive, Chicago, IL 60601		
ADDRESS		



# 01. Requested forms

### ATTACHMENT C - COST PROPOSAL

**Development Consulting Services** 

In order for the quote to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Quote documents shall be a lump sum, as follows:

Attach technical specifications for all proposed materials as outlined in the Consultant Consultant's Responsibilities section of the RFQ

COST PROPOSAL		
ITEM	QUOTE AMOUNT	
Proposal Evaluation and Analysis (Labor based on rate of \$ 170 per hour* Estimated number of hours = 370 hours)	\$73,040	
Contract Negotiation, Meetings, and final Recommendation (est. 6 weeks)	\$15,200	
Reimbursable Expenses	\$3,000	
TOTAL QUOTE AMOUNT	\$91,240	
GRANDTOTAL AMOUNT	\$91,240	

OPTIONAL QUOTE: O	WNER'S REP FEES
Senior Project Manager - FTE	\$642,400*

\*Estimated level of effort. This can be adjusted up or down as we understand more about project delivery and phasing.

Firm Name JLL

Authorized signature

Date 6/21/2018



## 01. Requested forms

# ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM Development Consulting Services

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid, quote, or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a quote for consideration by the City.

Tim Kay	6/21/2018	
PREPARED BY	DATE	
(Print Name)		
Managing Director	6/21/2018	
TITLE	DATE	
Monde	Tim.Kay@am.jll.com	
AUTHORIZED SIGNATURE	E-MAIL ADDRESS	
JLL		
COMPANY		
226 E. Hudson Ave., Royal Oak, MI	248-581-3311	
ADDRESS	PHONE	
Jones Lang LaSalle Americas, Inc.	312-782-5800	
NAME OF PARENT COMPANY	PHONE	
200 E. Randolph Drive, Chicago, IL 60601		
ADDRESS		
36-4160760		
TAXPAYER I.D.#		





# City of Grand Rapids

### **Real Estate Consulting and Brokerage**

### Challenge

Grand Rapids has been investing in the growth, vibrancy, and resilience of its downtown and focusing on the Grand River as a key asset. To bolster these efforts, the City will relocate staff and operations housed at the 201 Market Ave SW Site, a 15.8 acre river front municipal facility, and make the Site available as a mixed-use redevelopment opportunity. Proceeds from the sale of the 201 Market site as well as available Brownfield TIF are needed to fund the City's relocation off of the Site. JLL was engaged to provide real estate consulting and brokerages services related to new facility programming, acquisition of a new municipal facility site, as well as developer procurement and transaction negotiations for the 201 Market Ave SW Site.

### New Facility Program & Lean Consulting

In developing the space program for the New Facility, JLL partnered with an A/E firm with experience in projects focused on driving efficiencies for public facilities, as well as a consulting partner with expertise in the lean approach to assessing and improving operational performance. JLL worked closely with the A/E and Lean Consultants, as well as a number of city stakeholders to assess space use in a number of facility areas to identify opportunities to drive efficiency, while securing buy in from the managers and staff who will ultimately be utilizing the new facility. The resulting new facility program will deliver a modern and efficient facility that eliminates waste and drives cost savings.

Using information integrated from the new facility program, JLL's brokerage team is working with the City to identify and acquire a new facility site that will meet the program needs, and which is strategically located for municipal service delivery.

### 201 Market Ave SW Redevelopment: Dual-Stage Procurement Process

Redevelopment of the 201 Market Site presents a number of unique challenges and opportunities, including the delivery of a public riverwalk, a large public green space requirement, and the availability of Brownfield TIF. As such, JLL worked with the City to develop and administer a two-stage procurement process, beginning with an RFQ identifying Respondents with the appropriate technical and financial capacity to deliver a large-scale, mixed-use project to the Site, before proceeding to the RFP



### Project Details

#### Services:

- Architecture / Engineering Sub-consultant Procurement
- Site Selection and Acquisition
- Development Advisory Services
- Market Analysis
- Financial Analysis
- RFQ/RFP Preparation
- Developer Solicitation
- Transaction Negotiation

### **Geographies:**

Grand Rapids, MI

### **Development Requirements:**

New City Facility: 20 – 30 acres 201 Market Site: 15.8 Acres

- Large-scale, mixed-use
- Mixed-income housing
- Public riverwalk
- Public green/open space
- Multi-modal transportation integration



stage where qualified Respondents would be asked to submit their development plan for the Site and financial offer to the City.

### **Market Analysis**

To develop an understanding of likely development scenarios for the 201 Market Site, JLL first undertook a comprehensive market analysis of office, retail, multi-family, and hotel dynamics in downtown Grand Rapids. Working closely with JLL's market experts in Grand Rapids, JLL analyzed market dynamics at the local, citywide, and regional level to ensure that demand was sufficient and that projects both completed and underway would not significantly compete. To assess latent multi-family housing demand, JLL conducted a review of downtown vs. City-wide population growth and housing availability across multiple comparable cities, including Grand Rapids. The results illustrated how insufficient housing stock was depressing population growth in Grand Rapids' downtown core, and demonstrated latent demand for new multi-family housing. JLL's Market Analysis confirmed that there was enough market demand across several product types for the Site to be an attractive redevelopment opportunity.

### **Request for Qualifications**

JLL developed and marketed an RFQ targeted at local, regional, and national development teams that highlighted Grand Rapids as a center of growth

and economic opportunity in West Michigan. The Real Capital Markets ('RCM') platform was utilized to assist with marketing efforts and a website 'www.201market.com' was created for public access to RFQ materials.

A broad-based Evaluation Committee comprised of City staff and diverse community stakeholders was assembled to formally assess the RFQ responses. Evaluation Committee members utilized a quantitative scoring methodology to assess various evaluation factors drawn from submission requirements and evaluation criteria outlined in the RFQ. To assess the financial capacity of the RFQ Respondents, the JLL team assessed the relevant financial information provided in the RFO Responses as well as conducted reference calls with the commercial and/or institutional credit references that were provided by each Respondent. After a round of interviews with the highest scoring RFQ Respondent Teams, the Evaluation Committee was able to identify the top 3 qualified RFQ Respondents who would be invited to respond to the RFP.

### **Request for Proposals**

The Request for Proposals is designed to solicit the proposed development profile of the Site, as well as financial offer to the City. JLL worked with the City to draft an RFP document that outlines the City's development requirements for the Site, including

requirements for the delivery of:

- Mixed-income housing
- Public riverwalk
- Public green / open space
- Multi-modal transportation Infrastructure
- High-quality retail
- Green Infrasturcture and sustainable design.

The RFP also requested that Respondents address specific plans for diversity, inclusion, and equity as it relates to construction contracting, ongoing operations of the project, and community partnerships. JLL led the Evaluation Committee members through a quantitative evaluation process that balanced the above outlined development requirements for the Site, with the Respondent's financial offer to the City.

JLL continues to work closely with the City on due diligence conversations with the RFP respondents to determine feasibility of the RFP responses and determine next steps.



# Detroit Medical Center

### **Heart Hospital and Parking Structure**

The Detroit Medical Center (DMC) wanted to create a new home for their renowned Cardio Team One and the Harper Outpatient Surgery Center. The location also needed to serve as the gateway to the DMC's main midtown campus, and invite the community to enjoy the historic DMC ground. With this investment, the DMC is making a statement that they continue to support the city and its workforce, and the home for national leaders in healthcare services.



The DMC selected JLL to provide program management services for the South Campus Improvement project because of their confidence and previous experience working with the Detroit-based team.

The Heart Hospital is a six story ambulatory facility that includes five cardiac catheterization and electrophysiology labs for interventional cardiology, cardiac diagnostic imaging programs, and five operating rooms. The two upper floors will be developed as medical office space to support the DMC's orthopedic and cardiology programs.

The project site is adjacent to three hospitals and connected to the new South Campus Parking Structure. The Parking Structure provides space for 1,700 vehicles, and also houses the south campus power house which provides power to support the Heart Hospital and emergency power for the Heart Hospital, Children's Hospital of Michigan and the Children's Critical Care Tower. The JLL team developed a detailed phasing plan so that the construction impact to adjacent facilities was minimized.

### Results

The project scope expanded to include additional connections to the main Harper Hospital and equipment changes. The schedule was also changed because of the delay to vacate a structure needed to be demolished as part of the project. With these impacts, the JLL team was able to complete the project according to the originally approved schedule and budget. The project also achieved LEED certification.



### Project Details

### **Project Size:**

215,000 SF

#### **Geography:**

Detroit, MI

#### **Industry:**

Healthcare

### **Project Value:**

\$75M

#### Schedule:

February 2011 - August 2014

### **Budget Adherence:**

Project was completed within originally approved budget.

#### **Services Provided:**

- Project Management
- New Construction



# College for Creative Studies

### A. Alfred Taubman Center for Design Education

The eleven story Argonaut Building, built between 1928 and 1936, is the former home of General Motor's design and engineering operations. Newly renovated, it is once again a center of design, housing a middle/high school, the College for Creative Studies, student housing for 300, a dining facility, an auditorium, a conference center and office space available for lease.

This project consisted of the 760,000 square foot complete renovation. Scope of work included: abatement, underground storage tank removal, extensive structural repair, elevator modernization, complete window replacement, new roofing, replacement of all mechanical/electrical systems and exterior historic restoration.

In addition to the main building, a new gym and traffic circulation strategies involved demolishing an obsolete parking structure, construction of a parking deck for 483 cars and a surface lot with 178 spaces, on adjacent parcels.

#### **Customized Solution**

In order to make this project reality, a complex financing strategy of non-for-profit and for-profit entities was employed to obtain the necessary donations, historical tax credits, grants and bonds. JLL was retained in early 2008, after schematic design, and some key consultants selections. Due to requirements, construction activities started in April 2008, before either design or \$140 million financing package was completed.

As a result of project timing, all activities were extremely condensed and required rapid analysis, multiple validations, constant risk and change management. Due to the mixed use of the building, this project was also extremely complex regarding city, state, and federal agencies.

JLL provided leadership in gap assessments, design management, phasing strategies, cost management, building operation, schedule analysis, sustainability, and quality assurance.

#### Results

Our value engineering activities were successful in reducing over \$4M and further expertise reviewing contractor change pricing and work methodology have resulted in approximately \$1M in savings. The building is also LEED certified.



# Project Details

#### Challenge

- Historic Exterior Renovation
- Mixed Use / Multiple Jurisdictions
- Asbestos Abatement
- New Mechanical and Electrical Systems
- Compressed Schedule
- Phased Project Delivery
- Evolving Financial/Funding Requirements

#### Solution

 JLL has managed all contractors and vendors to provide value and mitigate risk

#### Results

- Accurate, independent cost forecasting
- Extensive change management
- Successful cost savings exceeding \$5M
- Projected on-time occupancy despite 6 months of delays





### 03. Firm description

#### **WHO WE ARE**

Jones Lang LaSalle Incorporated was established by the 1999 merger of the Jones Lang Wootton ('JLW') companies, founded in England in 1783, with LaSalle Partners Incorporated, founded in the United States in 1968. We are a financial and professional services firm specializing in real estate – offering comprehensive integrated real estate and investment management services on a local, regional and global basis to owner, occupier and investor clients. We are an industry leader in property and corporate facilities management services, with a portfolio of approximately 4.6 billion square feet worldwide.

Our full range of real estate services offers strategic and practical solutions to increase productivity across the real estate life cycle. We offer our range of services globally from regional headquarters in the US, UK and Singapore, including:

- Tenant representation
- Lease administration and audit
- Project and development management
- Facilities management
- Corporate finance
- Consulting
- Energy and sustainability services
- Agency leasing
- Property management
- Capital markets
- Investment management
- Hotel advisory
- Real estate investment banking

### **INDUSTRY RECOGNITION AND AWARDS**

JLL is recognized worldwide for its superior service delivery, strong business metrics, high ethical standards and its demonstrated commitment to sustainability initiatives. A 2018 recipient of the ENERGY STAR® Sustained Excellence Award by the U.S. Environmental Protection Agency, we also were named to FORTUNE Magazine's "World's Most Admired Companies" and "America's Best Employers" in 2018.

We are also proud to be named the 2015 "Best of the Best" Top Diversity Employer and 2015 Top Supplier Diversity Program by the Black EOE



### 03. Firm description

Journal as well as Hispanic Network Magazine. Each year since 2010, the International Association of Outsourcing Professionals® has named JLL among the best service providers across all industries on its annual Global Outsourcing 100® list—including "Super Star" status in 2016, in which we earned the highest possible ranking in each of the judging categories.

#### **PUBLIC INSTITUTIONS PRACTICE**

Our Public Institutions practice has a dedicated team of public sector specialists with access to our firm's network of resources and specialty practices. We combine public and private sector best practices and experience to deliver a full range of integrated real estate solutions and financial advisory services focused on the unique needs and missions of public sector organizations. Our areas of expertise include: real estate strategy; market/economic analysis; financial feasibility analysis;

highest and best use studies; master planning and land use analysis; complex, large-scale, mixed-used development; enhanced use leasing; lease acquisitions; property disposals; integrated facilities management; sustainability advisory; transitoriented development; developer solicitation; project marketing; deal structuring; negotiations; transaction closure; portfolio and asset management; project management; and public private partnerships.

### Our goals

Transforming real estate portfolios into more efficient inventories that meet organizational needs, we assist our clients in implementing and executing their real estate strategies from concept development through operations and maintenance management at federal, state and local levels. These efforts often involve negotiations and oversight of private sector developers, financiers, construction firms, landlords, property

managers and jurisdictional entities. Our experience in the public and private sectors provides agencies the insight and expertise necessary to align a real estate portfolio with the agency's strategic goals. Unlocking the value once trapped in underutilized real estate and facilities can help fund programs critical to an agency's mission.

### JLL RESEARCH

Market information is a critical component of every phase of the real estate process. At JLL, we invest in cutting edge technologies and devote unprecedented manpower to tracking market data to create a sophisticated, tactical model of research and analysis. The firm employs nearly 100 full-time research professionals in the U.S. that provide a full suite of standard and customized analytical services to our clients. With this data, our local research team works diligently to catalogue and analyze market data.





### 03. Firm description

#### **PROJECT TEAM**

Senior Project Manager, Zarah Broglin, will be leading the proposal evaluation and analysis process, ensuring all aspect of the Developer's due diligence proposal are reviewed to ensure project success.

Zarah will team with our local JLL research staff who will be developing the market driven data to determine demand and scale of each element of this mixed use development. This effort will ensure the scale is correct to drive a proper proforma. In addition, Zarah will engage a financial analyst from our JLL Public Institutions team as needed.

JLL will also be engaging Kirco Manix as a sub-consultant on this project. Kirco Manix will support validation of cost estimates and assumptions in the Developer proposal in a peer review.



### JLL Resume

### Zarah Broglin, LEED AP

### Senior Project Manager

Project and Development Services

### **Current Responsibilities**

Ms. Broglin is a Senior Project Manager for JLL's Project and Development Services team. Her responsibilities include managing costs and establishing strategic, mutually beneficial partnerships and relationships with users, vendors and service providers. Ms. Broglin is currently managing the due diligence process for two new developments for Mercedes Benz Financial Services and Mercedes Benz Research and Engineering of North America.

#### Experience

Ms. Broglin has a significant amount of experience in the management of various projects, including ground up construction and demolition projects, infrastructure improvements, historic renovations, manufacturing, hospital facilities, sports arenas, parking garages and LEED projects.

Prior to joining JLL, Ms. Broglin was a Project Manager at CBRE in Dearborn, Michigan working at Ford Land Account. Ms. Broglin was responsible for managing all facets of project management (budget, schedule, procurement, quality and risk) for manufacturing and real estate projects including planning, design, construction, occupancy and closeout. She was held accountable for the management of concurrent projects at Ford Land while adhering to their priorities, planning, forecasting and coordinating tasks with impacted parties and customers, and interfacing with government agencies as necessary. Ms. Broglin's recent completed project was the restoration of historic Ford Engineering Laboratory, which received "The Project of the Year" award from Construction Association of Michigan (CAM).

Ms. Broglin has also served as a Project Manager for Wayne State University and Senior Project Engineer at Beaumont Hospital as part of a joint venture between Barton Malow and Skanska where she was given full responsibility for creating and managing the project budget and working closely with the project architect, owner and subcontractors to monitor project activities.

#### **Education and Affiliations**

Ms. Broglin has a significant amount of experience in the management of various projects, including ground up construction and demolition projects, infrastructure improvements, historic renovations, manufacturing, hospital facilities, sports arenas, parking garages and LEED projects.



#### Select Client List

MBFS and MBRDNA- Due Diligence

Toyota Ann Arbor, MI Tech Center Ground Up Construction of Toyota Purchasing Building – LEED Platinum V4 147,000 SF

Ford Land Ford Engineering Lab 280,000 SF

Wayne State University
Misc. Infrastructure Improvement
Project
Wayne State Medical Clinic- 50K SF
Wayne State University Parking
Deck

Beaumont Hospital Troy Emergency Center/Critical Care Center 250,000 SF

University of Michigan Mott Hospital- Preconstruction Support Ann Arbor, MI 1M SF





## 04. Sub-consultants

### **KIRCO MANIX**

JLL will engage Kirco Manix as a sub-consultant on this project. Kirco Manix will support validation of cost estimates and assumptions in the Developer proposal in a peer review.





### 05. Conflicts of interest

### **FULL DISCLOSURE**

Upon full review of the Request for Quote, as well as the Developer's due diligence package, JLL has not identified any parties which it has had a relationship with over the past five (5) years, nor any other conflict of interest that would prevent our team from performing the requested services.







# 06. Client references

### **CLIENT REFERENCES**

DIVICE DETROIT MEDICAL CENTER	Mr. Ron Henry Beaumont Health (previously at DMC) Tel +1 248 953 6414
CCS	Mr. Richard Rogers President College for Creative Studies Tel +1 313 664 7400
CITY OF GRAND RAPIDS	Ms. Kara Wood Economic Development Director City of Grand Rapids Tel +1 616 456 3196 Kwood@grand-rapids.mi.us





### 07. Timeline and approach

### **PROJECT APPROACH**

JLL has worked with numerous clients, serving as their trusted advisor delivering feasibility analysis, financial analysis, development consulting services and sharing development best practices gained from years of work delivering similar services for a host of public industry clients.

When it comes to the delivery of the proposal evaluation and analysis required for this project, our team is readily available to deliver on your project requirements within the time-frame specified in the Request for Quote, as well as within our project timeline detailed on the following page.

### **Scope of Services**

In order to successfully assist, guide and advise the City on this project, our team will implement the following steps to ensure the Developer's proposal is achievable:

- Confirm project goals in terms of cost, schedule and physical requirements through a meeting with City.
- Review Developer plans, specifications, schedule and financial proposal to ascertain conformance with project goals and objectives.
- Provide client with all necessary protection and rights of approval through a thorough review of the Developer's due diligence and cost proposal to ensure the City's goals

- and objectives are accurately reflected in the project.
- Coordinate interface between client's core team and the Developer's team to make certain that the Developer is capturing client's interest in all aspects of the proposal evaluation and analysis process.
- Represent City in reviewing and commenting on the due diligence package prepared by Developer, including the:
  - Master plan
  - Area demographics
  - Site plans
  - Space programming
  - Cost estimates
  - Phasing schedule
  - Market research
  - Any additional assumptions
- Conduct financial review and analysis of the proposed development, including proformas, financial plans.
- Ascertain that all known and unknown costs are included in the Development Budget.
- Review and scrutinize the costs associated with the build-out of the project to enable client to obtain best possible value.
- Provide comments and assumptions on the project's overall financial structure, including, but not limited to:
  - Rental rates
  - Absorption schedule
  - Lease up cost
  - Vacancy rates
  - Cost of Capital

- Operating expenses
- Debt structure

### Developer Equity Allocation

- Review debt and equity structure as proposed for the project
- Review any available term sheets, commitment letters, etc. from lenders
- Analyze source and stability of Developer equity
- Conduct cursory market survey to evaluate proposal plans in the context of current market conditions, as well as the City's master plan
- Review background and experience of project team members with respect to project completion and successful delivery
- Act as a conduit for communication and resolution of day-to-day queries, conflicts and issues that may arise on the project.
- Coordinate City's involvement throughout the proposal evaluation and analysis process to enable positive engagement, buy-in to results, necessary support and responsive decision making as required to support the demands of the project.
- Meet regularly with the City and other identified parties to advise on key issues and recommend solutions at the end of the proposal evaluation and analysis process relative to the success of the proposed development.



### 07. Timeline and approach

### **PROJECT TIMELINE**

We anticipate the following timeline in order to sufficiently review the Developer's due diligence package:

Review Area Demographics and City's Master Plan for Development: 7/9/18 - 7/23/18
 Review and Validate Developer Proposed Site Plans: 7/23/18-8/13/18
 Review Developer's Assumptions 8/13/18 - 8/20/18
 Space Programming: 8/20/18-9/17/18
 Cost Estimates: 9/17/18-10/8/18
 Phasing Schedule: 9/17/18-10/8/18

Market Analysis:

Contract Negotiations:

• Final Recommendations:

29-Jul 18-Aug 7-Sep 27-Sep 17-Oct 6-Nov 26-Nov 16-Dec 9-Jul Review Area Demographics and City's Master Plan Review and Validate Developer Proposed Site Review Developer's Assumptions Space Programming **Cost Estimates Phasing Schedule** Market Analysis **Contract Negotiations** Final Recommendation



10/8/18- 10/15/18

10/15/18-11/29/18

12/3/18

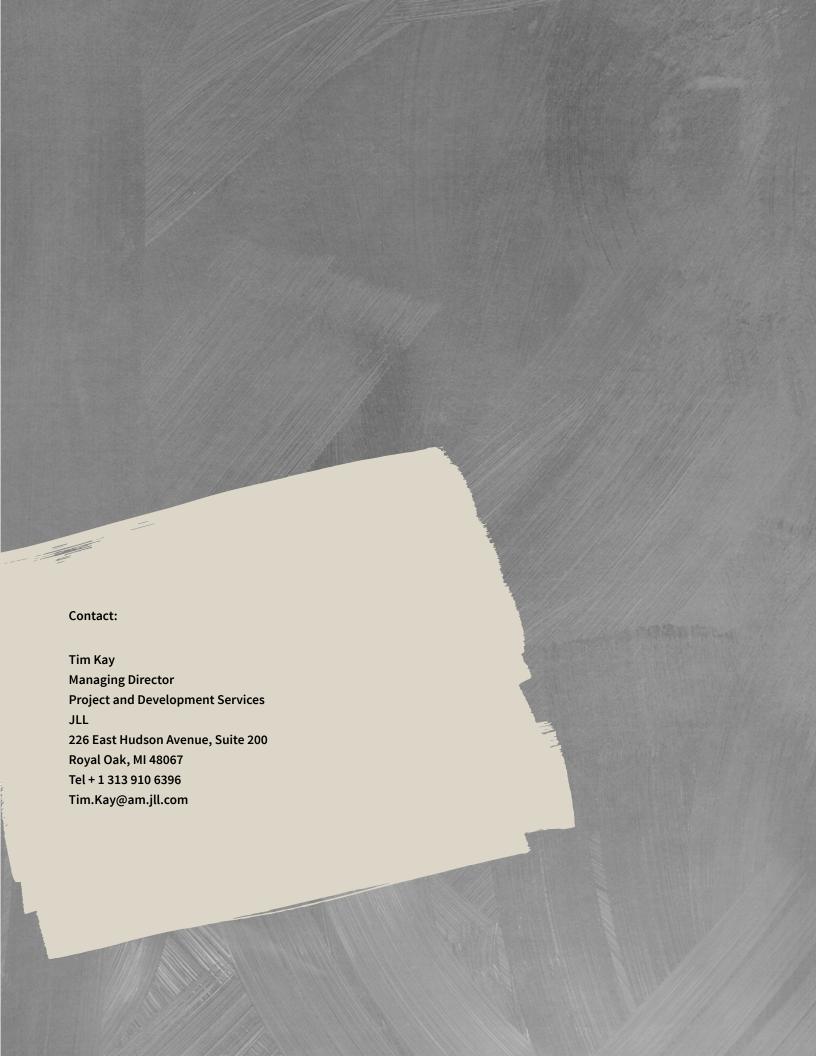


# 08. Contract negotiations

If JLL is awarded the project, we are prepared to meet frequently with the City during the contract negotiation phase, in order to finalize terms and conditions.









# REQUEST FOR QUOTES Development Consulting Services

Sealed quotes endorsed <u>"Development Consulting Services"</u>, will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until <u>June 21, 2018 at 2:00 p.m.</u> after which time quotes will be publicly opened and read.

The City of Birmingham, Michigan is accepting sealed quotes from qualified professional firms to evaluate the public private partnership proposal, as submitted by Walbridge / Woodward Bates Partners, to construct a new parking garage at 333 N. Old Woodward, extend Bates Street, and build additional mixed use facilities on publicly owned land in downtown Birmingham. The Walbridge / Woodward Bates proposal is included as Attachment E. The City of Birmingham is requesting assistance to analyze the key parameters of the project, as proposed. For purposes of this request for quotes the City of Birmingham will hereby be referred to as "City" and the Walbridge / Woodward Bates Partners will hereby be referred to as "Developer." The scope of this engagement will include an evaluation of the due diligence package submitted by the Developer. The review will consider materials such as the City's master plan, area demographics, site plans, space programming, cost estimates, phasing schedule, market research, and all assumptions used in the Developer's proposal. The selected consultant will work cooperatively in an advisory capacity to the City to assist, guide, and advise staff through project development and contract negotiations with the intent to enter into a final agreement that would initiate the N. Old Woodward Parking Garage / Bates Street extension and Mixed Use Development project with the Developer. Submitting firms are expected to include the necessary services and associated fees for all consultants as required for a complete quote.

**Deadline for Submissions:** Thursday, June 21, 2018 at 2:00 p.m.

Contact Person: Tiffany Gunter

**Assistant City Manager** 

P.O. Box 3001,

Birmingham, MI 48012

Email: tgunter@bhamgov.org

Phone: 248-530-1827



### **REQUEST FOR QUOTES**

### **For Development Consulting Services**

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### INTRODUCTION

For purposes of this request for quotes the Development Consultant will hereby be referred to as "Consultant."

The City requests quotes from qualified professional firms to provide advisory services to the City to assist, guide, and advise staff through project development and contract negotiations with the Developer with the intent to initiate the N. Old Woodward Parking Garage / Bates Street Extension and Mixed Use Development project. Submitting firms are expected to include the necessary services and associated fees for all consultants as required for a complete quote.

