



**CITY COMMISSION MEETING AGENDA  
SEPTEMBER 17, 2018  
7:30 PM**

**Agenda Documents to Retain**

*This list is being provided as a reminder.*

*Items will drop off the list when the Commission has completed consideration of them.*

SAVE FROM	ITEM	SAVE FOR
August 13, 2018	4L. Resolution setting Monday, September 17, 2018 at 7:30 PM for a public hearing to consider the request by the property owner to eliminate the historic designation on 361 E. Maple.	September 17, 2018 Agenda Item 6A
August 27, 2018	4L. Resolution setting Monday, September 17, 2018 for a public hearing to consider approval of the ordinance amendments to Chapter 126, Zoning of the Birmingham City Code	September 17, 2018 Agenda Item 6B
September 17, 2018	4L. Resolution setting a public hearing for October 8, 2018 to consider recommended amendments to Chapter 126, Zoning, of the City Code to remove all references to Church or Churches and replace the terms with religious institution(s) and provide a definition for same.	October 8, 2018

**BIRMINGHAM CITY COMMISSION AGENDA**  
**SPECIAL MEETING**  
**SEPTEMBER 17, 2018**  
**MUNICIPAL BUILDING**  
**151 MARTIN, BIRMINGHAM MI 48009 PH: 248-530-1880**  
**7:00 P.M.**

**I. CALL TO ORDER**

Andrew M. Harris, Mayor

**II. ROLL CALL**

J. Cherilynn Mynsberge, City Clerk

**III. CLOSED SESSION**

Resolution to meet in closed session to discuss an attorney/client privilege communication in accordance with Section 8(h) of the Open Meetings Act, , MCL 15.261 – 15.275.

**(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)**

**IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

**V. 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).*

I, J. Cherilynn Mynsberge, City Clerk of the City of Birmingham, Michigan, do hereby certify that this notice was posted in accordance with MCL15.265(4), Open Meetings Act PA267 of 1976, on September 12, 2018 at 10:00 a.m.

  
J. Cherilynn Mynsberge, City Clerk





## **MEMORANDUM**

Office of the City Manager

**DATE:** September 10, 2018

**TO:** City Commission

**FROM:** Joseph A. Valentine, City Manager

**SUBJECT:** Request for Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.261 – 15.275

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It is requested that the City Commission meet in closed session pursuant to Section 8(h) of the Open Meetings Act.

**SUGGESTED RESOLUTION:**

To meet in closed session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.261 – 15.275.

**(A roll call vote is required and the vote must be approved by a 2/3 majority of the commission. The commission will adjourn to closed session after all other business has been addressed in open session and reconvene to open session, after the closed session, for purposes of taking formal action resulting from the closed session and for purposes of adjourning the meeting.)**

**BIRMINGHAM CITY COMMISSION AGENDA**  
**SEPTEMBER 17, 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:***

- Introduction of new City staff.
- The second annual Read in the Park is being held in Beverly Park on Saturday, September 22<sup>nd</sup> from 1:00 to 4:00 p.m. In the event of rain, this event will take place at Baldwin Public Library.

**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 September 6, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated September 5, 2018 in the amount of \$228,748.31.
- C. Resolution approving the warrant list, including Automated Clearing House payments, dated September 12, 2018 in the amount of \$755,829.44.
- D. Resolution approving a request submitted by Ascension of Christ Lutheran Church requesting permission to place a Nativity scene in Shain Park from November 23, 2018 to December 31, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- E. Resolution approving a request from the Birmingham Shopping District to hold the Winter Markt, in Shain Park and surrounding streets from November 27 - December 2, 2018 and to allow the use of temporary liquor licenses in Shain Park for this event, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.
- F. Resolution approving a request from the Birmingham Shopping District to place the Santa House and related activities as described in the Special Event application in Shain Park between the week of November 24<sup>th</sup>, 2018 through the week of January 5, 2019

including free parking at the on street meters on November 24, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

- G. Resolution approving the federal funds in the amount of \$21,781.00 for the 2018 Emergency Management Performance Grant period of 10/1/2017 to 9/30/2018. Further, to direct the Mayor to sign the agreement on behalf of the City.
- H. Resolution authorizing the Mayor of the City of Birmingham to sign the Emergency Management Performance Grant Work Agreement on behalf of the City.
- I. Resolution approving the purchase of one (1) new Toro Debris Blower from Spartan Distributors, through State of Michigan extendable purchasing contract #2017025 for a total expenditure of \$7,436.04. Funds for this purchase are available in the Equipment Fund account # 641-441.006-971.0100.
- J. Resolution amending the 2018 City of Birmingham Fee Schedule, City Clerk's Office section, to include an "Administrative Applicant Review" fee of \$350.00 in cases where an existing party to the liquor license is being removed without any additional applicants or operational changes.
- K. Resolution approving the 2018-19 agreement with RS Contracting, Inc. for painting yellow centerline and white long line pavement markings in the amount of \$8,356.00 for the 2018-19 fiscal year; further authorizing and directing the mayor and city clerk to sign the agreement on behalf of the city; further to authorize this budgeted expenditure from account number 202-303-001-937.0200.
- L. Resolution setting a public hearing for October 8, 2018 to consider recommended amendments to Chapter 126, Zoning, of the City Code to remove all references to Church or Churches and replace the terms with religious institution(s) and provide a definition for same.
- M. Resolution approving the landscape plan next to 345 Hawthorne, on park property which is part of the City trail system in Linden Park, including the removal of invasive buckthorn, dead trees, and planting of thirteen new Canadian Hemlock trees. All costs to be borne by the applicant, Mr. Anthony Cupisz. Further, to authorize the Department of Public Services to issue a Tree and Shrub Permit in accordance with the Tree Preservation Ordinance for such work on public property.

## **V. UNFINISHED BUSINESS**

- A. Resolution accepting the recommendation of the Greenwood Cemetery Advisory Board as submitted and approving the amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. Lot Sales – Payment Plan Policy.

## **VI. NEW BUSINESS**

- A. Resolution denying the request by the property owner to eliminate the historic designation on 361 E. Maple as recommended by the Historic District Study Committee.
- B. Public Hearing to consider the nine recommended bistro ordinance amendments to Chapter 126, Zoning of the Birmingham City Code

1. Resolution approving the nine recommended bistro ordinance amendments to Chapter 126, Zoning of the Birmingham City Code.
- C. Resolution approving the developer's request to amend the Brownfield Plan for 34965 Woodward to include the property known as 215 Peabody as recommended by the Brownfield Redevelopment Authority on September 5, 2018.
- D. Resolution approving the contract with DPZ Partners, LLC as recommended by the Ad Hoc Master Plan Selection Committee, in the amount of \$298,000.00 payable from account # 101-721-000-811.000, to provide professional services to prepare an update to the City's comprehensive master plan, and to direct the Mayor to execute same.
- E. Resolution approving the recommendation from the Multi-Modal Transportation Board that the attached list of priority locations for bus shelters be used as a guide when new bus shelters are considered for installation.

**AND**

Directing City staff to work with SMART to install three SMART enhanced FAST style shelters at SMART FAST bus stops on Woodward Ave. northbound at 14 Mile Rd. and northbound and southbound at Maple Rd.

**AND**

Relocating the existing standard Birmingham shelter on northbound Woodward Ave. at 14 Mile Rd. to westbound 14 Mile Rd. at Woodward Ave. in order to facilitate the installation of a SMART enhanced FAST style shelter at the existing bus stop.

**AND**

Approving a bus shelter at westbound E. Maple Rd. and Coolidge as the next bus shelter to be installed.

- F. Resolution authorizing the Mayor to sign the Concurrence Form regarding the Request for Declaratory Ruling filed by the Great Lakes Water Authority, the Detroit Water & Sewer Dept., and the Oakland Co. Water Resources Commissioner pertaining to the new Lead & Copper Rules as issued by the Michigan Dept. of Environmental Quality dated June 14, 2018.
- G. Hearing on Appeal of FOIA Request

<b>VII. REMOVED FROM CONSENT AGENDA</b>
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<b>VIII. COMMUNICATIONS</b>
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<b>IX. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA</b>
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<b>X. REPORTS</b>
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- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  1. Resolution accepting the 2017 Annual Report of the Greenwood Cemetery Advisory Board.

<b>XI. ADJOURN</b>
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## INFORMATION ONLY

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**BIRMINGHAM CITY COMMISSION MINUTES**  
**SEPTEMBER 6, 2018**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

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

Andrew M. Harris, Mayor

**II. ROLL CALL**

ROLL CALL:	Present,	Mayor Harris Mayor Pro Tem Bordman Commissioner Boutros Commissioner Hoff Commissioner Nickita Commissioner Sherman
	Absent,	Commissioner DeWeese

Administration: City Manager Valentine, City Attorney Currier, Chief of Police Clemence, Baldwin Public Library Director Koschik, Assistant Building Official Morad, City Clerk Mynsberge

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

**09-240-18 ANNOUNCEMENTS**

- The St. Croix Shop Gives Back event will be held on the weekend of September 28-30 and will benefit the Birmingham Museum. The shop will be celebrating its location in the historic Wabeek Building with early photos and a special discount offer to shoppers who donate to the Museum.
- On Saturday, September 22 from 1:00 to 4:00 p.m., head to Beverly Park for the second annual Read in the Park. Meet the authors, walk the Storybook Trail, and enjoy beautiful Beverly Park. At 1:30 p.m. hear *New York Times* bestselling author Elizabeth Berg speak about her life and writing career. At 3:00 p.m. visit with beloved children's author Lisa Wheeler as she tells stories with puppets. In the event of rain, this event will take place at Baldwin Public Library

**09-241-18 APPOINTMENT TO THE DESIGN REVIEW BOARD**

The City Commission interviewed current member John Henke.

Commissioner Hoff clarified that Mr. Henke has served on this Board and the Historic District Commission for twelve years and has been the chair person for the last nine, which is why the Commission is able to re-appoint Mr. Henke expediently.

**MOTION:** Motion by Commissioner Sherman:

To appoint John Henke to the Design Review Board as a regular member to serve a three-year term to expire September 25, 2021.

VOTE:           Yeas,           6  
                  Nays,           0  
                  Absent,       1 (DeWeese)

**09-242-18   APPOINTMENT TO THE HISTORIC DISTRICT COMMISSION**

Commissioner Hoff commented Mr. Henke has served for 12 years in this position.

**MOTION:** Motion by Commissioner Boutros:

To appoint John Henke to the Historic District Commission as a regular member to serve a three-year term to expire September 25, 2021.

VOTE:           Yeas,           6  
                  Nays,           0  
                  Absent,       1 (DeWeese)

**09-243-18   APPOINTMENT TO THE BOARD OF ZONING APPEALS**

The City Commission interviewed new applicant Richard Lilley for the alternate position. Commissioner Hoff commented she knows Mr. Lilley from his many years of service as the volunteer coordinator for the Dream Cruise.

**MOTION:** Motion by Commissioner Hoff:

To appoint Richard Lilley to the Board of Zoning Appeals as an alternate member to serve the remainder of a three-year term to expire February 17, 2020.

VOTE:           Yeas,           6  
                  Nays,           0  
                  Absent,       1 (DeWeese)

**09-244-18   APPOINTMENT TO THE PARKS AND RECREATION BOARD**

The City Commission interviewed current alternate member John Rusche and new applicant Shelby Leigh-Bupp Crockett. Ms. Crockett confirmed for Mayor Harris that she would be interested in an alternate position on the Parks and Recreation Board should Mr. Rusche be appointed to the Board as a regular member.

**MOTION:** Motion by Mayor Pro Tem Bordman:

To appoint John Rusche to the Parks and Recreation Board as a regular member to serve the remainder of a three-year term to expire March 13, 2021.

VOTE:           Yeas,           6  
                  Nays,           0  
                  Absent,       1 (DeWeese)

City Clerk Mynsberge 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.

**09-245-18**

#### **APPROVAL OF CONSENT AGENDA**

**MOTION:** Motion by Commissioner Sherman, seconded by Mayor Pro Tem Bordman:  
To approve the Consent Agenda as submitted.

ROLL CALL:	Present,	Mayor Harris Mayor Pro Tem Bordman Commissioner Boutros Commissioner Hoff Commissioner Nickita Commissioner Sherman
	Absent,	Commissioner DeWeese

- A. Resolution approving the City Commission meeting minutes of August 27, 2018.
- B. Resolution approving the warrant list, including Automated Clearing House payments, dated August 29, 2018 in the amount of \$13,931,487.12.
- C. Resolution accepting the resignation of Jeffrey Heldt from the Cable Board, thanking him for his service, and directing the Clerk to begin the process of filling the vacancy.

#### **V. UNFINISHED BUSINESS**

None.

#### **VI. NEW BUSINESS**

##### **09-246-18 AGREEMENT FOR LIBRARY RENOVATION CONSTRUCTION DRAWINGS**

Baldwin Public Library Director Koschik reviewed the information regarding this item provided in the current meeting's agenda packet.

Commissioner Hoff noted that Luckenbach Ziegelman Gardner did the well-received Baldwin Library's Adult Services renovation.

BPL Director Koschik confirmed that:

- Some of the youth books will remain in the library during this renovation, and some of the youth books will be stored off-site during the renovation.
- Space will be tight but the meeting room will remain available for youth programs.

**MOTION:** Motion by Commissioner Hoff, seconded by Mayor Pro Tem Bordman:  
To approve the agreement with Luckenbach Ziegelman Gardner for architectural services for the proposed renovation of the Youth Services section of the Baldwin Public Library, with funds to be paid by the Library (acct. #271-790.000-901.0600), and further to direct the Mayor and City Clerk to sign the agreement on behalf of the City.

VOTE:	Yeas,	6
	Nays,	0
	Absent,	1 (DeWeese)



**09-247-18 LEASE AGREEMENT BETWEEN BIRMINGHAM PUBLIC SCHOOLS AND CITY OF BIRMINGHAM**

City Manager Valentine explained this renewal includes updated terms.

City Attorney Currier added that:

- The agreement may be terminated by either party with 90-day notice; and,
- The City will not be binding it into a long-term lease at this point since the Parks and Recreation Master Plan is coming forward.
- The City is paying the Birmingham Public Schools \$1 as part of this agreement.

**MOTION:** Motion by Commissioner Boutros, seconded by Mayor Pro Tem Bordman:  
To approve the renewal of the lease agreement between the Birmingham Public Schools and the City of Birmingham and to authorize its execution by the City Manager.

VOTE:        Yeas,            6  
              Nays,            0  
              Absent,        1 (DeWeese)

**VII. REMOVED FROM CONSENT AGENDA**

No items were removed from the Consent Agenda.

**VIII. COMMUNICATIONS**

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

**X. REPORTS**

**09-248-18 COMMISSIONER REPORTS**

The City Commission will appoint two regular members to the Board of Zoning Appeals on October 8, 2018.

**09-249-18 COMMISSIONER COMMENTS**

Mayor Pro Tem Bordman said the in-depth information on parking has been very helpful, and she would like to continue receiving it.

City Manager Valentine said the Advisory Parking Committee, at their next meeting, would be receiving a recommendation by City Staff to utilize a data analytics tool to better understand the available information about Birmingham's parking system.

**09-250-18 CITY STAFF REPORTS**

The Commission received the Parking Data Analytics Software Research Report as submitted by Assistant City Manager Gunter.

The Commission received the Parking Utilization Report for the month of August as submitted by Assistant City Manager Gunter.

City Attorney Currier introduced Scott Ballard, new attorney with Beier-Howlett.

<b>XI. ADJOURN</b>
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Mayor Harris adjourned the meeting at 7:52 p.m.

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J. Cherilynn Mynsberge, City Clerk

**City of Birmingham**  
**Warrant List Dated 09/05/2018**

Meeting of 09/17/2018

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
260788	*	000855	48TH DISTRICT COURT	100.00
260789	*	000855	48TH DISTRICT COURT	100.00
260790	*	000855	48TH DISTRICT COURT	100.00
260791	*	000855	48TH DISTRICT COURT	50.00
260792	*	000855	48TH DISTRICT COURT	100.00
260793	*	000855	48TH DISTRICT COURT	100.00
260794	*	000855	48TH DISTRICT COURT	100.00
260795	*	000855	48TH DISTRICT COURT	100.00
260796	*	006965	7UP DETROIT	620.70
260797		008106	ACUSHNET COMPANY	1,169.71
260798		003858	ADVANCED LIGHTING & SOUND	115.00
260799	*	007266	AETNA BEHAVIORAL HEALTH LLC	466.44
260800		005795	ALLIE BROTHERS, INC	34.99
260801		007696	AMERICAN CLEANING COMPANY LLC	1,350.00
260802		000500	ARTECH PRINTING INC	287.00
260803		007479	ASB DISTRIBUTORS	145.15
260804	*	006759	AT&T	156.36
260805	*	006759	AT&T	128.48
260806	*	006759	AT&T	156.36
260807	*	006759	AT&T	131.77
260808	*	006759	AT&T	131.77
260809	*	006759	AT&T	65.29
260810	*	004027	AUTOMATED BENEFIT SVCS INC	12,053.39
260811		003012	BATTERIES PLUS	43.20
260812		002982	BLOOMFIELD TWP FIRE DEPT	121.46
260813	*	006177	BULLSEYE TELECOM INC	214.10
260814	*	000569	JOEL CAMPBELL	75.00
260815		008306	CHARTER TOWNSHIP OF BLOOMFIELD	311.62
260816		MISC	CHRISTINA WALTON	198.00
260817		000605	CINTAS CORPORATION	154.29
260819	*	008006	CLEAR RATE COMMUNICATIONS, INC	1,361.98
260820	*	004026	COFINITY	1,440.00
260821	*	007625	COMCAST	677.35
260822		008512	COOL THREADS EMBROIDERY	20.00
260823		008582	CORE & MAIN LP	4,556.40
260824		003802	CROSWELL GREENHOUSE	384.00
260825		004386	CYNERGY PRODUCTS	476.50
260826		008005	DE LAGE LANDEN FINANCIAL SVCS INC	114.68
260827	*	006907	DENTEMAX, LLC	144.90
260828		008641	DINGES FIRE COMPANY	73.10
260829	*	000179	DTE ENERGY	6,968.05
260830		000936	FEDEX	2,941.56

**City of Birmingham**  
**Warrant List Dated 09/05/2018**

Meeting of 09/17/2018

Check Number	Early Release	Vendor #	Vendor	Amount
260831		MISC	GERARD MADLAMBAYAN	150.00
260832		001771	GOLF ASSOC. OF MICHIGAN	100.00
260832	*	001771	GOLF ASSOC. OF MICHIGAN	100.00
260833	*	004604	GORDON FOOD	2,432.08
260834		000249	GUARDIAN ALARM	227.87
260835		001531	GUNNERS METER & PARTS INC	270.00
260836		007339	HIGHEST HONOR, INC	350.00
260836	*	007339	HIGHEST HONOR, INC	324.00
260837	*	001956	HOME DEPOT CREDIT SERVICES	3,414.02
260838		001415	HORNUNG'S PRO GOLF SALES INC	152.06
260839		006403	IDEAS FOR YOU	95.99
260840		008441	INTERNATIONAL CODE COUNCIL, INC	12,553.00
260841		002407	J & B MEDICAL SUPPLY	1,072.09
260842		007444	J.W. TURF, INC.	62.68
260842	*	007444	J.W. TURF, INC.	55.42
260843		003823	JAY'S SEPTIC TANK SERVICE	1,070.00
260844		001625	JB DLCO & MULTISTATE	452.97
260845		000155	JOHNSON CONTROLS SECURITY SOLUTIONS	927.42
260846	*	007244	CHRISTOPHER JUDKINS	407.51
260847		006982	KEVIN N. RIZE	300.00
260848		004088	KGM DISTRIBUTORS INC	488.00
260849		007985	L.E.O.R.T.C.	65.00
260850		000284	LESLIE ELECTRIC COMPANY	101.70
260851		008362	LIFEAID	128.88
260852		008842	MAIN STREET CONTRACTING, INC.	23,625.00
260853		MISC	MAUREEN KOWAL	133.00
260854	*	001027	MIAMI-DADE POLICE DEPARTMENT	825.00
260855	*	001027	MIAMI-DADE POLICE DEPARTMENT	825.00
260856	*	008126	MICHIGAN.COM	1,241.66
260857		007163	MOBILE HEALTH RESOURCES	1,209.60
260858	*	005634	GINA MOODY	75.54
260860		001194	NELSON BROTHERS SEWER	328.00
260861	*	007062	OAKLAND COUNTY CITY MANAGERS ASSOC.	165.00
260862		002767	OSCAR W. LARSON CO.	240.25
260863	*	001753	PEPSI COLA	1,442.92
260864		001277	PHYSIO-CONTROL CORP.	2,483.60
260865	*	000486	PLANTE & MORAN PLLC	14,537.45
260866		008858	PODS ENTERPRISES, LLC	169.00
260867		005310	POINTE ENVIRONMENTAL SERVICES INC.	740.00
260868	*	008342	RAIN MASTER CONTROL SYSTEMS	29.85
260869		002566	REYNOLDS WATER	234.65
260870		007697	SAVE THE MOMENT	81.00
260871		007142	SHERWIN-WILLIAMS COMPANY	66.96

**City of Birmingham**  
**Warrant List Dated 09/05/2018**

Meeting of 09/17/2018

Check Number	Early Release	Vendor #	Vendor	Amount
260872		003785	SIGNS-N-DESIGNS INC	292.00
260873	*	008073	SITEONE LANDSCAPE SUPPLY, INC	676.88
260874	*	008794	STRAIGHT DOWN CLOTHING CO.	710.43
260875		006376	SUBURBAN CHRYSLER DODGE JEEP - TROY	167.59
260876		004379	TURNER SANITATION, INC	140.00
260877		007226	VALLEY CITY LINEN	340.30
260880		008026	VIS SERVICE INC	170.00
260881		008026	VIS SERVICE INC	160.00
260882		001438	WINDER POLICE EQUIPMENT	245.00
260883	*	008008	JEFF ZIELKE	153.00
SUBTOTAL PAPER CHECK				\$114,847.97
<u>ACH TRANSACTION</u>				
		007345	BEVERLY HILLS ACE	106.04
	*	001441	BIRMINGHAM CONCERT BAND	200.00
	*	006380	C & S ICE RESURFACING SERVICES, INC	375.00
		007875	CANFIELD EQUIPMENT SERVICE INC.	1,710.00
		006181	FIRST CHOICE COFFEE SERV	98.95
		001672	HAYES PRECISION INC	953.40
		008851	INSIGHT INVESTMENT	4,019.56
	*	000261	J.H. HART URBAN FORESTRY	9,696.35
		000186	JACK DOHENY COMPANIES INC	72.57
		003458	JOE'S AUTO PARTS, INC.	223.87
		003404	LADUKE ROOF.& SHT.METAL CORP	1,260.00
	*	005550	LEE & ASSOCIATES CO., INC.	204.55
		006359	NYE UNIFORM COMPANY	832.50
		006027	PENCHURA, LLC	215.41
		000478	ROAD COMM FOR OAKLAND CO	5,222.76
	*	000478	ROAD COMM FOR OAKLAND CO	62,904.63
		001181	ROSE PEST SOLUTIONS	500.00
		000273	TERMINAL SUPPLY CO.	107.05
		002037	TOTAL ARMORED CAR SERVICE, INC.	736.27
		007278	WHITLOCK BUSINESS SYSTEMS, INC.	1,634.89
		004512	WOLVERINE POWER SYSTEMS	370.24
	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	19,608.46
		002284	ABEL ELECTRONICS INC	517.50
		000518	BELL EQUIPMENT COMPANY	2,330.34
SUBTOTAL ACH TRANSACTION				\$113,900.34

**City of Birmingham**  
**Warrant List Dated 09/05/2018**

Meeting of 09/17/2018

Check Number	Early Release	Vendor #	Vendor	Amount
GRAND TOTAL				\$228,748.31

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



Mark Gerber  
Finance Director/ Treasurer

\*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.

**City of Birmingham**  
**Warrant List Dated 09/12/2018**

Meeting of 09/17/2018

Check Number	Early Release	Vendor #	Vendor	Amount
<u>PAPER CHECK</u>				
260885	*	000855	48TH DISTRICT COURT	100.00
260886	*	000855	48TH DISTRICT COURT	100.00
260887	*	000855	48TH DISTRICT COURT	1,000.00
260888	*	000855	48TH DISTRICT COURT	100.00
260889		MISC	ALEX LINKE	270.96
260890		007745	ALL COVERED	1,192.00
260891		001206	AMERICAN MIDWEST PAINTING INC	3,950.00
260892	*	007033	APPLIED IMAGING	10,891.48
260894		000500	ARTECH PRINTING INC	117.00
260896	*	006759	AT&T	188.66
260897		003012	BATTERIES PLUS	112.95
260900	*	001086	CITY OF BIRMINGHAM	882.35
260901		000542	BLUE WATER INDUSTRIAL	88.75
260903	*	008870	KASEY BOEGNER	105.00
260904		004244	BOLYARD LUMBER	29.50
260907	*	005289	BUSINESS CARD	2,117.12
260908		008799	BUTCHER & BUTCHER CONSTRUCTION CO.,	48,239.32
260911		003907	CADILLAC ASPHALT, LLC	6,712.10
260912	*	MISC	CAPITAL WALLCOVERINGS	2,879.25
260914	*	008067	CAREERBUILDER GOVERNMENT SOLUTIONS	375.00
260917	*	000444	CDW GOVERNMENT INC	605.76
260918		000603	CHEMCO PRODUCTS INC	232.00
260919		007710	CINTAS CORP	306.92
260920		000605	CINTAS CORPORATION	105.65
260921		004188	COFFEE BREAK SERVICE, INC.	46.10
260922	*	007625	COMCAST	469.89
260923	*	007774	COMCAST BUSINESS	1,230.66
260927		008582	CORE & MAIN LP	700.52
260931		000956	DELTA TEMP INC	6,065.03
260932		000177	DELWOOD SUPPLY	60.72
260938	*	000179	DTE ENERGY	6,496.38
260939	*	000180	DTE ENERGY	41,844.78
260941		004671	ELDER FORD	694.66
260951	*	008868	JULIA FRYKMAN	75.00
260952		000223	GASOW VETERINARY	41.00
260954		008190	GLASCO CORPORATION	402.00
260957		008818	GREAT DANE HEATING & COOLING	8,995.00
260958		000245	GREAT LAKES POPCORN CO	258.90
260960		MISC	HOROWITZ, MICHAEL	636.95
260961		001874	HUNT SIGN COMPANY	695.00
260963		000342	IBS OF SE MICHIGAN	259.90
260964		002407	J & B MEDICAL SUPPLY	491.83

**City of Birmingham**  
**Warrant List Dated 09/12/2018**

Meeting of 09/17/2018

Check Number	Early Release	Vendor #	Vendor	Amount
260965		007870	J.C. EHRLICH CO. INC.	40.00
260966		007423	K/E ELECTRIC SUPPLY	1,280.00
260967		000353	KNAPHEIDE TRUCK EQUIPMENT	128.73
260968		004085	KONE INC	1,953.95
260969	*	000362	KROGER COMPANY	67.92
260974		000284	LESLIE ELECTRIC COMPANY	155.70
260977		008793	MERGE MOBILE, INC.	39.00
260979		MISC	MI SIGN SHOP	160.00
260981		006459	MICHIGAN SHOOTING CENTERS INC	990.00
260983		006461	MID AMERICA RINK SERVICES	836.00
260984		000230	MIKE SAVOIE CHEVROLET INC	4,372.60
260985		008319	MKSK	16,937.00
260986		007163	MOBILE HEALTH RESOURCES	1,888.12
260993		008806	NELSON NYGAARD CONSULTING ASSOC.	3,409.05
260994		001450	OAKLAND COUNTY PKS & REC COMM.	253.00
260995		006602	OAKLAND COUNTY TREASURER'S ASSN.	60.00
260996	*	004370	OCCUPATIONAL HEALTH CENTERS	204.00
260997	*	000481	OFFICE DEPOT INC	997.63
261002		001277	PHYSIO-CONTROL CORP.	215.90
261003		008269	PREMIER SAFETY	152.50
261005		007336	REVIZE LLC	2,800.00
261008		000218	ROYAL OAK P.D.Q. LLC	57.32
261010		000221	RUSSELL HARDWARE COMPANY	14.49
261011	*	002806	SAM'S CLUB/SYNCHRONY BANK	393.09
261013		007142	SHERWIN-WILLIAMS COMPANY	154.63
261014		004202	SHRED-IT USA	127.41
261016		000769	SKILLPATH SEMINARS	199.00
261018		005787	SOUTHEASTERN EQUIPMENT CO. INC	1,998.78
261019		005731	SOUTHEASTERN MICHIGAN SEALANTS INC.	2,150.00
261022	*	MISC	STATE OF MICHIGAN	150.00
261032		004692	TRANSPARENT WINDOW CLEANING	2,000.00
261034		008728	TWO THE RESCUE LLC	1,000.00
261035	*	000158	VERIZON WIRELESS	151.35
261040		005812	WHITEFISH SKATE RAMP CO.	4,455.00
261043		008391	XEROX CORPORATION	69.05
261044	*	008707	CITY OF BIRMINGHAM #231	2,066.60
261045	*	008607	LANZO TRENCHLESS TECHNOLOGIES NORTH	121,118.40
SUBTOTAL PAPER CHECK				\$323,212.31
<u>ACH TRANSACTION</u>				
	*	008847	ABS- AUTOMATED BENEFIT SVCS, INC	46,493.61
		002284	ABEL ELECTRONICS INC	860.48
		007345	BEVERLY HILLS ACE	42.42
		007359	DETROIT CHEMICAL & PAPER SUPPLY	302.79



**City of Birmingham**  
**Warrant List Dated 09/12/2018**

Meeting of 09/17/2018

Check Number	Early Release	Vendor #	Vendor	Amount
		007314	FLEIS AND VANDENBRINK ENG. INC	11,635.78
		000243	GRAINGER	60.15
	*	007465	IN-HOUSE VALET INC	3,000.00
		000261	J.H. HART URBAN FORESTRY	24,348.00
		000186	JACK DOHENY COMPANIES INC	13.43
		003458	JOE'S AUTO PARTS, INC.	91.30
	*	000891	KELLER THOMA	4,877.41
		003404	LADUKE ROOF.& SHT.METAL CORP	135.00
	*	005550	LEE & ASSOCIATES CO., INC.	495.79
		006359	NYE UNIFORM COMPANY	1,962.73
		006027	PENCHURA, LLC	3,931.00
		000254	SOCRRA	73,457.00
	*	001097	SOCWA	257,337.60
		007278	WHITLOCK BUSINESS SYSTEMS, INC.	2,673.14
		000306	WOLVERINE CONTRACTORS INC	899.50
SUBTOTAL ACH TRANSACTION				\$432,617.13
GRAND TOTAL				\$755,829.44

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



Mark Gerber  
Finance Director/ Treasurer

\*-Indicates checks released in advance and prior to commission approval in order to avoid penalty or to meet contractual agreement/obligation.



## MEMORANDUM

City Clerk's Office

**DATE:** September 4, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** J. Cherilynn Mynsberge, City Clerk

**SUBJECT:** Special Event Request  
Nativity Scene

Attached is a special event application submitted by Ascension of Christ Lutheran Church requesting permission to place a Nativity scene in Shain Park from November 23, 2018 to December 31, 2018.

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission or are planned to be held in November and December and have not yet submitted an application. These events do not pose a conflict with the location of the Nativity Scene.

Event Name	Date	Location
Tree Lighting/Winter Markt/Santa House	Nov. 12 thru Dec. 31	Shain Park
Menorah Display	Dec. 2 – Dec. 12	Shain Park

**SUGGESTED RESOLUTION:**

To approve a request submitted by Ascension of Christ Lutheran Church requesting permission to place a Nativity scene in Shain Park from November 23, 2018 to December 31, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

18-00011330

CITY OF BIRMINGHAM  
APPLICATION FOR SPECIAL EVENT PERMIT  
PARKS AND PUBLIC SPACES

**IMPORTANT: EVENTS UTILIZING CITY SIDEWALKS AND/OR STREETS MUST MEET WITH POLICE DEPARTMENT SPECIAL EVENT OFFICER TO REVIEW PROPOSED EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.**

Police Department acknowledgement: \_\_\_\_\_

**I. EVENT DETAILS**

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

FEES: FIRST TIME EVENT: \$200.00  
ANNUAL APPLICATION FEE: \$165.00

(Please print clearly or type)

Date of Application AUG 17, 2018

Name of Event 2018 CHRISTMAS NATIVITY DISPLAY

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_

DISPLAY OF FIBERGLASS NATIVITY SCENE AND  
WOODEN PLATFORM (PICTURES ON PAGE 6 & 7)

Location SHAW PARK

Date(s) of Event 11/23/18 - 12/29/18 Hours of Event ALL DAY

Date(s) of Set-up 11/23 or 11/24 Hours of Set-up 9 AM - 12 NOON

NOTE: No set-up to begin before 7:00 AM, per City ordinance.

Date(s) of Tear-down 12/29 or 12/31 Hours of Tear-down 9 AM - 12 NOON

Organization Sponsoring Event ASCENSION OF CHRIST LUTHERAN CHURCH

Organization Address 16935 W. 14 MILE ROAD

Organization Phone 248 644 8890

Contact Person CHARLES W. JACKSON

Contact Phone 248 885 4101

Contact Email TREASURER@ASCENSIONOFCHRIST.ORG

## II. EVENT INFORMATION

1. Organization Type NOT FOR PROFIT CHURCH  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. )  
LUTHERAN CHURCH OF THE REDEEMER, 1800 W. MAPLE RD., BIRMINGHAM MI 45409 ①  
OUR SHEPHERD LUTHERAN CHURCH, 2225 E. 4 MILE RD., BIRMINGHAM MI 48009 ②  
① GARY PRISKORN 2486446010 ② DAVID PRISKORN 2486466100
3. Is the event a fundraiser? YES ☐ NO ☒  
List beneficiary \_\_\_\_\_  
List expected income \_\_\_\_\_  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe THIS DISPLAY HAS BEEN SET UP IN SHAIN PARK EVERY  
YEAR SINCE 2005
5. Total number of people expected to attend per day UNKNOWN
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) SHAIN PARK
7. Will street closures be required? YES ☐ NO ☒  
(Police Department acknowledgement prior to submission of application is required) (initial here) \_\_\_\_\_
8. What parking arrangements will be necessary to accommodate attendance? NONE

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐

**If yes, please provide number of staff to be provided and any specialized training received.**

Describe PERIODIC INSPECTIONS FOR DAMAGE AND BURNED OUT BULBS

10. Will the event require safety personnel (police, fire, paramedics)? YES ☐ NO ☒

**(Police Department acknowledgement prior to submission of application is required.) (initial here)\_\_\_\_\_**

Describe \_\_\_\_\_

11. Will alcoholic beverages be served? YES ☐ NO ☒

If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.

12. Will music be provided? YES ☐ NO ☒

\_\_\_\_\_ Live \_\_\_\_\_ Amplification \_\_\_\_\_ Recorded \_\_\_\_\_ Loudspeakers

Time music will begin \_\_\_\_\_

Time music will end \_\_\_\_\_

Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.

13. Will there be signage in the area of the event? YES ☒ NO ☐

Number of signs/banners 1

Size of signs/banners 18" x 48"

Submit a photo/drawing of the sign(s). **A sign permit is required.**

PAGES 6 & 6B

14. Will food/beverages/merchandise be sold? YES ☐ NO ☒

- Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
- All food/beverage vendors must have Oakland County Health Department approval.
- Attach copy of Health Dept approval.
- There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

**LIST OF VENDORS/PEDDLERS**  
(attach additional sheet if necessary)

N/A

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK- UP REQUIRED?	ELECTRIC REQUIRED?

### **III. EVENT LAYOUT**

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?  
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles		\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$200.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric) <b>(A)</b>	___ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO  
(show location of each on map) NOTE: Stakes are not allowed.

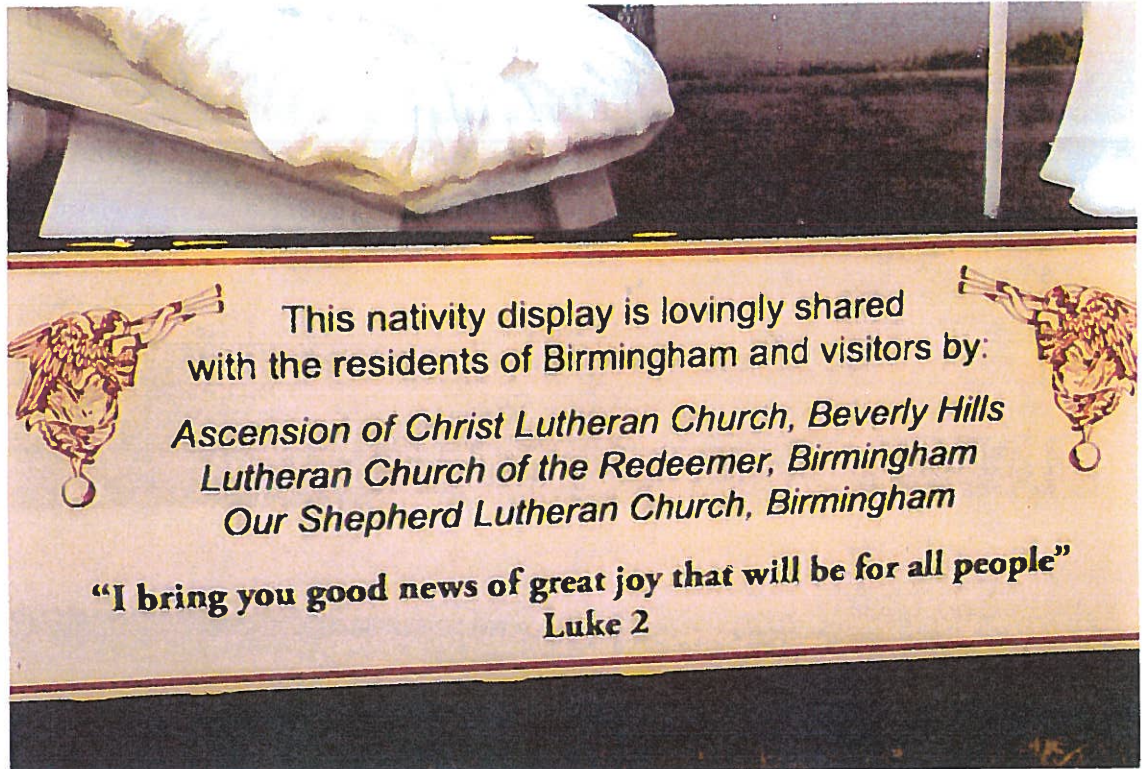
TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)		
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

**(A)** 1 ELECTRIC OUTLET FOR LIGHTING (OUTDOOR) OF  
DISPLAY IN THE EVENING









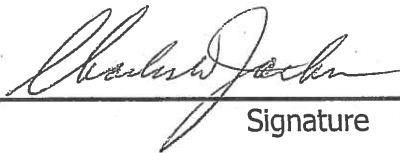
## SIGNATURE OF APPLICANT REQUIRED

EVENT NAME 2018 CHRISTMAS NATIVITY DISPLAY

EVENT DATE Nov 23, 2018 → Dec 29 or 31, 2018

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

  
Signature

8/17/18  
Date

---

### **IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS**

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *(Sample letter attached to this application.)*
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.



# Ascension of Christ

## LUTHERAN CHURCH

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### SPECIAL EVENT REQUEST NOTIFICATION LETTER

DATE: Aug. 23, 2018  
TO: Residential Property or Business Owner

The Birmingham City Code requires that we receive approval from the Birmingham City commission to hold the following special event. The code further requires that we notify any property owners or business owners that may be affected by the special event of the date and time that the City Commission will consider our request so that an opportunity exists for comments prior to this approval.

#### EVENT INFORMATION

NAME OF EVENT: 2018 Christmas Nativity Display  
LOCATION: Shain Park, Henrietta (east) side  
DATES OF EVENT: 11/23-12/31/18 HOURS OF EVENT: 24 hrs/day  
BRIEF DESCRIPTION OF EVENT: The display includes 6 fiberglass figures (Baby Jesus, Mary, Joseph and 3 Shepherds) with signage that identifies the 3 Lutheran Churches who lovingly share this Nativity scene with residents of and visitors to the City of Birmingham.  
DATE AND HOURS OF SET-UP: 11/23/2018, 9-11AM  
DATE AND HOURS OF TEAR-DOWN: 12/31/2018, 9-11AM

DATE OF CITY COMMISSION MEETING: Sept. 17, 2018

The City Commission meets in room 205 of the Municipal Building at 151 Martin at 7:30PM. **A complete copy of the application to hold this special event is available for your review at the City Clerks Office (248/530-1880).** Log on to 'www.bhamgov.org/events' for a complete list of special events.

EVENT ORGANIZER: Ascension of Christ Lutheran Church\*\*  
ADDRESS: 16935 W. 14 Mile Road, Beverly Hills, MI 48025  
PHONE: 248-644-8890

For questions on day of event, contact Charles Jackson at 248-644-8890

\*\*Jointly sponsored with Our Shepherd Lutheran Church and Lutheran Church of The Redeemer, both located in the City of Birmingham



ASCEOFC-01

PMANTLE

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

08/07/2018

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. 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 Lutheran Trust, Inc. 1500 Wall St. Saint Charles, MO 63303	CONTACT NAME:	
	PHONE (A/C, No, Ext): (800) 200-7257	FAX (A/C, No): (866) 608-0600
INSURED Ascension of Christ Lutheran Church Mr. Charles Jackson 16935 West 14 Mile Road Beverly Hills, MI 48025	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : GuideOne Specialty Mutual Insurance Company	
	INSURER B :	
	INSURER C :	
	INSURER D :	
INSURER E :		
INSURER F :		
NAIC #		
14559		

## 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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			1449-340	05/01/2018	05/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 5,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Evidence of liability coverage for a nativity scene put up over the Christmas season by Ascension of Christ Lutheran Church.

## CERTIFICATE HOLDER

## CANCELLATION

City of Birmingham  
151 Martin  
Birmingham, MI 48009

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE






16935 WEST 14 MILE ROAD  
BEVERLY HILLS, MICHIGAN 48025

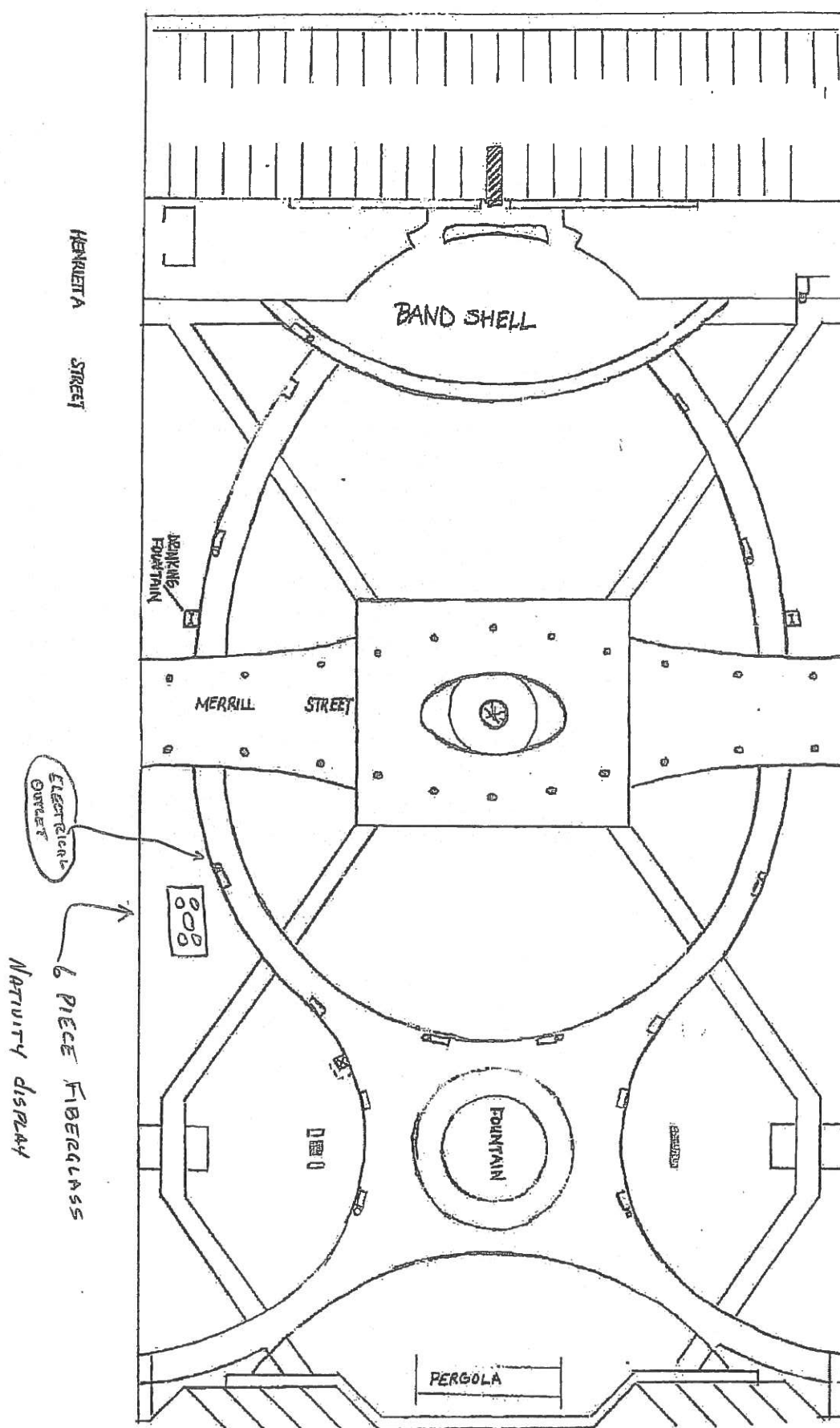
TEL: (248) 644-8890  
FAX: (248) 644-1181

## HOLD HARMLESS AGREEMENT

To the fullest extent permitted by law, Ascension of Christ Lutheran Church and any entity or person for whom Ascension of Christ Lutheran Church 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 connected therewith, and for any damages which may be asserted, claimed or recovered against or from 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 contract. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of the City of Birmingham, its elected or appointed officials, employees, volunteers or others working on behalf of the City of Birmingham.

 8/17/15

Applicant's signature



## DEPARTMENT APPROVALS

EVENT NAME 2018 NATIVITY DISPLAY

LICENSE NUMBER #18-00011330

COMMISSION HEARING DATE: SEPT 17, 2018

NOTE TO STAFF: Please submit approval by **SEPTEMBER 5, 2018**

DATE OF EVENT: 11/23 – 12/29/18

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> 101-000.000-634.0005 248.530.1855					
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850					
<b>FIRE</b> 101-000.000-634.0004 248.530.1900					
<b>POLICE</b> 101-000.000.634.0003 248.530.1870					
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642					
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839					

<b>SP+ PARKING</b>					
<b>INSURANCE</b> 248.530.1807	CA	APPROVED	NONE	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803		Notification letters to be mailed by applicant no later than 9/2/18. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than N/A.	Applications for vendors license must be submitted no later than N/A.	\$165 (PD)	
				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund\_\_\_\_\_





## MEMORANDUM

City Clerk's Office

**DATE:** September 7, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** J. Cherilynn Mynsberge, City Clerk

**SUBJECT:** Special Event Request  
Winter Markt

Attached is a special event application submitted by the Birmingham Shopping District requesting permission to hold the Winter Markt, in Shain Park and surrounding streets from November 27 - December 2, 2018. The application has been circulated to the affected departments and approvals and comments have been noted.

As in past years, German beer and wine will be available in a fenced area in Shain Park. The Birmingham Shopping District is working to confirm the charity that will partner with Plum Market to provide the wine. The charity must obtain a temporary liquor license through the State of Michigan. In addition, this year the Community House will also sell beer and wine in a fenced area in Shain Park and must also obtain a temporary liquor license through the State of Michigan.

The tree lighting will take place during the opening of the Winter Markt on November 30th.

The following events have either been approved by the Commission or are planned to be held December and have not yet submitted an application. These events do not pose a conflict with the location of the Santa House.

Event Name	Date	Location
Nativity Display	Nov 23 – Dec 29	Shain Park
Menorah Display	Nov 23 – Dec 31	Shain Park

### SUGGESTED RESOLUTION:

To approve a request from the Birmingham Shopping District to hold the Winter Markt, in Shain Park and surrounding streets from November 27 - December 2, 2018 and to allow the use of temporary liquor licenses in Shain Park for this event, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

**CITY OF BIRMINGHAM  
APPLICATION FOR SPECIAL EVENT PERMIT  
PARKS AND PUBLIC SPACES**

**IMPORTANT: EVENTS UTILIZING CITY SIDEWALKS AND/OR STREETS MUST MEET  
WITH POLICE DEPARTMENT SPECIAL EVENT OFFICER TO REVIEW PROPOSED  
EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.**

Police Department acknowledgement: M.H. Ode 8-27-18

**I. EVENT DETAILS**

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

**FEES:**            **FIRST TIME EVENT:**            **\$200.00**  
                      **ANNUAL APPLICATION FEE:**        **\$165.00**

(Please print clearly or type)

Date of Application August 27, 2018

Name of Event Birmingham Winter Markt

Detailed Description of Event (attach additional sheet if necessary) \_\_\_\_\_

A charming German style holiday market for everyone

Location Merrill St., Bates St., Henrietta St. and Shain Park

Date(s) of Event 11/30, 12/1 and 12/2 Hours of Event 3-10pm, 10am-9pm, and 10am-4pm

Date(s) of Set-up 11/27 - 11/30 Hours of Set-up 12-6pm, 9am-8pm (in Shain Park only, no street closures), 12-8pm, 8am-2pm NOTE: No set-up to begin before 7:00 AM, per City.

Date(s) of Tear-down 12/2 Hours of Tear-down 4-9pm

Organization Sponsoring Event Birmingham Shopping District

Organization Address 151 Martin St., Birmingham, MI 48009

Organization Phone 248-530-1200

Contact Person Jaimi Brook

Contact Phone 248-530-1254

Contact Email jbrook@bhamgov.org

## II. EVENT INFORMATION

1. Organization Type City  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) TBD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the event a fundraiser? YES ☐ NO ☒  
List beneficiary \_\_\_\_\_  
List expected income \_\_\_\_\_  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe This is an annual event  
\_\_\_\_\_
5. Total number of people expected to attend per day 4,000
6. The event will be held on the following City property: (Please list)  
☒ Street(s) Merrill between Bates & Chester and Bates between Merrill and Martin  
Henrietta between Merrill & Martin  
☐ Sidewalk(s) \_\_\_\_\_  
☒ Park(s) Shain  
\_\_\_\_\_
7. Will street closures be required? YES ☒ NO ☐  
**(Police Department acknowledgement prior to submission of application is required) (initial here)** \_\_\_\_\_
8. What parking arrangements will be necessary to accommodate attendance? free parking in the Chester and Pierce structures for the tree lighting on 11/30 only

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐  
**If yes, please provide number of staff to be provided and any specialized training received.** Describe BSD staff will be on-site during the event  
\_\_\_\_\_
10. Will the event require safety personnel (police, fire, paramedics)? YES ☒ NO ☐  
**(Police Department acknowledgement prior to submission of application is required.) (initial here)** \_\_\_\_\_ Describe on call status \_\_\_\_\_  
\_\_\_\_\_
11. Will alcoholic beverages be served? YES ☒ NO ☐  
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.
12. Will music be provided? YES ☒ NO ☐  
X Live X Amplification X Recorded X Loudspeakers  
Time music will begin \_\_\_\_\_ throughout the event \_\_\_\_\_  
Time music will end 10 p.m. on Friday, 9 p.m. on Saturday and 4 p.m. on Sunday  
Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.
13. Will there be signage in the area of the event? YES ☒ NO ☐  
Number of signs/banners 2-4  
Size of signs/banners A-frame signs  
Submit a photo/drawing of the sign(s). **A sign permit is required.**
14. Will food/beverages/merchandise be sold? YES ☒ NO ☐  
  - Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
  - You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](mailto:ehclerk@oakgov.com) or 248-535-9612 to obtain Health Department approval.
  - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

# LIST OF VENDORS/PEDDLERS

(attach additional sheet if necessary)

VENDOR NAME	GOODS TO BE SOLD	WATER HOOK-UP REQUIRED?	ELECTRIC REQUIRED?
TBD			

### **III. EVENT LAYOUT**

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?  
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles	20	\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters	BSD will provide	\$250.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	TBD # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO  
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	approx. 50	various sizes
Portable Toilets	4-6	
Rides		
Displays		
Vendors	TBD	TBD
Temporary Structure (must attach a photo)		
Other (describe)		

## **SIGNATURE OF APPLICANT REQUIRED**

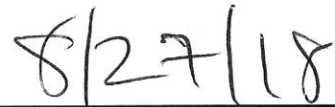
EVENT NAME Birmingham Winter Markt

EVENT DATE November 30 - December 2, 2018

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

  
Signature

  
Date

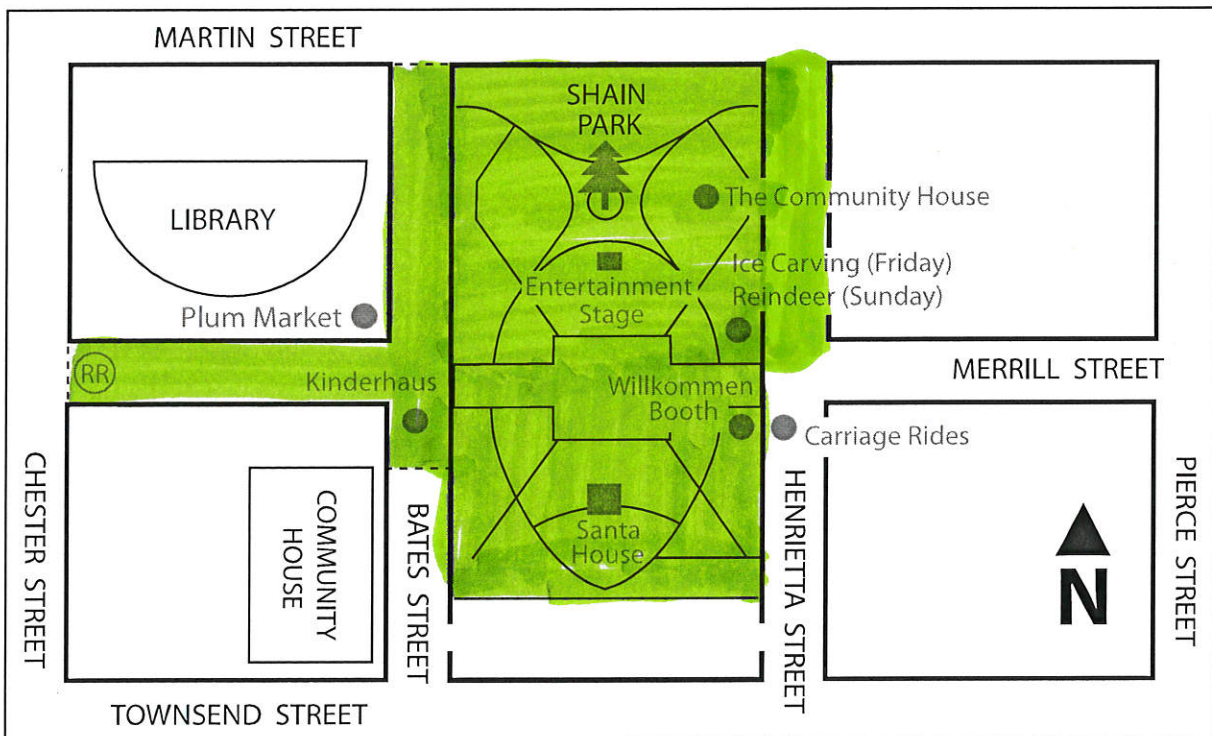
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### **IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED PROPERTY/BUSINESS OWNERS**

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. (*Sample letter attached to this application.*)
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.



## 2018 EVENT MAP



RR = Rest Rooms

Plum Market = German Food & Drinks

The Community House = Drinks & Snacks





# BIRMINGHAM

## Winter Market




Friday, ~~December 1~~ <sup>Nov 30</sup> • 3 p.m. to 10 p.m.  
 (Birmingham Tree Lighting - Opening Night, Dec. 1 at 6 p.m.)  
 Saturday, December 1 • 10 a.m. to 9 p.m.  
 Sunday, December 2 • 10 a.m. to 4 p.m.  
**LOCATED IN SHAIN PARK**

Enjoy a charming German style market featuring local artisans, holiday decorations, home accessories, children's activities, live entertainment, plus traditional German food and drink! Learn more at [www.BirminghamWinterMarkt.org](http://www.BirminghamWinterMarkt.org).

Join Us for Our ~~98th~~ Season!

PARKING HAS NEVER BEEN EASIER IN BIRMINGHAM!  
 First 2 Hours ALWAYS FREE in the parking decks.

SMART METERS WITH PARKMOBILE TECHNOLOGY at ALL downtown parking meters!  
 Pay by cell phone or mobile app. For more info and to register go to [www.parkmobile.com](http://www.parkmobile.com)

 Birmingham Shopping District

  @BhamShopping



**Mercedes-Benz**  
*of Bloomfield Hills*

**Children's Hospital of Michigan**

DMC DETROIT MEDICAL CENTER

Leading. *Pediatric.* Care.

THE  
 COMMUNITY HOUSE  
 BIRMINGHAM



Mercedes-Benz Financial Services

Mercedes-Benz  
Mercedes-Benz Financial Services

LUCIDO  
 FINE JEWELRY

plum market



Sample



michigan municipal league

## Liability & Property Pool

### RENEWAL CERTIFICATE

IN CONSIDERATION FOR PREMIUM PAID, AND SUBJECT TO ALL OF THE TERMS OF THE EXPIRING COVERAGE DOCUMENT AND ANY ENDORSEMENTS ATTACHED HERETO, WE AGREE TO RENEW YOUR COVERAGES AS STATED IN THIS CERTIFICATE. THESE COVERAGES ARE PROVIDED IN ACCORDANCE WITH THE INTERGOVERNMENTAL CONTRACT WHICH FORMS THE LEGAL BASIS FOR THE OPERATION OF THE POOL.

Contract Number: MML001444017

Renewal of Number: MML001444016

Pool Member: City of Birmingham

Mailing Address: 151 Martin St., PO Box 3001  
Birmingham, MI 48012-3001

**Coverage Period**

From: 7/1/2018

To: 7/1/2019

(12:01 A.M. Standard time at your mailing address shown above)

Liability Coverage Parts	Limit of Liability	Deductible
Municipal General Liability Coverage	\$10,000,000	\$125,000
Public Officials Liability Coverage	\$10,000,000	\$125,000
Law Enforcement Liability Coverage	\$10,000,000	\$125,000
Employee Benefit Liability Coverage	\$1,000,000	\$125,000
Automobile Liability Coverage	\$10,000,000	\$125,000
Comprehensive and Collision Coverage	Per Schedule	Per Schedule
<b>Combined Liability Policy Limit</b>	<b>\$10,000,000</b>	
Cyber Liability and Data Breach Response Coverage (CYB001444017)	Per Declarations	Per Declarations

**The Combined Liability Policy Limit is the most we will pay regardless of the number of Coverage Parts under which coverage may be sought.**

**COVERAGE UNDER THIS CONTRACT IS:**

- ☒ As amended by revised schedule(s) attached.
- ☒ As amended by endorsement(s): ADD: MMP101 (01/11) , MML23 (07/11) , MML24 [04/09], MML24 [04/09], MML235 [01/14], MML307 [12/16], MML310 [07/18]

BY:

(Authorized Representative)

DATE:

6/1/2018

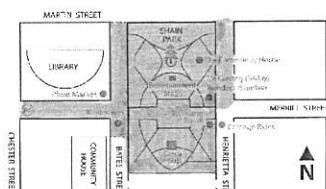
BSD  
151 Martin Street  
Birmingham, MI 48009

BSD  
151 Martin Street  
Birmingham, MI 48009

1925378094  
MONDIAL PROPERTIES III LLC  
600 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

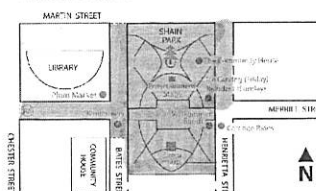
1925456002  
W & W MICHIGAN INVESTMENTS LLC  
176 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Winter Markt



BSD  
151 Martin Street  
Birmingham, MI 48009

Winter Markt

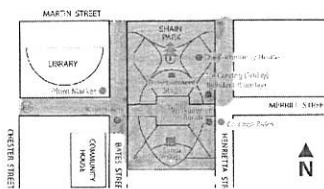


BSD  
151 Martin Street  
Birmingham, MI 48009

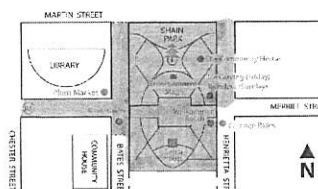
1925456007  
COMERICA INCORPORATED  
2800 POST OAK BLVD STE 4200  
HOUSTON, TX 77056

1925456009  
330 HAMILTON LLC  
330 HAMILTON ROW  
BIRMINGHAM, MI 48009

Winter Markt



Winter Markt



## NOTIFICATION

August 28, 2018

TO: Property/Business Owner

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event(s). The code further requires that we notify any property owners or business owners that may be affected by the special event(s) of the date and time that the City Commission will consider our request so that an opportunity exists for comments prior to this approval.

NAME OF EVENT(S): 1) Winter Markt and 2) Santa House  
LOCATION: 1) Shain Park (see reverse for map)  
2) Shain Park  
DATES & TIMES: 1) Winter Markt - November 30 - December 2, various hours  
2) Santa House - weekends throughout holidays.  
DATE/TIME OF CITY COMMISSION MEETING: Monday, September 17, 2017 at 7:30 pm

The City Commission meets in room 205 of the Municipal Building at 151 Martin Street. A complete copy of the application to hold this special event(s) are available for your review at the City Clerk's Office (248-530-1880). To receive updates on special events held in the city, log on to [www.bhamgov.org/enotify](http://www.bhamgov.org/enotify).

EVENT ORGANIZER: Birmingham Shopping District  
ADDRESS: 151 Martin Street  
PHONE: 248-530-1200

For questions on day of event, contact BSD Operations & Events Manager, Jaimi Brook at 248-508-5518

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# DEPARTMENT APPROVALS

EVENT NAME 2018 WINTER MARKT

LICENSE NUMBER #18-00011334

COMMISSION HEARING DATE: SEPT. 17, 2018

NOTE TO STAFF: Please submit approval by **SEPT. 3, 2018**

DATE OF EVENT: 11/30 – 12/2/18

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> 101-000.000-634.0005 248.530.1855	TBC	No cost, no comment			
<b>BUILDING</b> 101-000.000-634.0005 248.530.1850	MJM	The application indicates that approximately 50 tents of various sizes will be utilized. Some tents and/or temporary structures will require permits depending on their individual size or aggregate area. A detailed layout of the proposed tents that includes size and location will be required to determine code compliance and necessary permits. The applicant should be instructed to produce a plan and meet with the Assistant Building Official and Fire Marshal to fine tune the layout and discuss the necessary permits	Tent and/or temporary structure permit will be required per Chapter 31 of both the building and fire codes.	\$221.48, plus permit fees.	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JMC	<ol style="list-style-type: none"> <li>1. No Smoking in any tents or canopy. Signs to be posted.</li> <li>2. All tents and Canopies must be flame resistant with certificate on site.</li> <li>3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the</li> </ol>		\$45	

		<p>tents.</p> <ol style="list-style-type: none"><li>4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed.</li><li>5. Clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access aisle unless approved by the Fire Marshal.</li><li>6. Pre-event site inspection required.</li><li>7. A prescheduled inspection is required for food vendors through the Bldg. dept. prior to opening.</li><li>8. All food vendors are required to have an approved 5lbs. multi-purpose (ABC) fire extinguisher on site and accessible.</li><li>9. Cords, hoses, etc. shall be matted to prevent trip hazards.</li><li>10. Exits must be clearly marked in tents/structures with an occupant load over 50 people.</li><li>11. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies.</li><li>12. A permit is required for Fire hydrant usage.</li><li>13. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.</li><li>14. Provide protective barriers between hot surfaces and the public.</li><li>15. All cooking hood systems that capture grease laden vapors must have an approved suppression system and a K fire</li></ol>			
--	--	---	--	--	--

		<p>extinguisher in addition to the ABC Extinguisher.</p> <p>16. Suppression systems shall be inspected, tested, and properly tagged prior to the event. All Sprinkler heads shall be of the 155 degree Quick Response type unless serving an area of high heat and approved by the Fire Marshal. The suppression system shall have a continuous water supply as well as a secondary back up supply. Activation of the suppression system will shut down the ride and cause illumination of the exits.</p>			
<p><b>POLICE</b>  101-000.000.634.0003  248.530.1870</p>	SG	<p>Temporary liquor license required from the LCC with City Commission and Chief of Police approval. Placement of signs indicating alcoholic beverages must remain within the closed area where beverages are being served. Must have personnel to monitor the entrance/exit area to ensure no alcoholic beverages are removed from the closed area. Barricades/Road closures. On duty personnel to provide extra patrol.</p>		\$100	\$100
<p><b>PUBLIC SERVICES</b>  101-000.000-634.0002  248.530.1642</p>	Carrie Laird	<p>Costs include: barricade placement and removal, sign/banner placement and removal, set up and clean-up costs. A hydrant permit must be obtained and event will be charged for water usage.</p>		\$7,800	
<p><b>ENGINEERING</b>  101-000.000.634.0002  248.530.1839</p>	A.F.	<p>Maintain 5' clear pedestrian pathways on sidewalks. No damage to pavements allowed for supports, tents, shelters, barricades, etc..</p>	None	\$0	\$0
<b>SP+ PARKING</b>	A.F.	Information emailed to SP+ on 08/28/18	None	\$0	\$0

<b>INSURANCE</b> 248.530.1807					
<b>CLERK</b> <b>101-000.000-614.0000</b> 248.530.1803		Notification letters mailed by applicant on 8/28/18. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than n/a.	Applications for vendors license must be submitted no later than 11/15/18.	\$165	
				<b>TOTAL DEPOSIT REQUIRED</b>  <b>\$8,331.48</b>	<b>ACTUAL COST</b>

**FOR CLERK'S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund \_\_\_\_\_

Rev. 8/29/18

h:\shared\special events\general information\approval page.doc





## MEMORANDUM

City Clerk's Office

**DATE:** September 7, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** J. Cherilynn Mynsberge, City Clerk

**SUBJECT:** Special Event Request  
Santa House

Attached is a special event application submitted by the Birmingham Shopping District requesting permission to place the Santa House in Shain Park between the week of November 12 to the week of December 31, 2018.

BSD has planned a special welcome for Santa on the morning of November 24<sup>th</sup>, with a tent on the southwest corner of the sidewalk at Maple & Old Woodward that will offer Birmingham Bonus Bucks to shoppers. As in the past, complimentary carriage rides will be offered with similar hours to Santa House.

In addition, please note that the spherical bollards in the park will be decorated from November 24<sup>th</sup>, 2018 through January 5th, 2019.

The application has been circulated to the affected departments and approvals and comments have been noted.

The following events have either been approved by the Commission or are planned to be held in November and December and have not yet submitted an application. These events do not pose a conflict with the location of the Santa House.

Event Name	Date	Location
Nativity Display	Nov 2 – Dec 29	Shain Park
Winter Markt	Nov 27- Dec 12	Shain Park
Menorah Display	Nov 23-Dec 29	Shain Park

### SUGGESTED RESOLUTION:

To approve a request from the Birmingham Shopping District to place the Santa House and related activities as described in the Special Event application in Shain Park between the week of November 24<sup>th</sup>, 2018 through the week of January 5, 2019 including free parking at the on-street meters on November 24, 2018, contingent upon compliance with all permit and insurance requirements and payment of all fees, and, further, pursuant to any minor modifications that may be deemed necessary by administrative staff at the time of the event.

**CITY OF BIRMINGHAM  
APPLICATION FOR SPECIAL EVENT PERMIT  
PARKS AND PUBLIC SPACES**

**IMPORTANT: EVENTS UTILIZING CITY SIDEWALKS AND/OR STREETS MUST MEET  
WITH POLICE DEPARTMENT SPECIAL EVENT OFFICER TO REVIEW PROPOSED  
EVENT DETAILS PRIOR TO SUBMITTING APPLICATION.**

Police Department acknowledgement: m. HQ 8-27-18

**I. EVENT DETAILS**

- Incomplete applications will not be accepted.
- Changes in this information must be submitted to the City Clerk, in writing, at least three weeks prior to the event

**FEES:**            **FIRST TIME EVENT:**            **\$200.00**  
                         **ANNUAL APPLICATION FEE:**            **\$165.00**

(Please print clearly or type)

Date of Application August 27, 2018

Name of Event Santa House

Detailed Description of Event (attach additional sheet if necessary) see attachment

Location: Shain Park, SW corner of Maple & Old Woodward, Henrietta, W. Maple & S. Old Woodward

Date(s) of Event Weekends Nov. 24 - Dec. 23 Hours of Event various

Date(s) of Set-up week of Nov. 12 Hours of Set-up details to be worked out with DPS

NOTE: No set-up to begin before 7:00 AM, per City ordinance.

Date(s) of Tear-down week of Dec. 31 Hours of Tear-down details to be worked out with DPS

Organization Sponsoring Event Birmingham Shopping District

Organization Address 151 Martin St, Birmingham, MI 48009

Organization Phone 248-530-1200

Contact Person Jaimi Brook

Contact Phone 248-530-1254

Contact Email jbroad@bhamgov.org

### **Santa House**

Santa House is located in Shain Park and offers an opportunity for children to visit with Santa and have their picture taken. A warming tent will be erected next to Santa House on Saturdays and Sundays November 24 - December 23, 2018.

We will be having a special welcome for Santa on the morning of Saturday, Nov. 24th. This will involve Santa walking or riding in a horse drawn carriage around the block. Per conversation with the BPD, it will not involve any street closures as the carriage would be able to drive with regular traffic.

Complimentary horse drawn carriage rides will be offered with similar hours to Santa House.

The BSD has also invited the Birmingham Public Arts Board to collaborate on this event by having their volunteers decorate the spherical bollards in the park with holiday themed yarn/knit covers from November 24, 2018 through January 5, 2019.

### **Small Business Saturday**

In addition to welcoming Santa on Saturday, November 24<sup>th</sup>, merchants will be offering specials and incentives to encourage shoppers to shop local.

The BSD will also set-up a tent on the southwest corner of the sidewalk at Maple & Old Woodward that will offer Holiday Birmingham Bonus Bucks to shoppers.

## II. EVENT INFORMATION

1. Organization Type City  
(city, non-profit, community group, etc.)
2. Additional Sponsors or Participants (Provide name, address, contact person, status, etc. for all additional organizations sponsoring your event. ) TBD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Is the event a fundraiser? YES ☒ NO ☐  
List beneficiary TBD  
List expected income TBD  
Attach information about the beneficiary.
4. First time event in Birmingham? YES ☐ NO ☒  
If no, describe Santa House has been located in Shain Park for many years  
\_\_\_\_\_
5. Total number of people expected to attend per day 40-80
6. The event will be held on the following City property: (Please list)  
☐ Street(s) \_\_\_\_\_  
☐ Sidewalk(s) Southwest corner of Maple & Old Woodward for a 10' x 10' tent  
☐ Park(s) Shain  
\_\_\_\_\_
7. Will street closures be required? YES ☐ NO ☒  
**(Police Department acknowledgement prior to submission of application is required) (initial here)** \_\_\_\_\_
8. What parking arrangements will be necessary to accommodate attendance? on 11/24 only there will be free parking at the meters and in structures other days will be regular City parking  
\_\_\_\_\_ 3

9. Will staff be provided to assist with safety, security and maintenance? YES ☒ NO ☐  
**If yes, please provide number of staff to be provided and any specialized training received.** Describe\_BSD staff will be on-site as well as volunteers to take photos of the kids with Santa \_\_\_\_\_
10. Will the event require safety personnel (police, fire, paramedics)? YES ☒ NO ☐  
**(Police Department acknowledgement prior to submission of application is required.) (initial here)**\_\_\_\_\_ Describe\_to assist with morning parade on 11/24 only \_\_\_\_\_
11. Will alcoholic beverages be served? YES ☐ NO ☒  
If yes, additional approval by the City Commission is required, as well as the Michigan Liquor Control Commission.
12. Will music be provided? YES ☐ NO ☒  
\_\_\_\_\_ Live \_\_\_\_\_ Amplification \_\_\_\_\_ Recorded \_\_\_\_\_ Loudspeakers  
Time music will begin \_\_\_\_\_  
Time music will end \_\_\_\_\_  
Location of live band, DJ, loudspeakers, equipment must be shown on the layout map.
13. Will there be signage in the area of the event? YES ☒ NO ☐  
Number of signs/banners \_1\_\_\_\_\_   
Size of signs/banners \_\_4 x 6 \_\_\_\_\_  
Submit a photo/drawing of the sign(s). **A sign permit is required.**
14. Will food/beverages/merchandise be sold? YES ☐ NO ☒  
  - Peddler/vendor permits must be submitted to the Clerk's Office, **at least two weeks prior to the event.**
  - You must obtain approval from the Oakland County Health Department for all food/beverage sales/donations. Contact [ehclerk@oakgov.com](mailto:ehclerk@oakgov.com) or 248-535-9612 to obtain Health Department approval.
  - There is a \$50.00 application fee for all vendors and peddlers, in addition to the \$10.00 daily fee, per location.

### **LIST OF VENDORS/PEDDLERS**

(attach additional sheet if necessary)

<b>VENDOR NAME</b>	<b>GOODS TO BE SOLD</b>	<b>WATER HOOK- UP REQUIRED?</b>	<b>ELECTRIC REQUIRED?</b>

### **III. EVENT LAYOUT**

- Include a map showing the park set up, street closures, and location of each item listed in this section.
- Include a map and written description of run/walk route and the start/finish area

1. Will the event require the use of any of the following municipal equipment?  
(show location of each on map)

EQUIPMENT	QUANTITY	COST	NOTES
Picnic Tables		6 for \$200.00	A request for more than six tables will be evaluated based on availability.
Trash Receptacles		\$4.00 each	Trash box placement and removal of trash is the responsibility of the event. Additional cost could occur if DPS is to perform this work.
Dumpsters		\$250.00 per day	Includes emptying the dumpster one time per day. The City may determine the need for additional dumpsters based on event requirements.
Utilities (electric)	____ # of vendors requiring utilities	Varies	Charges according to final requirements of event.
Water/Fire Hydrant		Contact the Fire Department.	Applicant must supply their own means of disposal for all sanitary waste water. Waste water is NOT allowed to be poured into the street or on the grass.
Audio System		\$200.00 per day	Must meet with City representative.
Meter Bags / Traffic Cones / Barricades	# to be determined by the Police Department.		

2. Will the following be constructed or located in the area of the event? YES NO  
(show location of each on map) NOTE: Stakes are not allowed.

TYPE	QUANTITY	SIZE
Tents/Canopies/Awnings (A permit is required for tents over 120 sq ft)	2	1 - 10x10 1 - 10x20
Portable Toilets		
Rides		
Displays		
Vendors		
Temporary Structure (must attach a photo)		
Other (describe)		

**SIGNATURE OF APPLICANT REQUIRED**

EVENT NAME Santa House

EVENT DATE Weekends Nov 24 - Dec 23, 2018

The Birmingham City Commission shall have sole and complete discretion in deciding whether to issue a permit. Nothing contained in the City Code shall be construed to require the City Commission to issue a permit to an applicant and no applicant shall have any interest or right to receive a permit merely because the applicant has received a permit in the past.

As the authorized agent of the sponsoring organization, I hereby agree that this organization shall abide by all conditions and restrictions specific to this special event as determined by the City administration and will comply with all local, state and federal rules, regulations and laws.

A Zylke  
Signature

8/27/18  
Date

**IV. SAMPLE LETTER TO NOTIFY ANY AFFECTED  
PROPERTY/BUSINESS OWNERS**

- Organizer must notify all potentially affected residential property and business owners of the date and time this application will be considered by the City Commission. *(Sample letter attached to this application.)*
- Attach a copy of the proposed letter to this application. The letter will be reviewed and approved by the Clerk's Office. The letter must be distributed at least two weeks prior to the Commission meeting.
- A copy of the letter and the distribution list must be submitted to the Clerk's Office at least two weeks prior to the Commission meeting.
- If street closures are necessary, a map must be included with the letter to the affected property/business owners.



on  
A-frame

Sign is on an A-Frame stand it will be 2' x 3'



THANK YOU  
for visiting the Birmingham  
santa House

.....

Visitors will be asked for a  
suggested \$5 donation to benefit  
the Birmingham Lions Club.

THANK YOU  
for your support!





michigan municipal league

## Liability & Property Pool

### RENEWAL CERTIFICATE

IN CONSIDERATION FOR PREMIUM PAID, AND SUBJECT TO ALL OF THE TERMS OF THE EXPIRING COVERAGE DOCUMENT AND ANY ENDORSEMENTS ATTACHED HERETO, WE AGREE TO RENEW YOUR COVERAGES AS STATED IN THIS CERTIFICATE. THESE COVERAGES ARE PROVIDED IN ACCORDANCE WITH THE INTERGOVERNMENTAL CONTRACT WHICH FORMS THE LEGAL BASIS FOR THE OPERATION OF THE POOL.

Contract Number: MML001444017

Renewal of Number: MML001444016

Pool Member: City of Birmingham

Mailing Address: 151 Martin St., PO Box 3001  
Birmingham, MI 48012-3001

**Coverage Period**

From: 7/1/2018

To: 7/1/2019

(12:01 A.M. Standard time at your mailing address shown above)

Liability Coverage Parts	Limit of Liability	Deductible
Municipal General Liability Coverage	\$10,000,000	\$125,000
Public Officials Liability Coverage	\$10,000,000	\$125,000
Law Enforcement Liability Coverage	\$10,000,000	\$125,000
Employee Benefit Liability Coverage	\$1,000,000	\$125,000
Automobile Liability Coverage	\$10,000,000	\$125,000
Comprehensive and Collision Coverage	Per Schedule	Per Schedule
<b>Combined Liability Policy Limit</b>	<b>\$10,000,000</b>	
Cyber Liability and Data Breach Response Coverage (CYB001444017)	Per Declarations	Per Declarations

**The Combined Liability Policy Limit is the most we will pay regardless of the number of Coverage Parts under which coverage may be sought.**

**COVERAGE UNDER THIS CONTRACT IS:**

- ☒ As amended by revised schedule(s) attached.
- ☒ As amended by endorsement(s): ADD: MMP101 (01/11) , MML23 (07/11) , MML24 [04/09], MML24 [04/09], MML235 [01/14], MML307 [12/16], MML310 [07/18]

BY:

(Authorized Representative)

DATE:

6/1/2018

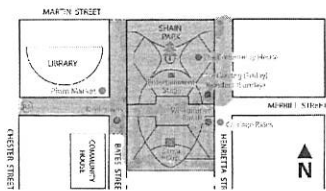
BSD  
151 Martin Street  
Birmingham, MI 48009

BSD  
151 Martin Street  
Birmingham, MI 48009

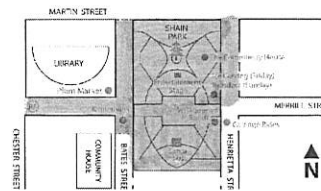
1925378094  
MONDIAL PROPERTIES III LLC  
600 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

1925456002  
W & W MICHIGAN INVESTMENTS LLC  
176 N OLD WOODWARD AVE  
BIRMINGHAM, MI 48009

Winter Markt



Winter Markt



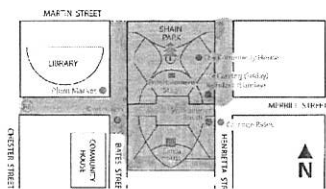
BSD  
151 Martin Street  
Birmingham, MI 48009

BSD  
151 Martin Street  
Birmingham, MI 48009

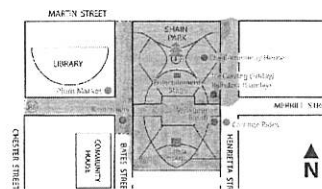
1925456007  
COMERICA INCORPORATED  
2800 POST OAK BLVD STE 4200  
HOUSTON, TX 77056

1925456009  
330 HAMILTON LLC  
330 HAMILTON ROW  
BIRMINGHAM, MI 48009

Winter Markt



Winter Markt



## NOTIFICATION

August 28, 2018

TO: Property/Business Owner

The Birmingham City Code requires that we receive approval from the Birmingham City Commission to hold the following special event(s). The code further requires that we notify any property owners or business owners that may be affected by the special event(s) of the date and time that the City Commission will consider our request so that an opportunity exists for comments prior to this approval.

NAME OF EVENT(S): 1) Winter Markt and 2) Santa House  
LOCATION: 1) Shain Park (see reverse for map)  
2) Shain Park  
DATES & TIMES: 1) Winter Markt - November 30 - December 2, various hours  
2) Santa House - weekends throughout holidays.  
DATE/TIME OF CITY COMMISSION MEETING: Monday, September 17, 2017 at 7:30 pm

The City Commission meets in room 205 of the Municipal Building at 151 Martin Street. A complete copy of the application to hold this special event(s) are available for your review at the City Clerk's Office (248-530-1880). To receive updates on special events held in the city, log on to [www.bhamgov.org/enotify](http://www.bhamgov.org/enotify).

EVENT ORGANIZER: Birmingham Shopping District  
ADDRESS: 151 Martin Street  
PHONE: 248-530-1200

For questions on day of event, contact BSD Operations & Events Manager, Jaimi Brook at 248-508-5518

## NOTIFICATION

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## DEPARTMENT APPROVALS

EVENT NAME 2018 SANTA HOUSE

LICENSE NUMBER #18-00011333

COMMISSION HEARING DATE: SEPT. 17, 2018

NOTE TO STAFF: Please submit approval by **SEPT. 3, 2018**

DATE OF EVENT: 11/24 – 12/31/18

DEPARTMENT	APPROVED	COMMENTS	PERMITS REQUIRED (Must be obtained directly from individual departments)	ESTIMATED COSTS (Must be paid two weeks prior to the event. License will not be issued if unpaid.)	ACTUAL COSTS (Event will be invoiced by the Clerk's office after the event)
<b>PLANNING</b> 101-000.000-634.0005 248.530.1855	TBC	No cost, no comment			
<b>BUILDING</b> 101-000.000.634.0005 248.530.1850	MM	Building can inspect setup during normal working hours.	Tents over 12 sqft. Require permits	\$0	
<b>FIRE</b> 101-000.000-634.0004 248.530.1900	JMC	<ol style="list-style-type: none"><li>1. No Smoking in any tents or canopy. Signs to be posted.</li><li>2. All tents and Canopies must be flame resistant with certificate on site.</li><li>3. No open flame or devices emitting flame, fire or heat in any tents. Cooking devices shall not be permitted within 20 feet of the tents.</li><li>4. Tents and Canopies must be properly anchored for the weather conditions, no stakes allowed.</li><li>5. Clear Fire Department access of 12 foot aisles must be maintained, no tents, canopies or other obstructions in the access aisle unless approved by the Fire Marshal.</li></ol>		\$0	

		6. Pre-event site inspection required. 7. All food vendors are required to have an approved 5lbs. multi-purpose (ABC) fire extinguisher on site and accessible. 8. Provide protective barriers between hot surfaces and the public. 9. Cords, hoses, etc. shall be matted to prevent trip hazards. 10. Paramedics will respond from the fire station as needed. Dial 911 for fire/rescue/medical emergencies. 11. Do Not obstruct fire hydrants or fire sprinkler connections on buildings.			
<b>POLICE</b> 101-000.000.634.0003 248.530.1870	SG	On duty officers to provide extra patrol.		\$0	\$0
<b>PUBLIC SERVICES</b> 101-000.000-634.0002 248.530.1642	CL	DPS will assist with this event including delivery, set up and removal.		\$5,500	
<b>ENGINEERING</b> 101-000.000.634.0002 248.530.1839	A.F.	Maintain 5' clear pedestrian pathways on sidewalks. No damage to pavements allowed for supports, tents, shelters, barricades, etc...	None	\$0	\$0
<b>SP+ PARKING</b>	A.F.	Information emailed to SP+ on 08/28/18	None	\$0	\$0
<b>INSURANCE</b> 248.530.1807	CA	Approved	None	\$0	\$0
<b>CLERK</b> 101-000.000-614.0000 248.530.1803		Notification letters mailed by applicant August 27. Notification addresses on file in the Clerk's Office. Evidence of required insurance must be on file with the Clerk's Office no later than n/a.	Applications for vendors license must be submitted no later than 11/9/18.	\$165	

				<b>TOTAL DEPOSIT REQUIRED</b>	<b>ACTUAL COST</b>
				<b>\$5,665</b>	

**FOR CLERK’S OFFICE USE**

Deposit paid \_\_\_\_\_

Actual Cost \_\_\_\_\_

Due/Refund \_\_\_\_\_



## MEMORANDUM

Fire Department

**DATE:** September 6, 2018  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** John M. Connaughton, Fire Chief  
**SUBJECT:** Emergency Management Performance Grant (EMPG)

---

The City of Birmingham has established their own Emergency Management Program pursuant to Ordinance #986 of the Birmingham City Code and the Michigan Emergency Management Act, Act 390.

The purpose of this grant is to provide federal pass-through funds to the City of Birmingham for the development and maintenance of an emergency management program capable of protecting life, property and vital infrastructure in times of disaster or emergency.

The City of Birmingham is awarded \$21,781.00 in federal funds under the FY 2018 EMPG; the performance period for this award is 10/1/2017 to 9/30/2018. The purpose of these funds is to offset administration costs to run the EMPG program.

It is recommended that the Birmingham City Commission authorize the Mayor to sign the attached agreement for 2018 Emergency Management Performance Grant with the Michigan State Police, Emergency Management and Homeland Security Division.

### SUGGESTED RESOLUTION:

To approve the federal funds in the amount of \$21,781.00 for the 2018 Emergency Management Performance Grant period of 10/1/2017 to 9/30/2018. Further, to direct the Mayor to sign the agreement on behalf of the City.



Michigan State Police

Emergency Management and  
Homeland Security Division



## Grant Agreement

### FEDERAL AWARD IDENTIFICATION

SUBRECIPIENT NAME	GRANT NAME	CFDA NUMBER
City of Birmingham	Emergency Management Performance Grants	97.042
SUBRECIPIENT IRS/VENDOR NUMBER	FEDERAL AWARD IDENTIFICATION NUMBER (FAIN)	FEDERAL AWARD DATE
38-6004664	EMC-2018-EP-00002	08/04/2018
SUBRECIPIENT DUNS NUMBER	SUBAWARD PERFORMANCE PERIOD	FROM TO
074239450	10/1/2017	9/30/2018
RESEARCH & DEVELOPMENT	Funding	Total
N/A	Federal Funds Obligated by this Action	\$21,781.00
INDIRECT COST RATE	Total Federal Funds Obligated to Subrecipient	\$21,781.00
None on file	Total Amount of Federal Award	\$8,975,530.00
FEDERAL AWARD PROJECT DESCRIPTION		
2018 Emergency Management Performance Grants		
DETAILS		
The 2018 EMPG allocation is 35.69% of the Subrecipient's emergency program manager's salary and fringe benefits. A cost-match is required under this program. The Federal share that is used towards the EMPG budget shall not exceed 50 percent of the total budget.		
FEDERAL AWARDING AGENCY	PASS-THROUGH ENTITY (RECIPIENT) NAME	
Federal Emergency Management Agency Grant Operations 245 Murray Lane – Building 410, SW Washington DC 20528-7000	Michigan State Police Emergency Management and Homeland Security Division PO Box 30634 Lansing, MI 48909	



## MEMORANDUM

Fire Department

**DATE:** September 6, 2018  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** John M. Connaughton, Fire Chief  
**SUBJECT:** 2019 Emergency Management Performance Grant Work Agreement

---

The City of Birmingham has their own Emergency Management Program pursuant to ordinance #986 of the Birmingham City Code and the Michigan Emergency Management Public Act 390. Pursuant to Michigan Public Act 390, the Michigan State Police and Homeland Security Division (MSP/EMHSD) Publication 206 requires a baseline set of standards for emergency management programs in the state of Michigan. The 2019 Emergency Management Performance Grant (EMPG) Quarterly Report, identifies the objectives of this work agreement.

In order to comply with the Emergency Management Performance Grant (EMPG) Quarterly Report. A signature from the Chief Elected Official and the Emergency Management Coordinator is required before mailing it to the District Coordinator.

### SUGGESTED RESOLUTION:

To authorize the Mayor of the City of Birmingham to sign the Emergency Management Performance Grant on behalf of the City.

<p align="center"><b>City of Birmingham</b> <b>Emergency Management</b> <b>Fiscal Year 2019</b> <b>Emergency Management Performance Grant (EMPG)</b> <b>Work Agreement/Quarterly Report</b></p>		<p align="center"><input type="checkbox"/> Initial Work Agreement</p>	
<input type="checkbox"/> 1 <sup>st</sup> Quarter SIGNATURE OF CHIEF ELECTED OFFICIAL	<input type="checkbox"/> 2 <sup>nd</sup> Quarter DATE	<input type="checkbox"/> 3 <sup>rd</sup> Quarter SIGNATURE OF EMERGENCY MANAGEMENT COORDINATOR	<input type="checkbox"/> 4 <sup>th</sup> Quarter DATE
SIGNATURE OF EMERGENCY MGMT. PROGRAM MANAGER		DATE	
DATE		SIGNATURE OF DISTRICT COORDINATOR	
DATE		DATE	

## Purpose

This survey functions as the 2019 EMPG work agreement/quarterly report. The objectives of this work agreement are based upon standards identified in the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD) Publication 206 - Local Emergency Management Program Standards Workbook. Activities for each objective have been determined by a group of local and state emergency management subject matter experts who maintain a baseline set of standards for emergency management programs in the state of Michigan. Survey responses will assist in the assessment of emergency management programs, determine how EMPG funds are utilized and help validate the importance of these emergency management activities to all levels of government.

## (1) ADMINISTRATION AND FINANCE

The Emergency Management Coordinator (EMC) shall ensure that the jurisdiction promulgates laws, ordinances, resolutions, policies and procedures to carry out emergency financial and administrative responsibilities. The EMPG funded emergency manager shall provide a copy of their job description(s) that incorporate their Emergency Management (EM) activities. EM activities of the EMC and other response personnel shall be identified in the EM ordinance, resolution, and county plans.

<b>Planned Activities</b>	<b>Action Taken (Local EM Status Report)</b>
<p>1<sup>st</sup></p> <ul style="list-style-type: none"> <li>Verify that the jurisdiction has submitted the quarterly EMPG reports and financial documentation with original signatures by 1/11/19.</li> </ul>	<p>EMPG reports were submitted: Yes/No</p> <p>Financial documents were submitted: Yes/No</p>



## **MEMORANDUM**

**Department of Public Services**

**DATE:** September 7, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** Purchase of Toro Debris Blower

---

The Department of Public Services is requesting approval for the purchase of a new Toro Debris Blower to replace the current blower at Lincoln Hills Golf Course. The debris blower is towed behind a utility vehicle and is used to clear leaves and debris from areas on the golf course and parking lots. The current blower was purchased in April of 2010 for \$6,191. The current blower has outlived its useful life by 3 years. Over the past two years we have spent over \$1,700 to repair the blower and now feel it is not worth spending any more money to repair it. With Fall approaching quickly, a new blower is essential for blowing leaves off the golf course to make it playable for our members. A new Toro Debris Blower can be purchased from Spartan Distributors for \$7,436.04.

The Department of Public Services recommends replacing the Toro Debris Blower with a new Toro Debris Blower. Spartan Distributors has them in stock and can be delivered immediately.

State of Michigan extended purchasing contract #2017025 is available for the Toro Debris Blower. Spartan Distributors is the exclusive dealer for this contract and was contacted for pricing. The price of the Toro Debris Blower is \$7,436.04. Funds for this purchase are available in the Equipment Fund account # 641-441.006-971.0100. The existing blower will be sold through the MITN auction site or traded in to Spartan Distributors.

**SUGGESTED RESOLUTION:**

To approve the purchase of one (1) new Toro Debris Blower from Spartan Distributors, through State of Michigan extendable purchasing contract #2017025 for a total expenditure of \$7,436.04. Funds for this purchase are available in the Equipment Fund account # 641-441.006-971.0100.



## MEMORANDUM

Police Department

**DATE:** September 6, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** 2018 Fee Schedule Change to Allow for an Administrative Applicant Review for Liquor License Applicants where the Only Change is the Removal of an Existing Party on the License and no New Applicants or Operational Changes to a Fee of \$350.00.

---

The current City fee for an initial liquor license investigation for an applicant seeking a liquor license for on premise service is \$1,500.00. This fee is currently found under the City Clerk's Office section of the City's fee schedule (see attached document). The police department investigative division does a complete background investigation of all applicants possessing an 10% ownership interest in any liquor license consistent with the Michigan Liquor Control Commission guidelines.

Recently, there have been cases where a party to the liquor license has been removed from the license with no other changes in the operation of the business and no additional applicants. Because there is an ownership change, the remaining applicant has to pay the initial fee again and proceed to the Commission for approval. In the interest of fairness to the applicant, a reduced fee of \$350.00 is proposed. No new applicant has to be vetted and the remaining investigative functions (financial records/insurance verifications, etc.) can be adequately addressed in the reduced fee. The remaining applicant still must receive Commission approval, only the fee has been changed.

**SUGGESTED RESOLUTION:**

To amend the 2018 City of Birmingham Fee Schedule, City Clerk's Office section, to include an "Administrative Applicant Review" fee of \$350.00 in cases where an existing party to the liquor license is being removed without any additional applicants or operational changes.

# FEE SCHEDULE

CITY CLERK'S OFFICE	EXISTING FEE	PROPOSED FEE	CHANGE CODE	Staff
<b><u>Alcoholic beverages for consumption on the premises</u></b>				
Initial fee	\$ 1,500.00			
<b>Administrative Applicant Review</b>		\$ 350.00	E	MHC
Annual renewal	\$ 350.00			
Transfer fee	\$ 1,500.00			
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)				
<b><u>Animals (18-1)</u></b>				
Stray animal fines: See Police				
Pet dog and cat licenses:				
license for one year or less	\$ 5.00			
license for two years	\$ 10.00			
license for three years	\$ 12.00			
license obtained 30 days after expiration	\$ 20.00			
Kennels:				
Annual fee	\$ 300.00			
Plus for each dog in excess of ten	\$ 10.00			
<b><u>Auctions (See Initial Merchants)</u></b>				
<b><u>Bicycle Rental Agencies (122-26) annual fee</u></b>	\$ 5.00			
Insurance: Motor vehicle liability insurance conforming with Michigan Vehicle Code § 520: \$20,000 per person/\$40,000 per accident for bodily injury claims/\$10,000 for property damage per occurrence.				
<b><u>Charitable Solicitations (38-1)</u></b>	No charge			
Annual criminal background check - per person (to be provided by applicant using the Michigan State Police ICHAT system)				

## CHANGE CODES AS LISTED ON FEE SCHEDULE

- 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



## MEMORANDUM

Police Department

**DATE:** September 5, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Mark H. Clemence, Chief of Police

**SUBJECT:** Contract Lane Painting – RS Contracting, Inc.  
Centerline and Long Line Pavement Markings 2018-19

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On August 24, 2018 the police department requested sealed proposals for the painting of street lane markings (yellow center and white long line striping) for the 2018-19 fiscal year with a bid opening on September 5, 2018. This invitation to bid was published on the Michigan Intergovernmental Trade Network (MITN). One price quote was requested for the spring of 2019 as center and long line markings are applied once per year, usually during the month of June. Two bids were received as follows:

PK Contracting, Inc. \$10,027.00  
RS Contracting, Inc. \$ 8,356.00

The police department recommends awarding the contract to RS Contracting for center and long line painting in the amount of \$8,356.00 for the 2018-19 fiscal year project.

Sufficient funds are allocated in the 2018-19 major streets budget contract lane painting account to provide for this expenditure.

**SUGGESTED RESOLUTION:**

To approve the 2018-19 agreement with RS Contracting, Inc. for painting yellow centerline and white long line pavement markings in the amount of \$8,356.00 for the 2018-19 fiscal year; further authorizing and directing the mayor and city clerk to sign the agreement on behalf of the city; further to authorize this budgeted expenditure from account number 202-303-001-937.0200.

## CONTRACT

**THIS AGREEMENT** made the \_\_\_\_ day of September, 2018, by and between the CITY OF BIRMINGHAM, Oakland County, Michigan, hereinafter called the "city", and RS. Contracting, Inc. of Casco, MI hereafter called the "contractor" relative to the painting of street pavement markings in the amount of \$8,356.00 total for centerline pavement markings in the spring of 2018 to wit:

1. All advertisements for bids, proposals, instructions to bidders, specifications, plans, hereto attached or herein referred to, shall be and are hereby made a part of this agreement.
2. The contractor shall provide street pavement markings in the spring of 2019, as set forth in the attached proposal, and in accordance with the plans and specifications which have been made a part of this agreement in a manner, time and place, as therein set forth.
3. The city promises and agrees to pay said contractor for the painting of pavement markings under this agreement at the price provided in the attached quotation.
4. For the faithful performances of the terms of this agreement, said parties respectively bind themselves, their successors, heirs, executors, administrators, and assigns.

**IN WITNESS WHEREOF**, the parties execute this agreement as of the day and year first written above.

### CITY OF BIRMINGHAM

Attested: \_\_\_\_\_  
Cherilynn Mynsberge  
City Clerk

By: \_\_\_\_\_  
Andrew M. Harris  
Mayor

Witnessed: \_\_\_\_\_

### RS CONTRACTING, INC.

By: \_\_\_\_\_  
Al Leone  
President

Witnessed: \_\_\_\_\_  
Jennifer L. Davis

### APPROVAL (1.135 City Code)

\_\_\_\_\_  
Timothy J. Currier  
City Attorney as to Form  
\_\_\_\_\_  
Mark Gerber  
Director of Finance as to  
Financial Obligations

\_\_\_\_\_  
Joseph A. Valentine  
City Manager as to Substance  
\_\_\_\_\_  
Mark H. Clemence  
Police Chief as to Substance



**BID FORM**  
**LONG LINE PAVEMENT MARKINGS SPRING 2019**  
**NOTE: QUANTITIES ARE APPROXIMATE**  
**BIDDER TO COMPLETE ALL BLANKS IN THIS DOCUMENT**

ITEM	EST QTY	DESCRIPTION OF WORK	UNIT PRICE	ITEM TOTAL
1	117,000	YELLOW LINE - SEE ATTACHED LIST	.05	5850 <sup>00</sup>
2	50,100	WHITE LINE - SEE ATTACHED LIST	.05	2505 <sup>00</sup>
3		MOBILIZATION / SETUP CHARGE	1 <sup>00</sup>	1 <sup>00</sup>
		<b>BID GRAND TOTAL AMOUNT (SPRING 2019)</b>		<b>8356<sup>00</sup></b>

**PROJECT TIMELINE:** ESTIMATED DELIVERY DATE: Per Your Request

BIDDER'S SIGNATURE Ad Green DATE 8-30-18

It is understood and agreed that all bid prices shall remain in effect for at least ninety (90) days from the date of bid opening to allow for the award of the bid.

## **BIDDER'S AGREEMENT**

In submitting this bid as herein described the bidder agrees that:

1. Bidder / Vendor has carefully examined the specifications, terms and agreement of the Invitation to Bid and all other provisions of this document and understands the meaning, intent, and requirements therein.
2. Bidder / Vendor will accept a purchase order and furnish all items in the time specified in conformance with the specifications and conditions contained therein for the price quoted by the proponent on this proposal.

COMPANY R.S Contracting Inc.

ADDRESS 9276 MARINE CITY HWY

CITY CASCO STATE ME ZIP 48064

REPRESENTATIVE AJ LEONE TITLE PRESIDENT

EMAIL ajleone@rscontracting.com

PHONE 586-716-1503 FAX 586-716-1603

SIGNATURE AJ Leone DATE 8-30-18



## INVITATION TO BID

Sealed bids endorsed **"LONG LINE PAVEMENT MARKINGS 2018-2019"** will be received by the City of Birmingham, Michigan at the Office of City Clerk, 151 Martin Street, P.O. Box 3001, Birmingham, MI, 48012 until Wednesday, September 5, 2018 at 10:00 a.m., at which time the bids will be publicly opened and read.

The street listing for centerline markings and quantities of items to be painted are indicated on the attached sheets. The painting will include yellow and white glass beaded paint to meet or exceed Michigan Department of State Highway and Transportation specifications (waterborne). **THE STREETS ARE TO BE PAINTED DURING THE LATE NIGHT/EARLY MORNING HOURS WHEN VEHICULAR TRAFFIC IS MINIMAL.**

One price quote is requested for the spring of 2019.

Materials and bids shall be submitted in accordance with the attached specifications and bid forms prepared by the Birmingham Police Department.

Specifications are available exclusively via the Michigan Intergovernmental Trade Network (MITN).\*

Bids must be submitted in a sealed envelope marked **"LONG LINE PAVEMENT MARKINGS 2018-2019"**. The date and time of the bid opening must be marked on the envelope.

The City of Birmingham reserves the right to reject any or all proposals and to waive any irregularity in a bid when deemed in the best interest of the City.

The City of Birmingham may offer the successful vendor an option to extend at the same rate for two (2) additional years through mutual consent.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until a written purchase order has been delivered to the successful bidder.

Submitted to MITN:	August 24, 2018
Deadline for Submissions:	September 5, 2018 10:00 a.m.
Contact Person:	Ellen DeView, Staff & Services Coordinator Birmingham Police Department P.O. Box 3001, 151 Martin Street Birmingham, MI 48012 Phone: (248) 530-1869 Email: edeview@bhamgov.org

\* The City of Birmingham is part of an organization called the Michigan Intergovernmental Trade Network (MITN), a group of agencies that joined forces to create a regional bid notification system to notify companies of new bid opportunities. Bids, quotations and proposals are posted online. All vendors are encouraged to visit [www.govbids.com](http://www.govbids.com) and click on "The Michigan MITN System" link in order to register their company and gain access to new bids and proposals. If you do not have internet access, please call 1-800-835-4603, to speak to a representative at IPT BidNet®, the technical support group that handles the MITN system.

## **INTRODUCTION**

The City of Birmingham, Michigan will grant to the successful bidder a purchase order for the following:

### **LONGE LINE PAVEMENT MARKINGS SPRING 2019**

For purposes of this invitation to bid the City of Birmingham will hereby be referred to as "City" and the vendor will hereby be referred to as "Contractor."

The Birmingham Police Department is accepting sealed bids from qualified vendors for the painting of long line street lane markings. The street listing for centerline markings and quantities of items to be painted are indicated on the attached sheets. The painting will include yellow and white glass beaded paint to meet or exceed Michigan Department of State Highway and Transportation specifications (waterborne).

### **THE STREETS ARE TO BE PAINTED DURING LATE NIGHT / EARLY MORNING HOURS WHEN VEHICULAR TRAFFIC IS MINIMAL.**

Proposals for long line / center line striping for the spring of 2019 are requested in this invitation to bid. The handwork portion of this annual project (symbols, crosswalks, parking spaces, etc.) has been extended through mutual consent from the 2016-17 bid awarded to the successful vendor.

Materials and bids shall be submitted in accordance with the attached specifications and bid forms prepared by the Birmingham Police Department.

The City reserves the right to request additional information or clarification from bidders. At the discretion of the City, vendors submitting bids may be requested to provide sample materials or equipment.

**INVITATION TO BID SUMMARY  
LONG LINE PAVEMENT MARKINGS 2018-2019**

The Birmingham Police Department is accepting sealed bids from qualified vendors for **LONG LINE PAVEMENT MARKINGS 2018-2019**. The specifications are detailed on the attached sheets.

**STREETS TO BE PAINTED IN ACCORDANCE TO MMUTCD (YELLOW and WHITE LONG LINES)**

Adams Road/Woodward to Big Beaver  
Bates/Willits to Lincoln, and dead end of Bates  
Bowers/Adams to Woodward  
Bowers/East of Adams for approximately one block  
Brown Street/Southfield to Hunter  
Chester/Brown to Willits  
Chesterfield for approximately 135' south of Quarton and also for approximately 200' North of Maple  
Coolidge southbound between Derby and Maple  
Derby/East of Adams for approximately one block  
Elm Street/Haynes to Bowers  
Elm Street/south of Maple for approximately 40'  
Eton/Derby to Eton one block north of 14 Mile  
14 Mile Road/Cummings to east city limits (north lane lines only)  
Hamilton/Woodward to Hunter  
Lincoln/Arlington to Eton and Cranbrook to Hillside  
Maple/Cranbrook to Coolidge (Edenborough to Coolidge, north lane lines only)  
Merrill/Southfield to Woodward  
Oak Street/Hunter Boulevard to Woodward/Lakeside to City limits  
Oakland Boulevard/Hunter to Lawndale  
Old Woodward/North crossover to Willits/Oakland  
Old Woodward/South crossover to Brown  
Park Street/Maple to Oakland  
Pierce Street/Maple to Brown  
Shirley/from a point 300' north of Lincoln to a point 600' north of Lincoln  
Southfield/Maple to 14 Mile Road  
Willits/Woodward to Chester

**GENERAL CONDITIONS AND INSTRUCTIONS TO BIDDERS**

All information requested of the vendor shall be entered in the appropriate space on the attached form(s). Failure to do so may disqualify the bid.

All information shall be entered in ink or typewritten. Mistakes may be crossed out and corrections inserted before submission of the bid. The person signing the bid shall initial corrections in ink.

Corrections and/or modifications received after the closing time specified will not be accepted.

All bids shall be signed by an authorized officer or employee of the bidder.

Bids must be submitted by the date and at or prior to the time specified to be considered. No late bids, telegraphic bids, telephone bids, or facsimile bids will be accepted.

Submit bids in a sealed envelope marked "**LONG LINE PAVEMENT MARKINGS 2018-2019**". Also indicate the bid opening date and time on the envelope.

The City of Birmingham is exempt from State of Michigan and federal excise taxes. Do not include such taxes in the bid. The City will furnish the successful vendor with tax exemption information when requested.

All proposals shall include the following information: Vendor 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 should be directed as part of the bid.

The City of Birmingham reserves the right:

1. To award bids received on the basis of individual items, or group of items, or on the entire list of items.
2. To reject any and all bids, or any part thereof.
3. To waive any informality in the bids received.
4. To accept the bid that the City Commission shall deem to be in the best interest of City of Birmingham.

## SPECIFICATIONS AND REQUIREMENTS

The successful vendor will be required to comply with the following specifications and requirements:

### INSURANCE

The successful vendor is required to procure and maintain certain types of insurances.

The Contractor shall not commence work under this contract until the company has 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 insurance carriers acceptable to the City of Birmingham.

1. Workers' Compensation Insurance: The Contractor 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.
2. Commercial General Liability Insurance: The Contractor shall procure and maintain during the life of this contract, 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.
3. Motor Vehicle Liability: The Contractor shall procure and maintain during the life of this contract 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.
4. 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 to any coverage that may be available to the additional insured, whether any other available coverage be primary, contributing or excess.
5. 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: City of Birmingham, Police Department, attention Ellen DeView, P.O. Box 3001, 151 Martin Street, Birmingham, Michigan 48012.
6. Proof of Insurance Coverage: The Contractor shall provide the City of Birmingham at the time the contracts are returned for execution, Certificates of Insurance and/or policies, acceptable to the City of Birmingham, as listed below.
  - a. Two (2) copies of Certificate of Insurance for Workers' Compensation;

- b. Two (2) copies of Certificate of Insurance for Commercial General Liability;
  - c. Two (2) copies of Certificate of Insurance for Vehicle Liability Insurance;
  - d. If so requested, Certified Copies of all policies mentioned above will be furnished.
7. Insurance Certificate to be Submitted with Bid: The Contractor shall submit a copy of their standard insurance certificate, included with their bid, to the City of Birmingham.
8. Coverage Expiration: If any of the above coverages expire during the term of this contract, the Contractor shall deliver renewal certificates and/or policies to the City of Birmingham at least (10) days prior to the expiration date.

#### CONTINUATION OF COVERAGE

The Contractor agrees to provide all insurance coverages as specified. Upon failure of the Contractor 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 agreement amount. In obtaining such coverage, the City of Birmingham shall have no obligation to procure the most cost effective coverage and may contract with any insurer for such coverage.

#### INDEMNITY

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 contract. 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.

#### CONFLICT OF INTEREST

The City of Birmingham will not enter into a contract to furnish materials or services to the City from any City official, his or her spouse, child or parent, or from any corporation, association or partnership in which any City official, his or her spouse, child or parent, has any direct or indirect interest. 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.



#### FAILURE TO PERFORM / REMEDIAL ACTIONS

If Contractor fails to perform its obligations hereunder, the City may take any and all remedial actions provided by the specifications as determined in the bid or as otherwise permitted by law.

#### OBLIGATION TO EXECUTE 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 City until a written contract has been executed by both parties. Failure or refusal to execute the contract shall be considered as abandoned, and all rights and interest in the award and the contract may be awarded to another.

#### NON-DISCRIMINATION

The Contractor shall, when applicable, comply with the requirements of all federal, state, and local laws and ordinances and regulations relating to minimum wages, social security, unemployment compensation insurance, and Worker's Compensation, and shall not discriminate against any employee or applicant for employment because of religion, race, color, sex, marital status, age, national origin, handicap, sexual orientation or any other protected classification specified by state or federal law.

#### NON-ASSIGNABILITY

The covenants, conditions, and the Agreements herein contained are hereby declared binding on the City and Contractor. It is further agreed that there shall be no change, modification, or alteration hereof, except in writing, signed by both of the parties hereto. Neither party shall assign any of the rights under this Agreement without prior approval, in writing, of the other.

#### SETTLEMENT OF DISPUTES

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.

#### 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.

IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM

The attached Iran Sanctions Act Vendor Certification Form must be completed and included with the sealed bid.

**IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM**  
**For PAVEMENT MARKINGS 2018-2019 BID**

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Pursuant to Michigan law and the Iran Economic Sanctions Act, 2012 PA 517 ("Act"), prior to the City 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 City.

Al Leone 8-30-18  
**PREPARED BY** **DATE**  
**(Print Name)**

President 8-30-18  
**TITLE** **DATE**

Al Leone aleone@rscontracting.com  
**AUTHORIZED SIGNATURE** **E-MAIL ADDRESS**

R.S Contracting Inc.  
**COMPANY**

9276 MARINE city Hwy 586-716-1503  
**ADDRESS** **PHONE**

N/A  
**NAME OF PARENT COMPANY** **PHONE**

**ADDRESS**

38-2982026  
**TAXPAYER I.D.#**

**Date:** September 10, 2018

**To:** Joseph A. Valentine, City Manager

**From:** Jana L. Ecker, Planning Director

**Subject:** Set Public Hearing for Ordinance Language Updates for Church & Religious Institution Uses

On September 12, 2018, the Planning Board conducted a public hearing to consider amendments to Chapter 126, Zoning, of the City Code to add a definition for the term religious institutions and to remove all references to Church or Churches throughout Chapter 126, Zoning, and to replace with religious institution(s) and set a public hearing for September 12, 2018. The use of the term religious institution to replace the word church throughout the Zoning Ordinance will ensure that all religions are addressed consistently and included as permitted uses in the appropriate zone district(s). The Planning Board voted unanimously to recommend approval of these ordinance amendments to the City Commission.

The Planning Division requests that the City Commission set a public hearing date of **October 8, 2018** to consider these amendments as recommended by the Planning Board.

**SUGGESTED ACTION:**

To set a public hearing for October 8, 2018 to consider the following amendments to Chapter 126, Zoning, of the City Code to remove all references to Church or Churches and replace the terms with religious institution(s) and provide a definition for same:

1. TO AMEND ARTICLE 2, SECTION 2.03, R1A (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
2. TO AMEND ARTICLE 2, SECTION 2.05, R1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
3. TO AMEND ARTICLE 2, SECTION 2.07, R2 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
4. TO AMEND ARTICLE 2, SECTION 2.09, R3 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A

SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;

5. TO AMEND ARTICLE 2, SECTION 2.11, R4 (TWO-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
6. TO AMEND ARTICLE 2, SECTION 2.13, R5 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
7. TO AMEND ARTICLE 2, SECTION 2.15, R6 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
8. TO AMEND ARTICLE 2, SECTION 2.17, R7 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
9. TO AMEND ARTICLE 2, SECTION 2.21, O1 (OFFICE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
10. TO AMEND ARTICLE 2, SECTION 2.25, P (PARKING) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
11. TO AMEND ARTICLE 2, SECTION 2.27, B1 (NEIGHBORHOOD BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
12. TO AMEND ARTICLE 2, SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
13. TO AMEND ARTICLE 2, SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
14. TO AMEND ARTICLE 2, SECTION 2.33, B2C (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
15. TO AMEND ARTICLE 2, SECTION 2.37, B4 (BUSINESS-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
16. TO AMEND ARTICLE 2, SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;

17. TO AMEND ARTICLE 2, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
18. TO AMEND ARTICLE 2, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
19. TO AMEND ARTICLE 3, SECTION 3.07 – PERMITTED USES AND SPECIAL USES, TO REMOVE CHURCH IN THE LAND USE MATRIX;
20. TO AMEND ARTICLE 4, SECTION 4.45 (G)(5)(a)(ii) and (iii) – PK-01 GENERAL PARKING STANDARDS – TO AMEND THE METHODS OF PROVIDING PARKING FACILITIES, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
21. TO AMEND ARTICLE 4, TO AMEND TABLE A – REQUIRED OFF-STREET PARKING SPACES, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
22. TO AMEND ARTICLE 4, SECTION 4.66 (A)(1)(STORAGE AND DISPLAY STANDARDS), TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
23. TO AMEND ARTICLE 4, SECTION 4.84 TU-01 (A)(2)(TEMPORARY USE STANDARDS), TO REPLACE CHURCH OR OTHER RELIGIOUS FACILITY WITH RELIGIOUS INSTITUTION;
24. TO AMEND ARTICLE 4, SECTION 4.86 TU-03 (A)(1)(TEMPORARY USE STANDARDS), TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
25. TO AMEND ARTICLE 7, SECTION 7.21 (A)(1) – REQUIREMENTS, TO REPLACE CHURCHES WITH RELIGIOUS INSTITUTIONS;
26. TO AMEND ARTICLE 9, SECTION 9.02 – DEFINITIONS, TO ADD A DEFINITION OF RELIGIOUS INSTITUTION;
27. TO AMEND APPENDIX A, LAND USE MATRIX, TO MERGE CHURCH AND CHURCH AND RELIGIOUS INSTITUTION ROWS INTO ONE ROW UNDER RELIGIOUS INSTITUTION; AND
28. TO AMEND APPENDIX B, INDEX, TO ELIMINATE INDEXED PAGES WHERE CHURCH NO LONGER EXISTS, ADD RELIGIOUS INSTITUTION AND CORRESPONDING PAGE NUMBERS.



## MEMORANDUM

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Planning Division

**Date:** September 6, 2018

**To:** Planning Board

**From:** Jana L. Ecker, Planning Director

**Subject:** Public Hearing for Ordinance Language Updates for Church & Religious Institution Uses

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The City of Birmingham has allowed churches and religious institutions across the city for many years. Churches are permitted in the B1, B2, B2B, B2C, and B4 zones, while also being permitted under a Special Land Use Permit in the R1A, R1, R2, R3, R4, R5, R6, R7, O1, P, MX, TZ2 and TZ3 zones. Religious institutions are only permitted under a Special Land Use Permit in the MX, TZ2 and TZ3 zones. As it stands, the City of Birmingham Zoning Ordinance does not define churches or religious institutions.

Some recent examples of church or religious institution activity in the City have to do with the Holy Name Church (630 Harmon), Grace Baptist Church (280 E. Lincoln), First Presbyterian (1669 W. Maple), and a home at 1578 Lakeside where a synagogue was proposed but never came to fruition. Many of the amendments to the Special Land Use Permits of these churches/religious institutions were for signage, but also for the purchase of other property for the development of other church related buildings or parking lots. Thus far, the City has considered "church" to be an overarching categorical term in the decision making process.

However, Black's Law Dictionary defines a church as follows:

In its most general sense, the religious society founded and established by Jesus Christ, to receive, preserve, and propagate his doctrines and ordinances. A body or community of Christians united under one form of government by the profession of the same faith, and the observance of the same ritual and ceremonies. The term may denote either a society of persons who, professing Christianity, hold certain doctrines or observances which differentiate them from other like groups, and who use a common discipline, or the building in which such persons habitually assemble for public worship.

Oxford dictionary defines a church as a building used for public Christian worship, and Webster's dictionary defines church as a building for public and especially Christian worship. Thus, use of the word church in the City Code implies the inclusion of only Christian religions, and potentially excludes all other religions or belief systems.

Thus, it may be more inclusive to use the term religious institution to replace the word church throughout the Zoning Ordinance to ensure that all religions are included as permitted uses.

There is no common definition for a religious institution, but an *institution* is defined as an organization founded for a religious, educational, professional, or social purpose, or, a significant practice, relationship, or organization in a society or culture by the Oxford and Webster's dictionaries, respectively.

The Planning Division recommends that the word "church" be replaced with "religious institution" in all instances across the Zoning Ordinance. This would make religious institutions permitted in the B1, B2, B2B, B2C, and B4 zones, while also being permitted under a Special Land Use Permit in the R1A, R1, R2, R3, R4, R5, R6, R7, O1, P, MX, TZ2 and TZ3 zones.

Religious institution should also be added as a defined term in Article 9, section 9.02. A suggested definition:

**Religious Institution:** A building housing worship by an organization founded on an established religion, such as a church, synagogue, mosque, temple, or other house of worship.

The use of the term religious institution as defined above to replace the word church throughout the Zoning Ordinance will ensure that all religions are addressed consistently and included as permitted uses in the appropriate zone district(s).

On August 8, 2018, the Planning Board discussed the proposed amendments to Chapter 126, Zoning, of the City Code to add a definition for the term religious institutions and to remove all references to Church or Churches throughout Chapter 126, Zoning, and to replace with religious institution(s) and set a public hearing for September 12, 2018.

**Suggested Action:**

To recommend approval to the City Commission of the following amendments to Chapter 126, Zoning, of the City Code to remove all references to Church or Churches and replace the terms with religious institution(s) and provide a definition for same:

29. TO AMEND ARTICLE 2, SECTION 2.03, R1A (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
30. TO AMEND ARTICLE 2, SECTION 2.05, R1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
31. TO AMEND ARTICLE 2, SECTION 2.07, R2 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;



32. TO AMEND ARTICLE 2, SECTION 2.09, R3 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
33. TO AMEND ARTICLE 2, SECTION 2.11, R4 (TWO-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
34. TO AMEND ARTICLE 2, SECTION 2.13, R5 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
35. TO AMEND ARTICLE 2, SECTION 2.15, R6 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
36. TO AMEND ARTICLE 2, SECTION 2.17, R7 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
37. TO AMEND ARTICLE 2, SECTION 2.21, O1 (OFFICE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
38. TO AMEND ARTICLE 2, SECTION 2.25, P (PARKING) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
39. TO AMEND ARTICLE 2, SECTION 2.27, B1 (NEIGHBORHOOD BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
40. TO AMEND ARTICLE 2, SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
41. TO AMEND ARTICLE 2, SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
42. TO AMEND ARTICLE 2, SECTION 2.33, B2C (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
43. TO AMEND ARTICLE 2, SECTION 2.37, B4 (BUSINESS-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;

44. TO AMEND ARTICLE 2, SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
45. TO AMEND ARTICLE 2, SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
46. TO AMEND ARTICLE 2, SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION;
47. TO AMEND ARTICLE 3, SECTION 3.07 – PERMITTED USES AND SPECIAL USES, TO REMOVE CHURCH IN THE LAND USE MATRIX;
48. TO AMEND ARTICLE 4, SECTION 4.45 (G)(5)(a)(ii) and (iii) – PK-01 GENERAL PARKING STANDARDS – TO AMEND THE METHODS OF PROVIDING PARKING FACILITIES, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
49. TO AMEND ARTICLE 4, TO AMEND TABLE A – REQUIRED OFF-STREET PARKING SPACES, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
50. TO AMEND ARTICLE 4, SECTION 4.66 (A)(1)(STORAGE AND DISPLAY STANDARDS), TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
51. TO AMEND ARTICLE 4, SECTION 4.84 TU-01 (A)(2)(TEMPORARY USE STANDARDS), TO REPLACE CHURCH OR OTHER RELIGIOUS FACILITY WITH RELIGIOUS INSTITUTION;
52. TO AMEND ARTICLE 4, SECTION 4.86 TU-03 (A)(1)(TEMPORARY USE STANDARDS), TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION;
53. TO AMEND ARTICLE 7, SECTION 7.21 (A)(1) – REQUIREMENTS, TO REPLACE CHURCHES WITH RELIGIOUS INSTITUTIONS;
54. TO AMEND ARTICLE 9, SECTION 9.02 – DEFINITIONS, TO ADD A DEFINITION OF RELIGIOUS INSTITUTION;
55. TO AMEND APPENDIX A, LAND USE MATRIX, TO MERGE CHURCH AND CHURCH AND RELIGIOUS INSTITUTION ROWS INTO ONE ROW UNDER RELIGIOUS INSTITUTION; AND
56. TO AMEND APPENDIX B, INDEX, TO ELIMINATE INDEXED PAGES WHERE CHURCH NO LONGER EXISTS, ADD RELIGIOUS INSTITUTION AND CORRESPONDING PAGE NUMBERS.

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.03, R1A (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.03 R1A (Single-Family Residential) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- ~~Church~~
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Medical rehabilitation facility
- Parking (accessory) – public, off-street
- Philanthropic use
- Public utility building
- Publicly owned building
- **Religious institution**
- School – private
- Skilled nursing facility

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.05, R1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.05 R1 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- ~~Church~~
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Medical rehabilitation facility
- Parking (accessory) – public, off-street
- Philanthropic use
- Public utility building
- Publicly owned building
- **Religious institution**
- School – private
- Skilled nursing facility

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.07, R2 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.07 R2 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- ~~Church~~
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Medical rehabilitation facility
- Parking (accessory) – public, off-street
- Philanthropic use
- Public utility building
- Publicly owned building
- **Religious institution**
- School – private
- Skilled nursing facility

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.09, R3 (SINGLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.09 R3 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- ~~Church~~
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Medical rehabilitation facility
- Parking (accessory) – public, off-street
- Philanthropic use
- Public utility building
- Publicly owned building
- **Religious institution**
- School – private
- Skilled nursing facility

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.11, R4 (TWO-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.11 R4 (Two-Family Residential) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- ~~Church~~
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Parking (accessory) – public, off-street
- Public utility building
- Publicly owned building
- **Religious institution**
- School – private
- Skilled nursing facility

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.13, R5 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.13 R5 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- ~~Church~~
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Parking (accessory) – public, off-street
- Public utility building
- Publicly owned building
- **Religious institution**
- School – private
- Skilled nursing facility

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk



**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.15, R6 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.15 R6 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- ~~Church~~
- Community center
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Public utility building
- Publicly owned building
- Recreational club
- **Religious institution**
- School – private
- Skilled nursing facility
- Social club

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.17, R7 (MULTIPLE-FAMILY RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.17 R7 (Multiple-Family Residential) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- ~~Church~~
- Community center
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Parking – off-street
- Public utility building
- Publicly owned building
- Recreational club
- **Religious institution**
- School – private
- Skilled nursing facility
- Social club
- Special-purpose housing\*

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.21, 01 (OFFICE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.21 01 (Office) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- Bistro (only permitted in the Triangle District)\*
- ~~Church~~
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- **Religious institution**
- Skilled nursing facility

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.25, P (PARKING) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.25 P (Parking) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Assisted living
- Bistro (only permitted in the Triangle District)\*
- ~~Church~~
- Community center
- Continued care retirement community
- Independent hospice facility
- Independent senior living
- Parking – off-street
- Publicly owned building
- Public utility building
- Recreational club
- **Religious institution**
- School - private
- Skilled nursing facility
- Social club

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.27, B1 (NEIGHBORHOOD BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.27 B1 (Neighborhood Business) District Intent, Permitted Uses, and Special Uses**

INSTITUTIONAL PERMITTED USES

- — Church
- Community center
- Government office
- Government use
- **Religious institution**
- School – private
- School – public
- Social club

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.29, B2 (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.29 B2 (General Business) District Intent, Permitted Uses, and Special Uses**

INSTITUTIONAL PERMITTED USES

- ~~Church~~
- Community center
- Garage - public
- Government office
- Government use
- Loading facility – off-street
- Parking facility – off-street
- **Religious institution**
- School – private
- School – public
- Social club

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.31, B2B (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.31 B2B (General Business) District Intent, Permitted Uses, and Special Uses**

INSTITUTIONAL PERMITTED USES

- — Church
- Community center
- Garage – public
- Government office
- Government use
- Loading facility – off-street
- Parking facility – off-street
- **Religious institution**
- School – private
- School – public
- Social club

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.33, B2C (GENERAL BUSINESS) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.33 B2C (General Business) District Intent, Permitted Uses, and Special Uses**

INSTITUTIONAL PERMITTED USES

- — Church
- Community center
- Garage – public
- Government office
- Government use
- Loading facility – off-street
- Parking facility – off-street
- **Religious institution**
- School – private
- School – public
- Social club

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk



**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.37, B4 (BUSINESS-RESIDENTIAL) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE PERMITTED USES, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.37 B4 (Business-Residential) District Intent, Permitted Uses, and Special Uses**

INSTITUTIONAL PERMITTED USES

- — Church
- Community center
- Garage – public
- Government office
- Government use
- Loading facility – off-street
- Parking facility – off-street
- **Religious institution**
- School – private
- School – public
- Social club

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.39, MX (MIXED USE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.39 MX (Mixed Use) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- ~~Church~~
- Community center
- Garage – public
- Government office
- Government use
- Loading facility – off-street
- Parking facility – off-street
- **Religious institution**
- School – private
- School – public
- Social club

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

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**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.43, TZ2 (TRANSITION ZONE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.43 TZ2 (Transition Zone) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
- Assisted living
- Bakery
- Bank/credit union with drive-thru
- ~~church and religious institution~~
- Coffee shop
- Delicatessen
- Dry cleaner
- Essential services
- Food and drink establishment
- Government office/use
- Grocery store
- Independent hospice facility
- Independent senior living
- Parking structure
- **Religious institution**
- School – private and public
- Skilled nursing facility
- Specialty food shop

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 2.45, TZ3 (TRANSITION ZONE) DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES, TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT, TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION**

**Section 2.45 TZ3 (Transition Zone) District Intent, Permitted Uses, and Special Uses**

USES REQUIRING A SPECIAL LAND USE PERMIT

- Any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
- Assisted living
- Bakery
- Bank/credit union with drive-thru
- ~~church and religious institution~~
- Coffee shop
- Delicatessen
- Dry cleaning
- Essential services
- Food and drink establishment
- Government office/use
- Grocery store
- Independent hospice facility
- Independent senior living
- Parking structure
- **Religious institution**
- School – private and public
- Skilled nursing facility
- Specialty food shop

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

\_\_\_\_\_  
Andrew Harris, Mayor

\_\_\_\_\_  
Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND SECTION 3.07, PERMITTED USES AND SPECIAL USES, TO AMEND TABLE 3.07 - TRIANGLE OVERLAY DISTRICT LAND USE MATRIX, TO REMOVE CHURCH IN THE LAND USE MATRIX**

**Section 3.07, Permitted Uses and Special Uses, Table 3.07 – Triangle Overlay District Land Use Matrix**

Land Use	Zones on Regulating Plan			
Institutional	ASF3	MU3	MU5	MU7
Church	S	S	S	S
College	-	P	P	P
Government office	P	P	P	P
Government use	P	P	P	P
Essential services	P	P	P	P
Parking – off-street	A	A	A	A
Parking structure	A	S	P	P
Religious institution	S	S	S	S
School – private	P	P	P	P
School – public	P	P	P	P
Social club	-	S	P	P

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

ORDINANCE NO. \_\_\_\_\_

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 4, SECTION 4.45 – PK-01 GENERAL PARKING STANDARDS, SECTION G(5)(a)(ii) and (iii) TO AMEND THE METHODS OF PROVIDING PARKING FACILITIES, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION**

**Section 4.45 – PK-01 General Parking Standards**

G. METHODS OF PROVIDING PARKING FACILITIES

5.(a)

- i. The maximum allowable floor area ratio (FAR) in the parking assessment districts shall not exceed 100%, except that the maximum usable floor area may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum 100% FAR.
- ii. ~~Churches~~ **Religious institutions** in the parking assessment district are exempt from this maximum FAR provision.
- iii. In the case of ~~churches~~ **religious institutions** and buildings occupied by nonprofit organizations providing services to the general public, by securing permission to use the parking facilities of other buildings within 500 feet of the ~~church~~ **religious institution** or community center building when such other building is not normally open, in use, or in operation during the principal hours of use of such ~~church~~ **religious institution** or community center building. Permission to use such other parking facilities shall be evidenced in writing for a period of not less than 1 year. In the case of nonprofit organizations, the parking to be shared must be in a parking or commercial district

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 4, SECTION 4.46, TO AMEND TABLE A – REQUIRED OFF-STREET PARKING SPACES, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION**

**Section 4.46 – PK-02 Off-Street Parking Spaces Required, Table A – Required Off-Street Parking Spaces**

Land Use	Number of Off-Street Parking Spaces Required
<b>Public Assembly Uses</b>	
Church <del>Religious institution</del> , school and other place of public assembly with fixed seats	1 space for each 6 seats
Church <del>Religious Institution</del> , school and other place of public assembly without fixed seats	1 space for each six person of capacity as determined by the Fire Marshal
Theater	1 space for each 3 seats

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

\_\_\_\_\_

Andrew Harris, Mayor

\_\_\_\_\_

Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 4, SECTION 4.66, SD-01, STORAGE AND DISPLAY STANDARDS, TO REPLACE CHURCHES WITH RELIGIOUS INSTITUTIONS**

**Section 4.66, SD-01, Storage and Display Standards**

A. SALE OF CHRISTMAS TREES

1. Other provisions of this ordinance notwithstanding, Christmas trees may be stored, displayed and sold without the use of a building or other structure by ~~churches~~ **religious institutions**, schools or other nonprofit, organizations on property owned by such institution or organization.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk



**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 4, SECTION 4.84, TU-01 - TEMPORARY USE STANDARDS, TO REPLACE CHURCH OR OTHER RELIGIOUS FACILITY WITH RELIGIOUS INSTITUTION**

**Section 4.84, TU-01**

A. PERMITTED TEMPORARY USES: Subject to the specific regulations that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary uses are permitted:

1. Temporary office buildings: Such buildings are allowed for the purpose of conducting business for a permitted use in association with a development project under building permit or granted preliminary Site Plan Approval subject to conformance with Chapter 22 of the Birmingham City Code.
2. Ecclesiastical Homeless Shelter Programs: Such use is permitted when it is a temporary accessory use to a ~~church or other religious facility~~ **religious institution** with the following requirements:
  - a. Such a use shall be wholly accommodated inside a ~~church or other religious facility~~ **religious institution**.
  - b. Such a use shall be permitted for a period not to exceed 7 consecutive days upon inspection by the Fire Marshal and Building Official.
  - c. No more than 1 such event is permitted from the same facility in any 12-month period.
  - d. No more than 30 overnight guests may be accommodated on any 1 night within the approved weeklong program.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 4, SECTION 4.86, TU-03 - TEMPORARY USE STANDARDS, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION**

**Section 4.86, TU-03**

- A. PERMITTED TEMPORARY USES: Subject to the specific regulations that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary use is permitted:
1. Seasonal plant sales: Any ~~church~~ **religious institution**, school or other nonprofit organization may conduct seasonal plant sales on property owned by such institution or organization.
    - a. Such sales shall be limited to a period not to exceed 30 days.
    - b. Plant displays need not comply with the setback requirements of the Zoning Ordinance. The displays shall meet the requirements of Section 4.87.
    - c. All refuse or debris resulting from such sales shall be wholly contained on the premises and removed from the premises after the end of the sale.
    - d. Christmas tree sales require a license as defined in Section 26-88 of the Birmingham City Code.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 7, SECTION 7.21 – REQUIREMENTS, TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION**

**Section 7.21, Requirements**

- A. The City Commission shall approve a request for a regulated use if it determines that all of the following standards are met:
1. The use will be compatible with adjacent uses of land, considering the proximity of dwellings, ~~churches~~ **religious institutions**, schools, public structures, and other places of public gatherings.
  2. The use will not adversely impact the capabilities of public services and facilities including sewers, water, schools, transportation, and the ability of the City to supply such services.
  3. The use will not adversely impact any cultural or historic landmarks.
  4. The use is in compliance with all other requirements of this Zoning Ordinance.
  5. The use is in compliance with federal, state, and local laws and regulations.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 9, SECTION 9.02 – DEFINITIONS, TO ADD A DEFINITION OF RELIGIOUS INSTITUTION**

**Section 9.02, Definitions**

**Religious Institution: A building housing an organization founded on an established religion, such as a church, synagogue, mosque, temple, or other house of worship.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND APPENDIX A, LAND USE MATRIX, TO MERGE CHURCH AND CHURCH AND RELIGIOUS INSTITUTION ROWS INTO ONE ROW UNDER RELIGIOUS INSTITUTION**

	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX	TZ1	TZ2	TZ3
<b>Institutional</b>																							
Auditorium	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bus/trail passenger station and waiting area	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	P	-	P	-	-	-
Cemetery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Church	-	S	S	S	S	S	S	S	S	-	S	-	S	P	P	P	P	-	P	S	-	S	S
Church and religious institution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
College	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Community center	-	-	-	-	-	-	-	S	S	-	-	-	S	P	P	P	P	-	P	-	-	-	-
.....																							
<b>Religious institution</b>	-	S	S	S	S	S	S	S	S	-	S	-	S	P	P	P	P	-	P	S	-	S	S

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

\_\_\_\_\_  
Andrew Harris, Mayor

\_\_\_\_\_  
Cherilynn Mynsberge, Clerk

**ORDINANCE NO. \_\_\_\_\_**

**THE CITY OF BIRMINGHAM ORDAINS:**

AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND APPENDIX B, INDEX, TO ELIMINATE INDEXED PAGES WHERE CHURCH NO LONGER EXISTS, ADD RELIGIOUS INSTITUTION AND CORRESPONDING PAGE NUMBERS**

**Appendix B, Index**

**C:**

Church: ~~2-4; 2-6; 2-8; 2-10; 2-12; 2-14; 2-16; 2-18; 2-22; 2-26; 2-28; 2-30; 2-32; 2-34; 2-38; 2-40; 3-10; 4-12; 4-32; 4-35; 4-42; 4-50; 4-51; 7-10; A-4.~~

**R:**

**Religious institution: 2-4; 2-6; 2-8; 2-10; 2-12; 2-14; 2-16; 2-18; 2-22; 2-26; 2-28; 2-30; 2-32; 2-34; 2-38; 2-40; 3-10; 4-32; 4-35; 4-42; 4-50; 4-51; 7-10; A-4.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

\_\_\_\_\_

Andrew Harris, Mayor

\_\_\_\_\_

Cherilynn Mynsberge, Clerk

**Planning Board Minutes**  
**August 8, 2018**

**2. Church/Religious Institutions**

Ms. Ecker advised that the City of Birmingham has allowed churches and religious institutions across the City for many years. Thus far, the City has considered "church" to be an overarching categorical term in the decision making process. However, use of the word "church" implies the inclusion of only Christian religions, and potentially excludes all other religions or belief systems based on standard dictionary definitions. Neither church nor religious institution is defined in the Zoning Ordinance.

Thus, it may be more inclusive to use the term "religious institution" to replace the word "church" throughout the Zoning Ordinance to ensure that all religions are included as permitted uses.

There is no common definition for a religious institution, but an institution is defined as an organization founded for a religious, educational, professional, or social purpose, or, a significant practice, relationship, or organization in a society or culture by the Oxford and Webster's dictionaries, respectively.

The Planning Division recommends that the word "church" be replaced with "religious institution" in all instances across the Zoning Ordinance. This would make religious institutions permitted in the B-1, B-2, B-2B, B-2C, and B-4 zones, while also being permitted under a Special Land Use Permit in the R-1A, R-1, R-2, R3, R-4, R-5, R-6, R-7, O1, P, MX, TZ-2 and TZ-3 zones. Religious institution should also be added as a defined term in Article 9, section 9.02. A suggested definition:

Religious Institution: A building housing an organization founded on an established religion, such as a church, synagogue, mosque, temple, or other house of worship.

The use of the term "religious institution" as defined above to replace the word "church" throughout the Zoning Ordinance will ensure that all religions are addressed consistently and included as permitted uses in the appropriate zone district(s).

Mr. Williams thought this seems quite simple; all they need to do is expand the definition of "church." It was agreed to change the Religious Institution definition to read "A building housing worship by an organization . . . "

**Motion by Mr. Williams**

**Seconded by Mr. Boyle that the Planning Board schedule a public hearing for September 12, 2018 utilizing the revised definition and the 28 amendments to Chapter 126, Zoning of the City Code that are set forth in the materials.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Williams, Boyle, Clein, Emerine, Jeffares, Koseck, Ramine

Nays: None

Absent: Share, Whipple-Boyce



**DATE:** September 12, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren A. Wood, Director of Public Services

**SUBJECT:** 345 Hawthorne Landscape Plan Proposal

The owner of 345 Hawthorne is currently undergoing renovations to his property including landscape improvements. Mr. Patrick Funke, Senior Associate, PLA for Michael J. Dul & Associates Landscape Architecture on behalf of Anthony Cupisz, owner of 345 Hawthorne, submitted a proposed landscape plan at the September 11, 2018 Parks and Recreation Board meeting for enhancements to park property directly adjacent to their property in addition to the landscape improvements at 345 Hawthorne, which is attached for your review.

Location of proposed work is highlighted in red below.



The proposed demolition and landscape plans, see the attached, includes the removal of dead and dying trees and invasive species such as buckthorn on City Park property in the wooded area and the planting of 13 new Canadian Hemlock trees on park property along the south property line of 345 Hawthorne. The Canadian Hemlock trees will be under warranty for one year and will receive irrigation from Mr. Cupisz's system. The City will not be responsible for replacement of any material.

The applicant shared the proposed landscape plan with Mr. and Mrs. J. Claibourne Kelly, property owners of 390 Hawthorne, immediately across the street, and they are in support of the plan.

A tree and shrub permit obtained through the Department of Public Services will be required for this work. The City Attorney has advised us to include as item #6, The owner/applicant waives any claim to ownership of the city property under any theory of law, to address any concerns of adverse possession. The tree permit is attached for your review.

At the September 11, 2018 Parks and Recreation Board meeting, it was moved by Bill Wiebrecht, seconded by Heather Carmona, to approve the final landscape plan dated 9/4/2018 next to 345 Hawthorne, on park property which is part of the City trail system in Linden Park, including the removal of invasive buckthorn, dead trees, and planting of new Canadian Hemlock trees. Further, to submit to the City Commission for their consideration and approval of the same.

**SUGGESTED RESOLUTION:**

To approve the landscape plan next to 345 Hawthorne, on park property which is part of the City trail system in Linden Park, including the removal of invasive buckthorn, dead trees, and planting of thirteen new Canadian Hemlock trees. All costs to be borne by the applicant, Mr. Anthony Cupisz. Further, to authorize the Department of Public Services to issue a Tree and Shrub Permit in accordance with the Tree Preservation Ordinance for such work on public property.

PROJECT

**SHEET TITLE**

$$1'' = 10'-0''$$

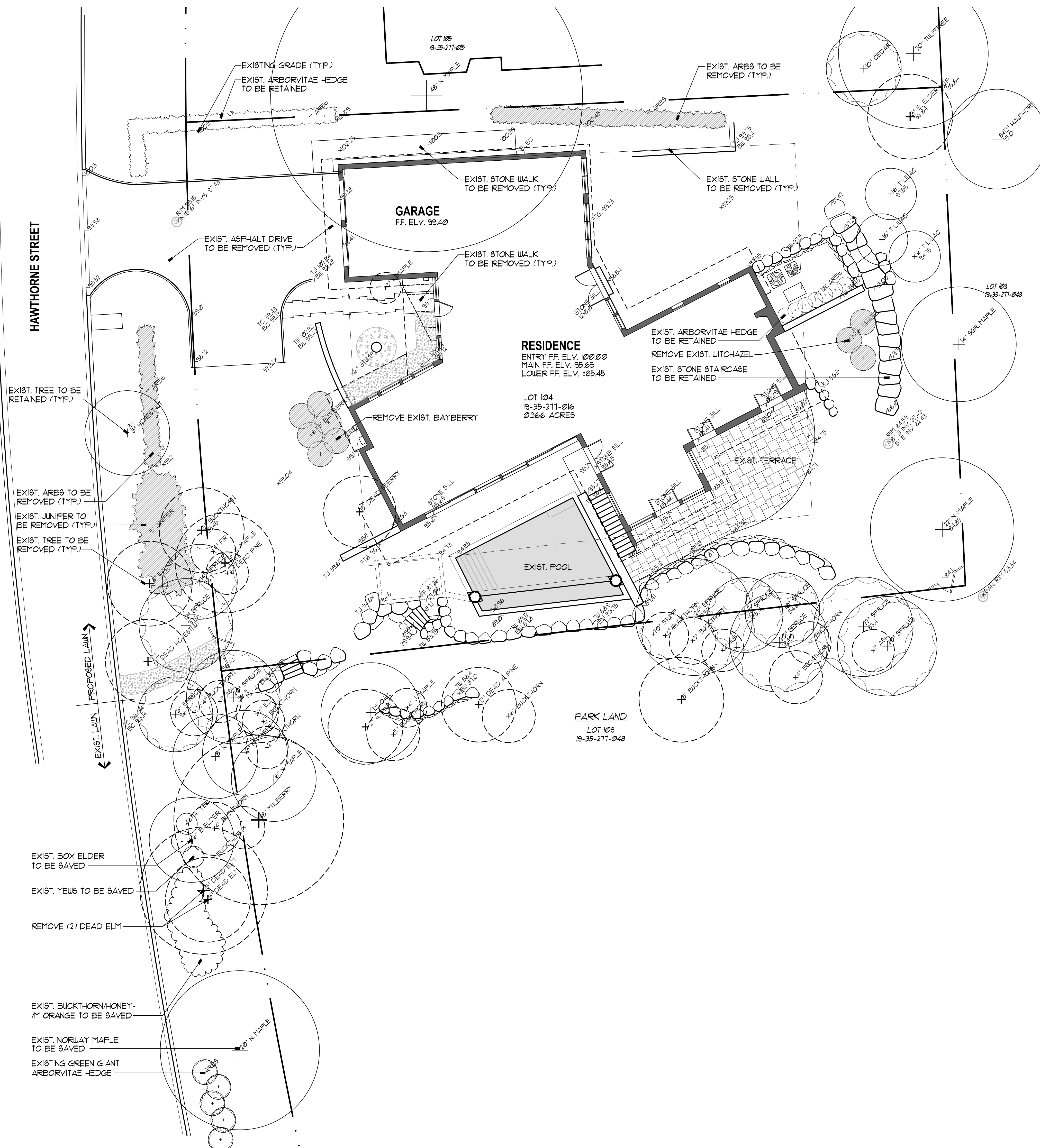
SCALE

PROJECT NUMBER: 17154  
DRAWN: P. Funke  
CHECKED: M. Dul  
DATE: July 23, 2018  
REVISIONS: August 28, 2018



Know what's below.  
**Call** before you dig

## L1







Mr. Anthony  
Cupisz Residence  
345 Hawthorne Street  
Birmingham, Michigan 48009

PROJECT

PRELIMINARY

Landscape Development  
SITE PLAN

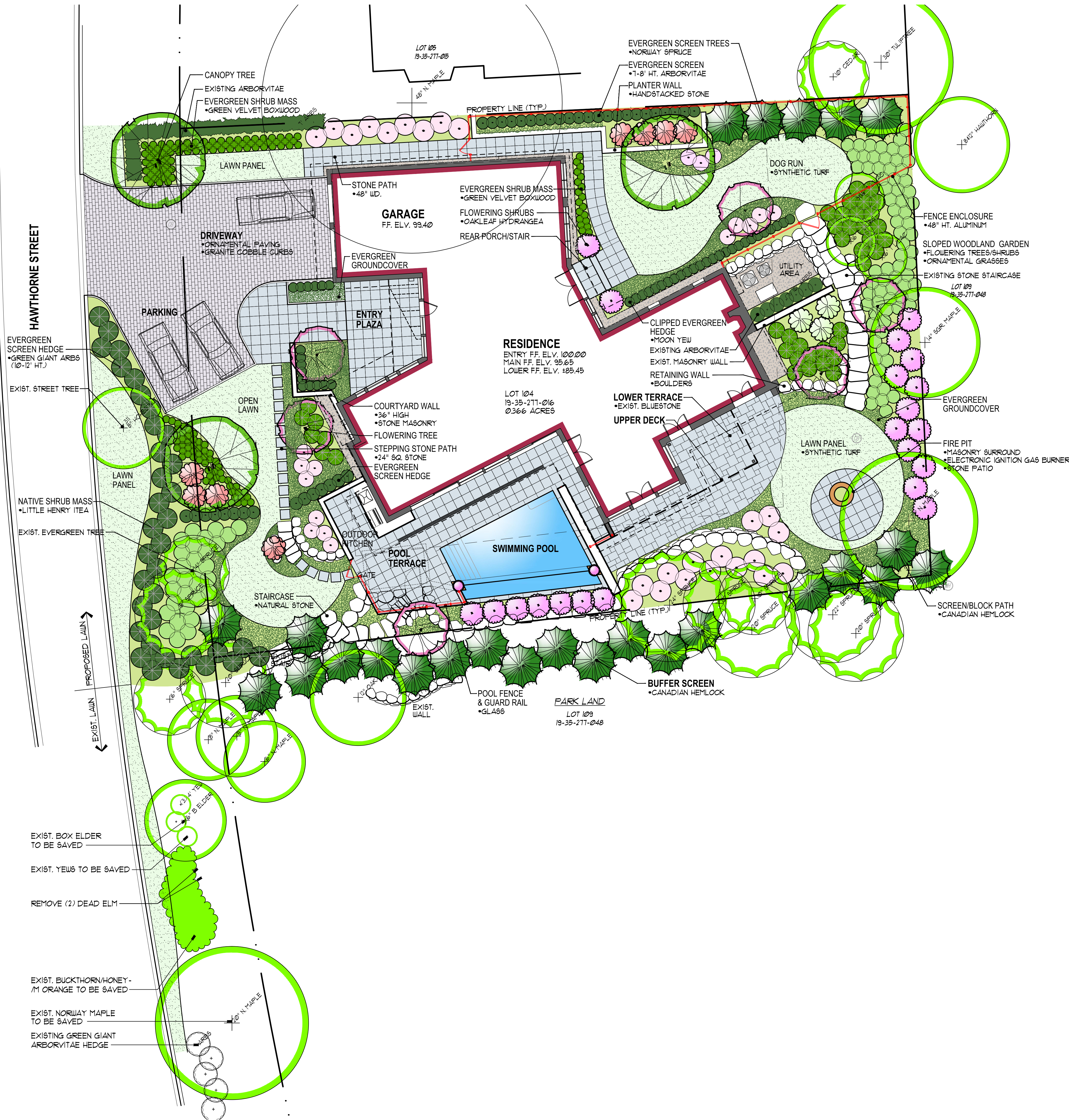
SHEET TITLE

1/8"=1'-0"

SCALE



PROJECT NUMBER: 17154  
DRAWN: P. Funke  
CHECKED: M. Dul  
DATE: July 23, 2018  
REVISIONS: August 28, 2018







**DEPARTMENT OF PUBLIC SERVICES**

**851 S. Eton St.**

**(248) 530-1700**

**TREE AND SHRUB PERMIT**

Job Location \_\_\_\_\_ Date \_\_\_\_\_

Permission is hereby granted to \_\_\_\_\_

Owner of the above-mentioned property, to perform the work as indicated below on trees or shrubs located within the street right-of-way adjacent to above property. Name and address of applicant is as follows:

Name \_\_\_\_\_

Phone \_\_\_\_\_

***REPLACEMENT TREES ARE TO BE AT LEAST 3"-3½" CALIPER, B&B, NURSERY STOCK GRADE 1 OR BETTER.***

This permit is being issued with the understanding that the work above mentioned would be done in accordance with accepted arboricultural practices and under the following conditions:

1. Any violation of the permit specifications is subject to penalties provided in the Birmingham City Code Chapter 118, Section 118-28.
2. The City of Birmingham is under no contractual obligation and assumes no liability for damages incurred as a result of granting this permit.
3. The owner and/or applicant agree to do the work as stated above and to accept complete financial responsibility for any damages resulting therefrom.
4. Owner agrees that if work is improperly accomplished, the city shall have the right to make the necessary corrections and bill said owner of adjacent property for this work.
5. If permit is not signed by the owner of the adjacent property, the applicant agrees to accept all liability for work done and further states that said work is being done with the expressed permission and approval of the owner.
6. The owner/applicant waives any claim to ownership of the city property under any theory of law.

Permit issued this \_\_\_\_\_ day of \_\_\_\_\_ 2018

By \_\_\_\_\_ Department of Public Services  
City Arborist

This permit is not transferable and expires on \_\_\_\_\_

\_\_\_\_\_  
(signature of applicant)

\_\_\_\_\_  
(signature of owner)



## MEMORANDUM

City Clerk's Office

**DATE:** September 7, 2018  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** J. Cherilynn Mynsberge, City Clerk  
**SUBJECT:** Greenwood Cemetery Payment Plan Policy

On June 25, 2018 the City Commission considered the Greenwood Cemetery Advisory Board's (GCAB) recommendation for adoption of a Payment Plan Policy for the purchase of cemetery plots. The Commission requested the GCAB refine the language for clarity, particularly the sections regarding the use of an end plot and allocation of installment payments.

The GCAB discussed revisions to the proposed policy at their meeting on July 6, 2018. Cheri Arcome, representing the Cemetery's management services contractor, Elmwood Historic Cemetery (Contractor), reported that among the remaining available plots at Greenwood not more than two are contiguous. Subsequently, references to using an end plot have been removed from the proposed policy. Addressing the confusion in the fourth paragraph concerning allocation of installment payments, the third and fourth paragraphs have been combined and substantially rewritten.

The GCAB believes a written policy should be adopted by the City of Birmingham to regulate payment plans for purchase of cemetery plots because Cemetery Regulations are silent on the issue, and payment plans are an option currently offered by the Contractor.

City Attorney Currier 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."

#### ATTACHMENTS:

1. Proposed Payment Plan Policy as approved by the GCAB on September 7, 2018.
2. Agenda material for September 7, 2018 GCAB meeting.
3. Excerpted minutes and agenda material for June 25, 2018 City Commission meeting.
4. Current Operational Procedures, Conditions & Regulations for Greenwood Cemetery.

#### SUGGESTED RESOLUTION:

To accept the recommendation of the Greenwood Cemetery Advisory Board as submitted and approve the amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. LOT SALES - PAYMENT PLAN POLICY. Further, to renumber the subsequent three paragraphs accordingly:

- X. LOT RESALE POLICY
- XI. SCHEDULE OF FEES AND CHARGES
- XII. REVISIONS

Attachment 1. Proposed Payment Plan Policy as approved by GCAB on September 7, 2018.

**IX. LOT SALES - PAYMENT PLAN POLICY**

A Payment Agreement may be entered into to allow for the purchase price of a plot(s) to be paid over a period of time.

Payment Agreements require a minimum of twenty percent (20%) payment of the total purchase price at signing of the Payment Agreement; the remaining balance shall be spread into equal monthly payments for a period not to exceed twenty-four (24) months. If multiple plots are included in the Payment Agreement, each monthly payment shall be equally allocated to each plot; further, once allocated to one plot, the funds are not transferable to a different plot. 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 of that particular plot has been paid. In the event interment is desired for a plot under a Purchase Agreement, the plot to be used must be fully paid before interment can take place; this will require an accelerated payment to fully pay off the plot in question. If multiple plots are included in the Payment Agreement, the remaining plots shall continue on the installment payment schedule until all plots are paid in full or the agreement is otherwise terminated.

For purchase agreements initiated on or after October 1, 2018, failure to pay the entire Purchase Agreement amount as scheduled on or before the final payment due date will result in immediate forfeiture of the unpaid plot(s) and all funds paid to date.

For plots under the Payment Plan for which funds have not been previously paid to the Greenwood Cemetery Perpetual Care Fund, 75% of payments received to date shall be remitted to the Greenwood Cemetery Perpetual Care Fund by December 31, 2018. Thereafter 75% of each payment made shall be remitted to the Greenwood Cemetery Perpetual Care Fund at the end of each calendar quarter.



## **MEMORANDUM**

**City Clerk's Office**

**DATE:** September 5, 2018  
**TO:** Greenwood Cemetery Advisory Board  
**FROM:** J. Cherilynn Mynsberge, City Clerk  
**SUBJECT:** Proposed Payment Plan Policy for Cemetery Plots

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Based on the City Commission's discussion on June 25, 2018 and the subsequent discussion by the GCAB on July 6, 2018, City Attorney Currier has clarified the fourth paragraph of the proposed payment plan policy. References to use of an end plot first have been deleted as a result of the Contractor's report that among the remaining available plots at Greenwood not more than two plots are contiguous.

If the GCAB approves this revised version, it will be presented to the City Commission at their September 17, 2018 meeting.

**ATTACHMENTS:**

Revised version – redlined  
Revised version - clean

**SUGGESTED RESOLUTION:**

To recommend to the City Commission approval of the Payment Plan Policy as approved by the Greenwood Cemetery Advisory Board on September 7, 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 the Purchase Agreement, the monthly payment in question should be equally allocated to each plot. In the event interment is needed, the plot must be fully paid before interment can take place. This will require an additional payment to fully payoff the plot in question. The remaining plots shall continue on the installment payment contract until all plots are paid in full or the agreement is otherwise terminated. Neither the cemetery, nor the plot owners shall transfer any funds, or credit any prior payments to other plots for this purpose.

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~~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~~

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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.

## **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 payment in question should be equally allocated to each plot. In the event interment is needed, the plot to be used must be fully paid before interment can take place. This will require an additional payment to fully payoff the plot in question. The remaining plots shall continue on the installment payment contract until all plots are paid in full or the agreement is otherwise terminated. 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.

**Attachment 3. Excerpt of June 25, 2018 City Commission meeting minutes.**

***EXCERPT***  
**BIRMINGHAM CITY COMMISSION MINUTES**  
**JUNE 25, 2018**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**06-187-18                      GREENWOOD CEMETERY PAYMENT PLAN POLICY**

City Clerk Mynsberge reviewed the June 15, 2018 memo to City Manager Valentine regarding the Greenwood Cemetery Advisory Board's (GCAB) recommended payment plan policy.

Mayor Harris commented that some of the language regarding the use of the end plot and the allocation of installment payments in the policy was not clear. He continued that the policy does not specify a few items such as whether prepayments are allowed or when payments are due during the month. Mayor Harris said he would like to see those few areas clarified, but if the Commission found the policy sufficiently clear, he would be all right moving it forward.

Commissioner DeWeese expressed dissatisfaction that the Contractor allowed payment plans without approval by the Commission.

City Manager Valentine specified that these are industry norms that the GCAB included in their policy recommendation.

Commissioner Hoff noted that:

- The Contractor should have attended the January 2018 GCAB meeting where this policy was discussed, as they were invited to attend.
- The Contractor should attend other meetings as is appropriate.

Commissioner Boutros suggested it may create a conflict of interest if the Contractor helps design the policy they must follow.

Commissioner DeWeese said the Contractor should ~~participate in the ongoing discussion and provide feedback.~~ Attend as many meetings of the GCAB as possible.<sup>1</sup>

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<sup>1</sup> As amended at the July 9, 2018 City Commission Meeting.



## 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

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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 and approve the amendment to the Operational Procedures, Conditions and Regulations for the Greenwood Cemetery to add Section IX. LOT SALES - PAYMENT PLAN POLICY as recommended:

**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 interment is needed, then the end plot must be fully paid before interment 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

## **IX. LOT SALES - PAYMENT PLAN POLICY**

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And further to renumber the subsequent three paragraphs accordingly:

- X. LOT RESALE POLICY
- XI. SCHEDULE OF FEES AND CHARGES
- XII. REVISIONS

**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.

- 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 x 12 x 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).



## MEMORANDUM

Planning Division

**DATE:** September 7, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** 361 E. Maple, The Hawthorne Building – Historic Designation Elimination Request – Public Hearing

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On July 24, 2017 the City Commission passed a resolution directing the Historic District Study Committee (HDSC) to consider a request by the owner of the property at 361 E. Maple to remove the historic designation from the building in order to allow the demolition and redevelopment of the site. As required by Section 127-5, **Establishing additional, modifying, or eliminating historic districts**, the HDSC prepared a study committee report for consideration by the City Commission. The City Code requires that one of three criteria be met in order to justify de-designation of a historic property. Those criteria are as follows:

1. The historic district has lost those physical characteristics that enabled the establishment of the district;
2. The historic district was not significant in the way previously defined; or
3. The historic district was established pursuant to defective procedures.

The HDSC's finding, based on the criteria established in the City Code, was to forward a recommendation to **deny** the request to eliminate the historic designation of 361 E. Maple (see attached report). The requirements of Section 127-5 state that the report must be sent to the State Historic Preservation Office, the Planning Board and the Historic District Commission for comment before being considered by the City Commission.

After a lengthy delay due to staffing and scheduling issues at the State office, SHPO sent the City their comments regarding the report (attached). The comments focus on the format and content of the report. In addition to the comments on the report the SHPO also sent a letter in which they concur with the findings of the HDSC at the time of designation (1983) and in the current report, which is that they found the building to be a good representative example of a small commercial building from the period.

The HDSC report was also forwarded to both the Planning Board and Historic District Commission for comment. While neither Board directly commented on the report, nor whether or not the application for de-designation met the required criteria as listed above, they both made comments that the new development would contribute to the continued redevelopment of the City with

newer buildings replacing the ones that historically have comprised the heart of the downtown area. The minutes from those meetings are attached.

In addition to the report produced by the HDSC, the applicant also commissioned a report by private architect William Finnicum to support their request (attached). This report contends that the adoption of the Overlay District, and subsequently the redevelopment of two parcels on the block of the subject parcel, has fundamentally altered the characteristics of the downtown by allowing taller buildings and therefore justify the elimination of the historic designation of this building. However, it should be noted that the zoning classification of B-4 was in effect in 1983 when the building was designated. The Overlay District allows for one additional floor. In addition, section 3.01 Purpose, subsection (D) states that one purpose of the Overlay District is to do the following:

*"Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage."*

Based on the recommendations of the 2016 Plan, the City also adopted architectural design standards that control the void to solid ratio and permissible building materials which were inserted into the Zoning Ordinance as a method of controlling the character of the downtown.

In addition to the report submitted by the applicant to support their position, the neighbor directly to the east also submitted a report by architect John Dziurman arguing that the building should be preserved (attached). This report mirrors many of the findings of the HDSC.

The last step required before sending the request to the City Commission was to hold a public hearing after the comments from the State Historic Preservation Office were received regarding the report. This is to allow public comment and make a final determination as to what the recommendation to the City Commission should be regarding the requested elimination of the historic designation of 361 E. Maple, the Hawthorne Building. The public hearing was held on July 26, 2018 at an HDSC meeting. During the hearing, extensive comments were made by the applicant in support of the request and by the public against the request. The draft minutes from this meeting are attached. At the conclusion of the public hearing, the HDSC voted to maintain their recommendation to deny the request for de-designation.

On August 6, 2018 the City Commission set a public hearing date of September 17, 2018 to consider the request for de-designation. The report and supporting documentation is attached.

#### SUGGESTED ACTION:

To DENY the request by the property owner to eliminate the historic designation on 361 E. Maple as recommended by the Historic District Study Committee.

**361 E. Maple**  
**Birmingham Historic Resource**  
**Report from the Historic District Study**  
**Committee**  
November 28<sup>th</sup>, 2017



**Committee Members**

Gigi Debbrecht, Chair  
Patricia Lang  
Michael Xenos  
Paul Beshouri  
Jonathan Dewindt

**Staff Liaison**

Matthew Baka, Senior Planner





### **Charge of the Committee**

In accordance with Chapter 127 of the Birmingham City Code, the Historic District Study Committee (HDSC) has been directed by the City Commission, per the resolution adopted at the meeting of July 24, 2017, to consider modifying an existing Historic District by evaluating the Hawthorne Building, which is a contributing resource within the Central Business District Historic District, located at 361 E. Maple for consideration for removal from the list of historically designated properties in the City of Birmingham.

The request for removal of the designation came from the owner of the property in question. They are requesting that the City Commission remove the designation of the property in order to allow the demolition of the building and construction of a new five story building.

### **Description of the District**

The legal description of the property at 361 E. Maple is T2N, R10E, SEC 25 ASSESSOR'S PLAT NO 21 W PART OF LOT 11 MEAS 20 FT ON S LOT LINE & 20.62 FT ON N LOT LINE. The Central Business District boundaries are indicated on the map below.

### **Count of Historic and Non-Historic Resources in the CBD Historic District**

The Central Business District Historic District has 29 historic (contributing) and 44 non-historic resources.



\*depiction of the Downtown Historic District and Shain Park Historic District

### **De-designation evaluation criteria**

The HDSC is required to follow the procedures as set forth in Section 127-4, of the City of Birmingham Historic Districts Ordinance, as amended. The procedure requires the issuance of a preliminary report, holding a public hearing, and issuing a final report with the intent of showing one or more of the following in order to justify the de-listing of a designated property:

1. The historic district has lost those physical characteristics that enabled the establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

#### **1. The historic district has lost those physical characteristics that enabled the establishment of the district.**

The property at 361 E. Maple remains virtually unchanged from the condition it was in when designated in 1983. This is demonstrated by historic and contemporary photographs. It is decorated with a sign band that is defined by patterned brick and limestone. The parapet has a small pediment and limestone urns at the party walls. It is believed that the pressed metal store front is original.