This work must be performed as specified in accordance with the specifications contained in the Request For Quote (RFQ). The project can be summarized as follows (with additional detail found in Attachment E):

The N. Old Woodward Parking Garage is a five level parking structure and surface lot with, 745 parking spaces. The structure was constructed in 1968 and occupies a large portion of the parcel. The City seeks to demolish the existing parking structure and reconstruct a structure that provides additional parking capacity based on planned future capacity needs while also providing an improved urban street presence that offers privately occupied square footage as a component of the build out. In addition, the City is desirous of selling or leasing the existing open space areas of the parcel at its west (extend Bates St. frontage) and south (Willits St. frontage) ends. The currently open areas could potentially be used for private mixed use buildings while adding public amenities, such as connections to a public park and a plaza.

During the evaluation process, the City reserves the right where it may serve the City's best interest to request additional information or clarification from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting quotes may be requested to make oral presentations as part of the selection process.

It is anticipated the selection of a Consultant will be completed by June 25, 2018. An agreement for services will be required with the selected Consultant. A copy of the agreement is contained herein for reference as Attachment A. Contract services will commence upon execution of the agreement by the City.

### **REQUEST FOR QUOTES (RFQ)**

The purpose of this RFQ is to request sealed quotes from qualified parties presenting their qualifications, capabilities and costs to provide the herein described development consulting services.

#### **INVITATION TO SUBMIT A QUOTE**

Quotes shall be submitted no later than Thursday, June 21, 2018 at 2:00 p.m.

City of Birmingham
Attn: City Clerk
151 Martin Street
Birmingham, Michigan 48009

One (1) original paper and one (1) PDF copy of the quote shall be submitted. The quote should be firmly sealed in an envelope, which shall be clearly marked on the outside **Development Consulting Services.**" Any proposal received after the due date cannot be accepted and will be rejected and returned, unopened. Bidders may submit more than one quote provided each quote meets the functional requirements of this RFQ.

### **INSTRUCTIONS TO BIDDERS**

- Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Consultant's Responsibilities). If more than one quote is submitted, a separate quote proposal form must be used for each.
- 2. Any request for clarification of this RFQ shall be made in writing and delivered to: Tiffany J. Gunter, Assistant City Manager, 151 Martin St., Birmingham MI 48009 (tgunter@bhamgov.org, 248-530-1827). Such request for clarification shall be delivered, in writing, no later than 2 days prior to the deadline for submissions.
- 3. All quotes must be submitted following the RFQ format as stated in this document and shall be subject to all requirements of this document including the instruction to respondents and general information sections. All quotes must be regular in every respect and no interlineations, excisions, or special conditions shall be made or included in the RFQ format by the respondent.
- 4. The contract will be awarded by the City to the most responsive and responsible bidder with the lowest price and the contract will require the completion of the work pursuant to these documents.
- 5. Each respondent shall include in his or her quote, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. The City will furnish the successful company with tax exemption information when requested. Quotes should continue to include costs for taxable supplies that the Consultant will have to purchase during the execution of this project.
- 6. Each respondent shall include in their quote the following information: Firm name, address, city, state, zip code, and telephone number. The company shall also provide the name, address, telephone number and e-mail address of an individual in their organization to whom notices and inquiries by

#### **EVALUATION PROCEDURE AND CRITERIA**

The evaluation of a Consultant will be conducted by City staff resulting in a recommendation to the City for approval. Staff will evaluate the proposals based on, but not limited to, the following criteria:

- 1. Ability to provide services as outlined.
- 2. Prior experience with negotiating contracts for designing and constructing parking structures and large scale mixed use developments in an urban, walkable downtown environment with both public and private elements.
- 3. Prior experience with risk management planning that includes balancing project scope, budget, and quality effectively.
- 4. Prior experience with projects that have both public and private financing components.
- 5. Prior experience with cost estimating for parking facilities.
- 6. Overall costs.
- 7. References.
- 8. Ability to meet schedule.
- 9. Innovative and/or creative approaches to providing the services that provide additional efficiencies or increased performance capabilities.
- 10. Qualifications of personnel assigned to the project.
- 11. Quality and completeness of the quote.

#### TERMS AND CONDITIONS

These guidelines are provided to assist participating firms in formulating a thorough response. The successful firm shall ensure/understand that:

- The Development Consultant team will work closely with City designated staff to create negotiated terms for the project that meet the needs of the City and leverage the publicly owned assets optimally. The successful firm will be considered a key part of the project team. A strong, positive working relationship must be maintained.
- 2. All licenses required for a discipline by the State of Michigan shall be maintained during the course of the engagement.
- 3. The Consultant will provide a single point of contact for the duration of the engagement and perform with a consistent team.
- 8. All required insurances are to be maintained by the Consultant during the course of the engagement.
- 9. The City reserves the right to reject any or all quotes received, waive informalities, or accept any quote, in whole or in part, it deems best. The City reserves the right to award the contract to the next most qualified Consultant if the successful Consultant does not execute a contract within ten (10) days after the award of the quote.
- 10. The City reserves the right to request clarification of information submitted and to request additional information of one or more Consultants.
- 11. The City reserves the right to terminate the contract at its discretion should it be determined that the services provided do not meet the specifications contained herein. The City may terminate the agreement at any point in the process upon

- notice to Consultant sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Consultant for services rendered to the time of notice, subject to the contract maximum amount.
- 12. Any quote may be withdrawn up until the date and time set above for the opening of the proposals. Any quotes not so withdrawn shall constitute an irrevocable offer, for a period of ninety (90) days, to provide the services set forth in the quote.
- 13. The cost of preparing and submitting a quote is the responsibility of the Consultant and shall not be chargeable in any manner to the City.
- 14. Payment will be made within thirty (30) days after invoice. Acceptance by the City is defined as authorization by the designated City representative to this project that all the criteria requested under the Scope of Work contained herein have been provided. Invoices are to be rendered each month following the date of execution of an Agreement with the City.
- 15. The successful bidder shall enter into and will execute the contract as set forth and attached as Attachment A.
- 16. The City desires a single contract with the primary firm rather than separate contracts with any subordinate companies represented on the proposed team.

#### **CONSULTANT'S RESPONSIBILITIES**

Each bidder shall provide the following as part of their quote:

- 1. Complete and sign all forms requested for completion within this RFQ.
  - a. Bidder's Agreement (Attachment B)
  - b. Detailed Cost Estimate (Attachment C)
  - c. Iran Sanctions Act Vendor Certification Form (Attachment D)
  - d. Agreement (Attachment A Only if selected by the City).
- Provide a detailed description of similarly completed projects with both public and private elements that demonstrate the Consultant's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.
- 3. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
- 4. Provide a list of sub-consultants and their qualifications, if applicable.
- 5. Provide full disclosure of any business relationships or conflicts of interest with any parties identified as part of the proposed project within past five (5) years.
- 6. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for projects regarding similar subject matter to the N. Old Woodward Parking Garage / Bates Street Extension and Mixed Use Development project.
- 7. Provide a project timeline addressing each section within the Scope of Work

- and a description of the overall project approach. Include a statement that the Consultant will be available according to the proposed timeline.
- 8. During the contract negotiations, the Consultant will meet frequently with the City as the terms and conditions are being settled.

#### **CITY RESPONSIBILITY**

1. The City will provide dedicated staff, engage a development attorney to assist general counsel to work with the Consultant, and establish an internal Development Committee tasked with conducting and finalizing negotiations with the Developer.

#### **SETTLEMENT OF DISPUTES**

The successful bidder agrees to certain dispute resolution avenues/limitations. Please refer to paragraph 17 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

#### **INSURANCE**

The successful bidder is required to procure and maintain certain types of insurances. Please refer to paragraph 12 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

#### CONTINUATION OF COVERAGE

The Consultant also agrees to provide all insurance coverages as specified. Upon failure of the Consultant to obtain or maintain such insurance coverage for the term of the agreement, the City may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the contract amount. In obtaining such coverage, Birmingham shall have no obligation to procure the most cost effective coverage but may contract with any insurer for such coverage.

#### **EXECUTION OF CONTRACT**

The bidder whose quote is accepted shall be required to execute the contract and to furnish all insurance coverages as specified within ten (10) days after receiving notice of such acceptance. Any contract awarded pursuant to any quote shall not be binding upon the City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered an abandoned all rights and interest in the award and the contract may be awarded to another. The successful bidder agrees to enter into and will execute the contract as set forth and attached as Attachment A.

#### INDEMNIFICATION

The successful bidder agrees to indemnify the City and various associated persons. Please refer to paragraph 13 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

#### **CONFLICT OF INTEREST**

The successful bidder is subject to certain conflict of interest requirements/restrictions.

Please refer to paragraph 14 of the Agreement attached as Attachment A for the details and what is required of the successful bidder.

#### **EXAMINATION OF QUOTE**

The submission of a quote shall be deemed a representation and warranty by the Consultant that it has investigated all aspects of the RFQ, that it is aware of the applicable facts pertaining to the RFQ process and its procedures and requirements, and that it has read and understands the RFQ. Statistical information which may be contained in the RFQ or any addendum thereto is for informational purposes only.

#### TENTATIVE PROJECT TIMELINE

Award Development Consultant Service Agreement:	June 25, 2018
Project Kickoff Meeting	July 9, 2018
Development Committee Meetings (Minimum 9)	July -Nov. 2018
Final Recommendation to City of Proposed Contract Terms	
(In partnership with Development Attorney)	Nov – Dec. 2018
Contract Termination (or Expiration): Project Commencement	January 2019

#### SCOPE OF WORK

The City of Birmingham is requesting assistance from a Professional Development Consulting Firm to analyze the key parameters of the N. Old Woodward Parking Garage / Bates Street Extension and Mixed Used Development Project. The scope of this engagement will include an evaluation of the due diligence package originally submitted by the Developer an included here as Attachment E. The review will also consider materials such as the City's master plan, area demographics, site plans, space programming, cost estimates, phasing schedule, market research, and all assumptions used in the Developer's proposal. The selected consultant will work cooperatively in an advisory capacity to the City to assist, guide, and advise staff through project development and contract negotiations with the intent to enter into a final agreement that would initiate the N. Old Woodward Parking Garage / Bates Street extension and Mixed Use Development project with the Developer.

The final agreement resulting from this engagement would be based on the following key assumptions related to the initial proposal:

- A single construction manager for the project;
- Total estimated project budget of approximately \$132 million;
- Anticipated project timeline spanning from March 2019- March 2021; and
- The resulting facilities, both public and private are to be constructed of normal, durable, and readily available materials.

## **Project Deliverables:**

- Development Consultant will lead the proposal evaluation and analysis required to support contract negotiations with the Developer in cooperation with staff, environmental consultant, and the development attorney;
- Development Consultant will provide periodic updates to the City and attend internal meetings as required;

#### Evaluation and Analysis

- The evaluation and analysis of the proposed development by the Development Consultant must include:
  - Review of pro formas and financial plans prepared by the Developer and comments on the project's overall financial structure and assumptions including, but not limited to:
    - Rental Rates, Absorption Schedule, Lease Up Cost, Vacancy Rates, Cost of Capital, Operating Expenses, Debt Structure, Developer Equity Allocation;
  - Review of debt and equity structure as proposed for the project;
  - Review any available term sheets, commitment letters, etc. from lenders;
  - Analyze source and stability of Developer equity;
  - Cursory market survey to evaluate proposal plans in the context of current market conditions as well as the City's master plan;
  - Review background and experience of project team members with respect to project completion and successful delivery; and
  - Attendance at meetings and communication with the City and other identified parties relevant to the success of the proposed development.

## **OPTIONAL INFORMATION REQUEST**

In January 2019, if the decision is made by the City to pursue an agreement with the Developer's, it is anticipated that an engagement with an Owner's Representative will follow. If your firm has the capacity and relevant experience in this area, you are welcome to submit any relevant materials for the City to review with your quote for Consulting Services along with pricing. The quote should be based on the existing project assumptions per the Walbridge / Woodward Bates Partners proposal, as presented in Attachment E.

#### ATTACHMENT A – AGREEMENT

## **Development Consulting Services**

This AGREEMENT, made this day of, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and, Inc., having its principal office at (hereinafter called "Consultant"), provides as follows:
WITNESSETH: WHEREAS, the City of Birmingham, through its City Manager's Office, is
desirous of securing qualified professional firms to evaluate the public private partnership proposal, as submitted by the Walbridge / Woodward Bates Partners, to construct a new parking garage at 333 N. Old Woodward, extend Bates Street, and build additional mixed use facilities on publicly owned land in downtown Birmingham with the intent to negotiate a final agreement to be approved by the City to initiate construction.
<b>WHEREAS</b> , the Consultant has professional qualifications that meet the project requirements and has made a quote in accordance with such request for Development Consulting Services,
<b>NOW, THEREFORE,</b> for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:
1. It is mutually agreed by and between the parties that the documents consisting of the Request for Quote to perform the requested evaluation and provide advice and assistance to the City to negotiate an agreement with the Developer, and the Consultant's cost proposal dated, 2018 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFQ.
2. The City shall pay the Consultant for the performance of this Agreement in an amount not to exceed, as set forth in the Consultant's, 2018 cost proposal.
<ol> <li>This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Quotes.</li> </ol>
4. The Consultant shall employ personnel of good moral character and fitness in performing all services under this Agreement.

independent Consultant with respect to the Consultant 's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Consultant nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint

5.

The Consultant and the City agree that the Consultant is acting as an

venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Consultant shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Consultant shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.

- 6. The Consultant acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Consultant recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Consultant agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Consultant shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Consultant further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Consultant agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.
- 9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Consultant without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
- 10. The Consultant agrees that neither it nor its sub-consultants will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Consultant shall inform the City of all claims or suits asserted against it by the Consultant's employees who work pursuant to this Agreement. The Consultant shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.
- 11. The Consultant shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages

shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.

- 12. The Consultant shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Consultant shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: Consultant shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than **\$1,000,000** per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Consultants Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. <u>Motor Vehicle Liability</u>: Consultant shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable no-fault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.
  - D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be *Additional Insureds*: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
  - E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Consultant will provide service that are customarily subject to this type of coverage.
  - F. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
  - G. <u>Proof of Insurance Coverage</u>: Consultant shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or

policies, acceptable to the City of Birmingham, as listed below.

- 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
- 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
- 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance:
- 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
- 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- H. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Consultant shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.
- I. <u>Maintaining Insurance</u>: Upon failure of the Consultant to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
- 13. To the fullest extent permitted by law, the Consultant and any entity or person for whom the Consultant is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
- 14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Consultant, the City shall have the right to terminate this Agreement without further liability to the Consultant if the disqualification has not been removed within thirty (30) days after the City has given the Consultant notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.
- 15. If Consultant fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by

law.

16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham Attn: Tiffany J. Gunter 151 Martin Street Birmingham, MI 48009 248-530-1827 CONSULTANT (Insert Consultant Information)

- 17. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled either by commencement of a suit in Oakland County Circuit Court, the 48th District Court or by arbitration. If both parties elect to have the dispute resolved by arbitration, it shall be settled pursuant to Chapter 50 of the Revised Judicature Act for the State of Michigan and administered by the American Arbitration Association with one arbitrator being used, or three arbitrators in the event any party's claim exceeds \$1,000,000. Each party shall bear its own costs and expenses and an equal share of the arbitrator's and administrative fees of arbitration. Such arbitration shall qualify as statutory arbitration pursuant to MCL§600.5001 et. seq., and the Oakland County Circuit Court or any court having jurisdiction shall render judgment upon the award of the arbitrator made pursuant to this Agreement. The laws of the State of Michigan shall govern this Agreement, and the arbitration shall take place in Oakland County, Michigan. In the event that the parties elect not to have the matter in dispute arbitrated, any dispute between the parties may be resolved by the filing of a suit in the Oakland County Circuit Court or the 48th District Court.
- 18. <u>FAIR PROCUREMENT OPPORTUNITY:</u> Procurement for the City of Birmingham will be handled in a manner providing fair opportunity for all businesses. This will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES: CONSULTANTCONSULTANT	
	Ву:
	Its:
	CITY OF BIRMINGHAM
	Ву:
	Its: Mayor
	By:
	Cherilynn Mynsberge Its: City Clerk
Approved:	
Tiffany J. Gunter, Assistant City Manager (Approved as to substance)	Mark Gerber, Director of Finance (Approved as to financial obligation)
Timothy J. Currier, City Attorney (Approved as to form)	Joseph A. Valentine, City Manager (Approved as to substance)

## ATTACHMENT B - BIDDER'S AGREEMENT Development Consulting Services

In submitting this quote, as herein described, the Consultant agrees that:

- 1. They have carefully examined the specifications, terms and Agreement of the Request for Quote and all other provisions of this document and understand the meaning, intent, and requirement of it.
- 2. They will enter into a written contract and furnish the item or items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

PREPARED BY	DATE
(Print Name)	
TITLE	DATE
ALITHODIZED CICNATUDE	E MAIL ADDDESS
AUTHORIZED SIGNATURE	E-MAIL ADDRESS
COMPANY	
ADDRESS	PHONE
NAME OF PARENT COMPANY	PHONE
ADDDECC	
ADDRESS	

## **ATTACHMENT C - COST PROPOSAL**

## **Development Consulting Services**

In order for the quote to be considered valid, this form must be completed in its entirety. The cost for the Scope of Work as stated in the Request for Quote documents shall be a lump sum, as follows:

Attach technical specifications for all proposed materials as outlined in the Consultant Consultant's Responsibilities section of the RFQ

COST PROPOSAL		
ITEM	QUOTE AMOUNT	
Proposal Evaluation and Analysis		
Contract Negotiation, Meetings, and Recommendations	\$	
Reimbursable Expenses	\$	
TOTAL QUOTE AMOUNT	\$	
ADDITIONAL QUOTE ITEMS		
	\$	
GRANDTOTAL AMOUNT	\$	
OPTIONAL QUOTE: OWNER'S REP FEES		
	\$	
m Name		
thorized signature_	Date	

# ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM Development Consulting Services

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City accepting any bid, quote, or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must certify that it is not an "Iran Linked Business", as defined by the Act.

By completing this form, the Vendor certifies that it is not an "Iran Linked Business", as defined by the Act and is in full compliance with all provisions of the Act and is legally eligible to submit a quote for consideration by the City.

DATE	
DATE	
5 MAII ADDD500	
E-MAIL ADDRESS	
PHONE	
PHONE	
	DATE  E-MAIL ADDRESS



#### **AGREEMENT**

## N. Old Woodward Parking Garage / Bates Street Extension and Mixed Use Development Project – Development Consultant Services

This AGREEMENT, made this_	day of	, 2018, by
and between CITY OF BIRMINGHAM,	having its principal n	nunicipal office at 151
Martin Street, Birmingham, MI (hereinafte	er sometimes called "C	ity"), and
	, Inc., having	its principal office at
	(hereina	fter called
"Consultant") provides as follows:		

## WITNESSETH:

WHEREAS, the City of Birmingham, through its City Manager's Office, is desirous of securing qualified professional firms to evaluate the public private partnership proposal, as submitted by the Walbridge / Woodward Bates Partners, to construct a new parking garage at 333 N. Old Woodward, extend Bates Street, and build additional mixed use facilities on publicly owned land in downtown Birmingham with the intent to negotiate a final agreement to be approved by the City Commission to initiate construction.

**WHEREAS**, the Consultant has professional qualifications that meet the project requirements and has made a bid in accordance with such request for Development Consulting Services,

**NOW, THEREFORE,** for and in consideration of the respective agreements and undertakings herein contained, the parties agree as follows:

- 1. It is mutually agreed by and between the parties that the documents consisting of the Request for Quote to perform the requested evaluation and provide advice and assistance to the City to negotiate an agreement with the Developer, and the Consultant's cost proposal dated June 21, 2018 shall be incorporated herein by reference and shall become a part of this Agreement, and shall be binding upon both parties hereto. If any of the documents are in conflict with one another, this Agreement shall take precedence, then the RFQ.
- 2. The City shall pay the Consultant for the performance of this Agreement in an amount not to exceed \$91,240, as set forth in the Consultant's June 21, 2018 cost proposal.

- 3. This Agreement shall commence upon execution by both parties, unless the City exercises its option to terminate the Agreement in accordance with the Request for Quotes.
- 4. The Consultant shall employ personnel of good moral character and fitness in performing all services under this Agreement.
- 5. The Consultant and the City agree that the Consultant is acting as an independent Consultant with respect to the Consultant's role in providing services to the City pursuant to this Agreement, and as such, shall be liable for its own actions and neither the Consultant nor its employees shall be construed as employees of the City. Nothing contained in this Agreement shall be construed to imply a joint venture or partnership and neither party, by virtue of this Agreement, shall have any right, power or authority to act or create any obligation, express or implied, on behalf of the other party, except as specifically outlined herein. Neither the City nor the Consultant shall be considered or construed to be the agent of the other, nor shall either have the right to bind the other in any manner whatsoever, except as specifically provided in this Agreement, and this Agreement shall not be construed as a contract of agency. The Consultant shall not be entitled or eligible to participate in any benefits or privileges given or extended by the City, or be deemed an employee of the City for purposes of federal or state withholding taxes, FICA taxes, unemployment, workers' compensation or any other employer contributions on behalf of the City.
- 6. The Consultant acknowledges that in performing services pursuant to this Agreement, certain confidential and/or proprietary information (including, but not limited to, internal organization, methodology, personnel and financial information, etc.) may become involved. The Consultant recognizes that unauthorized exposure of such confidential or proprietary information could irreparably damage the City. Therefore, the Consultant agrees to use reasonable care to safeguard the confidential and proprietary information and to prevent the unauthorized use or disclosure thereof. The Consultant shall inform its employees of the confidential or proprietary nature of such information and shall limit access thereto to employees rendering services pursuant to this Agreement. The Consultant further agrees to use such confidential or proprietary information only for the purpose of performing services pursuant to this Agreement.
- 7. This Agreement shall be governed by and performed, interpreted and enforced in accordance with the laws of the State of Michigan. The Consultant agrees to perform all services provided for in this Agreement in accordance with and in full compliance with all local, state and federal laws and regulations.
- 8. If any provision of this Agreement is declared invalid, illegal or unenforceable, such provision shall be severed from this Agreement and all other provisions shall remain in full force and effect.

- 9. This Agreement shall be binding upon the successors and assigns of the parties hereto, but no such assignment shall be made by the Consultant without the prior written consent of the City. Any attempt at assignment without prior written consent shall be void and of no effect.
- 10. The Consultant agrees that neither it nor its subconsultants will discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight or marital status. The Consultant shall inform the City of all claims or suits asserted against it by the Consultant's employees who work pursuant to this Agreement. The Consultant shall provide the City with periodic status reports concerning all such claims or suits, at intervals established by the City.
- 11. The Consultant shall not commence work under this Agreement until it has, at its sole expense, obtained the insurance required under this paragraph. All coverages shall be with insurance companies licensed and admitted to do business in the State of Michigan. All coverages shall be with carriers acceptable to the City of Birmingham.
- 12. The Consultant shall maintain during the life of this Agreement the types of insurance coverage and minimum limits as set forth below:
  - A. <u>Workers' Compensation Insurance</u>: Consultant shall procure and maintain during the life of this Agreement, Workers' Compensation Insurance, including Employers Liability Coverage, in accordance with all applicable statutes of the State of Michigan.
  - B. <u>Commercial General Liability Insurance</u>: Consultant shall procure and maintain during the life of this Agreement, Commercial General Liability Insurance on an "Occurrence Basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, Personal Injury, Bodily Injury and Property Damage. Coverage shall include the following extensions: (A) Contractual Liability; (B) Products and Completed Operations; (C) Independent Consultants Coverage; (D) Broad Form General Liability Extensions or equivalent; (E) Deletion of all Explosion, Collapse and Underground (XCU) Exclusions, if applicable.
  - C. Motor Vehicle Liability: Consultant shall procure and maintain during the life of this Agreement Motor Vehicle Liability Insurance, including all applicable nofault coverages, with limits of liability of not less than \$1,000,000 per occurrence combined single limit Bodily Injury and Property Damage. Coverage shall include all owned vehicles, all non-owned vehicles, and all hired vehicles.

- D. <u>Additional Insured</u>: Commercial General Liability and Motor Vehicle Liability Insurance, as described above, shall include an endorsement stating the following shall be **Additional Insureds**: The City of Birmingham, including all elected and appointed officials, all employee and volunteers, all boards, commissions and/or authorities and board members, including employees and volunteers thereof. This coverage shall be primary to any other coverage that may be available to the additional insured, whether any other available coverage by primary, contributing or excess.
- E. <u>Professional Liability</u>: Professional liability insurance with limits of not less than \$1,000,000 per claim if Consultant will provide service that are customarily subject to this type of coverage.
- F. Owners Consultants Protective Liability: The Consultant shall procure and maintain during the life of this contract, an Owners Consultants Protective Liability Policy with limits of liability not less than \$3,000,000 per occurrence, combined single limit, Personal Injury, Bodily Injury and Property Damage. The City of Birmingham shall be "Name Insured" on said coverage. Thirty (30) days Notice of Cancellation shall apply to this policy.
- G. <u>Cancellation Notice</u>: Workers' Compensation Insurance, Commercial General Liability Insurance and Motor Vehicle Liability Insurance (and Professional Liability Insurance, if applicable), as described above, shall include an endorsement stating the following: "Thirty (30) days Advance Written Notice of Cancellation or Non-Renewal, shall be sent to: Finance Director, City of Birmingham, PO Box 3001, 151 Martin Street, Birmingham, MI 48012-3001.
- H. <u>Proof of Insurance Coverage</u>: Consultant shall provide the City of Birmingham at the time the Agreement is returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - 1) Two (2) copies of Certificate of Insurance for Workers' Compensation Insurance;
  - 2) Two (2) copies of Certificate of Insurance for Commercial General Liability Insurance;
  - 3) Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance:
  - 4) Two (2) copies of Certificate of Insurance for Professional Liability Insurance;
  - 5) If so requested, Certified Copies of all policies mentioned above will be furnished.
- I. <u>Coverage Expiration</u>: If any of the above coverages expire during the term of this Agreement, Consultant shall deliver renewal certificates and/or policies

to the City of Birmingham at least (10) days prior to the expiration date.