In addition, since the creation of the CBD Historic District, all exterior changes to the contributing and non-contributing resources have been reviewed by the Historic District Commission. Any proposed change to a resource in the district has been measured against the Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings (attached). The Standards for Rehabilitation address the most prevalent treatment. "Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property

which are significant to its historic, architectural, and cultural values." Accordingly, the historic character of the district at large has not been altered in such a way that would eliminate the physical characteristics that enable the establishment of the district.

## **2. The historic district was not significant in the way previously defined.**

Several factors were used in determining whether a building has sufficient historic value to merit classification as a "landmark." First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were also considered. Finally, the architecture and uniqueness of each structure was evaluated. At the time, the Historic District Study Committee determined that 29 structures in central Birmingham were worthy of special treatment. Although not every structure met all of the above criteria, each structure given "landmark" designation was determined by the Commission to have one or more of the elements that made it worthy of designation. The property at 361 E. Maple was selected as a contributing resource as it was a good example of a small store design from the 1920's with patterned brick and limestone. The parapet has a slight pediment and limestone urns at the party walls. Although the structure is simple and conservative, it is in excellent condition. The fact that it also maintained its original condition made it a valuable visual anchor in the preservation of the north side of E. Maple. The architectural significance cited in 1983 is as evident today as it was at the time.

## **3. The historic district was established pursuant to defective procedures.**

The procedures followed in the designation of the Central Business District Historic District were established in chapter 127 of the City Code pursuant to Public Act 169 of 1970. In 1980 the City Commission appointed the Historic District Commission to serve as a Historic District Study Committee to research and make a recommendation regarding the historic value of buildings in central Birmingham as required by chapter 127 of the City Code. As documented by the committee members at the time, the research was conducted by interviewing Birmingham "oldtimers" who had first-hand knowledge of the history of many buildings, reviewing materials at the Baldwin Library including reading issues of the Birmingham Eccentric, researching City assessing and building records, examining recorded data from Oakland County and reviewing published material from various other resources. The selection of 361 E. Maple for historical designation in 1983 as a part of the Central Business District Historic District was done after careful review and evaluation in compliance with the required procedures.

On October 22, 1983, the Birmingham City Commission adopted Ordinance No. 1276 amending the City Code adding Chapter 43 of the Birmingham City Code to establish the Central Business District Historic District and the Shain Park Historic District.

## **Recommendation**

In 1970, the Michigan State Legislature declared historic preservation to be a public purpose. By enacting Public Act 169, the legislature officially recognized that historic preservation does all of the following:

- A. Safeguards the heritage of the community by preserving a district which reflects elements of its cultural, social, economic, political or architectural history;
- B. Stabilizes and improves property values in such districts;
- C. Fosters civic beauty;
- D. Strengthens local economy; and
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

The Hawthorne building is a valuable example of a 1920's era commercial storefront that has seen little to no alteration within its lifetime. It provides historic context of the traditional downtown that has personified Birmingham over its history. De-designating this building, as indicated by the developer's plans, would put it at risk for demolition. This has the potential to encourage additional property owners to pursue de-designation and deterioration of the historic character that has defined Birmingham throughout the years. These historic structures have distinguished Birmingham from its surrounding neighbors as a traditional downtown which has undoubtedly contributed to its sustained success over the years. In addition, the methods and procedures followed during the designation process in the 1980's strictly adhered to the guidelines established at the local, state and federal levels. It was the intention of the City Commission of that time to take these steps to ensure that Birmingham would retain its character and history for future generations to appreciate and enjoy. The de-designation of this structure has the potential to set a precedent that would have long lasting effects on the City that cannot be reversed.

- De-listing the building puts it at risk i.e. changes to historic features, demolition, etc;
- The building was originally designated following all Federal, State and Local guidelines;
- There have been no changes to the building since its designation in 1984 and maintains its character as a pristine example of 1920's commercial architecture in downtown Birmingham;
- The building is located on a street with other historic properties and is within the Historic Central Business District and contributes to the history and character of the City;
- The Birmingham community needs to maintain its historic structures for future generations;
- De-listing an asset based on the potential for demolition and redevelopment, does not serve the greater good of the community.

The Historic District Study Committee recommends maintaining the historic designation of this property as it **does not** meet any of the following criteria for de-designation listed in Chapter 127 of the City Code:

1. The historic district has **not** lost those physical characteristics that enabled the establishment of the district.
2. The historic district **is** significant in the way previously defined.
3. The historic district was **not** established pursuant to defective procedures.











HAWTHORNE BUILDING

361 East Maple



This neat, and tidy, one story, one bay, reddish face brick store, with attractive limestone trim was built in 1927. In 1929, the shed at the rear of the property was removed. It was the home of the Bell Telephone Company offices for several years during the 1940's. The building has been well kept and is an example of good, small store design from the 1920's. The fascia has a typical signage band defined with patterned brick and limestone. (The existing signage does not conform to the signage band). The parapet has a slight pediment and limestone urns at the party walls. Part or all of the pressed metal storefront may be original. Although the structure is simple and conservative, its good condition and original condition make it a candidate for a valuable visual anchor in the preservation of the north side of East Maple.

6-1-83











June 4,

RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY  
LANSING

EARL J. POLESKI  
EXECUTIVE DIRECTOR

2018

Mr. Matthew Baka  
Senior Planner  
The City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

Dear Mr. Baka:

Staff members of the State Historic Preservation Office (SHPO) have reviewed the preliminary historic district study committee report to de-list the resource at 361 E. Maple from Birmingham's Central Business Historic District. Our comments on the report are enclosed. We offer these comments in order to assist communities to prepare final study committee reports that meet the requirements of Michigan's Local Historic Districts Act and provide a strong legal basis for protecting historically significant resources. These comments and recommendations are based on our experiences working with local historic districts. The SHPO lacks authority to give legal advice to any person or agency, public or private.

The report was presented to the State Historic Preservation Review Board on May 11, 2018 and they concurred with the SHPO comments. They found the building to be a good representative example of a small commercial building from the period. The report was sent to the Michigan Historical Commission for their review and they provided us with no further comments.

We appreciate the city of Birmingham's efforts to protect its historic resources. If we can assist you further, please contact Amy Arnold at 517-335-2729 or [ArnoldA@michigan.gov](mailto:ArnoldA@michigan.gov).

Sincerely,

Brian D. Conway  
State Historic Preservation Officer

BDC: ALA

**Michigan State Housing Development Authority  
State Historic Preservation Office**

**Staff Comments, April 9, 2018  
Delist 361 E Maple, Birmingham**

The charge of the committee should include the date the city commission adopted the resolution to initiate a study to modify the district.

The report should include the historic photographs cited on page 3. Any changes to the building over time should be delineated, along with the approximate time period of their occurrence. It appears that a historic photograph was included on the title page but there is no date assigned to it.

The report should include the pages from the 1983 study report that give the reader a sense of the history and significance of the district, as well as the appropriate pages from that report that address this resource.

October 18, 1984

City Commission  
Birmingham, Michigan

From: Max B. Horton, Chairman Historic District Study Committee  
(Historic District Commission)

Subject: Central Business Historic District and Shain Park Historic District

Dear Commissioners:

Approximately three years ago, the City Commission appointed the Historic District Commission to serve as an Historic District Study Committee to research and make a recommendation regarding the historic value of buildings in central Birmingham. The Study Committee spent many hours examining each building in the study area. The research was conducted by interviewing Birmingham "oldtimers" who have first-hand knowledge of the history of many buildings, reviewing material at the Baldwin Library including reading issues of the Birmingham Eccentric from the late 1800's and early 1900's, researching City assessing and building records, examining recorded data from Oakland County and reviewing published material from various other sources.

Several factors were used in determining whether a building has sufficient historic value to merit classification as a "landmark." First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were also considered. Finally, the architecture and uniqueness of each structure was evaluated. As you know, the Historic District Commission has decided that 29 structures in central Birmingham are worthy of special treatment. Although not every structure meets all of the above criteria, each structure suggested for "landmark" designation has been determined by the Commission to have one or more of the elements that make it worthy of designation.

In 1970, the Michigan State Legislature declared historic preservation to be a public purpose. By enacting Public Act 169, the legislature officially recognized that historic preservation does all of the following:

- A. Safeguards the heritage of the community by preserving a district which reflects elements of its cultural, social, economic, political or architectural history;

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- B. Stabilizes and improves property values in such districts;
- C. Fosters civic beauty;
- D. Strengthens local economy; and
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

As a Commission, it is our hope that the Birmingham City Commission will recognize, as the legislature did back in 1970, that historic preservation can accomplish all of the above goals. Several other communities throughout the state have designated historic districts in their downtowns. They include small villages such as Linden, Chelsea and Milford; medium sized cities such as Ann Arbor, Traverse City and Ypsilanti, and large cities such as Jackson, Saginaw and Grand Rapids. Some historic districts have almost every single building designated as a "landmark" structure while other historic districts, such as Birmingham, have undergone many changes resulting in the "landmark" structures being in the minority. This is not unusual or undesirable. To the contrary, it is towns such as Birmingham that can most benefit from historic preservation legislation. The legislation provides protection of the character and design qualities that make Birmingham a viable downtown. The Historic District Commission is certain that the City Commission believes that Birmingham has commercial structures worth protecting. We all also know that no ordinance exists to prevent demolition of those structures in central Birmingham which have value to the whole community. It seems, therefore, that the question is not "should we?" but "how should we?"

Currently, we have 47 historic district properties in the City of Birmingham. They are primarily non-contiguous, residential structures on individual lots. Two commercial structures, the Peabody Mansion and the Grand Trunk Western Railroad Depot are exceptions.

Although individual, non-contiguous districts have worked well for the residential properties, we do not believe this is the proper approach for the commercial area. Commercial structures are erected side-by-side and bear a more direct relationship to one another than single family residential structures. To select the individual "landmark" buildings for designation without regard for the other structures in the downtown is contrary to the purposes in creating an historic district. Careful attention must be paid to the

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structures which about "landmark" properties and other buildings in the downtown which have an affect on the "landmarks." The suggestion that only "landmark" properties compose the historic district would be similar to saying that the Planning Board should have Design Review over just a portion of a particular block. This selectiveism in the review process will not work. Therefore, our recommendation is for contiguous historic districts with well defined standards for both "landmark" and "district resource" properties.

The Historic District Commission has already begun working on a set of standards which will establish a clear cut understanding of the goals of the City with respect to design. It is the intent of the Historic District Commission to set standards that are flexible enough to provide for individual creativity yet complete enough to ensure that the historic fabric of Birmingham is not destroyed.

Under the current regulations, any property owner in central Birmingham (public ownership excepted) must obtain Design Approval or Exterior Approval and possibly Site Plan Approval before any change to the exterior of a building can be made. Since central Birmingham is currently subject to a Design Review process, the question that we all face is: "What should the thrust of this Design Review be?" Architecture, no matter what the age or style, should have as a goal to reflect its time and its place. The question of how to achieve that goal, especially when adding a new wing to an old building or filling a gap in an urban streetscape, is a vexing one to architects and preservationists alike. There is no formula answer; each building or addition should be considered individually and in the context of its surroundings. Design relationships in architecture appear to have become a problem since the coming of age of the "modern movement" in the last 35 years or so. When "modern" architecture arrived, thumbing its nose at the past and the surroundings, its problems began. The public has become disaffected with modern design. Existing scale is not respected and there is little ornamentation; the result is monotony. With this sharp change in designs so profoundly affecting the existing streetscape, preservationists and others reacted and the concept of historic districts was born.

While there may not be a clear answer to what constitutes a good relationship between old and new buildings, that should not stop us from trying to find a solution. It is only in a quality built



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environment that we can achieve a quality life. The 29 "landmark" structures represent what is left of quality development from a previous era. The City Commission is now confronted with a decision; to find that these buildings are worthy of preservation for present and future generations to enjoy or determine that these buildings do not have any public value and may be destroyed, altered or redesigned at the will of the owners. It is our sincerest hope that you will go forward in enacting the proposed ordinance to create two new historic districts which will protect the valuable historic resources in central Birmingham.

Very truly yours,

*Max B. Horton*

Max B. Horton, Chairman  
William R. McGregor, Vice-Chairman  
Carolyn Johnson  
Kay Johnson  
Michael Tomasik  
Goeffrey Upward  
Willem Tazelaar

MBH/jb  
10/18/84

CITY OF BIRMINGHAM  
MICHIGAN

CITY COMMISSION PROCEEDINGS

OCTOBER 22, 1984

Minutes of a Regular meeting of the Birmingham City Commission held Monday, October 22, 1984, at 8:05 P.M., in the Commission Room in the Municipal Building.

Present: Mayor Appleford, Commissioners Hockman, Jensen, Jeske, Kain, Miller and Sights

Absent: None

Administration:

City Manager - Robert S. Kenning  
City Clerk - Phyllis Armour  
City Attorney - Jon Kingsepp  
City Planner - Bonnie Cook  
City Engineer - William Killeen  
Director of Public Services - Darrel Middlewood  
Chief of Fire - Gary Whitener

8:05

10-1115-84: INTRODUCTION - BASCC COORDINATOR -  
LOIS RYAN

Richard Sneed, President of the Birmingham Area Senior Coordinating Council (BASCC), introduced the new BASCC coordinator, Lois Ryan.

Ms. Ryan thanked the City for its support of the BASCC organization.

8:06

10-1116-84: APPROVAL OF MINUTES - CITY COMMISSION  
MEETING - OCTOBER 15, 1984 - AS SUBMITTED

MOTION: Motion by Sights, supported by Kain:  
To approve the Minutes of the City Commission meeting held October 15, 1984, as submitted.

VOTE: Yeas, 7 Nays, None

8:08

10-1117-84: PUBLIC HEARING RE: CREATION OF CENTRAL  
BUSINESS HISTORIC DISTRICT - SHAIN PARK  
HISTORIC DISTRICT - ADOPT ORDINANCE NO. 1276

Mayor Appleford announced that this was the date and time, as advertised, for a public hearing to consider the adoption of a new Chapter 43, which new chapter will create a Central Business Historic District and a Shain Park Historic District.

Max Horton, Chairman, reviewed the report of the Historic District Commission recommending creation of the historic districts.

Larry Sherman, Chairman of the Planning Board, reviewed the Board's report recommending against the creation of the historic districts.

The City Attorney reviewed his report regarding authority for design controls.

Commissioner Hockman commented that he is employed by a Birmingham developer and questions have been raised regarding the impropriety of his conduct as a commissioner and an individual pertaining to matters before this Commission regarding property in the community; that he believes there will be no impropriety on his part in discussing and making a judgment decision which he feels is in the best interest of the City on the matters under discussion in this hearing. He added that an impropriety does not exist and that he would like to introduce a Motion so that discussion can begin; that he does not want to give the appearance of encumbering the process or tainting the discussion since properties owned by his employer will be part of that discussion, therefore, questioning his propriety in the discussion.

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance No. 1276 to create a Central Business Historic District and Shain Park Historic District, not including the Wabeek Building, 256 West Maple; Detroit Edison Company Building, 220 East Merrill, and the Brown Street Centre Building.

Commissioner Jeske stated that she supported the Motion since her son is also employed by the same developer and that she also did not want to give the appearance of encumbering the hearing or tainting the discussion.

MOTION: Motion by Kain, supported by Sights:  
To amend the previous Motion by including all properties recommended by the Historic District Commission for discussion purposes only.

Discussion was held on whether or not discussion by Commissioners Hockman and Jeske on the properties excluded in Commissioner Hockman's Motion would constitute a conflict of interest.

The City Attorney stated that there is no conflict of interest since there is no pecuniary interest.

VOTE ON AMENDMENT: Yeas, 3 Nays, 2 (Appleford, Jensen)  
Abstain, Hockman, Jeske

Commissioners Hockman and Jeske abstained from voting due to a conflict of interest.

AMENDING MOTION FAILED

Discussion was held on the historical value of the buildings proposed for the district.

The following persons spoke in opposition to the creation of the Central Business Historic District: William Wetsman, owner of the Parks Building, 100-116 North Woodward; Bernard Levinson, owner of the Quarton Building, 142 West Maple; Edward Pugh, an attorney acting on behalf of a trust which owns the National Bank Building, 152-176 North Woodward; George Nahas, owner of the O'Neal Building, 106-110 South Woodward; Robert Gwynn, owner of the Johnston-Shaw Building, 112-114 South Woodward; Gay Yankee, owner of the St. Calir Edison Building, 135-159 Pierce; Paul Kurth, owner of Huston Hardware; Lloyd Smith, owner of the Blakeslee Building, 138 West Maple, and Irving Kay, owner of one of the Huston Buildings.

The following persons spoke in support of the creation of the Central Business Historic District: Karen Robinson, 679 Harmon; Christine Barnes, 216 Hawthorne, and Linda Teegarden, President of the Birmingham Historical Society.

Commissioner Kain asked if owners of designated buildings were contacted to assess their feelings regarding the designations.

The City Planner explained that the initial contact was through a report given to the Chamber of Commerce, and that notices of the Historic District Commission and City Commission hearings were sent to owners of buildings and to property owners within 300 feet of the properties.

Commissioner Miller stated that there has been an understanding in the community that this process was taking place, and that property owners should have asked questions when they learned of the proposed historic district.

VOTE: Yeas, 5 Nays, 2 (Kain, Sights)

11:10 P.M. - Meeting recessed

11:20 P.M. - Meeting reconvened

MOTION: Motion by Appleford, supported by Sights:  
To add the Wabeek Building, the Detroit Edison Company and the Brown Street Centre Building properties to Ordinance No. 1276, said ordinance to read as follows:

CITY OF BIRMINGHAM

ORDINANCE NO. 1276

AN ORDINANCE TO AMEND TITLE V, CHAPTER 43, OF THE CODE OF THE CITY OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. Title V, Chapter 43, Section 5.701, is hereby amended to read as follows:

5.701 Purposes and Definitions.

(1) Purposes. The purposes of this Chapter are:

- (a) to provide for the establishment of historic districts within the City of Birmingham,
- (b) to safeguard the heritage of the City of Birmingham by preserving districts in the City which reflect elements of its cultural, social, economic, political and architectural history,
- (c) to stabilize or improve property values in and adjacent to such districts,
- (d) to promote civic beautification of historic districts.
- (e) to promote the use of local history for the education, pleasure and welfare of the citizens of the City of Birmingham, State of Michigan, and the Nation.

(2) Definitions.

As used in this Chapter, the phrases set forth below shall have the meanings indicated:

- (a) "Historic District" - An area of land or group of areas of land not necessarily having contiguous boundaries designated as a "historic district" by means of an ordinance adopted by the City Commission and which contains one or more landmarks and which may have within its boundaries district resources that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

- (b) "Landmark" - A site, structure or natural feature designated as a "landmark" by means of an ordinance adopted by the City Commission that is worthy of historic preservation because of its historic and/or architectural significance to the City of Birmingham.
- (c) "District Resource" - Any site, structure or natural feature located within an historic district that is not designated as a "landmark".
- (d) "Structure" - Anything constructed or erected which requires location on or in the ground or attachment to something having location on or in the ground including but not limited to buildings, walls, fences, signs and lighting.
- (e) "Historic Preservation" - The protection, rehabilitation, restoration or reconstruction of landmarks.

Section 2. Title V, Chapter 43, Section 5.702, is hereby amended to read as follows:

#### 5.702 Historic Districts

- (1) Mill Pond District - The Mill Pond District shall consist of the following described lands and landmarks in the City of Birmingham.

- (a) Historical Park Landmark

"Willit's Northern", Lot 57

- (b) Baldwin Park Landmark

Part of N.W. 1/4 of Section 36, described as follows:  
Bounded on north by Maple Avenue; on east by Southfield Avenue; on the south and west by "Bird's Addition" and "A. P. No. 12."

A parcel of land in the N.W. 1/4 Section 36, described as: Beginning at a point on the east line of Baldwin Avenue located N 87° 51' 25" E, 279.10 ft. along the north line of said Section 36, and S 3° 31' 35" W, 179.00 ft. along the east line of Baldwin Avenue from the northwest corner of said Section 36; thence southeasterly and upstream 50 ft. more or less along the centerline of a branch of the River Rouge to a point which is located south 3° 31' 35" W, 28.00 ft. along the east line of Baldwin Avenue, and S 61° 54' 35" E. 28.00 ft. from the point of beginning; thence S 61°

54' 35" E, 72.00 ft.; thence N 82° 44' 00" E, 120.00 ft.; thence N 3° 54' 15" E, 127.00 ft.; thence N 87° 50' 50" E, 5.33 ft.; thence N 01° 20' 40" E, 120 ft. more or less to a point on said north line of Section 35; thence N 87° 51' 25" E, 651.20 ft. along said north line of Section 36 to a point; thence S 2° 15' 41" E, 45.73 ft. to a point on the north line of West Maple Avenue; thence westerly along said northerly line of West Maple to the easterly line of Baldwin Avenue. Thence northerly along the easterly line of Baldwin Avenue to the point of beginning.

- (c) John W. Hunter House Landmark - 500 West Maple  
Allen House Landmark - 556 West Maple

Beginning at a point on the south line of Section 25 which is bearing N 87° 51' 25" E, along said south line a distance of 1116.90 ft. from the southwest corner of Section 25; from said point of beginning thence N 1° 54' 25" W, 267.22 ft.; thence N 87° 51' 25" E, 301.44 ft. plus; thence S 1° 35' 30" E, 234.23 ft. plus or minus to the northerly line of Maple Avenue; thence S 87° 44' 19" W, 20.35 ft.; thence on a curve to the left with a radius of 442.25 ft., a central angle of 31° 42' 37", a long chord of 241.70 ft., which bears S 71° 53' 01" W, and an arc of 244.76 ft. to a point; thence S 56° 01' 42" W, 26.96 ft.; thence N 2° 15' 41" W, 45.73 ft.; thence S 87° 51' 25" W, 24.90 ft. plus or minus to the point of beginning.

- (d) Mill Pond Landmark

Land in N.W. 1/4 of Section 36, being covered by the following description except the N 160 ft. thereof as measured on E and W lines bounded on the E by Baldwin Avenue; on the S by Maple Avenue on the W by Replat of Lots 175 to 178 of Q. L. E.; on the N by Whitehead and Mitchell Add.

Lots 1, 2, 3, 4 and Overbrook Drive of Replat of Lots 175 to 178 inclusive and part of lots 179 to 186 inclusive of Quarton Lake Estates Replat of East Park; except lands now platted in "Millrace Park" subdivision. "Waterfall Lane" subdivision, and that portion of Lot 4 lying westerly of the easterly line, as extended of said "Waterfall Lane" subdivision, and lying southerly of Lot 5 of said "Waterfall Lane" subdivision; also excepting lands being used for Maple Avenue right-of-way.

"Quarton Lake Estates" Replat of East Part of "Q.L.E. subdivision". Outlot A, except that part in Millrace Park Subdivision; also "Quarton Lakeside Subdivision" Lots 1 to 6 incl., also lots 4, 5 and 6 of "Millrace Park."

(e) Village Water Works Landmark

"Assessor's Plat No. 12", Lot 7. Also "Birmingham Park Allotment Sub., "Lots 109 and 111.

(f) Chatfield-Hiram Campbell House Landmark - 460 W. Maple

"Willets Addition", all of Lot 11, also the S 20 ft. of Lot 14, except part taken for street right-of-way.

(g) Edward Baldwin House Landmark - 484 W. Maple

Lot 12 and S 16.5 ft. Lot 13 "Willets Addition" and part SW 1/4 Section 25 described as beginning at SW corner Lot 12 "Willets Addition" W 20 ft., N 133 ft., E 20 ft., S 133 ft., on W line Lot 12 and 13 to P.O.B.

(h) Edgar Lamb House Landmark - 487 Willits

N 100 ft. Lot 13, "Willets Addition" and pt. SW 1/4 Section 25 described as beginning at NW corner Lot 13 "Willets Addition", W 20 ft. on straight line, S 100 ft., E 20 ft., N 100 ft. on W line Lot 13 to P.O.B.

(i) Stickney House Landmark - 412 Willits

"Willits Northern", Lot 48

(j) Ebenezer Raynale House Landmark - 300 Warren Court

"Warrens Replat of Lot 45 and part of Lots 46 and 54 Willits Northern Add., " Lot 5.

(k) Benjamin Daniels House Landmark - 372 Harmon

"Assessor's Plat No. 17, a Replat of part of Lot 61 of Willits Northern", Lot 10.

(l) Greenwood Cemetery Landmark

All that parcel of land in the N.W. 1/4 Section 25, described as follows: Beginning at W 1/4 corner Section 25; thence S 8° 14' E, 694.57 ft.; thence N 0° 31' E 498.45 ft.; thence N 83° 15' 30" W, 203.28 ft.; thence N 78° 34' W 487.74 ft.; thence S 1° 46' 30" W, 580.16 ft. to P.O.B.



- (2) Shain Park District - The Shain Park District shall consist of all of the land within the boundaries of said Shain Park District as hereby established on the Historic District Maps which are attached hereto. The Shain Park District shall consist of the following described landmarks in the City of Birmingham.

Municipal Building Landmark - 151 Martin Street

Shain Park Landmark

Baldwin Library Landmark - 300 Merrill Street

Birmingham Community House Landmark - 380 S. Bates

United States Post Office Landmark - 322 Martin

- (3) Merrill, Townsend, Brown District - The Merrill, Townsend, Brown District shall consist of the following described lands and landmarks in the City of Birmingham.

Abigail Carter House Landmark - 415 Merrill Street

"Castle Addition", Lot No.18, except that part taken for road right-of-way.

Irving House Landmark - 439 Merrill

"Castle Addition:", Lot 19

Daisy Benedict House Landmark - 535 Merrill

"Castle Addition", Lots 24 and 25

Hewitt House Landmark - 211 Townsend

"Merrill's Plat", all of Lot 115 and the easterly 35 ft. of Lot 116.

Langley House Landmark - 404 S. Bates (At Townsend)

"Merrill's Plat", Lots 121 and 122

Townsend House Landmark - 339 Townsend

"Merrill's Plat", Lot 123

Toms-Dickinson House Landmark - 464 Townsend

"Castle Addition", Lot 36

Houston-Logan House Landmark - 504-506 Townsend

"Castle Addition", Lot 34

Stewart House Landmark - 505 Townsend

"Castle Addition", Lot 43

Fall House Landmark - 523 Townsend

"Castle Addition", Lot 44 also E 1/2 vacated alley

Schuyler House Landmark - 544 Townsend

"Castle Addition", Lot 32 and W 1/2 vacated alley,  
also E 10 ft. of Lot 31

Cinderella Patch House Landmark - 347 W. Brown

"Assessor's Replat Torrey's, Hood's and Smith Addn.",  
W 60 ft. Lot 19 and 20 as measured on side lot lines.

William Bell House Landmark - 384 W. Brown

"Torrey's Addition", Lots 2, 3 and 4 exc. part taken for  
street widening.

- (4) Bates Street District - The Bates Street District shall consist of the following described lands and landmarks in the City of Birmingham.

United Presbyterian Parsonage Landmark - 539 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Addn.",  
Lot 49.

Koontz House Landmark - 544 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Addn."  
E 120 ft. of the N 65 ft. of Lot 21.

Peck House Landmark - 571 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Addn."  
N 1/2 of W 1/2 of Lot 52

John Hall House Landmark - 584-588 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Addn."  
E 120 ft. of Lot 23

Major Jones House Landmark - 607 S. Bates

Part of Lot 53 of "Assessor's Replat of part of Torrey's Addition, Hood's Addition and Smith's Addition", commencing at the Southwest corner of said Lot 53, for a point of beginning; thence N 01° 09' 00" E, 86.68 ft. (previously recorded as 86.72 ft.), along the Westerly line of said Lot 53, to the Northwest corner of said Lot 53; thence S 88° 52' 03" E, 121.76 ft., along the Northerly line of said Lot 53; thence S 00° 59' 29" W, 86.70 ft. to the Southerly line of said Lot 53; thence N 88° 51' 30" W, 122.00 ft., along the Southerly line of said 53, to the point of beginning.

John W. Perry House Landmark - 651 S. Bates

"Assessor's Replat Torrey's, Hood's and Smith Add.", Lot 54.

McBride House Landmark - 668 S. Bates

"McBride Subdivision of the N 261.3 ft. of Lot 29 Wm. Torrey Addn.", Lot 8

- (5) Other Non-Contiguous Districts - These districts shall consist of the following described lands and landmarks in the City of Birmingham.

Hood House Landmark - 555 Stanley

"Assessor's Replat Torrey's, Hood's and Smith Add.", Lot 9

Grooms House Landmark - 587 Stanley

"Assessor's Replat Torrey's, Hood's and Smith Add.", Lot 10

Trollop House Landmark - 536 Southfield

"Stanley and Clizbe Sub." The N'ly 13 ft. of Lot 25, said N'ly 13 ft. being 13 ft. as measured on E'ly and W'ly lot lines, also all of Lot 25.

Randall-Latham House Landmark - 1128 Southfield Road

"McCormick Subdivision", Lot 4

Daniels House Landmark - 1128 Pierce

"Place De La Miche'le Subdivision", Lot 1

Eli Wooster House Landmark - 1876 Northlawn

"Assessor's Plat No. 9", S 1/2 of the W 20 ft. of Lot 26,  
also S 1/2 of Lot 27

Schlaak House Landmark - 839 Knox

"H. A. Poppleton's Addition", Lot 5, Block 4

King-Argus House Landmark - 743 West Frank

"Argus Addition", Lot 19 and the easterly 25 feet of  
Lot 18.

Stewart-Watkins House Landmark - 146 Puritan

"Quarton Lake Estates Sub." Lot 277 exc. S 40 ft. thereof,  
all of Lot 278 also pt. of Lot 279 described as beginning  
at SE corner, thence N'ly along E line 8.0 ft.; thence  
W'ly parallel to S line of said Lot 52., thence SW'ly  
8.50 ft. to a pt. on S line of said lot 55 ft. W of SE  
corner said lot, thence E'ly along S line 55.0 ft. to  
P.O.B.

Quarton Homestead Landmark - 1155 Quarton

A parcel of land in Section 26 described as follows:  
beginning at pt. at N line Section 26, said pt. being  
88° 43' W, 405.87 ft. from NE corner of said Section  
26, thence S 1° 30' 45" W, 229.67 ft., thence S 89°  
46' 30" W, 511.36 ft., thence N 1° 51' 30" E, 242.90 ft.  
to N line Section 26, thence S 88° 43' E, along N line  
Section 26, 509.67 ft. to P.O.B.

Birmingham Grand Trunk Western Railroad Depot Landmark - 245  
S. Eton

"A parcel of land located in the N 1/2 Section 31,  
Township of Troy (now City of Birmingham) more  
particularly described as: Beginning at the point on  
the east line of Eton Road (as relocated), said point  
being N 88° 16' 37" W 117.95 ft. along the E-W Section  
line in Maple Road (66 ft. wide) and S 34° 11' 27" E,  
87.17 ft. along the easterly right-of-way line of Eton  
Road (50 ft. wide) extended from the N 1/4 corner of  
said Section 31: thence continuing S 34° 11' 27" E,  
112.57 ft. along said right-of-way line: thence S 1°  
59' 10" West 236.98 ft. along the east line of Eton  
Road; thence S 88° 20' 47" E, 245.76 ft.; thence  
N 33° 44' 54" W., 390.56 ft. parallel and 0.5 ft.  
westerly of an existing concrete retaining wall,

thence S 56° 34' 45" W, 16.90 ft., thence N 33° 36' 11" W., 57.77 ft. to the south line of Maple Road as widened for R.R. bridge (43 ft. = 1/2 R.O.W.); thence N 88° 16' 37" W., 22.56 ft. along said right-of-way; thence S 29° 04' W., 31.10 ft. along the easterly right-of-way of Eton Road as relocated to the point of beginning and containing 1.056 AC. or 45,977 sq.ft. of land, together with the Grand Trunk Western Railroad's right-of-way located immediately adjacent to and north-east of said parcel.

- (6) Central Business District - The Central Business District shall consist of all of the lands within the boundaries of said Central Business District as hereby established on the Historic District maps which are attached hereto.

The Central Business District shall consist of landmarks in the City of Birmingham.

Wabeek Building Landmark - 256 W. Maple

Leonard Building Landmark - 166 W. Maple

Quarton Building Landmark - 142 W. Maple

Blakeslee Building Landmark - 138 W. Maple

Billy McBride Building Landmark - 122 W. Maple

Ford Building Landmark - 101 N. Woodward and  
120 W. Maple

Erity and Nixon Building Landmark - 163-167 N. Woodward

Bell Building Landmark - 191 N. Woodward

Schlaack Building and Huston Building 1916 Landmark -  
205 - 219 N. Woodward

Huston Building 1923 Landmark - 237-243 N. Woodward

National Bank Building Landmark - 152-176 N. Woodward

Wooster Building Landmark - 132-136 N. Woodward

Parks Building Landmark - 100-116 N. Woodward

Madison Building Landmark - 297-323 E. Maple

Hawthorne Building Landmark - 361 E. Maple

Shain Townhouses Landmark - 378, 386, 390 E. Maple &  
112, 120, 124 Brownell

Briggs Building Landmark - 111 S. Woodward

Birmingham Theater Building Landmark - 211 S. Woodward

Ford-Peabody Mansion Landmark - 325 S. Woodward

Detroit Edison Building Landmark - 220 E. Merrill

D.U.R. Waiting Room Landmark - 138 S. Woodward

McBride Building Landmark - 124 - 128 S. Woodward

Johnston-Shaw Building Landmark - 112-114 S. Woodward

O'Neal Building Landmark - 106-110 S. Woodward

St. Clair Edison Building Landmark - 135 - 159 Pierce

Telephone Exchange Building Landmark - 148 Pierce

Bigelow-Shain Building Landmark - 115 W. Maple

Field Building Landmark - 135-141 W. Maple

Section 3. Title V, Chapter 43, Section 5.703 is hereby amended to read as follows:

#### 5.703 Boundaries

- (1) The boundaries of the Shain Park Historic District and the Central Business Historic District are hereby established as shown on the maps which are attached hereto. Said maps with all notations, references, and other information shown thereon shall hereby be incorporated herein and shall be a part of this Chapter. Unless otherwise shown, the boundaries of these Districts shall be lot lines, and centerlines of streets or alleys or such lines extended. The boundaries of all other Historic Districts shall be as legally described in Section 5.702.
- (2) The boundaries of the Historic District may be changed from time to time so as to add lands to the District or delete lands therefrom, such changes to be made by means of an Ordinance adopted by the City Commission after giving consideration to a report and recommendation of the Planning and Historic District Commission.

Section 4. Title V, Chapter 43, Section 5.704 is hereby amended to read as follows:

5.704 Landmarks

The City Commission shall from time to time designate by Ordinance landmarks which are within an Historic District and are determined to be landmarks within the definition thereof as set forth in this Chapter, such designation to be made by the City Commission after giving consideration to a report and recommendation of the Planning and Historic District Commission.

Section 5. Title V, Chapter 43, Section 5.705 is hereby amended to read as follows:

5.705 Public Hearings and Notice

- (1) No Ordinance shall be adopted establishing or altering the boundaries of an Historic District until the City Commission has held a public hearing at which the proposed Ordinance is considered, notice of which hearing shall be given to all persons owning land within the proposed District or proposed to be added to or deleted from the District in the manner hereinafter provided as the owners of such land appear upon the tax assessment rolls of the City.
- (2) No Ordinance shall be adopted designating a landmark until the City Commission has held a public hearing at which the proposed Ordinance is considered, notice of which hearing shall be given to the owner(s) of the landmark as the owner(s) of such landmark appear upon the tax assessment rolls of the City.
- (3) The notices required by Subsections (1) and (2) above shall be given by publication at least once in a newspaper having general circulation within the City at least 15 days prior to the date of the hearing and by regular mail addressed to each owner as such address appears on the City tax assessment rolls at least seven (7) days prior to the date of the hearing.

Section 6. Title V, Chapter 43, Section 5.706 is hereby amended to read as follows:

Historic District Review

- (1) Before any construction, alteration, repair, moving or demolition affecting the exterior appearance of a landmark or district resource is made within an Historic District, other than those changes authorized in Section 5.707 below, the person proposing to construct or make such changes shall secure a Certificate of Approval from the Planning and Historic District Commission. Application for such approval may be filed with the Birmingham Planning Department. The application, together with plans pertaining thereto, shall be referred to the Planning and Historic District Commission.

It shall be the duty of the Planning and Historic District Commission to review such plans and applications and no permit shall be granted until the Planning and Historic District Commission has acted thereon as hereinafter provided.

- (2) In reviewing plans for changes to a landmark, the Planning and Historic District Commission shall give consideration to:
  - (a) the historical or architectural value and significance of the landmark and its relationship to the historical value of the surrounding area,
  - (b) the relationship of the exterior architectural or historical features of such landmark to the rest of the subject site and to the surrounding area,
  - (c) the general compatibility of the exterior design, arrangement, texture and materials proposed to be used. and



- (d) any other factor, including aesthetic, which it deems to be pertinent including:
  - (i) the preservation standards which the Planning and Historic District Commission shall adopt and maintain for landmarks in each historic district in the City.
- (3) In reviewing plans for changes to a district resource, the Planning and Historic District Commission shall determine the following:
  - (a) The site layout, orientation and location of all buildings, their relationship to one another and adjacent buildings and to open space is such as to not adversely affect the use, appearance or value of adjacent properties.
  - (b) The location and definition of pedestrian and vehicular areas are such as to not interfere with or be hazardous to pedestrian and vehicular traffic.
  - (c) The total design, including but not limited to colors and materials of all walls, screens, towers, opening windows, signs, as well as treatment to be utilized in concealing any exposed mechanical or electrical equipment, is compatible with the intent of the Urban Design Plan or such future modifications of that Plan as may be approved by the Commission of the City, and
  - (d) The standards which the Planning and Historic District Commission shall adopt and maintain for district resources in each historic district in the City.
- (4) The review of plans for changes affecting the exterior appearance of a landmark shall be based upon the Secretary of the Interior's "Standards for Rehabilitation" as follows:

- (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- (f) Deteriorated architectural features shall be repaired rather than replaced. wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

- (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
  - (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
  - (j) Wherever possible, new additions or alterations to structures shall be done in such a manner that that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- (5) The Planning and Historic District Commission shall pass only on exterior features of a landmark or district resource and shall not consider interior arrangements, except for public resources specifically authorized to do so by the City Commission. The Planning and Historic District Commission shall disapprove applications only on the basis of the considerations set forth in subsections 5.706(2), (3) and (4) above.
- (6) In case of an application for repair or alteration affecting the exterior appearance of a landmark or district resource or for its moving or demolition which the Planning and Historic District Commission deems so valuable to the City, State or Nation that the loss thereof will adversely affect the public purpose of the City, State or Nation, the Planning and Historic District Commission shall endeavor to work out with the owner an economically feasible plan for preservation of the landmark or district resource.
- (7) An application for repair or alteration affecting the exterior appearance of a landmark or for its moving or demolition shall be approved by the Planning and Historic District Commission if any of the following conditions prevail and if the Planning and Historic District Commission determines that the proposed changes will materially improve or correct these conditions:
- (a) the landmark constitutes a hazard to the safety of the public or the occupants
  - (b) the landmark is a deterrent to a major improvement program which will be of substantial benefit to the community

- (c) retention of the landmark would cause undue financial hardship to the owner
  - (d) retention of the landmark would not be in the interest of the majority of the community.
- (8) The Planning and Historic District Commission shall file with the Building Department its Certificate of Approval or rejection of the application submitted to it for review. The Planning and Historic District Commission shall transmit a record of its action to the applicant and in the event of rejection, the Planning and Historic District Commission shall set forth the reasons for rejection. No work shall begin until the Certificate granting approval is filed with the Building Department. In the event the application is rejected, the Building Official shall not issue any required permits. The failure of the Planning and Historic District Commission to act within sixty (60) days after the date on which the application was filed with the Planning Department shall be deemed to constitute approval unless the applicant and the Planning and Historic District Commission mutually agree to an extension of such period.
- (9) In instances where a landmark or district resource is located in a zone district requiring site plan review, design review or exterior appearance review under Chapter 39 of the City Code, such review shall not be required or undertaken.

Section 7. Title V, Chapter 43, Section 5.707 is hereby amended to read as follows:

5.707 Planning Department Approval

Departmental approval of changes within a district is authorized in those instances where the proposed work will have a minimal impact on the historical significance of the landmarks and district resources therein. The Planning and Historic District Commission shall adopt and maintain a list of those changes which require only Planning Department approval and adopt standards for those changes. Examples of changes requiring only Department approval include painting a previously painted surface to a similar color, changing or adding mechanical equipment that is not readily visible to the public, changes in the public right-of-way, and maintenance or repair of buildings or structures.

Section 8. Title V, Chapter 43, Section 5.708 is hereby amended to read as follows:

#### 5.708 Maintenance of Historic Landmarks and District Resources

- (1) Nothing in this Chapter shall be construed to prevent ordinary maintenance or repair of any landmark or district resource.
- (2) The exterior of every landmark or district resource shall be so maintained by the owner or person in control thereof so as to preserve the character of its District, promote the purposes of this Chapter and so as not to have a detrimental effect upon the District.
- (3) Neglect of a landmark resulting in serious health or safety hazards shall constitute demolition by neglect and shall be a violation of the Birmingham City Code.

Section 9. Title V, Chapter 43. Section 5.709 is hereby amended to read as follows:

#### 5.709 Grants and Gifts.

The City Commission may accept grants from the State of Michigan or from the Federal Government for historical restoration purposes. It may accept public or private gifts for historical purposes. It may make the Planning and Historic District Commission its duly appointed agent to accept and administer grants and gifts for historical preservation purposes.

Section 10. Title V, Chapter 43, Section 5.710 is hereby added to read as follows:

#### 5.710 Acquisition of Property.

If all efforts by the Planning and Historic District Commission to preserve an Historic landmark fail, or if it is determined by the Historic District Commission and the Historical Board that public ownership is most suitable, the City Commission, if deemed to be in the public interest, may acquire such property using public funds, gifts for historical purposes, grants from the State or Federal governments for acquisitions of historic properties or proceeds from revenue bonds issued for historical preservation purposes. Such acquisitions may be made after receiving and considering the recommendations of the Planning and Historic District Commission and the Historical Board. Commencing January 1, 1977, the Planning and Historic District Commission shall have responsibility for the maintenance of publicly owned historic structures using its own funds, if not specifically earmarked for other purposes, or those public funds committed

for this use by the City Commission, unless specifically directed to delegate maintenance of any such structure to the Historical Board by the City Commission. An account of all receipts and expenditures shall be maintained which shall be a public record and property of the City.

Section 11. Title V, Chapter 43, Section 5.711 is hereby added to read as follows:

5.711 Recording Notice of District Designations.

Within thirty (30) days after any land has been designated under this Chapter as part of an Historic District or has been removed from such a designation by the City Commission, the City Manager shall cause a document to be recorded with the Oakland County Register of Deeds describing such land and indicating that it has been included within or deleted from an Historic District pursuant to the provisions of the Birmingham City Code.

Section 12. Title V, Chapter 43, Section 5.712 is hereby added to read as follows:

5.712 Appeals

Any persons jointly or severally aggrieved by a decision of the Planning and Historic District Commission shall have the right of appeal to the Board of Zoning Appeals or to Circuit Court.

ORDAINED this 22nd day of October, 1984, by the Commission of the City of Birmingham.

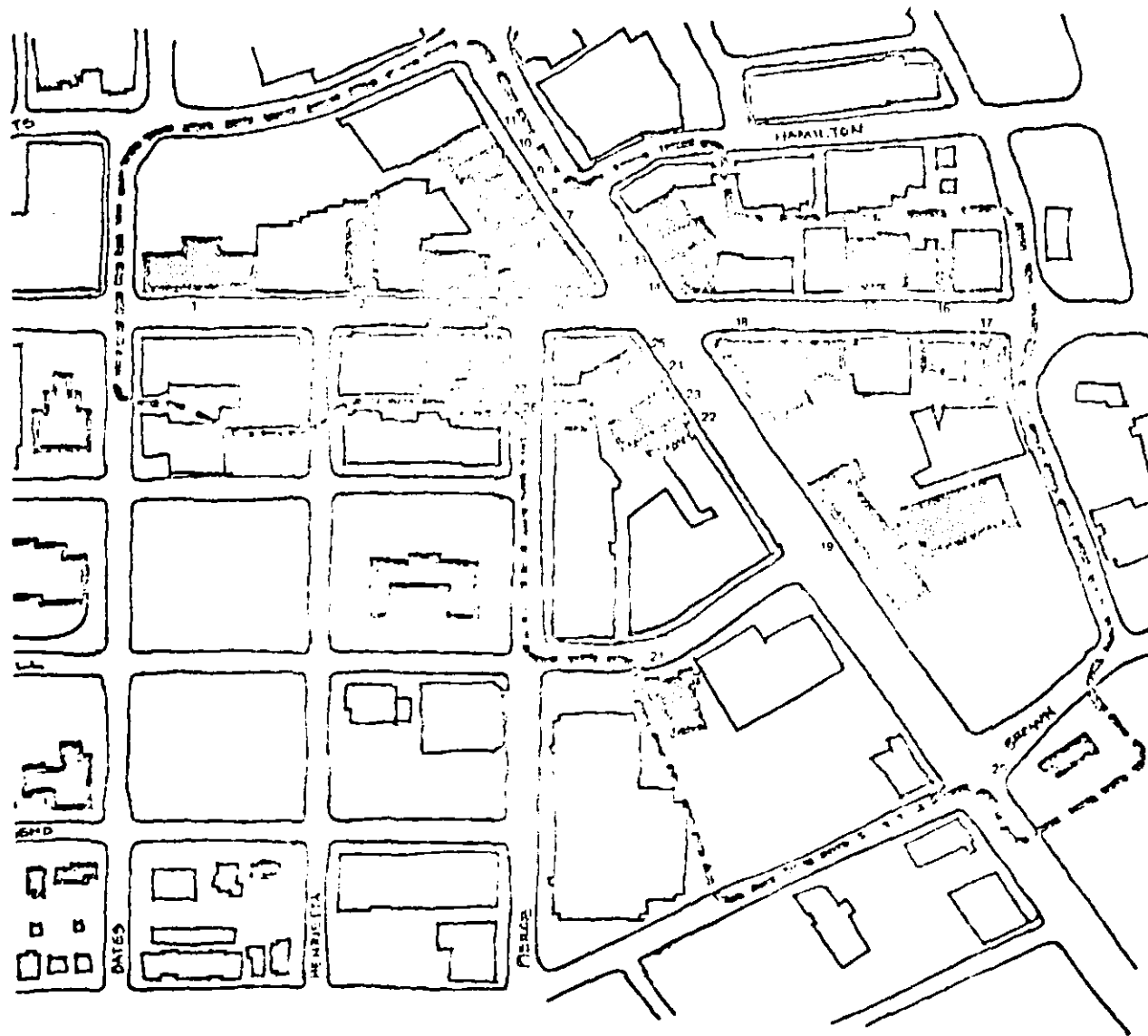
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

BBC/sf  
Rev. 10/2/84

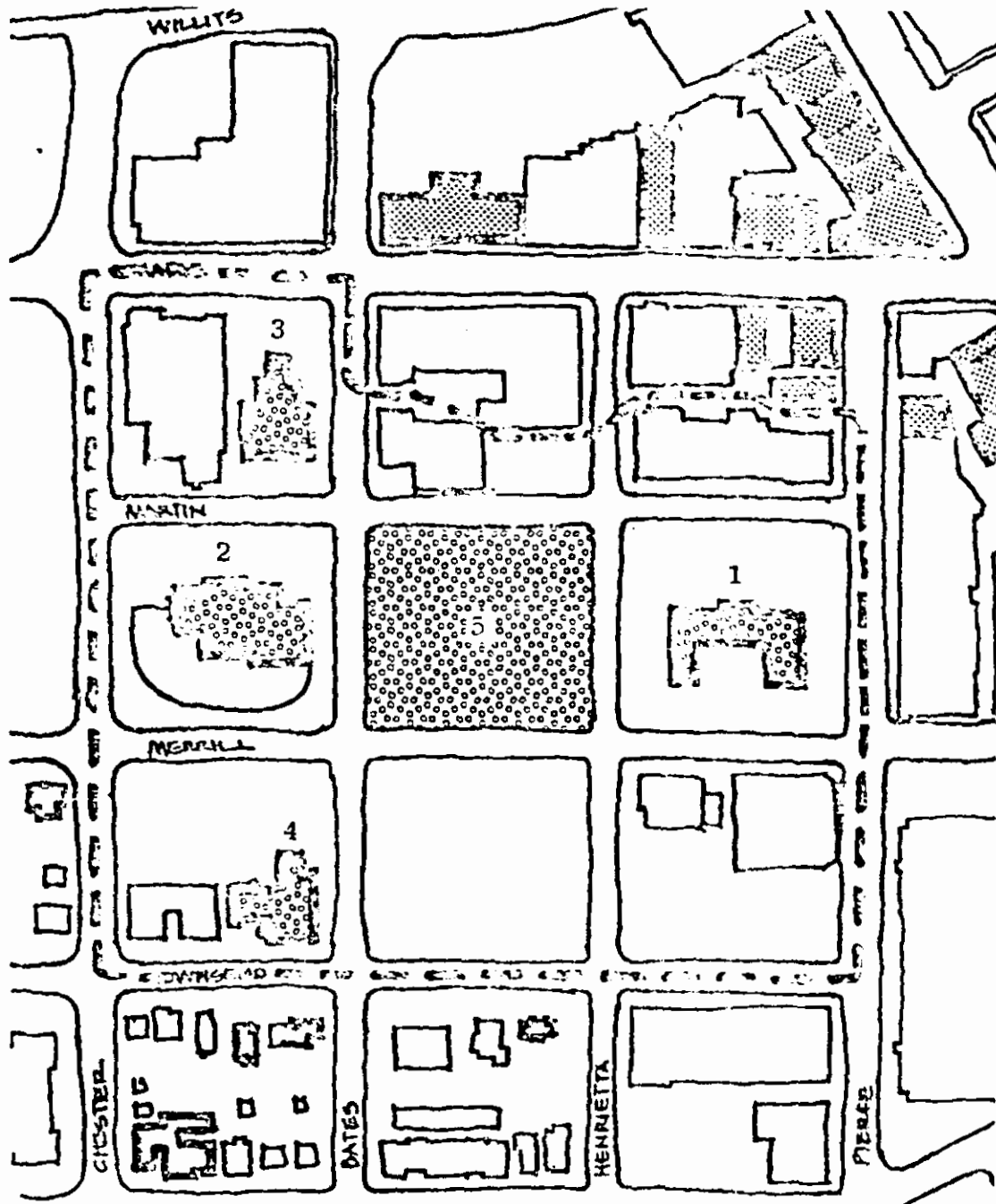
VOTE: Yeas, 4 Nays, 1 (Kain) Abstain, Hockman, Jeske  
Commissioner Hockman and Jeske abstained from voting because of a conflict of interest.

# Central Business Historic District



1. Wabek Building - 255 W. Maple
2. Leonard Building - 165 W. Maple
3. Quarton Building - 142 W. Maple
4. Blakeslee Building - 138 W. Maple
5. Billy McBride Building - 122 W. Maple
6. Ford Building - 101 N. Woodward and 120 W. Maple
7. Erity and Nixon Building - 163-167 N. Woodward
8. Bell Building - 191 N. Woodward
9. Schlaack Building - 205-219 N. Woodward
10. Huston Building 1916 - 205-219 N. Woodward
11. Huston Building 1923 - 237-243 N. Woodward
12. National Bank Building - 152-176 N. Woodward
13. Wooster Building - 132-136 N. Woodward
14. Parks Building - 100-116 N. Woodward
15. Madison Building - 297-323 E. Maple
16. Hawthorne Building - 361 E. Maple
17. Shain Townhouses - 378, 386, 390 E. Maple & 112, 120, 124 Brownell
18. Briggs Building - 111 S. Woodward
19. Birmingham Theatre Building - 211 S. Woodward
20. Ford-Peabody Mansion - 325 S. Woodward
21. Detroit Edison Company - 220 E. Merrill
22. D.U.R. Waiting Room - 138 S. Woodward
23. McBride Building - 124-128 S. Woodward
24. Johnston-Shaw Building - 112-114 S. Woodward
25. O'Neal Building - 106-110 S. Woodward
26. St. Clair Edison Building - 135-159 Pierce
27. Old Telephone Exchange Building - 148 Pierce
28. Bigelow-Shain Building - 115 W. Maple
29. Field Building - 135-141 W. Maple

# Shain Park Historic District



1. Municipal Building - 151 Martin
2. Baldwin Public Library - 300 Merrill
3. United States Post Office - 322 Martin
4. Birmingham Community House - 380 South Bates
5. Shain Park - Bounded by Martin, Merrill, Bates and Henrietta



11:26

10-1118-84: PUBLIC HEARING - COMBINE PLANNING BOARD  
AND HISTORIC DISTRICT COMMISSION INTO  
PLANNING AND HISTORIC DISTRICT COMMISSION -  
ADOPT ORDINANCE NUMBERS - 1277, 1278, 1279  
AND 1280

Mayor Appleford announced that this was the date and time, as advertised, for a public hearing to consider amendments to the Code of the City of Birmingham to combine the existing Planning Board and Historic District Commission into one combination Planning and Historic District Commission which would have all of the duties and responsibilities of the existing two groups.

The City Planner reviewed her report re: Creation of a New Planning and Historic District Commission.

Larry Sherman, Chairman of the Planning Board, reviewed his report recommending that the Planning Board and Historic District Commission not be combined into one board.

Commissioner Jensen stated that he questioned the advisability of combining the two boards.

Referring to Item No. 3 in Mr. Sherman's report, Commissioner Jeske stated that she felt that the Special Land Use process should be retained by the City Commission. She added that she supported a two-step process for the Certificate of Approval, but that the first step should be informal.

Mr. Tomasik commented that flexibility should be granted to the board as to whether one or two reviews are required.

Commissioner Jeske suggested that the Historical Board might assume the research of historical residences.

Christine Bernhard, 1253 Yosemite, and Mildred Wesch, 1550 Lakeside, spoke in opposition to combining the two boards.

George Nahas, owner of the O'Neal Building and a Birmingham resident, spoke in support of combining the two boards.

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance No. 1277 as follows:

ORDINANCE NO. 1277

AN ORDINANCE TO AMEND TITLE I, CHAPTER 3,  
OF THE CODE OF THE CITY OF BIRMINGHAM

THE CITY OF BIRMINGHAM ORDAINS:

Title I, Chapter 3, Section 1.114 is hereby amended to read as follows:

1.114. Planning Department. The Planning Department shall be headed by the Planning Director who shall make the necessary studies and surveys of matters relating to City growth and development, advise the Manager as to the implimentation of the City plan, furnish technical advice and assistance in planning and

zoning matters and furnish such information and data to the City Planning Board AND HISTORIC DISTRICT COMMISSION as it may require in the performance of its duties and functions.

ORDAINED this 22nd day of October, 1984, by the Commission of the City of Birmingham.

ROBERT W. APPLEFORD  
MAYOR

PHYLLIS ARMOUR  
CITY CLERK

VOTE: Yeas, 4 Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance No. 1278 as follows:

ORDINANCE NO. 1278

AN ORDINANCE TO AMEND SECTIONS 5.32; 5.40; 5.48; 5.57; 5.66; 5.76; 5.81; 5.86; 5.96; 5.105; 5.114; 5.123; 5.132; 5.250 AND SUBSECTIONS 5.16(1); 5.24(1),(2),(3),(5),(9),(11); 5.58(3),(8); 5.67(1); 5.102(6); 5.124(2); 5.188(1); 5.190(6); 5.191(2),(3),(3a),(3b), (3c), (3d),(4b),(5),(6a),(6b); 5.192(2),(3ai),(3aiv),(3b),(3c),(3d),(4),(5); 5.193(2a),(4); 5.194(8b); 5.205(2ci); 5.215(2),(3f), OF TITLE V, CHAPTER 39, OF THE CODE OF THE CITY OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. The names "City Planning Board" "Planning Board" or "the Board" are hereby amended to read "Planning and Historic District Commission" in the following:

Subsections 5.16(1); 5.24(1),(2),(3),(5),(9),(11)  
Sections 5.32; 5.40; 5.48; 5.57  
Subsections 5.58(3),(8)  
Section 5.66  
Subsection 5.67(1)  
Sections 5.76; 5.81; 5.86; 5.96  
Subsection 5.102(6)  
Sections 5.105; 5.114; 5.123  
Subsection 5.124(2)  
Section 5.132  
Subsections 5.188(1); 5.190(6); 5.191(3),(3a) (3b),(3c), (3d),(4b),(5),(6a),(6b); 5.192(2),(3ai),(3aiv),(3b),(3c), (3d),(4),(5); 5.193(4); 5.194(8b); 5.205(2ci); 5.215(2), (3f)  
Section 5.250

Section 2. Subsection 5.191(2) is hereby amended to read as follows:

- (2) Developments requiring site plan review. EXCEPT FOR PROPERTIES LOCATED WITHIN HISTORIC DISTRICTS DESIGNATED UNDER CHAPTER 43 OF THE CITY CODE, the following PROPERTIES AND types of developments require site plan review:

- (a) Single family cluster developments
- (b) Accessory buildings in all zone districts except single family
- (c) Attached single family residential (R-8)
- (d) Two family residential (R-4)
- (e) Multiple family residential (R-5, R-6, R-7)
- (f) Neighborhood business (B-1)
- (g) General business (B-2)
- (h) Office-residential (B-3)
- (i) Business-residential (B-4)
- (j) Office (O-1)
- (k) Office commercial (O-2)
- (l) Parking (P) and all off-street parking facilities in any zone district except in a district zoned single family residential when the area thereof accomodates three (3) or less vehicles.

Section 3 Subsection 5.193(2)(a) is hereby amended to read as follows:

- (a) In instances where Design Review is required by the provisions of Section 5.192 OR A CERTIFICATE OF APPROVAL IS REQUIRED BY CHAPTER 43, a permit shall not be required, but the Planning Board AND HISTORIC DISTRICT COMMISSION, prior to authorizing the issuance of the building permit pursuant to Section 5.192(5), shall first determine that the information required to be submitted by this section has been received and that provisions of this section have been fulfilled.

ORDAINED this 22nd day of October, 1984, by the Commission of the City of Birmingham.

ROBERT W. APPLEFORD  
MAYOR

PHYLLIS ARMOUR  
CITY CLERK

VOTE: Yeas, 4 Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance Number 1279 with revisions suggested by the Planning Board to Section 5.405 and Section 5.406.

MOTION AND SUPPORT WITHDRAWN

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance Number 1279 with revision suggested by the Planning Board to Section 5.406 as follows:

#### ORDINANCE NO. 1279

AN ORDINANCE TO AMEND TITLE V, CHAPTER 40,  
OF THE CODE OF THE CITY OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. The title of Chapter 40, is hereby amended to read as follows:

## CHAPTER 40 PLANNING AND HISTORIC DISTRICT COMMISSION

Section 2. Section 5.401 is hereby amended to read as follows:

### 5.401. Planning and Historic District Commission

There is hereby created the Birmingham Planning and Historic District Commission which shall consist of seven (7) members whose residences are located in the City of Birmingham. Members shall be appointed by the City Commission for terms of office of three (3) years except that two (2) members of the first Commission shall be appointed to serve for the term of one (1) year, two (2) for the term of two (2) years and three (3) for a term of three (3) years. All members shall hold office until their successors are appointed. Members of the Planning and Historic District Commission shall be eligible for reappointment. A vacancy occurring in the membership of the Planning and Historic District Commission for any cause shall be filled by a person appointed by the City Commission for the duration of the unexpired term.

At least two (2) members of the Planning and Historic District Commission shall be appointed from a list of citizens submitted by a duly organized and existing preservation society or societies, at least one (1) member shall be an architect duly registered in this state, if such person is available for appointment (at least one (1) member shall be an owner of property in one of the Historic Districts, if such person is available for appointment) and the other members shall represent insofar as possible, (the legal profession, the financial or real estate professions, and planning or design professions).

All members of the Planning and Historic District Commission shall serve without compensation. The City Manager, City Engineer and City Planner or the authorized representatives of any of them, shall be members ex-officio of the Planning and Historic District Commission, and shall have all rights of membership thereon except the right to vote.

Section 3. Section 5.402 is hereby amended to read as follows:

### 5.402. Removal.

Members of the Planning and Historic District Commission may, after a public hearing, be removed for cause.

Section 4. Section 5.403 is hereby amended to read as follows:

### 5.403. Organization and Meetings.

The Planning and Historic District Commission shall, from its appointed members, elect a chairman and a vice-chairman whose terms of office shall be fixed by the Planning and Historic District Commission. The chairman shall preside over the Planning and Historic District Commission and shall have the right to vote. The vice-chairman shall, in the case of the absence or disability of the chairman, perform the duties of the chairman. The City Planner, or his or

her authorized representative shall act as secretary of the Planning and Historic District Commission and shall keep a record of all of its proceedings.

At least four (4) members of the Planning and Historic District Commission shall constitute a quorum for the transaction of its business. The Planning and Historic District Commission shall adopt rules for the transaction of its business, which shall provide for the time and place of holding regular meetings. The Planning and Historic District Commission shall provide for the calling of special meetings by the chairman or by at least two (2) members of the Planning and Historic District Commission. The Planning and Historic District Commission shall adopt rules for the transaction of its business, and shall keep a full and complete record of its resolutions, transactions, findings and determinations, which record shall be available to the City Commission and to the public upon request.

All meetings of the Planning and Historic District Commission shall be open to the public and any person or his duly constituted representative shall be entitled to appear and be heard on any matter applicable to the business at hand before the Planning and Historic District Commission makes its decision.

The concurring affirmative vote of four (4) members of the Planning and Historic District Commission shall be required for approval of plans before it for review or for the adoption of any resolution, motion or other action by the Planning and Historic District Commission.

Section 5. Section 5.404 is hereby amended to read as follow:

5.404. Assistance.

The Planning and Historic District Commission may call upon the City Manager for such services and data by the various departments as it may require. The Planning and Historic District Commission may recommend to the City Commission the securing of such professional and consulting services as it may require, provided, however, that no expenditures of funds shall be made, or contracts entered into for providing such professional or consulting services, unless the same shall first be approved and authorized by the City Commission.

Section 6. Section 5.405 is hereby amended to read as follows:

5.405. Duties.

It shall be the function and duty of the Planning and Historic District Commission to advise the City Commission in regard to the proper development of the City of Birmingham. The Planning and Historic District Commission is authorized to advise with and cooperate with the planning, historic district and legislative bodies of other governmental units in any area outside the boundaries of the City of Birmingham. The Planning and Historic District Commission is authorized to prepare a recommendation for the physical development of the municipality, either in its entirety, or in part. Such recommendation, together with accompanying maps, plats,

charts and descriptive matter, shall show the Planning and Historic District Commission suggestions for the development of such territory. Said Planning and Historic District Commission is also authorized to recommend for the guidance of the City Commission, amendments to the City Code relating to the control of the height, area, bulk, location and use of buildings and premises. Said commission is also authorized to recommend for the guidance of the City Commission, amendments to the City Code relating to the control and development of lands within Birmingham's historic districts. The Planning and Historic District Commission may from time to time, amend, extend or add to such recommendations, and the same shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs. The Planning and Historic District Commission may hold such public meetings and/or hearings from time to time, as it may deem advisable or necessary in connection with the proper performance of its functions hereunder.

Not later than the first day of April in each year, the Planning and Historic District Commission shall prepare and submit to the City Manager, a tentative outline of its program for the ensuing year. Joint meetings of the City Commission and of the Planning and Historic District Commission, shall be held at least quarterly at a time to be designated by the Mayor, and it shall be the duty of the Mayor to call such meeting in accordance with the provisions hereof.

Section 7. Section 5.406 is hereby amended to read as follows:

5.406. Reviews and Recommendations.

The Planning and Historic District Commission shall have the responsibility for Site Plan Review, Design Review and Exterior Appearance Review as outlined in Chapter 39 of the City Code. The Planning and Historic District Commission shall have the responsibility to review and issue Certificates of Approval or rejection for changes within Birmingham's historic districts. It shall be the function of the Planning and Historic District Commission to pass upon all matters referred to it by the City Commission and to give to the City Commission the benefit of its judgement with relation to such matters so referred. Matters so referred may include, but not be restricted to, requests for change of zoning, request for closing, opening or altering a street, or an alley, requests for issuing building permits, and any other matters which bear relation to the physical development or growth of the municipality. When any recommendation has been made by the Planning and Historic District Commission, the same shall be referred to the City Commission or other appropriate City boards.

Section 8. Section 5.407 is hereby deleted.

ORDAINED this 22nd day of October, 1984, by the Commission of the City of Birmingham.

VOTE:        Yeas, 4    Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Hockman, supported by Jeske:  
To adopt Ordinance Number 1280 as follows:

ORDINANCE NO. 1280

AN ORDINANCE TO AMEND TITLE VIII, CHAPTER 79,  
SECTION 8.4(113.10) OF THE CODE OF THE CITY  
OF BIRMINGHAM.

THE CITY OF BIRMINGHAM ORDAINS:

Title VIII, Chapter 79, Section 8.4(113.10) is hereby  
amended to read as follows:

113.10. Planning Board AND HISTORIC DISTRICT  
COMMISSION APPROVAL.

Each application for a permit to erect or remodel  
a building within the City of Birmingham may,  
at the discretion of the Building Official,  
be referred to the Planning AND  
HISTORIC DISTRICT COMMISSION for review. All  
plans for buildings, other than single family  
residences shall be submitted to the  
Planning AND HISTORIC DISTRICT COMMISSION  
by the Building Official prior to issuance of  
a permit.

ORDAINED this 22nd day of October, 1984, by the Commission  
of the City of Birmingham.

ROBERT W. APPLEFORD  
MAYOR

PHYLLIS ARMOUR  
CITY CLERK

VOTE: Yeas, 4 Nays, 3 (Jensen, Kain, Sights)

MOTION: Motion by Hockman, supported by Jeske:  
To designate December 1, 1984, as the effective date for the  
foregoing ordinances.

VOTE: Yeas, 7 Nays, None

MOTION: Motion by Hockman, supported by Jeske:  
To request the Birmingham Historical Society to provide a  
list of nominees for the newly created Planning and Historic  
District Commission, with resumes for each nominee, said  
list to be submitted within two weeks, and to urge that the  
list contain more than two names.

VOTE: Yeas, 7 Nays, None

11:35

10-1119-84: COMMUNICATIONS RE: PROPOSED  
HISTORIC DISTRICTS

Communications regarding the proposed historic districts  
were received from the following: Michigan History Division  
of the Department of State in support of the historic  
districts; Robert Gwynn, in opposition to the Central Business  
Historic District; Charles Clippert, on behalf of Maplewood  
Associates, in opposition to the Central Business Historic  
District.

11:35

10-1120-84: LEONARD MAZOR - GRIEVANCE RE: SERGEANT  
PROMOTIONS - JOSEPH SEDANO/TRACY MAYES  
Communication dated October 18, 1984, received from Leonard  
Mazor, Attorney, advising that Joseph Sedano and Tracy  
Mayes withdrew their grievance on sergeant promotions  
scheduled for hearing on October 22, 1984.

11:35

10-1121-84: MEETING OPEN TO THE PUBLIC  
William Brownfield, Managing Director of the Chamber of  
Commerce, invited City Commissioners and City Department  
Administrators to a dedication of the Chamber Flag Pole  
on October 29, 1984, at 10:00 A.M.

11:37

10-1122-84: RESIDENTIAL LEAF COLLECTION  
Report received from the Director of the Department of  
Public Services and the City Manager re: Residential Leaf  
Collection.

11:37

10-1123-84: BID AWARD - PURCHASE OF FERTILIZER  
MOTION: Motion by Kain, supported by Sights:  
To receive the report of the Director of the Department of  
Public Services and the City Manager recommending that the  
bid for purchase of fertilizer for application in City  
parks and Greenwood Cemetery be awarded to the low bidder,  
L and E Distributors, in the amount of \$2,461.20; to concur  
in the recommendation as submitted.

VOTE: Yeas, 7 Nays, None

11:37

10-1124-84: BID AWARD - LARGE TREE PURCHASES  
MOTION: Motion by Jeske, supported by Hockman:  
To receive the report of the Director of the Department of  
Public Services and the City Manager recommending that  
large street trees requested by residents for fall or  
spring planting be purchased from low bidders as follows:

Wade & Gatton Nurseries, Belleville, Ohio:

2 Tulippoplar 2 1/2-3" B & B @	@ \$100.	\$ 200.
2 Tulippoplar 4" B & B	@ \$250.	500.
6 Emerald Queen Norway Maple 4 1/2-5" B&B @	@ \$250.	1500.
3 Emerald Queen Norway Maple 3 1/2-4" B&B @	@ \$150.	450.
1 Marshall's Seedless Green Ash 5" B&B	@ \$300.	300.
4 Bowhall Red Maple 5" B&B	@ \$250.	1000.
1 Shademaster Honeylocust 4 1/2-5" B&B	@ \$250.	250.
Total		\$4200.

George Yount Nursery, Oak Park, Michigan

1 Gerling Red Maple 3-3 1/2" B & B	@ \$150.	\$ 150.
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VOTE: Yeas, 7 Nays, None

11:38

10-1125-84: ACLU VS CITY OF BIRMINGHAM  
MOTION: Motion by Kain, supported by Jeske:  
To receive the report of the City Attorney re: ACLU vs City  
of Birmingham; to grant permission to the American Jewish  
Congress to file an amicus curiae in support of the appellees  
in the aforementioned matter.

VOTE: Yeas, 7 Nays, None



11-38

10-1126-84: POLICIES RE: ISSUANCE OF MONTHLY  
PARKING PERMITS

MOTION: Motion by Hockman, supported by Miller:

To receive the report of the Advisory Parking Committee recommending that a deposit of \$20.00 be required from persons wishing to be on a waiting list for City parking facilities, said deposit to be refunded upon cancellation of the permit or withdrawal from the waiting list, or to be forfeited upon non-payment of the monthly fee, and that the deposit be effective immediately for new permit holders and new waiting list applicants, and effective January 1, 1985, for all current permit holders and those now on waiting lists; that a \$5.00 replacement fee be charged for a lost or damaged magnetic parking card; to concur in the recommendation as submitted.

VOTE: Yeas, 6 Nays, None Abstain, Kain

Commissioner Kain abstained from voting because of a conflict of interest.

MOTION: Motion by Kain, supported by Sights:

To concur in the recommendation of the Advisory Parking Committee that the policy of issuing permits to individuals only be reaffirmed, and that existing permits be converted to an individual basis.

MOTION: Motion by Appleford, supported by Sights:

To table the previous Motion for one week.

VOTE: Yeas, 6 Nays, 1 (Jensen)

12:45

10-1127-84: APPROVAL OF WARRANTS

MOTION: Motion by Miller, supported by Sights:

That the Warrant List dated October 18, 1984, less payment of \$329.90 to Muellers, and less payment of \$625.00 to Thornton and Grooms, for an amended amount of \$358,413.31, having been audited and approved by the Director of Finance, be approved for payment.

VOTE: Yeas, 7 Nays, None

12:46

10-1128-84: GENERAL BUSINESS

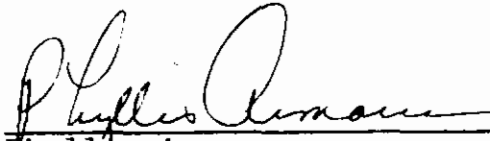
MOTION: Motion by Jeske, supported by Miller:

To schedule a Closed Meeting for November 12, 1984, at 7:00 P.M., in the Conference Room, to discuss labor negotiations.

VOTE: Yeas, 7 Nays, None

MOTION: Motion by Commissioner Jeske to adjourn

Meeting adjourned at 12:47 A.M., Tuesday, October 23, 1984.

  
Phyllis Armour  
City Clerk

124 Peabody

Birmingham

Michigan

48009

CHRISTOPHER J LONGE AIA  
ARCHITECTURE

Matthew Baka, Senior Planner  
c/o City of Birmingham  
151 Martin Street  
Birmingham, Michigan 48009

July 5, 2017

Re: 361 East Maple Road  
Historic designation

Matthew;

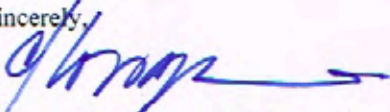
As you know we have submitted design drawings for Final Site Plan and Design Review.

At this time we are (will be) respectfully requesting that the Hawthorne Building @ 361 East Maple Road be 'un-designated' as Locally Designated Historic Building since the building itself is not significant in the way previously defined (see the attached documents) and should alternatively be considered a 'non-contributing resource'.

We are therefore requesting that the Planning board application be processed. We will make the proper application to the HDC at the appropriate time.

Should there be any questions regarding this request – please give me a call.

Sincerely,



Christopher J. Longe, AIA

T 248 258 6940

F 248 258 5568



## MEMORANDUM

Planning Division

**DATE:** July 17, 2017

**TO:** Joseph A. Valentine, City Manager

**FROM:** Matthew Baka, Senior Planner

**APPROVED:** Jana Ecker, Planning Director

**SUBJECT:** 361 E. Maple – Historic Designation Removal Request

---

The owner of the property located at 361 E. Maple has requested that the City Commission consider removing the historic designation their building as a contributing historic resource within the City of Birmingham. The property owner has submitted an application to the Planning Board requesting to demolish the building as part of a redevelopment proposal.

The process for removing designation from a property or structure as a contributing historic resource is outlined in section 127 of the City Code. Section 127-5, **Establishing additional, modifying, or eliminating historic districts**, states the following:

- (a) *The city commission may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district, or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, the standing historic district study committee, as established in section 127-4, shall follow the procedures as stated in section 127-4. The committee shall consider any previously written committee reports pertinent to the proposed action.*
  - (b) *In considering elimination of a historic district, a committee shall follow the procedures set forth in section 127-4, as amended for the issuance of a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:*
    - (1) *The historic district has lost those physical characteristics that enabled the establishment of the district.*
    - (2) *The historic district was not significant in the way previously defined.*
    - (3) *The historic district was established pursuant to defective procedures.*
- (Ord. No. 1880, 7-24-06)

The first step in the process towards considering eliminating the historic designation of this property is for the City Commission to pass a resolution directing the Historic District Study Committee to commence with the creation of a study committee report as outlined in section 127-4 of the City Code.

In accordance with sec. 127-04 of the City Code, when directed by a resolution passed by the city commission, the standing historic district study committee shall meet and do all of the following:

*(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the state historic preservation office of the state historical center.*

*(2) Conduct basic research of each proposed historic district and historic resources located within that district.*

*(3) Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR Part 60, and criteria established or approved by the state historic preservation office of the state historical center.*

*(4)*

*Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:*

*a. The charge of the committee.*

*b. The composition of committee membership.*

*c. The historic district(s) studied.*

*d. The boundaries of each proposed historic district in writing and on maps.*

*e. The history of each proposed historic district.*

*f. The significance of each district as a whole, as well as the significance of sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.*

*(5) Transmit copies of the preliminary report for review and recommendations to the city planning board, the state historic preservation office of the Michigan Historical Center, the Michigan Historical Commission, and the state historic preservation review board.*

*(6) Make copies of the preliminary report available to the public pursuant to Section 399.203(4) of Public Act 169 of 1970, as amended.*

*(7) Not less than 60 calendar days after the transmittal of the preliminary report, the historic district study committee shall hold a public hearing in compliance with Public Act 267 of 1976, as amended. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267. Written notice shall be mailed by first class mail not less than 14 calendar days prior to the hearing to the owners of properties within the proposed historic district, as listed on the most current tax rolls.*

*The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended.*

*(8) After the date of the public hearing, the committee and the city commission have not more than one year, unless otherwise authorized by the city commission, to take the following actions:*

*a. The committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the city planning board and the historic district commission, to the city commission as to the establishment of a historic district(s). If the recommendation is to establish a historic district(s), the final report shall include a draft of the proposed ordinance(s).*

*b. After receiving a final report that recommends the establishment of a historic district(s), the city commission, at its discretion, may introduce and pass or reject an ordinance(s). If the city commission passes an ordinance(s) establishing one or more historic districts, the city shall file a copy of the ordinance(s), including a legal description of the property or properties located within the historic district(s) with the register of deeds. The city commission shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.*

*(9) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the historic district commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.*

Thus, to consider the applicant's request for the removal of the historic designation on 361 E. Maple the City Commission may wish to direct the Historic District Study Committee to prepare a report as outlined in Sec. 127-4 of the City Code.

#### SUGGESTED ACTION:

The City Commission approves the attached resolution directing the Historic District Study Committee to prepare a study committee report for 361 E. Maple as outlined in section 127-4 of the City Code.

**361 E. MAPLE  
HISTORIC DESIGNATION ELIMINATION REQUEST  
JULY 24, 2017**

**WHEREAS**, the owner of the Property located at 361 E. Maple have requested that their property be removed as a contributing resource in the Central Business District Historic District within the City of Birmingham,

**WHEREAS**, The land for which the Historic designation is sought is located on the north side of Maple between Park and N. Old Woodward Ave.,

**WHEREAS**, Section 127-5 of the City Code, Historic Districts, requires that the City Commission pass a resolution directing the Historic District Study Committee to prepare a Study Committee Report;

**WHEREAS**, The Birmingham City Commission has reviewed the request of the property owner and has found that a Study Committee Report to determine the historic merit of the structure at 361 E. Maple is warranted;

**NOW, THEREFORE, BE IT RESOLVED**, The Birmingham City Commission directs the Historic District Study Committee to prepare a Study Committee Report as outlined in section 127-4 of the City Code for the property located at 361 E. Maple:

I, Cherilynn Brown, 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 24, 2017.

---

Cherilynn Brown, City Clerk

**JOHN DZIURMAN ARCHITECTS Ltd.  
CONSULTING HISTORIC ARCHITECT  
REVIEW AND HISTORIC EVALUATION REPORT  
APPLICATION TO DE-DESIGNATION AND DEMOLITION OF THE  
HAWTHORNE BUILDING (HISTORIC NAME)  
361 E. MAPLE BIRMINGHAM, MICHIGAN**

**INTRODUCTION**

Dickinson Wright PLLC engaged John Dziurman Architects Ltd., to undertake a Review and Historic Evaluation Report relating to the Opposition to Application to De-Designate/Remove 361 E. Maple, Birmingham, Michigan, (“Hawthorne Building”) as a historic contributing Landmark building in the Central Business Historic District in downtown Birmingham.

Our Review and Historic Valuation Report was for the purpose evaluating the City’s initial inclusion of the Hawthorne Building under the City’s historic district ordinance and to evaluate the criteria governing the review of the pending application to eliminate the Hawthorne Building as a historic district under Section 127-5 of the City’s Code.

In conducting our review we examined records of the Birmingham Historic District Study Committee in 1981 and the records of the Birmingham City Commission between 1981-84 & 2017, conducted a site visit to ascertain the current condition of the Hawthorne Building and reviewed the records, documents and minutes with regard to current Birmingham Historic District Study Committee review of the pending application to eliminate the Hawthorne Building as designated historic district.

**BACKGROUND**

Mr. Mrs. Melvin Kaftan, are owners and residents of the property directly east of the Hawthorne Building and , oppose the de-designation of this historic property and have requested that the Birmingham Historic District Study Committee ("BHDSC") recommend to the City Commission that the de-designation application be denied.

Mr. and Mrs. Kaftan have asserted and I have confirmed in my review the following:

- The Hawthorne Building had historic value as required by City Code when it was originally designated as a historic district;
- That the historic value of the Hawthorne Building has not diminished since its historic designation and that such historic value and purpose merits retention as a historic district under the City Code.

When the Kaftan’s purchased the adjoining property they did so knowing that the Hawthorne Building was in a historic district and designed and constructed their building which includes their personal residence based upon such designation. Accordingly, elimination of the Hawthorne Building has a historic district will not only result in the loss of valuable historic resource, but will result in development of 361 E. Maple in a manner

inconsistent with the design and use of the Kaftan building which is their home.

At all times the Kaftans have been willing and able to purchase the Hawthorne Building for same price as the current owner and attempted to do so before it was purchased by the current owner.

As residents in this area of the City, the Kaftans have been advised that other owners of similarly historically designated buildings will seek elimination of their buildings from the historic district if the pending de-designation application is granted.

Along with the pending de-designation application, it is Kaftan's understanding that the current owner of the Hawthorne Building has submitted an application to the Planning Board requesting to demolish the Hawthorne Building as part of a redevelopment proposal.

#### REVIEW OF DE-DESIGNATION APPLICATION BY THE CITY OF BIRMINGHAM

The process for removing designation of a property and/ or structure as a contributing historic resource and from the historic district is outlined in section 127-5 of the City Code. The first step in the process which has occurred is for the City Commission to pass a resolution directing the BHDSC to commence with the creation of a study committee report as outlined in section 127-4 of the City Code. That process has occurred and the BHDSC has been meeting for a number of months reviewing the application and was considering a recommendation to deny the application.

Specifically, at the BHDSC November 16, 2017 meeting, the BHDSC presented their report – “361 E. Maple Birmingham Historic Resource Report from the Historic District Study Committee”, and recommended not to support the de-listing of the Hawthorne Building for the following reasons:

- De-listing the building puts it at risk i.e. changes to historic features, demolition, etc.;
- The building was originally designated following all Federal, State and Local guidelines;
- There have been no changes to the building since its designation in 1984 and maintains its character as a pristine example of 1920's commercial architecture in downtown Birmingham;
- The building is located on a street with other historic properties and is within the Historic Central Business District and contributes to the history and character of the City;
- The Birmingham community needs to maintain its historic structures for future generations; and
- De-listing an asset based on the potential for demolition and redevelopment, does not serve the greater good of the community.

Simply stated, it appears that to date, the BHDSC was of the opinion that the criteria for de-designation listed in Chapter 127 of the City Code was not satisfied since:



1. The Hawthorne Building as a historic district has not lost those physical characteristics that caused the establishment/creation of the district in 1984.
2. The Hawthorne Building as a historic district remains significant in the manner previously defined.
3. The designation of the Hawthorne Building as a historic district complied with proper procedure.

## **REVIEW OF CRITERIA**

### **1. The historic district has not lost those physical characteristics that enabled the establishment of the district.**

The property at 361 E. Maple remains virtually unchanged from the condition it was in when designated in 1983. This is demonstrated by historic and contemporary photographs. It is decorated with a sign band that is defined by patterned brick and limestone. The parapet has a small pediment and limestone urns at the party walls. It is believed that the pressed metal store front is original.

In addition, since the creation of the CBD Historic District, all exterior changes to the contributing and non-contributing resources have been reviewed by the Historic District Commission. Any proposed change to a resource in the district has been measured against the Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings (attached). The Standards for Rehabilitation address the most prevalent treatment. "Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values". Accordingly, the historic character of the district at large has not been altered in such a way that would eliminate the physical characteristics that enable the establishment of the district.

### **2. The historic district remains significant in the manner as previously defined.**

Several factors were used in determining whether a building has sufficient historic value to merit classification as a "landmark." First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were architecture and uniqueness of each structure was evaluated. At the time, the Historic District Study Committee determined that 29 structures in central Birmingham were worthy of special treatment. Although not every structure met all of the above criteria, each structure given "landmark" designation was determined by the Commission to have one or more of the elements that made it worthy of designation. The property at 361 E. Maple was selected as a contributing resource as it was a good example of a small store design from the 1920's with patterned brick and limestone. The parapet has a slight pediment and limestone urns at the party walls. Although the structure is simple and conservative, it is in excellent condition. The fact that it also maintained its original condition made it a valuable visual anchor in the preservation of the north side of E. Maple. The architectural significance cited in 1983 is as evident today as it was at the time.

### **3. The historic district was properly established.**

The procedures followed in the designation of the Central Business District Historic District were established in chapter 127 of the City Code pursuant to Public Act 169 of 1970. In 1980 the City Commission appointed the Historic District Commission to serve as a Historic District Study Committee to research and make a recommendation regarding the historic value of buildings in central Birmingham as required by chapter 127 of the City Code. As documented by the committee members at the time, the research was conducted by interviewing Birmingham "old-timers" who had first-hand knowledge of the history of many buildings, reviewing materials at the Baldwin Library including reading issues of the Birmingham Eccentric, researching City assessing and building records, examining recorded data from Oakland County and reviewing published material from various other resources. The selection of 361 E. Maple for historical designation in 1983 as a part of the Central Business District Historic District was done after careful review and evaluation in compliance with the required procedures.

On October 22, 1983, the Birmingham City Commission adopted Ordinance No. 1276 amending the City Code adding Chapter 43 of the Birmingham City Code to establish the Central Business District Historic District and the Shain Park Historic District.

### **Recommendation Against De-Designation**

In 1970, the Michigan State Legislature declared historic preservation to be a public purpose. By enacting Public Act 169, the legislature officially recognized that historic preservation does all of the following:

- A. Safeguards the heritage of the community by preserving a district which reflects elements of its cultural, social, economic, political or architectural history;
- B. Stabilizes and improves property values in such districts;
- C. Fosters civic beauty;
- D. Strengthens local economy; and
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

The Hawthorne Building is a valuable example of a 1920's era commercial storefront that has seen little to no alteration within its lifetime. It provides historic context of the traditional downtown that has personified Birmingham over its history. De-designating this building, as indicated by the developer's plans, would put it at risk for demolition. This has the potential to encourage additional property owners to pursue de-designation and deterioration of the historic character that has defined Birmingham throughout the years. These historic structures have distinguished Birmingham from its surrounding neighbors as a traditional downtown which has undoubtedly contributed to its sustained success over the years. In addition, the methods and procedures followed during the designation process in the 1980's strictly adhered to the guidelines established at the local, state and federal levels. It was the intention of the City Commission of that time to take these steps to ensure that Birmingham would retain its character and history for future generations to appreciate and enjoy. The de-designation of this structure has the potential to set a precedent that would

have long lasting effects on the City that cannot be reversed.

- De-listing the building puts it at risk i.e. changes to historic features, demolition, etc.
- The building was originally designated following all Federal, State and Local guidelines;
- There have been no changes to the building since its designation in 1984 and maintains its character as a pristine example of 1920's commercial architecture in downtown Birmingham;
- The building is located on a street with other historic properties and is within the Historic Central Business District and contributes to the history and character of the City;
- The Birmingham community needs to maintain its historic structures for future generations;
- De-listing an asset based on the potential for demolition and redevelopment, does not serve the greater good of the community.

Based upon the foregoing, it is clear that there is no basis for de-designation of this historic building and the same and historic district must be preserved.

## **THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION**

In my review of the Hawthorne Building, I also examined the Secretary of the Interior Standards for Rehabilitation and reached the following findings and conclusions.

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

*This property has been used for its historic purpose (commercial) since it was built in the 1920s, and has had little to no alteration within its lifetime.*

- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

*The historic character of this property has been retained and preserved as original, and due to no removal of materials or alterations of features, it has retained the original character of the property.*

- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

*In the 1920s, the City of Detroit and Michigan area were designing and building Art Deco skyscrapers, factories, schools, post offices, city halls and commercial buildings. Some other design category names used were Art Moderne, ZigZag Moderne and Streamline. This small commercial building in downtown Birmingham is a jewel for the historic*

*district, the city and the Detroit area.*

- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.  
*The historic significance of this building has never changed and has retained and preserved all of its original Art Deco features on the façade.*
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.  
*This one story, one bay, reddish face brick store, with attractive trim was built in 1927. The building has been well kept and is an example of good, small store design and craftsmanship from the 1920s.*
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.  
*Although the structure is simple and conservative, it is in good condition and original condition makes it a candidate for a valuable visual preservation anchor in the Birmingham Central Business District Historic District.*
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.  
*The façade of this Art Deco style building never experienced any chemical or physical treatment, only the gentlest means of clean water.*
- (8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.  
*In 1929, the shed at the rear of the property was removed. Since the building was built in 1927, there was no information if there were any significant resource found.*
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.  
*An exterior wood addition was built in the rear for storage and other rooms related to the businesses that were using the building. This addition is differentiated from the brick facade and is compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.  
*The only addition to this brick building was the wood addition described with Standard*

*#9. If the rear addition was removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Based upon the foregoing, it is clear that the de-designation application should not be granted.

## **THE OCTOBER 18, 1984 MINUTES FROM THE FIRST HISTORIC DISTRICT STUDY COMMITTEE**

**The following is recitation of the above referenced minutes. We have included the same as the discussion contained in the minutes focuses on the importance of historic resources and districts and the relationship of the historic district to the character of central Birmingham and adjoining properties. It is believed that the conclusions reached by the first Historic District Study Committee confirm why the historic district designation of the Hawthorne Building should not be removed.**

The Birmingham City Commission established the Central Business Historic District and Shain Park Historic District in 1981. At that time, the City Commission appointed the Historic District Commission to research and make a recommendation regarding the historic value of buildings in central Birmingham. The Study Committee examined each building in the study area. The research was conducted by interviewing Birmingham “old-timers” who have first-hand knowledge of the history of many buildings, reviewing material at the Baldwin Library including reading issues of the Birmingham Eccentric from the late 1800’s and early 1900’s, researching City assessment and building records, examining recorded data from Oakland County and reviewing published material from the various other sources.

Several factors were used in determining whether a building has sufficient historic value to merit classification as a landmark. First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were also considered. Finally, the architecture and uniqueness of each structure was evaluated. Based on this background, the Historic District Commission decided that 29 structures in central Birmingham were worthy of special treatment. In addition, the Commission determined to have one or more of the elements that make it worthy of designation.

### **LOCAL HISTORIC DISTRICTS ACT Act 169 of 1970**

The Commission also reviewed that in 1970, the Michigan State Legislature declared historic preservation to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit. The purpose of the ordinance is to do one or more of the following:

- (a) Safeguard the heritage of the local unit by preserving 1 or more historic districts in the local unit that reflect elements of the unit's history, architecture, archaeology, engineering, or culture.
- (b) Stabilize and improve property values in each district and the surrounding areas.

- (c) Foster civic beauty.
- (d) Strengthen the local economy.
- (e) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the local unit and of the state.

The Birmingham Historic District Commission noted at that time the Birmingham City Commission will always recognize, as the legislature did back in 1970, that historic preservation can accomplish all of the above goals. Also, some communities throughout the state have almost every single building designated as a “landmark” structure, while other historic districts in their downtowns, such as Birmingham, have undergone many changes resulting in the “landmark” structures being in the minority. This is not unusual or desirable. To the contrary, it is towns such as Birmingham that can most benefit from historic preservation legislation. The legislation provides protection of the character and design qualities that make Birmingham a viable downtown.

The Historic District Commission is certain that the City Commission believes that Birmingham has commercial structures worth protecting. Both know that no ordinance exists to prevent demolition of those structures in central Birmingham, which have value to the whole community. It seems, therefore, that the question is not "should we?" but "how should we?"

At that time, there were 47 historic district properties in the City of Birmingham. They were primarily non-contiguous, residential structures on individual lots. Two commercial structures, the Peabody Mansion and the Grand Trunk Western Railroad Depot are exceptions.

Although individual, non-contiguous districts have worked well for the residential properties, they did not think that the proper approach for the commercial area was working as well. Since commercial structures are erected side-by-side and bear a more direct relationship to one another than single family residential structures. To select the individual one "landmark" buildings for designate without regard for the other structures in the downtown is contrary to the purposes for creating an historic district. Careful attention must be paid to the structure which abut “landmark” properties and other buildings in the downtown which have an effect on the “landmarks” The suggestion that only “landmark” properties compose the historic district would be similar to saying that Planning Board should have Design Review over just a portion of a particular block. This recommendation is for contiguous historic districts with well-defined standards for both “landmark” and “district resource properties.

The Historic District Commission already begun working on a set of standards which will establish a clear cut understanding of the goals of the City with respect to design. It is the intent of the Historic District Commission to set standards that are flexible enough to provide for individual creativity yet complete enough to ensure that the historic fabric of Birmingham is not destroyed.

Under the current regulations, any property owner in central Birmingham (public ownership excepted) must obtain Design approval or Exterior Approval and possibly Site Plan

Approval before any change to the exterior of a building can be made. Since central Birmingham is currently subject to a Design Review process, the question that we all face is: What should the thrust of this Design Review be?" Architecture, no matter what the age or style, should have as a goal to reflect its time and its place. The question of how to achieve that goal, especially when adding a new wing to an old building or filling a gap in an urban streetscape, is a vexing one to architects and preservationists alike. There is no formula answer; each building or addition should be considered individually and in the context of its surroundings. Design relationships in architecture appear to have become a problem since the coming of age of the "modern movement" in the last 35 years or so. When "modern" architecture arrived, thumbing its nose at the past and the surroundings, its problems began. The public has become disaffected with modern design. Existing is not respected and there is little ornamentation; the result is monotony. With this sharp change in designs so profoundly affecting the existing streetscape, preservationists and others reacted and the concept of historic districts was born.

While there may not be a clear answer to what constitutes a good relationship between old and new buildings, which should not stop us from trying to find a solution, it is only in a quality built environment that we can achieve a quality life. The 29 "landmark" structures represent what is left of quality development from a previous era. The City Commission is now confronted with decision; to find that these buildings are worthy of preservation for present and future generations to enjoy or determine that these buildings do not have any public value and may be destroyed, altered or redesigned at the will of the owners. It is our sincerest hope that you will go forward in enacting the proposed ordinance to create two new historic districts which will protect the valuable historic resources in central Birmingham.

### **CONSULTING HISTORIC ARCHITECT OPINION**

Application to De-Designation/Remove  
Hawthorne Building (Historic Name)  
361 E. Maple Birmingham, Michigan

1. The Application for the De-Designation of the Hawthorne Building;
  - a. Is contrary to the 10 Standards of the Secretary of the Interior Standards for Rehabilitation,
  - b. Would result in the demolition of one of the 29 Landmarks in the Central Business Historic District
  - c. Would significantly compromise the use of an existing 3 stories residential property at 363 E. Maple
  - d. Does not meet the criteria for de-designation listed in Chapter 127 of the City Code.







Sec. 127-25. Central Business District.

The central business district shall consist of all of the lands and resources within the boundaries of the central business district as hereby established on the district maps. The central business historic district shall consist of the following historic resources in the city.



1. Wabeek Building, 256 W. Maple.
2. Leonard Building, 166 W. maple.
3. Quarton Building, 142 W. Maple.
4. Blakeslee Building, 138 W. Maple.
5. Billy McBride Building, 122 W. Maple.
6. Ford Building, 101 N. Woodward and 120 W. Maple.
7. Erity and Nixon Building, 163-167 N. Woodward.
8. Bell Building, 191 N. Woodward.
9. Schlaack Building and Huston Building 1916, 205-219 N. Woodward.
10. Huston Building 1923, 237-243 N. Woodward.
11. National Bank Building, 152-176 N Woodward.
12. Wooster Building, 132-136 N. Woodward.
13. Parks Building, 110-116 N. Woodward.
- 14. Madison Building, 297-323 E. Maple.**
15. Hawthorne Building, 361 E. Maple
16. Shain Townhouses, 378, 386, 390 E. Maple and 112,120, 124 Brownell.
17. Briggs Building, 111 S. Woodward.
18. Birmingham Theater Building, 211 S. Woodward.
19. Ford-Peabody Mansion, 325 S. Woodward.
20. Detroit Edison Building, 220 E. Merrill.
21. D.U.R. Waiting Room, 138 S. Woodward.
22. McBride Building, 124-128 S. Woodward.
23. Johnston-Shaw Building, 112-114 S. Woodward.
24. O-Neal Building, 106-110 S. Woodward.
25. St. Clair Edison Building, 135-159 Pierce.
26. Telephone Exchange Building, 148 Pierce.
27. Bigelow-Shain Building, 115 W. Maple.
28. Field Building, 135-141 W. Maple.

## New Construction

Mixed – Used / Retail, Office and Luxury Condo

361 E Maple Rd #TBD

Birmingham, MI 48009

2 Bd 2.1 Ba 4,120 SF

NEW- Luxury Penthouse offering dramatic skyline views in downtown Birmingham! Rise to the top in this 2-story home occupying the 4th & 5th floors of this new construction 5-story building. Park in your private 2 car garage & take your private elevator OR private stairs up to this amazing 4,120 SF home! The library greets you at the heart of the 4th floor. Large master bedroom on this level offers southern views, his & her closets, separate ensuite bathroom w/window. Large second bedroom on north end offers plentiful windows, large closet, ensuite bathroom w/window. Whether taking the elevator or main staircase, the 5th floor living area is an entertainer's delight! Living room w/fireplace opens to south terrace w/outdoor fireplace. Separate dining room, wet bar, kitchen w/eat-in & north terrace, separate pantry, powder room, and spiral staircase to fabulous rooftop terrace! On rooftop enjoy sun & stars or bask in glow of another outdoor fireplace!

Architects: Christopher Longe & Associates

Estimated Home Value

\$3,028,200

Downtown Birmingham

Built in 2018

Mortgage

\$11,855/month

Condominium

\$801/SF



John Dziurman Architects Ltd.  
Consulting Historic Architect  
361 E. Maple Report





## **361 EAST MAPLE THE HAWTHORNE BUILDING**

**CITY OF BIRMINGHAM • OAKLAND COUNTY • MICHIGAN**

**REPORT IN CONSIDERATION OF DE-DESIGNATION AS LANDMARK**  
**FINNICUM BROWNLIE ARCHITECTS**

**JANUARY 8, 2017**



## FINNICUM BROWNLIE ARCHITECTS

January 8, 2018

Ms. Amy Arnold  
Preservation Planner  
Local Districts  
Michigan State Historic Preservation Office  
735 East Michigan Avenue  
Lansing, MI 48912

Historic District Study Committee  
c/o Matthew Baka,  
Senior Planner  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48012

Re: Proposed de-designation of Hawthorne Building  
361 East Maple Road, Birmingham MI 48009

Dear Ms. Arnold and Committee Members,

The City of Birmingham Historic District Study Committee issued a report in response to a request to de-designate The Hawthorne Building, 361 East Maple, a locally designated landmark structure Central Business Historic District. Given my over 40-year career as an historic architect (please see attached Curriculum Vitae) the owner of the property has requested I provide additional information that bears on the matter.

A recommendation to de-designate a landmark structure can be made by the Historic District Study Committee if one or more of the following conditions can be demonstrated:

1. The historic district has lost those physical characteristics that enabled the establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

*Michigan PA 169 of 1970 as amended and Birmingham City Code Chapter 127-5 (b)*

To analyze the building's background and context, my staff and I studied the State enabling legislation; the Downtown Birmingham 2016 Plan; the zoning ordinance current at the time of designation; the current overlay district ordinance; the historic district ordinance; minutes and correspondence of the 1983 historic district study committee; and the recent 361 E. Maple Report by the HDSC. We also toured the Central Business Historic District; reviewed maps on the City web site and researched photos in the Birmingham Historical Museum archives.

After careful consideration of these resources, it is my professional opinion that 361 East Maple, the Hawthorne Building, does in fact meet the conditions for de-designation.

**1. THE HISTORIC DISTRICT HAS LOST THOSE PHYSICAL CHARACTERISTICS THAT ENABLED THE ESTABLISHMENT OF THE DISTRICT.**

The creation of a contiguous historic district comprised by the central business district was a sound idea and an important action taken by preservationists in 1983. Max Horton, as the Chairman of the Historic District Study Committee / Historic District Commission, led the way. In his October 18, 1984 letter (attached at [Appendix A](#)) to the Birmingham City Commission recommending the creation of the proposed Central Business Historic District with its 29 Landmark structures, Mr. Horton, quoted the state enabling act PA 169 of 1970, stating historic preservation accomplishes the following:

- “A. Safeguards the heritage of the community by preserving a district which reflects elements of its culture, social, economic, political or architectural history;*
- B. Stabilizes and improves property values in such districts;*
- C. Fosters civic beauty;*
- D. Strengthens local economy; and*
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.”*

Mr. Horton goes on to explain the reasoning behind declaring the entire Central Business District an historic district containing many landmark buildings.

*“Commercial structures are erected side-by-side and bear a more direct relationship to one another than single family residential structures. To select the individual structures for designation without regard for the other structures is contrary to the purpose of creating an historic district. Careful attention must be paid to the structures which about ‘landmark’ properties and other buildings in the downtown which have an effect on the ‘landmarks’.”*

**The message was clear and strong: The strength of historic downtown Birmingham is the entire cluster of Midwestern, low-rise Victorian and Art Deco storefronts. Each supportive of the next; the whole district is dependent upon each piece. The effect of changes made to a non-contributing district resource on an adjacent landmark structure is as important as changes made to the landmark structure itself. Neither exists in a vacuum, thus all are subject to review.** Please see [Appendix B](#) for historical photographs of East Maple and [Appendix C](#) for a pictorial inventory of landmark buildings.

What has transpired in the interim between the designation of the CBHD and now, is that another sound and important action was taken by the citizens of Birmingham: In 1996 The Downtown Birmingham 2016 Plan was adopted, resulting in the creation of the Overlay District Ordinance. The intensive community discourse that preceded the development of the plan revealed that the citizens of Birmingham overwhelmingly favored Birmingham forsaking its status as a town for that of a small city. This change in self-image is why the historic district has lost those physical characteristics that enabled the establishment of the district. The predominately one and two-story CBHD, the modest,

recently protected, Mid-western town quickly began its urban metamorphosis as the community embraced the plan and pushed it forward.

The Overlay Ordinance was conceived to incentivize development of a larger, more urban environment. The Overlay District blankets the entire Central Business Historic District. Although a stated goal of the Downtown Birmingham 2016 Plan Vision Statement is to *“Strengthen the spatial and architectural character of the downtown area and ensure the buildings are compatible, in mass and scale, with their immediate surroundings and the downtown’s traditional two and four-story buildings.”* the Overlay Ordinance has had a contrary effect. By eliminating the Floor Area Ratio of 100% (now unlimited), increasing the height from 48 FT to 70 FT and a maximum five stories; and establishing two-stories as a minimum height, it is driving the city’s vigorous new large urban scale.

**The extent and success of the Plan’s implementation is “*remarkable, even stunning*”, commented its author, Andres Duany** at the twenty-year review. The change has been fluid and unimpactful for most of the Historic District (See CBHD Map at [Appendix D](#)). In the blocks containing densely situated, contiguous two-story landmark structures infill is not possible, for example Landmarks 6-10; 11-13; 2-5; 21-24; and 26-28 (See [Appendix C](#)).



Landmarks 6 – 10



Landmarks 11 – 13

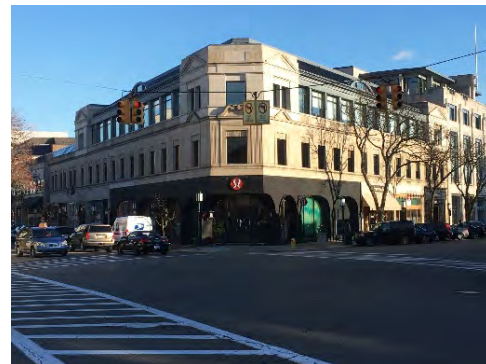


Landmarks 21 – 24

The landmark structures that have scale and architectural prominence are significant enough to coexist with new structures designed under the Overlay Ordinance, noteworthy in this regard are: Landmark 1 The Wabeek Building and Landmark 17 The Briggs Building (See [Appendix C](#)). which, in fact, has been expanded by one story, for example.



Landmark 1



Landmark 17

Others, although smaller in stature, like Landmark 18 The Birmingham Theatre, Landmark 19 The Peabody Mansion and Landmark 20 The Edison Building have such strong architectural integrity they can stand alone (See [Appendix C](#)).





Landmark 18



Landmark 19



Landmark 20

As illustrated in [Appendix E](#), the Central Business Historic District Density Map is useful for visualizing the patterns of landmark structures with district resources and one, two, three and greater story structures within the new urban fabric. Visible are groupings of two story landmarks with little exposure to potential edge development; isolated landmarks freestanding beyond the direct influence of neighboring change; and 361 East Maple, the Hawthorne building exposed to monumental change on each side. The densely-situated, two-story landmark structures; those landmarks with substantial scale and architectural prominence; and the stand-alone architecturally significant landmarks have all survived the transition from town to city. They will continue to thrive due to surrounding circumstances.

**The Hawthorne Building, Landmark 15, is unique from virtually all the other landmark structures listed.**



1975 to NW



2017 to NW

When designated, it was part of a one-story block of non-contributing district resources, as there is just one other landmark in the block (See [Appendix B](#) for historical photos). The Hawthorne Building does not have the protection by way of density of two-story structures or the advantage of scale, of architectural prominence or isolation that the other landmarks possess. It is in direct conflict with the Overlay Zoning Ordinance. The building is 20 feet wide and 15 feet high; it cannot be changed. Already, a 4-story, 50-foot building towers above it immediately to the East. Another building of 5 stories towers 70 feet high two doors to the West (See [Appendix F](#) for current photos). The adjoining single-story property to the west can potentially be developed as a 70-foot-high building with another 10-foot story for mechanical equipment. The Historic District was formed to preserve elements of the city's heritage – its small-scaled, Mid-western, historic downtown. Changes to Landmarks within the CBHD must conform to the Department of Interior Standards for Rehabilitation. Non-contributing District Resources are charged with matching the “character” of downtown. The “character” applied as the measure is the new larger-scaled urban image to which the 2016 Plan aspires.



The Hawthorne Building, 361 East Maple, is overwhelmed, rendered nearly invisible within the new urban fabric. It was not designated a landmark because it was a robust architectural specimen. Any notable architectural features are minimal at best.



2017 to NE

The strength of the Hawthorne Building when designated was as an element of a cohesive one and two-story downtown district. The cohesion was lost when 369 East Maple was constructed. Recall Max Horton's caution to the City Commission in his letter (Appendix A) that,

*"Careful attention must be paid to the structures which abut 'landmark' properties and other buildings in the downtown which have an effect on the landmarks."*



1966 to NE

Adequate consideration was not given to the Hawthorne Building when the adjoining structure gave way to a 50-foot-high replacement. The vast discrepancy in size, scale, material, color and texture between the two buildings renders the protection of 361 East Maple no longer justified. The physical characteristics of the low-rise cluster of storefronts on the north side of East Maple has been compromised by the subsequent redevelopment of this area pursuant to the Overlay District (Compare photos in [Appendix B](#) to [Appendix E](#)). The streetscape drawings below illustrate this dramatic change in character:



## Appendix G: East Maple Streetscapes

Note: The Present 2017 streetscape accurately represents the elevation of the East end of the North side of East Maple Street. The Past 1983 streetscape is a volumetric representation of what existed when the CBHD was formed. The Future streetscape depicts what can potentially be constructed under the Overlay Ordinance. They are representational only.

In the case of 361 East Maple the context has drastically changed due to the discrepancy between the goals of the Downtown Birmingham 2016 Plan and the goals of historic preservation. If it were to have been protected, standards that are being applied to the Hawthorne Building should also have been applied to its surroundings, including the adjacent district resource removed at the adjacent 369 East Maple and the new 4 story replacement building at 369 East Maple as well. Those physical characteristics that enabled the establishment of the district have been lost in the shadow of the new large urban scale.

## **2. THE HISTORIC DISTRICT WAS NOT SIGNIFICANT IN THE WAY PREVIOUSLY DEFINED.**

In 1983, the HDSC declared the Hawthorne Building a landmark structure because

“its good condition and original condition make it a candidate for a valuable visual anchor in the preservation of the north side of East Maple.”

It is questionable if this modest, 20-foot wide building ever had the architectural substance to anchor an entire block. Clearly, it is now so dominated by a four-story, 50-foot 369 East Maple next door and a 5-story, 70-foot 335 East Maple two doors to the west that, if it ever existed, the potential value as a visual anchor has been lost.

The Hawthorne Building was originally designated as part of the entire contiguous Central Business Historic District. The 2017 HDSC report states,

“It provides historic context of the traditional downtown that has personified Birmingham over its history”.

At the time of designation, the building did not “provide” the context but *contributed* to the downtown context as part of its 1-story and 2-story small town image. The image no longer exists on the north side of East Maple – it was eliminated by the first projects under the Overlay Ordinance. If the Hawthorne Building was currently a district resource and its designation as a landmark was to be sought the request would be rejected. The building cannot meet the criteria for designation.



2017 to NW



1975 to NE

### 3. THE HISTORIC DISTRICT WAS ESTABLISHED PURSUANT TO DEFECTIVE PROCEDURES.

Selection of a property for designation as a landmark structure finds its basis in the National Register Criteria used by the Department of Interior, National Trust for Historic Preservation:

*“The quality of significance in American History, architecture, archeology, and culture is present in districts, site, buildings, structures, and objects that possess the integrity of location, design, setting, materials, workmanship, feeling, and association, and:*

*A. That are associated with events that have made a significant contribution to the broad patterns of our history; or*

*B. that are associated with the lives of persons significant in our past; or*

*C. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*

*D. that have yielded or may be likely to yield, information important in prehistory or history.”*

The National Register Criteria are used as a guide throughout the hierarchy of preservation organizations: from the Keeper of the National Register to local districts for making decisions concerning the significance and historic integrity of properties. To be reliable, the criteria must be applied within related historic contexts: a body of information about historic properties organized by theme, place and time.

What was the historic context that led to the determination that 361 East Maple deserved designation as an historic landmark? The HDSC report cites a list of activities undertaken by the original study committee. However, it offers no evidence of what was found by interviewing “old-timers”, reviewing library materials, reading old newspapers, examining building and county records, etc. In the 1966 and 1975 historic photographs, charm is the only factor that remotely distinguishes 361 East Maple from the other one-story buildings. At best, The Hawthorne Building’s designation as a landmark building was an emotional choice due to its modest charm within the whole of the low-keyed downtown. At worst, choosing it as a landmark over other one-story buildings of similar size and configuration was arbitrary. The building was designated not because it was associated with events that have made a significant contribution to our history; or was associated with the lives an important historical figure; or embodied significant architectural significance, nor was designed by a notable architect or built by a prominent builder; and not because it held important historical information. Charm is not a



strong enough criterion to justify designation. **The context by which the Hawthorne Building was designated has been obliterated by the conscious, willful imposition of a new urban context in its place.**

Protecting 361 East Maple as a landmark building does not contribute to any of the five reasons for designation under the State Act:

- A. It does not safeguard the heritage of the community by preserving a district which reflects elements of its culture, social, economic, political or architectural history.
- B. It does not stabilize and improve property values in such districts.
- C. It does not foster civic beauty.
- D. It does not strengthen local economy nor
- E. It does not promote the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

Virtually all the other landmark buildings within the Birmingham CBHD do so because they have the advantage of protection provided by the compatible scale of two-story structures or the advantage of size or of architectural prominence. Unlike the Hawthorne Building, these landmarks are not vulnerable to being dominated by adjacent large-scale development.

The Hawthorne Building should not have been designated a landmark structure. The reconnaissance Building-Site Inventory Form (see [Appendix H](#)) created by Max Horton for the HDSC in 1983 lists only the date of construction “1927” under “Architectural significance” and “None” under Historic significance”. 361 East Maple is an example of a 1920’s storefront with minimal Art Deco trim. It is by no means a robust example. Its distinguishing features are two limestone urns and a limestone coping. A façade is character-defining in a multi-building district, but it is important as just one criterion. Streetscape and context also must be considered in determining if a property is historic. 361 East Maple is now overwhelmed by the larger, urban context that has evolved under the Overlay District.

For just the second time in my 40+ year career, I am supporting de-designating an historic resource. I have spent my career protecting, defending and enhancing our architectural heritage. Over time, I've come to realize not all buildings are created equal. A city is a living organism, its components ever-changing. The Hawthorne building lost its historic value when the City of Birmingham self-image changed; the Overlay Ordinance manifested new opportunities in contrast with former values, and the context changed forever. **The best action is de-designation of the Hawthorne Building to enable the transformation of Birmingham to continue as laid forth in the Downtown Birmingham 2016 Plan.** Birmingham's urban fabric will continue to evolve, and its remaining landmarks' significance enhanced by the resulting consistent balance with the new architecture.

Respectfully submitted,  
Finnicum Brownlie Architects, Inc.



William L. Finnicum AIA NCARB  
President

**Appendices:**

Appendix A	October 18, 1984 Max Horton Letter
Appendix B	361 East Maple Historical Photographs
Appendix C	Pictorial Inventory of Landmark Buildings
Appendix D	Central Business Historic District Map
Appendix E	CBHD Density Map
Appendix F	361 East Maple Current Photographs
Appendix G	East Maple Streetscapes
Appendix H	Building-Site Inventory Form
Appendix I	Overlay District Map

**References:**

*State of Michigan enabling legislation PA 169 of 1970 as amended*  
*National Register Bulletin 16, Guidelines for completing NRHP forms, US DOI*  
*Downtown Birmingham 2016 Plan*  
*City of Birmingham Zoning Ordinance 1983*  
*City of Birmingham Overlay District Ordinance*  
*Birmingham City Code Chapter 127: Historic Districts*  
*Minutes and Correspondence of Birmingham Historic District Study Committee 1983*  
*Birmingham Historic District Study Committee 361 E. Male Report, Nov. 16, 2017*  
*Mapping: City of Birmingham GPS web site and field observation*  
*Photographs: City of Birmingham Historical Museum photo archive; Google Street view;*  
*Finnicum Brownlie Architects*

Appendix A: October 18, 1984 Max Horton Letter:

October 18, 1984

City Commission  
Birmingham, Michigan

From: Max B. Horton, Chairman Historic District Study Committee  
(Historic District Commission)

Subject: Central Business Historic District and Shain Park Historic  
District

Dear Commissioners:

Approximately three years ago, the City Commission appointed the Historic District Commission to serve as an Historic District Study Committee to research and make a recommendation regarding the historic value of buildings in central Birmingham. The Study Committee spent many hours examining each building in the study area. The research was conducted by interviewing Birmingham "oldtimers" who have first-hand knowledge of the history of many buildings, reviewing material at the Baldwin Library including reading issues of the Birmingham Eccentric from the late 1800's and early 1900's, researching City assessing and building records, examining recorded data from Oakland County and reviewing published material from various other sources.

Several factors were used in determining whether a building has sufficient historic value to merit classification as a "landmark." First, the history of the building, its past occupants and its significance to the development of Birmingham were evaluated. The age, condition and potential for restoration were also considered. Finally, the architecture and uniqueness of each structure was evaluated. As you know, the Historic District Commission has decided that 29 structures in central Birmingham are worthy of special treatment. Although not every structure meets all of the above criteria, each structure suggested for "landmark" designation has been determined by the Commission to have one or more of the elements that make it worthy of designation.

In 1970, the Michigan State Legislature declared historic preservation to be a public purpose. By enacting Public Act 169, the legislature officially recognized that historic preservation does all of the following:

- A. Safeguards the heritage of the community by preserving a district which reflects elements of its cultural, social, economic, political or architectural history;

18A



- B. Stabilizes and improves property values in such districts;
- C. Fosters civic beauty;
- D. Strengthens local economy; and
- E. Promotes the use of historic districts for the education, pleasure and welfare of the citizens of the community and of the State.

As a Commission, it is our hope that the Birmingham City Commission will recognize, as the legislature did back in 1970, that historic preservation can accomplish all of the above goals. Several other communities throughout the state have designated historic districts in their downtowns. They include small villages such as Linden, Chelsea and Wilford; medium sized cities such as Ann Arbor, Traverse City and Ypsilanti, and large cities such as Jackson, Saginaw and Grand Rapids. Some historic districts have almost every single building designated as a "landmark" structure while other historic districts, such as Birmingham, have undergone many changes resulting in the "landmark" structures being in the minority. This is not unusual or undesirable. To the contrary, it is towns such as Birmingham that can most benefit from historic preservation legislation. The legislation provides protection of the character and design qualities that make Birmingham a viable downtown. The Historic District Commission is certain that the City Commission believes that Birmingham has commercial structures worth protecting. We all also know that no ordinance exists to prevent demolition of those structures in central Birmingham which have value to the whole community. It seems, therefore, that the question is not "should we?" but "how should we?"

Currently, we have 47 historic district properties in the City of Birmingham. They are primarily non-contiguous, residential structures on individual lots. Two commercial structures, the Peabody Mansion and the Grand Trunk Western Railroad Depot are exceptions.

Although individual, non-contiguous districts have worked well for the residential properties, we do not believe this is the proper approach for the commercial area. Commercial structures are erected side-by-side and bear a more direct relationship to one another than single family residential structures. To select the individual "landmark" buildings for designation without regard for the other structures in the downtown is contrary to the purposes in creating an historic district. Careful attention must be paid to the

structures which about "landmark" properties and other buildings in the downtown which have an affect on the "landmarks." The suggestion that only "landmark" properties compose the historic district would be similar to saying that the Planning Board should have Design Review over just a portion of a particular block. This selectiveism in the review process will not work. Therefore, our recommendation is for contiguous historic districts with well defined standards for both "landmark" and "district resource" properties.

The Historic District Commission has already begun working on a set of standards which will establish a clear cut understanding of the goals of the City with respect to design. It is the intent of the Historic District Commission to set standards that are flexible enough to provide for individual creativity yet complete enough to ensure that the historic fabric of Birmingham is not destroyed.

Under the current regulations, any property owner in central Birmingham (public ownership excepted) must obtain Design Approval or Exterior Approval and possibly Site Plan Approval before any change to the exterior of a building can be made. Since central Birmingham is currently subject to a Design Review process, the question that we all face is: "What should the thrust of this Design Review be?" Architecture, no matter what the age or style, should have as a goal to reflect its time and its place. The question of how to achieve that goal, especially when adding a new wing to an old building or filling a gap in an urban streetscape, is a vexing one to architects and preservationists alike. There is no formula answer; each building or addition should be considered individually and in the context of its surroundings. Design relationships in architecture appear to have become a problem since the coming of age of the "modern movement" in the last 35 years or so. When "modern" architecture arrived, thumbing its nose at the past and the surroundings, its problems began. The public has become disaffected with modern design. Existing scale is not respected and there is little ornamentation; the result is monotony. With this sharp change in designs so profoundly affecting the existing streetscape, preservationists and others reacted and the concept of historic districts was born.

While there may not be a clear answer to what constitutes a good relationship between old and new buildings, that should not stop us from trying to find a solution. It is only in a quality built

environment that we can achieve a quality life. The 29 "landmark" structures represent what is left of quality development from a previous era. The City Commission is now confronted with a decision; to find that these buildings are worthy of preservation for present and future generations to enjoy or determine that these buildings do not have any public value and may be destroyed, altered or redesigned at the will of the owners. It is our sincerest hope that you will go forward in enacting the proposed ordinance to create two new historic districts which will protect the valuable historic resources in central Birmingham.

Very truly yours,

*Max B. Horton*

Max B. Horton, Chairman  
William R. McGregor, Vice-Chairman  
Carolyn Johnson  
Kay Johnson  
Michael Tomasik  
Goeffrey Upward  
Willem Tazelaar

MBH/jb  
10/18/84

**Appendix B: 361 East Maple Historical Photographs:**



**1975, Looking North West**

**1975, Looking North East**



**1966, Aerial Looking East**



**Unknown date, Looking East**



## Appendix C: Pictorial Inventory of Landmark Buildings:

1. 256 W. Maple - Wabeek Building:



2. 166 W. Maple - Leonard Building:



3. 142 W. Maple - Quarton Building



4. 138 W. Maple - Blakeslee Building



5. 122 W. Maple - Billy McBride Building



6. 101 N. Woodward and 120 W. Maple - Ford Building



7. 163-167 N. Woodward - Erity and Nixon Building



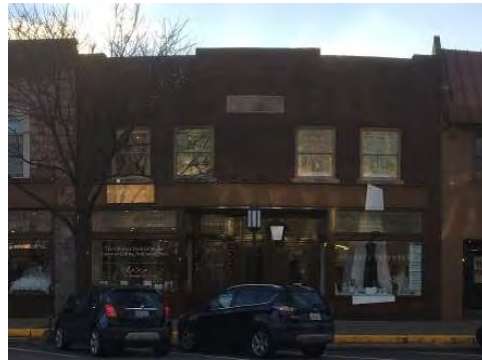
8. 191 N. Woodward - Bell Building



9. 205 - N.Woodward - Schlaack Building



9. 215 - 219 N.Woodward - Huston Building – 1916



10. 237 - 243 N.Woodward - Huston Building – 1923



11. 152 - 176 N. Woodward - National Bank Building





**12. 132 - 136 N. Woodward - Wooster Building**



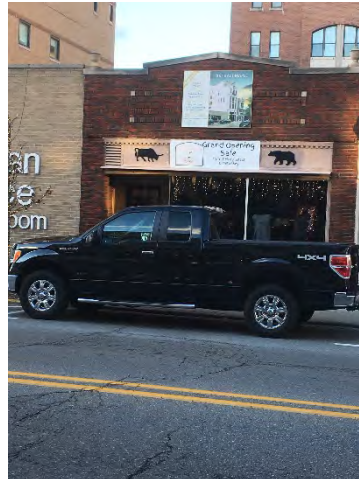
**13. 100 - 116 N. Woodward - Parks Building**



**14. 297 - 323 E. Maple - Madison Building**



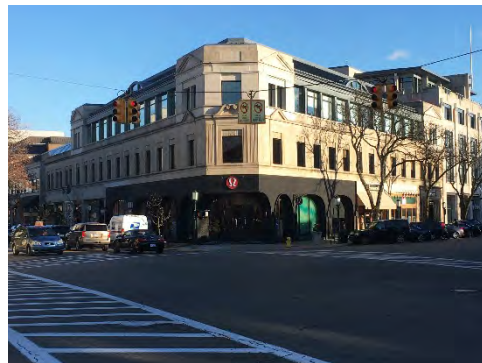
**15. 361 E. Maple - Hawthorne Building**



**16. 378, 386, 390 E. Maple & 112, 120, 124 Brownell - Shain Townhouses**



**17. 111 S. Woodward - Briggs Building**





18. 211 S. Woodward - Birmingham Theater Building



19. 325 S. Woodward - Ford-Peabody Mansion



20. 220 E. Merrill - Detroit Edison Building



21. 138 S. Woodward - D.U.R. Waiting Room



22. 124 - 128 S. Woodward - McBride Building



23. 112-114 S. Woodward - Johnston-Shaw Building



**24. 106-110 S. Woodward – O-Neal Building**



**25. 135 - 159 Pierce - St. Clair Edison Building**



**26. 148 Pierce - Telephone Exchange Building**



**27. 115 W. Maple - Bigelow-Shain Building**

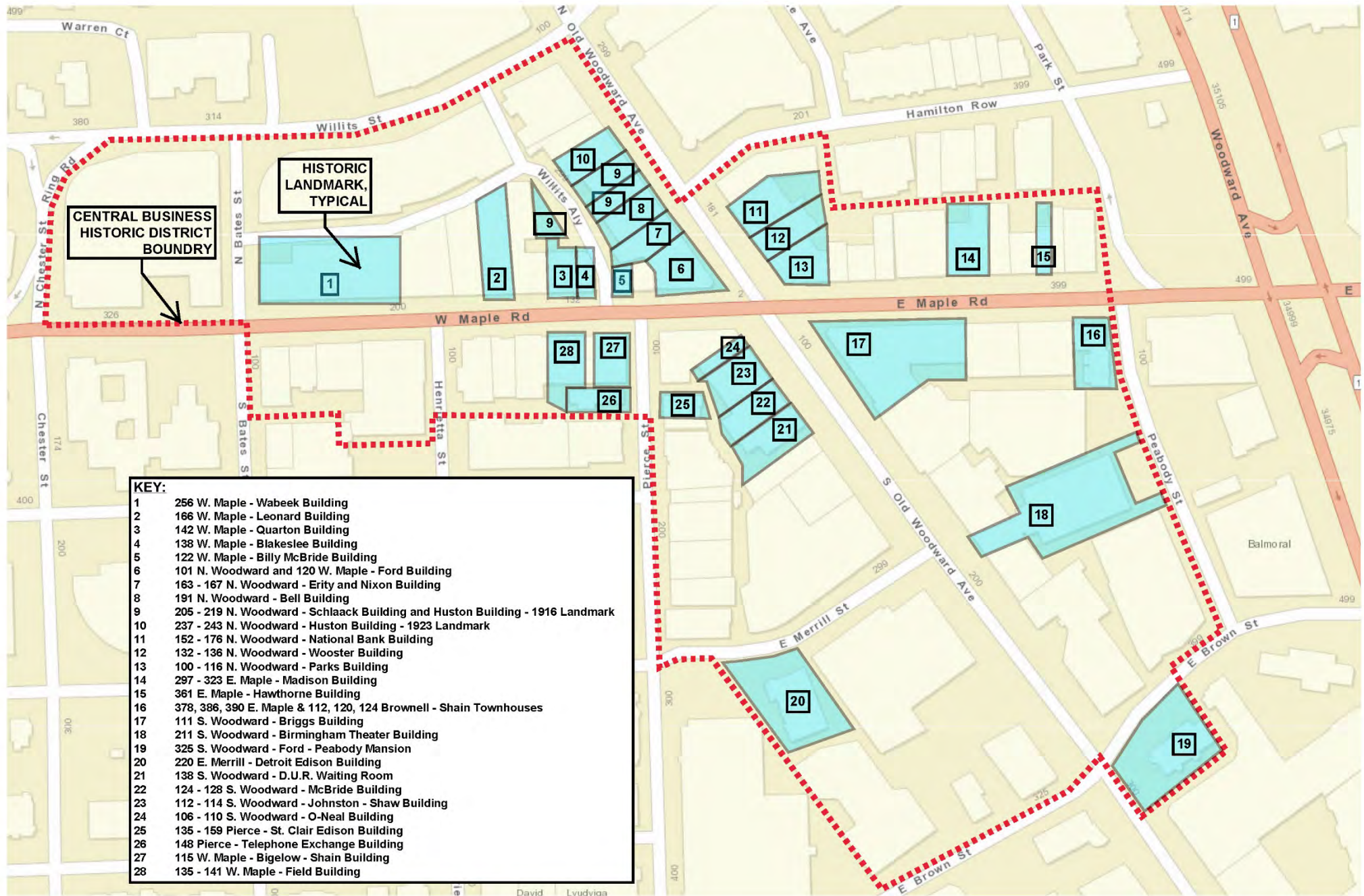


**28. 135 - 141 W. Maple - Field Building**



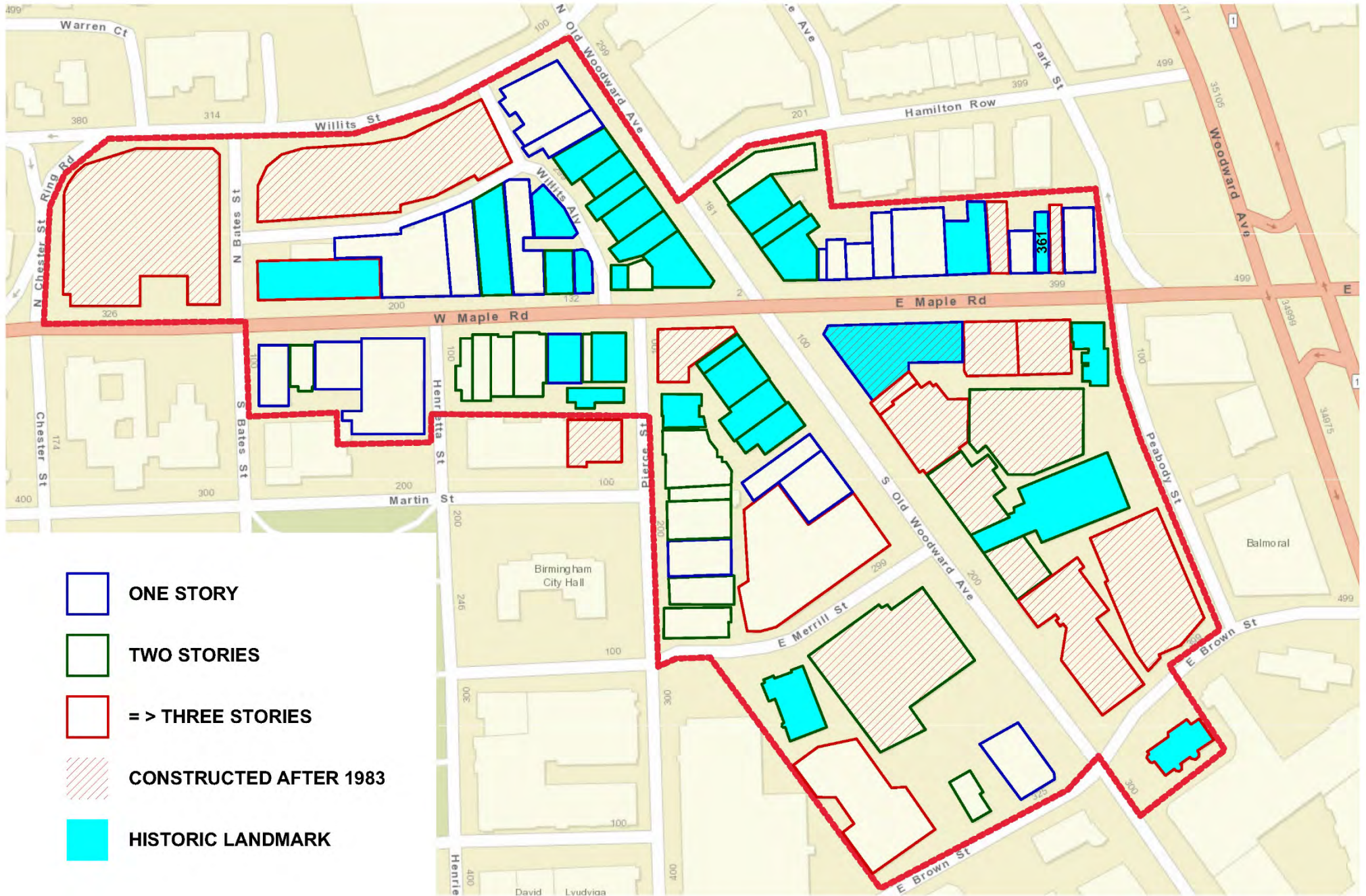


## Appendix D: Central Business Historic District Map:





## Appendix E: CBHD Density Map:





**Appendix F: 361 East Maple Current Photographs:**



**361 East Maple (Hawthorne Building)**



**View from South**





**East Maple looking North East**



**East Maple looking North West**



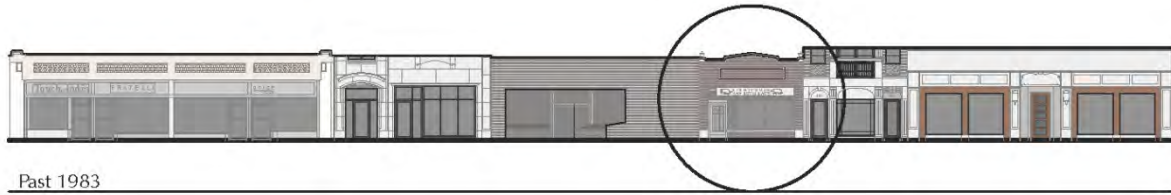


**361 East Maple and surrounding buildings**



**361 East Maple rear door**

## Appendix G: East Maple Streetscapes:



Note: The Present 2017 streetscape accurately represents the elevation of the East end of the North side of East Maple Street. The Past 1983 and Future streetscapes are volumetric representations of what existed when the CBHD was formed and what can potentially be constructed under the Overlay Ordinance. They are representational, only.



## Appendix H: Building-Site Inventory Form:

### CITY OF BIRMINGHAM BUILDING-SITE INVENTORY FORM

Fill in as applicable - Attach 5" x 7" or 8" x 10" black and white photo with negative.

#### Identification

1. Building or Site Name Hunter Birmingham Public-Industrial Bldg.  
 2. Street address 361 East Maple City Birmingham  
 3. Legal description 08-19-25-456-027

4. Ownership: Public \_\_\_\_\_ Private ✓  
 5. Present Owner C. B. Barnes Address 835 Purdy Birmingham 48207  
 6. Zoning B-4  
 7. Use: Original Commercial Present Commercial

#### Description

8. Site: Open land \_\_\_\_\_ woodland \_\_\_\_\_ landscaped \_\_\_\_\_  
 Buildings ✓ if so, what? 2 story, red brick  
 9. Building material: Clapboard \_\_\_\_\_ stone \_\_\_\_\_ brick ✓ shingles \_\_\_\_\_  
 board & batten \_\_\_\_\_ stucco \_\_\_\_\_ other horizontal trim  
 10. Structural material: Wood frame \_\_\_\_\_ masonry load bearing wall ✓  
 other \_\_\_\_\_  
 11. Condition: Excellent \_\_\_\_\_ good ✓ fair \_\_\_\_\_ deteriorated \_\_\_\_\_  
 12. Integrity: Original site ✓ moved \_\_\_\_\_, if so, when? \_\_\_\_\_  
 from where? \_\_\_\_\_  
 13. Alteration: Unaltered ✓ altered \_\_\_\_\_, if so when? \_\_\_\_\_  
 How? \_\_\_\_\_  
 Architect \_\_\_\_\_  
 14. Related outbuildings and property: barn \_\_\_\_\_ garage \_\_\_\_\_ shed \_\_\_\_\_  
 shop \_\_\_\_\_ greenhouse \_\_\_\_\_ landscape features \_\_\_\_\_ other land

15. Surroundings of the building or site: Open land \_\_\_\_\_ woodland \_\_\_\_\_  
densely built up \_\_\_\_\_ Commercial ☒ residential \_\_\_\_\_ other \_\_\_\_\_
16. Notable features of building or site attache, 1 room flr  
1930s small commercial building
17. Threats to building or site: None known ☒ zoning \_\_\_\_\_ roads \_\_\_\_\_  
developers \_\_\_\_\_ deterioration \_\_\_\_\_ other \_\_\_\_\_

Significance

18. Architectural significance

Date of construction: Actual 1937 estimated \_\_\_\_\_

Architect: \_\_\_\_\_

Builder: \_\_\_\_\_

Are original plans on file? \_\_\_\_\_ Notations on original plan and specifications \_\_\_\_\_

19. Historical significance: none.

20. Sources (for primary and secondary sources, give complete facts of publication: author, title, place of publication, date): \_\_\_\_\_

City government data.  
Abundant.

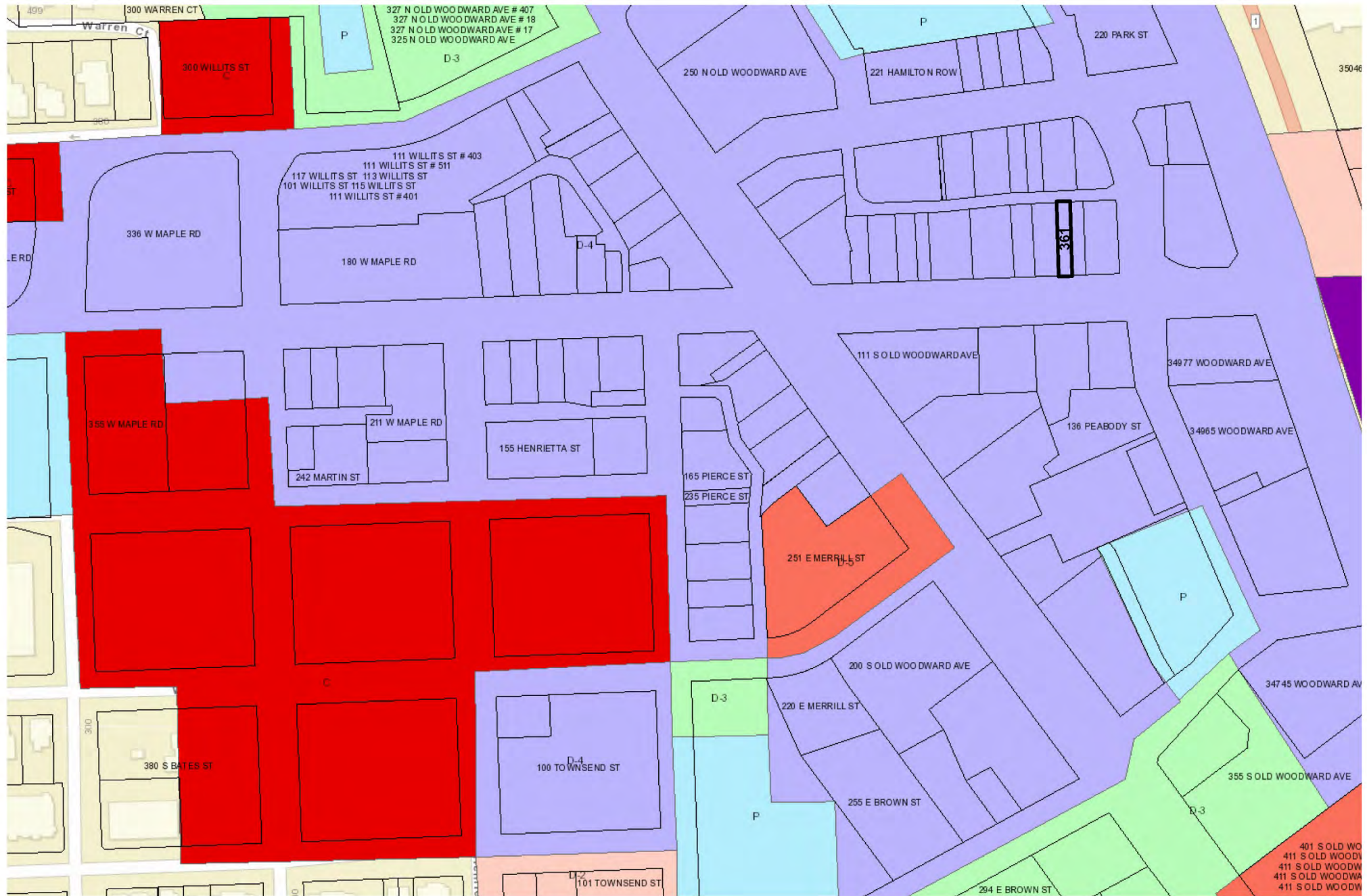
Prepared by Max E. Horton Date May 3, 1983

Address 954 Greenwood Telephone No. 644-5389

Organization Historic District Commission



## Appendix I: Overlay District Map:





## **William L. Finnicum III AIA NCARB**

### **Curriculum Vitae**

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**Education:** Bachelor of Architecture  
Ohio University, 1969, Cum Laude

**Honors:** Architects Society of Ohio Award of Merit  
For Outstanding Architectural Graduate, 1969

American Institute of Architects, School Medal and  
Certificate of Merit for Excellence in the Study of  
Architecture 1969

**Certification:** National Council of Architectural Registration Boards, 1973

**Licenses:** Pennsylvania, \*Michigan, Florida, North Carolina, Texas, Louisiana, \*Indiana (\*Active)

**Practice:** Partner with Anthony J. Stillson and Associates, Pittsburgh, PA, 1972-1974  
  
Opened private architectural practice in Michigan, 1974  
  
Formed Finnicum Brownlie Architects, Inc. with Ian A. Brownlie, 1984 to present

**Service:** Chairman Franklin Village Historic District Commission, 1979 - 2007  
  
Chairman Franklin Village Historic District Study Committee, 1990 through 1996  
  
Building Official Village of Franklin, 1980 through 1996  
  
Main Street Oakland County Community Selection Committee 2001, 2002, 2005  
  
Main Street Oakland County Advisory Board 2002 to 2016  
  
Main Street Franklin Design Committee 2009 to 2015  
  
Horizons Upward Bound Advisory Board, Cranbrook Schools, 2001 to present  
  
Shain Park Ad Hoc Steering Committee, City of Birmingham, 2008 to 2012  
  
Detroit Economic Club Reception Committee, 1995 to present

**Published:** Builder Magazine, B & P Magazine, Residential Architect, Detroit Free Press,  
Remodeler Magazine, Detroit News, Detroit Home; Birmingham Observer &  
Eccentric and Birmingham Patriot and Jewish News, CAM Magazine, Hour  
Detroit, Oakland Press

**Awards:** 1<sup>st</sup> annual Farmington Hills Historic Preservation Award for relocating and  
restoring Botsford Inn barn to the Stewart farmstead, 2008  
  
City of Birmingham Historic Preservation Award for restoration of the  
Historic Peck House, 2003

Builder's Choice Special Focus Award from Builder Magazine for the Cinderella Patch Historic Landmark Townhouse Project, Birmingham, MI, 1997

Best Historic Rehabilitation, Hour Detroit, for the Hinnant Residence, 2004

Best Children's Room Design, Hour Detroit, for the Hinnant Residence, 2004

Salon of the Year Award, Salon Magazine, for the Ginger Group Salon, 1988

Dearborn Beautification Award, historic adaptive reuse, Hair Designs Unltd, 1986

Project of the Month, Builder Magazine, for the Brown Street Condominiums 1985

### **Representative Projects:**

Botsford Inn: Restored to the Henry Ford Era, 2007 to 2009

Historic McBride House: Rehabilitated, Birmingham, MI 1999

Historic United Presbyterian Parsonage: Rehabilitated, Birmingham, MI 2016

Historic Major Jones House: Rehabilitated, Birmingham, MI 2017

Strand Theatre: HSR / adaptive reuse plan, Pontiac MI 2010

Old Central School: HSR / adaptive reuse plan as proposed Pontiac Public Library, Pontiac MI 2012

Fochtman's Department Store: HSR / development plan for theatre conversion, Petoskey, MI 2013

**HISTORIC DISTRICT STUDY COMMITTEE**  
**MINUTES OF DECEMBER 7, 2017**  
Birmingham City Hall Commission Room  
151 Martin, Birmingham, Michigan

---

Minutes of the regular meeting of the Historic District Study Committee ("HDSC") held Thursday, December 7, 2017. Chairperson Gigi Debbrecht called the meeting to order at 1:05 p.m.

**3. ROLL CALL**

**Present:** Chairperson Gigi Debbrecht; Board Members Paul Beshouri (arrived at 1:06 p.m.), Jonathan DeWindt, Patricia Lang, Michael Xenos

**Absent:** None

**Administration:** Matthew Baka, Senior Planner  
Carole Salutes, Recording Secretary

**4. APPROVAL OF THE NOVEMBER 16, 2017 HDSC MINUTES**

**Motion by Ms. Lang**

**Seconded by Mr. Xenos to approve the Minutes of November 16, 2017 as presented.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Lang, Xenos, Debbrecht, DeWindt

Nays: None

Absent: Beshouri

**3. 361 E. MAPLE RD.**  
**De-Designation Request**

Mr. Baka recalled that the owner of the property located at 361 E. Maple Rd. has requested that the City Commission consider removing the historic designation of their building as a contributing historic resource within the City of Birmingham. The property owner has submitted an application to the Planning Board requesting to demolish the building as part of a redevelopment proposal.

As required by Section 127-5 of the City Code, Establishing additional, modifying, or eliminating historic districts, the HDSC has been directed by the City Commission to consider modifying an existing Historic District by evaluating the Hawthorne Building, which is a contributing resource within the Central Business District Historic District, for consideration for removal from the list of historically designated properties in the City of Birmingham.

The HDSC is required to follow the procedures as set forth in Section 127-4 of the City of Birmingham Historic Districts Ordinance, as amended. The procedure requires the issuance of a preliminary report, holding a public hearing, and issuing a final report with the intent of showing one or more of the following in order to justify the de-listing of a designated property:

1. The historic district has lost those physical characteristics that enabled the establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

Based on the failure to meet these three criteria, the HDSC has been recommending not de-designating the Hawthorne Building.

The Hawthorne Building has elements that made it worthy of designation. It is a valuable example of a 1920's era commercial storefront that has seen little to no alteration within its lifetime. De-designating the building, as indicated by the developer's plans, would put it at risk for demolition. This has the potential to encourage additional property owners to pursue de-designation and deterioration of the historic character that has defined Birmingham throughout the years. The de-designation of this structure has the potential to set a precedent that would have long-lasting effects on the City that cannot be reversed.

On August 10, August 24, and November 16, 2017 the HDSC held study sessions regarding the request of the property owner.

The next step will be for the HDSC to hold a public hearing, but prior to doing that the preliminary report requires that it be sent to the State Historic Preservation Office ("SHPO") as well as the Planning Board and Historic District Commission for their comments. Then within 60 days of submitting to those bodies the HDSC needs to have a public hearing and make their formal recommendation to the City Commission. The City Commission has one year to act on that recommendation.

Mr. John Gaber, Attorney with Williams, Williams, Rattner & Plunkett, spoke to represent the owners of 361 E. Maple Rd. Mr. Gaber talked about why they think the Hawthorne Building should be de-designated. He stated that there is not much that is significant about the building.

An Inventory form that was prepared by Mr. Max B. Horton of the Historic District Commission ("HDC") on May 3, 1983 indicates the building has no historical significance. Mr. Gaber noted the only reason the building was designated is because it is an example of an older storefront within the City of Birmingham.

They believe this area of the contiguous Historic District has lost its significance over time, which is one of the criteria for de-listing. Mr. Max Horton has noted relative to the establishment of a contiguous historic district:

*To select individual landmark buildings for designation without regard to the other structures in the downtown is contrary to the purpose of creating an historic district. Careful attention must be paid to the structures which abut the landmark properties and other buildings in the downtown which have an effect on these landmarks. Therefore the recommendation is for a contiguous historic district with well defined standards for both landmark and non-landmark properties.*

Therefore, as a contiguous historic district you don't just look at the historic resource itself, you must consider the surrounding properties. Looking at this district, the streetscape was not the same in 1983 as it is now. What has happened is that taller, newer buildings have gone up that have seriously diminished the integrity of the historic district, and that impacts this particular building. So, the significance of designating 361 Maple Rd. as a landmark building and including it as a contributing resource doesn't remain because the character of the adjacent neighborhood has changed. Therefore they believe this building has become insignificant over time when one looks at the context of the area and what has happened over the past 30+ years.

They will be coming forward with a more detailed report before the public hearing. Mr. Gaber asked that his handouts be transmitted to SHPO.

Mr. Bedros Avedian indicated he owns several properties near the subject building, from 261 E. Maple Rd. to 323 E. Maple Rd. He spoke in favor of removing the historical designation of 361 E. Maple Rd. He thinks the building is ugly. In response to the Chairperson, Mr. Avedian said four little stores that he owns next to the Jos. A. Bank Building are designated historic.

Mr. Timothy Stoker, Attorney, represented Mr. Mel Kaftan and his wife who live right next door to the subject property. When Mr. and Mrs. Kaftan bought their property they designed their building based on 361 Maple Rd. being designated as historic. Now the proposal is to de-list the building and demolish it which will impact the Kaftan's development. The historic character of the Hawthorne Building when it was designated has not changed from the time the Kaftans bought until today.

In 1984 the HDC concluded the following in making its recommendation to the City Commission that this property and the other 28 landmark properties be designated historic:



*While there may not be a clear answer to what constitutes good relationship between old and new buildings, which should not stop us from trying to find a solution, it is only in a quality built environment that we can achieve a quality life. The 29 landmark structures represent what is left of quality development from a previous era. . . It is our sincerest hope that they will go forward in enacting the proposed Ordinance to create two new historic districts which will protect the valuable historic resources in central Birmingham.*

In the paragraph preceding that, the HDC recognizes that there will be changes in architecture. It was noted that should not impact or result in the loss of the historic resource that they recommended to be included. The modern movement should not result in the loss of the historic structure and its value to the community. The City Commission followed the strong and well thought out recommendations of the HDC and included this building and other buildings within the district.

Mr. Stoker noted that if the rationale for this building is that it should be de-listed, then the City will be approached with that same rationale as to every other building in Downtown Birmingham, saying that things have changed and therefore they should be de-listed.

Mr. John Dziurman, Certified Historic Architect, addressed the Ordinance criteria and the requirements of the Secretary of the Interior. He has made sure that the process of establishing the historic district in 1984 was appropriate and done well. All of the reasons for designating the building historic were met. The Hawthorne Building is built in the Art Deco style of the 1920's and it virtually has not changed since that time. This committee is charged with the responsibility of protecting the heritage of the City.

Mr. Beshouri inquired what Mr. Max Horton meant when he said the building has no historical significance. Mr. Dziurman replied that he went through the ten Secretary of the Interior Standards for Rehabilitation and all ten were met with regard to giving this building landmark and historic status within the City. He further stated he thinks this is a beautiful building that has remained the same since it was built in 1927.

Mr. Mel Kaftan, the owner of 369 E. Maple Rd. with his wife, said when he bought the property the City told him the property to the west side is historic. So he built his building with windows on the west side based on that. He hoped the committee will stick with saving the building. Some people think it is ugly but he does not and is prepared to buy it and keep it the way it is.

Mr. Emile Terkishof, Commercial Broker, spoke to represent Mr. Victor Simon, the developer. He noted:

- The opponents of de-designation have put up a good fight, but not because the building is zoned historic, but because the new building will block their views.

- Every report they have shown there is no significance for this building being designated historic.
- The building has sat vacant for four years and stands out as a sore thumb.

Mr. Victor Simon stated that Mr. Kaftan offered him \$150 thousand not to go up and block his windows. The subject building has no redeeming architectural features. He takes care to preserve his historic building at 159 Pierce and it will be beautiful when it is completed.

Mr. John Gaber pointed out:

- The historic district has lost those physical characteristics that enabled its establishment in this particular area.
  - They are talking about a single building that is not contiguous to any of the other 28 resources.
  - He does not think there was contemplation in 1984 that the Ordinance would be changed to allow five-story buildings along E. Maple Rd. What has happened is the character of this E. Maple Rd. corridor has changed and that has affected the value and the character of the historic resources and the reason for which they were designated in the first place.
- He asked the committee to focus on their responsibilities under the Ordinance and look at the physical characteristics of the area and the significance of this building in that area of E. Maple Rd. and determine whether or not those physical characteristics have been preserved since 1984.

Mr. Beshouri indicated that he feels the HDSC's research and the way they looked at the criteria have been largely reinforced by the information they have gotten today. Therefore his opinion has not changed since the last meeting, which was to recommend keeping the historic designation.

Mr. Xenos agreed with Mr. Beshouri, and his decision from last month has not changed.

Committee members agreed that the report should be submitted as-is to the State.

**Motion by Ms. Lang**

**Seconded by Mr. Beshouri to accept the report as-is and to forward it to the appropriate bodies.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Lang, Beshouri, Debbrecht, DeWindt, Xenos

Nays: None

Absent: None

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JANUARY 10, 2018  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on January 10, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams Alternate Board Members Nasseen Ramin, Daniel Share

**Absent:** Board Member Vice-Chairperson Gillian Lazar; Student Representatives Ariana Afrakhteh, Isabella Niskar

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

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

**01-04-18**

**STUDY SESSION**

**1. Review of Historic District Study Commission Report on 361 E. Maple Rd.**

Mr. Williams announced he would need to recuse himself from consideration of this item. His law firm represents an adjacent property owner. Ms. Ramin came forward to join the board for this matter.

Mr. Baka reported the owner of the property located at 361 E. Maple Rd. has requested that the City Commission consider removing the historic designation of their building as a Contributing Historic Resource within the City of Birmingham. The property owner has submitted an application to the City requesting to demolish the building as part of a redevelopment proposal.

The City Commission issued a resolution on July 24, 2017 directing the Historic District Study Committee ("HDSC") to prepare a preliminary study committee report on the subject property in accordance with the City Code and execute the additional steps required by the Code in order to make a recommendation to the City Commission.

The HDSC is required to follow the procedures as set forth in Section 127-4, Birmingham Historic Districts, of the City Code as amended. The procedure requires the issuance of a preliminary report, holding a public hearing, and issuing a final report with the intent of showing one or more of the following in order to justify the de-listing of a designated property:

1. The historic district has lost those physical characteristics that enabled the establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

The preliminary study committee report has now been completed by the HDSC and has been forwarded to the State Historic Preservation Office ("SHPO") for comment. The HDSC feels that the request does not meet any of the three established criteria in the City Code and they are recommending that the building not be de-designated. The City Code also requires the report be presented to the Planning Board for comment.

At 7:45 p.m. the Chairman asked for comments from members of the public.

Mr. John Gaber, Attorney with Williams, Williams, Rattner & Plunkett, spoke to represent Mr. Victor Simon who is the property owner of 361 E. Maple Rd. He passed out a report they prepared with the assistance of Mr. William Finnicum who is a historic architect. Mr. Gaber highlighted several conclusions from the report:

- They believe that 361 E. Maple Rd. really is insignificant.
- The inventory form that was done in 1983 by Max Horton of the Historic District Commission indicates the architectural significance is that the building was constructed in 1927.
- The form also lists the historical significance as none.
- Notable features of the building state that it is an example of a 1920's small commercial building.
- In 1983 the Historic District Commission thought that 361 E. Maple Rd. was a good example of the streetscape at that time and it was in good condition. Therefore they designated it as one of the 29 landmarks within the Central Business Historic District.

Mr. Gaber noted that only one of the criteria for de-listing that Mr. Baka mentioned needs to be satisfied. He went on to focus on the significance of the building's physical characteristics. They believe this property has lost the physical characteristics that enable its establishment as a landmark building. It is important to maintain the characteristics of not only the landmark building but the surrounding buildings as well.

Mr. Horton in his 1983 letter to the City Commission says *to select the individual structures for designation without regard to the other structures is contrary to the purpose of creating an historic district.*

What has happened since 1983 is that the City adopted the Birmingham 2016 Plan and subsequently adopted the Downtown Overlay District. That allowed for change in the character of a lot of the Central Business Historic District, particularly the E. Maple Rd. corridor. Most of the other 28 landmarks have something that sets them apart, such as their mass and scale. So, there is not going to be anything adjacent to them that will really detract from their significance. Then there are other buildings that are maybe smaller but have strong architectural features. What happened on E. Maple Rd. is that 361 is really overwhelmed by the adjacent development.

So you can't look at the building in isolation, you have to look at the character of the district as well. Their building doesn't have the mass of some of the other buildings; it doesn't have architectural prominence of any significance; and it is not a stand-alone structure. So it doesn't have the ability to protect itself from the influence of surrounding buildings. Therefore, they believe the physical characteristics that led to the designation of this building as a landmark are no longer present. That is why they are requesting the de-listing of the building. They don't believe it sets a precedent because of the building's uniqueness.

Mr. Justin Zakoff, Attorney at Dickinson Wright, came forward to represent Mr. Mel Kaftan, an adjacent property owner at 369 E. Maple Rd. They concur with the HDSC recommendation not to de-designate 361 E. Maple Rd. as historic. The building has not changed since it was designated historic. This is a stand-alone historically designated structure and its Art Deco style is significant. If it is de-designated it will certainly change the character of the neighborhood and open the door to further de-designation requests.

Although not necessarily a consideration of the HDSC, Mr. Zakoff pointed out that Mr. Kaftan relied on the historic designation when he constructed his building.

Mr. Zakoff said his understanding of the Inventory Form is that where it says the building has no historical significance, it doesn't refer to the architecture or the neighborhood; but rather it refers to whether a historical event occurred there.

Mr. Koseck pointed out there are examples all over the country where historic buildings have been added on to. There are other things that could be explored that would add more density.

Mr. Jeffares observed if you look at how structures could get built up around this building, it will look pretty weird.

**Motion by Mr. Share**

**Seconded by Mr. Jeffares to accept the report that was submitted on January 8, 2018 by Mr. William Finnicum.**

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Share, Jeffares, Boyle, Clein, Koseck, Ramin, Whipple-Boyce

Nays: None

Recused: Williams

Absent: Lazar

Mr. Boyle commented that he thinks historic designation is a valuable and important tool that cities can bring to bear on their properties. However, it needs to be aware of change that occurs. Perhaps the current designation may be standing in the way of progress. So in terms of keeping this designation living and relevant, he personally would go against the recommendation of the HDSC and suggest that this building be de-designated without fundamentally affecting the overall concept of the historic district.

Mr. Share said from a planning perspective it strikes him that the building is not imposing enough to hold interest on its own if it is surrounded by three to five story buildings. He likes Mr. Koseck's idea where the historic building is preserved but the building is expanded around the existing front historic elevation.

**BIRMINGHAM HISTORIC DISTRICT COMMISSION**

**MINUTES OF JANUARY 17, 2018**

Municipal Building Commission Room  
151 Martin, Birmingham, Michigan

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Minutes of the regular meeting of the Historic District Commission ("HDC") held Wednesday, January 17, 2018. Vice-Chairman Keith Deyer took over as chairman and called the meeting to order at 7 p.m.

**Present:** Vice-Chairman Keith Deyer; Board Members Doug Burley, Adam Charles, Thomas Trapnell; Michael Willoughby

**Absent:** Chairman John Henke; Board Member Natalia Dukas; Alternate Board Member Dulce Fuller; Student Representatives Josh Chapnick, Griffin Pfaff

**Administration:** Matthew Baka, Sr. Planner  
Leslie Pielack, Museum Director  
Carole Salutes, Recording Secretary

**01-02-18**

**HISTORIC DESIGNATION ELIMINATION REVIEW**

**361 E. Maple Rd.**

**Hawthorne Building**

**CBD Historic District**

Proposal: Mr. Baka explained the owner of the property located at 361 E. Maple Rd. has requested that the City Commission consider removing the historic designation of their building as a Contributing Historic Resource within the City of Birmingham. The property owner has submitted an application to the Planning Board requesting to demolish the building as part of a redevelopment proposal.

As required by Section 127-5, Establishing additional, modifying, or eliminating historic districts, the City Commission issued a resolution on July 24, 2017 directing the Historic District Study Committee ("HDSC") to prepare a preliminary study committee report on the subject property in accordance with the Code and execute the additional steps outlined in that section in order to make a recommendation to the City Commission.

The preliminary study committee report has now been completed by the HDSC and has been forwarded to the State Historic Preservation Office ("SHPO") for comment. The



City Code also requires the report be presented to the Planning Board and Historic District Commission ("HDC") for comment.

Accordingly, Planning staff requests that the HDC take this opportunity to provide their comments on the requested elimination of the historic designation of the Contributing Historic Resource at 361 E. Maple Rd.

#### *Findings of the HDSC*

The HDSC is required to follow the procedures as set forth in Section 127-4 of the City of Birmingham Historic Districts Ordinance, as amended. The procedure requires the issuance of a preliminary report, holding a public hearing, and issuing a final report with the intent of showing one or more of the following in order to justify the de-listing of a designated property:

1. The Historic District has lost those physical characteristics that enabled the establishment of the district.
2. The Historic District was not significant in the way previously defined.
3. The Historic District was established pursuant to defective procedures.

HDSC members do not feel the district has lost its physical characteristics. This building which is part of the district is virtually unchanged from its appearance in the '80s when it was initially designated. Additionally, the characteristics that established the district in the first place still remain. The HDSC feels the district is significant in the way it was defined as an important commercial area and key to the history of Birmingham. Lastly, Public Act 169 of 1970 which is codified in the City Code was followed in establishing the historic district. Therefore the HDSC is recommending that the request for de-listing be denied.

Mr. Willoughby asked about the qualifications of members of the HDSC. Mr. Deyer said the members have been willing to do research work. It is not how they feel, but what kind of research can they do. Mr. Baka added they all have background in real estate or historic preservation.

The Chairman called for public comments at 7:10 p.m.

Mr. Rick Rattner, Attorney, 380 N. Old Woodward Ave., represented the owner of 361 E. Maple Rd. Mr. Rattner presented a PowerPoint advocating this is the type of de-listing that should go on to make the Historic District area of Birmingham cohesive and meaningful. They believe that 361 is not a significant building. It is 20 ft. wide and 15 ft. high and has minimal architectural features. He noted that Mr. William Finnicum, historical architect who authored their report, was present in the audience as well as the building owner, Mr. Victor Simon.

The 1983 Inventory card completed by Mr. Max Horton, Chairman of the HDC at that time, shows the building's architectural significance is that it was constructed in 1927. Also, the historical significance is listed as none. So they believe that 361 has lost its physical character that enabled its establishment as a landmark building. Further, it is

important for the district to maintain the scale and scope of the adjacent buildings, and that has changed dramatically, Also that whole side of the street is likely to change even further.

Gradually over 20 years the principles of the 2016 Plan and the Overlay District have changed the Downtown Birmingham character from a small town to a more urban small city. All of the areas with stand alone landmark buildings have been kept intact. However they believe this outlying building has lost its significance and is not fulfilling its purpose as a landmark building in the Historic District as it was originally intended.

Mr. William Finnicum, Finnicum Brownlee Architects, pointed out that his report was written with the utmost respect for historic preservation and for the Historic District in the City of Birmingham. Also, with a great deal of respect for the 2016 Plan which he thinks has accomplished a great deal for the City.

361 E. Maple Rd. was protected by being listed as historical because it was considered a visual anchor for the east end of E. Maple Rd. However, now it is not a strong visual anchor because of how that street is developing. Therefore they feel the best route would be to de-list this building and replace it using the same criteria that is being applied to the infill structures. That would make the Overlay District stronger and would have no effect on the Historic District.

This building does not have the benefit of historic buildings that have critical mass. They can stand on their own. Anything can be built adjacent to them and they will remain unharmed and likely stand out from the new construction. The Briggs Building was expanded vertically, but design wise that is not an option in this case.

If the building is removed, a record of what happened there should be made of it with drawings and photographs.

In response to Chairman Deyer, Mr. Victor Simon, 335 E. Maple Rd. and 159 Pierce, said he purchased this building in 2016. At that time he never heard it was historic.

Mr. Baka stated that there have been extensive steps through the Overlay Ordinance and through the responsibility of this board to make sure that these buildings are compatible with the historic buildings in regards to the materials that are allowed to be used and the composition of the facade. The 2016 plan specifically states that these steps have been taken to maintain the character of the City.

Chairman Deyer added that as he listens to Mr. Finnicum's and Mr. Rattner's rationale he could start arguing that at least three other buildings in town could be destroyed and torn down because someone wants to put in a five story and the rest of that block is going to be five stories; so tear it all down and move on. To him that flies in the face of the intent of historical preservation and the image of the City they are trying to maintain.