- J. <u>Maintaining Insurance</u>: Upon failure of the Consultant to obtain or maintain such insurance coverage for the term of the Agreement, the City of Birmingham may, at its option, purchase such coverage and subtract the cost of obtaining such coverage from the Agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost-effective coverage but may contract with any insurer for such coverage.
- 13. To the fullest extent permitted by law, the Consultant and any entity or person for whom the Consultant is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold harmless the City of Birmingham, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Birmingham against any and all claims, demands, suits, or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from and the City of Birmingham, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Birmingham, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.
- 14. If, after the effective date of this Agreement, any official of the City, or spouse, child, parent or in-law of such official or employee shall become directly or indirectly interested in this Agreement or the affairs of the Consultant, the City shall have the right to terminate this Agreement without further liability to the Consultant if the

disqualification has not been removed within thirty (30) days after the City has given the Consultant notice of the disqualifying interest. Ownership of less than one percent (1%) of the stock or other equity interest in a corporation or partnership shall not be a disqualifying interest. Employment shall be a disqualifying interest.

15. If Consultant fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the general specifications or otherwise permitted by law.

16. All notices required to be sent pursuant to this Agreement shall be mailed to the following addresses:

City of Birmingham Attn: Tiffany J. Gunter 151 Martin Street Birmingham, MI 48009 248-530-1827 CONSULTANT
Jones Lang LaSalle
Attn: Tim Kay
226 E. Hudson Avenue
Royal Oak, MI 48067
248-581-3311

IN WITNESS WHEREOF, the said parties have caused this Agreement to be executed as of the date and year above written.

WITNESSES:

CONTRACTOR

WITNESSES:	CONTRACTOR
	By: Line
	Its: Timothy R. 12 Ay Managing Pirect
CITY OF BIRMINGHAM	
	Ву:
	Andrew M. Harris Its: Mayor
	Dyr
	By: J. Cherilynn Brown Its: City Clerk
Approved:	
Tiffany J. Gunter, Assistant City Manager (Approved as to substance)	Mark Gerber (Approved as to financial obligation)
Timothy J. Currier, City Attorney (Approved as to form)	Joesph A. Valentine, City Manager (Approved as to substance)
(Approved as to form)	(Approved as to substance)

(Approved as to financial obligation)







## Patrick F. McGow

Principal
Public Finance Group Leader

## Office

#### Detroit

T: +1.313.496.7684 O: +1.313.963.6420 F: +1.313.496.7500

Patrick McGow advises cities, counties, townships, villages and authorities on a broad range of infrastructure financing and related legal matters.

As bond counsel, his role is to help his clients understand their legal options and prepares the necessary documentation to

#### **SERVICES**

- > Public Finance
  - Development
  - 9

authorize the issuance and sale of bonds to finance water and sewer projects, brownfield redevelopment, street and road improvements, drainage projects and economic development initiatives, among others. He also has extensive experience in tax-exempt financing for private activity bonds (solid waste and manufacturing facilities) and nonprofit and health-care financings.

In addition to serving as bond counsel in financing transactions, Patrick counsels his clients on other related matters such as special assessments, elections, millage and ballot proposals, state and federal tax issues, and other finance matters. In the area of tax increment financing, Patrick assists in establishing tax increment financing entities, such as downtown development authorities, tax increment finance authorities, local development finance authorities, brownfield redevelopment authorities and corridor improvement authorities.

As a recognized leader in his field, Patrick has written legislation on a variety of municipal finance and tax increment financing issues.

## **Representative Matters**

Patrick has served as bond counsel on behalf of cities, counties, townships, drainage districts, authorities, and governmental entities of all types covering all areas of public infrastructure finance for more than 20 years of his career. In addition, he has worked on including major economic development projects and municipal finance legislation.

- Infrastructure Municipal Bond Issues Represented governmental units on several hundred municipal bond issues totaling over \$3 billion dollars for water and sewer utilities, street and road projects, drainage districts, governmental buildings and equipment, parking facilities, brownfield redevelopment and other economic development projects
- Infrastructure Agreements, Incentives and Bonds
   Represented a municipality in connection with development
   agreements, incentives and bond financing for over \$10 million

Governmental Facilities and Equipment

- Infrastructure
  - Drains
  - Roads, Highways and Public Transportation
  - Solid Waste Management
- Public-Private Partnerships
- RelatedGovernmentServices
  - Governmental Powers, Open Meetings and FOIA
  - Legislation
  - Millage Planning
  - Special Assessments and User Fees

#### **EDUCATION**

University of Michigan Law School, J.D. 1992

Michigan State University, James Madison College and Honors College, B.A. 1989

#### **BAR ADMISSIONS**

Michigan

of road, water and sewer infrastructure to facilitate development of a major automotive manufacturing facility.

- Joint Recreational Authority Bond Financing
   Acted as bond counsel on the first joint recreational authority
   bond financing in Michigan.
- Utility Company Bond Counsel Acted as bond counsel for financing and refinancing solid waste and pollution control equipment for a major investor-owned utility company.
- Legislative Drafting
   Crafted legislation enabling financing of unfunded pension and retiree healthcare legacy costs.

## **Honors**

U.S. News & World Report, Best Lawyers in America, Public Finance Law, 2010-present; Lawyer of the Year, Public Finance Law, 2018

DBusiness Magazine, Top Lawyers, Public Finance, 2011-present

University of Michigan Law School, cum laude; Editorial Board, University of Michigan Journal of Law Reform, 1990-92

Michigan State University, with honors, Phi Beta Kappa

## **Professional Activities**

American Bar Association

State Bar of Michigan

**Detroit Metropolitan Bar Association** 

National Association of Bond Lawyers

Michigan Government Finance Officers Association, Board of Directors, 2009-2011; Professional Development Committee, Chairman, 2005-2009

Bond Club of Detroit, Board of Directors, 2013-present; President, 2018

Government Finance Officers Association

Michigan Municipal Treasurers Association

Michigan Downtown Association

## **Civic, Cultural & Social Activities**

Detroit Regional Chamber, Leadership Detroit XXIII Graduate, 2001-2002

Adoption Associates, Inc., Board Member, 2008-2015

## **Speeches**

"Fundamentals of Organization" and "Municipal Finance Fundamentals," Michigan Municipal League Elected Officials Academy, Frankenmuth, Michigan, Feb. 24, 2018

"Personal Property Tax Reform Update," Michigan Government Finance Officers Association – Michigan Municipal Treasurers Association Spring Seminar, East Lansing, Michigan, March 31, 2017

"Debt Financing," Michigan Government Finance Officers Association Introduction to Public Finance, East Lansing, Michigan, March 30, 2017

"Fundamentals of Organization" and "Municipal Finance Fundamentals," Michigan Municipal League Elected Officials Academy, Frankenmuth, Michigan, Feb. 18, 2017

"History of Mackinac Bridge – Bond Financing Story," Emmet County Essence of Emmet Presentation, Petoskey, Michigan, April 27, 2016

"Downtown Development Authorities and Downtown Financing Tools," Michigan Government Finance Officers Association – Michigan Municipal Treasurers Association Spring Seminar, East Lansing, Michigan, March 5, 2016

"Debt Financing," Michigan Government Finance Officers Association Introduction to Public Finance, East Lansing, Michigan, March 4, 2016

"Fundamentals of Organization" and "Municipal Finance Fundamentals," Michigan Municipal League Elected Officials Academy, Frankenmuth, Michigan, Feb. 27, 2016

"Other Post Employment Benefit Bonds," Michigan Government Finance Officers Association Fall Institute, Mackinac Island, Michigan, Oct. 6, 2015

"Tax Increment Financing - Old, New Issues," Michigan Government Finance Officers Association Fall Institute, Mackinac Island, Michigan, Oct. 5, 2015

"Fundamentals of Organization" and "Municipal Finance Fundamentals," Michigan Municipal League Elected Officials Academy, Frankenmuth, Michigan, Feb. 21, 2015

"Debt Financing," Michigan Government Finance Officers Association Introduction to Public Finance, Lansing, Michigan, Feb. 19, 2015

"Personal Property Tax Update," Michigan Municipal Treasurers Association Annual Fall Conference, Frankenmuth, Michigan, Oct. 8, 2014

"Bond Finance 101 – From Beginning to End," Michigan Government Finance Officers Association Fall Institute, Boyne Falls, Michigan, Sept. 23, 2014

"Debt Financing," Michigan Government Finance Officers Association Introduction to Public Finance, Lansing, Michigan, March 6, 2014

"Fundamentals of Organization" and "Municipal Finance Fundamentals," Michigan Municipal League Elected Officials Academy, Frankenmuth, Michigan, Feb. 8, 2014

"Pension and OPEB Bonding," Michigan Government Finance Officers Association Fall Institute, Grand Rapids, Michigan, Sept. 30, 2013 "Bond Market and Legislative Update," Wayne County Treasurers Association Fall Conference, Livonia, Michigan, Sept. 18, 2013

"Debt Financing," Michigan Government Finance Officers Association Introduction to Public Finance, Lansing, Michigan, March 21, 2013

"Municipalities + School Districts: Tools for a New Era,"
Sustainable Government Initiative Workshop, Livonia, Michigan,
June 9, 2011

"Best Practices in Local Government Fiscal Management," Government Turnaround Association Emergency Manager Seminar, Lansing, Michigan, April 18, 2011

"Local Government Finance," Michigan Department of Treasury Emergency Manager Seminar, Lansing, Michigan, Feb. 9, 2011

"Continuing Disclosure Requirements and Rule 15c2-12: Past, Present and Future," Michigan Governmental Finance Officers Association Fall Institute, Sept. 21, 2009

"Fundamentals of Municipal Financing," Michigan Townships Association Annual Conference, Detroit, Michigan, Jan. 28, 2009

"Neighborhood Improvement Authorities," Michigan Municipal League, Lansing, Michigan, March 7, 2008

## **Publications**

"Tax Increment Financing: An Economic Development Tool for Townships," *Michigan Township News*, July 1998

"Municipal Finance After the Detroit Bankruptcy," *Michigan Bar Journal*, Sept. 2015

#### **Events**

Before the Bell Breakfast Forum: SEC Municipal Securities Enforcement

## **Articles**

- New Law Consolidates Tax Increment Authorities, Imposes New Reporting Requirements
- Public-Private Partnerships
- The Impact of Tax Reform on Michigan Municipalities and School Districts
- Proposed Tax Reform Legislation Would Increase Financing Costs for Issuers of Tax-Exempt Bonds
- Congressional Tax Bills Threaten Tax-Exempt Bonds for Non-Profit Hospitals
- Transformational Brownfield Projects Eligible for Substantial Tax Incentives Under Recently Enacted Legislation
- IRS Issues New Rules for Management Contracts involving Tax-Exempt Financed Facilities
- Michigan Governor Signs Law Excluding Library Taxes from Capture by Tax Increment Financing Entities
- New Law Limits Ability of Local Governments and School Districts to Communicate Regarding Ballot Questions
- SEC Municipalities Continuing Disclosure Cooperation Initiative: Should A Bond Issuer Self-Report?
- How Michigan's New Personal Property Tax Law Will Affect Municipalities
- New SEC Regulations of Municipal Advisors and Underwriters
   Take Effect in July
- Proposed New MSRB Rule on Standards of Conduct for Municipal Advisors
- 107 Miller Canfield Lawyers Recognized as Best Lawyers in America 2018



## FW: Birmingham RFP [MCPS-ACTIVE.FID1962084]

McGow, Patrick F. <mcgow@millercanfield.com>

Wed, Jun 20, 2018 at 4:27 PM

To: "jvalentine@bhamgov.org" <jvalentine@bhamgov.org>

Cc: "Fazio, Joseph M." <fazio@millercanfield.com>, "tcurrier@beierhowlett.com" <tcurrier@beierhowlett.com>

Joe-

I am following up on our discussion last week about an attorney who could represent the City of Birmingham on a Public-Private Partnership project relating to a commercial development in connection with the City's parking structure project. My partner Joe Fazio is a real estate attorney who worked on many different P3 projects representing both governmental units and private developers. I have worked with Joe on many different development agreements and real estate matters for municipal clients.

Attached is a short biography of Joe from our firm website. I have also listed below some P3 projects Joe has worked on in recent years, which include:

- 1. Represented the City of Dearborn in the negotiation of an agreement with Redico for the sale and redevelopment of the Montgomery Ward site in Dearborn for use by Oakwood Hospital and the development by the City of a parking deck financed by TIF revenues. This included negotiated multiple agreements for the development, construction and management of the project and coordinating with the bond financing team for the issuance of bonds by the City's Brownfield Redevelopment Authority for the parking structure and related infrastructure improvements.
- 2. Represented the Michigan Senate in the negotiation of the acquisition of a unit in an office building condominium for use as the offices for the State Senators. This project also involved coordination with the issuance of bonds by the Michigan Strategic Fund to finance the public portion of the building improvements.
- 3. Represented the State Building Authority in connection with the acquisition and redevelopment of the Cadillac Place project in Midtown Detroit, which was a conversion of the former headquarters of General Motors into a State of Michigan office building.
- 4. Represented the Detroit Building Authority in connection with the acquisition, development and subdivision via a master deed of the Public Safety Building and adjacent parking deck in Detroit, which included the sale of a unit to the State Police for use as a crime lab. This project also involved coordinating with the bond finance team on the City's portion of the project.
- 5. Represented the City of Marquette in connection with the sale and development of City owned land which was then used for the development of the new Marquette Hospital. This project included the construction by the City of significant offsite improvements financed by tax increment revenues and the issuance of bonds by the City's Brownfield Redevelopment Authority.

For these types of matters, we would bill for the time on the development agreements and real estate documents separate from the bond counsel fee and we would bill that monthly on an hourly basis. For this matter, Joe's hourly rate would be \$450 per hour, which is a discount from his standard hourly rate.

I would be happy to discuss this with you, or feel free to contact Joe Fazio directly on this matter. Thank you.

Patrick F. McGow | Attorney and Counselor at Law

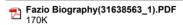
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#### **ANN ARBOR**

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fazio@millercanfield.com

#### **Services**

Real Estate

Commercial Real Estate Finance

Commercial Real Estate Finance Workout, Foreclosure and Litigation

Corporate Real Estate

Economic Development Incentives

Governmental Entities

Leasing

Real Estate Acquisition and Disposition

Real Estate Development

Banking and Finance

C&I and Asset-Based Finance Loan Syndications and Credits

Receiverships, Real Estate Owned (REO) and Loan Portfolio Acquisitions & Dispositions

Industries

Construction

Financial Services

Retail and Hospitality

#### **Education**

Wayne State University Law School, J.D., 1985

University of Michigan, B.A. 1980

#### **Bar Admissions**

Michigan

#### **Court Admissions**

U.S. Court of Appeals

Sixth Circuit



No matter how complex, Joe's emphasis is on keeping the parties engaged and focused on the issues to be resolved for the transaction to come to a successful end.

Joe's specific areas of expertise include complex commercial real estate acquisitions and developments, with extensive experience in ground leasing, entity formation, public/private development agreements, as well as conventional, securitized and tax-increment financing.

## **Representative Matters**

#### **REIT Spin-out and Initial Public Offering**

Represented Second City Capital Partners II, LP, on the spin-out and "roll up" of more than 20 companies holding 16 office properties consisting of 1.85 million sq. ft. of rentable space in five states, and the initial public offering of City Office REIT, Inc.'s common stock.

Joe helped a client obtain approval of a site plan for a 10-story student housing project in the face of significant community opposition. In a stunning reversal of fortune, the city council unanimously approved the project after it had been unanimously rejected by the city planning commission.

In another matter, Joe crafted a plan for a regional shopping center anchored by a national retailer. The complex transaction involved the simultaneous closing on about 11 distinct parcels of land, a sale of a significant portion of the assembled land to a third-party national retailer, closing on a significant tax increment financed special assessment district to fund infrastructure costs, the leasing of approximately 70 percent of the project to be built on the client-retained land, and closing a



#### Joseph M. Fazio

construction loan.

#### **Honors**

Best Lawyers in America, Real Estate Law 2005-present; Litigation-Real Estate 2012-present; 2017 Ann Arbor Litigation - Real Estate Lawyer of the Year; 2015 Ann Arbor Litigation-Real Estate Lawyer of the Year

Michigan Super Lawyers, Real Estate 2006-present

Chambers USA: America's Leading Lawyers for Business, Real Estate, 2008-present

DBusiness Magazine, Top Lawyers, Real Estate 2011-present

#### **Professional Activities**

American Bar Association

State Bar of Michigan, 1985, Real Property Law Section

Washtenaw County Bar Association

#### **Civic, Cultural & Social Activities**

Legacy Land Conservancy, Board of Trustees, 2010-present

Ann Arbor Art Center, Chairman of the Board, 2005-2007; Vice President, 2004; Board Member, 2000-2006

Ann Arbor Area Convention and Visitors Bureau, Chairman of the Board of Directors, 2002-2003

Leadership Ann Arbor, Graduate

## **Speeches**

"Lean, Mean, Seen and Green - Solving the Top Issues in Buying, Financing, Leasing, Renovating and Repopulating: Purchase Agreement and Due Diligence Considerations," State Bar of Michigan Real Estate Section Summer Conference, Thompsonville, MI, July 2013

"Increment Financing and the Public Private Real Estate Project –A Practical Analysis," University of Michigan Law School, Real Estate Society Presentation 2/10/09

"Improved Real Estate Due Diligence, including Lease and Financing Issues," Miller Canfield University, October 2004

"The Mechanics of Commercial Development from Start to Finish: Part I - Pre-purchase, Due Diligence, Acquisition of Land and Purchase Agreements," sponsored by the Real Property Law Section of the State Bar of Michigan, 2002



#### Joseph M. Fazio

"Building the Three-Legal Table--Lender, Borrower and Tenant Issues in the Current Commercial Real State Market," sponsored by the Real Property Law Section of the State Bar of Michigan, 1999

Annual real estate symposiums titled "Recent Trends & Issues in Commercial Leasing" (1993); "Commercial Leasing and Use of Forms–A Double-edge Sword" (1994); "Ground Leasing and Sale/Lease--back Transaction–An Alternative for Real Estate Development and Financing" (1995); "The Loan Application/Commitment Process: an Agreement to Fund" (1996); and "Multiple Parcel Acquisitions and the Use of Escrows" (1997); sponsored by Maddin, Hauser, Wartell, Roth, Heller & Pesses, P.C., and presented for clients, prospective clients, brokers, and others in the real estate industry.

"Analysis and Negotiation of Commercial Leases on Behalf of Tenants," sponsored by the Michigan Association of Certified Public Accountants, 1995, 1996, and 1997

"Small Business Borrowing," sponsored by the Livonia Chamber of Commerce, 1997

"Michigan Commercial Real Estate Transactions," sponsored by Professional Education Systems, Inc. (consisting of full-day seminar and significant set of materials and handouts), 1997



## **MEMORANDUM**

Office of the City Manager

**DATE:** June 25, 2018

TO: Joseph A. Valentine, City Manager

FROM: Tiffany J. Gunter, Assistant City Manager

**SUBJECT:** Parking Lot #6 Expansion

There is strong parking demand five days a week from businesses that surround Parking Lot #6 located adjacent to 600 N. Old Woodward. Demand is exceptionally strong on Wednesdays, Thursdays, and Fridays in the early afternoons. Lot#6 is also home to the City's popular Farmer's Market, which is held on the parking lot every Sunday morning from the beginning of May to the end of October. The parking lot is in need of repair due to the wear and tear that results from intense usage.

The Advisory Parking Committee has worked extensively with the business owners of this area since 2006, when demand started growing larger than capacity. Approximately eight years ago, a discussion was held about potentially expanding the lot to the east, in order to gain additional capacity. However, negative feedback from homeowners directly east of the Rouge River and the committee elected to table this matter until a later time. Now that maintenance work is clearly needed on the lot, the Committee thought that it was important to entertain options to gain more capacity in the lot again. Staff was directed to prepare various options to consider.

In December, 2017, staff presented three options to the Committee as follows:

**Option #1** – Resurface the existing parking lot, and add a simple landscape buffer of the lot along its east side, at an estimated cost of \$242,000.

**Option #2** – Resurface the lot, while expanding it about four feet to the east (allowing the addition of 14 parallel parking spaces, while maintaining the existing trees), and adding a simple landscape buffer along its east side, at an estimated cost of \$290,000.

**Option #3 -** Resurface the lot, while expanding it about twenty feet to the east (allowing the addition of 34 parallel parking spaces, and adding extensive landscape and storm water quality improvements), at an estimated cost of \$497,600.

The Committee voted to support Option #3. Knowing about previous objections, it was important to notify not only the businesses, but the residential community as well. All homeowners (and businesses) north of Ravine Rd. were mailed the attached postcard to advise them of a scheduled public hearing.

At the Advisory Parking Committee meeting of March 7, 2018, the referenced public hearing was held regarding the various offered options on how to potentially rehabilitate, renovate, or potentially expand Parking Lot #6. Those that spoke at the hearing were generally very supportive of Option #3. After taking comments from several attendees, generally representing nearby businesses, the Committee voted 6-0 to recommend that the City Commission authorize

the restoration of Parking Lot #6, using Option #3. Option #3 represented the larger of two expansion options, wherein the lot would be resurfaced, an additional 34 parking spaces would be added to the east side of the lot, and storm water filtering improvements would be implemented for the entire lot.

The total cost of the project is estimated at approximately \$497,600, which can be broken down into three general categories:

a.	Resurfacing of the Existing Lot	\$161,200
b.	Expansion of the Parking Area	\$179,400
c.	Storm Water Quality Improvements	\$157,000

At a subsequent meeting held on May 2, 2018, the Committee reconvened to explore funding alternatives for Parking Lot #6 expansion. The committee explored the possibility of

- 1) Applying for a grant from MDEQ that could cover up to 80% of the storm water quality improvements (\$157,000), but would delay the project by at least one year and potentially add other requirements
- 2) Activating a special assessment district to cover only the cost of the expansion (\$179,400), or
- 3) Proceed with the project using reserves in the parking enterprise fund.

After a thorough discussion of funding options, the Committee agreed to proceed with the plan to utilize the Parking Enterprise Fund to support the project in its entirety. It was agreed that as a sign of good faith, knowing that the assessment may likely be levied to support the N. Old Woodward garage reconstruction, it is best not to introduce a separate assessment for a relatively small scale project as this time. There was concern that the City is setting a precedent that the parking fund will pay for all minor improvements in the future. They ultimately agreed that the anticipated \$40 million improvement was the impetus for the decision and do not expect these circumstances to exist on an on-going basis.

#### SUGGESTED RESOLUTION:

To authorize the restoration and expansion of Parking Lot #6 located near 600 N. Old Woodward. Further, to waive the option of creating a special assessment district to defray the cost of this work, and proceed to the plan preparation phase, charging all costs to the Auto Parking System.

#### CITY OF BIRMINGHAM ADVISORY PARKING COMMITTEE PUBLIC HEARING THURSDAY, MARCH 7, 2018 AT <u>7:30 AM</u> ROOM 205, MUNICIPAL BUILDING

#### **MUNICIPAL PARKING LOT #6**

Funds have been budgeted to resurface Municipal Parking Lot #6, located next to and behind 600 N. Old Woodward Ave. The Parking Committee is considering three different options on how to improve the lot with respect to appearance, storm water quality, and capacity. The Committee would like public input before a final recommendation is made to the City Commission. Please see the Advisory Parking Committee page at <a href="https://www.bhamgov.org">www.bhamgov.org</a> for more information and illustrations.

CITY OF BIRMINGHAM
ADVISORY PARKING COMMITTEE
PUBLIC HEARING
THURSDAY, MARCH 7, 2018 AT 7:30 AM
ROOM 205, MUNICIPAL BUILDING

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Engineering Department City of Birmingham 151 Martin Birmingham, MI 48009

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«SIDWELL»
«NAME»
«ADDRESS»
«CITY», «STATE» «ZIP_CODE»
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Engineering Department City of Birmingham 151 Martin Birmingham, MI 48009

«Next Record»
«SIDWELL»
«NAME»
«ADDRESS»
«CITY», «STATE» «ZIP\_CODE»



### **MEMORANDUM**

**Engineering Dept.** 

DATE: March 7, 2018

TO: Advisory Parking Committee

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Parking Lot #6 Rehabilitation/Expansion

**Public Hearing** 

At the meeting of December 1, 2018, the Advisory Parking Committee (APC) scheduled a public hearing for the meeting of February 7 regarding the above noted proposal. The public hearing was later postponed to the March 7 meeting so that the parking system consultant interviews could be held during that meeting. Postcards were sent to businesses and homes from the north edge of the assessment district south to Ravine Rd. announcing the public hearing, as well as directing people to the City's website where the three proposals are detailed.

As of today, no calls or comments have been received, other than from Dr. Vaitas, who has commented that he was not notified. With further research, we have identified that the individual suites were not listed in the tenant database, therefore, not all tenants were notified in his building. Staff is looking into this matter.

#### **TIMING**

As you know, this parking lot is in strong demand five days a week from the adjacent business community. In addition, the City's popular Farmer's Market is held on the parking lot every Sunday morning from the beginning of May to the end of October. Since the construction also has to occur during May to October, this leaves Saturdays as the only "low impact" day that the lot being closed would have a minor impact on the area. After reviewing the issue with the BSD, we envision that construction could be conducted as follows:

- 1. If either Option 2 or 3 is selected, there will be concrete curb and paving work to do first along the east edge of the parking lot, and in the case of Option 3, substantial grading and landscape work. We believe it would be best to complete this work first, so that the final asphalt paving could be installed up to the new curb as the last part of the job. Work of this nature could be done during the week, wherein most of the parking in the lot could be kept open to the public, and the existing easterly access drive would be used both for parking space access, as well as an access for the construction activity. Having this area under construction would not cause much disruption to the Farmer's Market, since the existing asphalt surface would still be as is.
- 2. Once the curb changes and extra paved area are installed, we recommend that the contract be written such that an asphalt mill be required to complete removal of the existing top surface of asphalt on a Saturday morning. This work could be accomplished in a matter of hours, followed up with an inspection of the remaining asphalt, and then removal and asphalt patching of bad spots. The lot would have to be swept and made

- safe for the Farmer's Market the day after, as well as for use by the businesses the following week.
- The contract would then stipulate that the final asphalt surface course would be installed on the following Saturday morning. Pavement markings could be installed late that afternoon, making the project essentially finished and ready for full use again that same day.

Staff would appreciate your input relative to the suggested timetable.

Given current projects that are already underway for 2018, it is recommended that this project be authorized soon so that it can be designed and bid later this year, and constructed in April and May of 2019.

#### **FUNDING**

Typically, parking system improvements are charged completely to the parking system. That can be the case here as well. However, if Option 3 is elected, there is a significant expenditure proposed that can be categorized as an environmental improvement. Currently, unfiltered storm water that picks up dirt and oils from the lot are directed straight into the adjacent Rouge River. By installing a bioswale and settling basin, the storm water would flow slower through these areas and be filtered before entering the river. Such an improvement would qualify for consideration of a grant.