Mr. Finnicum said they do not feel the Historic District should be eliminated, but they feel this is a special case.

Mr. Willoughby said from an architectural perspective of what would be best for the City, he would say let's de-list this building. He thought it could be an interesting challenge to design the new building leaving the front facade. That might keep the historic significance as well as allow the building to expand. He feels they should have the flexibility to allow their town to grow and allow the beauty to come forward. But his personal opinion is that it would be helpful to have some reference to the building facade the way it is now.

Mr. Trapnell agreed with preserving buildings that can stand on their own. However, buildings that are just old can be redeveloped into structures that are more in keeping with what the character of the district has become without diminishing the overall historic nature of the Historic District. He feels the existing historic building is no longer a contributing element to its environment.

Mr. Burley commented that he does not think there is anything remarkable about the front of this building and he did not have an issue with de-listing it. There is no historical significance as far as the architecture is concerned.

Mr. Charles did not find there is anything exclusively significant about this building. As far as increasing the height of so many buildings for mixed use, parking space is not being accommodated. Also he is nervous that de-listing a property from historical classification will become routine. As far as this building, he feels it is one that can be let go. The driving point for him is that the report from 1984 says there is no significant historical significance. Also, he too would be in favor of keeping the first level facade in homage to what the building once was.

Chairman Deyer added to the discussion. The City has only listed one building in the last 20 years at the owner's request. So to start de-listing buildings is a concern for him.

Mr. Baka indicated he has spoken to several Downtown historic property owners who have told him if this is successful they would also like to de-list.

**HISTORIC DISTRICT STUDY COMMITTEE**  
**MINUTES OF JULY 26, 2018**  
Birmingham City Hall Commission Room  
151 Martin, Birmingham, Michigan

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Minutes of the regular meeting of the Historic District Study Committee ("HDSC") held Thursday, July 26, 2018. Chairperson Gigi Debbrecht called the meeting to order at 6:05 p.m.

**1. ROLL CALL**

**Present:** Chairperson Gigi Debbrecht; Board Members Paul Beshouri, Patricia Lang, Michael Xenos

**Absent:** Board Member Jonathan DeWindt

**Administration:** Matthew Baka, Senior Planner  
Carole Salutes, Recording Secretary

**2. APPROVAL OF THE DECEMBER 7, 2017 HDSC MINUTES**

**Motion by Mr. Xenos**

**Seconded by Ms. Lang to approve the Minutes of December 7, 2017 as presented.**

**Motion carried, 4-0.**

VOICE VOTE

Yeas: Xenos, Lang, Beshouri, Debbrecht

Nays: None

Absent: DeWindt

**3. PUBLIC HEARING**

**361 E. Maple Rd.**

**De-Designation Request**

Mr. Baka recalled that the last time the HDSC met, they finalized the report to be sent to the State Historic Preservation Office ("SHPO") for their comments. SHPO came back with three things that they thought should be added to the report:

- The charge of the committee should include the date the City Commission adopted the resolution to initiate a study to modify the District, which was July 24, 2017.
- The report should include the historic photographs cited on page 3. Any changes to the building over time should be delineated, along with the approximate time period of their occurrence. It appears that a historic photograph was included on the title page but there is no date assigned to it.
- The report should include the pages from the 1983 study report that give the reader a sense of the history and significance of the District as well as the appropriate pages from that report that address this resource.

Accordingly, the report has been revised to reflect these comments.

There are three criteria that are to be used when considering a property for de-designation:

1. The Historic District has lost those physical characteristics that enabled the establishment of the district.
2. The Historic District was not significant in the way previously defined.
3. The Historic District was established pursuant to defective procedures.

The HDSC did not feel the Historic District met any of the three criteria and their recommendation was to deny the request for de-designation. The Planning Board and the HDC felt that the building was not significant enough to stop progress; however they both made comments that it would be appropriate if the facade of the building was incorporated into the new structure and it could be built up from there.

Mr. John Gaber, Attorney with Williams, Williams, Rattner & Plunkett, spoke to represent Mr. Victor Simon, the applicant and owner of the property. Mr. Gaber was present with Mr. William Finnicum, Architect, who is responsible for their report that comes to a different conclusion than the HDSC's preliminary report.

Mr. Gaber presented a PowerPoint that was based a lot on Mr. Finnicum's report. He noted they believe that 361 E. Maple Rd. is not significant in this context. If someone would try to designate it today it would not meet the National Register criteria. It is a small, 20 ft. wide building with minimal architectural features. In 1984 it was selected as a landmark because it was an example of a cohesive one and two-story downtown shopping corridor.

It is their belief that the three de-listing criteria are met in this case. What has happened since 1984 when the Historic District was created is that in 1996 the 2016 Plan and the Downtown Overlay District were adopted. As a result the Downtown character was changed from a small town to a more urban small city that permitted large two to five-story buildings.

There are 29 landmark buildings within the area. They can co-exist with the Downtown Overlay because of several different reasons that insulate them from the influence of larger surrounding buildings:

- Mass and scale such as the Wabeek and Briggs Buildings;
- Strong architectural features as exemplified by the theater and Peabody Mansion;
- Grouping together.

361 E. Maple Rd. is overwhelmed by the adjacent development and is rendered irrelevant in the grand scheme of the Historic District. It no longer exemplifies that one and two-story downtown shopping corridor that existed in 1983. Therefore the historical significance has been lost.

One concern about de-listing 361 E. Maple Rd. is that it would set a precedent and everyone would be in front of this board asking to have their landmark de-designated. Mr. Gaber does not think that is the case because the other landmarks remain significant due to mass, grouping, architectural characteristics, or their isolated locations.

Therefore, Mr. Gaber requested the HDSC to revise their report before it is issued to the City Commission in order to be consistent with the findings and rationale set forth in Mr. Finnicum's report.

Mr. Beshouri noted that the presentation has alleged that because the corridor is no longer intact, the building doesn't have any architectural elegance or significance. He thought that is a distortion of what the designation is because 361 E. Maple Rd. was designated as a good example and one of the few remaining examples of a 1920's storefront and a particular type of architecture that has survived unchanged.

Mr. Gaber pointed out that the inventory card that was prepared by Mr. Max B. Horton of the Historic District Commission on May 3, 1983 indicated the building has no historical significance. The building could not be designated under the rules today because it doesn't meet any of the National Register criteria of importance.

Mr. Beshouri explained that one of the eligible criteria for being designated historic is that the building exemplifies a particular period in time and is a prime example of that style of architecture. Mr. Baka added it might be worth noting that the SHPO found the building to be a good representative example of a small commercial building from the period.

Mr. Beshouri went on to say that all the buildings that are around 361 E. Maple Rd., and as the applicant says rendering it irrelevant, have gone through the process of meeting the criteria of the Overlay District, one of which is ensuring that this building is still relevant. So it is strange for him to hear that because of all these things that were approved by the City and that have gone through the various processes that are supposed to guarantee that the historic integrity is intact are, as per this presentation, rendering it irrelevant

Mr. Gaber noted that the impact of those buildings has significantly changed the character of the corridor so that it doesn't exemplify what existed in 1984. This building doesn't have any of the characteristics of mass, scale, isolation, architectural prominence that would protect it from being affected by the Overlay District.

Mr. Timothy Stoker, Attorney, represented Mr. Mel Kaftan and his wife who live right next door to the subject property. When Mr. and Mrs. Kaftan bought their property they designed their building based on 361 Maple Rd. being designated as historic. Now the proposal is to de-list the building and demolish it which will impact the Kaftan's development. The historic character of the Hawthorne Building when it was designated has not changed from the time the Kaftans bought until today.

They previously submitted a report from Mr. John Dziurman, Certified Historic Architect, who went through all of the criteria with regard to the designation and the continued value of this building. Further, SHPO in its report back confirms the HDSC findings and doesn't recommend de-listing. It agrees this is a great representation of the architecture from that time era. The building remains in the same condition as when it was built in the 1920's.

Now the argument being made is that because it is a small building and it doesn't have the mass of the theater or the size of the other buildings, we should just disregard it and get rid of it. Only those buildings that are large and take up a half a block or a quarter of a block should be maintained. That clearly is not the reason this building was saved. The building was saved because it is a small storefront Art Deco building that existed in the 1920's that was part of the Birmingham heritage which now this applicant is asking to be destroyed.

In summary, what the petitioner is now saying is that because 1) something else could happen to the adjacent properties; and 2) because the building is small, we should get rid of it. If this building is de-listed, the other historic building on the block will go the same way. There is no proof that 361 E. Maple Rd. has destabilized property values along the corridor which is evidenced by the fact the applicant has purchased the building two doors down.

They think that the original findings of this body were the correct findings and the confirmation made by SHPO as to this body's findings supports that and allows for this area of the City of Birmingham to continue in a manner that is both stabilizing, beneficial to economic values, and provides educational opportunities for the people of the City of Birmingham to see its history in real life as opposed to having a picture. For those reasons Mr. Stoker asked members of the HDDSC to stick with their original recommendation that the building not be de-listed.

Mr. Mel Kaftan, 369 E. Maple Rd. said when they were designing their building he relied on the fact that the building next door was historic and would not be torn down. So he put windows on that side. He went on to speculate if anyone thinks the applicant plans

to build a 20 ft. wide office building. His theory was that they must have some way to purchase the Christian Science Reading Room next door and combine the properties. In that case, parking will be a problem.

Mr. Gaber indicated that it is wrong for Mr. Kaftan to speculate with respect to his client's future intentions. It has no bearing in terms of what is in front of the Committee today.

Ms. Gerry Kaftan, resident at 369 E. Maple Rd., said they picked that spot to build their home because of the street being so charming. Working with the City, they wanted to keep the look of limestone and brick and continue on with the charm of that block. The street would start to lose its charm if that building were to go. The wonderful little boutiques are what bring people into their city. That would be gone with all high rises going in. She would hate to see the charm being lost.

Mr. Beshouri said he is comfortable with the Committee's report. The Committee has listened to both sides and done their job. They have heard this information before and he doesn't see anything that he would want to change about the report. There hasn't been anything new tonight that would make him want to change the report. Other members agreed.

Chairperson Debbrecht commented that she has a hard time accepting that the owner didn't know the building was historic when it was purchased. So she has a little problem with people buying something and then trying to get the rules changed.

**Motion by Ms. Lang**

**Seconded by Chairperson Debbrecht to forward the study committee report for 361 E. Maple Rd. to the City Commission as presented, recommending denial of the request to eliminate the historic designation of 361 E. Maple Rd.**

**Motion carried, 4-0.**

**VOICE VOTE**

Yeas: Lang, Debbrecht, Beshouri, Xenos

Nays: None

Absent: DeWindt





Joe Valentine <jvalentine@bhamgov.org>

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## Public Hearing 361 E. Maple

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John Gaber <JDGaber@wwrplaw.com>

Tue, Sep 4, 2018 at 6:17 PM

To: "jvalentine@bhamgov.org" <jvalentine@bhamgov.org>

Cc: "mbaka@bhamgov.org" <mbaka@bhamgov.org>, Timothy Stoepker <tstoepker@icloud.com>, Richard Rattner <RDRattner@wwrplaw.com>

Mr. Valentine,

Rick Rattner and I represent Victor Simon and 361 Maple LLC, the owner of 361 E. Maple, the subject property regarding its delisting request. At my client's request, the City Commission directed the HDSC to prepare its report and initiate the review process at the state and city level. This process was initiated almost a year ago, and Mr. Simon still has not received any determination from the City. As the applicant, we would request that the public hearing for 9/17/18 remain on the City Commission agenda, so as not to delay Mr. Simon's ability to determine how to proceed with the subject property any further.

Mr. Kaftan has had attorneys, both Mr. Stoepker and his partner, appear at the various meetings and place their objections on the record. Mr. Kaftan and his wife have also done so personally. This public hearing has taken some time to schedule, so we believe a delay is unnecessary and would prejudice Mr. Simon. As Mr. Kaftan's position is already stated numerous times on the record at 2 HDSC meetings, the HDC meeting and the PC meeting, and as Dickinson Wright PLLC has other attorneys who can represent Mr. Kaftan at the meeting as has occurred in the past, we would request that the public hearing move forward as planned on 9/17/18. A neighbor with an objection to an application before the City should not have the right to determine the public hearing schedule for a matter before the City.

Mr. Baka advised me by email on 8/7/18 that the public hearing would be scheduled (see attached email). It is my understanding that Mr. Stoepker was advised of this date as well. We would therefore request that the City Commission allow the public hearing to proceed as scheduled. We appreciate your cooperation, as well as that of the City Commission in this matter.

Thank you,  
John

John D. Gaber, Esq.  
380 North Old Woodward Avenue, Suite 300  
Birmingham, Michigan 48009

Main: (248) 642-0333 •Direct (248) 530-0722

[jdg@wwrplaw.com](mailto:jdg@wwrplaw.com)

Bio

vCard

[wwrplaw.com](http://wwrplaw.com)

-----Original Message-----

From: Timothy Stoepker [mailto:[tstoepker@icloud.com](mailto:tstoepker@icloud.com)]

Sent: Tuesday, September 04, 2018 5:13 PM

To: [jvalentine@bhamgov.org](mailto:jvalentine@bhamgov.org)

Cc: [mbaka@bhamgov.org](mailto:mbaka@bhamgov.org); John Gaber <[JDGaber@WWRPLaw.com](mailto:JDGaber@WWRPLaw.com)>

Subject: Public Hearing 361 E. Maple

Mr. Valentine, I represent the Kaftan's in opposition to the delisting of 361 E. Maple as an historic building under the City Ordinance. We previously appeared at the last City Commission Meeting when our client received a notice of public hearing on the application. We were not advised that the hearing was adjourned and rescheduled to September 17, 2018. I have a hearing in Ann Arbor the same night and our client will be out of town. Accordingly we are requesting that the public hearing be adjourned until a later date. I am copying John Gaber on this request as he represents the applicant. Your cooperation and the cooperation of the City Commission in adjourning the public hearing will be greatly appreciated.

Sent from my iPhone

----- Forwarded message -----

From: Matthew Baka <[mbaka@bhamgov.org](mailto:mbaka@bhamgov.org)>

To: John Gaber <[JDGaber@wwrplaw.com](mailto:JDGaber@wwrplaw.com)>

Cc:

Bcc:

Date: Tue, 7 Aug 2018 18:38:33 +0000

Subject: 361 E. Maple public hearing

John,

FYI, The public hearing at the City Commission is currently scheduled for Sep. 17th. The Commission will officially set the hearing on Monday at the meeting. It will be on the consent agenda so I do not expect there to be any discussion but it is possible that a Commissioner could pull it for comment for some reason however unlikely.

Matthew Baka  
Senior Planner  
The City of Birmingham  
[mbaka@bhamgov.org](mailto:mbaka@bhamgov.org)  
1(248) 530-1848

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 **noname.eml**  
6K

**DATE:** September 7, 2018  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** Jana Ecker, Planning Director  
**SUBJECT:** Public Hearing for Bistro Ordinance Amendments

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At the joint City Commission/Planning Board meeting of June 19<sup>th</sup>, 2017 the issue of bistro regulations was discussed at length. There was a consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted was warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

Accordingly, the Planning Board began studying the existing bistro regulations and discussing potential new regulations. Over the past year, the Planning Board studied existing bistros and discussed the goals of the bistro program in the future. On August 8, 2018, the Planning Board voted unanimously to recommend approval of the following ordinance amendments to the City Commission:

1. Section 3.04, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
2. Section 5.06, O1 – Office District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
3. Section 5.07, O2 – Office District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
4. Section 5.08, P – Parking District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
5. Section 5.10, B2 – General Business District, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
6. Section 5.11, B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
7. Section 5.12, B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
8. Section 5.13, MX – Mixed Use District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit; and
9. Section 9.02, Definitions: Bistro.

The City Commission then set a public hearing for September 17, 2018 to consider the proposed amendments to the existing bistro regulations. Please find attached all draft ordinance language and minutes from previous discussions for your review.

## SUGGESTED ACTION:

To approve the following ordinance amendments to Chapter 126, Zoning of the Birmingham City Code:

1. Section 3.04, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
2. Section 5.06, O1 – Office District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
3. Section 5.07, O2 – Office District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
4. Section 5.08, P – Parking District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
5. Section 5.10, B2 – General Business District, B2B – General Business District, B2C – General Business District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
6. Section 5.11, B3 – Office-Residential District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
7. Section 5.12, B4 – Business-Residential District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit;
8. Section 5.13, MX – Mixed Use District, Specific Standards, Building Use, to amend the regulations of the bistro Special Land Use Permit; and
9. Section 9.02, Definitions: Bistro.

**CITY OF BIRMINGHAM**  
**ORDINANCE NO. \_\_**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 3, SECTION 3.04(C)(10), SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE DOWNTOWN OVERLAY DISTRICT.**

**3.04 Specific Standards**

C. Building Use

10. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
  - A. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
  - B. Alcohol is served only to seated patrons, except those standing in a defined bar area;
  - C. No dance area is provided;
  - D. Only low key entertainment is permitted;
  - E. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
  - F. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
  - G. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
  - H. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~**defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  - I. **Enclosures facilitating year round dining outdoors are not permitted.**
  - J. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**
  - K. **Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 5, SECTION 5.06(A), O1 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE O1 DISTRICT.**

**5.06 O1 District**

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
  2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
  3. No dance area is provided;
  4. Only low key entertainment is permitted;
  5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
  6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
  7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
  8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  9. **Enclosures facilitating year round dining outdoors are not permitted.**
  10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**
  11. **Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.



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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 5, SECTION 5.07(A), O2 – OFFICE COMMERCIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE O2 DISTRICT.**

**5.07 O2 District**

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
  2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
  3. No dance area is provided;
  4. Only low key entertainment is permitted;
  5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
  6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
  7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
  8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  9. **Enclosures facilitating year round dining outdoors are not permitted.**
  10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**
  11. **Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 5, SECTION 5.08(A), P – PARKING DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE P DISTRICT.**

**5.08 P District**

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
  2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
  3. No dance area is provided;
  4. Only low key entertainment is permitted;
  5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
  6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
  7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
  8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
  9. **Enclosures facilitating year round dining outdoors are not permitted.**
  10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**
  11. **Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.**

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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 5, SECTION 5.10(B), B2 – GENERAL BUSINESS DISTRICT, B2B – GENERAL BUSINESS DISTRICT, B2C – GENERAL BUSINESS DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B2B DISTRICT.**

**5.10 B2 District, B2B District, B2C District**

B. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**
11. **Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.**

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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 5, SECTION 5.11(A), B3 – OFFICE-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B3 DISTRICT.**

**5.11 B3 District**

A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, ~~enclosed~~ **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**
11. **Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.**



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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 5, SECTION 5.12(B), B4 – BUSINESS-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE REGULATIONS FOR A BISTRO IN THE B4 DISTRICT.**

**5.12 B4 District**

**B-** Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats **in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;**
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, enclosed **defined** platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. **Enclosures facilitating year round dining outdoors are not permitted.**
10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**
11. **Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 5, SECTION 5.13, MX(C) – (M) – MIXED USE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO ADD REGULATIONS FOR A BISTRO IN THE MX DISTRICT AND RENUMBER REGULATIONS FOLLOWING (C).**

**5.13 MX District**

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores, drugstores, party stores and delicatessens is permitted.
- B. Automobile Rental Establishment: An automobile rental establishment is permitted provided all vehicles are stored in a public or private parking garage
- C. **Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:**
  - 1. **No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 15 seats**
  - 2. **Alcohol is served only to seated patrons, except those standing in a defined bar area;**
  - 3. **No dance area is provided;**
  - 4. **Only low key entertainment is permitted;**
  - 5. **Bistros must have tables located in the storefront space lining any street, or pedestrian passage;**
  - 6. **A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;**
  - 7. **All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and**
  - 8. **Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.**
  - 9. **Enclosures facilitating year round dining outdoors are not permitted.**
  - 10. **Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.**
  - 11. **Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City**

**Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.**

~~G.~~ **D.** Dwelling – Accessory: Residential units located in accessory structures are permitted provided that the residential units meet the minimum unit requirements identified in each two-page layout in Article 2. Where there is a conflict between this provision and the requirements of Section 4.02, this section shall take precedent.

~~D.~~ **E.**

~~E.~~ **F.**

~~F.~~ **G.**

~~G.~~ **H.**

~~H.~~ **I.**

~~I.~~ **J.**

~~J.~~ **K.**

~~K.~~ **L.**

~~L.~~ **M.**

~~M.~~ **N.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

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Andrew Harris, Mayor

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Cherilynn Mynsberge, City Clerk

CITY OF BIRMINGHAM  
**ORDINANCE NO.**

**THE CITY OF BIRMINGHAM ORDAINS:** AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:

**TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS, TO AMEND THE EXISTING DEFINITION OF BISTRO.**

**9.02 Definitions**

**Bistro:** When located in the Downtown Overlay District, a restaurant with a full service kitchen with interior seating for no more than 65 people and seating for outdoor dining **of no more than 65 people. When located in the Triangle District or Rail District, a restaurant with a full service kitchen with interior seating for no more than 85 people and seating for outdoor dining of no more than 85 people.**

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018 to become effective 7 days after publication.

\_\_\_\_\_  
Andrew Harris, Mayor

\_\_\_\_\_  
Cherilynn Mynsberge, City Clerk



# MEMORANDUM

Planning Division

**DATE:** August 8<sup>th</sup>, 2018

**TO:** Planning Board

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Public Hearing for Bistro Regulations

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- **Use of Eisenglass** – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- **District Requirements** – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- **On-street Dining/Rooftop Dining** – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- **Parking Needs** – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- **Building Code Requirements** – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings; and
- **Incentivizing Seating Capacity Tiers** – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, greenspace, etc.

At the joint City Commission/Planning Board meeting of June 19<sup>th</sup>, 2017 the issue of bistro regulations was discussed at length. There was a consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted was warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

Accordingly, the Planning Board began studying the existing bistro regulations and discussing potential new regulations. Over several months, the Planning Board studied existing bistros and discussed the goals of the bistro program in the future.

On August 9<sup>th</sup>, 2017, the Planning Board considered ordinance language stating "Outdoor seating on public property shall not exceed 40 seats." The discussion on this topic was that some may not agree with an exorbitant amount of outdoor seating, but each bistro should be reviewed on an individual basis.

On September 13<sup>th</sup>, 2017, the Planning Board revisited the issue of limiting the number of outdoor seating, and decided that this should be reviewed on a case-by case basis. There was general consensus that the Board will see the outdoor dining plans in each application, and if they think the number of seats exceeds what is reasonable, they will ask the applicant to change the number and/or formation of outdoor seating.

Rooftop dining was also discussed on September 13<sup>th</sup>, 2017, where the Board also decided that this should be reviewed on an individual basis. It was noted that outdoor dining on the street level was preferable, and if the applicant met this requirement, then the Board would generally be in support of rooftop dining.

On April 11, 2018, the Planning Board conducted a public hearing and unanimously passed a motion recommending approval of the attached ordinance amendments for bistro regulations to the City Commission. Please find attached the draft ordinance language and meeting minutes for your consideration. Language related to limiting the number of outdoor seats or rooftop dining was not included because the Board agreed that these should be reviewed on an individual basis.

On April 23, 2018 the City Commission set a public hearing for May 14, 2018 to consider approval of the proposed amendments to the Zoning Ordinance related to bistros.

On May 14<sup>th</sup>, 2018 after reviewing the proposed changes, the general consensus from the City Commission was that they like the 42" rail standards as well as the rule banning year round outdoor dining enclosures. However, the City Commission did not vote on the proposal because they wanted the Planning Board to reconsider setting a limit on the number of outdoor seating allowed at bistros, and to address rooftop dining.

On June 13<sup>th</sup>, 2018 The Planning Board considered the request of the City Council to discuss the number of outdoor dining seats bistros are allowed and permissible rooftop dining. The Board decided to examine language stating that outdoor seating may not exceed the number of permissible seats indoors. They also decided on evaluating language that would permit rooftop dining as long as adequate street level dining is provided. Sample ordinance language reflecting these changes has been provided below.

On July 11<sup>th</sup>, 2018 language regarding the number of permissible outdoor dining seats and rooftop dining was finalized with amendments including conditions that rooftop dining may not impact surrounding properties in a negative manner and that rooftop seats count towards outdoor dining provisions.



SUGGESTED ACTION:

To recommend approval to the City Commission of the following amendments to Chapter 126, Zoning, of the Birmingham City Code:

TO AMEND SECTION 3.04, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.06, O1 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.07, O2 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.08, P – PARKING DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.10, B2 – GENERAL BUSINESS DISTRICT, B2B – GENERAL BUSINESS DISTRICT, B2C – GENERAL BUSINESS DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.11, B3 – OFFICE-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.12, B4 – BUSINESS-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.13, MX – MIXED USE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 9.02, DEFINITIONS: BISTRO



# MEMORANDUM

## Planning Division

**DATE:** July 11<sup>th</sup>, 2018

**TO:** Planning Board

**FROM:** Brooks Cowan, City Planner

**APPROVED:** Jana L. Ecker, Planning Director

**SUBJECT:** Bistro Regulations

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As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- **Use of Eisenglass** – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- **District Requirements** – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- **On-street Dining/Rooftop Dining** – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- **Parking Needs** – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- **Building Code Requirements** – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings; and
- **Incentivizing Seating Capacity Tiers** – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, greenspace, etc.

At the joint City Commission/Planning Board meeting of June 19<sup>th</sup>, 2017 the issue of bistro regulations was discussed at length. There was a consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted was warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

Accordingly, the Planning Board began studying the existing bistro regulations and discussing potential new regulations. Over several months, the Planning Board studied existing bistros and discussed the goals of the bistro program in the future.

On August 9<sup>th</sup>, 2017, the Planning Board considered ordinance language stating "Outdoor seating on public property shall not exceed 40 seats." The discussion on this topic was that some may not agree with an exorbitant amount of outdoor seating, but each bistro should be reviewed on an individual basis.

On September 13<sup>th</sup>, 2017, the Planning Board revisited the issue of limiting the number of outdoor seating, and decided that this should be reviewed on a case-by case basis. There was general consensus that the Board will see the outdoor dining plans in each application, and if they think the number of seats exceeds what is reasonable, they will ask the applicant to change the number and/or formation of outdoor seating.

Rooftop dining was also discussed on September 13<sup>th</sup>, 2017, where the Board also decided that this should be reviewed on an individual basis. It was noted that outdoor dining on the street level was preferable, and if the applicant met this requirement, then the Board would generally be in support of rooftop dining.

On April 11, 2018, the Planning Board conducted a public hearing and unanimously passed a motion recommending approval of the attached ordinance amendments for bistro regulations to the City Commission. Please find attached the draft ordinance language and meeting minutes for your consideration. Language related to limiting the number of outdoor seats or rooftop dining was not included because the Board agreed that these should be reviewed on an individual basis.

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On May 14<sup>th</sup>, after reviewing the proposed changes, the general consensus from the City Commission was that they like the 42" rail standards as well as the rule banning year round outdoor dining enclosures. However, the City Commission did not vote on the proposal because they wanted the Planning Board to reconsider setting a limit on the number of outdoor seating allowed at bistros, and to address rooftop dining.

On June 13<sup>th</sup>, The Planning Board considered the request of the City Council to discuss the number of outdoor dining seats bistros are allowed and permissible rooftop dining. The Board decided to examine language stating that outdoor seating may not exceed the number of permissible seats indoors. They also decided on evaluating language that would permit rooftop dining as long as adequate street level dining is provided. Sample ordinance language reflecting these changes has been provided below.

**BIRMINGHAM CITY COMMISSION /  
PLANNING BOARD JOINT WORKSHOP SESSION MINUTES  
JUNE 19, 2017  
DPS FACILITY, 851 SOUTH ETON  
8:00 P.M.**

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

Mayor Mark Nickita called the meeting to order at 8:00 PM.

**II. ROLL CALL**

PRESENT: Mayor Nickita  
Mayor Pro  
Tem Harris  
Commissioner  
Bordman  
Commissioner  
Boutros  
Commissioner DeWeese  
Commissioner  
Hoff  
Commissioner  
Sherman  
Scott Clein, Planning Board  
Chairman  
Stuart Jeffares, Member  
Bert Koseck, Member  
Janelle Whipple-Boyce, Member  
J. Bryan Williams, Member

ABSENT: Robin Boyle,  
Member  
Gillian Lazar,  
Member Lisa  
Prasad,  
Member  
Daniel Share,  
Member

ADMINISTRATION: City Manager Valentine, City Attorney Studt, Deputy Clerk Arft,  
Planning Director, Ecker, Building Official Johnson

**III. ITEMS FOR DISCUSSION**

Mayor Nickita explained that this is a workshop session to discuss and evaluate various planning issues, with the intent to create an Action List for the Planning Board. City Manager Valentine added that more discussion will be needed on each item by the City Commission. The priorities will be determined by the Commission at a future meeting.

**E. BISTRO ALLOWANCES AND RESTRICTIONS**

Ms. Ecker said there has been concern expressed over the size of Bistros recently. She explained that a Bistro is defined as a restaurant with 65 seats or less, with no more than 10 of them at a bar, with a full service kitchen, low key entertainment, tables that must line the storefront, and outdoor dining. The biggest issue has been how much is too much outdoor dining. The intent when Bistros was started was to encourage outdoor dining, but it was not apparent at the time how far owners would look for creative opportunities to expand the outdoor dining. She suggested clarifications as to maximums, location, enclosures and the building code issues such as energy code, fire suppression might be needed. Parking needs are also a big concern.

Mayor Nickita added that the original concept for Bistros was just in the downtown area and that has changed. Once the area expanded to the Triangle area and Rail District, it changed the circumstance because of parking and available outdoor space.

Commissioner Bordman suggested considering different rules for different areas. The needs are different. Perhaps part of the study should be whether to have the exact same requirements in each of our districts.

Commissioner DeWeese suggested we need an intermediate level that applies in different situations. He considers this a high priority issue.

Mr. Koseck suggested that we should study the materials used and also the intent.

Commissioner Hoff agreed it is time to review the Bistro ordinance. It has developed differently than what was planned.

Mayor Nickita commented that it is time to review the ordinance.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JULY 12, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan  
07-134-17**

**4. Bistro Regulations**

Mr. Baka recalled that In 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a liquor license if they have no more than 65 seats, including 10 at a bar, and low key entertainment only. Mr. Baka observed that as the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make their establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – extends the time period outdoor dining areas are in operation which increases the number of seats for restaurant as a whole for a majority of the year;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.

At the joint City Commission/Planning Board meeting of June 19, 2017 this issue was discussed at length. There seemed to be consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted is warranted. Accordingly, the Planning Division is now requesting that the Planning Board begin discussions on how these concerns should be addressed.

Mr. Williams indicated he never envisioned 10 years ago that some of the sites would be so disproportionately large based on outdoor dining. Ms. Whipple-Boyce said the bistros should be looked at from the standpoint of their locations in different districts throughout the City. Chairman Clein thought there is a need to study the general parking requirement in the MX District based on the number of outdoor dining seats. Mr. Boyle added that bistros might be incentivized there by allowing more seating outside. Further, also consider that the Triangle District is different.

Mr. Williams noted the single biggest thing the board never anticipated was the extent to which Eisenglass would provide for almost four season use.

Ms. Ecker added maybe the board doesn't mind having Eisenglass on a rainy day but they don't want to see it extend the season past November 1st through March 31st. There are two issues: the look of it, and whether it changes the character of use from seasonal to permanent.

There was consensus to look at including the opportunity for rooftop dining for bistros.

Ms. Lazar agreed the larger spaces, particularly in the MX District, might be increased. But, the neighbors may be upset if they feel there will be increased intrusion into the neighborhoods as a

result. Maybe some type of parking requirement might have to be imposed. Chairman Clein thought that Residential Permit Parking might be needed in that case.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, AUGUST 9, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan  
08-153-17**

**STUDY SESSIONS**

**1. Bistro Regulations**

Mr. Baka noted that in 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a Liquor License. Bistros are permitted in certain zone districts with a valid Special Land Use Permit ("SLUP") under several conditions. As the bistro concept has evolved over the past ten years, new applicants have sought creative ways to make their establishments distinctive from the other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining.

At the joint City Commission/Planning Board meeting of June 19, 2017 the issue of clarifying bistro regulations was discussed at length. There seemed to be consensus that a review of the bistro requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Division would like to begin to consider addressing the issues of **parking, outdoor dining** and **Eisenglass enclosures** via ordinance language changes. The following examples of potential ordinance language changes are based on two methods of regulating bistros. The thinking is that current bistros would not be impacted by what is being proposed.

The first option would be to amend Chapter 126, Zoning, to universally create development standards for bistros that would apply to all zoning districts that permit bistros. Universal regulation would ensure that the dining experience in one bistro (outside of menu, service, theme etc.) is the same as dining in any other bistro. This could mean putting a limit on outdoor seating of 40 seats for all districts, even if there is room (public property or private property) for more. Eisenglass or vinyl enclosures could be prohibited entirely as to not abuse the outdoor dining season limit set forth by the City (April-November). As for parking, requiring all bistros to include their outdoor dining square footage in parking requirements could make sure that there will be enough parking for all of those extra seats. Creating extra parking requirements, though, could also discourage outdoor seating and counteract a key intent of the Bistro Ordinance.

The second approach to clarifying bistro regulations would be to amend Chapter 126, Zoning, to create separate bistro standards depending on the bistro's location in the Downtown, Triangle or Rail Districts. In doing so separately, the City can take into account the different space and parking conditions present in different districts. Adding parking requirements, like including outdoor dining area square footage in the parking calculation, to the conditions of certain bistro location districts could help alleviate parking issues. Outdoor dining maximums are a reasonable consideration Downtown because there is less space for a large outdoor dining area. In the Rail and Triangle



Districts where street frontage is typically larger, outdoor dining maximums of 40 or 60 seats could be appropriate. Finally, Eisenglass or vinyl enclosures might be considered in some areas along the Woodward Ave. frontage of the Triangle District to alleviate the noise pollution patrons receive from the major road.

Mr. Williams thought the major focus should be that one size doesn't fit all. Mr. Jeffares commented that it would be interesting to find out how much of the lunch crowd consists of office users who are already parked in town. It was consensus that there should not be an enclosure that allows bistros to extend their outdoor dining season. The bistro concept is being pushed beyond its original boundaries.

Mr. Boyle thought they should be discussing the issue of 65 indoor seats. The board needs to review that and consider the possibility that number could go up. Then bistros could rely less on large outdoor seating and have a stronger business that doesn't tie them to 65 indoor seats.

Ms. Whipple-Boyce thought there could be implications to allowing more indoor seating. They don't want Birmingham to become an all restaurant city. She doesn't think parking is that much of a concern because when the offices clear out the restaurants become busy. Don't forget that there are many local residents who walk from their homes to the Downtown bistros. She does not want to encourage a bistro model behind the building. She likes the outdoor seating in the front of buildings to activate the sidewalk space. Look at each bistro independently and see what makes sense, rather than putting a number to it. Also, consider opportunities for rooftop dining. Maybe the districts need be viewed differently because they are different and because some of the parking situations are different.

Mr. Koseck said in his opinion the bistros are working. The intent was to attract small scale, unique establishments with a variety of different food types. Why treat the districts differently? Forty outdoor seats is fine and he doesn't want to get caught up in parking for outdoor dining. He totally thinks the outdoor dining should not be enclosed. Pick half of the number of interior seating for outdoor dining; 40 seats is fine. He would rather see three small bistros in the Rail District than one that has 150 seats.

Mr. Williams echoed that and added if seating is outdoor, it shouldn't be enclosed. The total seating ought be the combination of both indoor and outdoor. Parking generally works and the only time it doesn't is the 10 a.m. to 12 p.m. window. Lunch is problematic in the Downtown area.

Chairman Clein observed he doesn't think including parking in the count really matters. To him the issue is not so much the size of the bistros; it is that they are allowed to be wrapped in plastic and located in places the board doesn't like. Perhaps some incentives could be put forth for establishments to meet if they want to increase their outdoor dining.

Mr. Boyle hoped to find a way to make the industrial land use in the Rail District work for bistros.

Mr. Baka summarized that the board is divided on whether or not there should be a limit on the number of outside seats. Board members stated they were definitely not in favor of outdoor dining enclosures, and most of the board is leaning against adding additional parking

requirements for outdoor dining seats. Nearly everyone wants to keep the districts separate. Mr. Williams added they need to look at the parking, but not Downtown.

No one from the public wanted to comment at 10:10 p.m.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, SEPTEMBER 13, 2017  
City Commission Room  
151 Martin Street, Birmingham, Michigan  
09-175-17**

**2. Bistro Regulations**

Mr. Baka noted that in 2007 the City of Birmingham amended the Zoning Ordinance to create the bistro concept that allows small eclectic restaurants to obtain a liquor license. Bistros are defined in Article 09 of the Zoning Ordinance as restaurants with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining. Bistros are permitted in certain zone districts with a valid Special Land Use Permit ("SLUP") along with several conditions. As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make their establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining.

There have been several issues raised:

- Use of Eisenglass – extends the time period outdoor dining areas are in operation which increases the number of seats for restaurant as a whole for a majority of the year;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.
- 

At the joint City Commission/Planning Board meeting of June 19, 2017 the issue of clarifying bistro regulations was discussed at length. On July 24th, 2017 the City Commission moved the review of bistros up on the Planning Board's Action List.

On August 9, 2017 the Planning Board held a study session to begin to consider addressing the issues of parking, outdoor dining and Eisenglass enclosures. Discussion revealed that the Planning Board did not support regulating the number of outdoor dining seats, or requiring additional parking for such outdoor dining areas. There was unanimous support on the board for restricting the use of enclosures on outdoor dining areas to ensure that outdoor dining is truly seasonal. There was also discussion about setting different standards for the interior number of seats in different areas.

Accordingly the draft language has been revised to provide options that would eliminate the ability to utilize enclosures year round. The language is now silent on the issues of limiting the number of outdoor seats and requiring additional parking for those seating areas.

At this time four proposed options have been added to the ordinance language:

- Permanent enclosures shall not be permitted for outdoor dining areas.
- Weather proof enclosures facilitating year around dining outdoors are not permitted.

- Outdoor dining is not permitted between November 16 and March 31.
- The use of any type of enclosure system (including but not limited to fabric, Eisenglass, vinyl panels, drapes, plant materials shall not be permitted for outdoor dining areas.

Mr. Koseck indicated that in his mind outdoor dining areas should not be framed with walls whether they are temporary or permanent. These areas were never intended to be quasi interior space. Discussion considered eliminating the date restriction and eliminating walls and plastic enclosures. People can sit outdoors on a nice winter day if they choose; however outdoor furniture must be brought inside each night and platforms have to come down in the winter. Board members thought that railings on decks in the street should be limited to 42 in. in height.

To sum up the issues that were previously discussed:

- The use of Eisenglass and the Building Code requirements of such enclosures have been covered in that outdoor dining areas must truly be outdoors, not within enclosed areas;
- The board was not interested in adding extra parking requirements for outdoor dining;
- Setting a maximum number of outdoor dining seats is not a concern as they are all SLUPs and thus subject to individual review;
- Everyone was okay with rooftop dining, but the priority is that there must be outdoor dining in the front first and foremost.
- 

Mr. Jeffares was in favor of increasing the capacity of bistros for the Triangle and Rail Districts and Mr. Williams liked that concept. It was discussed that providing shared parking might be an incentive to increase inside seating from 65. However, Mr. Koseck thought that requiring shared parking complicates things. **Mr. Baka agreed to bring draft ordinance language for the next meeting.**

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, JANUARY 10, 2018  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on January 10, 2018. Chairman Scott Clein convened the meeting at 7:30 p.m.

**Present:** Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams Alternate Board Members Nasseen Ramin, Daniel Share

**Absent:** Board Member Vice-Chairperson Gillian Lazar; Student Representatives Ariana Afrakhteh, Isabella Niskar

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

Jana Ecker, Planning Director

Carole Salutes, Recording Secretary

**01-05-18**

**2. Bistro Regulations**

Mr. Williams rejoined the board and Ms. Ramin left.

Mr. Baka advised that recently there has been discussion between the City Commission and the Planning Board that perhaps there should be a re-examination of the bistro requirements which already began last year with several study sessions.

As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- District Requirements – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- On-street Dining/Rooftop Dining –The use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – The expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;

- Building Code Requirements – The enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.
- Incentivizing Seating Capacity Tiers – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, green space, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was consensus that a review of the requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Board held several study sessions on this matter and potential revisions and additions to the bistro standards were discussed. Draft language was created to provide options that would eliminate the ability to utilize enclosures year-round, and would not limit the number of outdoor dining seats or require additional parking for those seating areas. There was discussion on whether or not the 65 seat limit should be revised, or whether rooftop dining should be encouraged and what an acceptable railing height is for platform decks. It was suggested that perhaps the Triangle District and Rail District could establish different standards for maximum seating. New draft language was presented that expands interior seating for bistros in the Triangle and Rail Districts to 85 seats with 15 at the bar, while interior seating for the Downtown District remains at 65. Current rooftop dining standards were deemed acceptable, but the board wished to see railings on platform decks limited to 42 in. in height.

There was not a consensus on requiring shared parking as an incentive to get more seats at the bar.

Mr. Baka discussed Chapter 126 of the Code, sections 3.04, 5.06, 5.07, 5.08, 5.10, 5.11, 5.12, 5.13 and 9.02.

Consensus was for sections 3.04, 5.06, 5.07, 5.08, 5.10, 5.11, 5.12, change "enclosed platform" to "enclosed platform with a guard rail." Also find a way to consolidate I., J., and K in section 3.04 and other sections with the same language to a more precise limitation for enclosure systems for outdoor dining areas.

Mr. Baka clarified for Ms. Whipple-Boyce that vegetation can be planted above the 42 in. railing height.

There was general support for a larger number of indoor seating allowed by right for bistros located in the Rail and Triangle Districts.

Ms. Whipple-Boyce said it has been proven now that the Class C Liquor License holders and the bistro license holders are succeeding well side-by-side. Therefore, she is very supportive of allowing 85 indoor seats in the Rail and Triangle Districts. Losing parking spaces in the summer with more on-street dining doesn't concern her.

Mr. Williams observed that the issue of bistro locations in the Rail District has not been addressed. Ms. Ecker advised that currently they are allowed anywhere within the boundaries of the Rail District with a Special Land Use Permit ("SLUP"). Mr. Williams thought a bistro would significantly adversely impact the residential and live/work areas in the neighborhood.

Ms. Whipple-Boyce agreed with establishing some boundaries. From DPS north it is pretty well developed. She would like to see a bistro somewhere south of DPS.

Mr. Jeffares was not in favor of boundaries because he would like to see all applications. Mr. Koseck agreed with Mr. Jeffares.

Mr. Williams thought maybe it is enough to say there are sensitive areas both in the Rail District and in the Triangle District that need attention whenever a SLUP comes up. Other members agreed.

Mr. Williams stated he is in favor of expanding the number of outdoor dining seats in the Rail and Triangle Districts, but is adamantly opposed to increasing them Downtown. That is where most of the Class C Licenses are and he noted that one just closed. There is no question in his mind that bistros have had an effect on some of the Class C licenses in the Downtown area.

Further, he suggested having the new rules apply to existing bistros. Ms. Ecker explained that could happen if they came back for any changes.

Board members discussed putting a maximum formula in effect for outdoor dining in relationship to indoor dining in the Rail and Triangle Districts. Mr. Share was in favor of a 200% cap there that applies to all outdoor dining, thus outdoor dining (including rooftop dining) could be no more than twice the number of interior dining seats.

Mr. Jeffares did not want a cap. He said he would rather have the Planning Board be able to make decisions on the applications vs. having strict rules and not having any applications.

The board's consensus was to see this one more time before moving forward.

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, MARCH 14, 2018  
Department of Public Services  
851 S. Eton Street, Birmingham, Michigan**

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Minutes of the regular meeting of the City of Birmingham Planning Board held on March 14, 2018. Chairman Scott Clein convened the meeting at 7:32 p.m.

**Present:** Chairman Scott Clein; Board Members Stuart Jeffares, Bert Koseck, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Members Nasseen Ramin, Daniel Share; Student Representative Ellie McElroy (left at 9:07 p.m.)

**Absent:** Board Members Robin Boyle, Gillian Lazar; Student Representatives Madison Dominato, Sam Fogel

**Administration:** Matthew Baka, Sr. Planner  
Brooks Cowan, Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**03-39-18**

### **3. Bistro Regulations**

Background: Mr. Baka advised that recently there has been discussion between the City Commission and the Planning Board that perhaps there should be a re-examination of the bistro requirements which already began last year with several study sessions.

Issue: As the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. The following issues have been raised:

- Use of Eisenglass – Doing so extends the time period outdoor dining areas are in operation which increases the number of seats for the restaurant as a whole for a majority of the year;
- District Requirements – The Downtown District, Triangle District, and Rail District have different opportunities which could merit different requirements for bistros locating within them;
- On-street Dining/Rooftop Dining – the use of on-street parking spaces and rooftops in addition to the sidewalk area allows the addition of larger outdoor dining areas;
- Parking Needs – the expansion of outdoor dining increases the number of people dining at the restaurant, which increases parking demand;
- Building Code Requirements – the enclosure of outdoor dining areas triggers Building Code regulations such as Energy Code compliance, fire suppression requirements, fire separation distances and exterior wall fire resistive ratings.



- Incentivizing Seating Capacity Tiers – Allowing an increased amount of indoor seating and/or outdoor dining seating for bistros based upon conditional standards such as shared parking, landscaping, green space, etc.

At the joint City Commission/Planning Board meeting of June 19th, 2017 the issue of bistro regulations was discussed at length. There was consensus that a review of the requirements and how they relate to the various areas in which they are permitted is warranted. Additionally, Commission members saw good reason to potentially regulate bistros differently depending on the district in which they are located.

The Planning Board held several study sessions on this matter and potential revisions and additions to the bistro standards were discussed. Draft language was created to provide options that would eliminate the ability to utilize enclosures year-round, and not to limit the number of outdoor dining seats or require additional parking for those seating areas. There was discussion on whether or not the 65 seat limit should be revised, or whether rooftop dining should be encouraged and what an acceptable railing height is for platform decks. It was suggested that perhaps the Triangle District and Rail District could establish different standards for maximum seating. New draft language has been presented that expands interior seating for bistros in the Triangle and Rail Districts to 85 seats with 15 at the bar, while interior seating for the Downtown District remains at 65. Current rooftop dining standards were deemed acceptable, but the board wished to see railings on platform decks limited to 42 in. in height.

On January 10, 2018 the Planning Board reviewed the latest draft ordinance language for the proposed bistro regulation changes. The board requested that the language regarding on-street platforms be adjusted so that the reference to enclosing them is eliminated. Also, eliminate permanent enclosures facilitating year-round dining outdoors. Lastly, railings on platform decks may not exceed 42 in. in height in order to create an open atmosphere where the dining adds vitality to the streetscape. Board members wanted to see the final draft language prior to setting a public hearing.

It was agreed the word "permanent" in front of "enclosures" should be eliminated.

Discussion confirmed that rooftop dining is allowable under SLUPs on a case-by-case basis. Outdoor dining on the street is excluded from the rooftop number of seats.

**Motion by Mr. Williams**

**Seconded by Mr. Koseck to set a public hearing for April 11, 2018 to consider the proposed ordinance amendment.**

There were no comments from the public at 9:18 p.m.

**Motion carried, 7-0.**

**VOICE VOTE**

Yeas: Williams, Koseck, Klein, Jeffares, Ramin, Share, Whipple-Boyce

Nays: None

Absent: Boyle, Lazar

**CITY OF BIRMINGHAM  
REGULAR MEETING OF THE PLANNING BOARD  
WEDNESDAY, APRIL 11, 2018  
City Commission Room  
151 Martin Street, Birmingham, Michigan**

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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, Janelle Whipple-Boyce, Bryan Williams; Member Daniel Share; Student Representative Ellie McElroy (arrived at 8:35 p.m.)

**Absent:** Alternate Board Member Nasseen Ramin; Student Representatives Madison Dominato, Sam Fogel

**Administration:** Brooks Cowan, Planner  
Jana Ecker, Planning Director  
Carole Salutes, Recording Secretary

**04-57-18**

**PUBLIC HEARING**

**1. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE CITY OF BIRMINGHAM:**

TO AMEND SECTION 3.04, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.06, O1 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.07, O2 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.08, P – PARKING DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.10, B2 – GENERAL BUSINESS DISTRICT, B2B – GENERAL BUSINESS DISTRICT, B2C – GENERAL BUSINESS DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.11, B3 – OFFICE-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.12, B4 – BUSINESS-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.13, MX – MIXED USE DISTRICT, SPECIFIC STANDARDS, BUILDING USE,  
TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 9.02, DEFINITIONS: BISTRO.

The Chairman opened the public hearing at 7:34 p.m.

Ms. Ecker recalled the board has been talking about the bistro regulations for almost a year. At a joint City Commission/Planning Board on June 19, 2017 several issues came up that the Commission asked the Planning Board to look at. So, over the past several months the board has been studying this and they have agreed upon language and brought it to a public hearing tonight.

Primarily the changes were to set up two different types of bistros, keeping the standards for the number of interior seats and number of seats at the bar the same for Downtown because they are in the Parking Assessment District and there isn't an excessive amount of parking. Also, creating another section for bistros in the Rail District and Triangle District that would allow a greater number of interior seats and a greater number of seats at the bar, given the fact that they couldn't do that unless they provided the required parking.

Several other changes were made:

- Enclosures facilitating year-around dining are not permitted;
- At the suggestion of the Building Official, railings, platforms or similar barriers should not exceed 42 in. in height;
- The Building Official also suggested that the word "enclosed" be taken out and replaced with "defined" when talking about an elevated ADA compliant enclosed platform.
- The bistro standards are proposed to be added in the MX District.
- Language was added to the existing regulations with regard to the B-3 and B-4 standards on bistros: "No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District."

Board members were in agreement with the changes.

**Motion by Mr. Williams**

**Seconded by Mr. Share to recommend approval of the proposed ordinance amendments to the City Commission with the changes outlined tonight.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Williams, Share, Boyle, Jeffares, Koseck, Whipple-Boyce, Williams

Nays: None

Absent: None

The public hearing closed at 7:40 p.m.

**BIRMINGHAM CITY COMMISSION MINUTES**  
**MAY 14, 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 Currier, Senior Planner Baka, Communications Director Byrnes, Assistant City Planner Chapman, Planning Director Ecker, DPS Manager Filipski, Building Official Johnson, Assistant Building Official Morad, City Clerk Mynsberge, City Engineer O'Meara, Director of Public Services Wood

**05-137-18 PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENTS TO BISTRO ORDINANCE**

Mayor Harris opened the public hearing at 8:41 p.m.

Senior Planner Baka reviewed the joint Commission/Planning Board effort to consider possible amendments to the Bistro Ordinances, and the proposed Bistro Ordinance amendments as suggested by the Planning Board to the Commission.

Senior Planner Baka said the Planning Board recommended eliminating enclosed platforms for dining because another ordinance prohibits enclosures.

Mayor Pro Tem Bordman stated:

- If the desire is to require a platform with a railing, the language should read "platform with a railing".
- If Planning Board does not address rooftop dining so as not to encourage it, rooftop dining will be implicitly allowed by the lack of any language addressing the issue.

Planning Director Ecker explained that the Planning Board sought:

- To not be overbroad in the requirements for outdoor dining, rooftop dining, and parking for outdoor dining so as to encourage its development while still allowing its regulation through the SLUP application process.
- To maintain the difference between a smaller bistro license and a Class C license by prohibiting enclosed year-round outdoor dining for a Bistro.

Commissioner Nickita believed the prohibition on year-round outdoor dining insufficiently addresses the need to keep bistro-licensed restaurants smaller than Class C-licensed restaurants, especially since bistro licenses already technically preclude year-round outdoor dining.

Planning Director Ecker explained the Planning Board did not want to limit total outdoor seating by ordinance, but that the SLUP application process may allow the City to sufficiently limit the seating in a bistro-licensed restaurant on a case-by-case basis.

Planning Director Ecker confirmed that the proposals potentially allow bistro-licensed restaurants to have unlimited seating in the warmer months, and that this was the Planning Board's intent.

Commissioner Nickita stated:

- His concerns regarding seating capacity were enough for him to not move these amendments forward as currently proposed.
- A 42"-inch maximum rail would be sufficient, though he would like to see them smaller.
- Preventing the use of eisenglass around outdoor seating is a positive move to control seating capacity.
- It might be wise to codify platform standards.

Planning Director Ecker replied that when platforms were first discussed by the Planning Board in 2007, they decided to leave the requirements open so as not to inhibit creativity. She continued that the Commission could ask the Planning Board to revisit that, should the Commission see fit.

Commissioner Nickita clarified he does not seek to regulate design standards for platforms, but fundamental building standards such as size, materials, edge conditions, sleeper channels, non-skid texture and other related criteria.

City Manager Valentine stated that city staff can create a formalized platform standard for the Commission to review and potentially adopt.

Commissioner DeWeese said the intended benefits of the bistro were:

- Activation of the street;
- Focus on food and not alcohol; and,
- The creation of intimacy within a so-licensed restaurant.

Commissioner DeWeese continued that:

- Moving seating up to higher floors or rooftops fails to activate the street.
- He would like to see bistro licenses remain closer to their original intent.
- Different districts could potentially have different bistro requirements.

Mayor Harris suggested that the Commission could approve the proposed ordinance language and direct staff and the Planning Board to re-address outdoor seating issues.

Mayor Pro Tem Bordman said:

- A reconsideration of the outdoor seating issue may also affect the indoor capacity of a bistro-licensed establishment.

- There are enough other concerns that all proposed amendments should return to the Planning Board.

Commissioner Nickita said:

- The Planning Board should provide seating parameters, and not require the Commission to determine said parameters with every individual bistro SLUP application.
- He would be comfortable having the Planning Board review the amendments and send them back to the Commission.

Norman LePage, owner of Big Rock Chop House, voiced his support for the Commission's suggestions.

Senior Planner Baka told Mr. LePage that the bistro seating regulations increased from 65 indoor seats to 85 indoor seats in order to encourage more bistro applications in certain areas of the City.

Mayor Pro Tem Bordman told Mr. LePage that should any existing establishment come before the Commission seeking to change their SLUP bistro license, the Commission can require that the establishment come into alignment with the new bistro requirements.

Jeremy Sassoon appeared before the Commission and said:

- There should be a focus group to consider the difference between a bistro license and a Class C license.
- The City should clarify its standards for bistro licenses and other applications, because he feels he has been denied two licenses for subjective, not objective, reasons.

Joe Zane appeared before the Commission and said he would like to see bistro licenses granted in the Triangle District, even if it requires relaxing the standards a bit.

There being no further comment, Mayor Harris closed the public hearing at 9:24 p.m.

The Commission agreed to send the proposed ordinance amendments back to the Planning Board for reconsideration.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, JUNE 13, 2018**  
City Commission Room

151 Martin Street, Birmingham, Michigan

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**06-103-18**

**2. Bistro Regulations**

Mr. Cowan advised that as the bistro concept has evolved over the past 10 years, new applicants have sought creative ways to make the establishments distinctive from other restaurants and bistros in the City, and to increase the number of seats through the use of all season outdoor dining. At the joint City Commission/Planning Board meeting last year, the issue was discussed and there was consensus that a review of the bistro regulations is warranted.

Accordingly, the Planning Board began studying the existing bistro regulations and discussing potential new regulations. Over several months the Planning Board studied existing bistros and discussed the goals of the bistro program in the future.

On August 9, 2017 the Planning Board considered ordinance language suggesting outdoor seating on public property should not exceed 40 seats. The discussion on this topic was that some may not agree with an exorbitant amount of outdoor seating but each bistro should be reviewed on an individual basis. There was unanimous support for restricting the use of enclosures on outdoor dining to ensure that outdoor dining is truly seasonal.

On September 13, 2017 the Planning Board revisited the issue of limiting the number of outdoor seating and decided it should be reviewed on a case-by-case basis. There was also general consensus that if the board thinks the number of seats exceeds what is reasonable they will ask the applicant to change that number. Rooftop dining was also discussed and the board decided it should be reviewed on an individual basis. It was noted that outdoor dining on the street level was preferable, and if the applicant met this requirement, then the Board would generally be in support of rooftop dining.

On April 11, 2018, the Planning Board conducted a public hearing and unanimously passed a motion recommending approval of the attached ordinance amendments for bistro regulations to the City Commission. Language related to the maximum number of outdoor seats or rooftop dining was not included because the board had agreed that these should be reviewed on an individual basis.

On May 14, 2018, after reviewing the proposed changes, the general consensus from the City Commission was that they like the 42 in. rail standards as well as the rule banning year-round outdoor dining enclosures. However, the Commission did not vote on the proposal because they wanted the Planning Board to reconsider setting a limit on the number of outdoor seating allowed at bistros, and to address rooftop dining.

Therefore, as directed by the City Commission, issues for discussion related to bistro requirements include:

- Maximum number of outdoor dining seats bistros are allowed; and
- Permissible rooftop dining.
- 

Ms. Ecker thought the main point that the Commission was trying to get across was they feel that with the outdoor dining being so large, it makes a bistro too close to the size of what a Class C establishment could be. Some of the existing Class C holders could potentially be upset that a bistro was morphing into a standard Class C establishment.

Ms. Whipple-Boyce thought that what the Commission would really like from the Board is to put a restriction on the number of outdoor seats in the Rail and Triangle Districts.

Mr. Koseck said he likes the quaintness and smallness of a bistro. Ms. Whipple-Boyce added that she thinks it is all about fairness to the quota license holders and she believes the Commission wants a cap on the number of outdoor seats so as not to compete with the quota license holders.

Chairman Clein noticed that there are a few bistros that have more seats outside than they are allowed to have inside, doubling their size and allowing them to get quite close to the quota license capacity.

Mr. Jeffares received confirmation that what is decided will not affect any existing bistro.

Mr. Boyle said the chart that reflects the bistros should be amended to include Whole Foods. Also, the Planning Board is being asked to make a decision because it would be fair to another license holder. That is a political decision and it should be taken up by the political body and not the Planning Board.

Chairman Clein made it clear that in his opinion the motivation of this board has not been to look at this as fairness or equity or economics. However, the motivation of the elected officials may have been that, and thus their reasoning for sending it to the Planning Board to look at it from a land planning perspective.

Ms. Whipple-Boyce proposed saying that outdoor seating for bistros should not exceed their permissible maximum indoor seating. However, Mr. Share did not see that it makes sense from a planning perspective to impose an artificial number Downtown. He likes the ability to control and react to individual situations.



It was thought that this matter can be discussed at the end of the joint Planning Board/City Commission meeting.

Mr. Jeffares did not think that long-term, rooftop dining will be a big issue because of the limited number of sites where it could exist.

Mr. Boyle said that other than Griffin Claw and Big Rock they have not seen that bistros work effectively outside of Downtown. It strikes him as odd that the board is trying to weaken the incentive for bistros in the Rail and Triangle Districts rather than improving it.

The Chairman said with respect to rooftop dining they could say that it is allowed with approval of the City Commission and provided the applicant has satisfied street level outdoor dining requirements and there is no negative impact on surrounding properties. He added they will have had the joint meeting before the next regular Planning Board meeting and will be able to make a determination on the language. The hours of operation for rooftop dining can also be discussed.

**CITY OF BIRMINGHAM**  
**REGULAR MEETING OF THE PLANNING BOARD**  
**WEDNESDAY, JULY 11, 2018**  
City Commission Room

151 Martin Street, Birmingham, Michigan

**07-121-18**

**STUDY SESSION**

**1. Bistro Regulations**

Mr. Cowan recalled that over several months the Planning Board studied existing bistros and discussed the future goals of the bistro program. One of the issues has been the number of seats that are permitted for outdoor dining. The Planning Board had determined that they wanted to review outdoor dining seating on a case-by-case basis. They sent that proposal to the City Commission; however the Commission sent it back saying that with no limit on the outdoor dining seats for bistros they felt the bistros were getting too large and felt they were competing with the Class C Liquor License holders. Also, they asked the Planning Board to review rooftop dining.

Therefore, Mr. Cowan included draft language this time stating that rooftop dining is permitted as long as adequate street-level dining is provided, as determined by the Planning Board and City Commission.

Then for the definition of Bistro, Section 9.02 he added that when located in the Triangle District or Rail District, a bistro is a restaurant that has a full service kitchen with interior seating for no more than 85 people and seating for outdoor dining of no more than 85 people. So, outdoor seating is kept equal to indoor seating.

Ms. Whipple-Boyce did not know how this proposal would be received but she thought it is a good starting place. Mr. Jeffares did not think it would hurt anything and agreed it could be tried for a bit to see how it works.

Chairman Clein agreed and noted it is abundantly clear to him that the City Commission wants a number. With respect to rooftop dining, he suggested language in paragraph 11 read that rooftop dining is permitted as long as adequate street level dining is provided and the rooftop dining will not pose any negative impact on surrounding properties as determined by the Planning Board and the City Commission.

Board members agreed to also include in paragraph 11 that rooftop dining is permitted as a portion of allowable outdoor dining.

**Motion by Mr. Williams**

**Seconded by Mr. Share to schedule a public hearing for August 8, knowing that if staff cannot get proper notice out it will be postponed to September.**

**Motion carried, 7-0.**

There was no audience present.

**Planning Board Minutes  
August 8, 2018**

**PUBLIC HEARING**

The Chairman opened the public hearing at 7:33 p.m.

**1. AN ORDINANCE TO AMEND CHAPTER 126, ZONING, OF THE CODE OF THE  
CITY OF BIRMINGHAM:**

TO AMEND SECTION 3.04, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.06, O1 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.07, O2 – OFFICE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.08, P – PARKING DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.10, B2 – GENERAL BUSINESS DISTRICT, B2B – GENERAL BUSINESS DISTRICT, B2C – GENERAL BUSINESS DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.11, B3 – OFFICE-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.12, B4 – BUSINESS-RESIDENTIAL DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 5.13, MX – MIXED USE DISTRICT, SPECIFIC STANDARDS, BUILDING USE, TO AMEND THE CONDITIONS OF THE BISTRO SPECIAL LAND USE PERMIT.

AND

TO AMEND SECTION 9.02, DEFINITIONS: BISTRO.

Ms. Ecker recalled this topic was initiated at the joint City Commission/Planning Board in June of 2017. There was discussion about putting additional regulations in place for bistros. So, over several months the Planning Board has studied existing bistros and discussed the future goals of the bistro program. One of the issues has been the number of seats that are permitted for outdoor dining. The Planning Board had determined that they wanted to review outdoor dining seating on a case-by-case basis. They sent that proposal to the City Commission; however the Commission sent it back saying they felt it was competing with the Class C Liquor License holders. Also they asked the Planning Board to review rooftop dining. The general consensus from the City Commission has been that they like the 42 in. rail standards as well as the rule banning year-round outdoor dining enclosures.

On June 13, 2018, the Planning Board considered the City Commission's request to discuss the number of outdoor dining seats bistros are allowed as well as permissible rooftop dining. The Board decided to examine language stating that outdoor seating may not exceed the number of permissible seats indoors. Also, they decided to evaluate language that would permit rooftop dining as long as adequate street level dining is provided.

On July 11, 2018 language regarding the number of permissible outdoor dining seats and rooftop dining was finalized with amendments including conditions that rooftop dining may not impact surrounding properties in a negative manner and that rooftop dining is only permitted if adequate street level dining is provided as determined by the Planning Board and City Commission. Also added was that rooftop dining seats count towards the total number of permissible outdoor dining seats.

The other change was to the definition of bistro. That limited the number of outdoor seats and also created two different size requirements depending on the district where the bistro is located. For bistros in the Downtown Overlay, no more than 65 indoor dining seats are permitted. When located in the Triangle or Rail District, a bistro is a restaurant with interior seating for no more than 85 people. Outdoor seating in all of the districts is limited to match what is allowed inside.

The Planning Board passed a motion to hold a public hearing on August 8, 2018. No public was present.

Board members reviewed the ordinance amendments and concluded that paragraph 11 in all zone districts should be changed to read "Outdoor rooftop dining is permitted . . . "

**Motion by Mr. Williams**

**Seconded by Mr. Koseck that subject to the additional language discussed, to recommend approval to the City Commission of the amendments to Chapter 126, Zoning, of the Birmingham City Code, sections 3.04, 5.06, 5.07, 5.08, 5.10, 5.11, 5.12, 5.13 and Definitions: Bistro in section 9.02, all as set forth in the materials.**

**Motion carried, 7-0.**

VOICE VOTE

Yeas: Williams, Koseck, Clein, Boyle, Emerine, Jeffares, Ramine

Nays: None

Absent: Share, Whipple-Boyce

The Chairman closed the public hearing at 7:45 p.m.



## MEMORANDUM

Planning Division

**DATE:** September 10, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Brownfield Plan Amendment – 34965 Woodward

---

On September 5, 2018, the Brownfield Redevelopment Authority met and recommended approval to the City Commission of a request by the owners of 34965 Woodward Avenue (the former Peabody's restaurant) and 215 Peabody (the former Frame Shop) seeking approval by the City to amend the Brownfield Plan for 34965 Woodward to include the property at 215 Peabody. Both parcels are now under the same ownership, and the developer is in the process of combining the parcels to allow construction of the proposed 5 story building on both parcels. Oakland County has advised that they will not combine the parcels until the Brownfield Plan is amended to include both properties.

Please find attached a letter from the applicant's attorney outlining the request, as well as a letter from the City Attorney recommending approval by the City of the requested amendment to the Brownfield Plan for 34965 Woodward to include 215 Peabody under the approved Brownfield Plan.

### **SUGGESTED ACTION:**

To APPROVE the developer's request to amend the Brownfield Plan for 34965 Woodward to include the property known as 215 Peabody as recommended by the Brownfield Redevelopment Authority on September 5, 2018.



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Arthur H. Siegal  
asiegal@jaffelaw.com

July 26, 2018

Jeffrey K. Haynes, Esq.  
Beier Howlett  
3001 W Big Beaver Road  
Suite 200  
Troy, MI 48084

**VIA EMAIL**  
**AND REGULAR MAIL**

Re: Brownfield Plan for 34965 Woodward Avenue, Birmingham

Dear Mr. Haynes:

This letter is a follow-up to our email dialogue of last week. As you know, the Brownfield Redevelopment Authority and City of Birmingham approved a Brownfield Plan for the above noted property (the former Peabody's property). The Brownfield Plan includes only one parcel, Tax Id No. 4035-19-36-207-008.

Following that approval, the Developer opted to acquire the immediately adjacent property (the former framing shop at 215 Peabody, tax ID-19-36-207-004, the legal description for which is below) and intends to include that parcel as part of the development. The Developer wants to merge the two parcels under one Tax ID No. (the former one) with no other changes to the Brownfield Plan. We understand that the County will not merge such tax ID numbers when one parcel is subject to a Brownfield Plan and the other is not. To allow this to proceed, we propose amending the Brownfield Plan to include the additional parcel, with no other changes to the Brownfield Plan. There will be no increase in costs or reimbursement as described in the Brownfield Plan and, as a result of the parcel combination, there may possibly be an increase in the pace of reimbursement.

As you know, under Act 381, the term "eligible property" includes parcels of property that are adjacent or contiguous to other eligible property, if the development of the adjacent or contiguous parcels is estimated to increase the captured taxable value of that property. MCL 125.2652(p). Also, Act 381 provides that a Brownfield Plan "may be amended to apply to additional parcels of eligible property."

Therefore, my client requests the following amendment to the Brownfield Plan:

The previously approved Brownfield Plan is amended to include an additional parcel of property with the following legal description:

Land situated in the City of Birmingham, County of Oakland, State of Michigan more fully described as:

Part of North 1/2 of Lot 13, BROWNELL'S SUBDIVISION, according to the plat thereof recorded in Liber 4 of Plats, page 35, Oakland County Records; described as beginning at the Northwest corner of said Lot 13, thence North 69°45'10" East 69.99 feet; thence South 20°05'0" seconds, East 25 feet; thence South 69°45'15" West 69.99 feet to the East line of Brownell Street being the front lot line of said lot; thence North 20°05'0" seconds West 25 feet to the point of beginning; Brownell Subdivision being a part of the West 1/2 of the Northeast 1/4 of Section 36, in the Village of Birmingham, Town 2 North, Range 10 East, Oakland County, Michigan.

Commonly known as: 215 Peabody Street, Birmingham, Michigan 48009  
Tax Parcel ID No.: 19-36-207-004

Specifically:

1. Section I, Introduction, Paragraph B. should be revised as follows:

The property consists of two parcels of land occupying less than one acre of land near the southwest corner of Woodward Avenue and Maple Road in the City of Birmingham. The parcel identification numbers are 08-19-36-207-008 and 19-36-207-004 and the properties addresses are currently 34965 Woodward Avenue, and 215 Peabody Street, Birmingham Michigan. Additional property description is provided in Section III (G). The intention is to merge the two parcels under the former tax identification number but it is possible that they will be assigned a new tax id number. These two parcels are described herein as "the Property."

2. Section I, Introduction, Paragraph C should be revised to read as follows:

The Property is eligible for inclusion in this Brownfield Plan in accordance with MCL 125.2652(n) because one parcel of the Property is a "facility" as defined by 1994 P.A. 451, as amended, and the other parcel is contiguous to the facility in accordance with MCL 125.2652(p).

3. The first two sentences of Section I, Introduction, Paragraph D should be revised to read as follows:

The redevelopment will take place on the Property previously occupied by Peabody's Restaurant, its associated parking and the former adjoining Great Frame Up store. Prior to the opening of the restaurant in 1975, operations on the Peabody parcel included a feed and saw mill, blacksmith, machine shop, rail spur and automotive repair.

4. Section III, Brownfield Plan, Paragraph G should be revised to read as follows:

The Property consists of two parcels of land occupying less than one acre with the current addresses of 34965 Woodward Avenue, and 215 Peabody Street, Birmingham Michigan. Legal descriptions and ALTA surveys of the Property are included in Appendix C.



5. Appendix C should read:

Lots 10, 11, 12, and the north 25 feet of Lot 13, except the westerly 69.99 feet thereof, Brownell Subdivision in the Village of Birmingham, Oakland County, Michigan, being a part of the west half of northeast quarter of Section 36, Town 2 North, Range 10 East, as recorded in Liber 4, page 35 of Plats, Oakland County Records.

Commonly known as 34965 Woodward Avenue, Birmingham Michigan 48009.  
Tax Parcel ID No. 19-36-207-008

Part of North 1/2 of Lot 13, BROWNELL'S SUBDIVISION, according to the plat thereof recorded in Liber 4 of Plats, page 35, Oakland County Records; described as beginning at the Northwest corner of said Lot 13, thence North 69°45'10" East 69.99 feet; thence South 20°05'0" seconds, East 25 feet; thence South 69°45'15" West 69.99 feet to the East line of Brownell Street being the front lot line of said lot; thence North 20°05'0" seconds West 25 feet to the point of beginning; Brownell Subdivision being a part of the West 1/2 of the Northeast 1/4 of Section 36, in the Village of Birmingham, Town 2 North, Range 10 East, Oakland County, Michigan.

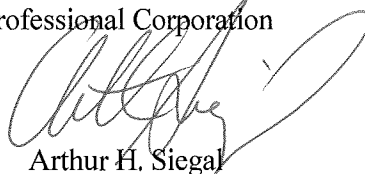
Commonly known as: 215 Peabody Street, Birmingham, Michigan 48009  
Tax Parcel ID No.: 19-36-207-004

With this amendment, we do not believe any change to the Reimbursement Agreement is required and would pursue a parallel minor amendment to the Act 381 Work Plan with the MDEQ. The Developer wishes to cooperate with the City and the BBRA to resolve this matter as quickly as possible. If it would be possible to schedule a special meeting of the BBRA in the next two to three weeks, we would be most appreciative. If there is anything else we can provide you to allow us to move this matter forward to conclusion, please let me know. After you have had a chance to review this letter and the attached documentation, please call me to discuss how to proceed with this minor amendment.

Thank you for your cooperation in advance. We await your prompt reply.

Sincerely,

JAFFE, RAITT, HEUER & WEISS  
Professional Corporation



Arthur H. Siegal

AHS/br  
Enclosure

cc: Mr. Matthew Shiffman  
Richard Rattner, Esq.  
Mr. Dan Cassidy



August 21, 2018

Birmingham Brownfield Redevelopment Authority  
151 Martin Street, P.O. Box 3001  
Birmingham, MI 48012-3001

**Via electronic mail**

***Re: 34965 Woodward (former Peabody's)  
Amendment to Brownfield Plan***

Dear Board Members:

The owner of this parcel seeks to combine this parcel with the adjacent parcel that formerly housed the framing shop into a single tax identification number. I understand from conversations with the attorneys for the developer that the county refuses to combine the parcel identification numbers for these two parcels because one is under a brownfield plan and the other is not. Neither the developer's attorneys nor I see any legal basis for the county's view.

The brownfield statute defines "eligible property" as property for which eligible activities are identified under a brownfield plan and adjacent or contiguous property. MCL 125.2652(p). The developer has proposed an amendment to the brownfield plan to include the adjacent property in the parcel description. The developer represents that this lot combination will not increase costs or modify the reimbursement agreement. The developer represents that there may be an increase in the pace of reimbursement by combining these two parcels.

Because the brownfield statute authorizes this combination of parcels, I recommend that the BBRA agree to the amendment of the brownfield plan.

If you have any questions, please contact me.

Very truly yours,

**BEIER HOWLETT, P.C.**



Jeffrey K. Haynes

JKH/jms

cc: Joseph Valentine, City Manager  
Jana Ecker, Planning Director



## **BROWNFIELD PLAN FOR:**

34965 Woodward Avenue and 215 Peabody Street, Birmingham, Michigan

Birmingham Brownfield Redevelopment Authority  
151 Martin Street, PO Box 3001  
Birmingham, Michigan 48012  
Contact: Ms. Jana Ecker (248) 530-1841

Prepared with the assistance of:  
SME  
As Amended August 9, 2018



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## **APPENDIX A**

### **ELIGIBLE ACTIVITIES COST TABLE**

## **APPENDIX B**

### **SUMMARY OF TAX INCREMENT FINANCING AND REIMBURSEMENT OF ELIGIBLE ACTIVITIES**

## **APPENDIX C**

### **LEGAL DESCRIPTION DESCRIBED IN SECTION III(G) OF THIS PLAN**

## **APPENDIX D**

### **PROJECT CONCEPTUAL DRAWINGS**



## **I. INTRODUCTION**

### **A. PLAN PURPOSE**

The Birmingham Brownfield Redevelopment Authority (Authority; BBRA), duly established by resolution of the Birmingham City Commission, pursuant to the Brownfield Redevelopment Financing Act, Michigan Public Act 381 of 1996, MCLA 125.2651 et. seq., as amended (Act 381), is authorized to exercise its powers within the limits of the City of Birmingham. The purpose of this Brownfield Plan (the Plan), to be implemented by the BBRA, is to satisfy the requirements of Act 381 for including the eligible property described below, designated as 34965 Woodward Avenue, Birmingham, Michigan (the "Property"), in a Brownfield Plan. The Property consists of one parcel of land that is a "facility" as defined by Part 201 of Michigan's Natural Resources and Environmental Protection Act (1994 P.A. 451, as amended). The Property is located within the boundaries of the City of Birmingham. The project will be constructed on the site of the existing Peabody's Restaurant and parking lot.

This Plan allows the BBRA to use tax increment revenue to reimburse the developer, Alden Development Group, LLC (ADG), for the costs of eligible activities required to prepare the Property for safe redevelopment and reuse (see Section III). Given the nature of the expenses proposed, the capture of tax increment generated by ADG's proposed redevelopment is necessary to ensure the economic viability of the redevelopment.

### **B. PROPERTY DESCRIPTION**

The property consists of two parcels of land occupying less than one acre of land near the southwest corner of Woodward Avenue and Maple Road in the City of Birmingham. The parcel identification numbers are 08-19-36-207-008 and 08-19-36-207-004 and the properties addresses are currently 34965 Woodward Avenue, and 215 Peabody Street, Birmingham Michigan. Additional property description is provided in Section III (G). The intention is to merge the two parcels under the former tax identification number but it is possible that the new parcel will be assigned a new tax identification number. These two parcels are described herein as "the Property."

### **C. BASIS OF ELIGIBILITY**

The Property is eligible for inclusion in this Brownfield Plan in accordance with MCL 125.2652(n) because the former Peabody parcel of the Property is a "facility" as defined by 1994 P.A. 451, as amended, and the other parcel is contiguous to the facility in accordance with MCL 125.2652(p).

### **D. PROJECT DESCRIPTION**

This redevelopment will take place on the property formerly occupied by Peabody's Restaurant, its associated parking, and the former frame shop. Prior to the opening of the restaurant in 1975, operations on the Peabody parcel included a feed and saw mill, blacksmith, machine shop, rail spur, and automotive repair. A Phase I environmental site assessment (ESA) of the Property was conducted in 2015. According to the Phase I ESA report, the historical operations were identified as an environmental concern. In addition, the north- and south-adjointing sites were listed contaminated sites. Records reviewed during the Phase I ESA indicated a vapor mitigation system was installed on the north-adjointing site because elevated levels of petroleum hydrocarbon constituents were measured in soil. The potential for vapor migration from the north-adjointing site on to the Property is an environmental concern. Finally, fill soil with asphalt millings, cinders, gravel, metal pieces, brick, and concrete was also identified as an environmental concern.

A Phase II ESA was conducted on the Property in 2015 to further evaluate the environmental concerns identified in the Phase I ESA report. A total of 19 soil borings were advanced on the Property and soil

and groundwater samples were collected. Soil on the Property is contaminated with petroleum hydrocarbon constituents, including benzene, ethylbenzene and 1,2,4-trimethylbenzene, and heavy metals including arsenic copper, mercury, selenium and zinc. Soil contamination was encountered throughout the Property, and extended to at least 15 feet below ground surface (bgs). Groundwater contaminated with barium was encountered at a depth of 7 to 12 feet bgs.

The Property location is ideal for redevelopment. Upon approval of the BBRA, ADG expects to acquire the Property in early 2016; however, the redevelopment of the Property is hindered by the environmental challenges created by the presence of contaminated soil and groundwater on the Property and migrating from the north and northwest adjoining properties and hazardous building materials (asbestos) in the existing restaurant building.

ADG's redevelopment plans address the City of Birmingham's needs for additional high-end residential and commercial spaces while avoiding any increased demand for parking in the City's central business district by providing it on site at significant expense. The redevelopment plans include demolition of the existing restaurant and parking lot, and construction of a multi-story, mixed-use, residential and retail/commercial building with a two-story underground parking garage, with 92 new parking spaces. Conceptual design drawings for the project are provided in Appendix D.

The total anticipated investment for the project is approximately \$30 million; creating approximately 400 new full-time office and retail jobs and 100 temporary construction jobs. The project will add significant tax base to the City of Birmingham, as well as stimulate additional commercial development and economic activity in the area.

## **II. GENERAL DEFINITIONS AS USED IN THIS PLAN**

All words or phrases not defined herein shall have the same meaning as such words and phrases included in Act 381.

## **III. BROWNFIELD PLAN**

### **A. DESCRIPTION OF COSTS TO BE PAID WITH TAX INCREMENT REVENUES AND SUMMARY OF ELIGIBLE ACTIVITIES**

ADG will be reimbursed for the costs of eligible environmental activities necessary to prepare the Property for redevelopment. The costs of eligible activities included in, and authorized by, this Plan will be reimbursed with incremental local and school operating tax revenues generated by the Property after redevelopment and captured by the BBRA, subject to any limitations and conditions described in this Plan, approvals of the Michigan Department of Environmental Quality (MDEQ) for school operating tax capture, and the terms of a Reimbursement Agreement between ADG and the Authority (the "Reimbursement Agreement"). Administrative expenses of the BBRA will not be reimbursed through capture of incremental taxes.

No personal property taxes are projected to be captured by this Plan.

The estimated total cost of environmental activities eligible for reimbursement from tax increment revenues is \$1,334,738; however, costs may increase or decrease provided that the costs remain below the overall total approved amount of \$1,334,738. The eligible activities are summarized in Table 1 in Appendix A.

The individual costs of environmental activities eligible for reimbursement are estimated and may increase or decrease, depending on the nature and extent of unknown conditions encountered. No costs of eligible activities will be qualified for reimbursement except to the extent permitted in accordance with



the terms and conditions of the Reimbursement Agreement and Section 2 of Act 381 of 1994, as amended (MCL 125.2652). The Reimbursement Agreement and this Plan will dictate the total cost of eligible activities subject to reimbursement. As long as the total cost limit described in this Plan is not exceeded, line item categories and costs of eligible activities may be adjusted without Plan amendment after the date of this Plan, to the extent the adjustments do not violate the terms of Act 381.

## **B. ESTIMATE OF CAPTURED TAXABLE VALUE AND TAX INCREMENT REVENUES**

The estimated 2015 taxable value of the Property is \$658,060, which is the initial taxable value for this Plan. This value was obtained from the City of Birmingham Treasurer's Office. The anticipated taxable value at project completion is estimated to be \$7,500,000, based on 25% of the proposed development costs. For planning purposes, the taxable value for tax year 2018 is assumed to be 50% of the full taxable value, with the full value estimated by tax year 2019. The actual taxable value will be determined by the City Assessor.