Two grant opportunities are identified in the attached letter from our engineer, HRC. In general terms, it is estimated that the cost of the environmental improvements totals \$163,000. If the City receives a grant of 75% of this amount, a savings to the parking system of about \$100,000 could be accomplished, considering additional administration costs. Other than the additional administration efforts noted, acquiring the grant would likely result in a delay of an additional year, moving the project to 2020 construction. Delaying the work until 2020 is problematic not only in terms of not bringing any relief to the parking issues in this area, but it also then conflict with the planned Maple Rd. Paving project planned downtown during the same time.

Input from the APC on this matter is also requested.

After conducting a public hearing, the APC should consider moving a recommendation to the City Commission for final adoption, and inclusion in the 2018-19 fiscal year budget.

#### SUGGESTED RECOMMENDATION:

The Advisory Parking Committee recommends that City Commission authorize the restoration of Parking Lot #6, using Option \_\_\_\_\_.

#### City of Birmingham

#### ADVISORY PARKING COMMITTEE

#### REGULAR MEETING

Birmingham City Hall Commission Room 151 Martin, Birmingham, Michigan Wednesday, March 7, 2018

#### **MINUTES**

These are the minutes of the Advisory Parking Committee ("APC") regular meeting held on Wednesday March 7, 2018. The meeting was called to order at 7:30 a.m. by Chairman Al Vaitas.

**Present:** Chairman Al Vaitas

Vice-Chairperson Gayle Champagne Anne Honhart (arrived at 7:36 a.m.)

Steven Kalczynski

Lisa Krueger Judith Paskiewicz

Absent: None

**SP+ Parking:** Catherine Burch

Sara Burton Jay O'Dell

**BSD:** Ingrid Tighe, Executive Director

**Administration:** Austin Fletcher, Asst. City Engineer

Tiffany Gunter, Asst. City Manager

Paul O'Meara, City Engineer

Carole Salutes, Recording Secretary

RECOGNITION OF GUESTS (none)

MINUTES OF REGULAR MEETING OF FEBRUARY 7, 2018

Motion by Ms. Champagne Seconded by Ms. Krueger to accept the Minutes of February 7, 2018 as presented. Advisory Parking Committee Proceedings March 7, 2018 Page 2 of 13

#### Motion carried, 5-0.

VOICE VOTE:

Yeas: Champagne, Krueger, Kalczynski, Paskiewicz, Vaitas

Nays: None Absent: Honhart

## PUBLIC HEARING PARKING LOT #6 REHABILITION/EXPANSION

The public hearing opened at 7:35 p.m.

After reviewing the current conditions with an engineering consultant, Hubbell Roth & Clark ("HRC"), the following three options have been prepared in conceptual plan format, with cost estimates attached:

#### OPTION 1 - RESURFACE EXISTING LOT

The plan shows the areas of the lot that have not been repaved in 20 years. (The remainder of the area was repaved last year as a part of an Oakland County sewer relocation project.) It is envisioned that the top two inches of asphalt would be removed and replaced, with other various base repair work as needed. In order to enhance the area some, arborvitae are proposed to be installed along the east edge of the lot, between the existing mature evergreen trees. Such a project would give the entire lot a new fresh look, but would do nothing to enhance its capacity or storm water quality. The engineer's estimate for this work, including a contingency, is \$242,000.

## OPTION 2 – <u>PROVIDE MINOR EXPANSION TO EAST, AND RESURFACE</u> EXISTING LOT

The plan depicts the small 4 ft. wide expansion to the east. The expansion would attempt to save the existing evergreen trees to the east, as well as supplement them with new arborvitae, as in Option 1. The curb relocation would allow for an increase in capacity by 14 parking spaces, or an expansion of 10%. Such a project would give the entire lot a new fresh look. It would do nothing to enhance its storm water quality. The engineer's estimate, including a contingency, is almost \$290,000. During the study of this area, the City's forestry consultant has acknowledged that the existing evergreen trees planted along the east edge of the lot have passed their prime and several have been removed already through the intervening years. Of the ones that remain, several are diseased and in decline, although others are still strong. Undertaking this option would likely

Advisory Parking Committee Proceedings March 7, 2018 Page 3 of 13

result in damaging the root structure of some of the trees, which may result in further losses in the coming years.

# OPTION 3 – <u>PROVIDE GREATER EXPANSION TO THE EAST, PROVIDE</u> <u>STORM WATER QUALITY IMPROVEMENTS, AND RESURFACE EXISTING</u> LOT

Considering the current status of the adjacent evergreen trees, the third plan has proposed their removal, and depicts a 20 ft. expansion to the east, thereby accommodating an expansion of 34 parking spaces. To improve upon the aesthetics and storm water quality of the lot, a bioswale has been proposed behind the east curb edge. The bioswale would be enhanced with plantings that would work as a filter to stop pollutants coming off the lot before they enter the river. The new curb would have several openings to allow storm water to flow into the bioswale. In the lowest area, at the southeast corner, the existing concrete spillway would be removed in favor of a stone lined sedimentation basin. The basin would allow all of the storm water to flow very slowly into the river, allowing pollutants and sediment to drop out of the water before entering the river. Given the close proximity to the river, and the work within the floodplain, the design would have to be approved by the Michigan Dept. of Environmental Quality ("MDEQ"). If done correctly, we assume the MDEQ would endorse this voluntary effort to improve the storm drainage design of an existing parking lot. If this design moves forward, a closer look at the vegetation in the area is recommended. Undesirable or invasive species could be removed and replaced with more desirable plantings that could provide an improved aesthetic and screening effect for the adjacent residential area. Such a project would provide improvements to the lot in many ways, and would also improve the capacity of the lot by 24%. The total cost of this option, including contingency, is estimated at almost \$500,000.

If Option 3 is elected, there is a significant expenditure proposed that can be categorized as an environmental improvement. Currently unfiltered storm water that picks up oil and dirt from the lot is directed straight into the Rouge River. By installing a bioswale and settling basin, the storm water would flow slower and be filtered before entering the river. Such an improvement would qualify for consideration of a grant.

Two grant opportunities are identified by our engineer, HRC. In general terms, it is estimated that the cost of the environmental improvements totals \$163,000. If the City receives a grant of 75% of this amount, a savings to the parking system of about \$100,000 could be accomplished. Acquiring the grant would likely result in a delay of an additional year, moving the project to 2020 construction. Delaying the work until 2020 is problematic not only in terms of not bringing any

Advisory Parking Committee Proceedings March 7, 2018 Page 4 of 13

relief to the parking issues in this area, but it also would then conflict with the planned Maple Rd. Paving Project planned downtown during the same time.

Responding to Ms. Champagne, Mr. O'Meara said this would be an early 2019 project if they do not attempt to get the grant. There is a nominal cost to apply for the grant. They are looking at gaining about \$160,000 with the grant that would just cover the environmental costs and not the paving. Getting the grant would not be a sure thing. The least disruption to the community would be to build the whole project at once.

Mr. O'Meara went on to describe how construction would proceed with the least disturbance to the public and to the Farmer's Market.

Mr. Jamie Burton, Environmental Engineer from HRC, said they will pick Michigan native plants for the bioswale that will slow the water down and take up the nutrients. The goal will be for long-term low maintenance.

Mr. O'Meara verified for Mr. Kalczynski that a parking space in a structure costs \$25,000 to \$30,000. Chairman Vaitas compared that cost with how much a space would be using Option 3, which is about \$6,500.

Mr. O'Meara responded to Dr. Paskiewicz's question about adding in the picnic tables and seating from the Farmer's Market if Option 3 proceeds. He explained they could curve the swale around so that it leaves green space behind the curb and creates seating areas. It was mentioned that the arborvitae would block headlights from residences to the east.

The Chairman took comments from the audience.

Mr. Joe Finessi, business owner in the area, said the payback on \$6,500 would be about three years or less. Therefore, it makes sense to go through with it.

Haley is a manager for Luigi Bruni at the north end of Old Woodward Ave. They have 32 employees and over half have parking passes for Lot #6, but a majority of the time they have to pay for parking in other spots in addition to paying for their pass. Their 4,000 sq. ft.business is being impacted the most. The lot is in shambles with many potholes and it is not appropriate for either consumers or for their staff to park. She thought it is imperative that the lot gets done sooner rather than later.

Mr. Brian Najor, Najor Companies, 600 N. Old Woodward Ave. said they own 600 through 640 N. Old Woodward Ave. They think the lot is in immediate need of repair with its many potholes and distress cracks. The cost for a space is pretty cheap compared to what a space in a structure costs. The ability to park

Advisory Parking Committee Proceedings March 7, 2018 Page 5 of 13

on the side streets has been taken away from business owners because of resident complaints. Therefore they need to utilize the opportunity to get about 34 more spots.

Ms. Tonia Schrem spoke to represent one of the businesses in the 600-620 Building. She stated they need to see some urgency from the Parking Committee. They are losing business because their clients cannot find a place to park and end up turning around and leaving.

Mr. Joe Bongiovanni, said he represents three businesses, Market, Luxe Bar and Grille, and Salvatore Scaloppini; but also is a future homeowner at 680 Brookside. The employee parking element of this discussion is vital. As far as they are concerned as business people, all of the spots near their restaurants are expected to be for customers. He thought some form of a shuttle should be set up that would be beneficial to them.

Ms. Tammy Marinella represented 800 N. Old Woodward, Brogan and Partners. They have 27 employees and they spend \$5,800/quarter for parking. They have 19 passes but ten of their employees have to use the meter parking which doubled in price in the last six months. The City will make up the \$6,500/space with just one company's parking pass expense.

Ms. Helen Fratell, the owner of Birmingham Wine, said she is one person with no employees and can't get a parking pass. If she pays for meter parking she can't pay her rent at the end of the month. So any spots would be a huge help.

Ms. Carolyn Butcher said she works for Norm Ziegelman Architects at 800 N. Old Woodward Ave. They are desperate for parking. There are no spots. With the construction next door they have lost five spots. It's not just employees trying to park, now there are construction workers as well.

Mr. Robert Greenstone from Greenstone Jewelers on 430 N. Old Woodward Ave. pointed out that Tuesday through Friday every street metered space is used from 11:30 a.m. to 2:30 p.m. all the way to Euclid and beyond. Wednesday through Friday Lot #6 is completely jammed. With the Brookside Condominium construction along N. Old Woodward Ave. they have lost 16 street spaces on the west side of N. Old Woodward Ave. and at least an equal number on the surface lot connected to the N. Old Woodward Parking Structure. All of the additional spaces that are potentially available would be most welcomed by the patrons of the businesses.

Mr. Marvin Acho from One Source, 600 N. Old Woodward Ave., said he has had his parking pass for about eight years. It has gotten more and more frustrating for him every Wednesday, Thursday, and Friday because it is too tough to find a

Advisory Parking Committee Proceedings March 7, 2018 Page 6 of 13

parking spot from 11 a.m. to 2:30 p.m. He thought the extra parking spots would help.

Ms. Kay Huberty, Certified Nutritional Consultant in private practice at 600 N. Old Woodward Ave. said her patients cannot get in for their health care appointments because they cannot find parking. She strongly endorsed Option 3 and the possibility of more parking for clients.

Mr. Bongiovanni said their three restaurants will wholeheartedly try to maneuver their employees to off-site shuttle lots if the cost is zero or minimal compared to parking in the garage or on-street.

Ms. Gunter stated that the focus of the parking consultant that they selected concerns the demand and supply issues that have come up today. Internally, even without the consultant's help, they have been looking at lots that could potentially be used to expand parking capacity. As part of their parking study they will be working through the BSD and with the merchants to survey and find out the likelihood of daily parkers taking advantage of that option.

Ms. Honhart noted they have offered this before to companies in Birmingham and the companies have not shown interest. Yet, people still expect the City to keep supplying more and more parking spaces.

Haley made one additional comment. She does not think their business is opposed to the shuttle idea. However it is not convenient for most of their staff who leave and come back at various times of the day. Instead of some of the other things that are going on in the City this parking lot is important and imperative.

#### Motion by Ms. Krueger

Seconded by Ms. Champagne that the APC recommends that the City Commission authorize the restoration of Parking Lot #6, using Option #3.

#### Motion carried, 6-0.

ROLLCALL VOTE:

Yeas: Krueger, Champagne, Honhart, Kalczynski, Paskiewicz, Vaitas

Nays: None Absent: None

298 S. OLD WOODWARD AVE.
DAXTON HOTEL VALET PARKING PROPOSAL

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Mr. O'Meara offered background. A five-story hotel is proposed for the northwest corner of S. Old Woodward Ave. and E. Brown St., the Daxton Hotel. Last July and August, the APC approved a recommendation to remove all of the metered parking in front of the property in order to make space for a valet parking zone.

At their meeting on October 16, 2017, the City Commission did not approve the recommendation. The applicant was asked to study moving the valet to Brown St., and if necessary, reduce the size of the valet on Old Woodward Ave. With the above in mind, the applicant has worked with their traffic engineering team to develop a computer model to demonstrate what would happen if the valet operation was moved to Brown St. Secondly, the applicant is now on record indicating that they can make the valet operation work with two metered parking spaces being installed just south of the proposed Old Woodward Ave. garage exit, with the provision that during times of peak occupancy, the meters could be bagged and taken out of service for additional valet staging area. Since the original proposal called for the removal of eight metered parking spaces, this new proposal is asking for the removal of just six metered parking spaces.

The City Commission has set the new rate per meter at \$5,400/year, which is calculated by using \$18/day for 300 days per year. The number of days per year reflects the fact that parking is not charged on Sundays, nor on legal holidays, which average 13 per year.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., introduced Mr. Mike Darga, Traffic Engineer from Giffels Webster; Mr. Matt Schwan from Giffels Webster; and Mr. David Berman,102 Pierce St., representing the ownership group. Mr. Rattner asked that Mr. Kalczynski recuse himself from hearing this matter, but the request was refused by the Chairman.

Mr. Rattner indicated their model studies have shown that if they use Brown St. for valet service it would block the street all the way down to Pierce. The next thing they did was to see if they could cut down on the number of spaces on S. Old Woodward Ave. being used for regular valet parking. Therefore they added a second level of underground parking, which gave them a total of 56 spaces, of which 29 are required because of the residential floor. They would be used as storage space for valet. So they have done everything they can to provide more parking for the City. For special events they would bag two spaces on Brown St. for the valet.

Therefore their current reduced request in the new configuration when S. Old Woodward Ave. is redone is for six angled parking spaces along S. Old Woodward Ave. and the ability to bag two spaces for special events. Mr. Darga gave a presentation showing on the screen proposed traffic circulation patterns in and out of the parking structure during an event. Mr. Rattner hoped the

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committee would approve their reduced request for valet. It is the minimal, they think, that they can operate with and not interfere with traffic in the City.

Mr. Kalczynski noted that on Merrill and on Townsend St. there is a lot of congestion even with two or three available spaces for the Townsend valet. So, imagine the amount of congestion that will be caused by having valet on one of the main thoroughfares in town. As a result, he felt there has to be a better solution for S. Old Woodward Ave. He sees the potential for a lot of clogged traffic. Mr. Rattner replied the way valets park cars they can accommodate a total of 76 to 80 vehicles in the Daxton garage. Further, the hotel is providing off-street parking for the retailers in the City. Also, their valet never leaves the garage and blocks S. Old Woodward Ave.

Ms. Honhart inquired where the hotel employees will park. Mr. David Berman believed many of the hotel workers will use public transportation. Secondly, they recently secured 200 spaces in the Birmingham Place parking structure, which they own, where hotel employees can park.

Mr. Kalczynski commented the amount of additional parking spaces, although commendable, that will be in the new boutique hotel doesn't necessarily talk about the issue at hand, which is the clogging of the main artery of the City of Birmingham.

Mr. Berman concluded they have completed the additional work that the City requested, evaluated it, and think that it will not cause any major traffic congestion. Also, looking at the highest and best use for that site, they could have built an office building. That office building would have a zero parking requirement because it is in the Parking Assessment District. The hotel has provided 54 actual spaces, up to 80 with valet, and they are using them at offpeak times from when the office workers do not need them. In conclusion, they have done everything they can, going above and beyond what is required to help solve the City's parking problem.

There were no comments from the public at 8:55 a.m.

#### Motion by Ms. Champagne

Seconded by Ms. Krueger to recommend to the City Commission the removal of six metered on-street parking spaces at 298 S. Old Woodward Ave. to allow for the operation of a valet service by the adjacent property owner, in exchange for an annual payment of \$32,400 (at \$5,400/meter) to be charged annually.

Motion carried, 5-1.

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VOICE VOTE:

Yeas: Champagne, Krueger, Honhart, Paskiewicz, Vaitas

Nays: Kalczynski Absent: None

## PERMIT RULE CHANGE AND TRANSIENT PARKING IN STRUCTURES

Ms. Gunter advised that in the third week of March 2018, the City will undergo a major reconstruction of Old Woodward Ave. and will temporarily remove 130 onstreet parking spaces. In an effort to mitigate the impact on our transient parkers and ensure full utilization of the available rooftop valet assist. Ms. Gunter summarized the findings of staff and discussed the rationale for the recommendation. Ms. Gunter noted that the goal is to maximize availability of the first level parking spaces within the decks for transient parkers and maximize utilization of the roof-top valet assist. She noted that, if the recommendations were approved that the CBD could realize an increased capacity of 250 parking spaces within the existing structures and eliminate long-term parking in the prime parking spaces, located on the first floors of each structure.

- Part 1 of the recommendation involves a change in strategy for the structures that will encourage greater turnover of parking spaces in the lower levels of the structure. Staff recommends that all garages will move away from the No Parking between 7 a.m. and 9 a.m. or 7 a.m. and 10 a.m. and replace those signs with 3 hour maximum parking signs that exclude monthly permit holders from parking in these restricted spaces.
- Part II of the recommendation involves a modification to the existing permit rules that require the use of rooftop valet assist for monthly permit parkers when the structure is full. This change would be rolled out along with the parking signage suggestions and staff recommends changing the language on the monthly parking permit rules. Number 5 on the rules currently states the following:
  - 5. This permit authorizes parking only in designated areas on a first-come first-serve basis. Designated areas are striped with yellow lines. If no space is available in your designated area you may park in any available space in the structure. If the structure is full, you may park in designated areas in any other City Parking Structure (not surfaces lots).

To have the monthly parkers fully utilize their designated space in each structure Staff would like to change the language to the following:

5. This permit authorizes parking only in designated areas on a first-come first-serve basis. If all available spaces are full, you are required to use the rooftop valet service (if available) at no extra

fee. If the rooftop valet is unavailable, you may park in designated areas in any other City Parking Structure. Parking spaces marked with a 3 hour time limit, as well as any parking meters on streets and surface lots, do not qualify as monthly parking spaces at any time. Any monthly parker not utilizing the rooftop valet, when available, will be required to pay the daily rate at any other City Structure (except for permit holders at the Peabody structure, where valet assist is not available).

Ms. Gunter stated that this recommendation will significantly increase the likelihood that parking spaces are available for transient parkers and will help promote turnover when coupled with the time restrictions. Consistent and similar signage, enforcement, and change of rules in all the structures will give a more positive impression to all parkers.

Ms. Gunter noted that, If approved, staff will begin an intense communication push with our monthly permit holders. The total cost to implement these changes in the first three months is estimated to be \$33,768 through the remainder of this current fiscal year. (Signage is estimated at \$5,760 and enforcement costs for three months totaling \$28,008.) After three months, the cost to maintain enforcement would be \$3,112.

Staff will evaluate the performance of the changes over the four month period and Ms. Gunter indicated that this may not be a temporary change. They hope that at the conclusion of the Old Woodward Ave. reconstruction we gain some flexibility in our permitting ability to reduce the wait list.

Mr. O'Dell said to make sure people are only parking for three hours the tires will be tracked electronically by the location of the tire stem. Also they will track license plate numbers through their hand-held system to ensure the monthly parkers are not utilizing those lower spaces. Violators could lose their monthly pass. Transient parkers who ignore the three-hour rule could get a ticket. He noted for Dr. Paskiewicz that the turnaround time for retrieving a car from the valet is only a couple of minutes.

Mr. O'Meara pointed out that after the construction, keeping the valet there would give them the ability to start selling more monthly passes.

Dr. Paskiewicz observed that people who are buying a permit will have full knowledge that they will need to valet park. That may push some people to find a different solution.

**Motion by Ms. Honhart** 

Seconded by Ms. Champagne that the Advisory Parking Committee recommends that the City Commission approves \$33,768 to support the implementation of the restricted 3-hour parking/no monthly parking signage at all of the existing parking structures and modification of the existing permit rules to require monthly permit holders to utilize the rooftop valet assist option with an ongoing enforcement cost of \$3,112 per month.

Amended by Ms. Krueger (and accepted by makers of the motion) to include this recommendation through the end of the Old Woodward Ave. construction and have it re-evaluated for a long-term solution.

#### Motion carried, 6-0.

**ROLLCALL VOTE:** 

Yeas: Honhart, Champagne, Kalczynski, Krueger, Paskiewicz, Vaitas

Nays: None Absent: None

#### APC SUPPORT FOR CONSTRUCTION MARKETING

Ms. Gunter recalled at the February 7 APC meeting the committee requested additional information from the Birmingham Shopping District ("BSD") to support the request for additional funding to market available parking options during the period that will involve the reconstruction of Old Woodward Ave. The APC requested a specific timeframe for the marketing campaign and details concerning the total media buy. The BSD has provided the requested detail and is seeking a recommendation to approve \$60,000 in funding support.

Ms. Tighe stated the BSD will be running a multi-faceted marketing campaign to promote the downtown shopping, dining and spa experience during the Old Woodward reconstruction project. The BSD will highlight the downtown through TV, radio, magazine, newspaper, and through social media ads promoting the popular "2 Hours Free Parking in the Decks" program and free valet parking available during the construction period from April to August 1.

The BSD has committed a total of \$100,000 for construction related activities. They are requesting the Advisory Parking Committee to approve a \$60,000 commitment from the parking fund to support the marketing campaign.

In addition, wayfinding signs will be printed that show where the valet parking stations are located. Strategic ads will be input into facebook, snap chat and instagram that target consumers in the retail trade area.

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Motion by Dr. Paskiewicz Seconded by Mr. Kalczynski that the Advisory Parking Committee recommends a one-time expenditure of \$60,000 in support of the BSD reconstruction marketing campaign.

#### Motion carried, 6-0.

**ROLLCALL VOTE:** 

Yeas: Paskiewicz, Kalczynski, Champagne, Honhart, Krueger, Vaitas

Nays: None Absent: None

#### **MONTHLY FINANCIAL REPORTS**

Mr. O'Dell stated that the financials look good.

#### MEETING OPEN FOR MATTERS NOT ON THE AGENDA

Ms. Gunter provided an update on Staff's first meeting with the Nelson/Nygaard team, the new parking consultant. The purpose of the meeting was to make sure they have a good understanding of the existing conditions and the needs. It is anticipated that next month they will be in front of this committee to report their findings thus far. At the merchant meeting tomorrow a brief survey will be completed so the consultants can get feedback and understand some of the challenges.

Ms. Honhart described experience she has had in the parking structures because the display says "reinsert card" and there is a delay in the gate going up. Mr. O'Dell explained there is a slight delay because the machine encrypts credit card information to keep it safe and then sends the signal to raise the gate. He will check into the message about reinserting the card. They are working through signage to get people to do things in the proper way in order to speed things up.

Further responding to Ms. Honhart, Mr. O'Dell said when someone no longer needs their parking pass it is not allowed for them to give the pass to someone else. .

#### NEXT REGULARLY SCHEDULED MEETING

April 4, 2018

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### **ADJOURNMENT**

No further business bei	ng evident, the	e Chairman	adjourned t	the meeting	at 9:30
a.m.					

City Engineer Paul O'Meara



## **MEMORANDUM**

**Engineering Dept.** 

DATE: May 2, 2018

TO: Advisory Parking Committee

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Parking Lot #6 Restoration

At the Advisory Parking Committee meeting of March 7, 2018, a public hearing was held regarding the various offered options on how to potentially renovate and improve Parking Lot #6, located adjacent 600 N. Old Woodward Ave. After taking comments from several attendees, generally representing nearby businesses, the Committee voted 6-0 to recommend that the City Commission authorize the restoration of Parking Lot #6, using Option #3. Option #3 represented the larger of two expansion options, wherein the lot would be resurfaced, an additional 34 parking spaces would be added to the east side of the lot, and storm water filtering improvements would be implemented for the entire lot.

The total cost of the project is estimated at approximately \$497,600, which can be broken down into three general categories:

a.	Resurfacing of the Existing Lot	\$161,200
b.	Expansion of the Parking Area	\$179,400
c.	Storm Water Quality Improvements	\$157,000

During the meeting in March, the timing of construction was discussed. Since closing the lot has a significant impact on the surrounding businesses, as well as the Farmer's Market, which uses the lot every Sunday from May through October, timing the construction by a means that reduces the closure time to a minimum is important. We envision the lot construction would go in the following phases beginning in 2019:

- 1. Clearing of vegetation, lights, and curb in conflict with expansion to the east.
- 2. Construction of new curb and base asphalt for expansion to east.
- 3. Milling of existing asphalt surface.
- 4. Restoration of natural area to east, and construction of storm water quality improvements.
- 5. Installation of new asphalt on both existing and new parking lot areas.

We envision that Phases 1, 2, and 4 could be completed with minor daytime closures, since most of the work would be east of the current east edge of the parking lot. Phases 3 and 5 would require a complete closure of the parking lot. The contract would be written that this work must be accomplished on consecutive Saturdays only, allowing the work to be done with relatively little impact on the surrounding businesses. In order to keep impact on the Farmer's Market reduced, we also envision attempting to get the work completed by the end of May, so

that the work can start potentially in April, when the season has not yet started, and finish in May when traffic is still lower.

Also at the meeting, outside funding sources were discussed to some extent. The involved:

- 1) A Michigan Department of Environmental Quality (MDEQ) grant. A significant amount of funding would be devoted to an improvement of the water quality for the parking lot's drainage discharge, there is a good chance that the project would qualify for a grant of up to 80% of the cost of that work, or about \$125,000. In order to apply for a grant, administered through the MDEQ, plans would have to be prepared and sent to the state agency for review. A waiting period would be involved, likely delaying the work until 2020. Since acquisition of the grant is not a certain thing, the Advisory Parking Committee expressed interest in having this project move forward for 2019 construction.
- 2) <u>Utilizing the Parking Assessment District (PAD)</u> to support the cost of the new parking spaces. Since 34 new parking spaces are proposed, a percentage of the cost of the lot expansion could be spread across the entire PAD. Given that the overall cost of the project is low, and since a potentially significant special assessment may be coming in the future for the reconstruction of the N. Old Woodward Ave. Parking Structure, the Committee may wish to consider the advisability of a smaller special assessment at this time. However, to better understand what the assessment may look like, the following example was prepared for discussion purposes.