The BBRA will capture 100% of the incremental local tax revenues generated from the Property to reimburse ADG for the costs of eligible activities under this Plan in accordance with the Reimbursement Agreement. The BBRA will capture 100% of the incremental school operating tax revenues generated from real property to reimburse the costs of eligible environmental activities pursuant to work plans approved by the MDEQ. Estimated taxable values, tax increment revenues to be captured, impacts on taxing jurisdictions, and eligible activities reimbursement cash flows are presented in Table 2 (Appendix B). The actual annual incremental taxable value and captured tax increment revenue will be determined by the City of Birmingham. The actual increased taxable value of the land and all future taxable improvements on the Property may vary.

It is the intent of this Plan to provide for the proportional capture of all eligible tax increments in whatever amounts and in whatever years they become available until all eligible costs described in the Plan are paid or 30 years, whichever is shorter. It is estimated that all eligible costs will be reimbursed within seven years. If the MDEQ elects not to participate in this Project, the portion of capture related to their proportionate share will be assumed by, made whole by, and become the responsibility of the other taxing entities to the extent allowed by Act 381.

## **C. METHOD OF FINANCING PLAN COSTS AND DESCRIPTION OF ADVANCES BY THE MUNICIPALITY**

ADG is ultimately responsible for financing the costs of eligible activities included in this Plan. Neither the BBRA nor the City of Birmingham will advance any funds to finance the eligible activities. All Plan financing commitments and activities and cost reimbursements authorized under this Plan shall be governed by the Reimbursement Agreement. The inclusion of eligible activities and estimates of costs to be reimbursed in this Plan is intended to authorize the BBRA to fund such reimbursements. The amount and source of any tax increment revenues that will be used for purposes authorized by this Plan, and the terms and conditions for such use and upon any reimbursement of the expenses permitted by the Plan, will be provided solely under the Reimbursement Agreement.

Reimbursements under the Reimbursement Agreement shall not exceed the cost of eligible activities and reimbursement limits described in this Plan, unless it is further amended.

## **D. MAXIMUM AMOUNT OF NOTE OR BONDED INDEBTEDNESS**

Not applicable.

## **E. DURATION OF BROWNFIELD PLAN**

The duration of this Brownfield Plan for the Property shall not exceed the shorter of the following: reimbursement of all eligible costs, cumulatively not to exceed \$1,334,738, or 30 years tax capture after the first year of tax capture under this Plan. The date for beginning tax capture shall be 2018, unless otherwise amended by the BBRA. It is anticipated that the eligible expenses should be fully reimbursed within seven years, at which point the full increment will be available to the municipality and the State for use.

## **F. ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON REVENUES OF TAXING JURISDICTIONS**

Incremental local and state tax revenues generated by the project will be captured by the BBRA until all incurred eligible brownfield redevelopment costs are reimbursed. The tax revenue available for capture by the BBRA will be split between local and state sources, with 50.002% being reimbursed with local tax revenues and 49.998% being reimbursed with state tax revenues, based on the millage rates obtained from the City of Birmingham Treasurer's Office. The impact of the BBRA incremental tax capture on local taxing authorities is presented in Table 2 (Appendix B).

## **G. LEGAL DESCRIPTION, PROPERTY MAP, PROPERTY CHARACTERISTICS AND PERSONAL PROPERTY**

The Property consists of two parcels of land occupying less than one acre with the current addresses of 34965 Woodward Avenue, and 215 Peabody Street, Birmingham Michigan. Legal descriptions and ALTA surveys of the Property are included in Appendix C.

## **H. ESTIMATES OF RESIDENTS AND DISPLACEMENT OF FAMILIES**

No occupied residences are involved in the redevelopment, no persons reside at the Property, and no families or individuals will be displaced as a result of this development. Therefore, a demographic survey and information regarding housing in the community are not applicable and are not needed for this Plan.

## **I. PLAN FOR RELOCATION OF DISPLACED PERSONS**

No persons will be displaced as a result of this development; therefore, a Plan for relocation of displaced persons is not applicable and is not needed for this Plan.

## **J. PROVISIONS FOR RELOCATION COSTS**

No persons will be displaced as result of this development and no relocation costs will be incurred; therefore, provision for relocation costs is not applicable and is not needed for this Plan.

## **K. STRATEGY FOR COMPLIANCE WITH MICHIGAN'S RELOCATION ASSISTANCE LAW**

No persons will be displaced as result of this development; therefore, no relocation assistance strategy is needed for this Plan.

**L. DESCRIPTION OF THE PROPOSED USE OF LOCAL PROPERTY REMEDIATION REVOLVING FUND (LSRRF)**

The BBRA has decided not to capture incremental revenues for their LSRRF for this Plan.

**M. OTHER MATERIAL THAT THE AUTHORITY OR GOVERNING BODY CONSIDERS PERTINENT**

There is no other material that the BBRA or governing body considers pertinent.

**APPENDIX A**

**ELIGIBLE ACTIVITIES COST TABLE**

Table 1  
Brownfield Eligible Activities Cost Summary  
34965 Woodward Avenue Redevelopment  
Birmingham, Michigan  
SME Project No: 072734.01  
3/22/2016

ELIGIBLE ACTIVITIES

TASK/ACTIVITY	COST ITEM	BROWNFIELD UNIT COST	GREENFIELD UNIT COST	UNITS	QUANTITY	BROWNFIELD COST (Extra costs incurred due to presence of contamination)	GREENFIELD COST (Development costs for a non-contaminated site)	ELIGIBLE COST (Brownfield cost - Greenfield cost)	TIF SOURCES	
									Local	State
ENVIRONMENTAL ACTIVITIES										
Environmental Response Activities										
Site Demolition <sup>1</sup>	Demolition of restaurant building and basement and removal of the existing pavements and utilities	\$0	\$120,000	ea.	1	\$0	\$120,000	\$135,000	\$67,497	\$67,503
	Hazardous materials assessment	\$20,000	\$0	ea.	1	\$20,000	\$0			
	Hazardous materials abatement:									
	Abatement design and monitoring	\$20,000	\$0	ea.	1	\$20,000	\$0			
	ACM roofing abatement	\$6	\$0	sq. ft.	6,000	\$36,000	\$0			
	ACM pipe insulation abatement	\$10	\$0	lf	500	\$5,000	\$0			
	ACM floor tiles, ceiling tiles and base board abatement	\$2	\$0	sq. ft.	2,000	\$4,000	\$0			
ACM plaster and wall board system abatement	\$5	\$0	sq. ft.	10,000	\$50,000	\$0				
							Environmental Response Activities Subtotal:	\$135,000	\$67,497	\$67,503
BEA Activities										
Phase I ESA	Phase I ESA; Updates	\$5,000	\$0	ea.	1	\$5,000	\$0	\$5,000	\$2,500	\$2,500
Phase II ESA/BEA	Phase II ESA	\$30,000	\$0	ea.	1	\$30,000	\$0	\$35,000	\$17,499	\$17,501
	BEA report	\$5,000	\$0	ea.	1	\$5,000	\$0			
							BEA Activities Subtotal:	\$40,000	\$19,999	\$20,001
Due Care Activities										
Documentation of Due Care Compliance	Preparation of due care compliance documentation, in accordance with Part 201 (two plans: construction and post-construction)	\$3,500	\$0	ea.	2	\$7,000	\$0	\$7,000	\$3,500	\$3,500
Due Care Response Activity Planning and Management	Evaluate and design engineering controls and remediation plans for response activities. Due care consulting and management during contractor bidding and throughout the construction phase	\$20,000	\$0	ea.	1	\$20,000	\$0	\$73,750	\$36,874	\$36,876
	On-site remediation excavation observation	\$1,500	\$0	days	30	\$45,000	\$0			
	Verification sampling, analysis and documentation	\$350	\$0	per sample	25	\$8,750	\$0			
Site Specific Health and Saftey Plan	Health and Safety Plan for consultants and contractors	\$500	\$0	ea.	1	\$500	\$0	\$500	\$250	\$250
Soil Management	Disposal characterization sampling and analysis	\$5,000	\$0	ea.	1	\$5,000	\$0	\$455,000	\$227,491	\$227,509
	Transport of non-contaminated clay soil (other than a landfill)	\$0	\$3	tons	30,000	\$0	\$90,000			
	Transport and disposal of contaminated fill soil (Type II landfill)	\$18	\$0	tons	13,000	\$234,000	\$0			
	Transport and disposal of contaminated clay soil (Type II landfill)	\$18	\$0	tons	17,000	\$306,000	\$0			
Groundwater Management	Rental of on-site frac storage tank for temporary on-site groundwater storage	\$300	\$0	day	60	\$18,000	\$0	\$89,000	\$44,498	\$44,502
	Groundwater disposal characterization sampling	\$1,000	\$0	ea.	1	\$1,000	\$0			
	Discharge non-contaminated water in municipal sanitary system (w/t permit)	\$0	\$0.15	gal	200,000	\$0	\$30,000			
	On-site treatment and discharge contaminated water in municipal system (w/t permit)	\$0.50	\$0	gal	200,000	\$100,000	\$0			
Prevent Exacerbation of Contaminated Soil via Soil Trackout and Dust	Characterization sampling	\$600	\$0	ea.	1	\$600	\$0	\$3,000	\$1,500	\$1,500
	Dust suppression	\$300	\$0	day	45	\$13,500	\$13,500			
	Non-contaminated street sweepings transport and disposal	\$0	\$11	cyd	200	\$0	\$2,200			
	Contaminated street sweepings transport and disposal	\$23	\$0	cyd	200	\$4,600	\$0			
Chemical Vapor Mitigation Controls	Design vapor retarding system	\$20,000	\$0	ea.	1	\$20,000	\$0	\$340,000	\$169,993	\$170,007
	Install vapor retarding membrane below building floor and sidewalls	\$6	\$0	sq. ft.	50,000	\$300,000	\$0			
	Installation monitoring, quality control testing (smoke tests)	\$20,000	\$0	ea.	1	\$20,000	\$0			
							Due Care Activities Subtotal:	\$968,250	\$484,106	\$484,144
							Environmental Activities Subtotal:	\$1,143,250	\$571,602	\$571,648
Environmental Activities Contingency <sup>3</sup>		\$1,143,250	\$0	ea.	0.15	\$171,488	\$0	\$171,488	\$85,740	\$85,747
							Environmental Activities Total:	\$1,314,738	\$657,342	\$657,395
Brownfield Work Plans										
Preparation and review of Brownfield Plan and Act 381 Work Plan	Brownfield Plan	\$5,000	\$0	ea.	1	\$5,000	\$0	\$5,000	\$5,000	\$0
	Act 381 Work Plan	\$15,000	\$0	ea.	1	\$15,000	\$0	\$15,000	\$7,500	\$7,500
							Brownfield Work Plans Subtotal:	\$20,000	\$12,500	\$7,500
TOTAL ELIGIBLE COSTS:								\$1,334,738	\$669,842	\$664,895

Notes:

1. Selected Site Demolition activities are included as an environmental activity because the presence of the building prevents access to contaminated soil that must be excavated and removed from the site. Demolition of the building and excavation of contaminated soils cannot begin until assessment and abatement of hazardous materials has been completed.

2. The contingency amount is equal to 15% of the eligible costs; brownfield work plan costs are excluded.

## **APPENDIX B**

### **SUMMARY OF TAX INCREMENT FINANCING AND REIMBURSEMENT OF ELIGIBLE ACTIVITIES**

Table 2  
Impact to Taxing Jurisdictions Summary  
34965 Woodward Avenue Redevelopment  
Birmingham, Michigan  
SME Project No: 072734.01  
3/18/2016

		2017 (Y1)	2018 (Y2)	2019 (Y3)	2020 (Y4)	2021 (Y5)	2022 (Y6)	2023 (Y7)	2024 (Y8)	2025 (Y9)	2026 (Y10)	2027 (Y11)	2028 (Y12)	2029 (Y13)	2030 (Y14)	2031 (Y15)	
Initial Taxable Value	\$ 658,060																
Taxable Value after Improvement <sup>(1)</sup>		\$ 658,060	\$ 3,750,000	\$ 7,500,000	\$ 7,575,000	\$ 7,650,750	\$ 7,727,258	\$ 7,804,530	\$ 7,882,575	\$ 7,961,401	\$ 8,041,015	\$ 8,121,425	\$ 8,202,640	\$ 8,284,666	\$ 8,367,513	\$ 8,451,188	
Total Capturable Taxable Value		\$ -	\$ 3,091,940	\$ 6,841,940	\$ 6,916,940	\$ 6,992,690	\$ 7,069,198	\$ 7,146,470	\$ 7,224,515	\$ 7,303,341	\$ 7,382,955	\$ 7,463,365	\$ 7,544,580	\$ 7,626,606	\$ 7,709,453	\$ 7,793,128	
State Taxes - Millages																	
State Education Tax (SET)	6.0000	\$ -	\$ 18,552	\$ 41,052	\$ 41,502	\$ 41,956	\$ 42,415	\$ 42,879	\$ 43,347	\$ 43,820	\$ 44,298	\$ 44,780	\$ 45,267	\$ 45,760	\$ 46,257	\$ 46,759	
School Operating	18.0000	\$ -	\$ 55,655	\$ 123,155	\$ 124,505	\$ 125,868	\$ 127,246	\$ 128,636	\$ 130,041	\$ 131,460	\$ 132,893	\$ 134,341	\$ 135,802	\$ 137,279	\$ 138,770	\$ 140,276	
Total State Millages Available for Capture by BRA	24.0000	\$ -	\$ 74,207	\$ 164,207	\$ 166,007	\$ 167,824	\$ 169,661	\$ 171,515	\$ 173,388	\$ 175,280	\$ 177,191	\$ 179,121	\$ 181,069	\$ 183,039	\$ 185,027	\$ 187,035	
Local Taxes - Millages (2015)																	
City Operating	11.4943	\$ -	\$ 35,540	\$ 78,643	\$ 79,505	\$ 80,376	\$ 81,255	\$ 82,144	\$ 83,041	\$ 83,947	\$ 84,862	\$ 85,786	\$ 86,720	\$ 87,662	\$ 88,615	\$ 89,577	
City Ref	0.9170	\$ -	\$ 2,835	\$ 6,274	\$ 6,343	\$ 6,412	\$ 6,482	\$ 6,553	\$ 6,625	\$ 6,697	\$ 6,770	\$ 6,844	\$ 6,918	\$ 6,994	\$ 7,070	\$ 7,146	
Library	1.1000	\$ -	\$ 3,401	\$ 7,526	\$ 7,609	\$ 7,692	\$ 7,776	\$ 7,861	\$ 7,947	\$ 8,034	\$ 8,121	\$ 8,210	\$ 8,299	\$ 8,389	\$ 8,480	\$ 8,572	
OCC	1.5819	\$ -	\$ 4,891	\$ 10,823	\$ 10,942	\$ 11,062	\$ 11,183	\$ 11,305	\$ 11,428	\$ 11,553	\$ 11,679	\$ 11,806	\$ 11,935	\$ 12,065	\$ 12,196	\$ 12,328	
PR/HCMA	4.5456	\$ -	\$ 14,055	\$ 31,101	\$ 31,442	\$ 31,786	\$ 32,134	\$ 32,485	\$ 32,840	\$ 33,198	\$ 33,560	\$ 33,925	\$ 34,295	\$ 34,668	\$ 35,044	\$ 35,424	
OIS	3.3633	\$ -	\$ 10,399	\$ 23,011	\$ 23,264	\$ 23,519	\$ 23,776	\$ 24,036	\$ 24,298	\$ 24,563	\$ 24,831	\$ 25,102	\$ 25,375	\$ 25,651	\$ 25,929	\$ 26,211	
OCPTA	0.9998	\$ -	\$ 3,091	\$ 6,841	\$ 6,916	\$ 6,991	\$ 7,068	\$ 7,145	\$ 7,223	\$ 7,302	\$ 7,381	\$ 7,462	\$ 7,543	\$ 7,625	\$ 7,708	\$ 7,792	
Total Local Millages Available for Capture by BRA	24.0019	\$ -	\$ 74,212	\$ 164,219	\$ 166,021	\$ 167,838	\$ 169,674	\$ 171,529	\$ 173,402	\$ 175,294	\$ 177,204	\$ 179,135	\$ 181,085	\$ 183,054	\$ 185,042	\$ 187,050	
Total Available Tax Capture by BRA (Local + State Millages)	48.0019	\$ -	\$ 148,419	\$ 328,426	\$ 332,028	\$ 335,662	\$ 339,335	\$ 343,044	\$ 346,790	\$ 350,574	\$ 354,395	\$ 358,256	\$ 362,154	\$ 366,093	\$ 370,069	\$ 374,085	
City administrative (local only)		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
State Revolving Fund (3 mills)		\$ -	\$ 9,276	\$ 20,526	\$ 20,751	\$ 20,978	\$ 21,208	\$ 21,440	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 114,179
Annual State Increment Capture by BRA for Reimbursement		\$ -	\$ 64,931	\$ 143,681	\$ 145,256	\$ 146,846	\$ 148,453	\$ 15,728	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 664,895
Annual Local Increment Capture by BRA for Reimbursement		\$ -	\$ 74,212	\$ 164,219	\$ 166,021	\$ 167,838	\$ 97,552	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 669,842
Total Annual Increment Capture by BRA for Reimbursement <sup>(2)</sup>		\$ -	\$ 139,143	\$ 307,900	\$ 311,277	\$ 314,684	\$ 246,005	\$ 15,728	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,334,737
Non-Environmental Costs																	Non-Environmental
State Tax Reimbursement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Non-Environmental Costs (State portion)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Non-Environmental Costs (Local portion)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Non-Environmental Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Environmental Costs																	Environmental
State Tax Reimbursement		\$ -	\$ 64,931	\$ 143,681	\$ 145,256	\$ 146,846	\$ 148,453	\$ 8,228	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 657,395
Unreimbursed Environmental Costs (State portion)	\$ 657,395	\$ 657,395	\$ 592,464	\$ 448,783	\$ 303,527	\$ 156,681	\$ 8,228	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement		\$ -	\$ 74,212	\$ 164,219	\$ 166,021	\$ 167,838	\$ 85,052	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 657,342
Unreimbursed Environmental Costs (Local portion)	\$ 657,342	\$ 657,342	\$ 583,130	\$ 418,911	\$ 252,890	\$ 85,052	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Environmental Costs	\$ 1,314,737	\$ 1,314,737	\$ 1,175,594	\$ 867,694	\$ 556,417	\$ 241,733	\$ 8,228	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Brownfield Plan Costs																	Brownfield Plan
State Tax Reimbursement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,500
Unreimbursed Brownfield Plan Costs (State portion)	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ 7,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Local Tax Reimbursement		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,500
Unreimbursed Brownfield Plan Costs (Local portion)	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ 12,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unreimbursed Brownfield Costs	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 7,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Reimbursement to Developer		\$ -	\$ 139,143	\$ 307,900	\$ 311,277	\$ 314,684	\$ 246,005	\$ 15,728	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,334,738

Notes:

<sup>(1)</sup> Assumes 50% taxable value by December of 2017. Taxable value growth estimated at 1% per year after full value is reached by December 2018.

<sup>(2)</sup> This projection does not include personal property tax due to the uncertainty of availability; however, if available, personal property tax will be captured.

## **APPENDIX C**

### **LEGAL DESCRIPTION DESCRIBED IN SECTION III(G) OF THIS PLAN**



Lots 10, 11, 12, and the north 25 feet of Lot 13, except the westerly 69.99 feet thereof, Brownell Subdivision in the Village of Birmingham, Oakland County, Michigan, being a part of the west half of northeast quarter of Section 36, Town 2 North, Range 10 East, as recorded in Liber 4, page 35 of Plats, Oakland County Records.

Commonly known as 34965 Woodward Avenue, Birmingham Michigan 48009. Tax Parcel ID No. 08-19-36-207-008

Part of North 1/2 of Lot 13, BROWNELL'S SUBDIVISION, according to the plat thereof recorded in Liber 4 of Plats, page 35, Oakland County Records; described as beginning at the Northwest corner of said Lot 13, thence North 69°45'10" East 69.99 feet; thence South 20°05'0" seconds, East 25 feet; thence South 69°45'15" West 69.99 feet to the East line of Brownell Street being the front lot line of said lot; thence North 20°05'0" seconds West 25 feet to the point of beginning; Brownell Subdivision being a part of the West 1/2 of the Northeast 1/4 of Section 36, in the Village of Birmingham, Town 2 North, Range 10 East, Oakland County, Michigan.

Commonly known as: 215 Peabody Street, Birmingham, Michigan 48009

Tax Parcel ID No.: 08-19-36-207-004

SEAL

PROJECT  
34965 Woodward Avenue  
Birmingham, MI 48009

CLIENT  
Alden Development  
Group LLC  
c/o Grand Sakwa  
Management LLC  
28470 Thirteen Mile Road,  
Suite 220  
Farmington Hills, MI 48334

Contact: Nicholas Donofrio  
248.855.5500 - Phone  
248.855.0915 - Fax

PROJECT LOCATION  
Part of the NE 1/4  
of Section 36  
T.2N., R.10E.  
City of Birmingham,  
Oakland County, Michigan

SHEET  
ALTA/ACSM Land Title /  
Topographic Survey



Know what's below  
Call before you dig.

REVISIONS  
05-06-15 SURVEY ISSUED

DRAWN BY:  
M. Carnaghi

DESIGNED BY:

APPROVED BY:  
K. Navaroli

DATE:  
May 6, 2015

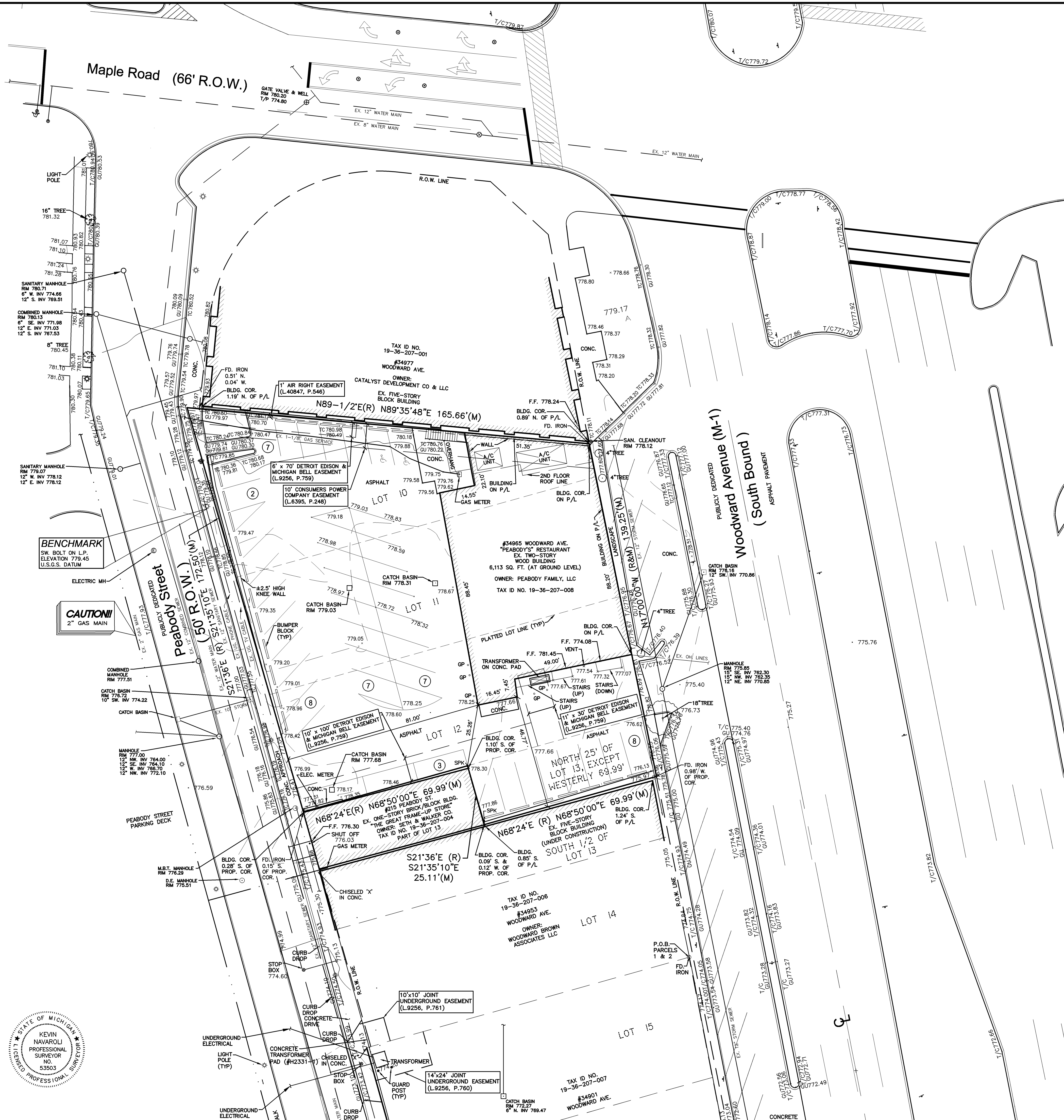
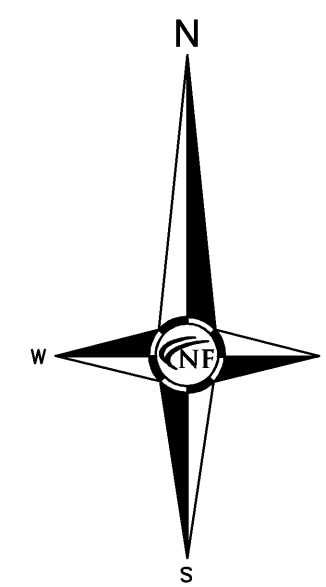
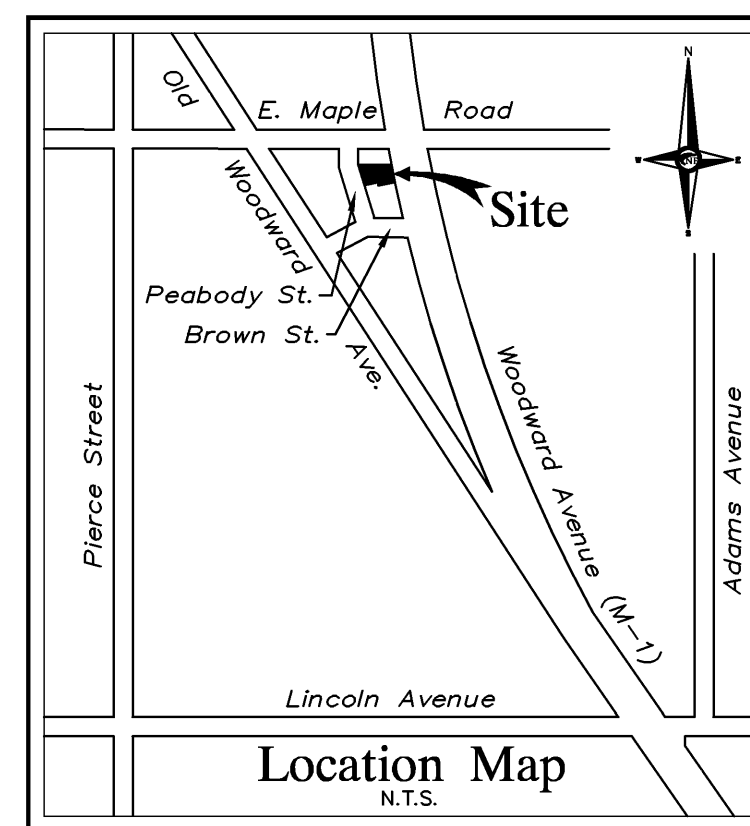
SCALE: 1" = 20'

NFE JOB NO.

1568

SHEET NO.

1 of 1



#### SITE DATA

SITE AREA: 23,457.94 SQUARE FEET OR 0.539 ACRES

ZONED: B-3, OFFICE-RESIDENTIAL DISTRICT  
W/D-4 OVERLAY DISTRICT

PARKING SPACES:  
40 REGULAR PARKING SPACES AND  
2 BARRIER-FREE PARKING SPACES

THE ABOVE SETBACK & HEIGHT REQUIREMENTS WERE OBTAINED FROM  
THE CITY OF BIRMINGHAM ZONING ORDINANCE.

NOTE: A SURVEYOR CANNOT MAKE A CERTIFICATION ON THE BASIS  
OF AN INTERPRETATION OR OPINION OF ANOTHER PARTY. A ZONING  
ENDORSEMENT LETTER SHOULD BE OBTAINED FROM THE CITY OF  
BIRMINGHAM TO INSURE CONFORMITY AS WELL AS MAKE A FINAL  
DETERMINATION OF THE REQUIRED BUILDING SETBACK REQUIREMENTS.

#### LEGAL DESCRIPTION - PER TITLE COMMITMENT

LAND SITUATED IN THE CITY OF BIRMINGHAM IN THE COUNTY OF  
OAKLAND IN THE STATE OF MICHIGAN, BEING DESCRIBED AS:

LOTS 10, 11, AND 12 AND NORTH 25 FEET OF LOT, EXCEPT THE  
WESTERLY 69.99 FEET THEREOF, BROWNELL SUBDIVISION, AS  
RECORDED IN LIBER 4, PAGE 35 OF PLATS, OAKLAND COUNTY  
RECORDS.

TAX ID NUMBER: 19-36-207-008

ADDRESS: 34965 WOODWARD AVE., BIRMINGHAM, MI 48009

#### TITLE REPORT NOTES

REFERENCE TITLE SOURCE INC. (AGENT FOR FIDELITY NATIONAL  
TITLE INSURANCE COMPANY) COMMITMENT NUMBER: 60148562,  
EFFECTIVE DATE: MARCH 2, 2015.

SCHEDULE B-I (EXCEPTIONS):  
EXCEPTIONS: 1, 2, 3, 4, 5, 6 AND 11 REFER TO THE OWNERSHIP  
OF THE PROPERTY AND/OR ARE NOT PLOTTABLE.

7. EASEMENT GRANTED TO CONSUMERS POWER COMPANY  
RECORDED NOVEMBER 18, 1974 IN LIBER 6395, PAGE 248. (AS  
PLOTTED HEREON)

8. TERMS AND CONDITIONS CONTAINED IN RESOLUTION RECORDED  
JULY 2, 1984 IN LIBER 8715, PAGE 137. (NOT A PLOTTABLE  
EXCEPTION)

9. JOINT UNDERGROUND EASEMENT GRANTED TO THE DETROIT  
EDISON COMPANY AND MICHIGAN BELL TELEPHONE COMPANY  
RECORDED JANUARY 24, 1985 IN LIBER 9256, PAGE 759. (AS  
PLOTTED HEREON)

10. TERMS AND CONDITIONS CONTAINED IN MEMORANDUM OF  
AGREEMENT RECORDED JANUARY 27, 2009 IN LIBER 40847, PAGE  
546. (AS PLOTTED HEREON)

#### ALTA SURVEY NOTES

THERE IS NO EVIDENCE OF CURRENT EARTH MOVING WORK,  
BUILDING CONSTRUCTION OR BUILDING ADDITIONS, EXCEPT AS  
NOTED.

THERE IS NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES  
AND THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK  
CONSTRUCTION OR REPAIR, EXCEPT AS NOTED.

THERE IS NO EVIDENCE OF SITE USE AS A SOLID WASTE DUMP,  
PUMP OR SANITARY LANDFILL.

THERE IS NO EVIDENCE OF ANY WETLAND AREAS.

#### BASIS OF BEARING NOTE

ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED  
EAST LINE OF "BROWNELL SUBDIVISION" AS RECORDED IN LIBER 4  
OF PLATS, PAGE 35, OAKLAND COUNTY RECORDS. (N.17°00'00"W.)

#### FLOOD HAZARD NOTE

THE PROPERTY DESCRIBED ON THIS SURVEY DOES NOT LIE WITHIN  
A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL  
EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN  
ZONE X OF THE FLOOD INSURANCE RATE MAP IDENTIFIED AS MAP  
NO. 26125C0537F BEARING AN EFFECTIVE DATE OF SEPT. 29, 2008.

#### TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE  
NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND  
RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE  
MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

#### CERTIFICATE OF SURVEY

CERTIFIED TO:

-ALDEN DEVELOPMENT GROUP LLC  
-PEABODY FAMILY LLC, A MICHIGAN LIMITED LIABILITY COMPANY  
-TITLE SOURCE, INC.  
-FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON  
WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011  
MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND  
TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND  
NSPS, AND INCLUDE ITEMS 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9,  
10(a), 11(a), 13, 14, 15, 17, 18, 19 AND 21 OF TABLE A THEREOF.  
THE FIELD WORK WAS COMPLETED ON APRIL 30, 2015.

15-6-2015  
DATE  
KEVIN NAVAROLI, P.S. NO. 53503



## **APPENDIX D**

### **PROJECT CONCEPTUAL DRAWINGS**

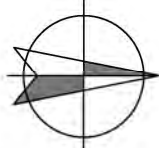


34965 Woodward Avenue  
Birmingham, MI 48009



PROPOSED FRONT ELEVATION

SCALE: 1/8" = 1'-0"



0' 1' 2' 4' 8'

CHRISTOPHER J LONGE AIA  
ARCHITECTURE  
INTERIORS  
124 Peabody, Birmingham, Michigan 48009 248.258.6940

10/28/2015  
SD.7





*Passionate People Building  
and Revitalizing our World*



**Brownfield Redevelopment Authority  
September 5, 2018**

3. Request to add 215 Peabody to the approved Brownfield Plan for 34965 Woodward Ave.

Ms. Ecker advised that the developer of 34965 Woodward Ave. (the former Peabody's restaurant) and 215 Peabody (the former Frame Shop), is seeking approval by the City to amend the Brownfield Plan for 34965 Woodward Ave. to include the property at 215 Peabody. Both parcels are now under the same ownership, and the developer is in the process of combining the parcels to allow construction of the proposed five-story building on both parcels. Oakland County has advised that they will not combine the parcels until the Brownfield Plan is amended to include both properties.

The City Attorney has reviewed the request, and is recommending approval by the City of the requested amendment to the Brownfield Plan for 34965 Woodward Ave. to include 215 Peabody under the approved Brownfield Plan.

The Reimbursement Agreement would stay as-is - the only change is to the Brownfield Plan itself. Nothing is changed with regard to the amount the developer is asking or the amount that would be paid back; but it may speed up the payback process because more assessed value is being added.

**Motion by Ms. Torcolacci**

**Seconded by Ms. Zabriskie to recommend that the City Commission approve the developer's request to amend the Brownfield Plan for 34965 Woodward Ave. to include the property known as 215 Peabody.**

**Voice**

**Vote: Yeas, 4**

**Nays, 0**

**Recused, 0**

**Absent, 1 (Gotthelf)**

**Motion carried, 4-0.**

**DATE:** September 10, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Master Plan Consultant Selection

---

On April 9, 2018 the City Commission voted to issue an RFP for a new Birmingham Master Plan. The deadline to submit proposals for consideration is June 1, 2018. During previous meetings regarding the Master Plan RFP there has been discussion on the consultant selection process. The final selection will be made by the City Commission. The part of the process that was discussed at the joint meeting was who should perform a preliminary review of all of the RFP submittals. This topic was extensively discussed at the joint City Commission/ Planning Board meeting of September 16, 2016 (minutes attached). At that meeting several scenarios were considered. The options discussed were to have the Planning Board review the submittals and make a recommendation to the City Commission, which has been the process followed for many of the subarea plans. A second option discussed was to form a subcommittee that incorporates members of the Planning Board, select members of other relevant boards and Birmingham residents. Although no decision was made, as it was a study session, the conversation favored the ad hoc committee approach.

On May 14, 2018, the City Commission established an Ad Hoc Master Plan Selection Committee ("the Committee") to assist in the selection of a consultant to update the City's comprehensive master plan. The Committee was comprised of the following representatives:

- Two (2) Planning Board members
- Two (2) City residents, at least one of whom should be a former City Commissioner
- One (1) Multi-Modal Transportation Board member
- One (1) Advisory Parking Committee member
- One (1) Parks and Recreation Board member
- One (1) Design Review Board/Historic District Commission member
- One (1) Architectural Review Committee member

On July 31, 2018, the Committee met to review the three proposals received in response to the City's RFP for a master plan consultant. After much deliberation, the Committee voted to eliminate the proposal submitted by Houseal Lavigne as it did not provide the requested parking study

component. Two finalists then remained and the Committee recommending inviting both the MKSK and DPZ consultant teams to come into the City for a formal interview. In addition, it was recommended that each of the two finalist consulting teams be asked to extend the term of their proposals by 45 days to allow the City to complete the selection process. Both teams agreed to do so.

On August 29, 2018, the Committee conducted interviews with both MKSK and DPZ, the top two finalists. Each team was given 1.5 hours to conduct a presentation and answer questions from the Committee. The Committee evaluated both teams, and voted 7-1 in favor of recommending to the City Commission that the DPZ team be selected to provide an update to the City's comprehensive master plan.

Please find attached the following documents for your review:

- A summary chart of all proposals received comparing the terms of each;
- The RFP that was issued by the City seeking qualified consultants to conduct an update of the City's Master Plan;
- The three proposals received from the Houseal Lavigne, MKSK and DPZ consultant teams;
- Letters sent to DPZ and MKSK, with approval of each team to extend the term of their proposals by 45 days; and
- The contract executed by DPZ.

#### SUGGESTED ACTION:

To APPROVE the contract with DPZ Partners, LLC, as recommended by the Ad Hoc Master Plan Selection Committee, in the amount of \$298,000.00 payable from account # 101-721-000-811.000, to provide professional services to prepare an update to the City's comprehensive master plan, and to direct the Mayor to execute same.



Master Plan RFP Preliminary Assessment										
		Proposals Submitted by June 1st, 2018								
		Houseal Lavigne/DLZ/inFORM			DPZ/McKenna/Gibbs/Jacobs			MKSK/UDA/Nelson Nygaard/F&V		
	Cover Letter	✓			✓			✓		
	Scope of Work									
	Community Engagement	<ul style="list-style-type: none"> <li>• Press releases, notices and newsletters</li> <li>• Interactive project website</li> <li>• Multi-day community charrette</li> <li>• Business workshop</li> <li>• Stakeholder interviews and focus group discussions</li> <li>• Do-it-yourself (DIY) workshop kits</li> <li>• Immersive outreach</li> <li>• Social media</li> <li>• map.social</li> <li>• Community outreach summary memo</li> </ul>			<ul style="list-style-type: none"> <li>• Detailed schedule of multi-day charrettes for public input</li> <li>• Project website</li> <li>• Social media</li> <li>• 2 online surveys</li> <li>• Unlimited telephone interviews</li> <li>• 10 in-person interviews</li> </ul>			<p>Community engagement will be prevalent in the six-phase master plan update proposal. Community engagement efforts will include:</p> <ul style="list-style-type: none"> <li>• Page on the City website</li> <li>• Community meetings starting at phase 3 including charrettes, interviews and events</li> <li>• Graphic-rich brochure</li> <li>• Public open house</li> </ul>		
	Data Collection & Analysis	<ul style="list-style-type: none"> <li>• Review of past plans, studies and reports</li> <li>• Demographic analysis and market overview</li> <li>• Existing land use and development</li> <li>• Zoning and development controls</li> <li>• Community facilities</li> <li>• Issues and opportunities memo</li> <li>• Staff coordination meeting</li> <li>• Planning Board meeting</li> </ul>			<ul style="list-style-type: none"> <li>• Update Birmingham, Oakland County and SE Michigan demographic data, future projections, and analysis of many demographic groups</li> <li>• Update of Birmingham's residential housing section (visions, changes, typology, character)</li> <li>• Retail market study</li> <li>• Physical characteristics survey</li> </ul>			<ul style="list-style-type: none"> <li>• Review of past plans</li> <li>• Creation of a community profile - existing situation and trends</li> <li>• Existing landuse and focus area identification</li> <li>• Community tour/audit</li> </ul>		
	Parking and Infrastructure Analysis	<p>Firm has suggested that a separate independent parking study be obtained with a separate professional services firm specializing in parking. The firm has however has outlined a transportation analysis in the proposal. <b>NO PARKING ANALYSIS/PLAN IS PROPOSED.</b></p>			<ul style="list-style-type: none"> <li>• Identification of goals</li> <li>• Infrastructure analysis</li> <li>• Parking analysis</li> <li>• Recommendation of solutions</li> <li>• Prioritization of recommendations</li> </ul>			<ul style="list-style-type: none"> <li>• Project demand assessment</li> <li>• Review of Downtown Parking Assessment district</li> <li>• Current residential permit parking zone identification</li> <li>• Zoning requirements v. best practices</li> <li>• Street classifications</li> <li>• Traffic volumes and projections</li> <li>• Bike facilities</li> <li>• SMART transit ridership and bus stop features</li> <li>• Planned improvements</li> </ul>		
	Preparation of Draft Plan	<p>A draft plan will be available for review by City Staff, the Planning Board and Public-at-Large. A follow up staff coordination meeting and community open house will be available for feedback.</p>			<p>The Firm has proposed a four-phase process broken up into eleven tasks with specific agendas, deliverables and meeting details for each task:  Phase 1: Initiation, assessment and analysis  Phase 2: Preparation of draft master plan update  Phase 3: Refinement of draft master plan update</p>			<p>The six-phase process will be combined into a final master plan update draft with meetings planned with City Staff, Planning Board, Multi-Modal Board, and City Commission.</p>		
	Presentation and Adoption	<ul style="list-style-type: none"> <li>• Planning Board public hearing</li> <li>• City Commission public hearing</li> <li>• Final draft of the Master Plan will be given to the City in both hard copy and digital formats, ensuring low-cost reproduction, revision, direct web and social media posting availabilities.</li> </ul>			<p>Phase 4: Finalization and Adoption</p>			<p>Presentations will be made before the Planning Board after the 63-day review period, with an adoption meeting with the City Commission at the end. Meetings are included with all stakeholders before and in between the adoption meetings with revision time allowed for.</p>		

	<b>Time Schedule</b>	18-23 Months	16 Months	12-16 Months
	<b>Cost Proposal</b>	\$134,000	\$298,000	\$289,000
	<b>Additional Services</b>	The applicant has offered two additional services that may be recommended based on findings during the Master Planning Process for an added fee: 1. Subarea plans 2. Zoning code and regulations update	No additional services are proposed beyond those included in the proposal.	An additional service has been offered in the form of a Community Pattern Book that includes a community patterns description, urban patterns for infill, building types, architectural, landscape and garden patterns, green building guidelines, and a homeowners guide.
	<b>Expertise</b>			
	Qualifications of Team	✓	✓	✓
	Project Experience	✓	✓	✓
	Minimum of 3 References	✓	✓	✓
	<b>RFP Deliverables</b>			
	1 Digital Copy of Proposal	✓	✗ (USB Drive does not work)	✓
	10 Hard Copies of Proposal	✓	✓	✓

Project Elements	MKSK Proposal	DPZ Proposal	H/L Proposal
Comprehensive Community Engagement Plan	\$104,500	\$30,000	\$20,000
Updated Data Collection & Analysis	30,000	30,000	34,000
Infrastructure Analysis	33,000	30,000	17,000
Parking Analysis	35,000	25,000	N/A
Attendance at Meetings	34,600	25,000	15,000
Plan Preparation	29,800	118,000	34,000
Finalization & Adoption	23,000	40,000	14,000
<b>TOTAL:</b>	<b>\$289,900</b>	<b>\$298,000</b>	<b>\$134,000</b>

Interview Scores	MKSK Proposal	DPZ Proposal	H/L Proposal
Aggregate Score	1124	1146	N/A
Percentage	86.46%	88.15%	N/A



## MEMORANDUM

Planning Division

**DATE:** September 7, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Jana L. Ecker, Planning Director

**SUBJECT:** Master Plan Consultant Selection

---

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Please find attached the following documents for your review:

- The RFP that was issued by the City seeking qualified consultants to conduct an update of the City's Master Plan;
- A summary chart of all proposals received comparing the terms of each; and
- The three proposals received from the Houseal Lavigne, MKSK and DPZ consultant teams.

On August 29, 2018, the Committee conducted interviews with both MKSK and DPZ, the top two finalists. Each team was given 1.5 hours to conduct a presentation and answer questions from the Committee. The Committee evaluated both teams, and voted 7-1 in favor of recommending to the City Commission that the DPZ team be selected to provide an update to the City's comprehensive master plan.



## **REQUEST FOR PROPOSALS FOR MASTER PLAN UPDATE**

---

Sealed proposals endorsed **"MASTER PLAN UPDATE"**, will be received at the Office of the City Clerk, 151 Martin Street, PO Box 3001, Birmingham, Michigan, 48012; until **June 1, 2018 at 3:00pm** after which time bids will be publicly opened and read.

The City of Birmingham, Michigan is accepting sealed bid proposals from qualified professional firms to conduct a comprehensive master plan update. This work must be performed as specified in accordance with the specifications contained in the Request For Proposals (RFP).

The RFP, including the Specifications, may be obtained online from the Michigan Inter-governmental Trade Network at <http://www.mitn.info> or at the City of Birmingham, 151 Martin St., Birmingham, Michigan, ATTENTION: Jana L. Ecker, Planning Director.

The acceptance of any proposal made pursuant to this invitation shall not be binding upon the City until an agreement has been executed.

<b>Submitted to MITN:</b>	April 11, 2018
<b>Deadline for Submissions:</b>	June 1, 2018 at 3:00pm
<b>Contact Person:</b>	Jana L. Ecker, Planning Director P.O. Box 3001, 151 Martin Street Birmingham, MI 48012-3001 Phone: 248-530-1841 Email: <a href="mailto:jecker@bhamgov.org">jecker@bhamgov.org</a>



## REQUEST FOR PROPOSALS FOR MASTER PLAN UPDATE

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## **INTRODUCTION**

For purposes of this request for proposals the City of Birmingham will hereby be referred to as "City" and the private consulting firm or firms will hereby be referred to as "Contractor."

The City of Birmingham, Michigan is seeking a comprehensive update of the City-wide master plan, and is accepting sealed bid proposals from qualified professional planning firms who have experience drafting comprehensive master plan updates. Qualified Contractors must demonstrate experience in conducting strategic visioning sessions, encouraging public participation, community consensus building, demographic and land use analysis, parking analysis, planning best practices, and have a strong background working in traditional, walkable communities.

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 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 1, 2018. An Agreement for services will be required with the selected Contractor. A copy of the Agreement is contained herein as Attachment A. Contract services will commence upon execution of the service agreement by the City.

The purpose of this RFP is to request sealed bid proposals from qualified parties presenting their qualifications, capabilities and costs to provide a comprehensive update of the City-wide master plan. The City's current comprehensive master plan is entitled The Birmingham Plan, and was adopted in 1980. Since the adoption of the master plan, several sub-area plans have also been adopted for specific sections of the City:

- Downtown 2016 Plan (1996);
- Eton Road Corridor Plan (1999);
- Triangle District Plan (2007);
- Alleys and Passages Plan (2012); and
- Multi-modal Transportation Plan (2013);
- Parks and Recreation Master Plan (TBD)

Each of these sub-area plans continue to be relevant and have essentially acted as updates to the City's comprehensive master plan for portions of the City. The new comprehensive master plan should facilitate a collective utilization of the City's various districts coming together. In addition, the review document produced as a result of Andres Duanys' visit in 2014 should also be considered and incorporated into the development of a new comprehensive master plan.



At this time the City is seeking a comprehensive update of the 1980 Birmingham Plan, and the formal inclusion of each of the subarea plans into an updated comprehensive master plan ("the Plan"). Most of the plans noted above primarily address the City's commercial areas, and thus the updated master plan should provide a clear focus and priority on the City's residential areas which were last studied in the City's 1980 comprehensive master plan. While some portions of the Birmingham Plan may continue to be relevant today, specific areas that need to be updated include:

- Community vision and planning objectives;
- Update of Population section to include current demographic data, future projections and analysis;
- Update of Regional and Surrounding Development section to include current and projected demographic data (residential, retail, office, mix of land uses) and analysis of the region, regional and downtown development trends and regional collaboration efforts;
- Update of Residential Housing section to include neighborhood vision in residential areas, analysis of changes in residential patterns and residential areas from 1980 to now, typology and character of neighborhoods, development trends, future projections and future direction;
- The physical characteristics of neighborhoods should be identified and documented including historic attributes, landscape conditions, housing type and the period of construction for each area;
- Review and update of Transportation section to include current local vehicular, pedestrian and bicycle data, recent and currently budgeted infrastructure improvements, current multi-modal trends, regional transportation projects, and future recommendations based on regional and national best practices;
- Update and review of existing land use, updated recommendations for future land uses and an updated future land use map including the area of Woodward between 14 Mile Rd. and Lincoln, known as the S. Woodward gateway;
- Parking analysis and recommendations for both public and private parking regulations throughout the entire City including consideration of parking requirements, public parking needs, residential parking permitting requirements, accessible parking needs, potential for shared parking and emerging and innovative technologies;
- Review and update of the Policies section to encourage the implementation of the City's vision, current goals, best practices, current technological advances, and innovative policies.

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). It is anticipated

that the master plan update will commence in August of 2018 and be completed by June of 2020.

### **PUBLIC PARTICIPATION**

Extensive public participation is vital to the success of the master plan update. During the master plan update process, the Contractor will solicit and garner the input of the public on the future vision for the City and build consensus to provide the basis for the overall direction of the master plan update. Extensive public input will also be encouraged throughout the entire master planning process, including specific discussions on residential areas, the downtown and commercial areas, and the transitional areas that connect these zones. The selected Contractor will be required to submit a detailed community engagement plan as a part of this RFP that allows for public input throughout the entire process from visioning to formal adoption of the Plan, utilizing contemporary technologies.

### **SCOPE OF WORK**

The selected Contractor will work with the public, City staff, the Planning Board, and the City Commission to review and update Birmingham's master plan. The Contractor will coordinate with City staff and the City Attorney to ensure compliance with all State and/or Federal laws related to a community master plan update. The scope of services is as follows:

1. **Comprehensive Community Engagement Plan.** Create a detailed and inclusive comprehensive Community Engagement Plan to encourage and facilitate ongoing public participation of all stakeholders in the master planning process, including workshops, charrettes, visioning process, surveys, walking tours and/or other such methods that have been demonstrated to stimulate public discourse to gather input from residents and business owners (property owners and retailers) for integration into the strategic vision for the residential neighborhoods and commercial areas within the Plan. This process is expected to include at a minimum, a multi-day workshop that provides substantial opportunities for various local stakeholders and residents to provide input to achieve consensus on the direction of the City moving forward and ongoing engagement with elected and appointed boards and commissions throughout the entire planning process.
2. **Updated Data Collection and Analysis.** Review and update all demographic, social, economic and market data and provide future projections and trends. Review and update existing land use and zoning patterns and evaluate future land uses (ie. zoning district boundaries, transitional zoning, lot consolidation etc.). Evaluate current trends and best practices in other dense, traditional, walkable communities to make policy recommendations for the future success of Birmingham.

3. **Infrastructure Analysis.** Review existing infrastructure, current construction practices, evaluate future needs and provide recommendations. Specific emphasis should be placed on transportation infrastructure, including analysis of existing vehicular, pedestrian, bicycle and transit facilities, current multi-modal trends, the formulation of recommendations based on future projections, best practices and the incorporation of Complete Streets principles and walkability priorities.
4. **Parking Analysis.** Review current parking regulations in effect in the City of Birmingham for both private and public property. Provide best practice analyses and recommendations for updating current parking regulations for both private developments and on street public parking in residential and commercial areas, including consideration of the following:
  1. A review of the Central Business District Parking Assessment District with regards to desired future land use, and the need to consider a restructuring of the Parking Assessment District to consider price variations for future expansion of buildings;
  2. A study of build-out capacity as it relates to parking needs and perceived parking issues Downtown;
  3. The potential need for a municipal parking system in the Triangle District and parking needs in the Rail District, with reference to recent analysis and recommendations;
  4. An analysis of the need for other public parking structures and locations along with ideas on financing strategies;
  5. A comprehensive review of the Zoning Ordinance parking regulations that apply outside of the Parking Assessment District;
  6. Analysis of the impact of ride sharing, autonomous vehicles and mass transit on future parking needs as it pertains to the Metro Detroit area;
  7. The need for a written standard relative to the maximum number of dining decks that can be installed in on street parking spaces per block or other defined distance;
  8. The need for demand pricing for parking that would create dynamic hourly rates depending on daily changes in demand both on the street and in the structures;
  9. Development of a policy for electric vehicle charging stations;
  10. Residential Permit parking and alternatives (City-wide);
  11. The need for restricted on-street parking between 2am-6am; and
  12. A review of options to transition public parking decks to other uses in the future if demand for parking declines.
5. **Attendance at Meetings.** The Contractor shall expect to attend the following meetings and base their fees accordingly:
  - A multi-day charrette as noted in subsection (1) above.

- One (1) meeting with the Planning Board to discuss process and finalize a schedule to meet the requirements of this RFP.
- Up to five (5) work sessions with City staff to discuss progress and recommendations.
- Two (2) progress report meetings with the City Commission during the master planning process.
- Up to three (3) work sessions/monthly meetings with the Planning Board to discuss updates to key segments of the Plan.
- One (1) public hearing for review of the final draft at the Planning Board.
- One (1) public hearing for review of the final draft at the City Commission.

The City reserves the right to reduce or increase the number of meetings depending on the progress of the project with an adjustment in the contract accordingly.

6. **Plan Preparation.** The Contractor will prepare a detailed progress report for review by the City Commission upon completion of 50% of the project, and another progress report for review by the City Commission upon completion of 75% of the project. The Contractor shall provide ongoing engagement with respective commissions and boards. The Contractor will prepare drafts of each key segment of the Plan for review by the Planning Board, and shall make changes as directed throughout the process. The Contractor will prepare one draft version of the Plan including updated census information, maps, charts, exhibits and graphics to create a vital and compelling statement of public policy. The Contractor will work with the public and the Planning Board to refine the draft Plan into a final draft for approval by the City Commission.
7. **Finalization and Adoption.** A draft of the updated Plan will be presented to the Planning Board for initial recommendation and to the City Commission for their concurrence. The Contractor will participate in the required public hearing(s) and prepare a completed final document with all necessary changes.

This outline is not necessarily all-inclusive and the Contractor shall include in the proposal any other tasks and services deemed necessary to satisfactorily complete the project.

### **DELIVERABLES**

The Contractor shall provide a detailed, master graphic format of the Plan that incorporates all sub-area plans and includes an extensive use of illustrations, photos, before and after examples, charts and tables that clearly depict the plan content, vision and implementation in the following formats upon adoption of the final version of the Plan:

1. One (1) reproducible PDF digital file and twenty (20) hard copies of the draft Plan at 50% completion of plan;
2. One (1) reproducible PDF digital file and twenty (20) hard copies of the draft Plan at 75% completion of plan;
3. One (1) reproducible PDF digital file and twenty (20) hard color copies of the completed plan;
4. One reproducible PDF digital file of the final Plan for publication on the web and social media; and
5. One page infographic outlining vision, goals and recommendations of the Plan.

All data, illustrations and projections created or compiled throughout the project shall become the sole property of the City of Birmingham.

### **TIME SCHEDULE AND COST PROPOSAL**

All proposals must include a proposed time schedule for completion of the project and a fixed price agreement with an associated fee schedule for extra meeting costs, should they be required. Reimbursable expenses will be billed at direct cost plus a 10% administrative charge. Normal reimbursable expenses including... associated with the project are to be included in the estimated fees as outlined in the proposal.

The Contractor shall perform all services outlined in this RFP in accordance with the requirements as defined and noted herein.

### **INVITATION TO SUBMIT A PROPOSAL**

Proposals shall be submitted no later than Friday **June 1, 2018 at 3:00pm** to:

City of Birmingham  
Attn: City Clerk  
151 Martin Street  
Birmingham, Michigan 48009

One (1) electronic copy and ten (10) hard copies of the proposal must be submitted. The proposal should be firmly sealed in an envelope, which shall be clearly marked on the outside, **"MASTER PLAN UPDATE"**. 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.

### **SUBMISSION REQUIREMENTS**

All proposals that wish to be considered must contain the following:

- (1) Cover Letter;
- (2) Outline of qualifications of the Contractor and of the key employees that will be involved in the project, including an organizational chart of the roles and

responsibilities of each team member, and references for the team leader(s). The project team should include each of the following skill sets:

- Urban design;
  - Multi-modal transportation;
  - Sustainability;
  - Urban planning;
  - Zoning and form-based code;
  - Architecture;
  - Physical design;
  - Landscape architecture;
  - Transportation engineering;
  - Parking expertise; and
  - National Charrette Institute certification and/or training.
- (3) Outline of Contractor(s) experience with the preparation of similar master plan updates, including references from at least two relevant communities where you have completed such plans. (Portions of sample plans prepared by the Contractor should be submitted with the proposal, up to a maximum of twenty-five (25) pages);
- (4) Outline presenting a description of the scope of work to be completed, broken down into the following separate components:
- (i) Community Engagement Plan;
  - (ii) Data collection and analysis;
  - (iii) Parking and infrastructure Analysis;
  - (iv) Preparation of draft plan;
  - (v) Presentation and Adoption;
- (5) Proposed time frame for completion of each component of the scope of work;
- (6) A statement of any additional services that you recommend, if any. Define hourly rates for additional services by discipline.
- (7) Bidders Agreement (Attachment B);
- (8) Cost Proposal (Attachment C); and
- (9) Iran Sanctions Act Vendor Certification (Attachment D).

#### INSTRUCTIONS TO BIDDERS

1. Any and all forms requesting information from the bidder must be completed on the attached forms contained herein (see Contractor'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 in writing and delivered to: Jana L. Ecker, Planning Director, 151 Martin Street, Birmingham, MI, or via email to [jecker@bhamgov.org](mailto:jecker@bhamgov.org). Such request for clarification shall be delivered, in writing, no later than 5 days prior to the deadline for

submissions. Email requests must contain in their subject line "Request for Clarification".

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 City of Birmingham to the most responsive and responsible bidder and the contract will require the completion of the work pursuant to these documents.
5. Each respondent shall include in their proposal, in the format requested, the cost of performing the work. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City 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 should be directed as part of their proposal.

#### EVALUATION PROCEDURE AND CRITERIA

The City will utilize a qualifications-based selection process in choosing a Contractor for the completion of this work. The evaluation panel will consist of City staff, board members, and/or any other person(s) designated by the City who will evaluate the proposals based on, but not limited to, the following criteria:

- Ability to provide services as outlined.
- Experience of the Contractor with similar projects.
- Professional qualification of key employees assigned to the project.
- Public Involvement Process.
- Content of Proposal.
- Cost of Services.
- Timeline and Schedule for Completion.
- References.

#### TERMS AND CONDITIONS

1. The City 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 City reserves the right to award the contract to the next most qualified Contractor if

the successful Contractor does not execute a contract within ten (10) days after the award of the proposal.

2. The City reserves the right to request clarification of information submitted and to request additional information of one or more Contractors.
3. 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 this Agreement at any point in the process upon notice to Contractor sufficient to indicate the City's desire to do so. In the case of such a stoppage, the City agrees to pay Contractor 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 Contractor and shall not be chargeable in any manner to the City.
6. 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.
7. The Contractor 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.

#### CONTRACTOR'S RESPONSIBILITIES

Each bidder shall provide the following as part of their proposal:

1. Complete and sign all 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 City**).
2. Provide a description of completed projects that demonstrate the firm's ability to complete projects of similar scope, size, and purpose, and in a timely manner, and within budget.



3. Provide a written plan detailing the anticipated timeline for completion of the tasks set forth in the Scope of Work.
4. The Contractor will be responsible for any changes necessary for the plans to be approved by the City of Birmingham.
5. Provide a description of the firm, including resumes and professional qualifications of the principals involved in administering the project.
6. Provide a list of sub-contractors and their qualifications, if applicable.
7. Provide three (3) client references from past projects, include current phone numbers. At least two (2) of the client references should be for similar projects.
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 Contractor will be available according to the proposed timeline.

#### CITY RESPONSIBILITY

The City will provide a designated representative to work with the Contractor to coordinate both the City's and Contractor's efforts and to review and approve any work performed by the Contractor.

#### 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 Contractor also agrees to provide all insurance coverages as specified. Upon failure of the Contractor 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 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 City 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 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 Contractor 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 (MAXIMUM)

Evaluate Respondents	June 2018
Interview Contractors	June-July 2018
Award Contract	July-August 2018
Project Kick Off Meeting	August 2018
50% Completion of draft Plan	August 2019
75% Completion of draft Plan	February 2020
Final Draft of Plan Completed	June 2020

The Contractor will not exceed the timelines established for the completion of this project. A shorter timeline is encouraged and preferred.

**ATTACHMENT A - AGREEMENT  
FOR MASTER PLAN UPDATE**

---

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 "Contractor"), provides as follows:

**WITNESSETH:**

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services required to complete an update to the City-wide comprehensive master plan, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

**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 complete an update to the City-wide comprehensive master plan.

**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 complete an update to the City-wide comprehensive master plan and the Contractor'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 City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \_\_\_\_\_, as set forth in the Contractor's \_\_\_\_\_, 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. The Contractor agrees that it will require all subcontractors to sign a Non-Disclosure Agreement satisfactory to the City Attorney.
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. Workers' Compensation Insurance: 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. 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.
- F. 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.
- G. Coverage Expiration: 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.
- H. Maintaining Insurance: 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: Jana L. Ecker  
151 Martin Street  
Birmingham, MI 48009  
248-530-1841

CONTRACTOR

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

\_\_\_\_\_

By: \_\_\_\_\_

Its:

**CITY OF BIRMINGHAM**

\_\_\_\_\_

By: \_\_\_\_\_

Andrew Harris

Its: Mayor

\_\_\_\_\_

By: \_\_\_\_\_

Cherilynn Mynsberge

Its: City Clerk

Approved:

\_\_\_\_\_  
Jana L. Ecker, Planning Director  
(Approved as to substance)

\_\_\_\_\_  
Joseph A. 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)



**ATTACHMENT B - BIDDER'S AGREEMENT  
FOR MASTER PLAN UPDATE**

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In submitting this proposal, as herein described, the Contractor 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**

---

**NAME OF PARENT COMPANY**

**PHONE**

---

**ADDRESS**

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**ATTACHMENT C - COST PROPOSAL  
FOR MASTER PLAN UPDATE**

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**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 itemized as follows:

<b><u>Project Elements</u></b> <b>1. Comprehensive Community Engagement Plan</b> <b>2. Updated Data Collection and Analysis</b> <b>3. Infrastructure Analysis</b> <b>4. Parking Analysis</b> <b>5. Attendance at Meetings</b> <b>6. Plan Preparation</b> <b>7. Finalization and Adoption</b>	\$ \$ \$ \$ \$ \$ \$
<b>TOTAL AMOUNT</b>	\$
<b>Additional Meeting Charge</b>	\$ per meeting
<b>Additional Services Recommended (if any):</b>	\$ / hour \$ / hour \$ / hour \$ / hour \$ / hour \$ / hour \$ / hour

Firm Name\_\_\_\_\_

Authorized signature\_\_\_\_\_ Date\_\_\_\_\_

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION  
FORM  
FOR MASTER PLAN UPDATE**

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Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City 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 City.

---

**PREPARED BY  
(Print Name)**

**DATE**

---

**TITLE**

**DATE**

---

**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

---

**COMPANY**

---

**ADDRESS**

**PHONE**

---

**NAME OF PARENT COMPANY**

**PHONE**

---

**ADDRESS**

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**TAXPAYER I.D.#**

City of Birmingham, Michigan

# Master Plan Update Proposal

June 1, 2018



**HL**  
HOUSEAL  
LAVIGNE  
ASSOCIATES

**EDLZ**  
ARCHITECTURE • ENGINEERING • PLANNING  
SURVEYING • CONSTRUCTION SERVICES

in**FORM**  
studio



June 1, 2018

Jana L. Ecker, Planning Director  
P.O. Box 3001  
151 Martin Street  
Birmingham, MI 48012-3001

Dear Ms. Ecker,

**Houseal Lavigne Associates** is pleased to present this proposal to the City of Birmingham in response to the request for proposals to update its existing Master Plan. We believe our project team is exceptionally qualified to undertake this assignment and provide the City with a relatable, responsive, visionary, and actionable Master Plan that will serve Birmingham for years to come.

Houseal Lavigne Associates is an award-winning community planning, economic development, and urban design firm. Since the firm's inception in 2004, we have received 11 awards for "Best Plan" from several state chapters of the American Planning Association (APA), including the Daniel Burnham Award for a Comprehensive Plan by the Michigan chapter of the APA and the Mackinac Prize by the Michigan Chapter of the Congress for New Urbanism for our work on the Flint Master Plan. In 2014, we were awarded the APA's National Planning Excellence Award for an Emerging Planning and Design Firm. This prestigious award recognizes our innovative planning approach, targeted implementation strategies, creative and effective outreach, integration of emergent technologies, industry-leading graphic communication, and overall influence on professional planning practice in the region and across the United States.

Our approach to preparing Birmingham's Master Plan Update includes (1) establishing a strong sense of stewardship through creative outreach and community rapport; (2) fully examining plan alternatives by assessing physical constraints, market conditions, and development feasibility; (3) focusing on healthy, walkable, and sustainable solutions; (4) developing visionary, yet pragmatic planning recommendations; and (5) establishing targeted strategies that result in the tangible implementation of projects.

We have assembled a project team comprised of leading experts in the fields of planning, transportation and civil engineering, and urban design. In addition, all members of the project team have significant local and regional experience.

For this assignment, we are joined by staff from the firms **DLZ Michigan, Inc.**, who will be providing all services relating to transportation and civil engineering, as well as **inFORM studio**, who will provide all services relating to historic preservation and as-needed design and architectural services.

We will work closely with City staff, officials, and City-retained consultants to ensure that local expertise and insight strengthens the planning process. This coordinated approach will result in a Master Plan that addresses issues of growth and development that have occurred since Birmingham prepared its last Master Plan and that sustains the City's character and quality of life.

We appreciate the opportunity to be considered for this important project and look forward to the prospect of working with the City of Birmingham. Should you have any questions regarding this submittal, please do not hesitate to contact us.

Sincerely,

Houseal Lavigne Associates

John Houseal, FAICP

Principal | Co-founder

**HOUSEAL LAVIGNE  
ASSOCIATES, LLC**

CHICAGO, IL  
188 West Randolph Street, Suite 200  
Chicago, Illinois 60601  
(312) 372-1008

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# **SECTION 1**

## **TEAM QUALIFICATIONS**

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# SECTION 1

## TEAM QUALIFICATIONS

Our project team for the City of Birmingham's Master Plan Update project is comprised of a group of planning professionals with specialized expertise in all areas of master planning, land use planning, downtown and corridor planning, neighborhood and special area planning, zoning, economic development, strategic visioning, community outreach and public participation, demographic and market analysis. Our team has been specifically assembled to provide the City of Birmingham with a responsive, effective, creative, and unique Master Plan.



**Houseal Lavigne Associates (HLA)** is an award-winning community planning, economic development, and urban design firm with extensive experience in a wide range of assignments. Since the firm's inception, we have completed over 350 plans and studies for more than 250 clients, the majority of which are municipalities. We have received 11 awards for "Best Plan" from several state chapters of the American Planning Association (APA), including an award from the Michigan APA for our work on the City of Flint's Master Plan. In 2014, we were awarded the APA's National Planning Excellence Award for an Emerging Planning and Design Firm. This prestigious award recognizes our innovative planning approach, targeted implementation strategies, creative and effective outreach, integration of emergent technologies, industry-leading graphic communication, and overall influence on the planning profession across the United States.



**DLZ Michigan, Inc. (DLZ)** is a Michigan-based, full-service, multidisciplinary, and minority-owned business enterprise. DLZ will be assisting Houseal Lavigne Associates with the civil and transportation components of the Birmingham Master Plan Update project.



**inFORM Studio** is a Michigan-based architectural and urban design firm that will be assisting Houseal Lavigne Associates with all aspects of building preservation, as well as urban design, illustrations and renderings, and architectural services.

### Firm Information

#### Houseal Lavigne Associates, LLC

188 W. Randolph St., Suite 200  
Chicago, IL 60601  
(312) 372-1008

#### DLZ Michigan, Inc.

155 W. Congress, Suite 605  
Detroit, MI 48226  
(313) 961-4040

#### inFORM Studio

235 E. Main St., Suite 102b  
Northville, MI 48167  
(248) 449-3564

### Primary Contact

#### John Houseal, FAICP

Principal | Co-founder  
jhouseal@hlplanning.com  
(312) 372-1008 x 101





## SERVICES

Master Planning

Downtown Planning

Transit-Oriented Development

Corridor Planning

Neighborhood &  
Subarea Planning

Zoning/Regulatory Controls

Design Guidelines

Land Planning & Site Design

Park, Recreation &  
Trail Master Planning

Market & Demographic Analysis

Fiscal/Economic Impact Analysis

Development Services

Retainer Services

## Firm Profile

**Houseal Lavigne Associates** is an award-winning consulting firm specializing in all areas of community planning, economic development and urban design, with expertise in comprehensive planning, corridor planning, downtown planning, neighborhood planning, zoning, market analysis, project implementation and financing, and citizen engagement. We strive for a true collaboration of disciplines and talents, infusing all of our projects with creativity, realism, and insight.

**Houseal Lavigne Associates** provides a fresh approach to urban planning, a strong foundation in contemporary development practices, an insightful understanding of market and economic analysis, and an effective ability to conduct engaging community outreach. Our firm is able to meet the unique challenges of any planning assignment and develop creative solutions that ensure compatibility between both the existing and the new, and the built and natural environments.

**Houseal Lavigne Associates** provides services ranging from detailed economic analysis to long-term community visioning; from smaller site planning and design projects to larger regional studies; from creating exciting new transit-oriented development plans to revitalizing historic downtowns; and from shaping broad community strategies to creating context-sensitive zoning regulations.

**Houseal Lavigne Associates** consists of a team dedicated professionals experienced in community planning, urban design, and economic development. Our firm has worked with more than 250 communities in states across the country, providing professional planning services for both public - and private - sector clients.

**Houseal Lavigne Associates** is founded on a set of core principles that, when combined with our professional experience and expertise, create a consulting firm that stands above the rest. These principles include Better Community Outreach, Commitment to Creativity, Graphic Communication, Technology Integration, and Client Satisfaction.

## Founding Principles

Houseal Lavigne Associates began with a set of principles that still guide every project we undertake. By continually honoring these principles, we have reliably and repeatedly produced plans that don't just meet our clients' needs but are points of pride in their communities. Our principles result in plans that are recognized as some of the best in the industry. These founding principles are:

**Better Community Outreach.** Fostering a strong sense of "community stewardship" requires using an inclusive approach to citizen participation and is a foundation of our planning approach.

**Commitment to Creativity.** Vision and creativity are among the most important components of good planning and design, so we provide fresh, responsive, and intriguing ideas for local consideration.

**Graphic Communication.** All plans and documents should utilize a highly illustrative and graphic approach to better communicate planning and development concepts in a user-friendly, easy-to-understand, and attractive manner.

**Technology Integration.** The integration of appropriate technologies should be used to improve the planning process and product—increasing communication and involvement with the public, gathering and assessing vital information, and producing more effective documents and recommendations.

**Client Satisfaction.** Meeting the needs of our clients is a top priority. We strive to achieve this by developing and maintaining strong professional relationships, being responsive to clients' concerns and aspirations, and always aiming to exceed expectations.



## RECENT AWARDS

### 2017

IL APA - Outreach Award  
Envision Oak Park Comprehensive Plan

### 2016

MN APA - Innovation Award  
St. Cloud Comprehensive Plan

### 2015

MI APA - Daniel Burnham Award (Best Plan)  
Imagine Flint Master Plan

Michigan Chapter of Congress for the  
New Urbanism - Mackinaw Prize  
Imagine Flint Master Plan

### 2014

American Planning Association  
National Planning Excellence Award  
for an Emerging Planning & Design Firm

MI APA - Planning Excellence Award for Public  
Outreach - Imagine Flint Master Plan

IA APA - Daniel Burnham Award (Best Plan)  
Coralville Community Plan

### 2013

Kane County Plan of the Year Award  
City of St. Charles Comprehensive Plan

### 2012

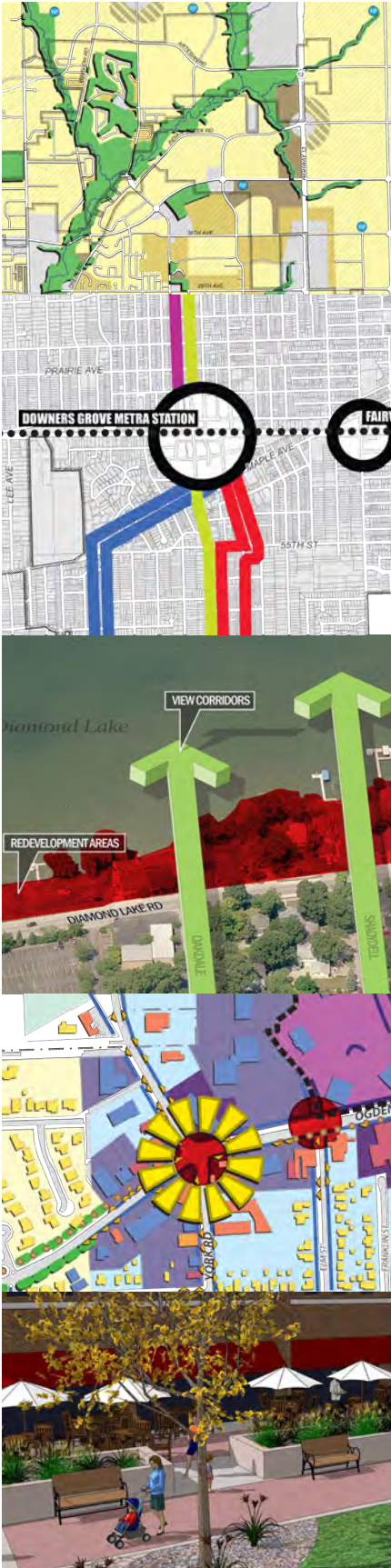
IL APA - Daniel Burnham Award (Best Plan)  
Village of Downers Grove Comprehensive Plan

ACEC Illinois - Merit Award - Studies & Research  
IL 47 Corridor Plan

Chaddick Institute - Development Regulation Award  
Oak Brook Commercial Areas Master Plan

### 2011

IL APA - Gold Award - Implementation  
Village of Bartlett Town Center



## Approach to Planning

Our philosophy of community planning, visioning, goal setting, and implementation is built on a foundation of professional experience, sound planning and design practices, and a track record of award-winning projects. Our approach combines extensive community outreach and participation, highly illustrative and user-friendly maps and graphics, and innovative utilization of cutting-edge technologies. Our process will help establish a community vision, set community goals, and foster community consensus. Our approach to this assignment will include and be guided by the following core principles, which will allow us to successfully engage the community, develop viable and visionary solutions, and comprehensively respond to local issues and needs.

**Focus on Urban Planning and Community Development.** Houseal Lavigne Associates specializes in community planning, urban design, and economic development. It is our focus, it is our passion, and it is our primary area of expertise. We are a specialized urban planning firm whose efforts are not diluted or compromised by bureaucracy or competing interests. Our focus and size allow us to provide the creativity, flexibility, and responsiveness needed to meet our clients' needs without wasting precious resources.

**Foundation of Experience.** Houseal Lavigne Associates has extensive experience in community planning, visioning and goal setting, implementation strategies, comprehensive planning, economic development studies, urban design, and more. We have directed, managed, and assisted with similar planning assignments for communities across the country.

**Engaging Community Outreach.** One of our greatest strengths is our ability to design and conduct engaging and effective community outreach. It is a vital part of all of our planning projects, and we believe it is a necessary component of any successful planning process. It is important that all interested persons have the ability to participate in the planning process and to know they have been heard. We believe strongly in fostering a stewardship for the community and achieving a high level of community consensus for planning initiatives.

**Illustrative Format and Quality Graphics.** All our projects incorporate a highly illustrative and graphic approach to communicating planning and development policies and recommendations. We have developed a distinct design approach to urban planning and community development which we incorporate into all of our projects. The results of this approach are reports and plans that are attractive, distinctive, and easy to use and understand.



**Technology Integration.** Integrating appropriate technologies can greatly improve the planning process and product. We specialize in the use of GIS, designing and hosting project websites, online surveys, keypad polling, and utilizing 3d rendering to improve planning and development concepts. Our maps and graphics are attractive and compatible with existing and developing information systems. When designed and managed appropriately, these technologies greatly improve communication and involvement with the public.

**Vision, Creativity, and Innovation.** We believe vision and creativity are among the most important components of good planning and design. Too often, vision and creativity are lacking in the planning process and final planning product. With the help of the community, we will establish a “vision” that captures the local spirit and character, while presenting new ideas and concepts for consideration. Our fresh approach to planning and development will broaden the range of available options and maximize the potential of community resources.

**Targeted Implementation.** Identifying the “next steps” to be taken is an important part of any good plan. Plans are not meant to sit idle, but should be used on a regular and on-going basis as a foundation for decision-making. Our plans identify key implementation steps that should be taken to “jump start” the ultimate realization of a plan’s vision and recommendations. Implementation steps outline the projects and actions to be taken and identify responsibilities, timing, and funding options.

**Commitment to Client Satisfaction.** Our Firm’s primary focus is on client satisfaction. We pride ourselves on our professional relationships, reputation, and client references. We develop strong relationships with our clients and are often considered to be an extension of staff. We are responsive to clients’ concerns, we are available at anytime to assist with unforeseen events and issues, and we are committed to doing whatever it takes to serve the client. Many of our initial engagements result in long-term, on-going professional relationships with client communities.





## Michigan Offices

### Detroit

155 W. Congress, Suite 605  
Detroit, Michigan 48226  
(313) 961-4040

### Lansing

1425 Keyston Avenue  
Lansing, Michigan 48911  
(517) 393-6800

### Kalamazoo

535 S. Burdick, Suite 248  
Kalamazoo, Michigan 49007  
(269) 553-0640

### Melvindale

4041 Martel Street  
Melvindale, Michigan 48122  
(313) 383-3216

### Saint Joseph

505 Pleasant Street, Suite 204  
Saint Joseph, Michigan 49085  
(269) 281-0744

## Firm Profile

DLZ, a Michigan Corporation, is a multidisciplinary, Minority-Owned Business Enterprise (MBE) that has been providing complete engineering, architectural, environmental, planning, construction, and survey services to both public and private sector clients since 1916. DLZ is an American success story, having graduated in 1984 from the 8(a) Small Disadvantaged Business Program and transforming into the full-service and one of the most reliable and experienced professional consulting firms in the Midwest.

### Award-Winning Firm

Consistently ranked as one of Engineering News-Record (ENR)'s Top 150 Design Firms, DLZ's continual growth and success is a testament to their work quality and client satisfaction. The commitment to excellence they provide has resulted in DLZ being ranked by Engineering News Record as the No. 1 Design Firm of the Year in the Midwest and firmly believes that these ratings come from only one source, the trust and confidence our clients have placed in our abilities.

### Commitment to MBEs and WBEs

DLZ is very proud of its heritage as a minority-owned business within the state of Michigan and continues to place particular emphasis, in the procurement of subcontractors and suppliers, on small disadvantaged businesses (DBEs), minority-owned businesses (MBEs), and women-owned businesses (WBEs). DLZ is committed to the creation, growth and expansion of DBEs, MBEs and WBEs and currently serves as a mentoring firm for other minority firms through the Michigan Minority Business Development Council.

### Office Locations

DLZ operates five full-service offices in Michigan, including: Lansing, Kalamazoo, Detroit, Melvindale, and Saint Joseph. Additionally, DLZ brings the support of its midwest presence, with offices in Indiana, Ohio, Illinois, Kentucky, Wisconsin, and Pennsylvania. Each office is equipped with intranet services and e-mail capabilities allowing for real-time transfer of data and project information, in addition to communication systems to enable production and transfer of documents between offices.





## Firm Profile

inFORM studio is an urban and architectural design collective devoted to impacting communities and inspiring culture. Founded in 2000, inFORM is a woman-owned practice with offices in Detroit and Chicago. With over 40 designers representing 13 countries, inFORM works as a multidisciplinary team of architects, interior designers, engineers, and urban designers on projects of varying scales and typologies, all across the globe.

As a human-focused team of designers, they place a strong emphasis on creating connections between people and place. By integrating advanced design technologies throughout the design process, they are able to formulate solutions that go beyond formal expression into client envisioned measurables.

**Recognized Design Excellence:** inFORM has received continued peer recognition and community attention for design excellence in acquiring numerous state, national, and international design awards, authoring the winning entry for the Bagley Street Pedestrian Bridge as part of the \$170 million Michigan Department of Transportation Ambassador Gateway Project and in June of 2003, was selected as one of eight international finalists out of 1,557 entries to present at the Grand Egyptian Museum Competition Symposium in Cairo, Egypt. In 2004, the firm was invited to participate, as one of 30 firms from around the world, in the prestigious Canadian Museum of Human Rights competition and recently received an honorable mention in the world-wide competition for the Museum of Contemporary Art and Planning Exhibition in Shenzhen, China.