**SPECIAL ASSESSMENT RESEARCH FINDINGS:** No special assessment has been levied against the PAD since the completion of the Chester St. Structure in 1989. Historically, a percentage of the construction cost of the project would be applied to the assessment district. Percentages have varied between 15% and 40%, with the most recent one being 15%. The policy on determining how much each property has been assessed has been determined on several factors, including:

- 1. Distance from the project being built (using a system of concentric circles, properties were split into groups radiating out from the project).
- Distance from the center of downtown (the intersection of Maple Rd. and Old Woodward Ave.). In the past, it was thought that being closer to the center of the central business district was more valuable, translating to greater benefit for a property owner if parking was improved.
- 3. Higher charges for square footage on the first floor, as compared to upper commercial floors. In the past, it was felt that the first floor areas were the most valuable, and would have the most to gain from parking improvements.
- 4. Residential zoned properties would not be assessed, as they were required to provide their own parking.

The City may elect to modify the assessment formula as it sees fit to match changing conditions. If an assessment district were created on Parking Lot #6, staff would recommend something that would use the distance from the project as the primary determining factor for benefit received. With the changing retail environment, we believe it is unclear that properties near the center of the district are any more valuable than others. Further, we also do not see that square footage on the first floor now

brings any stronger demand for parking than other commercial floors, especially given the current method of use in office building space.

The attached map with concentric rings was prepared to illustrate a means to split the district into three areas. Properties closest to Parking Lot #6 would receive the largest benefit. Those properties located between Ravine Rd. and the Willits St./Oakland Blvd. intersection would receive a smaller benefit, while those south of Willits St./Oakland Blvd. would receive the smallest benefit.

Historically, it appears that no more than 40% of the total construction cost has been charged to assessment districts. Since the total cost of the project is low, for discussion purposes, the total of 100% of the expansion cost of \$179,400 could be used as a starting point. As a suggestion, the percentage of the cost to be raised within each of the three circles could be set to best represent the benefit that each area would receive. For example, in section 1, 60% of the value should be raised. In section 2, 30% of the value should be raised. This would translate to the following costs per square foot:

Section 1 = \$0.777 per sq.ft. Section 2 = \$0.164 per sq.ft. Section 3 = \$0.006 per sq.ft.

Using these rates, the following demonstrates the cost per building for a typical small property (1,500 sq.ft.), and a realatively large property (20,000 sq.ft.):

Zone	Estimated Cost, Small Property	Estimated Cost, Large Property
Section 1	\$1,165	\$15,540
Section 2	\$246	\$3,280
Section 3	\$9	\$120

Previously, parking assessment districts have been set to raise substantially larger sums as a part of a parking structure construction project. As such, owners are allowed to break the payments up into ten increments, and pay it off over 10 years. The sample numbers above show that an assessment district on this project would result in charges much lower than is typically done.

There are obviously many variations that could be employed on an assessment district of this sort. Staff welcomes discussion and debate on the matter, as the Committee wishes. If the Committee is so inclined to consider the creation of an assessment district inadvisable at this time, a sample recommendation follows below:

#### SUGGESTED RECOMMENDATION:

The Advisory Parking Committee recommends that the City Commission authorize the restoration of Parking Lot #6, using Option #3. Further, the Committee recommends that the Commission waive the option of creating a special assessment district to defray the cost of this work, and proceed to schedule construction, charging all costs to the Auto Parking System.

#### City of Birmingham

#### ADVISORY PARKING COMMITTEE

#### REGULAR MEETING

Birmingham City Hall Commission Room 151 Martin, Birmingham, Michigan Wednesday, May 2, 2018

#### **MINUTES**

These are the minutes of the Advisory Parking Committee ("APC") regular meeting held on Wednesday May 2, 2018. The meeting was called to order at 7:30 a.m. by Chairman Al Vaitas.

Present: Chairman Al Vaitas

Vice-Chairperson Gayle Champagne

Anne Honhart Steven Kalczynski Lisa Krueger Judith Paskiewicz

Absent: None

**SP+ Parking:** Catherine Burch

Sara Burton Jay O'Dell

Administration: Austin Fletcher, Asst. City Engineer

Tiffany Gunter, Asst. City Manager

Paul O'Meara, City Engineer

Carole Salutes, Recording Secretary

#### RECOGNITION OF GUESTS (none)

#### MINUTES OF REGULAR APC MEETING OF APRIL 4, 2018

Motion by Dr. Paskiewicz Seconded by Mr. Kalczynski to accept the Minutes of April 4, 2018 as presented.

Motion carried, 6-0.

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#### **VOICE VOTE:**

Yeas: Paskiewicz, Kalczynski, Champagne, Honhart, Krueger, Vaitas

Nays: None Absent: None

#### LOT #6 FINANCIAL STRATEGY

Mr. O'Meara offered some history. Each time the City built a parking structure, a part of the construction cost was assessed to the entire Assessment District. With regard to the five parking structures, a formula was set up that considered three main factors:

- Properties closest to the structure were assessed at a higher rate than those further away;
- The square footage of the first floor was assessed at a higher rate than the upper floors, assuming they were commercial;
- Properties closer to the center of town were assessed higher than those further away.

Some of those ideas are out of date now because of the changing business environment. Today, we would recommend that the distance from the improvement to the structure is measured, as well as how big the building is. Upper floors put as much demand on the parking system as those on the first level.

A map with concentric rings was prepared to illustrate a means to split the district into three areas. Properties closest to Parking Lot #6 would receive the largest benefit. Those properties located between Ravine Rd. and the Willits St./Oakland Blvd. intersection would receive a smaller benefit, while those south of Willits St./Oakland Blvd. would receive the smallest benefit. For discussion purposes, the total of 100% of the expansion cost of \$179,400 could be used as a starting point. As a suggestion, the percentage of the cost to be raised within each of the three circles could be set to best represent the benefit that each area would receive. For example, in section 1, 60% of the value should be raised. In section 2, 30% of the value should be raised. In section 3, 10% of the value should be raised.

Using these rates, the following demonstrates the cost per building for a typical small property (1,500 sq. ft.), and a relatively large property (20,000 sq. ft.):

Zone	Estimated Cost, Small Property	Estimated Cost, Large Property
Section 1	\$1,265	\$15,540
Section 2	246	3,280
Section 3	9	120

Because the City is seriously talking about building a new parking structure at N. Old Woodward Ave., a much larger assessment may be coming in the near future. It might set a bad tone if a small assessment is introduced now and then a much larger one is created in a relatively short time period. Therefore it may be better to defer to the parking fund the cost for adding the 34 new parking spaces to Lot #6.

The Ad Hoc Parking Development Committee reached the conclusion that distinguishing between the first and upper floors of a building doesn't make much sense anymore. As well, the Maple Rd./Old Woodward Ave. intersection doesn't have much bearing on the value of the property today.

Mr. O'Meara explained that adding to or modifying or adding to the Assessment District would be difficult. Deciding on the entrance fee would be difficult because the property has not benefited from the past history. Since the City is not is working to address issues with parking demand, he doesn't think the City would want to add additional buildings to the District.

Ms. Honhart did not state whether the City should or should not pay for the expansion - it is not a lot of money. However if the City does pay for it, someone may come back and say that last time the District was not charged.

To that point Ms. Gunter believed the argument for today is that the documentation and proof can be shown of a commitment on the City's part not to continue to go back and assess over and over again when they have something that is smaller and it is known something larger will be coming up. She thought a strong argument can be made to anybody that comes later and says the City didn't assess previously. The City can say the circumstances surrounding the case were different in that they anticipated a \$40 million improvement and wanted to make sure not to put an unnecessary burden on the businesses.

Chairman Vaitas thought that tweaking the formula is following historical trends.

Discussion continued concerning whether the broader use of Lot #6 for the Farmer's Market should contribute in some way to the Parking Assessment District. Mr. O'Meara said the use is being done at a time when the lot is not being used for anything else. The use doesn't damage the Parking System. He noted that at this time the Parking Fund is strong.

Answering Ms. Paskiewicz, Mr. O'Meara explained that the total cost of the entire Lot #6 project is estimated at approximately \$497,600. Of that amount, expansion of the parking area is \$179,400. Using funds from the Parking System forgoes the opportunity for a grant from the Michigan Dept. of Environmental

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Quality. However, the Chairman noted that the wait time to receive the grant would be two years and the grant is not a sure thing.

Ms. Gunter summarized that the suggestion is to not assess now in anticipation of a bigger assessment later.

#### Motion by Ms. Champagne

Seconded by Ms. Krueger that the Advisory Parking Committee recommends that the City Commission authorize the restoration of Parking Lot #6, using Option 3. Further, the committee recommends that the Commission waive the option of creating a special assessment district to defray the cost of this work, and proceed to schedule construction, charging all costs to the Auto Parking System

#### Motion carried, 6-0.

VOICE VOTE:

Yeas: Champagne, Krueger, Honhart, Kalczynski, Paskiewicz, Vaitas

Nays: None Absent: None

#### PARKING UPDATE

Ms. Gunter said she was happy to see that there is availability in the middle of the day on the first floors of the parking structures since they have instituted the changes on the first levels and on the surface lot at N. Old Woodward Ave. Next month she will be able to show some numbers for the amount of turnover that has increased since the change. The week before last 750 cars were parked by the valet service. That number is anticipated to go up again.

Mr. Kalczynski noted he has heard from retailers that some employees are taking advantage of the valet parking service. Ms. Gunter said it is very difficult to control that because it is a complimentary program. They cannot turn people away.

Ms. Gunter reported the parking study team is working on an engagement session with the merchants. A presentation will be provided to the merchants on May 16 and feedback will be gathered.

Finally, another online opinion survey on Birmingham parking is being developed. It will be distributed more widely than the first survey was.

At the last City Commission meeting, one of the commissioners requested that the utilization reports become more exacting. They want to get a better understanding of what happens throughout the day. She has been working with SP+ to try to develop a dashboard that would show useful information so that trends can be seen more readily than in the larger reports that are provided every month.

Dr. Paskiewicz noted that a person who teaches at the Community House has said that people in her classes are consistently complaining about the lack of parking availability. They are saying that even though the sign says there is parking, there is not necessarily parking. If the sign reads 20 or less they don't even bother going in.

Mr. O'Dell explained those 20 spaces are for the valet parking. There is a large component of people that don't realize the valet is there. Also, some people are afraid there will be a charge for valet and others don't want anyone to touch their car.

#### MONTHLY FINANCIAL REPORTS

Mr. O'Dell announced the Parking Fund is doing well.

#### MEETING OPEN FOR MATTERS NOT ON THE AGENDA

Mr. O'Meara noted the Lot #6 construction will be scheduled to take place in April and May of next year.

Mr. O'Meara said he has gotten the complaint that the spaces in the Chester St. Structure are narrow. Mr. O'Dell explained the spaces there have double stripes that create a buffer. The spaces look narrow but there are actually 6 in. on each side.

Ms. Honhart observed that some people are unhappy that they have to pull out their credit card in order to enter a parking structure. Ms. Gunter said it is the getting in of the card and getting it out is that has become more of a holdup than whether or not people know to use a credit card. Giving the system three seconds and then proceeding usually works with no problem.

Ms. Honhart noticed that the parking area around the 555 Building is pretty full now. Mr. O'Dell answered that area is only full at certain times. There is more pressure on it now because of the construction. It is always busy in the mornings.

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Responding to the Chairman about how the construction is going, Mr. O'Meara said they are very happy with their contractor who is extremely serious about getting a lot done every day. The biggest challenge is the water mains. The existing ones are old and brittle and they break. Then construction has to stop to address that.

#### NEXT REGULARLY SCHEDULED MEETING

June 6, 2018

#### **ADJOURNMENT**

No further business being evident, the Ca.m.	hairman adjourned the meeting at 8:40
City Engineer Paul O'Meara	-
Assistant City Manager Tiffany Gunter	-



## **MEMORANDUM**

**Engineering Dept.** 

DATE: December 1, 2017

TO: Advisory Parking Committee

FROM: Paul T. O'Meara, City Engineer

SUBJECT: Parking Lot #6

**Resurfacing & Expansion Options** 

The City's five-year capital improvement plan has allotted \$200,000 from the Auto Parking Fund to resurface Parking Lot #6 in fiscal year 2018/19. Given the current plan to reconstruct Old Woodward Ave. further south in the spring and summer of 2018, it is anticipated that this project would be scheduled in the spring of 2019. The APC discussed the ongoing shortage of parking that can be found many weekday afternoons in this area, and asked staff to explore ways to consider expanding the capacity of this lot. After reviewing the current conditions with an engineering consultant, the following three options have been prepared in conceptual plan format, with cost estimates attached:

#### OPTION 1 – RESURFACE EXISTING LOT

The attached plan shows the areas of the lot that have not been repaved in almost 20 years. (The remainder of the area was repaved last year as a part of a Oakland County sewer relocation project.) It is envisioned that the top two inches of asphalt would be removed and replaced, with other various base repair work as needed. In order to enhance the area some, arborvitae are proposed to be installed along the east edge of the lot, between the existing mature evergreen trees. Such a project would give the entire lot a new fresh look, but would do nothing to enhance its capacity or storm water quality. The engineer's estimate for this work, including a contingency, is \$242,000.

#### OPTION 2 - PROVIDE MINOR EXPANSION TO EAST, AND RESURFACE EXISTING LOT

The attached plan depicts the small 4 foot wide expansion to the east that was discussed last month. The expansion would attempt to save the existing evergreen trees to the east, as well as supplement them with new arborvitae, as in Option 1. The curb relocation would allow for an increase in capacity by 14 parking spaces, or an expansion of 10%. Such a project would give the entire lot a new fresh look. It would do nothing to enhance its storm water quality. The engineer's estimate, including a contingency, is almost \$290,000.

During the study of this area, the City's forestry consultant has acknowledged that the existing evergreen trees planted along the east edge of the lot have passed their prime. The trees were planted in 1960 when the lot was first constructed, and it is clear that several have been removed already through the intervening years. Of the ones that remain, several are diseased and in decline, although others are still strong. Undertaking this option would likely result in

damaging the root structure of some of the trees, which may result in further losses in the coming years.

## OPTION 3 – PROVIDE GREATER EXPANSION TO THE EAST, PROVIDE STORM WATER QUALITY IMPROVEMENTS, AND RESURFACE EXISTING LOT

Considering the current status of the adjacent evergreen trees, the attached third plan has proposed their removal, and depicts a 20 foot expansion to the east, thereby accommodating an expansion of 34 parking spaces. To improve upon the aesthetics and storm water quality of the lot, a bioswale has been proposed behind the east curb edge. The bioswale would be enhanced with plantings that would work as a filter to stop pollutants coming off the lot before they enter the river. The new curb would have several openings to allow storm water to flow into the bioswale. In the lowest area, at the southeast corner, the existing concrete spillway would be removed in favor of a stone lined sedimentation basin. The basin would allow all of the storm water to flow very slowly into the river, allowing pollutants and sediment to drop out of the water before entering the river. Given the close proximity to the river, and the work within the floodplain, the design would have to be approved by the Michigan Dept. of Environmental Quality (MDEQ). If done correctly, we assume the MDRQ would endorse this voluntary effort to improve the storm drainage design of an existing parking lot. If this design moves forward, a closer look at the existing vegetation in the area is recommended. Undesirable or invasive species could be removed and replaced with more desirable plantings that could provide an improved aesthetic and screening effect for the adjacent residential area.

Such a project would provide improvements to the lot in many ways, and would also improve the capacity of the lot by 24%. The total cost of this option, including contingency, is estimated at almost \$500,000.

#### FARMER'S MARKET

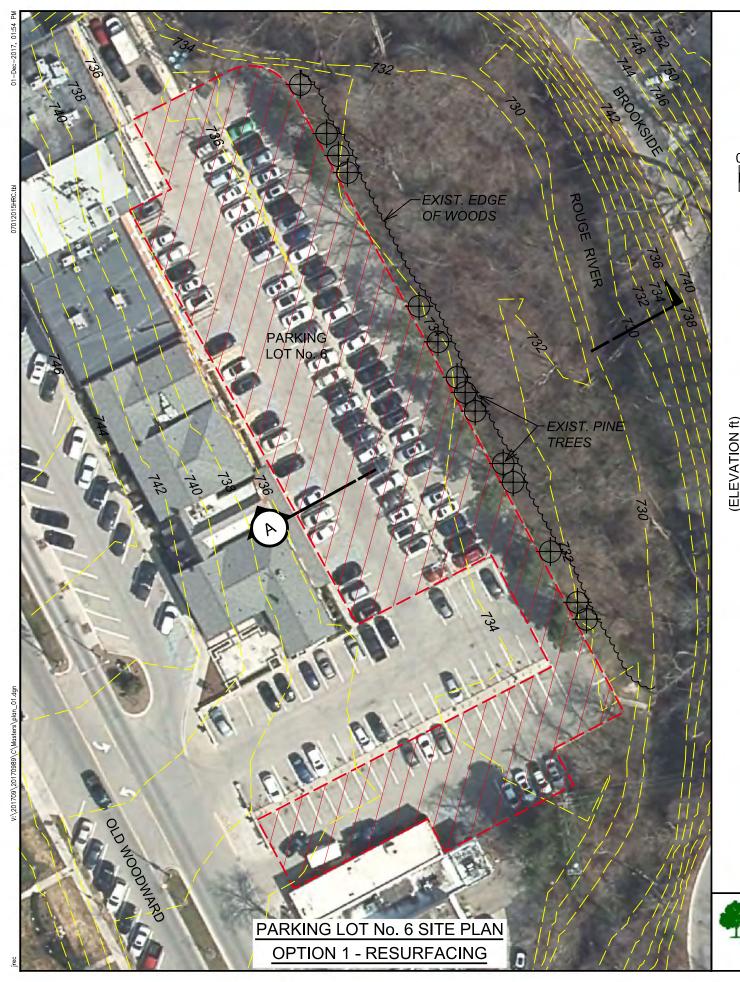
The farmer's market, now considered an important weekly City event, draws a significant number of visitors to the lot every Sunday from the beginning of May to the end of October, which is also the practical time of year to conduct this work. Once an option for this project has been determined, we plan to work with both the Birmingham Shopping District (BSD) and representatives of the business community to determine how to quickly complete this work in a way that is least disruptive to both interests. Given the number of visitors to the lot each week, the Option 3 design would provide a positive image for the City in terms of the environmental investment that could be showcased as a part of the market.

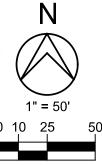
An representative from engineering firm Hubbell, Roth, & Clark will be in attendance for the meeting to help with the discussion, and answer questions. Should the APC agree upon a favored design, a public hearing for both the business community and the adjacent residential community would be appropriate. A suggested resolution is provided below:

#### SUGGESTED RESOLUTION:

To endorse Option \_\_\_\_ design for the Parking Lot Number 6 Rehabilitation Project, and to conduct a public hearing for the surrounding business and residential

communities at the regularly scheduled meeting of the Advisory Parking Committee, to be held on January 3, 2018, at 7:30 AM.



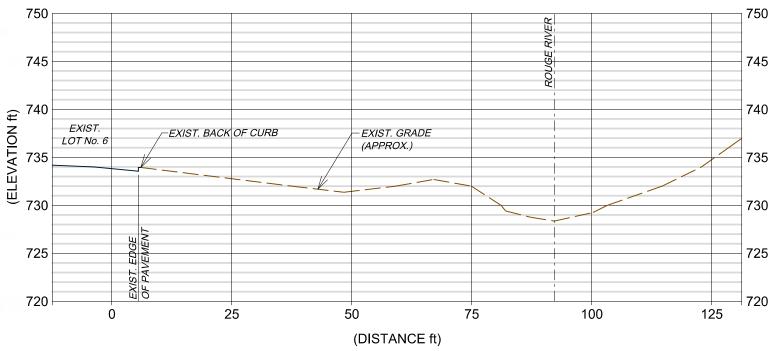




APPROXIMATE LIMITS OPTION 1 RESURFACING

#### NOTES:

- 1. PROTECT EXISTING STAND OF PINE TREES ALONG THE EAST SIDE OF THE PARKING LOT.
- 2. PLANT ARBORVITAES (70 TOTAL @ 4' o.c.) BETWEEN EXISTING PINES FOR ADDITIONAL SCREENING.



#### SITE SECTION - A SCALE: 1" = 20' HORIZ. 1" = 10' VERT.

## **CITY OF BIRMINGHAM** PARKING LOT No. 6 REHABILITATION **DESIGN OPTION 1**



JOB NO. **20170989** NOV. 2017

**HUBBELL, ROTH & CLARK, INC** CONSULTING ENGINEERS SINCE 1915 555 HULET DRIVE BLOOMFIELD HILLS, MICH.

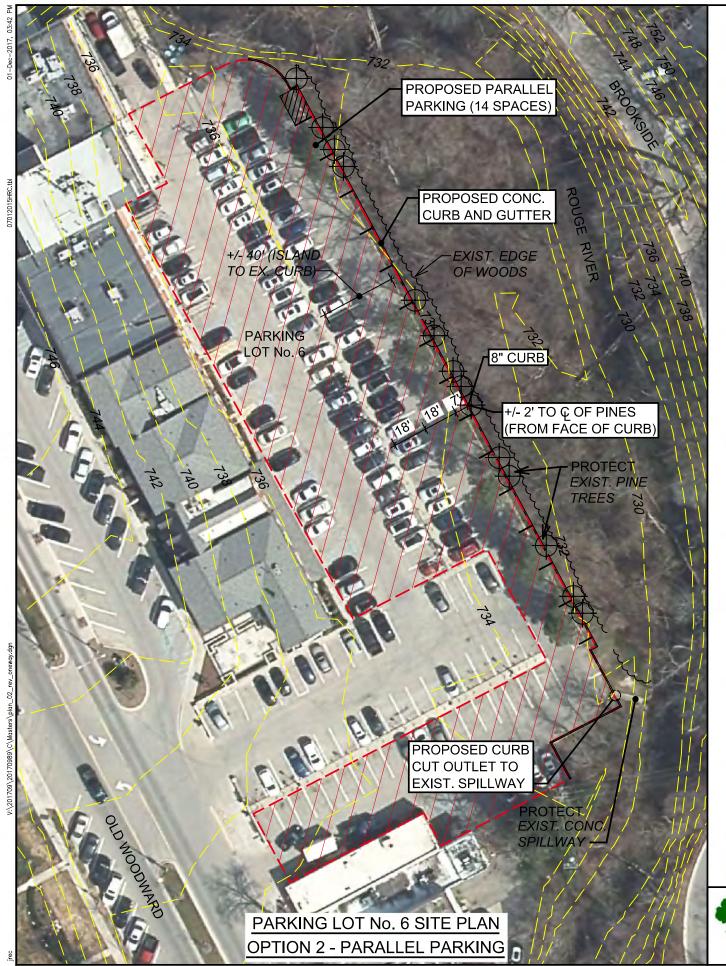
PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor):

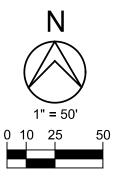
FIGURE

01

WEB SITE: http://www.hrcengr.com

P.O. BOX 824







#### NOTES:

- 1. PROTECT EXISTING STAND OF PINE TREES ALONG THE EAST SIDE OF THE PARKING LOT.
- 2. EXISTING LIGHT POLES (4 TOTAL) WILL NEED TO BE RELOCATED TO ACCOMODATE NEW PARALLEL PARKING.
- 3. PLANT ARBORVITAES (70 TOTAL @ 4' o.c.) BETWEEN EXISTING PINES FOR ADDITIONAL SCREENING.

## **CITY OF BIRMINGHAM** PARKING LOT No. 6 REHABILITATION **DESIGN OPTION 2**



JOB NO. **20170989** NOV. 2017

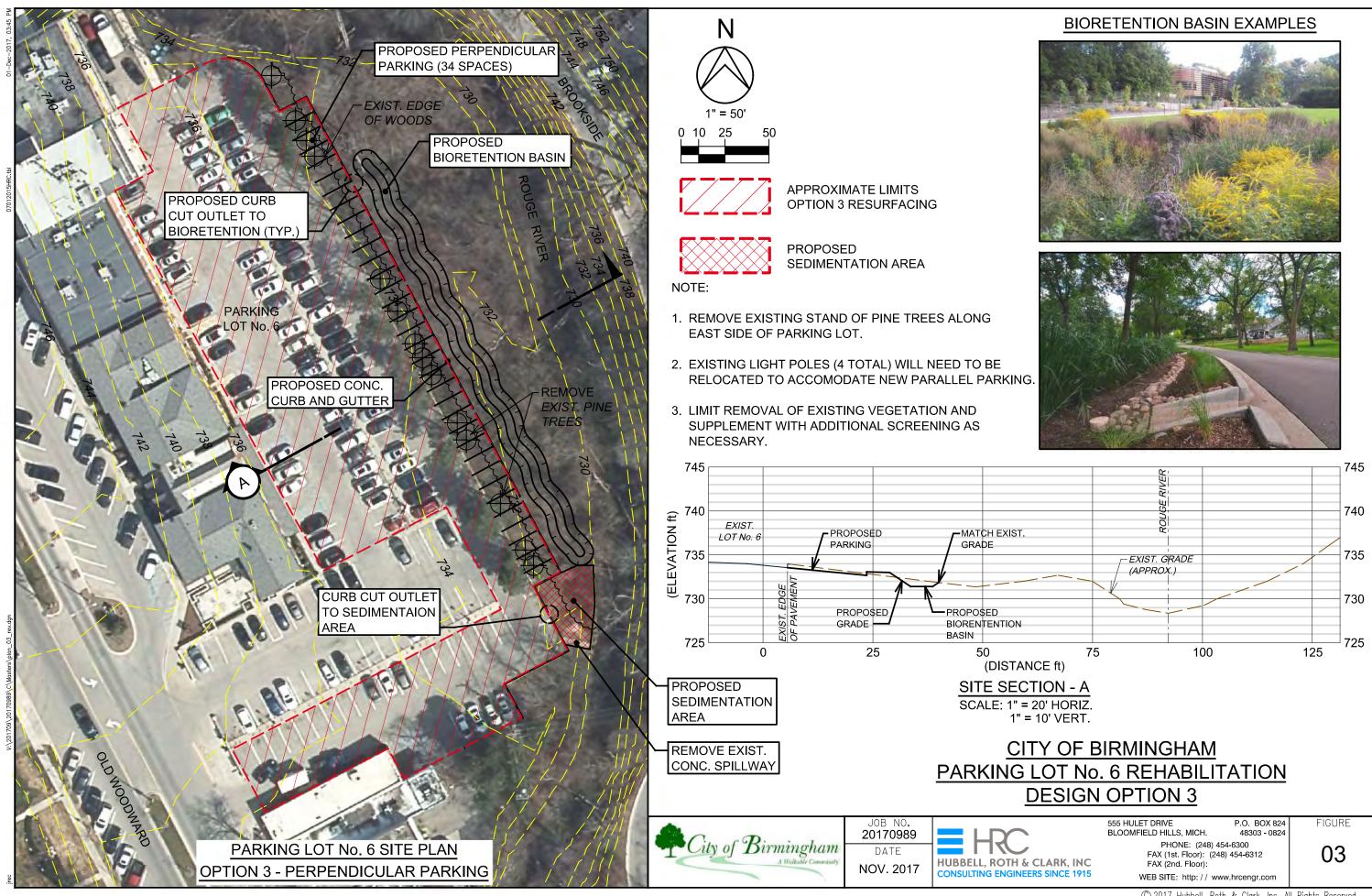
**HUBBELL, ROTH & CLARK, INC** CONSULTING ENGINEERS SINCE 1915 555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303 - 0824

PHONE: (248) 454-6300 FAX (1st. Floor): (248) 454-6312 FAX (2nd. Floor):

FIGURE

02

WEB SITE: http://www.hrcengr.com





City of Birmingham
Parking Lot No. 6 Resurfacing and Environmental Enhancements
Preliminary Estimate
HRC Job No. 20170989

PRINCIPALS
Daniel W. Mitchell
Nancy M.D. Faught
Keith D. McCormack
Jesse B. VanDeCreek
Roland N. Alix
Michael C. MacDonald
James F. Burton
Charles E. Hart

SENIOR ASSOCIATES
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Robert F. DeFrain
Thomas D. LaCross
Albert P. Mickalich
Timothy H. Sullivan

Thomas G. Maxwell

ASSOCIATES

Marvin A. Olane Marshall J. Grazioli Donna M. Martin Colleen L. Hill-Stramsak Bradley W. Shepler Karyn M. Stickel Jane M. Graham Todd J. Sneathen Aaron A. Uranga Salvatore Coniglario

HUBBELL, ROTH & CLARK, INC.

OFFICE: 555 Hulet Drive

Bloomfield Hills, MI 48302-0360 MAILING: PO Box 824 Bloomfield Hills, MI 4830-824 PHONE: 248.454.6300 FAX: 248.454.6312 WEBSITE: www.hrc-engr.com EMAIL: info@hrc-engr.com

		Option 1 - Re	surface Existing	g Parking Lot	Option 2 - R	Option 2 - Resurface with Parallel Lane Expansion Option 3 - Resurface with Fu Expansion and Bioretent				
Pay Item	Item Description	Quantity	Unit Price	Total Cost	Quantity	Unit Price	Total Cost	Quantity	Unit Price	<b>Total Cost</b>
1	Mobilization, Max 5%	1 LS	\$10,000.00	\$10,000.00	1 LS	\$11,900.00	\$11,900.00	1 LS	\$20,600.00	\$20,600.00
2	Cold Milling HMA, Surface 2"	4500 syd	\$6.00	\$27,000.00	4500 syd	\$6.00	\$27,000.00	4500 syd	\$6.00	\$27,000.00
	HMA, 5E03, Mod	500 ton	\$110.00	\$55,000.00	520 ton	\$110.00	\$57,200.00	575 ton	\$110.00	\$63,250.00
4	Base Repair Allowance	1 LS	\$30,000.00	\$30,000.00	1 LS	\$30,000.00	\$30,000.00	1 LS	\$30,000.00	\$30,000.00
5	21AA Aggregate Base, 8", undercutting	400 syd	\$60.00	\$24,000.00	400 syd	\$60.00	\$24,000.00	400 syd	\$60.00	\$24,000.00
6	Soil Erosion Control Measures	1 LS	\$5,000.00	\$5,000.00	1 LS	\$10,000.00	\$10,000.00	1 LS	\$10,000.00	\$10,000.00
7	Curb and Gutter	525 lft	\$35.00	\$18,375.00	535 lft	\$35.00	\$18,725.00	570 lft	\$35.00	\$19,950.00
8	Curb Removal	525 lft	\$15.00	\$7,875.00	525 lft	\$15.00	\$7,875.00	525 lft	\$15.00	\$7,875.00
9	Adjust Structure	3 ea	\$650.00	\$1,950.00	3 ea	\$650.00	\$1,950.00	3 ea	\$650.00	\$1,950.00
10	Restoration	1 LS	\$5,000.00	\$5,000.00	1 LS	\$10,000.00	\$10,000.00	1 LS	\$15,000.00	\$15,000.00
11	Maintenance of Traffic	1 LS	\$5,000.00	\$5,000.00	1 LS	\$7,500.00	\$7,500.00	1 LS	\$7,500.00	\$7,500.00
12	MDEQ Permit Fee Allowance	1 LS	\$1,000.00	\$1,000.00	1 LS	\$5,000.00	\$5,000.00	1 LS	\$5,000.00	\$5,000.00
13	Restriping	1 LS	\$2,500.00	\$2,500.00	1 LS	\$3,000.00	\$3,000.00	1 LS	\$3,000.00	\$3,000.00
14	Replace Bollard	1 LS	\$750.00	\$750.00	1 LS	\$750.00	\$750.00	1 LS	\$750.00	\$750.00
15	Excavation, Earth				100 cyd	\$15.00	\$1,500.00	1450 cyd	\$15.00	\$21,750.00
16	HMA, 3C				30 ton	\$90.00	\$2,700.00	110 ton	\$90.00	\$9,900.00
17	21AA Aggregate Base, 6", pavement				30 cyd	\$75.00	\$2,250.00	130 cyd	\$75.00	\$9,750.00
18	Decorative Light Pole Relocation				4 ea	\$2,500.00	\$10,000.00	4 ea	\$2,500.00	\$10,000.00
19	Relocate Bench				1 ea	\$500.00	\$500.00	1 ea	\$500.00	\$500.00
20	Parking Meter Removal				2 ea	\$250.00	\$500.00	2 ea	\$250.00	\$500.00
21	Parking Meter Installation				7 ea	\$250.00	\$1,750.00	14 ea	\$250.00	\$3,500.00
22	Tree Removal							20 ea	\$1,000.00	\$20,000.00
23	Clearing							1 LS	\$10,000.00	\$10,000.00
24	Plantings, Arborvitaes	70 ea	\$250.00	\$17,500.00	70 ea	\$250.00	\$17,500.00			
25	Tree Plantings							14 ea	\$500.00	\$7,000.00
26	Peat Fill Material							900 cyd	\$40.00	\$36,000.00
27	Sedimentation Fill Material							200 cyd	\$25.00	\$5,000.00
28	Plantings							1 LS	\$50,000.00	\$50,000.00
29	Rip Rap at Outlet to River							20 cyd	\$100.00	\$2,000.00
30	Geotextile Fabric at Outlet to River							20 syd	\$50.00	\$1,000.00
31	Concrete and stone spillway							5 ea	\$1,000.00	\$5,000.00
31	Aesthetic Additions							1 LS	\$5,000.00	\$5,000.00
EST	TIMATED CONSTRUCTION COSTS			\$210,950.00			\$251,600.00			\$432,775.00
Cons	truction Contingency (15% of total cost)			\$31,600.00			\$37,700.00			\$64,900.00
	TOTAL PROJECT COST			\$242,550.00			\$289,300.00			\$497,675.00



### **MEMORANDUM**

City Clerk's Office

DATE: June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Greenwood Cemetery Payment Plan Policy

The Greenwood Cemetery Advisory Board (GCAB) recommends an amendment to Greenwood Cemetery Operational Procedures, Conditions and Regulations (Cemetery Regulations) to add a policy regulating installment payment plans for the purchase of cemetery plots. Payment plans are an option currently offered by the Cemetery's management services contractor, Elmwood Historic Cemetery (Contractor), but Cemetery Regulations are silent on the issue. The GCAB believes a written policy should be adopted by the City of Birmingham.

The GCAB studied the current practice and drafted a policy which maintains the general structure while addressing several economic factors. The policy stipulates:

- 1. A 24-month maximum period for payment plan agreements.
- 2. A 20% down payment.
- 3. Equal monthly payments, with payments allocated equally among all plots included in the payment plan agreement.
- 4. No interest.
- 5. A plot must be paid in full before interment takes place.
- 6. The use of end plots for interment if the remaining plots in a payment plan are not paid in full.
- 7. Prior payments may not be transferred from one plot to another.
- 8. For payment plan agreements initiated in 2018 and after, failure to pay off the contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.
- 9. The Greenwood Cemetery Perpetual Care Fund will receive 75% of each payment made at the time of payment.

City Attorney Currier was consulted on proposed policy language and provided recommendations at the Board's April and June, 2018 meetings. City Attorney Currier, at the Board's request, also reviewed the process necessary for establishing a payment plan policy and determined, as stated in his letter dated March 1, 2018, "Further the Payment Plan Policy is a requirement of the City of Birmingham. The contractor in this regard, is required to follow all of the policies of the City of Birmingham that are established by the City Commission. Therefore, no reopening of the contract with the consultant is necessary in this regard."

The Contractor was provided with a copy of proposed language in December 2017 and invited to attend the Board's January 2018 meeting. The Contractor did not attend the meeting and did not submit comments. Agenda packets for all GCAB meetings are provided to the Contractor.

#### ATTACHMENTS:

- 1. Current Cemetery Regulations as approved by the City Commission on 3/27/2017.
- 2. Documentation of the GCAB's work on the proposed policy from their meetings of:
  - a. June 1, 2018
  - b. May 4, 2018
  - c. April 6, 2018
  - d. January 12, 2018
  - e. December 8, 2017
  - f. November 17, 2017
  - g. October 6, 2017
  - h. August 4, 2017

#### SUGGESTED RESOLUTION:

To accept the recommendation of the Greenwood Cemetery Advisory Board as approved on June 1, 2018, and approve the amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. LOT SALES - PAYMENT PLAN POLICY.

#### **ATTACHMENT 1 - CURRENT CEMETERY REGULATIONS**

# CITY OF BIRMINGHAM GREENWOOD CEMETERY OPERATIONAL PROCEDURES, CONDITIONS AND REGULATIONS

#### I. DEFINITIONS:

The following words and phrases, for the purposes of these sections, have the meanings respectively ascribed to them, except in those instances where the context clearly indicates a different meaning.

- a. "Cemetery" shall mean Greenwood Cemetery.
- b. "Superintendent" shall mean the City Manager or his/her designee.
- c. "Marker" shall mean a stone or object denoting the location of a grave and which does not exceed eighteen (18) inches in height, sixteen (16) inches in width, and twenty-four (24) inches in length.
- d. "Monument" shall denote a memorial stone or object of a size in excess of that of a marker.
- e. "Permanent outside container" shall be a container which encloses a casket. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults.
- f. "Department" shall mean the Department of Public Services.
- g. "Memorial" shall mean monuments or markers.

#### II. CONDUCT OF PERSONS

Every person entering the cemetery shall be responsible for any damage caused by such person while within the cemetery. No person under eighteen years of age shall enter the cemetery grounds unless accompanied by an adult responsible for his/her conduct, or unless permission has been granted by the Superintendent.

#### No person shall:

- a. Enter the cemetery except through an established gate, and only during the hours from 8:00 A.M. to sundown.
- b. Deposit or leave rubbish and debris on any part of the cemetery grounds.
- c. Pick, mutilate, remove, or destroy any living plants or parts thereof, whether wild or domestic, on the cemetery grounds, except in the work of maintenance by City employees or its designated contractor.

1

- d. Break, injure, remove, or deface any monument or marker on the cemetery grounds.
- e. Bring any dog or animal into the cemetery grounds, unless in compliance with applicable leash law.
- f. Bring or discharge any firearm on the cemetery grounds, except in the conduct of military funerals.
- g. Carry intoxicants into the cemetery grounds, or consume such while in the cemetery.
- h. Advertise on cemetery grounds unless permitted by the City.
- i. Conduct her/himself in any other than a quiet and respectful manner while on the cemetery grounds.

# III. TRAFFIC REGULATIONS

All traffic laws of the City of Birmingham that are applicable to the operation of vehicles in cemeteries shall be strictly observed. Every person driving a vehicle into the cemetery shall be responsible for any damage caused by such vehicle.

### No person shall:

- a. Drive a vehicle within the cemetery at a speed in excess of ten (10) miles per hour.
- b. Drive or park a vehicle on other than established driveways except for the purpose of maintenance or construction.
- c. Turn a vehicle around within the cemetery except by following established driveways.
- d. Use a cemetery driveway as a public thoroughfare.

### IV. MAINTENANCE AND PERPETUAL CARE

The City and/or its designated Contractor shall be responsible for the maintenance and repair of the driveways, buildings, water system, drainage and fences. The City and/or its designated Contractor shall also cut and maintain the grass areas, remove the leaves, trim and remove trees and shrubs, apply fertilizer as necessary, and in general maintain the cemetery as a place of natural beauty devoted to the burial of the dead.

The City and/or its designated Contractor shall not be responsible for any special care of any particular section, lot or burial space or for the maintenance or repair of any monument, marker or planting placed by the owner. Further, the City and/or its

designated Contractor shall not contract or agree to give special care to any section, lot or burial space except as above provided. The City shall maintain the integrity of damaged historical markers, prior to January 1, 1875, through the perpetual care fund.

### V. OPERATIONAL REGULATIONS

The following operational regulations shall apply to all areas within the cemetery:

- a. Corners of all lots will be marked by the City, or its designated contractor, with permanent markers set flush with the ground surface, and these shall not be disturbed.
- b. The erection of any fence, railing, wall, coping, curbing, trellis, or embankment, or the planting of any hedge, on any lot or grave is prohibited. No cutting of paths shall be permitted.
- c. The City, or its designated contractor, shall have the right to remove from any lot any objects, including trees and shrubs and flower pots that are not in keeping with the appearance of the cemetery.
- d. Ironwork, seats, vases, and planters shall be allowed on lots, providing that the same shall be kept in good repair and well painted. If not kept in good repair and painted, the Superintendent shall have power and authority to remove same from cemetery, and shall not be liable for any such removal.
- e. Planters of iron or granite for the planting of flowers will be removed from lots and put in storage if not filled by July 1<sup>st</sup>. Planters so removed will be sold for cartage and storage charges, or destroyed, if not claimed within a period of one year.
- f. No person shall plant, cut down, remove, or trim any tree, shrub, or plant within the cemetery except by permission of the Superintendent, or a person authorized by him/her to act in his/her stead in matters pertaining to the cemetery.
- g. The planting of flowers on any lot, or otherwise disturbing the sod, shall release the City or its designated contractor from all obligation to resod without extra charge therefore. The planting of spirea, rose bushes, peonies, or shrubs that grow over three feet in height, will not be permitted.
- h. As soon as flowers, floral pieces, potted plants, flags, emblems, etc., used at funerals or placed on grave at other times, become unsightly or faded, they will be removed, and no responsibility for their protection will be assumed, except for special groups upon notification to the City or its designated contractor.
- i. The Superintendent reserves the right to remove from beds, graves, vases, planters, or other containers, all flowers, potted plants, or other decorations, that are set out and then not kept properly watered, trimmed and free from weeds, and to do so as soon as they become objectionable.

# VI. MONUMENTS, GRAVE MARKERS AND FOUNDATIONS

# **MONUMENTS**

Monuments will be permitted only on two adjoining side by side graves under one ownership. No more than one monument shall be erected on any lot.

The erection of all monuments shall be subject to the following conditions:

- a. Each monument shall be supported on a concrete foundation not smaller than the base of the monument it supports. Such foundation shall be constructed only by the City or its designated contractor after payment therefore has been made. Foundations will be installed April to November, weather dependent, as determined by the Superintendent. Requests received after November 1<sup>st</sup> will be held until conditions allow for installation.
- b. Designs for monuments must be submitted to the Superintendent or to a person designated by him/her to act in his/her stead, when application is made for construction of foundations. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial.
- c. No monument of artificial stone, sandstone, limestone, or soapstone will be permitted.
- d. All contractors and workers engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him/her, and they will be held responsible for any damage resulting from their negligence or carelessness. No work of setting monuments shall be started that cannot be completed by the end of the day following the start of such work.
- e. No monuments shall be allowed in the flush sections.

# **MARKERS**

- a. Markers shall not exceed 1 ½ feet in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the vertical axis. These measurements do not apply to government issue markers.
- b. Individual markers can be sod set without a concrete foundation.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1<sup>st</sup> and March 31<sup>st</sup> unless weather permits.

# FLUSH MEMORIAL SECTION – AREAS PLOTTED AFTER JANUARY 1, 2015

- a. On grave spaces in Sections B, C, D, K, L, and O, all memorials on new lots plotted after January 1, 2015, must be installed at lawn level. Memorials can be individual markers measuring 24" x 12" x 4" or 16" x 24" x 4" or companion memorials over two (2) graves measuring 48" x 12" x 4".
- b. The memorials must be made of acceptable bronze or granite material and set at lawn level.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1<sup>st</sup> and March 31<sup>st</sup> unless weather permits.

### VII. FUNERALS, INTERMENTS AND DISINTERMENTS

### **INTERMENTS**

No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials to the dead.

No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally required permits have been issued by, and filed with, the proper authorities.

City personnel, or its designated contractor, will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vaults or caskets. Tents, lowering devices and other materials shall be furnished by the funeral director or vault company.

No grave shall be dug closer than six (6) inches from the line of any lot.

In all full burial interments, the casket shall be enclosed in a permanent outside container. Such outside container shall be installed by the funeral director, vault company, or the City's designated contractor.

In all interments of cremated remains, the container shall be installed by the City, its designated contractor, funeral director or vault company. The size of the container must be submitted with the request for burial.

All funerals within the cemetery shall be under the supervision of the City or its designated contractor. No burials are to be made on Sunday or legal holidays, except by permission of the Superintendent. Overtime charges will apply.

The City must be notified through the City Clerk or its designated contractor, of the time and exact location of proposed interments in time to allow not less than ten (10) hours

of daylight to prepare the grave. If notification occurs less than 10 hours of daylight prior to burial, overtime charges will apply.

Interments that involve preparation or follow-up work during other than regular working hours will be done at an additional charge for the overtime portion of the time required. The maximum charge shall not exceed the normal charges plus the weekend/holiday fee. This fee is in addition to the normal interment or disinterment fee charged during regular working hours.

Interments of the remains of any persons other than the owner or an immediate member of his/her family will be permitted only after the written consent of the owner or the owner's authorized agent has been filed with the City Clerk or the City's designated contractor. In case of a minor being the owner, the guardian may give consent upon proof of this authority to act.

Only one (1) interment in any one grave space shall be permitted, except in the case of a parent and infant child, two (2) children dying at about the same time, or in such other unusual cases as it shall seem to the Superintendent to be proper under the circumstances. Such interments shall adhere to Section VIII Burial Rights Policy.

Up to two cremated remains may be placed in the same space if the owner of the grave space or his/her heirs purchase the right to such inurnments. Should the owner permit the burial of such cremated remains, only one additional memorial shall be permitted on the grave space and such memorial shall not be larger than  $24 \times 12 \times 4$  inches and installed at lawn level. Up to three (3) cremated remains (only) may be placed on a single grave space.

#### DISINTERMENTS

Disinterment of a burial shall be facilitated by a Michigan licensed funeral director. Said funeral director shall obtain a permit for such removal from the local health officer of Oakland County. Said funeral director shall complete the removal form as required by the City or its designated contractor. Disinterment shall not commence until after issuance of the Oakland County permit is presented to the City or its designated contractor, approval for removal is granted by the City or its designated contractor, and all applicable fees are paid. Such disinterments shall only be scheduled between June 15<sup>th</sup> and October 15<sup>th</sup> each year unless approved by the City. The grave space where the disinterment occurred shall immediately be returned to a safe condition.

# VIII. BURIAL RIGHTS POLICY

Lots purchased from the City after October 1, 2014:

Full grave

One casketed remains and two cremated remains

or -

Up to three cremated remains

Cremation grave

3 x 2 feet one cremated remains

#### 3 x 4 feet two cremated remains

Lots purchased prior to October 1, 2014:

Full grave

One burial right per grave (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two cremated remains.)

- or -

One cremated remains (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two cremated remains.)

# IX. LOT RESALE POLICY

All graves sold by the City after October 1, 2014 can only be returned to the City. Such graves cannot be transferred from the original purchaser to an unrelated third party. Graves can only be transferred to family according to the Rules of Consanguinity with supporting genealogical documentation.

All graves returned to the City shall receive 50% of the original purchase price from the Greenwood Cemetery Perpetual Care Fund. Upon return of the graves, the City may resell the graves.

(For the purpose this policy, immediate family shall mean the immediate family of the purchaser(s) – spouse, children, grandchildren, parents, siblings, nieces/nephews, grandparents, aunts/uncles, step-children.)

### X. SCHEDULE OF FEES AND CHARGES

Fees and other charges are as set forth in the Schedule of Fees, Charges, Bonds and Insurance.

# XI. REVISIONS

The obligations of the City as herein set forth may, from time to time, be modified by the Birmingham City Commission.

- October 18, 1971 Resolution No. 1434-71
- February 13, 1984 Resolution No. 02-97-84
- February 23, 2009 Resolution No. 02-52-09
- December 17, 2012 Resolution No. 12-356-12
- August 10, 2015 Resolution No. 08-174-15
- March 27, 2017 Resolution No. 03-82-17 (and confirmed by Greenwood Cemetery Advisory Board on May 5, 2017).

# ATTACHMENT 2A - JUNE 1, 2018

Policy version E – FINAL – as approved by GCAB on June 1, 2018 to be recommended to City Commission

### IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in the Purchase Agreement, the monthly payments should be equally allocated to each lot. In the event internment is needed, then the end plot must be fully paid before internment can take place. This will require an additional payment to fully payoff the plot in question. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.

And further to renumber the subsequent three paragraphs accordingly:

- X. LOT RESALE POLICY
- XI. SCHEDULE OF FEES AND CHARGES
- XII. REVISIONS



# **MEMORANDUM**

City Clerk's Office

DATE: June 1, 2018

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

**SUBJECT:** Proposed Payment Plan Policy for Cemetery Plots

At the Board's meeting on April 6, 2018 the City Attorney's concerns regarding the draft Payment Plan Policy were discussed, and the Board adopted several modifications.

At the Board's meeting on May 4, 2018 the Board determined the end of paragraph four of the proposed Payment Plan Policy should read "money so allocated will not be shifted to other plots." The Board discussed this section further in an attempt to convey that money already paid could not be shifted from a plot. City Clerk Mysnberge said she would consult with City Attorney Currier for the appropriate language, and would return with the changes at the June GCAB meeting.

City Attorney Currier has drafted the following replacement to the fourth paragraph:

If multiple plots are included in the Purchase Agreement, the monthly payments should be equally allocated to each lot. In the event internment is needed, then the end plot must be fully paid before internment can take place. This will require an additional payment to fully payoff the plot in question. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

If the Board is in agreement that the revised Payment Plan Policy revision accurately reflects the amendments made on April 6, 2018, a resolution to recommend to the City Commission adoption of the proposed Payment Plan Policy would be in order.

### ATTACHMENTS:

Red-lined version of revision proposed by City Attorney Currier Clean version of policy as revised on 4/6/2018 Excerpt of draft minutes of 5/4/2018 GCAB meeting Excerpt of minutes of 4/6/2018 meeting

### SUGGESTED RESOLUTION:

To recommend to the Birmingham City Commission the approval of an amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. LOT SALES - PAYMENT PLAN POLICY as follows:

# IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in the Purchase Agreement, the monthly payments should be equally allocated to each lot. In the event internment is needed, then the end plot must be fully paid before internment can take place. This will require an additional payment to fully payoff the plot in question. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.

And further to renumber the subsequent three paragraphs accordingly:

- X. LOT RESALE POLICY
- XI. SCHEDULE OF FEES AND CHARGES
- XII. REVISIONS

# Clean Version of Payment Plan Policy as approved by GCAB on April 6, 2018.

### IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots. Money so allocated will not be shifted

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

# FRIDAY, JUNE 1, 2018 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

# A. CONSIDERATION OF PROPOSED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

City Clerk Mynsberge recapped the Board's discussion at their May 4, 2018 meeting:

The Board determined the end of paragraph four of the proposed Payment Plan Policy should read "money so allocated will not be shifted to other plots." The Board discussed this section further in an attempt to convey that money already paid could not be shifted to the plot to be used for interment from a different plot. City Clerk Mysnberge agreed to consult with City Attorney Currier for appropriate language, and return with the changes at the June meeting.

City Clerk Mynsberge reported City Attorney Currier drafted the following replacement to the fourth paragraph:

If multiple plots are included in the Purchase Agreement, the monthly payments should be equally allocated to each lot. In the event internment is needed, then the end plot must be fully paid before internment can take place. This will require an additional payment to fully payoff the plot in question. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

The Board refined the City Attorney's recommended language to read:

"If multiple plots are included in the Purchase Agreement, monthly payments shall be equally allocated to each plot. Before interment may occur in any plot ("Interment Plot") the balance of the Interment Plot must be paid in full. Also, in the event that there are multiple interments needed, in no event shall the selection of the second Interment Plot leave any partially paid plots between the first and the second Interment Plots. This will require an additional payment to fully pay off such plot(s) in question. Neither the cemetery/its agents, nor the plot owners shall transfer any funds, or credit any prior payments for this purpose."

**Motion:** Motion by Buchanan, seconded by Suter,

To recommend the approval of the payment plan policy for cemetery plots to the City Commission at the June 25, 2018 Commission meeting.

1

VOTE: Yeas, 5

Nays, 0

Absent, 2 (Peterson, Stern)

June 1, 2018

May 4, 2018 Staff report to GCAB

Agenda Item 5A



# **MEMORANDUM**

City Clerk's Office

DATE: **May 1**, 2018

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Proposed Payment Plan Policy for Cemetery Plots

At the Board's meeting on April 6, 2018 the City Attorney's concerns regarding the draft Payment Plan Policy were discussed, and the Board adopted several modifications.