**Experienced Personnel:** inFORM's staff expertise and diversity is apparent in their work. Their staff maintains the highest expectations of all their work products, which result in consistent quality to design, planning, document preparation and detailing.

**LEED-Accredited Professionals:** inFORM staff also includes six LEED Accredited Professionals and a sustainability expert that has lectured extensively worldwide leading various support staff. Furthermore, the firm possesses the ability, through 3-dimensional representation and AutoCAD workstations, to provide all deliverables necessary for heightened graphic materials and final building design documentation.



**Virtual Reality Experiences:** inFORM has always pushed the boundaries of the architectural design process. While applications like Revit, Grasshopper, Dynamo and Rhino help create accessible graphics, work has traditionally been limited by a two-dimensional plane/ static environment. Virtual reality headsets break beyond this barrier, and present an opportunity for design to become immersive. Working through our 3D software we are now capable of exporting development models and visualizations into InsiteVR and stepping into them with the HTC ViveVR headset. This allows designers and clients to engage in a fully immersive experience, while gaining a more complete understanding of the scale, aesthetics and overall feel of what will emerge as reality upon a project's completion.

**Computation & Analytics:** The design industry is currently experiencing a disruption as a result of rapid technological advancements. We are in an era of building information modeling (BIM), which is embedding real world data into digital representation of the building element. While the industry is still embedding data, inFORM studio has moved into an era of building information optimization. They can leverage large amounts of data through the development of computational algorithms that establish a direct relationships between project stakeholder data and parameters, inclusive of construction, economic and fabrication constraints. Our data driven process allows us to run several environmental and performance analyses which are presented via interactive project dashboards that provide insight for better design decision making.

## **SECTION 2**

# **KEY STAFF RESUMES**

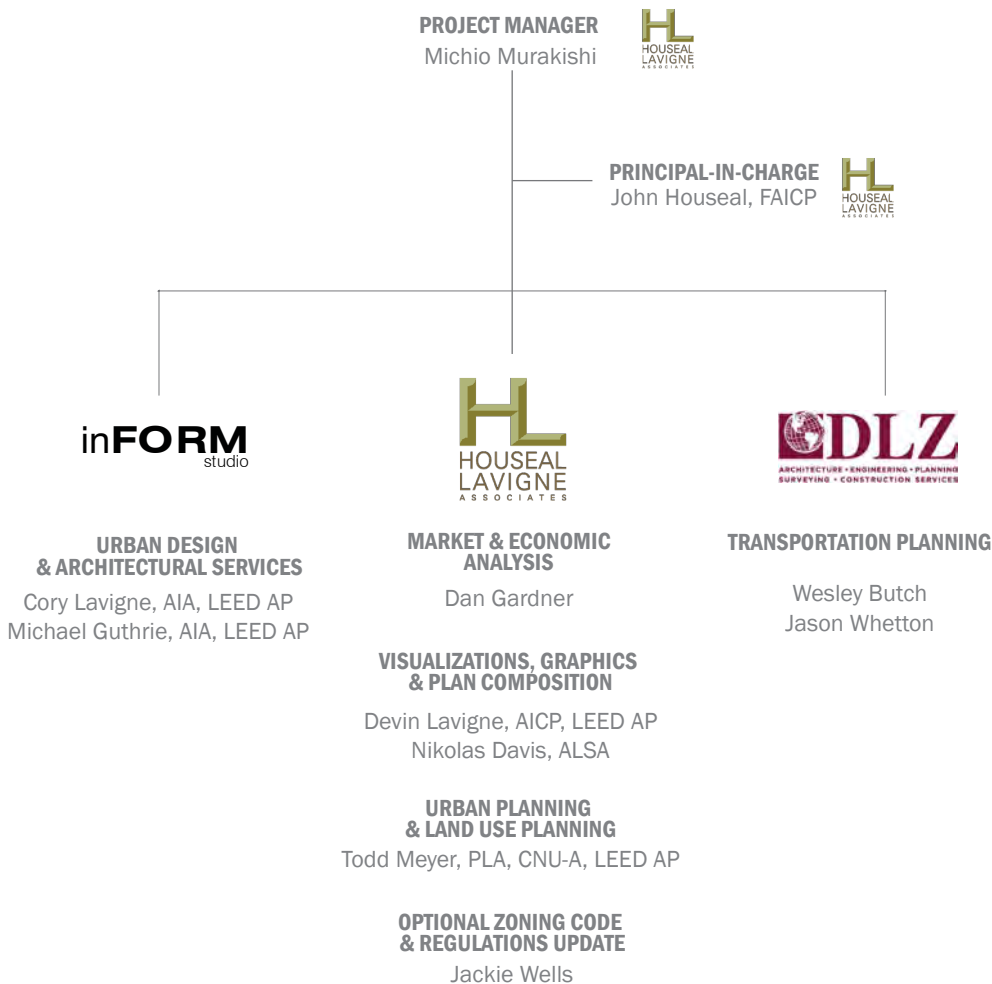
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# SECTION 2

## KEY STAFF RESUMES

Our professional staff provide specialized expertise in a multitude of disciplines to benefit the City of Birmingham’s Master Plan Update, including community visioning, land use planning, market analysis, economic development, transportation planning, urban design, architecture, graphic design, visualizations, development strategies, fiscal impact analysis, corridor planning, and community outreach. We are committed to developing creative solutions for the Master Plan to ensure compatibility between the existing, new, built, and natural environments. Most importantly, our proposed team possesses the skills necessary to create a responsive, detailed, visionary, and achievable Master Plan for the City of Birmingham.

Resumes for the key personnel from **Houseal Lavigne Associates**, as well as from our subconsultant team members, can be found on the following pages.







# John A. Houseal, FAICP

## Principal | Co-Founder

John is a Principal and Co-founder of Houseal Lavigne Associates and has established himself as one of the region's top urban planning professionals. John's reputation and expertise within the profession as a leader in urban planning, contemporary development practices, and community outreach has garnered him wide recognition and numerous planning awards. John has been a featured speaker at national, regional, state, and local events and conferences for issues related to urban planning, zoning, transportation, context sensitive design, and the environment. John is recognized as one of the top community facilitators, consensus builders, and citizen participation experts in the region.

John maintains professional memberships with Lambda Alpha International, American Planning Association, the American Institute of Certified Planners, the National Trust for Historic Preservation, and Urban Land Institute. John received a Bachelor of Science in environmental sciences from University of Michigan and a Master of Environmental Planning for environmental and urban planning from Arizona State University. John is also an AICP inducted Fellow and certification instructor and has been responsible for preparing planners for professional certification since 2005.

Prior to co-founding Houseal Lavigne Associates, John was a Principal and the Director of Urban Planning for URS Corporation, a global multi-disciplinary engineering firm based in San Francisco, California. Working from the Michigan Avenue office in Downtown Chicago, John oversaw and directed the firm's urban planning and community development projects, often coordinating on assignments throughout the country. Prior to being the Director of Urban Planning for URS Corporation, John was a Principal with Trkla, Pettigrew, Allen and Payne (TPAP), a prominent planning and economic development firm in Chicago. While a Principal at TPAP, John directed a wide range of urban planning and community development assignments throughout the Midwest.

From revitalization plans for Chicago's south side neighborhoods to regional highway corridor studies, John has directed, managed, and assisted with a wide range of planning assignments. John has directed a number planning and development related assignments in several states, including comprehensive plans, corridor plans, downtown plans, neighborhood plans, master development/site plans, and more. John has also directed the zoning updates and amendments, as well as the creation of entirely new zoning ordinances, sign ordinances, planned unit development ordinances, overlay districts, and design and development guidelines.

Several unique and very significant assignments have been directed by John and provided significant momentum in his career, including the IDOT SWS Tools for Balanced Growth Study, which was the State of Illinois' first balance growth initiative; the Cap the Ike Study, which was a study examining the creation of "new land" by capping the Eisenhower Expressway for approximately 1.5 miles; and an FAA funded study to examine land use compatibility and the O'Hare Modernization Project (OMP). As project director, John's leadership skills and planning and design expertise were pivotal to the success of these, and many other assignments.

John has received several professional planning awards and distinctions, including an ILAPA Gold Award for Planning; an ILAPA Silver Award for Plan Implementation; an ILAPA Award for Planning Education; ILAPA Awards for Strategic Planning; the DePaul University Chaddick Institute Development Award; the Greater OBCC Commercial Revitalization Award, APA National Excellence Award, and induction into Lambda Alpha International, an international honorary fraternity for professional excellence in the field of land economics.

### Education

Bachelor of Environmental Sciences  
University of Michigan

Master of Environmental Planning  
Arizona State University

### Memberships

American Planning Association

American Institute of Certified Planners  
inducted Fellow

Lambda Alpha International

OPRF Community Foundation  
Board of Directors

### Awards

2017 APA-IL Outreach Award  
Envision Oak Park Comprehensive Plan

2014 APA National Award for Excellence  
Emerging Planning and Design Firm

2014 APA-MI Public Outreach Award  
Imagine Flint Master Plan

2014 APA-IA Daniel Burnham Award  
Coralville Community Plan

2012 APA-IL Daniel Burnham Award  
Downers Grove Comprehensive Plan

2010 APA-IL Strategic Plan Award  
River Forest Corridors Plan

2009 APA-IL Implementation Award  
Ogden Avenue Enhancement Initiative

2007 APA-IL Daniel Burnham Award  
Carpentersville Comprehensive Plan

2007 APA-IL Implementation Award  
Palos Park Strategic Plan

DePaul University's Chaddick Institute for  
Metropolitan Development Award 2012  
Oak Brook Commercial Areas Plan 2008  
Algonquin Downtown Plan

Commercial Revitalization Award  
Oak Brook Commercial Areas Plan  
Greater OBCC 2009

### AICP Certification Instructor

APA National and APA State Chapters  
2005 to present

# John A. Houseal, FAICP

## Project Experience

### Comprehensive Plans

60+ Comprehensive Plans including:

- Benton Harbor, MI
- Brookfield
- Brownsburg, IN
- Byron
- Carpentersville
- Coralville, IA
- Council Bluffs, IA
- Countryside
- Davis Junction
- Downers Grove
- Edinburgh, IN
- Evergreen Park
- Fairview Heights
- Flint, MI
- Frederick, CO
- Forest Park
- Geneva
- Glen Ellyn
- Greater Bridgeport Region, CT
- Hammond, IN
- Harwood Heights
- Homer Glen
- Jackson, MO
- Jackson, TN
- Kenilworth
- Lynwood
- Lansing
- Marion, IA
- Mattoon
- Maywood
- Melrose Park
- Montgomery
- Morton Grove
- Mundelein
- Niles
- Oakbrook Terrace
- Oak Park
- Palos Heights
- Palos Park
- Pleasant Hill, IA
- Prairie Grove
- River Forest
- St. Charles
- St. Cloud, MN
- Sugar Grove
- Tipton, IN
- Tipton County, IN
- Westmont
- Whiting, IN
- Windsor, CO

### Downtown Planning

30+ Downtown Plans including:

- Algonquin Downtown Plan
- Downers Grove Downtown
- Forest Park Madison Street Corridor
- Geneva Downtown Master Plan
- Huntly Downtown Master Plan
- McHenry Downtown Plan
- Melrose Park Historic Broadway Avenue District Plan
- Morton Downtown Master Plan
- Murray, KY Main Street Plan
- Round Lake Downtown Plan
- Oshkosh, WI Downtown Plan
- Winfield Downtown/TOD Plan

### Special Area Planning

50+ Special Area Plans, including:

- Bellwood TOD master Development Plan
- Bellwood St. Charles Road Corridor/TOD Plan
- Countryside Dansher Industrial Park Subarea Plan
- Glenview The Glen Parcel 24 Master Plan
- Island Lake Commercial Areas Master Plan
- Marengo TOD & Western Corridor Planning Area
- Melrose Park Rose trail Neighborhood Master Plan
- Montgomery Preserve Subarea Master Plan
- Naperville Martin Mitchell Campus Master Plan
- Oak Brook Commercial Areas Master Plan
- Oakbrook Terrace Unit 5 Area Master Plan
- Palos Park Commercial Areas Master Plan
- Prairie Grove River Front Vision
- Rolling Meadows Golf Road Corridor Mobility Plan
- South Chicago Heights Station Area Plan
- Skokie Dempster Station Area Plan

### Corridor Planning

70+ Corridor Plans including:

- Bellwood - Mannheim Road Corridor; 25th Avenue Corridor Plan
- Brookfield - Ogden Ave. Corridor Plan; 47th Street Corridor Plan; 31st Street Corridor Plan
- Carpentersville - IL Route 31 Corridor Plan; IL Route 25 Corridor Plan; Randall Road Corridor Plan
- Countryside - LaGrange Road Corridor Plan; Joliet Road Corridor Plan; Road Corridor Plan
- Davis Junction - IL Route 172 Corridor Plan
- Hinsdale - Odgen Avenue Corridor Plan
- IL 47 Corridor Study
- Kenilworth - Green Bay Road Corridor Plan
- Lockport - I-355 Corridor Master Plan
- Melrose Park - Lake Street Corridor Plan; Broadway Avenue Corridor Plan; North Avenue Corridor Plan
- Melrose Park Broadway Avenue Corridor Plan
- Montgomery - Montgomery Road Corridor Plan; Blackberry Creek Corridor Plan
- Naperville - Ogden Avenue Enhancement Study
- Oak Brook - 22nd Street Corridor Plan
- Palos Heights - Harlem Avenue Corridor Plan
- Portage, IN - Highway 20 Corridor Plan
- River Forest Corridors Plan- Madison Street Corridor Plan; North Avenue Corridor Plan; Lake Street Corridor Plan; Harlem Avenue Corridor Plan
- Traverse City, MI- Eight Street Corridor Plan; East Front Street Corridor Plan West Front Street Corridor Plan Garfield Avenue Corridor Plan 14th Street Corridor Plan

### Zoning & Design Guidelines

30 Zoning & Design Guidelines

Assignments, including:

- Benton Harbor, MI
- Bloomington
- Brookfield
- Carpentersville
- Cary
- Chicago
- Dunwoody, GA
- Fairview Heights
- Flint, MI
- Geneva
- Harwood Heights
- Hinsdale
- Kenilworth
- Marion, IA
- McHenry
- Melrose Park
- Montgomery
- Muskogee, OK
- Murray, KY
- Northbrook
- Oak Brook
- Oakbrook Terrace
- Pace TOD Guidelines Manual
- Palos Park
- Palos Heights
- Prairie Grove
- Richton Park
- River Forest
- Wilmette

### Strategic Planning

- Fond du Lac, WI
- Morton Grove
- Palos Park
- Warrenville
- West Chicago

### Retainer Services

- Brookfield
- Davis Junction
- Forest Park
- Harwood Heights
- Kenilworth
- Lockport
- Melrose Park
- Montgomery
- Oakbrook Terrace
- Palos Park
- Prairie Grove
- River Forest
- Round Lake
- Winnetka



## **Devin J. Lavigne, AICP, LEED AP**

### **Principal | Co-Founder**

Devin is a Principal and Cofounder of Houseal Lavigne Associates with special expertise in urban design, land-use planning, site planning, land planning, land-use regulation, graphic illustration and development visualization, geographic information systems, and web development. Devin received his Bachelor of Science from the School of Urban and Regional Planning at Ryerson Polytechnic University in Toronto Ontario.

### **Education**

Bachelor of Science  
School of Urban and Regional Planning  
Ryerson Polytechnic University

### **Memberships**

American Planning Association  
American Institute of Certified Planners  
National Trust for Historic Preservation  
Congress for the New Urbanism  
Urban Land Institute

### **Awards**

American Planning Association  
National Planning Excellence Award  
for an Emerging Planning & Design Firm;  
2014  
  
Daniel Burnham Award  
Downers Grove Comprehensive Plan  
American Planning Association  
Illinois Chapter, 2012  
  
Daniel Burnham Award  
McHenry County 2030 Comprehensive Plan  
American Planning Association  
Illinois Chapter, 2010  
  
"Best Practice" Gold Award  
Planning Mapper  
American Planning Association  
Illinois Chapter, 2010  
  
SketchUp Design Award Google.com  
  
"Plan" Gold Award  
Carpentersville Comprehensive Plan  
American Planning Association  
Illinois Chapter, 2007  
  
"Project, Tool, or Program" Gold Award  
Planningprep.com  
American Planning Association  
Illinois Chapter, 2007

### **Lecturing/Instruction**

UP 426 Urban Design Studio  
University of Illinois at Urbana Champaign  
2012 to present

### **AICP Certification Instructor**

2005 to present APA Illinois Chapter  
2008 APA Missouri & Kansas Chapters  
2012 to Present National (D.C.) APA Chapter  
www.planningprep.com - site co-creator

Devin is regarded as one of the profession's top designers and graphic specialists. Devin has presented at both national and state planning conferences about the importance in graphics and instructed on how best to communicate plans and planning concepts as well as the importance of development visualization. Devin has garnered national attention and has helped distinguish the firm's body work. At the American Planning Association's 2010 National Conference his presentation Better Graphics, Better Plans was regarded as "best in show" and at 2008 National Conference, Devin's SketchUp! portfolio was presented by Google to show planners how the software can be used by the profession.

In 2005 Houseal Lavigne Associated completed a project for NAVTEQ (Chicago Landmarks & Districts Study), the world's largest employer of map making professionals. Houseal Lavigne Associates was hired to identify key corridors and community areas for more detailed mapping in portable GPS devices. NAVTEQ used the final product to secure additional capital for research and development, and has applied mapping styles presented by Houseal Lavigne Associates into mapping programs to better present data.

Prior to co-founding Houseal Lavigne Associates, Devin was the Senior Planning Manager for URS Corporation, a global multi-disciplined engineering firm based in San Francisco, California. Working from the Michigan Avenue office in Downtown Chicago, Devin managed, directed and provided technical assistance to numerous studies. Devin joined URS through their acquisition of Trkla, Pettigrew, Allen and Payne (TPAP) a prominent planning and economic development firm in the City of Chicago.

Devin has managed, directed, authored and contributed to more than 100 planning studies, including a number of downtown plans, corridor plans, subarea plans, park master plans, and comprehensive plans throughout the country.

In addition to his responsibilities at Houseal Lavigne Associates, Devin is an adjunct lecturer at the School of Urban and Regional Planning at the University of Illinois in Champaign-Urbana. In 2011 Devin was asked by the school to revive the program's urban design studio, UP 426. The program introduces both graduate and undergraduate students to urban design and includes instruction on urban design analysis and planning graphics.

Devin maintains professional memberships with the American Planning Association, the American Institute of Certified Planners, the Congress for New Urbanism, the National Trust for Historic Preservation, Urban Land Institute and the National Association of Photoshop Professionals.

# Devin J. Lavigne, AICP, LEED AP

## Project Experience

### Comprehensive Plans

40 Comprehensive Plans  
Including:

- Brookfield
- Brownsburg, IN
- Carpentersville
- Coralville, IA
- Countryside
- Council Bluffs, IA
- Downers Grove
- Flint, MI
- Itasca
- Kenilworth
- Machesney Park
- Marion, IA
- McHenry County
- Melrose Park
- Montgomery
- Muskogee, OK
- Niles
- Oakbrook Terrace
- North Aurora
- Palos Park
- Prairie Grove
- Plainfield, IN
- River Forest
- Sugar Grove
- St. Charles
- St. Cloud

### Downtown Planning

20 Downtown Plans including:

- Carbondale
- Downers Grove
- Downers Grove Pattern Book
- St. Charles
- St. Cloud
- Geneva
- Huntley
- McHenry
- Murray, KY
- Morton
- Round Lake
- Winfield, Downtown

### Design and Development Guidelines

15 Guidelines including:

- Downers Grove
- Prairie Grove
- St. Charles
- Kenilworth
- McHenry
- Huntley
- IL Route 47
- Brookfield
- Round Lake
- Westmont
- Hinsdale
- Traverse City, MI

### Corridor Planning

50 Corridor Plans including:

- Brookfield, Ogden Avenue Corridor Plan
- Carpentersville, IL Route 31 Corridor Plan
- Countryside, LaGrange Road Corridor Plan
- Downers Grove, Ogden Avenue Corridor Plan
- Hinsdale, Ogden Avenue Corridor Plan
- Homer Glen, 159th Street Corridor Plan
- Illinois Route 47 Corridor Plan
- Kenilworth, Green Bay Road Corridor Plan
- Melrose Park, Broadway Avenue Corridor Plan
- Montgomery, Orchard Road/Blackberry Creek Corridor Plan
- Naperville, Ogden Avenue Enhancement Study
- Oak Brook, 22nd Street Corridor Plan
- River Forest, Corridors Plan
- St. Charles, Main Street & Randall Road
- Westmont, Ogden Avenue Corridor Plan
- Traverse City Corridors Master Plan

### Visualization & Illustration

25 assignments including:

- Carson City, NV Carson City Center
- Firestone Retail Development
- Westfield, Old Orchard Signage
- Naperville Park District, Naperville Riverwalk 3D Illustration
- Peoria River Trail Development Visualization
- Forest Park Shopping Plaza Redevelopment Sketch
- Center, Chicago Grove Shopping Center Redevelopment Sketch
- Plaza, Maywood River Pointe Plaza Rendering
- HOA, Las Vegas, NV, Taos Estates Entry Monument Render
- Machesney Park, Machesney Mall Redevelopment Concept
- Kenilworth, Green Bay Road Redevelopment Site Illustration
- Bellwood, TOD Development Visualization
- Hanover Park/Irving Park Road Development Concepts

### Zoning & Regulatory

10 Studies including:

- Chicago, Broadway Avenue Zoning & Market Study
- City of Countryside Landscaping Ordinance
- City of Hammond, IN Landscaping Ordinance
- Westfield Old Orchard Signage Plan
- Westfield Hawthorn Woods Signage Study
- Green Bay Road Shadow Study
- Oakbrook Terrace Zoning Revisions

### Parks & Recreation

10 Parks and Recreation assignments including:

- Geneva, Open Space & Recreation Master Plan
- Naperville Park District, Parks, Open Space & Recreation Master Plan
- Homer Glen, Open Space & Recreation Master Plan
- Naperville Park District, Naperville Trails Master Plan
- Robbins Green, Community Plan
- Machesney Park, Open Space Plan

### Special Area Planning (TOD, Neighborhoods, Special District)

8 Special Area Plans including:

- Chicago, Stockyards Market & Land Use Analysis
- Countryside, Dansher Industrial Park Subarea Plan
- Oak Brook, Oak Brook Commercial Areas Master Plan
- South Chicago Heights, Station Area Plan
- Marengo, Transit Oriented Development Plan
- Naperville, Martin Mitchell Campus Master Plan
- Oakbrook Terrace, Unit 5 Area Master Plan
- Winfield, Downtown Winfield Marketing & Capacity Study
- Dunwoody, Village Master Plan
- Dunwoody, Georgetown/North Shallowford Road Master Plan
- Tulsa, OK Sector Plans

### Special Projects

- NAVTEQ Chicago Landmarks & Districts Study
- IDOT Tools for Balanced Growth
- Healthy Chicago 2.0
- Chicago Neighborhoods Now

### Strategic Planning

3 Strategic Plans, including:

- Oak Brook
- Palos Park
- Warrenville



## Daniel T. Gardner

### Principal

Dan Gardner has over twenty years of experience in planning, development, and real estate, with experience in both the private and public sectors. Prior to joining Houseal Lavigne Associates in 2007, Dan was the Director of Consulting Services for a prominent Chicago based real estate advisory firm where he directed numerous complex municipal projects related to fiscal, economic, and market analysis. Dan was also a Senior Manager with the Chicago office of Economics Research Associates (ERA), an international economic and real estate consulting firm where he was responsible for business development and overseeing both national and international projects.

His professional experience has involved projects ranging from the revitalization of large urban areas in Chicago, Milwaukee, and Omaha to small rural communities throughout the Midwest. His past projects include: analyzing market potential for residential, retail, office, entertainment and industrial development; instituting economic development programs and incentives; preparing grant applications for state and federal funds; facilitating community outreach; preparing developer requests for proposals and a range of related assignments.

In addition to his professional experience, Dan has served on several elected and appointed boards, commissions and advisory committees. His combination of professional and government experience gives him a unique perspective that is beneficial to clients. He understands and can relate to issues and concerns facing both private developers and public officials.

Dan was an elected Trustee for the Village of Glen Ellyn, Illinois (population 27,000) from 2003 to 2007, and prior to that served as the Chairman of the Village's Plan Commission. He currently serves on a Process Improvement Team to improve the business and economic climate in the Village. Throughout his tenure the Village maintained a balanced budget and significant cash reserves. From 2007 to 2012 he was a member of the Executive Committee of the Du Page County Community Development Commission and the Du Page County HOME Advisory Group, preparing policy recommendations and overseeing the allocation of millions of dollars in CDBG and HUD funds.

Dan has a Masters Degree in Public Administration (MPA) from the Illinois Institute of Technology (IIT) and a Bachelors of Science from Loyola University Chicago. In 2007 he was inducted into Lambda Alpha International, an organization recognizing career accomplishments in land economics. He is a member of the Urban Land Institute (ULI) where he formerly served on the Chicago Policy Committee and he is an active member of Illinois City/County Management Association (ILCMA) and the Illinois Development Council (IDC). Additionally he is certified with the National Charrette Institute.

He is well versed in public speaking and meeting facilitation, having conducted hundreds of meetings throughout his professional and civic career. He routinely presents to professional organizations and serves as a guest speaker on a variety of topics related to planning and development issues. He has also authored or coauthored articles for professional publications and journals.

### Education

Bachelor of Science, Loyola University

Masters of Public Administration,  
Illinois Institute of Technology

### Boards and Commissions

Served on Executive Committee  
Du Page County Community Development  
Commission

Du Page County HOME  
Advisory Group

Village of Glen Ellyn Board of Trustees

Village of Glen Ellyn Plan Commission

### Memberships

Urban Land Institute

Illinois City/County  
Management Association

Illinois Development Council

Lambda Alpha International

National Charrette Institute Certified

### Publications

"The Importance of Intergovernmental  
Relationships " for ILCMA August 2008

"Incorporating Technology into Community  
Outreach" for ILCMA October 2009

# Daniel T. Gardner

## Project Experience

### Comprehensive Plans

- Benton Harbor, MI
- Brownsburg, IN
- Marion, IA
- Downers Grove
- Freeport
- Mundelein
- Highwood
- Glen Ellyn
- Jackson, MO
- Kenilworth
- Machesney Park
- Muskogee, OK
- Palos Heights
- Palos Park
- St. Charles

### Downtown Planning

- Clarendon Hills
- Franklin Park
- Geneva
- Huntley
- Morton
- Round Lake
- Shorewood, WI
- Skokie
- Winfield

### Zoning & Regulatory

Zoning and Regulatory Studies including:

- River Forest  
Zoning Ordinance Updates

### Strategic Planning

- Oak Brook
- Lombard

### Special Area Planning (TOD, Neighborhoods, Special District)

- Oak Brook, Oak Brook  
Commercial Areas Master Plan
- South Chicago Heights,  
Station Area Plan
- Marengo, TOD & Western  
Corridor Planning Area
- Lincolnwood Business Park
- Lake Barrington Business Park
- Bartlett Town Center

### Corridor Planning

- City of Bellevue, NE
- Bellwood, Manheim Road  
Corridor
- City of Chicago, Lincoln Square
- City of Chicago, Commercial  
Avenue
- Freeport, West Galena Avenue
- Kane and McHenry Counties,  
Illinois Route 47
- Lockport, I-355 Corridor  
Master Plan
- Milwaukee, WI, 27th Street
- Naperville, 75th Street Market  
Study
- Oak Brook, 22nd Street  
Corridor Plan
- Omaha, NE, Maple Street
- River Forest, Village  
Corridors Plan
- Traverse City, MI (Study of 5  
corridors)
- Rolling Meadows, Golf Road

### Fiscal & Economic Impact Analysis

- Du Page County, Impact of  
O'Hare Airport expansion
- Village of Channahon
- City of Chicago
- Village of Glenview
- Village of Hoffman Estates
- Village of West Dundee
- Village of Plainfield
- City of Naperville
- Village of North Barrington

### Special Projects

- Du Page County, Impact of  
Airport expansion
- Lombard, Downtown Vision
- New Urbanism Analysis of mall  
redevelopment sites
- IL Housing Dev. Auth. (IHDA)  
Tax Credit Studies
- Commonwealth Edison  
Valuation for easements

### Market & Demographic Analysis

- Chicago
- Clarendon Hills
- Du Page County
- IL Housing Dev. Auth. (IHDA)
- Jackson, MO
- Kane County
- Marion, IA
- McHenry County
- Milwaukee, WI
- Mount Prospect
- Naperville
- North Barrington
- Oak Brook
- Omaha, NE
- Oklahoma City, OK
- Park Forest
- Skokie
- Mundelein
- Lockport
- South Chicago Heights
- Benton Harbor, MI
- Madison, AL
- Downers Grove
- Highwood
- Lombard
- Huntley
- River Forest
- Freeport
- Jackson, MO
- Marion, IA
- Macomb
- Peoria
- Bellevue, NE
- Carpentersville
- Cleveland, OH
- Colorado Springs, CO
- Coppell, TX
- Council Bluffs, IA
- Denver, CO
- Dubuque, IA
- East Dubuque
- Grayslake
- International development  
in Asia
- Indianapolis, IN

### Market & Demographic Analysis Continued

- Channahon
- Flint, MI
- Johnsbury
- Kalamazoo, MI
- Lake Barrington
- Mount Prospect
- Nassau County, NY
- Palos Heights
- Palos Park
- Park Ridge
- Philadelphia, PA
- Rockford
- Round Lake
- Savanna
- Shorewood, WI
- Skokie
- Troy, OH
- West Dundee

### Development Services

Assessment of development potential and review of developer proformas for municipal and private sector clients in several municipalities including:

- Chicago
- Milwaukee, WI
- Omaha, NE
- Wheaton
- Hoffman Estates
- Prairie Grove
- Naperville
- River Forest

### Department of Defense Projects

Base Redevelopment and Closure (BRAC) and United States Air Force base feasibility studies in:

- Alaska
- Texas
- Georgia
- Texas
- Florida
- Washington D.C.
- Idaho



### **Education**

Bachelor of Science in Landscape  
Architecture, Purdue University

### **Memberships**

American Society of Landscape Architects

### **ASLA Positions**

ILASLA Allied Professionals Liaison

ILASLA Legacy Project Co-Chair

Past ILASLA Public Awareness Chair

Past ILASLA External  
Communications Officer

### **Presentations**

A Pedestrian's PedPeeves

Fast and Funny Planning Presentation

2015 National APA Planning Conference

New Tools for Zoning &  
Development Visualization

2013 National APA Planning Conference

Putting Zoning on the Map

APA-CMS January, 2012

Integrating Sustainability

Into Development Regulations

October 2011, APA-IL State Conference

### **Awards**

2014 APA-MI Public Outreach Award  
Imagine Flint Master Plan

Winnebago County 2030 Land  
Resource Management Plan,  
Honor Award for Environmental  
Stewardship, Illinois American Society of  
Landscape Architects, 2009

## **Nik Davis, ASLA**

### **Principal**

Nik brings more than 10 years of professional design and planning experience to Houseal Lavigne Associates and as a Principal manages much of the firm's versatile studio work, as well as hones skill specializations in urban design, landscape architecture, site plan development, streetscape design, and sustainability planning, from the individual lot level up to the regional scale. He provides the connection between the planmaking process and document creation, focusing on concept and site design, graphics, document layout, geographic information and cartographic renderings, and urban-form 3d modeling, using a breadth of software tools and drafting techniques.

Nik has a diverse background in urban planning and design with experience in the preparation of research and inventory materials, site analysis maps, framework plans, preparation of conceptual development plans for a full range of residential, commercial, mixed-use, office and industrial park developments, and commercial corridors. Nik has extensive experience in landscape and planting design which includes conducting site visits and creating inventory and analysis maps, developing project bases, drafting general development and preliminary plans, producing hand and computer rendered sketches and plans, and submitting construction documents, specifications, plant list schedules, and cost estimates for review and installation.

Prior to joining Houseal Lavigne Associates, Nik worked for consulting firms specializing in landscape architecture, streetscape design, urban design, zoning, and development planning. Nik has a Bachelor of Science in Landscape Architecture from Purdue University. He is a member of the American Society of Landscape Architects (ASLA), and some of his past work has been awarded recognition in sustainability and environmental stewardship.

# Nik Davis, ASLA

## Principal

### Comprehensive Plans

30+ Comprehensive Plans including:

- Aurora, CO
- Bentonville, AR
- Bristol, VA
- Buffalo, NY
- Cary
- Chicago Neighborhoods Now
- Council Bluffs, IA
- Eden Prairie, MN
- Elgin
- Flint Master Plan, MI
- Fort Dodge, IA\*
- Frederick, CO
- Hudson, OH
- Lynwood
- Maywood
- New Buffalo, MI
- Pingree Grove
- Richton Park
- St. Charles
- St. Cloud, MN
- Westmont
- Windsor, CO

### Downtown/TOD Plans

- Buffalo, NY BOAs\*
- Chicago - Pilsen, South Chicago, North Lawndale
- Carbondale
- Carson City
- Elmhurst
- Fort Dodge, IA
- Geneva, IL
- Hopkinsville, KY
- Hudson, OH
- Lisle
- Oshkosh, WI
- Peoria Heights
- Rolling Meadows
- Terre Haute\*

### Corridors

25+ Corridors Plans including:

- Ames, IA
- Bentonville, AR
- Des Plaines\*
- Elmhurst
- Island Lake
- Homer Glen
- Kenilworth
- New Lenox
- Oak Brook
- Park Ridge\*
- Peoria Heights
- Portage, IN
- Rolling Meadows
- Traverse City, MI

### Design Guidelines & Standards

- Chicago - Archer & Halsted
- Council Bluffs, IA
- Fort Dodge, IA\*
- Mundelein
- Pace TOD Guidelines Manual

### Zoning/Form-Based Codes

25+ Zoning/Form-Based

Codes including:

- Baltimore, MD\*
- Bentonville, AR
- Buffalo, NY\*
- Cleveland Heights, OH\*
- Council Bluffs, IA\*
- Dunwoody, GA
- Flint, MI
- Fort Dodge, IA\*
- Hinsdale\*
- LaGrange Park\*
- Mundelein\*
- Muskogee, OK
- New Orleans, LA\*
- Park Ridge\*
- Riverside\*
- Wilmette\*
- Winnebago County\*

### Design Development & Concept Designs

50+ Design Development &

Concept Designs including:

- Bensenville\*
- Chicago
- Crystal Lake
- Deerfield\*
- Grayslake\*
- Lincolnwood\*
- Mokena\*
- New Lenox\*
- Richton Park\*
- St. Cloud, MN
- Olympia Fields\*
- Oswego - Prairie Market\*

### Streetscape Designs

25+ Streetscape Designs including:

- Bourbonnais
- Bradley - Broadway Street
- Chicago - 87th & Stony, Lake Street, Uptown-Broadway Avenue, Auburn Gresham-79th Street
- Des Plaines
- Elmhurst - North York
- Glen Ellyn
- Grayslake
- Huntley
- New Buffalo, MI
- Richton Park

### Landscape Designs

30+ Planting Designs including:

- Burr Ridge
- Chicago - Shetland, Metraflex, Dima Properties
- Deerfield
- Glenview
- Huntley
- New Lenox
- Olympia Fields
- Oswego
- St. Charles\*
- Yorkville
- Rockford





## Todd Meyer, PLA, CNU-A, LEED AP

### Principal Associate

As a senior urban planning and design professional, Mr. Meyer began his career designing and implementing commercial and residential projects in a self-employed capacity in the Greater Saint Louis area. After graduating from Kansas State University, he worked on the West coast and in the Midwest for professional planning and design firms including EDAW, HOK and SWA on a wide variety of community planning and development projects. He has continued to work with public and private sector clients on projects of all types and scales including new towns, residential communities, districts, neighborhoods, corridors, mixed-use and transit-oriented development, urban infill, parks, open spaces, waterfronts, redevelopment strategies and smart growth initiatives.

As a Principal Associate with Houseal Lavigne Associates, Mr. Meyer's responsibilities include client communication, agency coordination, project management, planning and design oversight as well as business development activities. With project work across the U.S. and globally — including Latin America, Asia and the Middle-East — he has a broad range of professional experience on a variety of assignments. He possesses a strong knowledge of land planning and urban design issues and is excellent in communicating with clients to understand their needs and to help them to achieve their goals and objectives.

A common theme of Todd's work is to promote a 'triple bottom line' approach, including ecological, social and economic goals — as well as to integrate sustainable planning principles in his projects, including the U.S. Green Building Council's LEED-ND™ criteria. Inspired by Janine Benyus and Biomimicry 3.8, Todd has participated in the process of learning from and then emulating nature's forms, processes, and ecosystems to create more sustainable master plans and designs. This includes studying the ecology of a site and then working to emulate the native characteristics of the land in the post-development condition.

His professional interest is also to promote 'Cultural Urbanism' in his projects, working to celebrate our regional differences and create unique places for social interaction. As a daily part of his work with clients and project teams, he is committed to creating beautiful, functional and high-quality environments for people. This in part addresses physical infrastructure, but also considers the natural systems that shape our urban areas, using appropriate materials and making the right choices for the environment. He also seeks to stimulate cities, neighborhoods and districts to be active and energetic in economic investment and unique cultural expression.

Todd is an active member of several professional organizations, particularly the Urban Land Institute (ULI). As a result of frequent interaction with public officials and private investors, he understands real estate development, including project planning, site selection, feasibility analysis, entitlements, design and construction. This includes balancing the desire to create high-quality places with the fact that many investment decisions are driven by ROI and IRR from a cost-benefit perspective. In an era of public-private partnerships, this approach of including all parties in the master-planning process and conversation about prospective projects has proven critical to success.

Mr. Meyer subscribes to the principles of the Charter for the New Urbanism, which seeks to curb suburban sprawl and promote authentic urban neighborhoods that are compact, walkable, provide an interesting mix of uses and promote a strong sense of identity and community for both visitors and residents. He believes as a society that we should promote our unique qualities and that not all places should look the same — or function in the same manner. His approach to planning is to be as rooted in the unique context and characteristics of the place as much as possible. Todd is fun, has a sense of humor and is easy to work with!

### Education

Bachelor of Landscape Architecture  
Kansas State University

Urban Design Studies  
Centro Studi Santa Chiara, Italy

### Memberships

American Planning Association  
American Society of Landscape Architects  
Congress for the New Urbanism  
Past Chair, Kansas State University  
Landscape Architecture / Community  
Planning Advisory Board  
Urban Land Institute  
ULI Urban Development / Mixed-Use  
Product Council (Red Flight) - Chicago  
ULI Urban Development / Mixed-Use  
National Product Council (Purple Flight)

### Awards

ASLA Saint Louis, Riverfront Fort Wayne  
Phase 1 Schematic Design Document,  
Merit Award, Planning & Communications  
ASLA Texas, Riverfront Fort Wayne Master  
Plan, Honor Award, Planning & Analysis  
ASLA Texas, Nanguo Peach Garden Master  
Plan, Honor Award, Planning & Analysis  
ASLA Merit Award, Yuan Dang Lake  
Conceptual Master Plan, Texas ASLA  
Congress for New Urbanism Charter  
Award, Dasve Village Master Plan  
ASLA National Honor Award,  
Dasve Master Plan  
ASLA Merit Award, Yuan Dang Lake  
Conceptual Master Plan, Texas ASLA  
ASLA Merit Award, East Taihu Lakefront  
Master Plan, Illinois Chapter

### Publications

"Exploring Cultural Urbanism: A rational  
approach to creating authentic places..."  
Planning Magazine, April 2014  
"Cultural Urbanism: Studying local  
traditions to create socially relevant  
design" SWA Ideas | Praxis, October 2012  
"Ten ways to climb the ladder: How  
to succeed as a consultant..." Planning  
Magazine, November 2006

# Todd Meyer, PLA, CNU-A, LEED AP

## Selected Project Experience

### **191st Street Corridor, Mokena, Illinois**

Land use plan update and form-based code overlay for a large land area adjacent to the freeway

### **36th & Center Redevelopment, Omaha, Nebraska**

Conceptual master plan for redevelopment and densification of a mixed-use suburban corridor

### **Argyle + Bryn Mawr CTA Stations Chicago, Illinois**

Detailed Design + Construction Documents for viaducts and station area improvements

### **Aurora Riverfront Park Aurora, Illinois**

Conceptual landscape design for a riverfront park including ecological areas and recreational venues

### **Avanyu Community Hurricane, Utah**

Conceptual master plan for a new residential community nestled into the hillside

### **Barksdale Redevelopment District Bossier City, Louisiana**

A redevelopment plan for existing a commercial corridor, residential neighborhoods and open land

### **Basinview Planned Unit Development Klamath Falls, Oregon**

A master plan for a large master-planned community on a steep hillside site with strong natural features

### **Centennial Celebration of Flight Dayton, Ohio**

Event plan and strategy for the 100-year celebration of the most notable invention of the Wright Brothers

### **Children's Memorial Hospital Chicago, Illinois**

Site redevelopment options with extensive public input for a facility that was to be relocated

### **City Government Center Thousand Oaks, California**

Detailed design and construction documents around a new building designed by Antoine Predock

### **CMAP GOTO 2040 Arlington Heights, Illinois**

Conceptual redevelopment plan for a primary arterial corridor located just north of Interstate 90/94

### **Desert Mountain Resort Community Scottsdale, Arizona**

Master plan amendment for the last phases of development of a large golf-oriented community

### **Elyson Master-Planned Community West Houston, Texas**

Detailed landscape design for Phase 1 of a new 5,000 acre development for Newland Communities

### **Ewing Waterfront Park Chicago, Illinois**

Conceptual site plans to redevelop an urban site on the Calumet River with Metropolitan Planning Council

### **Grand Basin + Post Dispatch Lake Saint Louis, Missouri**

Master plan and detailed design for a 76-acre historic site built for the 1904 World's Fair in Forest Park

### **Garfield Boulevard corridor Chicago, Illinois**

Corridor plan for the original Burnham-designed boulevard from Washington Park to Western Avenue

### **Green Valley Ranch Henderson, Nevada**

Master land plan and detailed landscape design for a new residential community outside Las Vegas

### **Homestead Market Plaza Houston, Texas**

Conceptual redevelopment plan options for an inner-city site in a disadvantaged neighborhood

### **Lincoln, Ashland + Belmont Chicago, Illinois**

Detailed design and CD's for 12 blocks of urban streetscape in the Lakeview neighborhood

### **Marriott Multi-Hotel Complex Indianapolis, Indiana**

Detailed master plan near the ballpark with views to the river and various hospitality product types

### **Metro Tourism Vision Detroit, Michigan**

A brochure and renderings to indicate the variety of tourism options located throughout the City

### **Mid-America Center Council Bluffs, Iowa**

Conceptual master plan for public realm improvements including streetscapes and sculptures

### **Moorpark Specific Plan #2 Moorpark, California**

Land use plan for submittal to the City of Moorpark for zoning board review and approval

### **Motorola Headquarters Schaumburg, Illinois**

Conceptual campus plan for perimeter landscape improvements and adjacent to various buildings

### **Obama Presidential Center Chicago, Illinois**

Site analysis and site evaluation studies for potential sites including Washington and Jackson Parks

### **Old River Park Dayton, Ohio**

Conceptual master plan for a private park originally designed by Frederick Law Olmstead, Jr.

### **Ovation Riverfront Development Newport, Kentucky**

Master plan for a mixed-use project on a former public housing site with views to downtown Cincinnati

### **Park Lane Redevelopment Reno, Nevada**

Conceptual plan options for the redevelopment of a former mall into a mixed-use town center

### **Planned Manufacturing Districts Chicago, Illinois**

A study of policy options for districts to promote preservation of assembly jobs within special areas

### **Penn State Behrend Erie, Pennsylvania**

Conceptual development plans for three (3) parcels of land owned by and adjacent to the university

### **Peterkort TOD Development Beaverton, Oregon**

Conceptual master plan for a private development adjacent to a light rail station and bus plaza

### **Police + Fireman's Memorial Plaza Clayton, Missouri**

Detailed design and construction documents for an urban park as a tribute to fallen public servants

### **Post Hurricane Katrina recovery Moss Point, Mississippi**

Master plan and form-based code for a small town that was flooded by storm surge during the storm

### **Redmond Ridge Community Redmond, Washington**

Conceptual master plan for a new residential community located on a hillside site east of town

### **Richland Master Plan Belleville, Illinois**

Conceptual master plan for new residential community on a former coal strip mine site

### **Riverfront Fort Wayne Fort Wayne, Indiana**

Conceptual master plan for the riverfront district and promenade just north of the downtown CBD

### **Seattle Commons Seattle, Washington**

Conceptual master plan for a redevelopment district at the south end of Lake Union focused on mixed-use

### **Saint Louis University High School Saint Louis, Missouri**

Campus master plan for a private high school focused on expansion and new sports facilities

### **University of Chicago Chicago, Illinois**

Landscape design for the project entry and quad of the new Center for Physical + Computational Science

### **Upper Kirby Mixed-Use Houston, Texas**

Conceptual development options and massing studies for redevelopment of an urban site

### **Vermillion Village Kanab, Utah**

Conceptual master plan for a new residential community featuring a commercial town center

### **Walker Place Bossier City, Louisiana**

Conceptual master plan options for a mixed-use town center development including retail and residential

### **Whirlpool Corporation Benton Harbor, Michigan**

Campus master plan for expansion and enhancement of existing corporate R&D and distribution facilities

### **William Rainey Harper College Palatine, Illinois**

Campus master plan in preparation for new building construction and landscape enhancements

### **Woodson's Reserve**

**Montgomery County, Texas**  
Detailed landscape design for a new Toll Brothers community focused on outdoor recreation



# Michio Murakishi

## Senior Associate

Michio is a Senior Associate at Houseal Lavigne Associates bringing over 15 years of experience in community planning and economic development. Recognizing the significance of economic viability, he feels strongly that professional planning practices must be firmly rooted in financial and market realities, as well as pragmatic fiscal policies. To this end, Michio brings special expertise to the firm in the areas of economic development strategy, public-private deal negotiation, financial feasibility analysis, fiscal impact analysis, and market analysis. In addition to his practice leadership in these areas, Michio is responsible for the management of comprehensive, corridor, and subarea plan assignments in his role at Houseal Lavigne Associates.

Michio's consulting experience has concentrated principally on structuring complex real estate financial transactions for numerous public- and private-sector clients. He guides real estate development projects from the visioning stage through project implementation and construction, working closely with both municipalities and developers. His representative work includes the negotiation of a public-private financing structure for the \$110 million Wheeling Town Center mixed-use development project, providing development advisory services to the ownership group of the iconic Cermak Plaza shopping center, securing public funding in support of a LEED-certified renovation of the historic Inland Steel Building, and serving as lead TIF analyst on the Olympic Village financing plan included in the Chicago 2016 bid book submitted to the International Olympic Committee.

Prior to joining Houseal Lavigne Associates, Michio worked at the Bureau of Economic Development in the City of Chicago's Department of Planning and Development. Before that, he spent several years operating his own consulting practice, worked in the national Capital Markets group at Jones Lang LaSalle, and held a senior position at a Chicago-based development advisory firm. Michio received a Bachelor of Arts degree in Sociology from Michigan State University and attended the University of Cincinnati, where he earned a Master of Community Planning degree as a HUD Fellow.

## Project Experience

### Development Advisory Services

- Chicago, IL
- Evanston, IL
- Hanover Park, IL
- Lincolnshire, IL
- Milwaukee, WI
- Oak Park, IL
- Palatine, IL
- Park Ridge, IL
- Prospect Heights, IL
- St. Charles, IL

### Comprehensive Plans

- Ardmore, OK
- Aurora, CO
- Bentonville, AR
- Brentwood, MO
- Sioux City, IA

### Subarea Plans

- Huntley, IL
- Oshkosh, WI
- Peoria Heights, IL

### Public-Private Partnerships

- Capital Properties, Chicago, IL
- Cermak Plaza Properties, LLC, Berwyn, IL
- UJAMMA Construction, Inc., Chicago, IL
- The Lynmark Group, Wheeling, IL

### Market Analysis

- Batavia, IL
- Franklin Park, IL
- Oak Creek, WI
- Palos Park, IL

### Special Projects

- Chicago 2016, Olympic Village Financing Strategy
- Du Page County, O'Hare Airport Western Access
- Palos Park, IL, Fiscal Impact Analysis
- Prairie Grove, IL, Impact of Annexation

## Education

Michigan State University, Bachelor of Arts

University of Cincinnati, Master of  
Community Planning

## Publications

"Amazon HQ2: Lessons for local economic  
development" Illinois City County  
Management Association

## Presentations

"Promises in the Dark: How to evaluate  
economic development proposals"  
Government Finance Officers Association



# Jackie Wells

## Associate

Jackie's Houseal Lavigne Associates experience includes a wide variety of planning and zoning-related projects for communities throughout the Midwest and beyond. Jackie's consulting experience includes projects ranging from parks and recreation and comprehensive plans to zoning updates and corridor studies. Jackie instills detail into all of her projects and is passionate about the communities in which she works. She is focused on the development of responsive and detailed planning and zoning recommendations that are actionable and which meet the specific and unique needs of each community.

Prior to joining Houseal Lavigne Associates, Jackie was the Housing and Development Planning Specialist for Danville, Virginia, a community of approximately 45,000. There, Jackie was responsible for: developing, implementing, and monitoring the City's five-year Consolidated Plan and Annual Plans, applying for and administering local, state and federal grant funding, acting as a liaison between the City and neighborhood and non-profit groups, spearheading the City's targeted efforts in the School-field and Edgewood neighborhoods, planning and managing community engagement campaigns and events, and in this capacity, she gained valuable experience in developing programs and policies, applying for and administering local, state, and federal grants, and engaging community groups and supporting the establishment of new neighborhood associations.

Jackie is fluent in all regulations associated with the Community Development Block Grant and Home Investment Partnerships funding programs. Jackie uses her experience in local government to develop data-driven solutions that manage the needs of elected and appointed officials, department heads, non-profit partners, and residents of the community.

### Education

Master of Urban Planning,  
University of Kansas

Bachelor of Arts in Architecture,  
University of Kansas

### Memberships

American Planning Association, VA

American Planning Association, National

Rotary International

### Presentations

APA Quad State Conference: Economic  
Argument for Flexible Parking  
Requirements

## Project Experience

### Zoning Ordinance Development

- Ardmore, OK - UDC
- Cary, IL - UDO
- Jackson, TN - Zoning /  
Regulatory Controls
- Chicago, IL - Roscoe Zoning  
/ Regulatory Controls
- Sunset Hills, IL - Zoning /  
Regulatory Controls

### Comprehensive and Master Planing

- Bensenville, IL - Parks &  
Recreation Master Plan
- Walker, MI - Master Plan
- Lawrence
- Oak Creek
- Fairfield, CT - Strategic Plan
- Northfield, IL -  
Comprehensive Plan
- Greenwich, CT -  
Comprehensive Plan
- Sioux City, IA -  
Comprehensive Plan
- Eden Prairie, MN -  
Comprehensive Plan

### Corridor Planning

- Hasting, MN - Vermilion  
Street Corridor Plan



## Education

Master of Public Affairs, Indiana University, 1994

B.A., Albion College, 1991

## Advanced Training

Public Involvement Techniques for Transportation Decision-Making, National Highway Institute, 2000

Modern Roundabout Design, R. Barry Crown (Rodel Software), 2002

Reducing Traffic Congestion and Improving Traffic Safety Through Access Management, MDOT and Michigan Society of Planning, 2002

Environmental Justice Workshop, FHWA and FTA, 2001

Designing Streets for Walkable Communities, Oakland County, 2000

Pedestrians and Bicycles: Safety, Planning & Design, Michigan State University, 2000

# Wesley A. Butch

## Senior Transportation Planner

Mr. Butch has been involved with many dozens of complex traffic and road improvement projects. His transportation planning expertise, extensive knowledge, and experience span numerous disciplines including traffic analysis, signal analysis, non-motorized facilities, transit facilities, road concept designs, construction cost estimating, funding source investigation, public involvement, community and stakeholder engagement, access management and land use planning, preparation of plans and technical reports, environmental clearance documentation, and traffic signal and roundabout design. He has extensive experience planning and implementing inclusive community engagement programs for transportation projects, including many that were controversial. Mr. Butch has extensive experience working on MDOT and local agency traffic studies.

## Project Experience

**Dearborn West Downtown Streetscape Study and Design, City of Dearborn, Michigan:** Senior Transportation Planner. This project involved a detailed study and design for streetscape improvements on Michigan Avenue in Dearborn. Services included traffic studies, public/stakeholder engagement, concept design, design development plans, construction documents, and geotechnical analysis.

**Midland Downtown Streetscape Study and Design, City of Midland, Michigan:** Senior Transportation Planner, Public Outreach Specialist. This project involved a detailed study and design for streetscape improvements on Main Street in Midland. Services included traffic studies, public/stakeholder engagement, surveying, concept design, design development plans, construction documents, and geotechnical analysis. Design process was completed on a very expedited schedule.

**Marquette Hospital Transportation Improvements Study and Design – City of Marquette, Michigan:** Project Manager. Comprehensive studies and design for major road and non-motorized improvements to support relocation of regional hospital. Infrastructure improvements were designed for US-41 and local roads. Main tasks included preparation of an Environmental Assessment, survey, geotechnical engineering, utility relocation and design, roadway design, traffic signal design, drainage design, complex hydraulic analysis, structural design, lighting design, design of non-motorized facilities, and construction cost estimates. Work also included extensive public/stakeholder coordination and obtaining MDOT ROW permit.

**Traverse City Corridors Master Plan, City of Traverse City, Michigan:** QA/QC Reviews. Performed reviews for roadway and non-motorized transportation improvements in four corridors in the City of Traverse City. Project included review of implementation of complete street elements and context sensitivity analysis.

**East Lansing As-Needed Traffic Engineering Services, East Lansing, Michigan:** Project Manager. Since 2012, DLZ has provided traffic engineering services to East Lansing. Assignments have included performing traffic studies, review of Traffic Impact Studies (TIS), preparation of updated TIS ordinance, preparation of technical memoranda, and presentations to the City's Transportation Commission. (Ongoing)

**City of Marquette, City-Wide Traffic Study & Truck Corridor Study – City of Marquette, Michigan:** Project Manager. Comprehensive traffic study for all of the main roads and intersections in the City to address vehicular and non-motorized travel. Study tasks included traffic data collection, analysis of existing and future conditions to identify deficiencies with the transportation network, recommendation of mitigation measures and coordination with stakeholders.

**Capitol Region East Towne Gateway Feasibility Study and Roundabout Design, Lansing, Michigan:** QA/QC. Developing conceptual roundabout designs and evaluating road and intersection improvements along Lake Lansing Road and at the Lake Lansing Road Interchange at U.S. Route 127 (US-127). The main elements of the study process include compilation of traffic data, trip generation and distribution for new developments, crash data analysis, traffic operational analysis using Rodel, development of roundabout concepts, access management investigation, coordination with MDOT, and preparation of a report. DLZ also prepared a landscaping concept for this gateway.



## Jason T. Whitten

### Project Planner

Mr. Whitten has 17 years of experience working as a Senior Transportation Planner and Project Manager for various transportation projects. He has been involved in more than 35 transportation planning projects for local agencies. His transportation expertise, extensive knowledge, and experience span numerous disciplines including traffic analysis, signal analysis, capital planning, transit facilities, road design, construction cost estimating, funding source investigation, public involvement, community and stakeholder engagement, access management and land use planning, preparation of plans and technical reports. Mr. Whitten has been involved with several city-wide transportation studies, complex corridor studies, and multi-modal studies.

### Education

B.S. Urban Planning, Northern  
Michigan University, 1999

### Certifications

Categorical Exclusion, ODOT, #12-  
061-CE, 2017

### Special Training

PSMJ Project Manager Training, 2015  
Level I Community Planning Workshop  
Certificate, Michigan Society of  
Planning Officials  
Wilderness Steward Program,  
Wilderness Education Association  
Introduction to Traffic Modeling and  
Practical Applications for Synchro/  
CORSIM, Highway Traffic Safety Programs,  
Michigan State University, 2006  
DLZ Roundabout Seminar, Lansing,  
Michigan, 2001, 2002 and 20030

### Project Experience

#### **Michigan Department of Transportation US-10 Business Route Corridor Study – Midland, Michigan:**

Project Manager. A comprehensive traffic study for the US-10 Business Route (BR) corridor through the City of Midland from Washington Street to the US-10 and US-10 BR/Eastman Avenue interchange. The purposes of the project were to identify potential corridor improvements that would accommodate future traffic volumes, alleviate current and anticipated traffic congestion, enhance safety and reduce crashes for all modes of transportation, increase connectivity to Downtown Midland and Discovery Square, improve non-motorized mobility and eliminate barriers for bicyclist/pedestrians without impacting traffic flow, make the one-way pair roadway system feel like part of the Downtown District, and support economic development within the corridor.

**Traverse City Corridors Master Plan, City of Traverse City, Michigan:** Planner. As a subconsultant to Houseal Lavigne Associates, responsible for review and analysis of roadways and non-motorized transportation improvements in four corridors in the City of Traverse City. Included review of implementation of complete street elements and context sensitivity analysis.

#### **City of Marquette, City-Wide Traffic Study & Truck Corridor Study – City of Marquette, Michigan:**

Transportation Planner. Comprehensive traffic study for all of the main roads and intersections in the City to address vehicular and non-motorized travel. Study tasks included traffic data collection, analysis of existing and future conditions to identify deficiencies with the transportation network, recommendation of mitigation measures and coordination with stakeholders.

**Marquette Hospital Transportation Improvements Project, Marquette, Michigan:** Senior Planner. Worked on comprehensive traffic and road alternatives study for major road improvements to provide access to new regional hospital. Improvements included both auto and non-motorized facilities as well as utility work. Traffic Impact Study and Environmental Assessment were prepared to obtain MDOT and FHWA approval of the project. Project also included significant outreach to stakeholders and the general public as well as presentations to City Commission.

**Lundin Truck Corridor Study – City of Marquette, Michigan:** Senior Planner. The City of Marquette Lundin Truck Corridor Study was commissioned by the City of Marquette (City) in cooperation with the Lundin Mining Corporation and Northern Michigan University (NMU). The purpose of the study was to evaluate the existing transportation system in the study area and develop a prioritized list of potential capital improvements in relation to heavy truck traffic. The study process included data collection, field reconnaissance, traffic and safety analyses, development of potential improvement options, various engineering assessments, development of construction cost opinions; and stakeholder engagement.

**State Road Improvement Project Early Preliminary Engineering Study, Pittsfield Township, Michigan, Washtenaw County Road Commission:** Senior Planner, Roundabout Designer. Engineering study and environmental clearance for a 3-mile segment of State Road (from Ellsworth Road to Michigan Avenue). DLZ services included traffic studies, development of multi-modal road improvement alternatives, preparation of Environmental Assessment documentation and studies, and community engagement. Complete street elements and context-sensitive solutions included identifying potential bus routes and stops, on-street bike lanes, non-motorized pathways, boulevards, bioswales, lighting, wetland impact minimizations, and access management. Preferred alternative was a four-lane boulevard cross section with bicycle lanes, a multi-use path, and roundabout intersections.



**Years of Experience**

22

**Education**

Bachelor of Architecture,  
Lawrence Technical University

Bachelor of Science,  
Ryerson University

**Registrations & Certifications**

NCARB Certified & Registered: Michigan  
American Institute of Architects  
United State Green Building Council

**Awards**

2016 AIA Michigan Firm of the Year  
2011 AIA Michigan Firm of the Year  
2010 AIA Detroit Young Architect Award  
2010 AIA Michigan Young Architect Award  
2003 AIA Detroit Honor Award,  
Howe Elementary, Detroit Public Schools  
2003 'M' Award Howe Elementary,  
Detroit Public Schools  
2003 Learning by Design 2003 - Significant  
Project in Progress - Howe Elementary  
2000 "2000 Laboratory of the Year"  
- Crawford Hall - Lake Superior State  
University 2000 IESNA Design Award-  
Karmanos Cancer Center  
2000 IESNA Design Award,  
DRH Surgery Department  
2000 IESNA Achievement Lighting,  
North Oakland  
2000 Healthcare Media Award.  
Karmanos Bone Marrow Unit  
2000 Lighting Media Award,  
Karmanos Bone Marrow Unit  
1997 Gypsum Association's  
Excellence in Gypsum Board Design  
1997 North Oakland Medical Centers,  
Emergency Department Renovation  
1997 Michigan Chapter of Illumination  
Engineering Society of North America  
1997 North Oakland Medical Centers -  
Emergency Department Renovation  
1997 Illumination Design Award



Cory is the Design Director and a principal at inFORM studio. His commitment and direction is illustrated within a broad range of projects which have achieved several professional distinctions. He leads holistic design on all projects, ensuring solutions achieve design excellence, and that teams are pushing ideas with a collaborative process. Cory's achieved several professional awards and distinctions, including 21 AIA Design Awards, and has played key roles in 8 competition entries receiving commendation including 3 winning projects which have been constructed.

**Relevant Projects**

Beacon Park, New Urban Park, Urban Design / Detroit, MI  
Bagley Pedestrian Bridge, New Pedestrian Bridge, Urban Design / Detroit, MI  
Providence Pedestrian Bridge, New Pedestrian Bridge, Urban Design / Providence, RI  
Lansing Community College, New Campus, Quadrangle, Urban Design / Lansing, MI  
411 Piquette Place, Visioning, & Conceptual Design, Urban Design & Architecture / Detroit, MI  
St. Regis, Mixed-use development Master Plan, Urban Design & Architecture / Detroit, MI

**Years of Experience**

22

**Education**

Master of Architecture,  
University of Michigan

Bachelor of Science in Architecture,  
Lawrence Technological University

**Registrations & Certifications**

NCARB Certified & Registered:  
Michigan, Ohio, North Carolina,  
South Carolina  
American Institute of Architects  
United State Green Building Council  
Association of Collegiate Schools of  
Architecture

**Academic Experience**

Adjunct Assistant Professor:  
Lawrence Technological University  
2005-2006

Adjunct Assistant Professor:  
University of Michigan,  
Taubman College of  
Architecture & Urban Planning  
2001-2004

Visiting Critic:  
University of Michigan  
University of Detroit-Mercy  
Lawrence Technological University  
State University of New York  
University of Illinois Urbana-Champaign

**Awards**

2016 AIA Michigan Firm of the Year  
2011 AIA Michigan Firm of the Year  
2004 AIA Michigan Young Architect Award  
2003 AIA Detroit Young Architect Award  
1997 Alumni Society Award,  
University of Michigan



As a founding design principal, Michael is inFORM studio's strategic lead who provides strategic direction for the firm, and fuses client and design ambition on all projects. His accomplishments range from professional to academic; and his commitment to the firm's progressive work is illustrated by a broad range of projects including museums, libraries, cultural arts facilities, urban designs, and bridges. Additionally, Michael has been an adjunct lecturer in architecture at the University of Michigan for 10 years and served on juries for design studios at numerous universities throughout the country. He has been credited with over 30 design awards for projects and competitions all over the world.

**Relevant Projects**

Beacon Park, New Urban Park, Urban Design / Detroit, MI  
Bagley Pedestrian Bridge, New Pedestrian Bridge, Urban Design / Detroit, MI  
Providence Pedestrian Bridge, New Pedestrian Bridge, Urban Design / Providence, RI  
Lansing Community College, New Campus, Quadrangle, Urban Design / Lansing, MI  
411 Piquette Place, Visioning, & Conceptual Design, Urban Design & Architecture / Detroit, MI  
St. Regis, Mixed-use development Master Plan, Urban Design & Architecture / Detroit, MI



## **SECTION 3**

# **PROJECT EXPERIENCE & REFERENCES**

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# SECTION 3

## PROJECT EXPERIENCE & REFERENCES

### Project Experience

**Houseal Lavigne Associates** strengthens communities through creative, dynamic, and viable approaches to planning, design, and development. From revitalizing downtowns to creating context-sensitive zoning regulations, Houseal Lavigne Associates provides the expertise necessary to improve the relationship between people and their environment.

Houseal Lavigne Associates has worked with more than 250 communities throughout the country. In the last 14 years, we have directed more than 70 comprehensive plans, 90 corridor plans, 35 downtown and TOD plans, 40 special area plans, 25 traditional and form-based zoning ordinances, 17 design guideline assignments, and much more. Our national experience includes planning, design, economic, and zoning assignments in Michigan, Illinois, Indiana, Iowa, Wisconsin, Alabama, Arkansas, Colorado, Connecticut, Georgia, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, Tennessee, and Virginia.

### Master Planning Experience

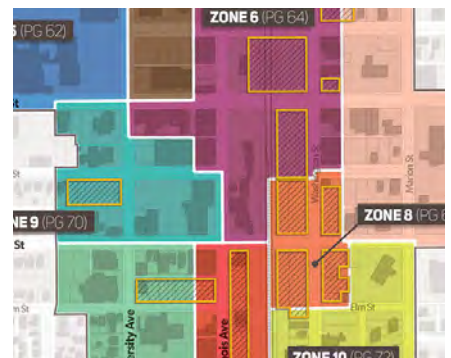
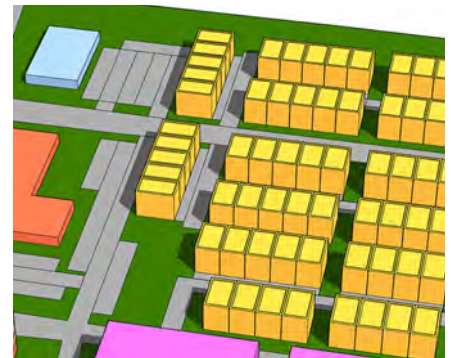
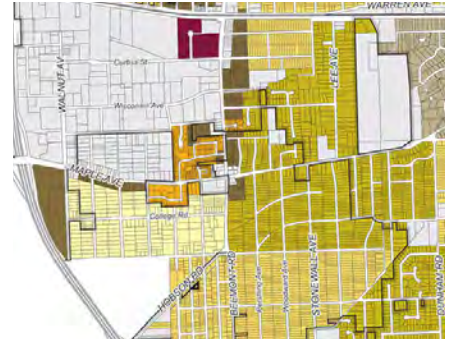
The comprehensive and master plans developed by Houseal Lavigne Associates have proven to skillfully protect our clients communities' important existing assets and resources, coordinate new growth and development within their boundaries, and establish a strong, positive community image and identity—all while administering sound implementation strategies.

Birmingham's Master Plan Update should provide a foundation for decision-making that is based on an understanding of existing plans and conditions as well as future potential, community consensus, and a shared vision. In addition, we see the Master Plan as an important tool to promote the community's unique assets and advantages.

### Michigan Experience

The list below outlines Houseal Lavigne Associates' experience in the State of Michigan:

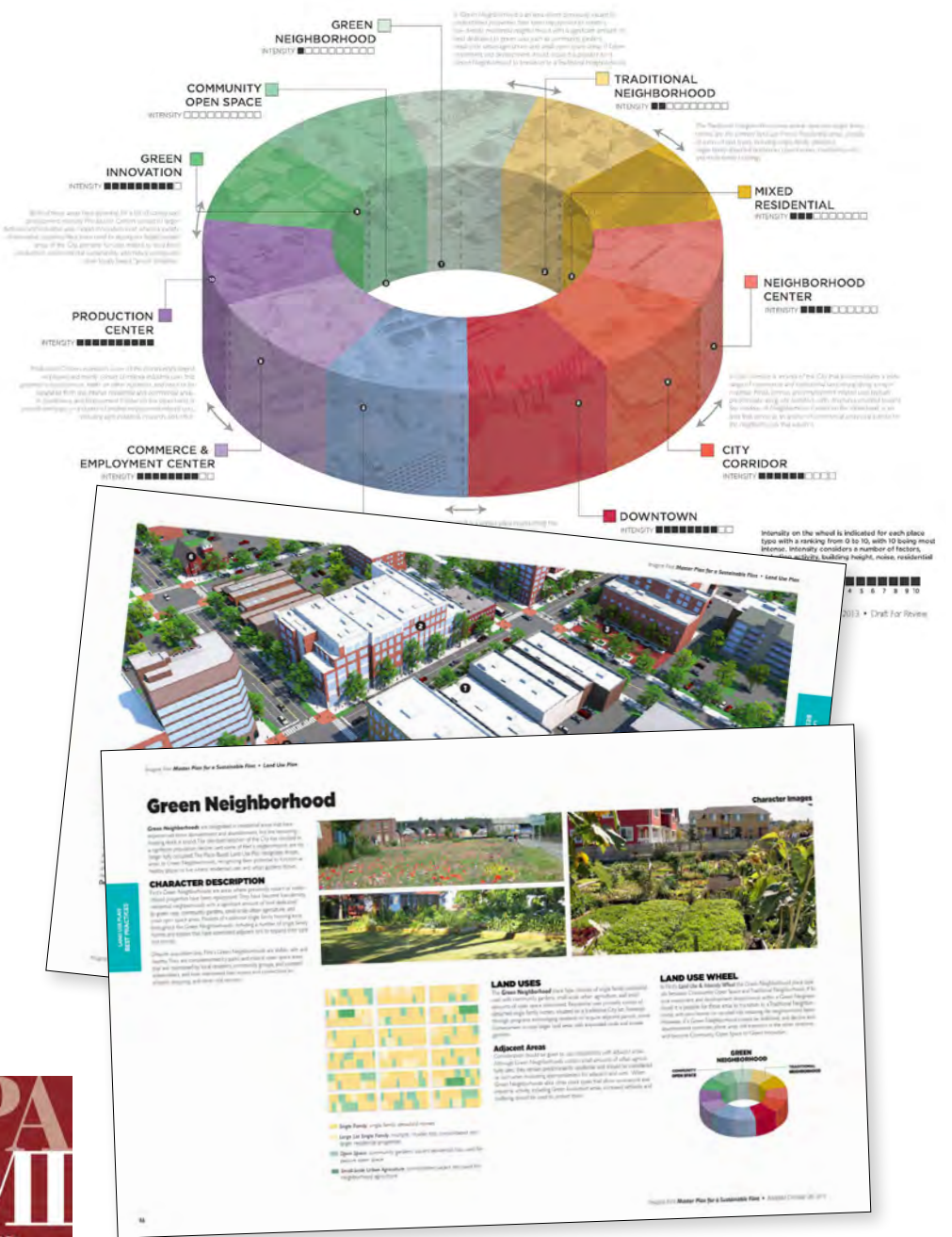
- |                 |               |                   |
|-----------------|---------------|-------------------|
| • Battle Creek  | • Livonia     | • Saginaw         |
| • Benton Harbor | • New Buffalo | • Traverse City   |
| • Flint         | • Shoreham    | • West Bloomfield |



# City of Flint, Michigan Flint Master Plan

Undertaking a planning effort the scale of which the City has never experienced, the Flint community is developing its first comprehensive plan in nearly 65 years – Imagine Flint. The Master Plan, developed by **Houseal Lavigne Associates**, focuses on the neighborhood unit as the essential and most important community building block, the City of Flint is forging a new direction for the community that has lost 50% of its population in the last 50 years (from 200,000 to 100,000). A central feature of the Imagine Flint Master Plan is the use of an innovative ‘placemaking’ approach to land use planning that builds on the idea of establishing unique and desirable places.

The City of Flint is in the process of updating its zoning ordinance and the placemaking approach has enabled a more seamless integration of land use and development regulations with Master Plan recommendations. The place types identified in the Land Use Plan are now serving as the foundation for future zoning districts and form-based overlays that together, prescribe the desired development, permitting it to occur in appropriate areas throughout the City.



# IMAGINE FLINT

## MASTER PLAN

### FOR A SUSTAINABLE FLINT

ADOPTED OCTOBER 28, 2013 • HOUSEAL LAVIGNE ASSOCIATES



## West Bloomfield Township, Michigan Township Center Framework Plan

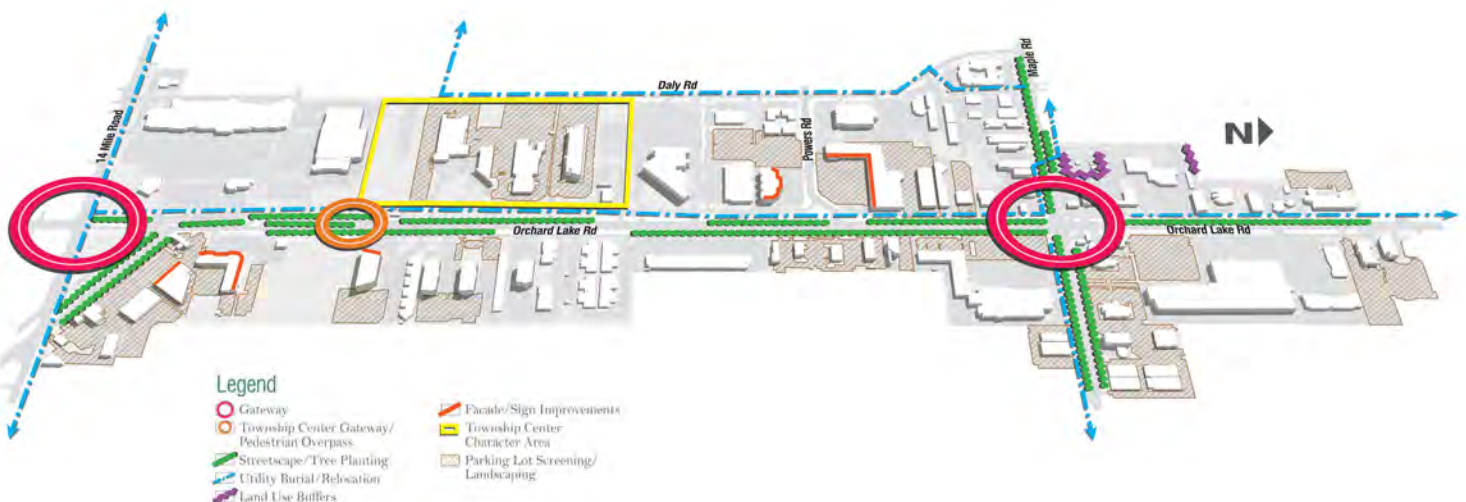
The Orchard Lake Road corridor is the spine of the West Bloomfield Township, a prosperous community northwest of Detroit. The corridor includes significant retail, office, and service uses. However, existing development and current zoning regulations are not aligned with the community's vision for the area. Through prior planning, residents expressed a vision for a walkable, mixed-use environment with a distinct local character.

The Township hired **Houseal Lavigne Associates** to assess its current plan and identify policy and regulatory actions that can be taken to help the community realize its vision. The resulting Township Center Framework Plan breaks the corridor into two categories. The first addresses current development that can be improved through corridor-wide land use policies, access management, site design enhancements, and public streetscaping. The second is a redevelopment concept for a specific portion of the corridor that would include walkable mixed-use blocks, strategic access and parking management, active open spaces, and phased implementation.



## Urban Design Framework West Bloomfield Township Center District

The Urban Design Framework highlights ways that the Township can enhance the aesthetic character and identity of the Township Center District and Orchard Lake Road Corridor. By improving public areas such as rights-of-way with streetscaping, gateways, and attractive open space, and guiding development and site amenities such as landscaping and building orientation, the Urban Design Framework seeks to improve the overall appearance of the corridor, distinguish it from other nearby commercial areas, and help to "brand" the area as uniquely West Bloomfield Township Center.





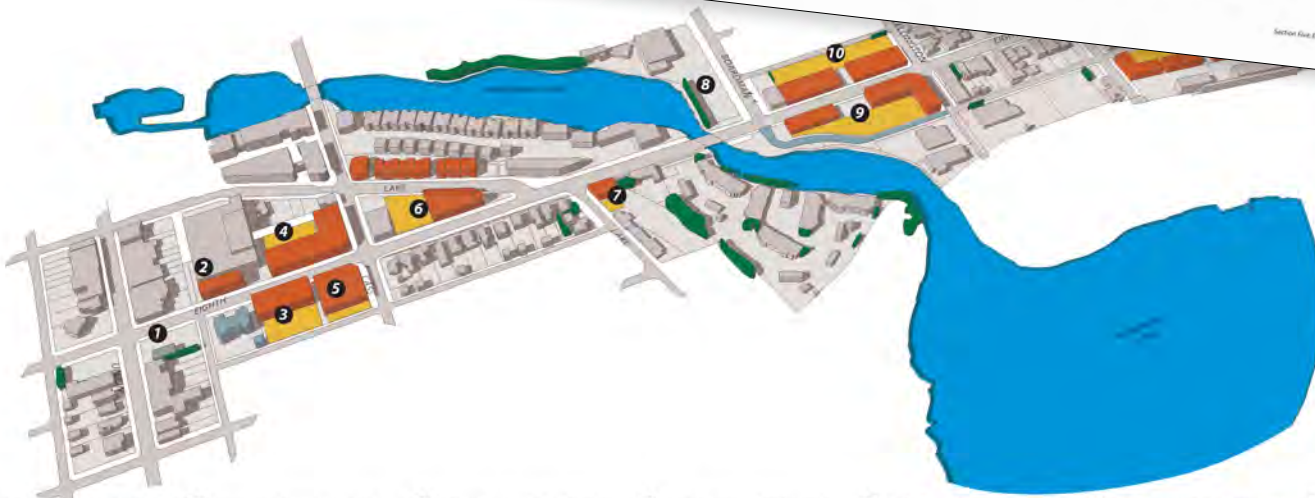
The Traverse City Corridors Master Plan is designed to improve the appearance, function, and vitality of the City's key commercial corridors. The Corridors Master Plan focus on restoring economic vitality by identifying opportunities for housing, commercial activity, and improvements to public infrastructure, including both the vehicular and pedestrian networks. An overarching goal of the project is to facilitate progress toward becoming a city of healthy and sustainable neighborhoods. Every aspect of the plan is aimed at improving livability and sense of place as the community strives to balance transportation and economic development interests.



**Union & Eighth** It is recommended that the City maintain the existing configuration of the intersection at Union and Eighth Street, including a left and a right turn lane for eastbound traffic and a left turn

**Cass & Eighth** It is recommended that the City Maintain the existing configuration of the intersection at Cass Street from Eighth Street. Consideration should be given to enhancing the crosswalks at this intersection to encourage pedestrian walkability.

**Boardman & Eighth** The City maintain the existing configuration of the intersection at Boardman and Eighth Street. If median islands are constructed along Eighth Street, considerations should be given to extending the median to the intersection and providing a pedestrian refuge island. Consideration should also be given to moving the driveway that is located at the intersection to the eastern edge of the lot.



**2** A narrow development opportunity exists on the south side of the parking garage, between the parking deck and Eighth Street. Development of this City-owned parcel should explore a shallow multi-story building that could tie to the parking deck with bridges or catwalks. Ideal uses would include ground floor commercial uses, with office or residential above. Additionally, it is important that the design of the building complement the appearance of the attractive parking deck.

**3** On the south side of Eighth Street, between the Playhouse Theatre and Randy's Service Station there are four houses with redevelopment potential. Some have already been converted to business uses while and some remain residential. The proximity to the parking garage allow these sites to maximize their building envelope, accommodating in the parking garage. Although the current uses are appropriate, mixed-use redevelopment would better contribute to the character and synergy of the Corridor. As another option, the addition recovery facility at 116 E. Eighth Street may represent an opportunity for lodging, such as a bed and breakfast or boutique hotel.