Attached are both a red-lined and clean version of the changes as approved by the Board on April 6. Also attached is a excerpt of the minutes from that meeting chronicling the discussion.

If the Board is in agreement that the revised Payment Plan Policy revision accurately reflects the amendments made on April 6, 2018, a resolution to recommend to the City Commission adoption of the proposed Payment Plan Policy would be in order.

#### ATTACHMENTS:

Red-lined version of policy as revised on 4/6/2018

Clean version of policy as revised on 4/6/2018

Excerpt of draft minutes from 4/6/2018 GCAB meeting

Background material on Payment Plan Policy evolution submitted to GCAB at 4/6/2018 meeting

# SUGGESTED RESOLUTION:

To recommend to the Birmingham City Commission the approval of an amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. LOT SALES - PAYMENT PLAN POLICY as follows:

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots. Money so allocated will not be shifted

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.

And further to renumber the subsequent three paragraphs accordingly:

- X. LOT RESALE POLICY
- XI. SCHEDULE OF FEES AND CHARGES
- XII. REVISIONS

# Policy version C as approved by GCAB on April 6, 2018.

### IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots. Money so allocated will not be shifted

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first.

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

# FRIDAY, APRIL 6, 2018 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

# B. DISCUSSION OF CITY ATTORNEY'S RESPONSE TO PROPOSED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

City Clerk Mynsberge reported:

- City Attorney Currier said more clarification is needed regarding payment for multiple plots.
- She would suggest getting rid of the second sentence in paragraph three.
- Paragraph four should be expanded to explain how plots should be paid for and used if the buyer is using fewer plots than the number purchased as part of the payment plan.

Ms. Suter suggested the fourth paragraph be changed to read:

"If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots."

Ms. Schreiner suggested that "money so allocated will not be shifted" be added to the end of the paragraph.

Ms. Gehringer asked that:

- The word "contractor" be removed from the last paragraph.
- The City be paid its 75% of each payment up front, and proposed this language: "The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first."

The GCAB was in consensus with the above language.

City Clerk Mynsberge said she would run the proposed language by City Attorney Currier and have the changes for the GCAB at the May 2018 meeting.

1

April 6, 2018

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

FRIDAY, MAY 4, 2018 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

# A. CONSIDERATION OF PROPOSED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

Ms. Suter said that the end of paragraph four on the first page of the proposed Regulations and Procedures document should read "money so allocated will not be shifted to other plots."

The Board discussed this section further in an attempt to convey that money already paid could not be shifted from a plot. City Clerk Mysnberge said she would consult with City Attorney Currier for the appropriate language, and would return with the changes at the June GCAB meeting.

1 May 4, 2018

April 6, 2018 Staff report to GCAB

City of Birmingham

Agenda Item 5B

# **MEMORANDUM**

City Clerk's Office

DATE: April 3, 2018

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Proposed Payment Plan Policy for Cemetery Plots

In August 2017 the Board began discussions about amending the Operational Procedures, Conditions and Regulations to include a payment plan policy for purchase of cemetery plots. On January 12, 2018 the Board voted "to forward to the City Attorney for review as to form and content and for comments on appropriate next steps the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations". City Attorney Currier reviewed the proposed policy and made the following comments in his letter to City Clerk Mynsberge dated March 1, 2018:

"The Payment Plan appears to be complete with one exception, that being the third paragraph wich states, "A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid." That is clear. The second sentence states, "If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time." There appears to be some explanation necessary. The second sentence appears to apply to someone who has purchased multiple plots, and they are applying the purchase price for all the plots to one that requires interment, but it is not clear. If the total amount being paid on multiple plots does not equal the amount necessary to pay for a single plot, is interment still going to be allowed? This needs further explanation and definement in the Payment Plan Policy. It appears to be inconsistent with the first sentence.

Further the Payment Plan Policy is a requirement of the City of Birmingham. The contractor in this regard, is required to follow all of the policies of the City of Birmingham that are established by the City Commission. Therefore, no reopening of the contract with the consultant is necessary in this regard."

A suggested clarification to address City Attorney Currier's comments is attached.

If the Board reaches a consensus on revisions to the proposed policy which provide the explanation and definement suggested by the City Attorney, a resolution to recommend to the City Commission adoption of the proposed Payment Plan Policy would be in order.

### ATTACHMENTS:

City Attorney's letter dated March 1, 2018 Red-lined version of revisions made on January 12, 2018 Clean version of revisions made on January 12, 2018 Suggested clarification to address City Attorney's comments

# City Attorney's letter dated March 1, 2018



TIMOTHY J. CURRIER tcurrier@bhlaw.us.com Telephone (248) 645-9400 Fax (248) 645-9344

March 1, 2018

Ms. Cherilynn Mynsberge, City Clerk *City of Birmingham*151 Martin Street, P.O. Box 3001
Birmingham, MI 48012-3001

Re: Greenwood Cemetery Advisory Board Lot Sales – Payment Plan Policy

Dear Ms. Mynsberge:

I have been requested to review the proposed Lot Sales – Payment Plan Policy that is approved by the Greenwood Cemetery Advisory Board on January 12, 2018. I understand the Payment Plan Policy reads as follows:

"A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first."

# Beier Howlett

Ms. Cherilynn Mynsberge, City Clerk March 1, 2018 Page 2

The Payment Plan appears to be complete with one exception, that being the third paragraph which states, "A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid." That is clear. The second sentence states, "If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time." There appears to be some explanation necessary. The second sentence appears to apply to someone who has purchased multiple plots, and they are applying the purchase price for all the plots to one that requires internment, but it is not clear. If the total amount being paid on multiple plots does not equal the amount necessary to pay for a single plot, is internment still going to be allowed? This needs further explanation and definement in the Payment Plan Policy. It appears to be inconsistent with the first sentence.

Further, the Payment Plan Policy is a requirement of the City of Birmingham. The contractor in this regard, is required to follow all of the policies of the City of Birmingham that are established by the City Commission. Therefore, no reopening of the contract with the consultant is necessary in this regard.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,

BEIER HOWLETT, P.C.

TJC/jc

### IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.

# Suggested clarification to address City Attorney's comments

### IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full but interment is needed, an end plot will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed.

For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

FRIDAY, APRIL 6, 2018 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

# B. DISCUSSION OF CITY ATTORNEY'S RESPONSE TO PROPOSED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

City Clerk Mynsberge reported:

- City Attorney Currier said more clarification is needed regarding payment for multiple plots.
- She would suggest getting rid of the second sentence in paragraph three.
- Paragraph four should be expanded to explain how plots should be paid for and used if the buyer is using fewer plots than the number purchased as part of the payment plan.

Ms. Suter suggested the fourth paragraph be changed to read:

"If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. In the case that only a portion of the plots included in a purchase agreement are paid in full so that interment can take place, an end plot will be utilized first and others located adjacent subsequently as needed. Monthly payments may continue on the other plots."

Ms. Schreiner suggested that "money so allocated will not be shifted" be added to the end of the paragraph.

Ms. Gehringer asked that:

- The word "contractor" be removed from the last paragraph.
- The City be paid its 75% of each payment up front, and proposed this language: "The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time of each payment, or upon the expiration date of the purchase agreement, whichever occurs first."

The GCAB was in consensus with the above language.

City Clerk Mynsberge said she would run the proposed language by City Attorney Currier and have the changes for the GCAB at the May 2018 meeting.

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April 6, 2018

January 12, 2018 Staff report to GCAB

Agenda Item 5B



# **MEMORANDUM**

City Clerk's Office

DATE: January 2, 2018

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Revised Payment Plan Policy for Cemetery Plots

The Board, at its October 6, 2017 meeting, discussed the need for a written policy defining the parameters of a payment plan for cemetery plots.

A draft of that policy was presented to the Board at their December 11, 2017 meeting.

The Board reviewed and evaluated the draft policy, and requested revisions. The revised version is attached.

If the document meets the Board's approval, the proposed policy should be forwarded to the City Attorney for review as to form and content and for his comments as to the appropriate next steps.

If the Board agrees, I would recommend the following motion:

Moved by , seconded by , to forward to the City Attorney, for review as to form and content and for comments on appropriate next steps, and to the Contractor for comment, the proposed Payment Plan Policy for Cemetery Plots as an addition to the *Greenwood Cemetery Operational Procedures, Conditions and Regulations*.

### IX. LOT SALES - PAYMENT PLAN POLICY

A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Payment agreements require a 20% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments per plot for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. If plots are not paid in full but interment is needed, the farthest plot on the end will be utilized first and others located adjacent subsequently as needed, unless all plots are paid in full at that time.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2018 and subsequently, failure to pay entire contract in full on or before the final payment due date will result in forfeiture of the property and all monies paid to date.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.

Plot sales completed by Contractor and revenues receipted to the Greenwood Cemetery Perpetual Care Fund are subject to inclusion in the City of Birmingham's annual audit.

# Payment Plan Purchase Agreement currently in use by Contractor

WHITE: Cemetery

<b>ELMWOOD</b>	WEST	CEMET	ERY
SUPERIO	OR TOWN	ISHIP. MI	

# GREENWOOD CEMETERY BIRMINGHAM, MI

# GLENWOOD CEMETERY FLINT, MI

CANARY: Purchaser



# **PURCHASE AGREEMENT**

and			101. W1 101. 1.1 11	Desire un un	
Name:			Telephone: _(	)	The state of the s
Address:Stre	not .	City	State	Δ	Zip Code
Name(s) on Certificate:		Oity	State	<b>C</b>	Zip Gode
Purchases: The Purchaser a Agreement and to the Rules and Rules and Regulations of the Ce	Regulations of the Cemet	tery, now or hereafter in e	ffect (with the Purchas	er acknowled	
A. Burial Space(s): Lot	Section	Grave #'s	Qty of Spaces	@	\$
B. Crypt Space(s): Bank	Crypt #	Tier	Qty of Spaces	@	\$
C. Niche Space(s): Bank	Niche #	Tier			
D. Interment/Entombment/Inurnm	ent Fee(s):				
Pre-need	@ \$	At-Need	@ \$		\$
Payment for		Payment for			
Location					
Payment for		<u> </u>			
Location					
E. Memorial for			Location		\$
F. Miscellaneous Merchandise/Fee(s):	ee(s):		\$		- 05,780
			\$		_
			Sales Tax		\$
•		Total Puro	Total Purchase Price		\$
		Pre-Need	Pre-Need Discount		\$
		Subtotal	Subtotal		
		Administr	Administrative Service Fee		
		Down Pay	Down Payment		\$
		Balance [	Balance Due		\$
			V-1002		
Your credit is payable as follows: No if a payment is late, you will be chart.				Due Date	
				moton, the D	urahasa Drias
<ol><li>Continuing Care Fund: In accinctudes a contribution to the Conforther Rights set forth above, which</li></ol>	tinuing Care Fund of the Cer	metery in an amount at leas	st equal to fifteen percen	t (15%) of the	purchase price
<ol> <li>Rights Not Included: The Pure closing and/ or sealing of a crypt of in connection with an entombment</li> </ol>	or niche, installation of mem-	orials or any other services	, products or document	customarily re	equired or provided
<ol> <li>Validity and Effective Date: To the Cemetery. This agreement sha</li> </ol>					
IN WITNESS WHEREOF, the Purch the Purchaser and the Cemetery e					
CEMETERY REPRESENTATIVE		PURCHASE	ER .		
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Title:			4 - 1 - 1	1112	-
Date:		Date:			

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

FRIDAY, JANUARY 12, 2018 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

# II. ROLL CALL

Present: Linda Peterson

Margaret Suter Darlene Gehringer Laura Schreiner George Stern

Absent: Kevin Desmond

Linda Buchanan

Administration: City Clerk Mynsberge, Deputy Clerk Arft

# B. FINALIZATION OF RECOMMENDED PAYMENT PLAN POLICY FOR CEMETERY PLOTS

The Board discussed how to indicate that 75% of each payment installment should be immediately remitted to the Greenwood Cemetery Perpetual Care Fund.

Per discussion, a new paragraph was inserted after paragraph two to read: "The Greenwood Cemetery Perpetual Care Fund shall receive 75% of each payment at the time payment is made."

Ms. Schreiner clarified for Mr. Stern that:

- Per paragraph five, "failure to pay entire contract in full on or before the final payment due date will result in forfeiture of property and all monies paid to date" refers to any plots on a payment plan.
- This would not apply to occupied plots within said lot, however, since full payment is required for occupation before burial.

Mr. Stern pointed out that "entire contract" in paragraph five could refer to both paid and unpaid plots within a lot. He was concerned that this language indicates that both paid and unpaid plots are forfeited in the case of non-payment, with the paid occupant potentially being disinterred.

Ms. Schreiner agreed with Mr. Stern and suggested that the language be changed to reflect that a fully paid and occupied plot within an unpaid lot would not be forfeited.

Chairperson Gehringer suggested paragraph five be changed to "For purchase agreements initiated in 2018 and subsequently, failure to pay the entire contract on or before the final payment due date will result in forfeiture of the unpaid plot(s) and all monies paid to date."

Ms. Schreiner shared concern that:

- Paragraphs four and five are redundant.
- Paragraph three refers to a "farthest plot", which may lead to confusion in the future regarding how "farthest" is determined.

1 January 12, 2018

Mr. Stern suggested that the language in paragraph three be changed to "an end plot" and "interior", rather than "adjacent".

Chairperson Gehringer said:

- The language in paragraph three should remain "adjacent", and not "interior", because plots within a lot should be filled in succession and not with gaps between the plots.
- "An end plot" would be appropriate language for paragraph three.
- Paragraph three should be amended to "...are not paid in full but internment is needed, an end plot will be utilized first..." with the rest of the paragraph remaining the same.

### Mr. Stern asked:

- How plots on a payment plan would be presented in the Audit.
- If the Contractor's receivables are on the City's books.

Chairperson Gehringer told Mr. Stern that the Contractor's receivables are not on the City's books.

City Clerk Mysnerberge clarified for Mr. Stern that the Board has the power to decide what information goes into the Annual Report, not the audit, as the audit has predefined parameters.

Ms. Schreiner suggested that a column with the title 'Under Contract' should be added to the Annual Report.

# Chairperson Gehringer:

- Agreed with Ms. Schreiner; and,
- Suggested removing the last paragraph from the policy.

The Board concurred about removing the last paragraph.

**MOTION:** Motion by Schreiner, seconded by Peterson, to forward to the City Attorney for review as to form and content and for comments on appropriate next steps, and to the Contractor for comment, the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations.

Chairperson Gehringer asked to strike "and to the Contractor for comment".

**MOTION:** Motion by Schreiner, seconded by Peterson, to forward to the City Attorney for review as to form and content and for comments on appropriate next steps the proposed Payment Plan Policy for Cemetery Plots as an addition to the Greenwood Cemetery Operational Procedures, Conditions and Regulations.

City Clerk Mynsberge confirmed for Mr. Stern that the contractor received the above information with an invitation to attend this evening's Board meeting. The contractor did not attend, and no reply was received.

VOTE: Yeas, 5

Nays, 0

Absent, 2 (Desmond, Buchanan)

2 January 12, 2018



# **MEMORANDUM**

City Clerk's Office

DATE: December 6, 2017

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Payment Plan Policy for Cemetery Plots

The Board, at its October 6, 2017 meeting, discussed the need for a written policy defining the parameters of a payment plan for cemetery plots.

Attached is a draft policy statement on purchase agreements.

Once the Board reviews, evaluates and makes any desired revisions, the proposed policy should be forwarded to the City Commission with the Board's recommendation for adoption.

The policy would appropriately become part of the *Greenwood Cemetery Operational Procedures, Conditions and Regulations* document if adopted by the Commission.

If the Board is ready to approve the policy and forward it to the City Commission I would recommend the following motion:

Moved by , seconded by , to recommend to the City Commission approval of the revision to the *Greenwood Cemetery Operational Procedures, Conditions and Regulations* document to add the Payment Plan Policy for Cemetery Plots as paragraph IX with the renumbering of subsequent sections of the document.

### IX. LOT SALES - PAYMENT PLAN POLICY

Cemetery plots are purchased through the City of Birmingham's professional cemetery management contractor, Elmwood Historic Cemetery (hereinafter called "Contractor"), having its principal office at 1200 Elmwood Road, Detroit MI 48207.

A payment agreement may be entered into between purchaser and Contractor to allow for the purchase price to be paid over a period of time.

Payment agreements require a 10% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2015 and subsequently, a 50% refund of the amount paid for any of the plots included in the purchase agreement will be granted as long as the plot is unoccupied.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.

Plot sales completed by Contractor and revenues receipted to the Greenwood Cemetery Perpetual Care Fund are subject to inclusion in the City of Birmingham's annual audit.

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

FRIDAY, DECEMBER 8, 2017 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

# I. CALL TO ORDER

Chairperson Darlene Gehringer called the meeting to order at 8:30 AM.

# II. ROLL CALL

Present: Linda Peterson

Margaret Suter Darlene Gehringer Linda Buchanan George Stern

Absent: Kevin Desmond

Laura Schreiner

Administration: City Clerk Mynsberge, Deputy Clerk Arft

# A. DISCUSSION OF CONTRACT REVISIONS REGARDING PAYMENT PLANS FOR LOT PURCHASES

Clerk Mynsberge suggested setting the policy first in order to establish the parameters for the payment plan and then ask the City Attorney to review the policy and advise the Board of the next steps in amending the contract. She noted that the City Manager has authorized the Board to request assistance from the City Attorney.

Ms. Gehringer suggested that the terms may not be agreeable to the parties, and would require a revision to the payment plan policy. She believes that before we submit to the City Commission, all parties should be in agreement with it.

Clerk Mynsberge suggested that the Board draft the payment plan policy as the Board would like to see it, with the understanding the Board would like to change the contract, submit the draft to the City Attorney and let him advise the Board how to go forward.

Chairperson Gehringer suggested several changes to the page titled Lot Sales-Payment Plan Policy.

Ms. Peterson asked what happens if the purchaser on a payment plan decides to walk away from the purchase. Ms. Gehringer said the purchaser would lose the money paid, since the contractor has done the paperwork and the plot has been off the market for a period of time.

Ms. Peterson asked when purchasers typically purchase plots. Clerk Mynsberge said we do not have that information, but added there are currently 12 payment plan agreements. Ms. Gehringer asked how many plots are involved in the 12 payment plans.

1

December 8, 2017

The Board was in agreement with a 24 month term for payments.

Ms. Peterson confirmed that graves would be used from the edges when more than 1 plot is purchased. Clerk Mynsberge suggested that should be included in policy as well, and added that the purchase plan agreement would be drawn from the policy.

Ms. Gehringer suggested removing the paragraph "For purchase agreements initiated in 2015 and subsequently, a 50% refund of the amount paid for any of the plots included in the purchase agreement will be granted as long as the plot is unoccupied."

Clerk Mynsberge noted that the paragraph cannot be removed, as it is part of the Rules and Regulations Lot Resale Policy (Section IX). Ms. Gehringer then suggested we say any purchase agreements after 2018.

Ms. Buchanan noted that we need additional language about selling the plot. Ms. Gehringer noted that the 50% refund applies to sold plots only and is discussed in a different area of the Rules and Regulations.

Ms. Gehringer stated she thinks the paragraph should not be included in the payment plan policy. She suggested <u>For purchase agreements initiated in 2018 and subsequently, no refund of any amount paid will be granted.</u> She explained that a purchaser would not own the plot, so they would get no money back.

Clerk Mynsberge explained that the Board needs to draft a payment plan default section for the policy.

Ms. Gehringer suggested removing the current paragraph which begins "For purchase agreements initiated in 2015...". The following paragraph would be added: <u>For purchase agreements initiated in 2018 and subsequently, failure to pay entire contract in full on or before the final payment due date will result in forfeiture of property and all monies to date.</u>

Ms. Gehringer asked that the Contractor attend the next meeting so the Board can have their input. She requested that we receive a copy of the Contractor's purchase plan agreement.

Ms. Gehringer suggested adding a statement to the 4<sup>th</sup> paragraph "A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid. <u>If plots are not paid in full, but interment is needed, the farthest plot on the end will be utilized first and others located adjacent subsequently as needed unless all plots are paid in full at that time.</u>

The Board concurred with the changes thus far.

Clerk Mynsberge read the policy with the changes.

Mr. Stern asked Ms. Gehringer about her comment at the last meeting that adding to the existing Rules and Regulations would violate the existing contract. Ms. Gehringer said this is a draft of the policy, and as stated earlier, would have the City Attorney and the Contractor review the policy and ask for input. It will be brought back to the Board, and if approved by

the Board, it will be submitted to the City Commission as an amendment to the contract and then become an amendment to the Greenwood Cemetery policy.

Clerk Mynsberge clarified that this is a draft at this point. After review by Contractor and City Attorney, the Board may make a recommendation to the Commission to amend the contract to include the payment plan policy. Until the Commission approves it, nothing has changed.

Mr. Stern said the word violates is a very strong word. He said there is a process to amend the contract. Ms. Gehringer said the Commission discussed this back in March and the Commission agreed that it was a violation of the contract and asked the Board to suggest a payment plan policy so the contract could be amended, and then we could amend our cemetery operational plan. We are just following the Commission's direction.

Mr. Stern does not think we should have an amendment to a regulation that specifies a specific contractor. The Rules and Regulations are generic and he objects to the specific wording of the first paragraph. He also does not feel the Rules and Regulations require the City to buy back a plot. It specifies that if an owner wishes to sell a plot, it must be sold to the City. The wording indicates to him that the City would automatically buy back the plot. A concern he has is that someone could buy 8 plots and bury people in alternate spaces and then want to sell back alternate spaces. He thinks the City must retain the right to enforce the contract.

Ms. Gehringer noted that the issue of plot distribution is included in the revisions discussed today, and will be included in the next draft.

Clerk Mynsberge referred Mr. Stern to Section III. Plot Distribution which is on the proposed Purchase Agreement. She clarified that if a purchaser wants to bury loved ones in a specific order, they are obligated to pay for enough plots to do so before the first burial.

Ms. Gehringer agreed with Mr. Stern about removing the reference to Elmwood in the payment plan policy in the first paragraph. Mr. Stern confirmed that currently the payment agreement is between the purchaser and the City and executed by the Contractor. Mr. Stern suggested removing the entire first paragraph.

Clerk Mynsberge suggested the following language for the first paragraph: A payment agreement may be entered into to allow for the purchase price to be paid over a period of time.

Mr. Stern suggested not making the payment schedule definite. Clerk Mynsberge responded that monthly payments allow the Contractor to contact the purchaser quickly before payments get behind too far. She added the Contractor currently follows a monthly payment schedule, and Ms. Gehringer noted that the Board had discussed and agreed on the monthly terms previously.

**MOTION:** Motion by Buchanan, seconded by Suter:

To approve the revised draft of the Lot Sales-Payment Plan Policy, as amended.

3

VOTE: Yeas, 5

Nays, 0

Absent, 2 (Desmond, Schreiner)

Clerk Mynsberge clarified that she will invite the Contractor's representative to attend the January meeting, discuss the revised draft with the Contractor at that time, and possibly make further changes. Ms. Gehringer requested a copy of the Contractor's purchase agreement in the Board's packet to review prior to the meeting.

# **AGENDA ITEM 5A**



# **MEMORANDUM**

City Clerk's Office

DATE: October 4, 2017

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Payment Plan Policy for Cemetery Plots

The Board, at its October 6, 2017 meeting, discussed the need for a written policy defining the parameters of a payment plan for cemetery plots.

Attached is a draft policy statement on purchase agreements.

Once the Board reviews, evaluates and makes any desired revisions, the proposed policy should be forwarded to the City Commission with the Board's recommendation for adoption.

The policy would appropriately become part of the *Greenwood Cemetery Operational Procedures, Conditions and Regulations* document once adopted by the Commission.

If the Board is ready to approve the policy and forward it to the City Commission I would recommend the following motion:

Moved by , seconded by , to recommend to the City Commission approval of the revision to the *Greenwood Cemetery Operational Procedures, Conditions and Regulations* document to add the Payment Plan Policy for Cemetery Plots as paragraph IX with the renumbering of subsequent sections of the document.

### IX. LOT SALES - PAYMENT PLAN POLICY

Cemetery plots are purchased through the City of Birmingham's professional cemetery management contractor, Elmwood Historic Cemetery (hereinafter called "Contractor"), having its principal office at 1200 Elmwood Road, Detroit MI 48207.

A payment agreement may be entered into between purchaser and Contractor to allow for the purchase price to be paid over a period of time.

Payment agreements require a 10% down payment of the total purchase price, with the remaining balance to be spread into equal monthly payments for a period not to exceed 24 months. Such payment agreements shall be interest free.

A plot being purchased under a payment agreement may not be used for interment until the full purchase price has been paid.

If multiple plots are included in a purchase agreement, the balance due on any one or more of the plots needed for interment must be fully paid before interment can take place. Monthly payments may continue on the other plots included in the purchase agreement for the term of the agreement.

For purchase agreements initiated in 2015 and subsequently, a 50% refund of the amount paid for any of the plots included in the purchase agreement will be granted as long as the plot is unoccupied.

The Greenwood Cemetery Perpetual Care Fund will receive 75% of the sale price for each plot sold under a payment agreement at the time the full purchase price has been received by Contractor or upon the expiration date of the purchase agreement, whichever occurs first.

Plot sales completed by Contractor and revenues receipted to the Greenwood Cemetery Perpetual Care Fund are subject to inclusion in the City of Birmingham's annual audit.

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

FRIDAY, NOVEMBER 17, 2017 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

# I. CALL TO ORDER

Chairperson Darlene Gehringer called the meeting to order at 8:30 AM.

### II. ROLL CALL

Present: Linda Peterson

Kevin Desmond Margaret Suter Darlene Gehringer Linda Buchanan

Absent: Laura Schreiner

George Stern

Administration: Deputy Clerk Arft

## A. PAYMENT PLAN POLICY FOR CEMETERY PLOTS

Chairperson Gehringer said:

- The City Commission wanted the Board to make recommendations to change the contract, but that adding to Birmingham's cemetery rules and regulations would violate the existing contract.
- The Board should recommend that the Commission amend the existing contract to include a payment plan policy and should present the Commission with the Board's suggestion for the policy in the contract.
- City Attorney Currier would have to review the suggested changes first.

Chairperson Gehringer drafted a proposed purchase agreement and provided each member with a copy. She briefly described the proposed agreement and terms. She stated that the contractor would also have the opportunity to review the proposed agreement and terms.

The Board agreed that each parcel for purchase should be referred to as a 'plot', and that a 'lot' would refer to multiple plots together.

Chairperson Gehringer continued that she would like the Board to work on its recommendations for changing the contract so that the City can put the policy in its rules and regulations once it is been approved\*.

Ms. Buchanan stated her approval of Chairperson Gehringer's draft.

Chairperson Gehringer asked the Board members to put their thoughts together for the December meeting about the Board's suggestions to the Commission regarding contract revisions.

1

November 17, 2017

<sup>\*</sup>As amended on December 8, 2017.



# **MEMORANDUM**

City Clerk's Office

DATE: October 4, 2017

TO: Greenwood Cemetery Advisory Board

FROM: J. Cherilynn Mynsberge, City Clerk

SUBJECT: Payment Plan Policy for Cemetery Plots

At the Board's meeting on August 4, 2017 the subject of current practice for selling cemetery plots under payment plans was discussed. As requested, I contacted the Greenwood Cemetery's management contractor and have the following information to report:

- Elmwood Historic Cemetery (hereinafter called "Contractor") does not have a written policy on payment plans to share with the Board.
- Contractor collects all payments for lots over the period of the purchase agreement, and submits the City's portion when the plot(s) are fully paid. During the period of the purchase plan the Contractor incurs expenses for invoicing, collections, accounting and other normal business expenses.
- If a person paying for a plot on a payment plan passes away before the lot is fully paid, the Contractor collects the full amount owing from the deceased's family or the deceased's estate before burial.
- All lots being purchased on a payment plan by the same person are included in one purchase agreement. The amount owing on the first plot to be used must be paid before burial in that plot. Monthly payments then continue in accordance with the purchase agreement.
- Where in a block of lots a burial would be placed depends, because traditionally, for a husband and wife, the man is buried on the left.

The Contractor noted that there are very few, if any, places in the cemetery where multiple plots exist side-by-side.

The Board raised additional questions on August 4, 2017 with the intention of developing a written policy on payment plans. Those questions included whether or not interest should be charged, what the minimum down payment should be, what the maximum length of the payment period should be, and whether or not plots on payment plans refundable. The Board also wondered if earnest money should be charged to hold a plot.

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

# FRIDAY, OCTOBER 6, 2017 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

### I. CALL TO ORDER

Linda Buchanan, Vice Chairperson called the meeting to order at 8:30 AM.

#### II. ROLL CALL

PRESENT: Linda Buchanan, Vice Chairperson

Linda Peterson Laura Schreiner George Stern Margaret Suter

ABSENT: Kevin Desmond

Darlene Gehringer, Chairperson

Administration: City Clerk Mynsberge, Transcriptionist Eichenhorn

#### C. PAYMENT PLAN POLICY FOR CEMETERY PLOTS

Clerk Mynsberge presented the information provided to her by Elmwood, regarding payment plans for cemetery plots, noting:

- There is no written policy for payment plans.
- All payments are collected over the period of the purchase agreement, and the City does not receive its portion until the plot is completely paid. During the payment period Elmwood assumes the costs for invoicing, collections, and other relevant duties.
- She has seen purchase agreements for 36 months, but was advised by Elmwood that they provide two-year, no interest financing, with ten percent down.
- If an individual on a payment plan passes away, said individual will not be interred until the plot has been fully paid.
- If multiple plots are purchased in a group, full payment must be received for the first plot at the time the first plot is needed, and monthly payments may continue on the other plots within the group.
- There are very few places where two plots are available together, let alone multiple plots available together.
- 50% refunds on the grave price are available for plots purchased in 2015 or subsequently, as long as the plot is unoccupied.

Ms. Suter expressed discomfort that there is no written policy, and Ms. Buchanan agreed. Clerk Mynsberge clarified that Elmwood enters into a legal agreement with each purchaser of a cemetery plot.

#### Ms. Schreiner stated that:

- The Greenwood Cemetery Advisory Board desires to see the outer parameters written down, and;
- That the individual contracts would set forth price, term, time and parties, but it would be beneficial to have the outside possible terms of those contracts defined.

1 October 6, 2017

Ms. Schreiner than then inquired as to how payment is allocated if plots are purchased in a group, paid for over some period of time, and then one plot needs to be paid in full. In that case, are the previous payments all re-allocated to paying off the balance of the first plot? Or does each plot maintain its partial balance, with the difference for the first plot requiring immediate payment?

Ms. Buchanan cited Ms. Schreiner's question as evidence that the Advisory Board requires a set of guidelines.

Mr. Stern agreed as well, and stated that the cemetery, acting as advisors for the City, needs to have rules and regulations set forth by the City.

Clerk Mynsberge affirmed for Mr. Stern that it would be appropriate to ask staff for input regarding policy on how City money should be handled in these cases.

Ms. Schreiner asked if the payments become City money when the contract is initiated, or when the money is transferred to the City. Ms. Schreiner continued that it would be wise for the Advisory Board to discuss this matter.

Clerk Mynsberge told Mr. Stern she would find out whether there is an audit procedure for City contractors, and told Ms. Suter that third quarter sales numbers were not yet available.

Mr. Stern asked when City revenue technically becomes City revenue, if a contractor has possession of the revenue first for a period of time. Ms. Schreiner stated that these sorts of transactions likely occur frequently within the City.

Clerk Mynsberge offered to seek input from the appropriate staff regarding the questions raised in this meeting, to present her findings in November, and to prepare a rough draft of the quidelines the Advisory Board is seeking.

2 October 6, 2017

# **EXCERPT**

# GREENWOOD CEMETERY ADVISORY BOARD MEETING MINUTES

FRIDAY, AUGUST 4, 2017 AT 8:30 AM MUNICIPAL BUILDING, ROOM 205, 151 MARTIN

### I. CALL TO ORDER

Darlene Gehringer, Chairperson called the meeting to order at 8:30 AM.

### II. ROLL CALL

PRESENT: Margaret Suter

Darlene Gehringer Linda Buchanan Laura Schreiner George Stern

ABSENT: Linda Peterson

Kevin Desmond

Administration: Clerk Brown, Deputy Clerk Arft

# B. RECOMMENDATION FOR AMENDMENT TO THE CEMETERY CONTRACT WITH ELMWOOD REGARDING PAYMENT PLANS

Ms. Gehringer reviewed other cemeteries' policies and reported that some charge interest, while others do not. She noted that the majority of the commissioners did not want to charge interest. Some cities do set a time limit on the payment plan. She said she is unsure if our contractor sets a time limit. She suggested the Board put in writing that we are going to adopt a payment plan and the rules and regulations regarding payment plans. She suggested a down payment at the time of entering into the payment plan, as well as not charging interest.

Ms. Schreiner said that when she went through the purchase process, she was told by the contractor that there was an option for payments. She recalled that there was an immediate payment requirement with a time limit. She agreed that this needs to be formalized.

Ms. Gehringer asked that the Clerk discuss what the contractor's current practice is for Greenwood purchases.

Ms. Suter expressed concern about being paid from an estate.

Ms. Gehringer questioned whether reimbursements are made if a purchaser decides to not complete the payment plan or decides that the plot is no longer wanted. She noted that when plots are held, other cemeteries require a non-refundable fee to hold the plots.

Ms. Schreiner said we need to determine how the contractor handles these situations and then discuss if it is what the Board is comfortable with, as well as investigate what other cemeteries practices are.

Ms. Gehringer noted that other cemeteries require a non-refundable "holding fee" to hold a plot or plots.

1

August 4, 2017

Mr. Stern asked for clarification of where the payments go during the time a plot is being paid off.

Mr. Stern suggested that the contractor be wary of people who buy multiple plots, and how the deceased are being buried in the plots so as not to ruin the resale value of the total parcel.

Clerk Brown will report to the Board at the October meeting.

2



# **MEMORANDUM**

**Finance Department** 

**DATE:** June 15, 2018

TO: Joseph A. Valentine, City Manager

FROM: Mark Gerber, Finance Director/Treasurer

SUBJECT: Water/Sewer Rate Changes for 2018-2019

#### Water Rates

Water rates are recommended to increase \$.25 from \$4.62 to \$4.87, or 5.4%. This is the same rate as was proposed at the budget hearing on April 28th. The increase would raise the annual cost to the average homeowner using 90 units of water by \$22.50. The increase is the result of an increase in the cost of water, personnel costs, and depreciation.

#### **Sewer Rates**

Sewer rates are recommended to increase \$.18 from \$7.38 to \$7.56, or 2.4%. The increase would raise the annual cost to the average homeowner using 90 units of water by \$16.20. This rate is \$.10 lower than the rate proposed at the budget hearing on April 28th. The rate proposed at the budget hearing was based on sanitary sewer costs increasing by 4%. As a result of rates approved by the Great Lakes Water Authority (GLWA) sanitary sewer costs are now projected to increase by approximately 2%. The remaining amount of the recommended increase is the result of an increase in depreciation.

#### Storm Water Rates

Storm water rates are recommended to increase \$11 from \$184 to \$195 per ESWU for Evergreen-Farmington Sewage Disposal District and \$5 from \$240 to \$245 per ESWU for Southeast Oakland Sewage Disposal District. The rate increase for Evergreen-Farmington is higher than what was proposed at the budget hearing due to an increase in allocation of sewage disposal costs to the retention basins by the Oakland County Water Resources Commissioner. The rate increase for Southeast Oakland Sewage Disposal District is slightly less than what was proposed at the budget hearing.

#### Industrial Surcharge and Industrial Waste Control Charge (IWC)

The charges for Industrial Surcharge and Industrial Waste Control Charge are determined by Great Lakes Water Authority (GLWA). These charges are collected by the City and remitted to GLWA. The City does not keep any of the money it collects for these fees. The Industrial Waste Control Charge is scheduled to decrease approximately 37%. Currently, there is one Birmingham customer charged an Industrial Surcharge.

The new rates will take affect for all billings where the read date is on or after July 1, 2018.

Below are the recommended fee changes:

# FEES, CHARGES, BONDS AND INSURANCE AMENDMENT

Existing

Proposed

Change

### **DEPARTMENT OF PUBLIC SERVICE**

<u>Section</u>		Fee	F	ee	Code
Water Additional charge for water used: For each 1,000 gallons or part thereof	\$	4.62	\$	4.87	В
FINANCE					
Section	E	xisting Fee	-	posed ee	Change Code
Sewer Service Rates (Chapter 114)  For each 1,000 gallons or part thereof	\$	7.38	\$	7.56	В
Storm Water Utility Fee (Chapter 114) Evergreen-Farmington Sewage Disposal District For each Equivalent Storm Water Unit (ESWU)					
Quarterly Fee Monthly Fee	9	\$ 46.00 \$ 15.33		48.75 16.25	B B
Southeast Oakland County Sewage Disposal District For each Equivalent Storm Water Unit (ESWU) Quarterly Fee	Ç	\$ 60.00	\$	61.25	В
Monthly Fee		\$ 20.00	•	20.42	В
Industrial Surcharge (Chapter 114)  An industrial surcharge shall be levied against industrial customers contributing sewage to the concentrations of pollutants exceeding the levels defollows:  Amounts of Industrial Surcharge - Total Charge per excess pollutants	system with escribed as				-
Biochemical oxygen demand (BOD), over 275 mg	g/I \$	0.487	\$	0.483	С
Total suspended solids (TSS), over 350 mg/l	\$	0.494	•	0.490	С
Phosphorus (P), over 12 mg/l Fats, oils, grease (FOG) over 100 mg/l	\$ \$	7.282 0.469	\$ \$	7.228 0.465	C C

# **Industrial Waste Control IWC (Chapter 114)**

An industrial waste control charge shall be levied against all non-residential properties, in accordance with rates established by resolution.

## Meter Size - Quarterly Charge

icter Size	Quarterly charge					
5/8"		\$	17.04	\$	10.65	С
3/4"		\$	25.56	\$	16.02	С
1"		\$	42.60	\$	26.67	С
1 1/2"		\$	93.72	\$	58.68	С
2"		\$	136.32	\$	85.32	С
3"		\$	247.08	\$	154.65	С
4"		\$	340.80	\$	213.30	С
6"		\$	511.20	\$	319.92	С
8"		\$	852.00	\$	533.22	С
10"		\$1	,192.80	\$	746.52	С
12"		\$1	,363.20	\$	853.14	С
14"		\$1	,704.00	\$1	,066.44	С
16"		\$2	,044.80	\$1	,279.74	С
18"		\$2	,385.60	\$1	,493.01	С
20"		\$2	,726.40	\$1	,706.31	С
24"		\$3	,067.20	\$1	,919.58	С
30"		\$3	,408.00	\$2	,132.88	С
36"		\$3	,748.00	\$2	,346.18	С
48"		\$4	,089.00	\$2	,559.45	С

## **CHANGE CODES**

- A. Fee has remained the same for many years
- B. Proposed fee covers current costs
- C. Pass through costs that reflects actual cost of service
- D. Fee consistent with neighboring communities
- E. New fee
- F. Increase to cover normal inflationary increase
- G. No longer provide this service
- H. Other Explain

#### SUGGESTED RESOLUTION:

To amend the Schedule of Fees, Charges, Bonds and Insurance, Water and Sewer Service Sections, for changes in water, sewer, storm water, industrial surcharge, and industrial waste control charge rates effective for bills with read dates on or after July 1, 2018.



# **MEMORANDUM**

Office of the City Manager

**DATE:** June 15, 2018

TO: City Commission

FROM: Joseph A. Valentine, City Manager

**SUBJECT:** Providing Adult Services

Current demographic trends continue to show the "baby boomer" generation will continue to be the largest increasing population segment of all communities both locally and nationally. This trend is also true for Birmingham. Preparing for the expected growth in the service demands of this growing segment of our population warrants ongoing study and direction.

The City currently provides adult services through a contract arrangement with NEXT in conjunction with the communities of Beverly Hills, Bingham Farms, Franklin and Southfield Township. In April of 2012, these communities created a Joint Senior Services Committee to review existing operations and services and provide recommendations for the future. study concluded with a final report in June of 2013. The recommendations from this report consisted of both short term and long term strategies. The short term recommendations were to expand services and municipal budget requests in order to accommodate the increasing demands with increased hours and programming. This was achieved with increased municipal contributions, which began in 2014. The longer term recommendations were related to facility improvements and/or expansion/replacement. Because this facility is owned by the Birmingham Public Schools (BPS) discussions for improvements have occurred with BPS and resulted in new mechanical equipment being installed this past year. However, the trend of increasing service demands on the existing facility warrants broader conversation on how this growing demand for services will not only be housed, but provided and funded. To this end, I propose the recreation of the Joint Senior Service Committee comprised of representatives from the current member communities and revisit long term strategies including, but not limited to, service structure, partnerships, funding models, program needs and related service demands based on population trends. This committee would be established by resolution of each participating community. I have had conversations with the respective managers from the current municipal members served by our current partnership on this approach along with the Superintendent for the Birmingham Public Schools. Each respective manager concurred that the re-creation of the Joint Senior Services Committee was an appropriate next step. The attached resolution was collectively drafted to seek appointment of municipal and school representatives to this committee to continue the efforts to address the long term needs for these services.

If the resolution is passed and the committee is created, then we will return at a subsequent meeting for appointment of the committee members.

# Suggested Action:

To adopt the resolution creating an Ad Hoc Joint Senior Services Committee to conduct a long term study and evaluation of the necessary funding and governance model to effectively provide adequate senior services to participating residents, and further, to begin solicitation of one resident member to the committee.

# RESOLUTION CREATING AN AD HOC JOINT SENIOR SERVICES COMMITTEE TO CONDUCT A LONG TERM STUDY AND EVALUATION OF THE NECESSARY FUNDING AND GOVERNACE MODEL TO EFFECTIVELY PROVIDE ADEQUATE SENIOR SERVICES TO PARTICIPATING COMMUNITY RESIDENTS.

Whereas, the senior population aged 65 and older in Birmingham, Beverly Hills, Bingham Farms and Franklin is projected to be the largest growing population segment over the next several decades and these communities wish to prepare for the service needs of this growing demographic, and

Whereas, the communities of Birmingham, Beverly Hills, Bingham Farms, Franklin and Southfield Township along with the Birmingham Public Schools (herein referred to as Governing Body) had previously established a Joint Senior Services Committee in 2012 to present recommendations for improved senior services, and

Whereas, the Joint Senior Services committee presented their final recommendations to the municipalities in 2013, which was comprised of a two phased approach to address near term (Phase 1) and longer term (Phase 2) initiatives, and

Whereas, Phase 1 involved increased services and hours based on increased funding requests to the member communities, and

Whereas, Phase 2 involved a longer term focus centered on a dedicated funding source to address further increasing service demands and facility needs, and

Whereas, additional study and analysis is necessary to advance recommendations for Phase 2 as the current senior services funding and governance model in these communities may be insufficient to meet the increasing demand for senior services, and

Whereas, the governing bodies of the Birmingham Public Schools, City of Birmingham, Village of Beverly Hills, Village of Bingham Farms, Village of Franklin and Southfield Township wish to explore ways to meet the increasing demand for senior services.

**NOW THEREFORE BE IT RESOLVED** that an Ad Hoc Joint Senior Services Committee is hereby established to develop and recommend a long term plan for addressing the increasing demand for senior services in accordance with the following:

- 1. The Committee will be Ad Hoc. The term of the Committee shall continue until March 30, 2019 and the Committee will cease functioning unless otherwise directed by their respective Governing Body at that time.
- 2. The Governing Body hereby appoints representatives to the Ad Hoc Joint Senior Services Committee to be comprised of the following members.
  - a) One elected official from each respective Governing Body.
  - b) One resident member from each respective municipality appointed by each municipality.
  - c) One ex-officio member from each school and municipal administration.

- 3. All meetings of the Committee shall be open to the public. Agenda and minutes for all meetings shall be prepared.
- 4. The scope of the Committee shall be to develop a long term plan on how to best proceed in addressing the increasing demand for senior services in accordance with the following:
  - a. Review the Joint Senior Services Committee Final Recommendation to the Municipalities Report from June 2013.
  - b. Evaluate current service demands and projected trends for senior demographics and future service demands.
  - c. Analyze current funding sources and operational structure of the current contracted senior service model.
  - d. Compare and contrast current senior services funding and governance models in the participating communities to other area communities and best practices.
  - e. Review and evaluate cost and budget implications of any proposed recommendations and include strategic funding alternatives.
  - f. Compile the Committee's findings and recommendations into a report to be presented at the end of the Committee's term.
- The Committee is not authorized to expend funds or enter into agreements. All
  recommendations made by the Committee shall be in the form of a report to the Governing
  Body.

<b>BE IT FURTHER RESOLVED,</b> the	hereby appoints
	as an elected official to the Ad Hoc Committee,
	as the resident member of the committee, and
	as an ex-officio administration official to the committee

Birmingham, Beverly Hills, Bingham Farms, Franklin, Southfield Township

# Joint Senior Services Committee

# Final Recommendation to the Municipalities



**June 2013** 

# **Findings, Assumptions and Policy Recommendations**

The JSSC has completed its investigation and now reports its findings, assumptions and policy recommendations. JSSC was directed to:

- Study what other area communities are doing with regard to funding and managing senior programs and services.
- Gather public input to create a consensus around what senior programs and services our seniors need and are willing to fund.
- Prepare policy recommendations regarding a combination of programs, services, potential revenue sources and governance models.

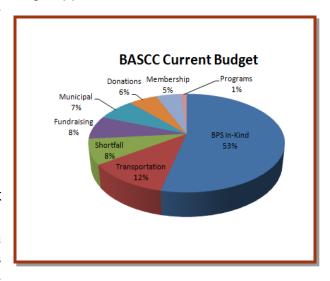
Study of the funding and the management of senior programs and services in neighboring communities was addressed in the JSSC Mid-term report (Exhibit 1). Observations of how surrounding communities provide senior services have provided insight about the ways we might move forward in developing a model for our communities.

The senior centers of Bloomfield Senior Services (BSS), Oakland Township, Rochester and Rochester Hills Older Persons Commission (OPC), Royal Oak Senior Center and the Troy Community Center have addressed the growing needs of their seniors. For example, OPC and BSS provide information and referral programs, exercise equipment, lap and/or warm pools for exercise, adult day care services, meals on wheels, transportation and extended hours. Troy and Royal Oak also provide some of these services. A complete list of these services can be found in the Midterm Report Area Senior Centers Matrix. (Exhibit 2)

With regard to funding, OPC and BSS sought a .25 millage for operations and a bond issue to build a senior center and they received overwhelming support from their communities. To

govern their senior center, OPC operates under an interlocal agreement which could be a governing guide for our communities. Troy and Royal Oak senior centers, on the other hand, are funded from the general fund, and both are managed by the Parks and Recreation Department.

While other nearby communities generally fund senior services through the local government general fund or a millage, the cost of providing senior services through the Birmingham Area Seniors Coordinating Council (BASCC) has been born largely by the Birmingham Public



School (BPS) district through in-kind support estimated at \$300,000 (imputed rent on the Midvale facility) and other direct funding amounting to \$36,000. Municipal funding, on the

other hand, accounts for only 7% of BASCC total funding. Additional sources of funding for the senior center are transportation grants, fundraising, operating grants, membership dues, programs and donations. (Exhibit 3)

From a financial and facility perspective, BASCC faces an uncertain future. In recent years, BASCC has had no alternative but to use endowment funds to balance its already inadequate annual operating budget. Over the last ten years, this endowment drawdown has totaled over \$400,000. This is not sustainable in the long term; expenses will continue to rise and additional programming is required to meet the needs of our seniors.

BASCC's long-term use of the outdated Midvale facility is also in question. Midvale is shared with the BPS's Early Childhood Center, an activity that generates revenue and may well be

expanded. BPS has embarked on a system-wide strategic planning process and is also conducting a facilities review. The goal is to complete these studies in the Fall of 2013. Whether that is achieved and what conclusion is reached regarding the future use of Midvale are unknown. What we can say, however, is that Dr. Nerad has assured the JSSC that any transition involving Midvale will be handled in such a way that ensures that BASCC will continue to have a home. Therefore, it is reasonable to assume that BASCC will continue to operate at Midvale for at least a few more years.

What are the needs of seniors in the communities of Birmingham, Beverly Hills, Bingham Farms and Franklin and how should we fund them?

Now that the JSSC understands what other communities are doing to meet the needs of seniors, we must answer the following question: "What are the needs of seniors in our four communities and how should we fund them?" In order to answer this question, BASCC and the JSSC sought the consultant services of Mitchell Research and Communications, Inc. and the Detroit Executive Service Corps (DESC).

# Mitchell Benchmark Survey

According to the Mitchell Benchmark Survey, a general population telephone survey, JSSC learned the following:

- Sixty-nine percent think a senior center is important.
- Fifty percent have a favorable impression of BASCC with only four percent having an unfavorable impression. The rest cannot say or are unaware of BASCC. Only forty percent know where BASCC is located.
- If BASCC provided day care, it would be a welcomed service according to sixty-six percent of those surveyed.
- Sixty-five percent support low cost exercise and fitness programs to keep seniors healthier longer

- Fifty-one percent support increased hours.
- Sixty-four percent support the continued growth of senior programs to meet growing senior needs.
- Sixty-three percent support a millage for expanding programs and services. They want to assure that we keep the programs and services we currently offer.

# **DESC Focus Group Results**

DESC Focus Group Results, on the other hand, were qualitative and representative of the general "feelings" of users of BASCC, non-users and caregivers. (Exhibit 4) The following observations were identified through the focus group sessions:

- People tend to view a senior center as an activity center providing a broad range of things to do, including intellectual stimulation, physical activities, games, trips and social interaction.
- Accessibility, transportation and mobility are important, i.e., a senior center should be accessible and the Midvale location meets that criterion.
- Many, however, feel the current facility is outdated. It does not provide gym equipment, or a swimming/therapy pool.

After studying other senior centers in the area and collecting data, the current services provided by BASCC are viewed as marginally meeting the needs of our area seniors. The BASCC mission is to "identify and meet the needs of older adults". Therefore, the JSSC has prepared a short-term (i.e. Phase I plan) and a long-range vision (i.e. Phase II) and related proforma budget that will more adequately serve our seniors.

### Recommendations

In the short term, JSSC recommends that BASCC's operation at Midvale be expanded to increase hours and services by 45%, while only increasing budget expenditures by 24%. Increasing morning and evening hours Monday through Friday and adding Saturday morning hours will also increase senior participation. JSSC also recommends exercise equipment such as weight machines, exercise bikes, tread mills and elliptical equipment. Adding exercise



equipment would be a one-time expenditure of \$46,000 paid out of the BASCC endowment fund. This will accommodate senior exercise needs, enhance fitness, and increase senior participation.

The additional annual cost of this short-term plan is estimated at \$200,000 which includes estimates of \$144,500 for additional staff, \$52,000 for budget shortfall, and \$3,500 for insurance. To cover the expanded programs, municipal contributions from our four communities could be raised either by increased contributions from their general fund or by a millage placed on the ballot of their next general election.

Longer term, it is clear that a major facility upgrade is necessary. When the status of Midvale

is resolved, the plan is to either rebuild Midvale (if BPS decides to leave), build an entirely new facility, or upgrade an existing facility. This will accommodate additional services and programs such as adult day care, physical additional exercise equipment, a heated lap/therapy pool and related classes. Both a facility bond issue and an operational millage would be required to fund this major upgrade.

Conclusion

Serving our seniors can no longer be considered an "added education" service provided largely by BPS. This is a municipal responsibility. The benefits to our communities of being senior friendly are well documented and undisputed.

Michigan allows up to 1 mill for voter approved Senior Millage. The following communities have taken advantage of this in Oakland County:

- **Bloomfield Township**
- **Madison Heights**
- **Oakland Township**
- **Pontiac**
- Rochester
- **Rochester Hills**

The JSSC has studied the demographics of our four communities. The percentage of homes with children under 18 is, on average, 30% and the number of households with resident seniors averages 39%. Projections show the percentage of seniors will grow faster than any other age segment. Taxpayers in the Birmingham Public School District pay just under 17 mills in local school taxes plus an additional State school tax of 6 mills, of which some is returned to the school district. In contrast, there is no dedicated senior millage. By State law, if approved by the voters, municipalities may assess up to 1 mill for senior services. (Act 39 of 1976 – Senior Funding and Millage)

The JSSC, based on the combined efforts of representatives from the governing bodies, as well as, BASCC and BPS, is recommending:

- The Municipalities support the Phase I plan, and reach agreement as to how it is to be funded by June 1, 2014.
- A small group of JSSC members be appointed as an official communication channel This group would also keep the communities updated as decisions with BPS. regarding Midvale unfold.