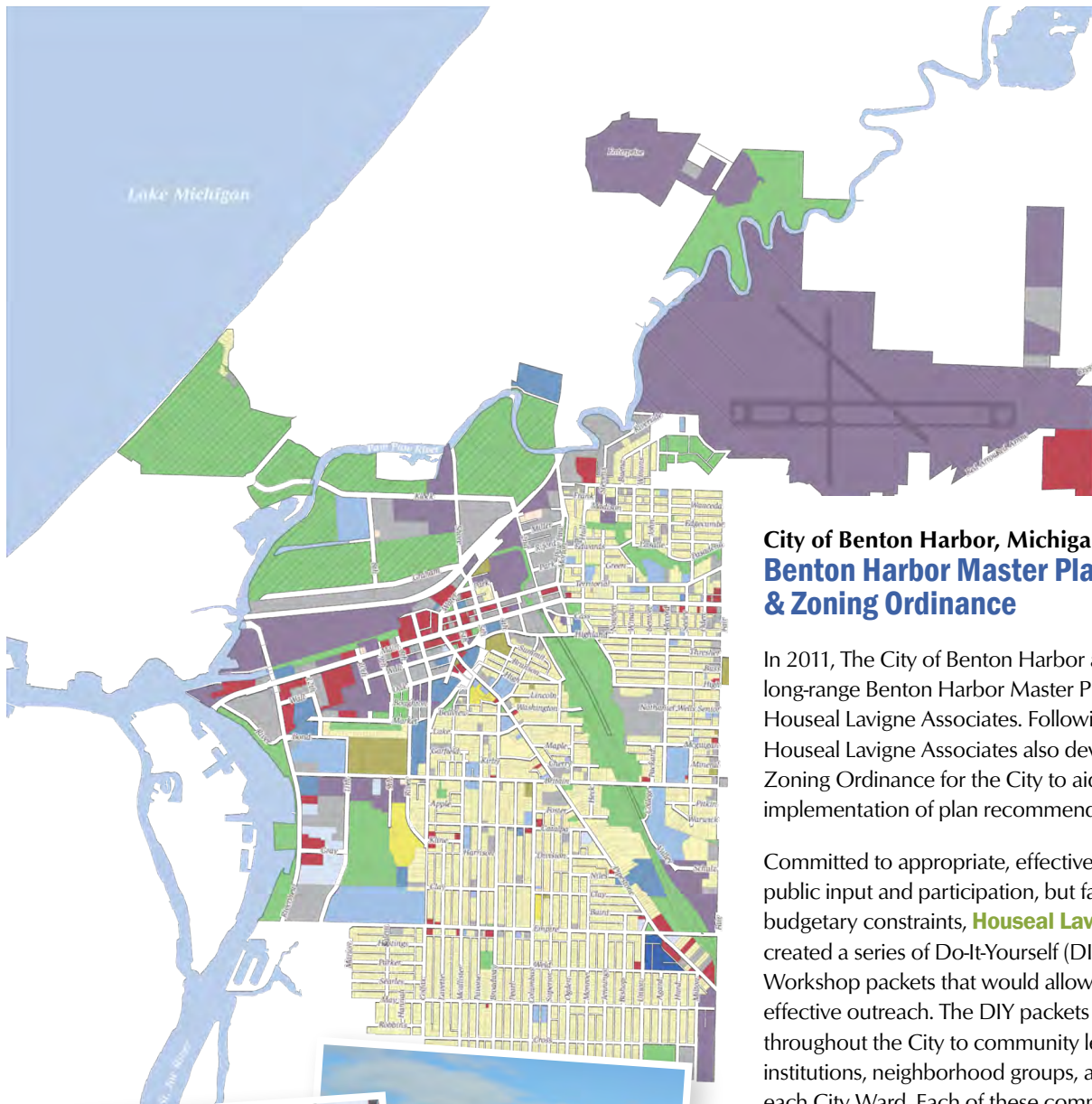
**4** Close to Downtown, Boardman Lake, Boardman River, the new parking garage, and the Hagerty Insurance development, this site represents one of the largest development opportunities in the City. To achieve full potential however, this opportunity will require parcel assembly, which can be difficult. Ideally the development would include all property between Lake Avenue and Eighth Street and strengthen the connection between Old Town and Downtown. The parking garage could accommodate some of the parking needs for this development that should consist of mixed-use buildings, with commercial uses on the ground floor and residential and/or office above.

**5** The Old Town Playhouse Theatre is exploring redevelopment of its site or expansion of their existing building. Similar to properties to the west, redevelopment of the theatre site should capitalize on the parking garage that is within close proximity and maximize full use of the site. Any new building should be located at or near the street, creating a street wall and establishing a pedestrian scale. The Theatre should be engaging and interesting from the street. It should provide opportunities for pedestrian interest, such as the State Theatre that has exhibits and posters in their display windows along "Main Street."

6 The Thirby property is a highly visible site within close proximity to Downtown and Old Town. The Thirby family, and their businesses, have been in the community for many years, and it is important that the Plan recognize that any redevelopment should happen when the owners are ready to leave the site. The triangular site would allow for interesting commercial redevelopment that could contribute to activity, synergy, and the overall character of the area, providing an opportunity for an interesting vista and icon for the Old Town District.

7 The potential Boardman Lake Avenue would intersect with Eighth Street east of Lake Street and create a development opportunity at its intersection. Development of this site should have primary orientation to Eighth Street with parking in the rear accessed by either Lake Street or the new Boardman Lake Avenue. Given proposed turn restrictions on Lake Avenue, development should mindful of the cut-through potential of this parcel if Boardman Lake Avenue is constructed.





## City of Benton Harbor, Michigan Benton Harbor Master Plan & Zoning Ordinance

In 2011, The City of Benton Harbor adopted the long-range Benton Harbor Master Plan prepared by Houseal Lavigne Associates. Following that project, Houseal Lavigne Associates also developed a Zoning Ordinance for the City to aid in the efficient implementation of plan recommendations.

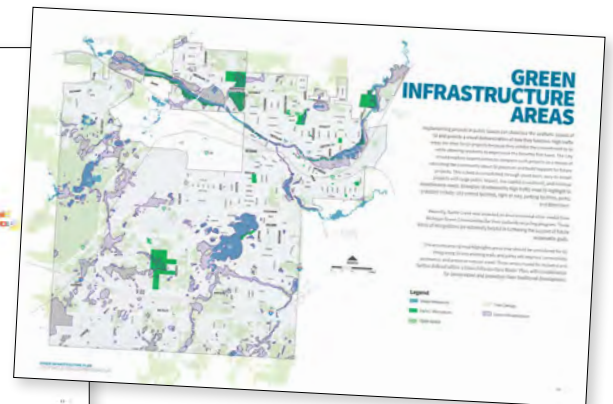
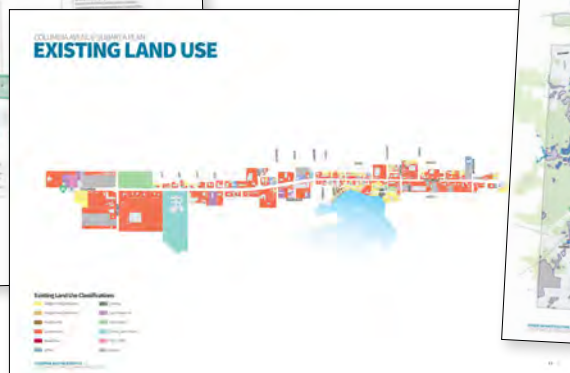
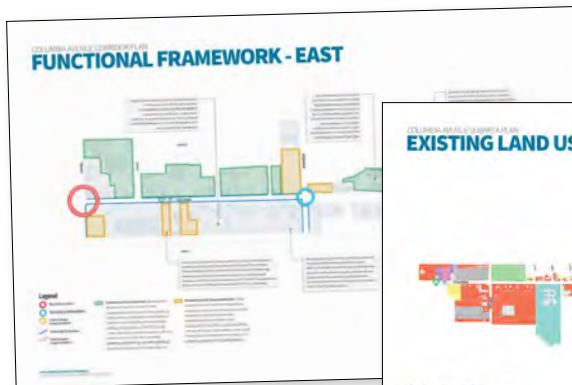
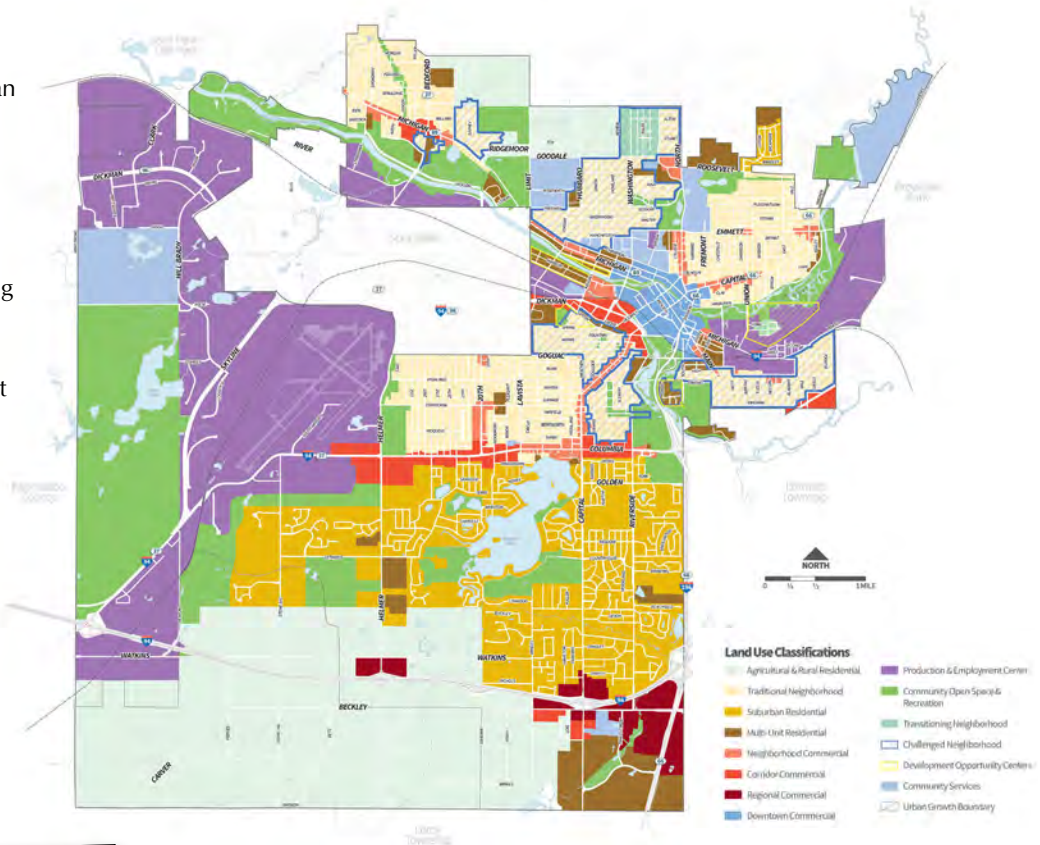
Committed to appropriate, effective, and significant public input and participation, but faced with budgetary constraints, **Houseal Lavigne Associates** created a series of Do-It-Yourself (DIY) Community Workshop packets that would allow for additional cost-effective outreach. The DIY packets were distributed throughout the City to community leaders, religious institutions, neighborhood groups, and aldermen from each City Ward. Each of these community “facilitators” conducted their own local workshop with their neighbors, friends, and families. These DIY packets have been successful in providing public participation and consensus building at a grassroots level.





# City of Battle Creek, Michigan Master Plan

Battle Creek, dubbed “Cereal City”, is a regional economic center in Western Michigan and is the location of Kellogg’s Cereal global headquarters. In 2015, the City of Battle Creek partnered with **Houseal Lavigne Associates** to update their Master Plan to provide direction for future development and investment. The new Master Plan places strong emphasis on land use and development in a post-recession era, and promotes an urban growth boundary to combat sprawl and direct investment to the city’s established core. A detailed corridor plan provides specific actions and improvements for Columbia Avenue, an aging auto-oriented corridor, including a redevelopment concept for a key intersection. The Master Plan also includes recommendations for Battle Creek’s green infrastructure, helping the City address stormwater and local flooding.

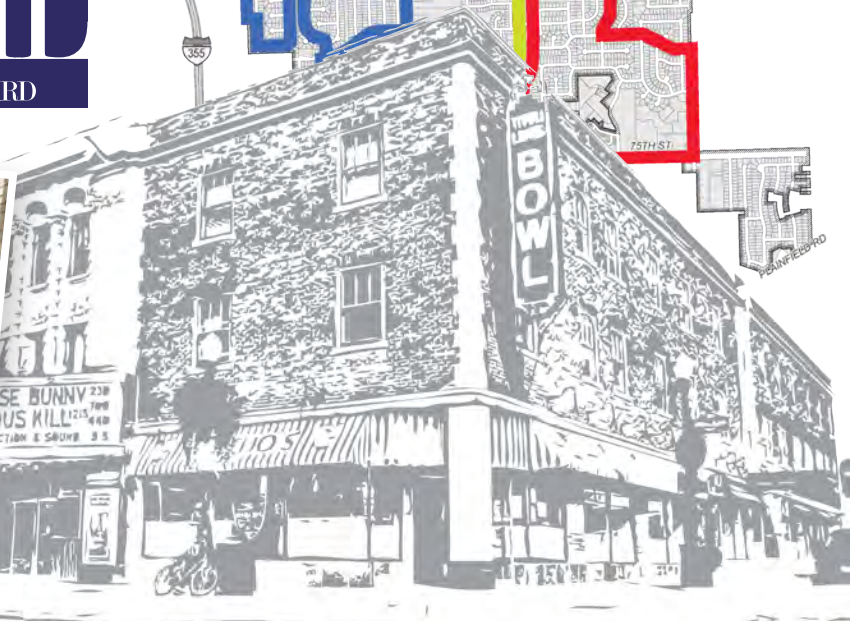
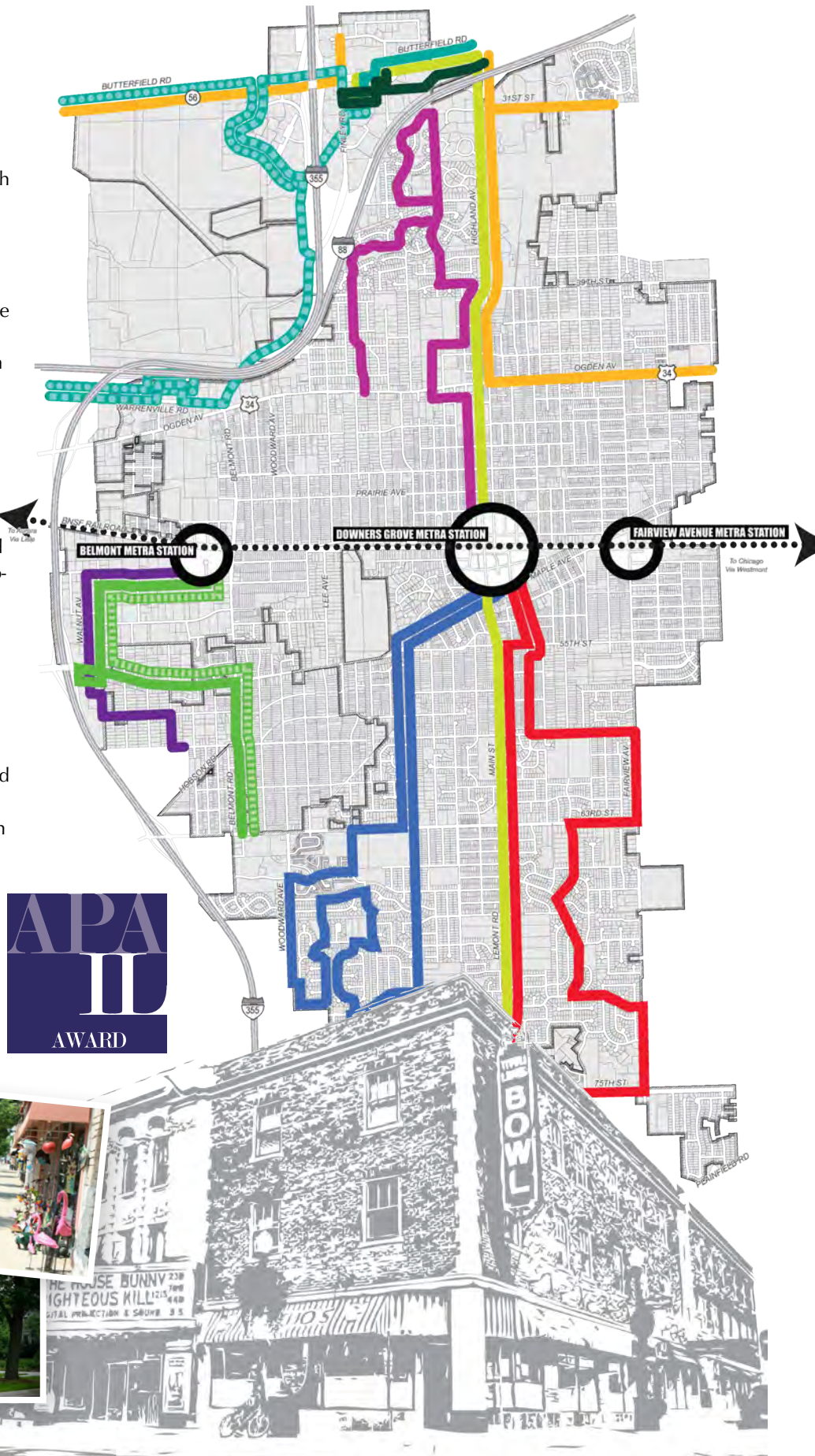




## Village of Downers Grove, Illinois Comprehensive Plan

Building on the success of the Total Community Development 3 (TCD3) process, an extensive eight-month community outreach campaign involving more than a thousand residents and used as a foundation for prioritizing community issues and objectives, **Houseal Lavigne Associates** directed the update of the Downers Grove Comprehensive Plan. The Plan provides detailed recommendations for several sub-areas within the Village, including the Downtown and the Ogden Avenue Corridor, as well as plans for all areas of the Village, including land use and development, transportation, community facilities, environmental features and open space, and much more. Since the last Plan's adoption in 1965, the Village has experienced significant population growth, as well as socio-economic and physical changes.

The Plan was created to better address the changing needs of the Village's commercial and industrial areas while protecting and enhancing its attractive and well established residential neighborhoods. In 2012 the Downers Grove Comprehensive Plan received the Daniel Burnham Award by the Illinois Chapter of the American Planning Association for the best Comprehensive Plan in the State.





## City of St. Cloud, Minnesota Comprehensive Plan & Downtown Subarea

With a vibrant Downtown along the Mississippi River, a thriving local economy, and home to a major university, St. Cloud is a community that has strong foundation upon which to plan for its future. The City's new comprehensive plan, directed by **Houseal Lavigne Associates**, focuses on revitalizing the core neighborhoods, guiding investment in the commercial corridors and employment areas, enhancing multi-modal connectivity, and establishing a strong economic development strategy. Rich in graphics and illustrations, the Plan includes a detailed Downtown Plan and Division Street Corridor Plan that enhances urban design, sense of place, and overall functionality. The Plan also identifies development opportunity catalyst sites and provides a development program and development visualization for market viable concepts.



## North Downtown Riverfront Catalyst Site

### Site Characteristics:

- Size: 17,000 SF (1/4 acre)
- Parcel: 7
- Zoning: R-6 Multi-Family Residential Development; R-7 High Rise Multi-Family Residential District
- Existing Development: 10-unit apartment building; historic housing; historic mixed-use building; two multi-family buildings; light industrial building; undeveloped right-of-way

### Design Considerations:

As a result of these various design considerations, redevelopment of the North Riverfront site requires a piecemeal approach where development of one component is not dependent on another.

- Located adjacent to the Mississippi, this site presents an opportunity to create a development that takes advantage of its riverfront access and location within the Downtown and proximity to the River's Edge Convention Center.
- The site is bisected by an active used railroad and utility rights-of-way that limit development potential; assembly opportunities. A substation that is located at 1st Avenue and 2nd Street N must remain, but will be reduced in size.
- The northern extension of the Beaver Island Trail must also be accommodated either in its current alignment or in a new alignment that maintains connections to the north of the site.

### Proposed Redevelopment Concept:

**Hotel - 6-8 stories, 40-50 rooms**  
A hotel with a lobby, restaurant, and event space on floors. The hotel would have a strong orientation to the river with meeting and event space with riverfront views.

**Mixed Use - 3-4 stories, 20-30 units**  
12,000 square feet commercial.  
A new mixed-use building of similar intensity to the adjacent Center Building, Office or retail located on the ground floor with residential units on the upper floors.

**Multi-family - 5-6 stories, 70-80 units**  
Assembly and redevelopment of two existing two-story multi-family properties with more intense multi-family development. Leverage grade change to accommodate multi-level, underground parking with residential units on upper floors gaining views of the riverfront. Redevelopment of these properties would allow for the relocation of the Beaver Island Trail to its originally preferred alignment as an on-grade path along the riverfront north of 2nd Street N.

**Parking - Surface lots, on-street, and structured**  
Overall, each development component would provide sufficient on-site or related off-street parking. Existing on-street parking on 1st Avenue would likely be converted to angled or parallel parking to facilitate through traffic on the site.  
Hotel parking would be provided via a surface lot, immediately adjacent the hotel as well as a new lot located in the area between the utility and railroad.



## North Downtown Riverfront Conceptual Visualization



# City of Hudson, Ohio Comprehensive Plan & Downtown Phase II Plan

The City of Hudson is an affluent municipality located in Northeastern Ohio in close proximity to both Akron and Cleveland.

**Houseal Lavigne Associates** was engaged by the city to prepare a new comprehensive plan while concurrently developing a plan for the expansion of their very successful Downtown. The planning process included working with separate Comprehensive Plan and Downtown Plan steering committees in addition to extensive community outreach. A major complexity in the Downtown Plan involved identifying uses had to remain on the 35 acre site as well as those that had to or should be relocated, including a public works and school bus facility.

The final plan includes an assessment of development potential, build out scenarios, a 3D model, and the creation of several different concept plans. Once adopted in December 2015, the plan will be used to solicit developers to the site.

## LAND USE PLAN

The Land Use and Development Plan identifies desired future land uses for all areas within the City of Hudson and provides a framework to guide future planning and land use policy decisions. It supports a healthy balance of land uses that can continue to make Hudson an attractive place to live and work, while preserving Hudson's historic character and small-town charm. Downtown Hudson remains the heart of the city, with commercial and office uses clustered along main corridors. Stable and popular single-family detached neighborhoods are the "backbone" of the community, with an adequate mixture of smaller and denser residential units to help diversify the stock. Employment areas in the south accommodate a diverse array of businesses and support well-paying jobs.

### MAP KEY

- Single-Family Detached**  
The single-family detached is the most common residential use in Hudson. It is characterized by single-family detached houses with front and rear yards and are the backbone of the city's residential fabric.
- Single-Family Attached**  
Single-family attached includes townhomes, row houses, or duplexes, and should be located within or near Downtown Hudson, major corridors, and commercial areas.
- Multi-Family**  
Multi-family residential uses include apartments, townhomes, and senior housing. They should be located within or near Downtown Hudson, major corridors, and commercial areas, and should be in keeping with the quality and character of the surrounding neighborhood.
- Core Mixed-Use**  
The core mixed-use is a mix of commercial, residential, and public uses within a compact, walkable environment.
- Commercial**  
Commercial uses include a range of uses that provide for the day-to-day retail and service needs of the community. They should be located within or near Downtown Hudson, major corridors, and commercial areas. Office uses are also appropriate within the commercial area.
- Interchange Commercial**  
Interchange commercial is a specialized commercial use that is located near major transportation corridors. These uses include hotels, restaurants, and entertainment venues.
- Office**  
Office uses are a mix of professional, business, and government offices. They should be located within or near Downtown Hudson, major corridors, and commercial areas.
- Business Park Plan**  
The business park plan is a specialized commercial use that is located near major transportation corridors. These uses include hotels, restaurants, and entertainment venues.
- Industrial**  
Industrial uses include higher-intensity land uses that require a substantial lot and off-street parking. They should be located within or near Downtown Hudson, major corridors, and commercial areas.
- Parks and Recreation**  
Parks and recreation uses include parks, trails, playgrounds, and golf courses. They should be located within or near Downtown Hudson, major corridors, and commercial areas.
- Open Space**  
Open space uses include areas that are not built upon and are used for recreation, agriculture, or conservation. They should be located within or near Downtown Hudson, major corridors, and commercial areas.
- Public/Community**  
Public/community uses include schools, libraries, and community centers. They should be located within or near Downtown Hudson, major corridors, and commercial areas.
- Utilities**  
Utilities include water and sewer treatment plants, and other utility facilities. They should be located within or near Downtown Hudson, major corridors, and commercial areas.
- Flex**  
Flex uses are a mix of commercial, residential, and public uses within a compact, walkable environment.



## DOWNTOWN PHASE II PLAN

ILLUSTRATIVE CONCEPT - PERSPECTIVE RENDERING

The Downtown Phase II Plan provides an overall vision and detailed concept plan depicting a desirable development program for the project study area. However, flexibility should be maintained and the City should remain responsive to the market. Building sizes and footprints will likely vary between the proposed development program within this plan and what is eventually constructed.



### KEY IMPROVEMENTS

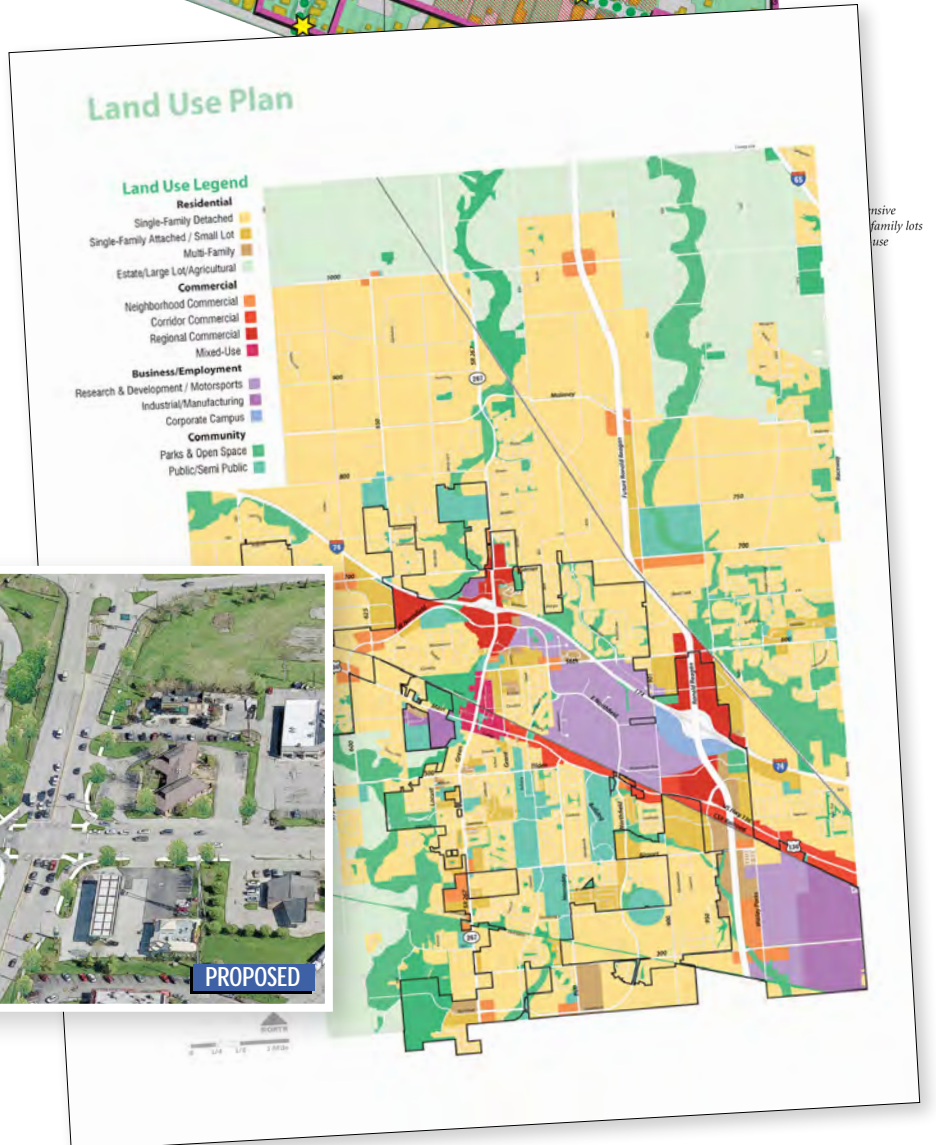
- Existing Overhead Power Lines (to remain)
- New Regional Trail Alignment – The proposed regional trail alignment is integrated into the overall redevelopment of the Phase II study area. Construction requires new off-road trails, improvements to existing public sidewalks, and removal of excessive pavement to make way for the new trail alignment.
- Connected open space and trail network for institutional, residential and commercial development
- Townhomes (2-story)
- Native restoration area
- Multi-family (3-story)
- Unified Sidewalk Network
- Office with residential above (3-story)
- Owen Brown Street Rail Viaduct – The narrow right-of-way under the rail culvert inhibits safe and efficient traffic flow along Owen Brown Street. The City should add a traffic signal to limit traffic flow to one direction at any given time.
- Office (3-story)
- Windstream Offices – Portions of the Windstream offices will remain in the Phase II study area. The existing Windstream parking lot would need to be reconfigured to accommodate the circulation needs of the proposed offices.
- Key intersection enhancements including decorative pavers, crosswalks, and pedestrian signal features
- Pedestrian plaza space and outdoor seating area
- Townhome (2-story)
- Coordinated Streetscape – Phase II should create an inviting pedestrian environment by installing street trees and pedestrian amenities such as benches, tree grates, trash receptacles and decorative crosswalks.
- Shared parking with consolidated access points to create a pedestrian friendly environment
- Flex Use (2-story)
- Landscape screening and berm to buffer adjacent users
- Flex Use (1-story)
- Office (3-story)
- Existing Overhead Power Lines (to remain)
- Flex Use (2-story)
- Shared parking with consolidated access points to create a pedestrian friendly environment



## Town of Brownsburg, Indiana Comprehensive Plan

The Town of Brownsburg is a quickly growing suburb of Indianapolis. To appropriately manage growth and development and to spur reinvestment in the Town's commercial areas, the Town engaged **Houseal Lavigne Associates** to prepare a long-range comprehensive plan. The geographic area of the plan encompassed the Town of Brownsburg and two surrounding townships. In addition to plans for entire community, the Comprehensive Plan also includes detailed plans for 2 key corridors (Main Street and Green Street) and 3 subareas (Downtown, Ronald Reagan Parkway, Nitro Alley).

The planning process included several community workshops, including 3 separate visioning charrettes with the community. Postcards were created to help popularize the study, and an exhibit booth was created for the Town's 4th of July Extravaganza. The project also featured an interactive project website, including a visual preference survey and Planning Mapper, an online mapping tool, each prepared by Houseal Lavigne Associates.



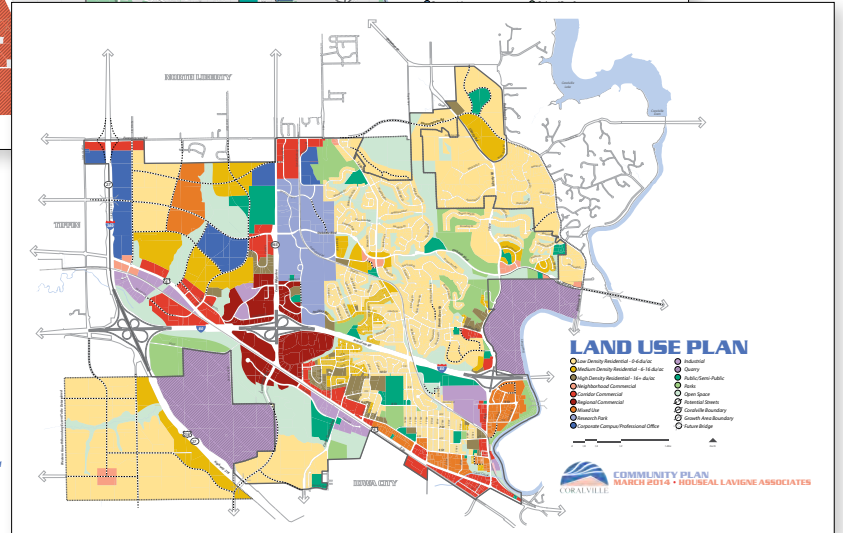
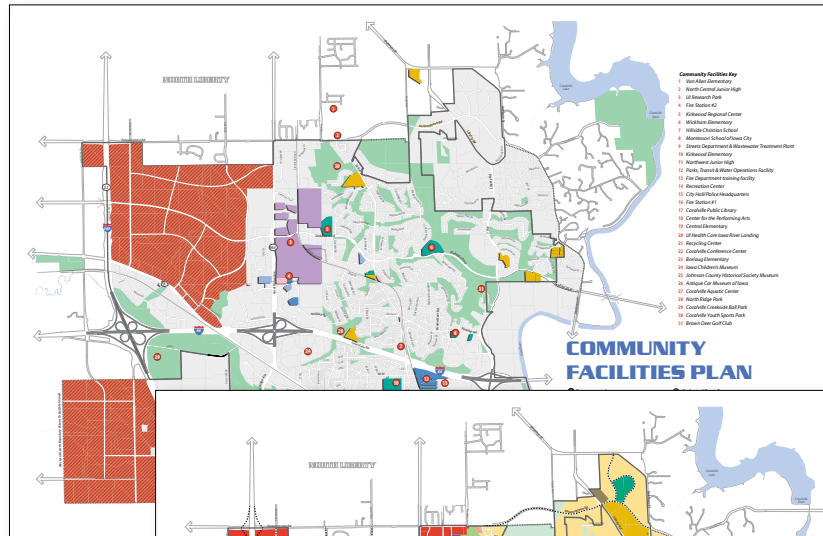


## City of Coralville, Iowa Community Plan

Propelled by a burgeoning tech, research, and medical community, Coralville is a rapidly growing City in eastern Iowa. **Houseal Lavigne Associates** directed the update of the City's Community Plan, which provides guidance on future growth and development, with a focus on creating diverse residential areas, improving retail areas, establishing mixed-use areas, strengthening connections to the University of Iowa campus, and supporting R&D and technology-based industries. The Community Plan provides a growth plan that encourages the expansion of the University of Iowa Research Park, a STEM community college, and the University of Iowa Medical Center, while balancing the need for retail and residential diversity.



### SUBAREA FRAMEWORK PLAN SOUTHEAST COMMERCIAL

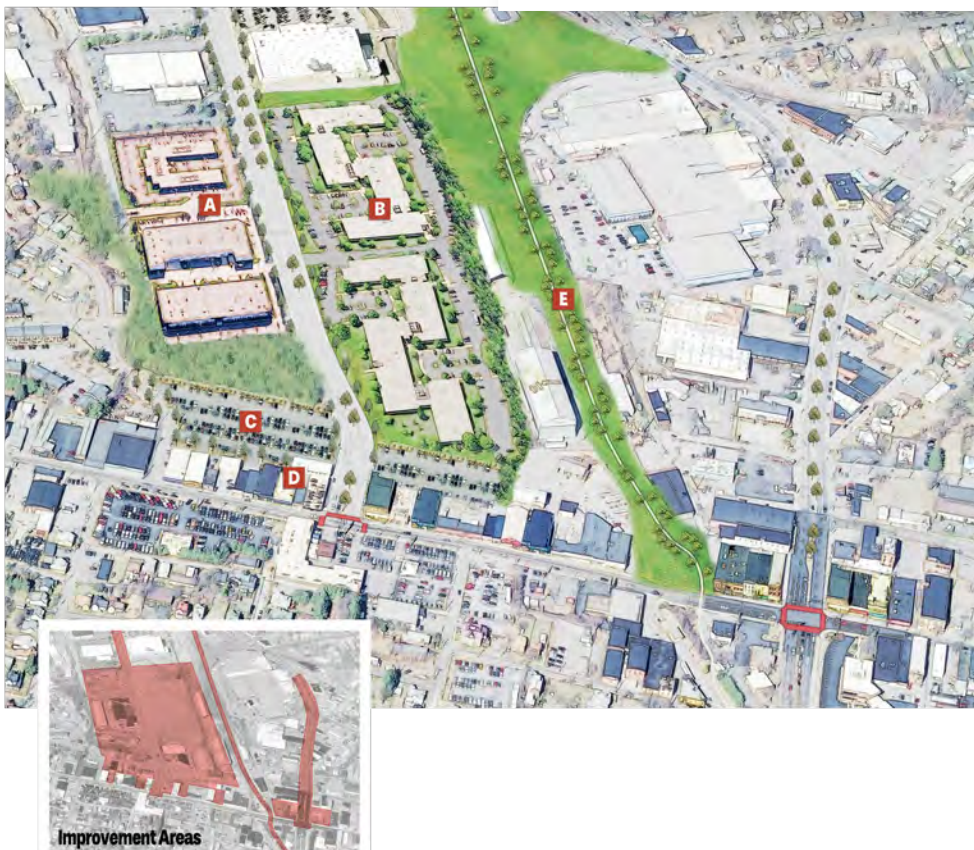




## City of Bristol, Virginia Comprehensive Plan

The City of Bristol is located along the Virginia/Tennessee state line with the Downtown being uniquely divided between Bristol, Virginia and Bristol, Tennessee. **Houseal Lavigne Associates** was retained by the City of Bristol, Virginia to prepare the City's new comprehensive plan. The Planning process incorporated extensive community outreach and included an Advisory Committee and regular interaction with City staff and officials. The Draft Plan is expected to be considered for adoption by City Council in the Fall of 2016.

The City has many assets to build off of, but faces several challenges in the future. It is currently in the process of building out a new retail center "The Falls" which has required significant city investment. The plan addresses strategies and recommendations for maximizing success of the development which will be extremely important to the City's future from both a planning and financial perspective. Other issues addressed include repositioning of a closed college campus and aging shopping mall and maintenance within the City's many different residential neighborhoods. Separate detailed subarea plans were prepared for key locations including the Downtown.





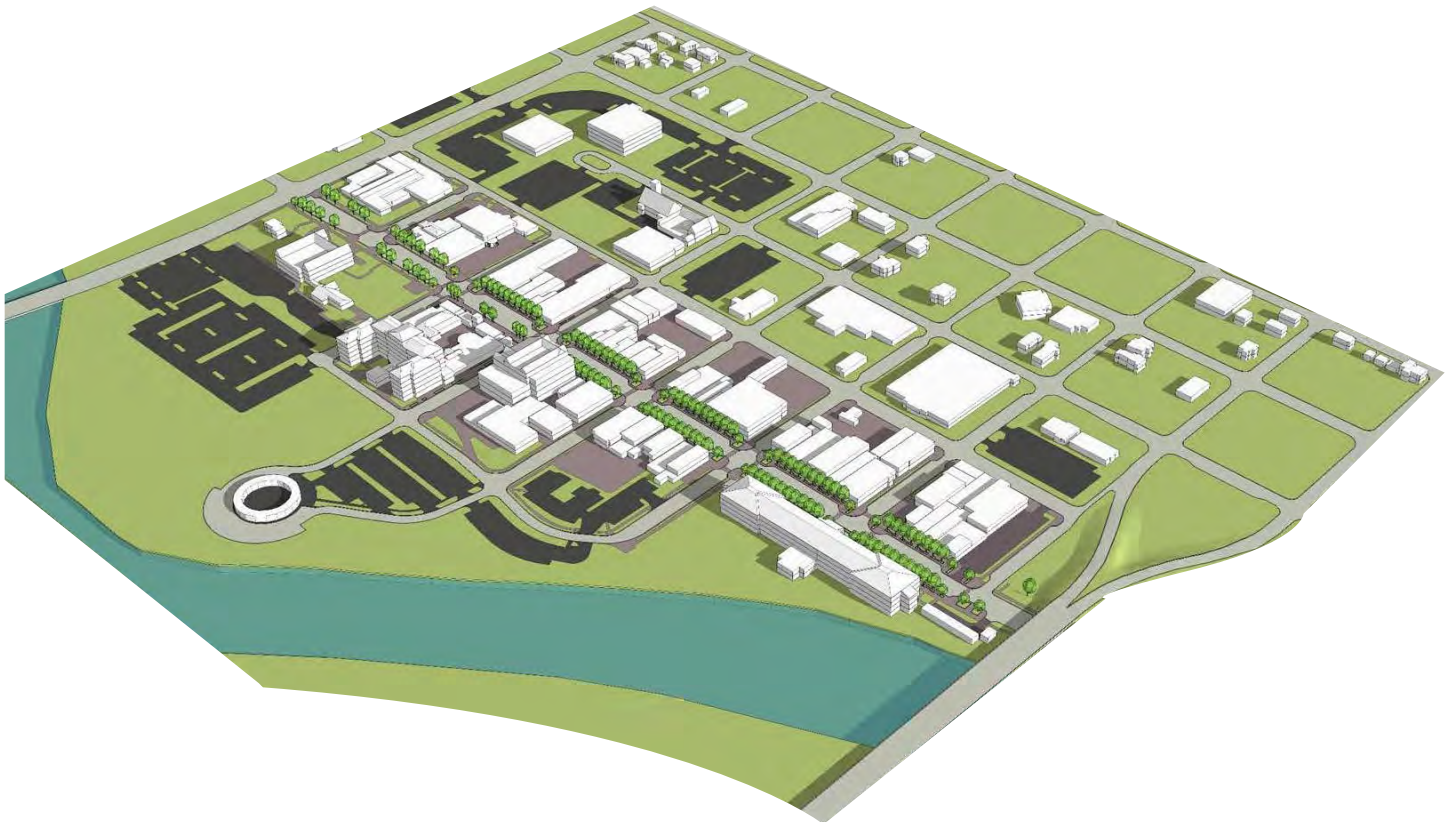
## City of Midland, Michigan Downtown Midland Streetscape Redevelopment Study & Design (DLZ)

Key Elements: Traffic Analysis | Public and Stakeholder Engagement | Non-Motorized Mobility | Alternative Development and Analysis | Access Management | Geotechnical Investigation | Topographic Survey | Road Design | Drainage Design | Streetscape Design | Utility Coordination | MOT Design

DLZ was contracted (on a team with Smith Group JJR) by the City of Midland (City) to perform a streetscape study and design for Main Street from M-20/Jerome Street to State Street in the City. The study phase of the project included a detailed traffic analysis of Main Street and all cross-roads, geotechnical investigations, cost estimation, topographic survey, and development of streetscape concept design plans.

The main work tasks performed by DLZ during the design phase of the project included geotechnical engineering, utility coordination, roadway design, traffic signal removal, drainage design, maintenance of traffic design, design of non-motorized facilities, 3-D model development, and construction cost estimates. In addition, DLZ work included preparation of front-end documents and specifications, signal warrant analyses, before/after study for All-Way Stop Control implementation, and preparation of an engineering report. A key component of the project entailed non-motorized mobility and connectivity throughout downtown Midland. DLZ worked closely with other team members to assure our design would support these goals. The studies and design tasks for this project were completed by DLZ under an extremely aggressive timeline.

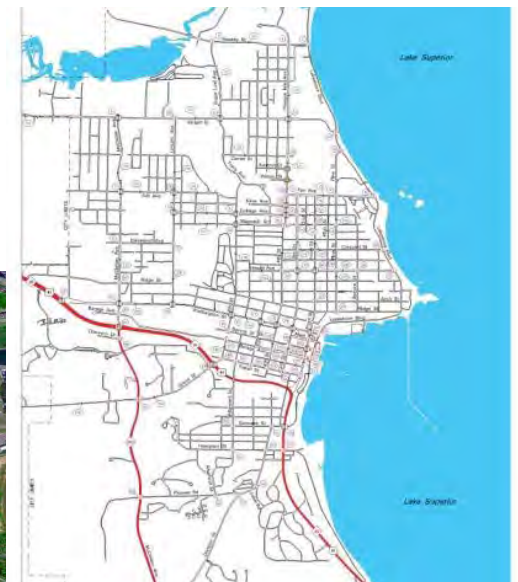
DLZ participated in an extensive public outreach campaign including public workshops, local business input, and stakeholder meetings. Coordination was undertaken with the City, the Midland Downtown Development Authority, the Midland Area Transportation Study, Michigan Department of Transportation (MDOT), and various stakeholders such as Momentum Midland, and the Midland Chamber of Commerce.



## City of Marquette, Michigan City-Wide Traffic Study & Truck Corridor Study (DLZ)

DLZ was contracted by the City of Marquette to perform a comprehensive traffic study for all of the main roads and intersections in the City. This comprehensive study addressed both vehicular and non-motorized travel and included the following main study phases: (1) Data collection; (2) Analysis of existing and future conditions to identify deficiencies with the transportation network; (3) Recommendation of mitigation measures; and (4) Coordination with stakeholders. In carrying out this work, DLZ staff undertook the following specific tasks:

- Data collection included turning movement counts at more than 80 intersections using Miovision, pedestrian counts, collection of crash data, and ADT counts using HI-STAR counters.
- Identified mitigation measures that included road improvements, signal timing improvements, and enhanced non-motorized facilities.
- Study and identification of potential truck routes.
- Stakeholder coordination included interaction with MDOT, City committees, the local transit provider, non-motorized advocacy groups, business groups, and the utility company that maintains the traffic signal system.
- Signal warrant analyses for intersections under City and MDOT jurisdiction.
- Capacity analysis using SYNCHRO, SIMTRAFFIC, HCS, and RODEL.
- Detailed analysis of signal corridor operations, including optimization analysis.
- City Council presentation.
- Construction cost estimates.
- Traffic forecasting, including application of growth rates and ITE trip generation.
- Developed extensive graphics including use of GIS data.
- Preparation of a comprehensive report.





## City of Dearborn, Michigan West Downtown Streetscape Traffic Study & Road Design (DLZ)

This project involved preparation of road and streetscape design plans as well as traffic studies for revitalization of Dearborn's West Downtown.

DLZ performed a traffic impact study, roadway design, and lighting design for improvements along Michigan Avenue (US-12) and several local streets. The project included proposed medians within Michigan Avenue, mid-block pedestrian crossings and a road diet on Monroe Street south of Michigan Avenue. The proposed Monroe Street road diet and proposed left turn restrictions on Michigan Avenue to accommodate the proposed median and mid-block crossings required detailed traffic analyses and coordination with MDOT. DLZ prepared a Traffic Impact Study to meet MDOT requirements to evaluate several median and left turn restriction alternatives. DLZ developed SYNCHRO/Sim-Traffic traffic models to evaluate the alternatives on this heavily travelled MDOT arterial. DLZ recommended signal timing improvements, turn bay lengths and other geometric improvements to accommodate the proposed streetscape improvements.

DLZ prepared lighting design plans for aesthetically pleasing festoon and catenary lighting that contributes to a pedestrian-oriented downtown.

DLZ also prepared a TAP Grant application for the improvements on Michigan Avenue and undertook extensive coordination with MDOT.







## City of Detroit, Michigan Urban Social Space (inFORM)

DTE Energy, one of the largest employers in Detroit, is playing a ground breaking role in the formation of a new public space on the fringe of their downtown campus which is intended to spur revitalization of the surrounding neighborhood. The proposed triangular-shaped public space lies one block to the east of the DTE Energy building, along Grand River Avenue in the heart of the city. In a collaborative effort with LivingLAB, inFORM studio has provided full design services for the HUB, an on-site cafe | pavillion intended to form the catalytic heart of the park. Programmatically the HUB will provide a full service kitchen, public restrooms, AV storage, bar area, balcony seating, a historical DTE narrative and a rooftop garden with provisions made to enclose seating for 150 people.

The proposed street facing public face of the HUB building aims to unify pedestrian circulation while creating an iconic wayfinding point within the park interior. The blackened steel and wood cladding pull from adjacent material palettes while a integrated Interac-tive Display System is optimized for augmented reality applications in which optical markers or real-life objects trigger information and accommodate an unlimited number of concurrent users with a high-tech LCD display. An EHTE (Extensible Hybrid Tracking Engine) is configured to capture reflections, passive ambient light and shadows between alternating frame rates. The tracking system can be used to see virtually anything placed on the display and visible with IR, tracking and passing information to applications through finger points, hands, objects (shapes) or optical markers. The high technology display system is intended to support and entertain patrons of the Grand River Circle Park Site.

The HUB interior, the heart of the GRPS, supports so many of the activities with food, drink, rest rooms, dining & gathering areas, in addition to green roof access. Elements of the interior include; 1) An operable glass partitions which extends the seating area into the park, blurring the delineation between interior and exterior space. 2) A backlit acrylic bar top contrasts the darkened steel and illuminates the event space core. 3) CNC routed concrete formwork creates a unique texture of concave and convex domes on the ex-posed concrete ceiling. This texture will provide visual intrigue and help to diffuse sound. Lights will be stippled into the field of domes in the ceiling to provide a constellation of ambient light. 4) Ipe wood siding and concrete pavers used at the exterior are extended to the interior space, further reinforcing the connection between the two environments.





## Lansing Community College, Lansing, Michigan Student Quadrangle (inFORM)

The redevelopment of the Lansing Community College Quadrangle project creates a significant connection and a spatial mediator between a congress of energetic and diversified disciplines within the downtown campus. Working within the framework of a unified campus vision, this exciting project presents an opportunity to increase pedestrian accessibility and circulation functionality while define a signature gateway & wayfinding component at the heart of the school. The revitalized quadrangle will provide enhanced connectivity between the Gannon Building, Health & Human Services, Dart Auditorium and the Arts & Sciences Building.







## City of Ann Arbor, Michigan New District Library

In 2005, The Ann Arbor District Library (AADL) purchased approximately 4 acres of property for a new branch library to serve the Northeast quadrant of the city of Ann Arbor. The site, heavily wooded and densely vegetated, is located on the Southwest corner of Huron Parkway and Traverwood Drive. A thorough site analysis identified edges of the property along the Southwest corner which were scarred and sparsely vegetated, an ideal and well suited location for placement of the building footprint. Locating the building at the property corner accomplished three primary objectives:

- The creation of a protective barrier between the existing eco-systems within the woods and the inhabitants of the city.
- Established urban street presence along the street and sidewalk edge.
- Minimal site impact, maintaining biodiversity and reducing sprawl.

During the early stages of the site planning process, we collectively began to discuss and investigate considerations for harvesting wood from the site for re-use in the building. Although densely populated, many of the trees were Ash, suffering the effects of the Emerald Ash Borer (EAB), a destructive beetle, which aggressively attacks North American Ash trees through feeding on the water and nutrient conducting tissues under the bark, killing the tree over a period of three to five years. As of 2009 it is estimated that the EAB has killed over 70 million Ash throughout the Midwest and southern portions of Canada and threatens 7.5 billion ash trees nationwide. Preliminary research showed that this particular tree species is especially well-suited to milling, as the insect does not damage the interior portion of the wood. With so much value found in a close, abundant, natural resource, unique uses of the wood in the floors, walls, ceiling and structure of the new branch library were proposed and considered.

The utilization of the Ash would become a major component to the design of the library interior. Integrated as an interior wrapper, the Ash flows from the main entry floor and walls into a ceiling condition stretching along the entire eastern interior edge of the building and culminating in an Ash wrapped reading rooms whose primary views are focused westward into the forest. Additionally, large sections of the logs were used as structural columns, accommodating vertical and lateral loading along the large southwest expanse of glass. The bark has been stripped from these log columns exposing the randomized grooves and carvings left by the EAB larvae - creating, what is in essences, a visual and tactile testament to the life and destruction of the Ash tree in Michigan and surrounding area, allowing generations to be exposed to an autopsy report of an extinct species in the region.



## City of Detroit, Michigan 411 Piquette Place (inFORM)

Piquette Place is located within an urban fabric defined by rich layers of history and latent potential. On the eastern periphery of New Center, the history of its neighborhood was defined by industrial expansion in the 1890s and became known as Milwaukee Junction. At the intersection of major railways and a hotbed of innovation, the district emerged as a significant player in automotive manufacturing. The chronicling of this storied tradition resulted in the formalization of two historic districts known as the Jam-Handy District along East Grand Boulevard and the Piquette Avenue Industrial District located south of the railway from Woodward Avenue to Hastings Street. While these historic districts highlight a rich historical fabric that imbues a certain quality of the region, they lack the characterization that the greater tapestry of context illustrates.

With an array of pure industrial spaces made of brick and concrete proliferating the region, the programmatic adaptive re-use of proximate spaces is evolving into a fertile nexus of design, education and entertainment. Additionally, new developments, anchored by the Platform, are breathing a strategic vision into a significant clustering within this neighborhood, bolstering the momentum of a unique branded location within the UNESCO City of Design. Music, art and culinary destinations are diversifying the reputation of the 'Maker District' into a hub of design and production excellence. The ¼ mile square zone will be anchored by Chroma to the northeast and Piquette Place along with the Ford Piquette Museum on the southeast corner. The synergy of design innovation and storied authenticity is creating one of the most unique neighborhoods in the rust belt of the United States. Piquette Place is distinctively located at the center of its heartbeat.





## City of Providence, Rhode Island New Pedestrian Bridge (inFORM)

The Providence River Pedestrian Bridge is a unique urban proposal in that the basis of its proposition is an exchange of transit medium. The relocation of a substantial, vehicular only conduit in favor of a pedestrian oriented connector will completely transform the spatial character of the Jewelry District/Old Harbor. Given this significant urban transformation, the project should envision a potential much larger than a pure connector. The proposed Providence River Pedestrian Bridge can become a spatial mediator between urban and ecological spaces and function as an integrated series of programs into the waterfront public spaces, allowing east and west to become a singular meandering public space. With this perspective, the proposal is better understood less as a bridge and more as an urban intervention. Additionally, the re-invigorated entrepreneurial spirit of Providence is poised to weather the global economic downturn with a future vision for the emerging Knowledge District and potential new biomedical corridor. The face of this future is one of innovation, intellectual fervor and progressive thinking. A project of this magnitude needs to reach out to this “creative class” and “knowledge economy.”.



### **Lawrence Technological Institute, Southfield, Michigan** **Integrated Student Housing (inFORM)**

Lawrence Technological University's Southfield campus is experiencing an in-flux of students with a desire to live on campus, impacted strongly by the LTU's recent addition of a Student Athletic program which includes a new Varsity Football team. This fervor in student resident growth has created a dramatic and immediate need for on-campus student housing facilities.

inFORM studio was selected from a small group of national candidates and commissioned with providing a 300+ student bed dormitory with a focus on student attraction and retention for the University's many design programs and relationships through cross-pollination of student social groups. Working with a very conservative budget of \$180/sf, inFORM was tasked with creating an iconic residential flagship for the University.



**City of Pontiac, Michigan**  
**M1 Concourse Racing Village (inFORM)**

One of the largest facilities of its kind in the world, the M1 Concourse provides exotic car and racing enthusiasts a full-service venue for an immersive experience including a 1.5-mile state of the art road course, an event center, restoration shops, aftermarket retail, restaurants, and private garages, known as car condos.

The Track One concept will be the debut phase of implementation for the new public village at the M1 Concourse in Pontiac, MI in late 2018. As the 87 acre auto-enthusiast development forays into the public realm, Track One will introduce a new paradigm of hospitality with a restaurant, cigar bar, rooftop lounge and ballroom|convention space. The concept drives a high-energy atmosphere with a tight proximity to exotic cars performing around the 1.5 mile race track, and connects to the urban village through a pedestrian oriented plaza. The project is a nexus between the best of automobile performance and the quality of a walkable environment.



# REFERENCES

At **Houseal Lavigne Associates**, we are proud of our work and the long-term relationships we maintain with all of our clients. We believe each of these references demonstrates our ability to satisfy clients through an approach that meets their technical and financial needs.

The following references include clients who have worked with Houseal Lavigne Associates to complete similar work within the past five years.

Client	Contact Name	Phone	Email
City of Flint, Michigan	Kevin Schronce, Lead Planner	(810) 766-7426	kschronce@cityofflint.com
City of Traverse City, Michigan	Russ Soyring, City Planning Director	(231) 922-4465	rsoyring@ci.traverse-city.mi.us
City of Benton Harbor, Michigan	Regina Sistrunk, Deputy Director of Community & Economic Development	(269) 927-8420	rsistrunk@bhcity.org
City of Battle Creek, Michigan	Christine Zuzga, Planning Manager	(269) 966-3320	cmzuzga@battlecreekmi.gov
City of Hudson, Ohio	Mark Richardson, Director of Community Development	(330) 342-1888	mrichardson@hudson.oh.us
City of St. Cloud, Minnesota	Matt Glaesman, Community Development Director	(320) 255-7218	matt.glaesman@ci.stcloud.mn.us
City of Bristol, Virginia	Sally Morgan, City Planner	(276) 645-3784	sally.morgan@bristolva.org
City of Coralville, Iowa	Ellen Habel, Assistant City Administrator	(319) 248-1700	ehabel@ci.coralville.ia.us

# WORK SAMPLES

For the City of Birmingham's consideration, multiple copies of Houseal Lavigne Associates' work samples on past comprehensive and master planning assignments have been included as separate bound documents. These samples include brief portions from the Flint Master Plan's Land Use chapter and the Market Analysis and Community Profile chapter from the City of Bentonville's Community Plan.

## **SECTION 4**

# **SCOPE OF WORK**

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## SCOPE OF WORK

### PROJECT UNDERSTANDING

Our Project team is excited about the opportunity to work with the City of Birmingham as it looks towards updating its City-wide Master Plan (the “Plan”). We understand the objective of the Plan is to focus on updating the existing master plan, which was adopted in 1980, and several subarea plans developed since. While most of the subarea plans focused on commercial areas, the purpose of this Plan update would be to provide a clear focus on the City’s residential areas. Our initial observations all require further analysis and investigation and all are subject to community outreach efforts that are integral to our proposed planning process. We believe our award-winning community outreach, planning, and design expertise will allow us to move quickly into the assignment and provide insight into how best to tackle issues and make the most of Birmingham’s opportunities.

### Creating a downtown destination

Birmingham has implemented several recommendations from its Downtown 2016 Plan and created the downtown as a desirable destination. Large sites, which were once empty, are now occupied with multiple uses. The City’s main street, Woodward Avenue, was narrowed to two lanes by adding a center median and diagonal parking to calm the traffic. The City is one of the few communities in the region to adopt a form-based zoning code, which has resulted in over three million square feet of mixed-use projects in the last two decades. Single-story zoning regulations have been changed to those allowing multi-story buildings to create a high-density development environment and an enhanced “street-wall” character. Some of the commercial development, such as the Kroger grocery store and the iconic downtown movie theater, is built closer to the street and the movie theater is built right up to the pedestrian sidewalk. The parking is moved either to the side or the back of structures. Shared parking garages also supplement the parking requirement to support the businesses.

The Plan should embrace and build upon the success of Birmingham’s effort in managing commercial development in its downtown and other districts. The new plan should focus and put priority on residential areas of the City.

### Building on positive momentum

The City has developed plans for several targeted district and strategically implemented and channeled investment to these districts with a great deal of success. The City’s downtown boom has continued through the Great Recession, when it continued to see mixed-use development. Downtown Birmingham attracts shoppers from all over the Detroit area, featuring myriad stores such as coffee houses, ice cream parlors, upscale apparel and home furnishing shops, restaurants, and theaters. Through careful and intelligent planning, most new buildings in Birmingham’s downtown look very traditional and fit well with their surroundings.

The Rail District provides a luxury living in an exciting neighborhood in Birmingham. The district is surrounded by art galleries, antique shops and restaurants and is home to over 30 businesses. This district is culturally vibrant and Birmingham’s “hottest” new area. Popular restaurants such as Big Rock Chophouse and The Whistle Stop are located very close to the District’s residential area. The Triangle District Plan sets a new vision for the Triangle District as a vibrant, mixed-use neighborhood of homes, shops, restaurants, offices, and public plazas and identifies guidelines and recommendations to achieve this vision.

The Plan should utilize the collective impact of development in these targeted areas and focus on providing recommendations to other parts of the City.

## Incorporating new urbanist principles

Andres Duany, an urban planner, gave a presentation at the City Hall in 2014. Duany talked about how the City should continue to maintain its high quality of architecture for new development in Birmingham. He indicated the City's approach to managing certain uses as remarkable. Instead of declining a particular use, the City's code provides a "range of criteria" to accommodate the use which results in the City to be viewed as a positive and attractive among development community. Duany also suggested the City act quickly in promoting new development so it can be aligned with the general development cycle of the industry. While Duany identified some key strengths and successes of Birmingham, he also identified several missed opportunities that City officials and residents prevented to implement.

The Plan should consider and address, to the extent possible, the "missed opportunities" identified by Andre Duany in 2014.

## Enhancing the Walkable Community

In 2013, the City adopted its multi-modal transportation plan to provide more transportation choices to its residents. Since its adoption, the City has implemented the recommendations in accordance with the vision set forth in the transportation plan. This is evidenced by the City's downtown "Walk Score" of 95. The plan focused on providing infrastructure for pedestrian, transit, and bicycle travel modes. The plan provided recommendations for building a well-connected community and giving residents various transportation choices.

The Plan should continue to build upon the vision and goals from the multi-modal transportation plan and provide recommendations to provide a myriad of transportation choices to Birmingham's residents and make the City attractive to those looking for a walkable environment.

## SCOPE OF WORK

We propose a multi-step process for preparing the City of Birmingham's Master Plan Update. This program entails analyzing existing conditions to provide a concise and accurate assessment of the City's strengths and weaknesses; developing and evaluating alternative plans and policies; preparing subarea plans; and formulating final Master Plan recommendations and implementation strategies that are both measurable and specific.

In addition, and equally important, our approach to master planning places a significant emphasis on community participation. We recognize the importance of using the planning process to establish community consensus and foster a sense of stewardship for the Master Plan. Our approach requires that residents, business leaders, City officials, and other stakeholders get involved at every step of the process and be active participants that can help to define issues, establish a vision, formulate innovative ideas, and shape lasting solutions. This approach casts a wide net of engagement by providing an assortment of both traditional and innovative web-based methods.

We believe our proposed scope of work will produce a meaningful and responsive Master Plan for the City of Birmingham. Should the City favor our approach, we will work closely with staff and other officials to further refine this process, ensuring that all local needs and requirements are met. Each step and project task of our proposed scope of services is presented in detail on the pages that follow.

## Step 1: Project initiation

To "kick-off" the planning process, we will conduct meetings with key municipal staff and the City of Birmingham's Planning Board. These meetings will help establish a project framework before community outreach activities commence.

### 1a. Staff coordination meeting

Before beginning work on the project, Houseal Lavigne Associates will meet with City staff to (1) review the project scope, schedule, and deliverables; (2) begin to identify data needs and critical issues; and (3) clarify any outstanding matters. We anticipate having a high level of direct interaction and communication with City staff and are committed to participating in regular coordination meetings and conference calls throughout the planning process.

## **1b. Planning Board meeting**

Before our planning work begins, we will facilitate a first meeting with the Planning Board to set the foundation for the planning program and discuss the overall direction and policy issues facing the community. The primary purpose of this meeting is to gather vital insights and ideas from commission members, ensuring that the Master Plan accurately captures the shared sentiments of the community.

## **Step 2: Community outreach and engagement**

We understand that a one-size-fits-all approach to community engagement is ineffective and that the City of Birmingham places great value on an extensive and authentic outreach process. Step 2 of our proposed scope of work will serve as the foundation of our civic engagement strategy. Houseal Lavigne Associates provides a multi-pronged approach to outreach and a variety of expertise that will be essential in engaging the community, addressing local issues, and most importantly, ensuring the inclusion of a diverse swath of Birmingham's residents and business owners.

### **2a. Press releases, notices, and newsletter articles**

We will work with City staff to develop press releases, newsletter articles, and other means of public notice at different points in the planning process. These items will be disseminated on various platforms, including the City's official website, local newspapers, and local media outlets. We advise that these platforms be updated regularly throughout the process of preparing the City's Master Plan Update.

### **2b. Interactive project website**

We will design and host an interactive project website that is linked to the City's official website. We are committed to utilizing the internet to maximize the participation and communication between stakeholders for the duration of the planning process and beyond. This website can be used to post project schedules and meeting dates, display documents, address frequently asked questions, and host a community discussion forum. The website will be the "one-stop shop" for information related to the master planning process. In addition, the website will include two sets of survey questionnaires: one targeted at residents and another at Birmingham's business community.

### **2c. Community charrette**

A multi-day charrette will be scheduled to allow residents and community leaders to provide input before any plans or recommendations are formulated. The function of this charrette is to (1) define the purpose of the Master Plan Update, (2) review the planning process and project schedule, and (3) secure local views on concerns, issues, and potentials within Birmingham.

### **2d. Business workshop**

This workshop will be targeted specifically to Birmingham's business owners and corporate citizens, an important stakeholder group. The primary purpose of the workshop is to establish a dialogue and obtain feedback from those members of the business community that have a unique insight and perspective and whose assistance and involvement is crucial to the Master Plan's ultimate success.

### **2e. Stakeholder interviews and focus group discussions**

Stakeholder interviews and focus group discussions allow us to obtain first-hand insight into the community from a diverse array of perspectives. Houseal Lavigne Associates will conduct confidential interviews and focus group discussions to obtain vital information regarding local issues and opportunities. We will work with City staff to identify those individuals and groups to be interviewed, but we do recommend a broad sampling of interviewees who possess unique perspectives and special insights into Birmingham.

## **2f. Do-it-yourself (DIY) workshop kits**

We will make DIY workshop kits available to City staff, as well as community groups throughout Birmingham (e.g., chamber organizations, homeowner associations, churches, and neighborhood groups). DIY kits will allow City staff and residents to self-facilitate workshops and gather input from specific segments of the population that may not otherwise participate in more formal planning activities.

## **2g. Immersive outreach**

Our immersive outreach methods utilize an approach centered on bringing “planning to the people.” To this end, and to ensure we cast as wide a net of engagement as possible, we can attend certain agreed-upon events throughout the planning process to facilitate targeted discussions at community events. In addition, working with City staff, we will develop promotional collateral, including flyers, posters, and email blasts, to help get the message about the Master Plan Update throughout the community in an impactful and engaging manner. We will also develop postcard-sized surveys that can be distributed at any event, gathering, or location within the community. These materials will give staff the tools needed to continue community engagement outside of scoped outreach activities.

## **2h. Social media**

If desired, we can integrate the project into the City’s existing social media accounts. For those residents that use social media platforms to stay informed, this is an essential tool to keep this population connected with local master planning activities. Social networking tools can also help increase awareness of the Master Plan Update and assist in increasing participation at outreach events, including traditional face-to-face meetings.

## **2i. map.social**

As an innovative feature of our proposed scope of work, we will feature map.social, a web-based community issues mapping tool as part of Birmingham’s master planning process. Developed and used exclusively by Houseal Lavigne Associates, this award-winning tool allows website visitors to identify, map, and comment on geographic areas of concern and valued community amenities. Map.social simplifies the mapping process and familiarizes residents with all areas of the community in a manner that is exciting, interactive, and effective. Input from residents allows us to create a composite map of community issues to assist with the establishment of community goals.

## **2j. Community outreach summary memo**

After the completion of the community outreach and engagement activities, Houseal Lavigne Associates will prepare a memo summarizing the input we received and identifying key issues.

# **Step 3: Data collection and existing conditions analysis**

This step of the project will include the analysis of existing conditions and future possibilities within the community. It will be based on information provided by the City as well as feedback from community service providers. In addition, we will utilize information collected during field reconnaissance, obtained from surveys and inventories, and derived from planning analyses. We will emphasize the identification of the current conditions within Birmingham that will ultimately guide the formulation of the City’s vision, goals, and policies included in the final Master Plan.

## **3a. Review of past plans, studies, and reports**

We will conduct a thorough review of Birmingham’s existing Master Plan along with other previously prepared plans, studies, and reports relevant to the planning process. This review process will help to (1) identify recently adopted City policies that need to be reflected in the new master plan, (2) assess changes within the community that have occurred since the adoption of previous plans, (3) find conflicts between, or deficiencies within, existing plans, and (4) determine the validity of previously collected data.

### **3b. Demographic analysis and market overview**

We will prepare a demographic analysis of Birmingham that will include an analysis of recent trends in population, households, income, age and gender characteristics, racial and ethnic composition, and labor force and employment. We will concurrently formulate a market overview to assess high-level supply and demand trends, particularly as they relate to attracting and retaining residents and businesses.

In addition, this analysis will assess the development potential for a range of uses including residential, retail, office, and industrial. Our housing analysis will document the City's existing housing inventory and identify the need and potential by product and price points for both owner-occupied and rental product,

### **3c. Existing land use and development**

We will prepare an existing land use map comprised of all parcels within the City's planning jurisdiction and then analyze this map to identify functional land use areas, compatible and incompatible land use arrangements, and other issues related to existing land use and development conditions. This inventory and assessment will include a detailed examination of the City's residential, commercial, industrial, parks, and open space.

### **3d. Zoning and development controls**

We will conduct a technical analysis and sustainability audit of Birmingham's current zoning and development controls. This process will allow us to (1) assess how well current regulations effect established City policy and integrate with other ordinances and initiatives, (2) summarize consistencies or inconsistencies in the current code, and (3) evaluate general strengths and weaknesses of existing regulations—especially structure, organization, clarity, usability, district standards, regulations of general applicability, definitions, and procedures.

### **3e. Community facilities**

We anticipate that much of the information related to community facilities will be provided by City staff. To supplement this, however, we will prepare a facilities survey for community service providers and will use the results—together with fieldwork and other research—to prepare a community facilities inventory, including detailed map exhibits.

### **3f. Issues and opportunities memo**

The project team will outline the results of the community outreach activities and existing conditions analysis in a technical memo detailing issues, opportunities, and trends that will be addressed in the master plan. This working document will serve as a foundation for future steps in the planning process as we craft an understanding of Birmingham's major priorities.

### **3g. Staff coordination meeting**

In this meeting with City staff, we will review the information contained in the issues and opportunities memo ahead of its distribution to the Planning Board. We will also work to ensure that substantive comments provided by City staff are integrated into our ensuing plan development.

### **3h. Planning Board meeting**

The primary purpose of the second meeting of the Planning Board will be to present the findings of the issues and opportunities memo and gather any feedback.



## Step 4: Infrastructure and transportation

DLZ will assess existing transportation infrastructure in the City utilizing existing transportation information from City staff and other agencies, including the Michigan Department of Transportation (MDOT) and SEMCOG, as well as data garnered from field observations.

The plan will include strategies to enhance pedestrian movement, implement complete street ideas, and manage the transportation system to meet future needs based on growth in demand, redevelopment scenarios, and changes in land uses. As part of the transportation analysis, the following transportation elements will be evaluated and graphically presented:

- Street characteristics including lanes, operations (one-way/two-way), width, and street distribution
- Transportation use such as bus route, truck route, bicycle lanes and non-motorized facilities
- Current road designations, functional classifications
- Intersection configurations
- Potential traffic control changes
- Typical cross sections related to current and future needs

## Step 5: Parking analysis

The parking analysis outlined in the City's request for proposals is, essentially, a separate study independent of the Master Plan Update. To ensure that the analysis receives the attention and resources required, we suggest that the City contract separately with a professional services firm specializing in parking. While this expertise could be included on our project team, it is our opinion that it would be far more effective to have a standalone parking study. To that end, we would work closely with the City's selected consultant to ensure that plans and recommendations are consistent with the findings of the parking study.

## Step 6: Community vision, goals, and objectives

The purpose of this step will be to establish an overall vision for the future of the City of Birmingham that can provide focus and direction for subsequent planning activities and serve as the cornerstone of the consensus-building process. Based on this vision, we will develop the preliminary goals and objectives that will serve as a framework for the detailed recommendations included in the final Master Plan.

### 6a. Community visioning workshop

The community visioning workshop will include members of the project team, City staff, the Planning Board, elected and appointed officials, and all interested members of the community. The session will include both large- and small-group working sessions to review and discuss conditions and potentials within the community. The large group will work together to identify issues and opportunities, and the smaller breakout groups will work together to develop visions for the future of Birmingham. The workshop will conclude with general agreement and understanding regarding the long-term role and character of the City, as well as the types of projects and improvements desired for the future.

### 6b. Vision statement

Following the visioning workshop, we will summarize the results of the group discussions and prepare a preliminary vision statement for the City of Birmingham. The preliminary vision statement will be based on the community visioning workshop, feedback from community outreach activities, and observations garnered from the existing conditions analysis.

### 6c. Goals and objectives memo

Based on previous steps in the planning process, we will develop the visionary goals, coupled with measurable objectives, to provide more specific focus and direction for planning recommendations. As a starting point, we will establish updated goals and objectives from Birmingham's existing Master Plan. As desired by the City, we can develop additional categories for goals and objectives that were not addressed in this plan.

## Step 7: Subarea plans

We will review the existing subarea plans including those prepared for Eton Road, Downtown, and The Triangle District, as well as materials related to the Andres Duany visit. Other documents, including the Alleys and Passageways Plan, multimodal transportation plan, and parks and recreation plan, will be reviewed as well. The relevance and continued long-term applicability of these plans will be analyzed and discussed with City staff, and the need to update components of each plan will be documented where necessary. Additional locations for subarea plans, such as the South Woodward Gateway, will be reviewed and discussed.

## Step 8: Community-wide plans and policies

This step of the project will entail the preparation of plans that are consistent with Birmingham's reputation as an exceptionally livable and walkable community. At a minimum, plans will address core planning themes, including land use and development, multi-modal transportation, public services and facilities, and environmental systems and natural resources. In addition, these plans will include a comprehensive implementation program, detailing actionable strategies to ensure essential elements of the final Master Plan are fully realized.

### 8a. Land use and development plan

The land use and development plan will include recommendations and policies for all land use areas in the City, including residential, commercial, industrial, and recreational areas. We will identify existing land uses and provide future land use designations for all areas within the City's planning jurisdiction. The land use and development plan will utilize text and illustrative maps and graphics to communicate planning concepts and principles. It will clearly articulate recommendations related to the character and intensity of future development in Birmingham over the next 10 to 20 years. In addition, we will assess how well current zoning districts match the adopted future land use plan and existing development patterns to determine where current regulations meet or fail to meet public expectations as articulated during the planning process.

### 8b. Multi-modal transportation plan

DLZ will develop a multi-modal transportation plan consisting of improvements that address concerns stated in the public engagement process and deficiencies identified in the existing conditions assessment. The multi-modal transportation plan will also include a series of strategies that support our future land use recommendations. In addition, the project team will prepare a map that depicts the recommended transportation and infrastructure improvements and opportunities.

### 8c. Public facilities and services plan

The public facilities and services plan will identify and inventory all community facilities in the City and include recommendations and policies for municipal facilities and services, as well as intergovernmental coordination and cooperation. This plan will, at a minimum, include water, wastewater stormwater, police, and fire protection services.

### 8d. Implementation program

As a final component of the community-wide plans and policies, Houseal Lavigne Associates will prepare an implementation program that will describe the actions required to carry out the policies contained in the Master Plan Update, including immediate, short-term and long-range strategies and recommendations related to zoning and other land use regulations, priority improvement projects and redevelopment sites, Capital Improvement Program projects, funding sources and implementation methods, timing and prioritization, metrics and performance indicators, and general administration and management of the Master Plan. We will work to ensure that these implementation recommendations are both practical and actionable.

## **Step 9: Master Plan documents and adoption**

The culmination of the planning process will be the preparation of the final Master Plan document that will be reviewed and adopted by the Planning Board and approved by the City Commission.

### **9a. Draft Master Plan document**

Utilizing work completed in the preceding steps of the project, the project team will prepare a draft Master Plan document for review by City staff, the Planning Board, as well as the public-at-large.

### **9b. Staff coordination meeting**

In the final staff coordination meeting, Houseal Lavigne Associates will compile any feedback and comment from City staff related to the draft Master Plan deliverable. In addition, we will review the next steps in the Master Plan adoption process and coordinate accordingly.

### **9c. Community open house**

The project team, along with City staff, will be present for community open house will to allow Birmingham's residents and community stakeholders to examine, discuss, and comment on the draft Master Plan. We will be available throughout the community open house to present material, answer questions, and get feedback prior to initiating the approval process.

### **9d. Final Master Plan adoption**

Houseal Lavigne Associates, in conjunction with City staff, will present the final Master Plan to the Planning Board at a public hearing for adoption. This hearing will provide an opportunity for residents and the community at-large to comment on the Master Plan—and the recommendations therein— before its adoption.

### **9e. Final Master Plan City Commission presentation and approval**

Once the Master Plan has been adopted by the Planning Board, the City Commission may complete an approval of the revised Master Plan. In addition, Houseal Lavigne Associates will provide City staff with the final plan in both hard copy and digital formats in this last step of the project. We will work with staff to ensure that the Master Plan formats will enable low-cost reproduction, revision, and direct web and social media posting.

## **SECTION 5**

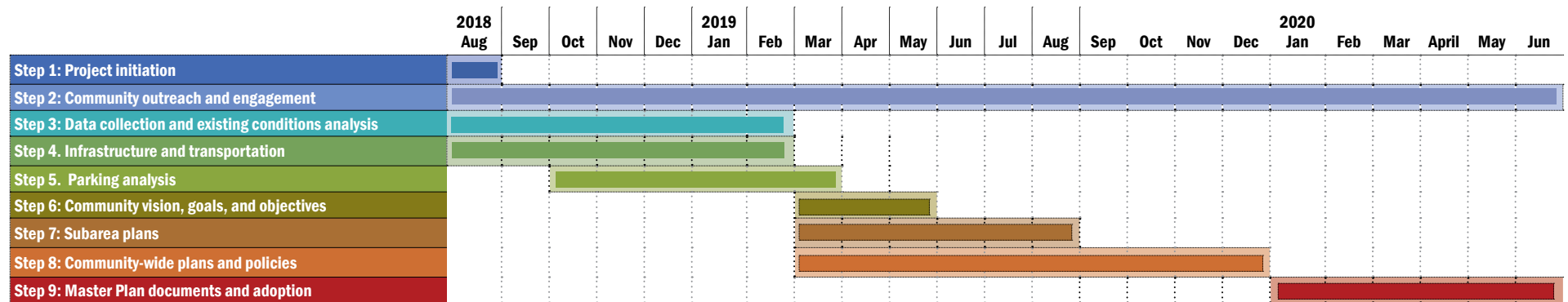
# **TIMEFRAME**

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# TIMEFRAME

## Availability

The chart below outlines **Houseal Lavigne Associates'** proposed timeframe to complete the services described in our Scope of Work. The team we have assembled for the City of Birmingham's Master Plan Update is available to undertake this important assignment immediately upon selection and will be available for the duration of the schedule outlined below.



## **SECTION 6**

# **ADDITIONAL SERVICES**

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## SECTION 6

# ADDITIONAL SERVICES

### Subarea plans

As noted in the subarea section of our scope of work, new subareas may be identified. Cost would be dependent upon the size and number of locations.

Staff Name	Discipline	Hourly Rate
John Houseal	Urban Planning	\$205.00
Devin Lavigne	Urban Planning	\$205.00
Daniel Gardner	Economic Development & Market Analysis	\$185.00
Nik Davis	Urban Planning	\$175.00
Todd Meyer	Urban Planning	\$180.00
Michio Murakishi	Economic Development & Market Analysis	\$140.00
Wes Butch	Transportation & Civil Engineering	\$209.10
Jason Whitten	Transportation & Civil Engineering	\$124.05
Cory Lavigne	Urban Design & Architecture	\$200.00
Michael Guthrie	Urban Design & Architecture	\$200.00

### Zoning code and regulations update

At the completion of the Planning process, an update of the City's zoning code and regulations could be prepared. This engagement would be scoped and budgeted separately at that time.

Staff Name	Discipline	Hourly Rate
John Houseal	Zoning	\$205.00
Jackie Wells	Zoning	\$110.00
Nik Davis	Graphics, Visualizations & Plan Composition	\$175.00



**SECTION 7**  
**BIDDER'S AGREEMENT**

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## ATTACHMENT B - BIDDER'S AGREEMENT FOR MASTER PLAN UPDATE

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In submitting this proposal, as herein described, the Contractor 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.

John Houseal, FAICP

06/01/2018

---

**PREPARED BY  
(Print Name)**

**DATE**

Principal | Co-founder

06/01/2018

---

**TITLE**

**DATE**



jhouseal@hlplanning.com

---

**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

Houseal Lavigne Associates

---

**COMPANY**

188 W. Randolph Street, Suite 200

(312) 372-1008 x101

---

**ADDRESS**

**PHONE**

N/A

N/A

---

**NAME OF PARENT COMPANY**

**PHONE**

N/A

---

**ADDRESS**

---

**SECTION 8**  
**COST PROPOSAL**

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## ATTACHMENT C - COST PROPOSAL FOR MASTER PLAN UPDATE

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 itemized as follows:

<b><u>Project Elements</u></b>	
<b>1. Comprehensive Community Engagement Plan</b>	\$ 20,000
<b>2. Updated Data Collection and Analysis</b>	\$ 34,000
<b>3. Infrastructure Analysis</b>	\$ 17,000
<b>4. Parking Analysis</b>	\$ To be budgeted separately
<b>5. Attendance at Meetings</b>	\$ 15,000
<b>6. Plan Preparation</b>	\$ 34,000
<b>7. Finalization and Adoption</b>	\$ 14,000
<b>TOTAL AMOUNT</b>	\$ 134,000
<b>Additional Meeting Charge</b>	\$ 2,500 per meeting
<b>Additional Services Recommended (if any):</b>	
Subarea Plans	\$ / hour
	\$ 110 to 205 / hour
Zoning	\$ 110 to 205 / hour
	\$ / hour
	\$ / hour
	\$ / hour
	\$ / hour

Firm Name Houseal Lavigne Associates

Authorized signature 

Date 06/01/2018

## **SECTION 9**

# **IRAN SANCTIONS ACT** **VENDOR AGREEMENT**

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**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION  
FORM  
FOR MASTER PLAN UPDATE**

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Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City 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 City.

John Houseal, FAICP

06/01/2018

**PREPARED BY  
(Print Name)**

**DATE**

Principal | Co-founder

06/01/2018

**TITLE**

**DATE**



jhouseal@hlplanning.com

**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

Houseal Lavigne Associates

**COMPANY**

188 W. Randolph Street, Suite 200, Chicago, IL 60601

(312) 372-1008 x101

**ADDRESS**

**PHONE**

N/A

N/A

**NAME OF PARENT COMPANY**

**PHONE**

N/A

**ADDRESS**

13-4287640

**TAXPAYER I.D.#**



CITY OF BIRMINGHAM, MICHIGAN

# MASTER PLAN UPDATE

JUNE 1, 2018



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- 3 OUTLINE OF CONTRACTOR EXPERIENCE
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- 5 TIME FRAME
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- 7 ATTACHMENTS



**MKSK**

**UDA**  
URBAN DESIGN ASSOCIATES

**N NELSON**  
NYGAARD

**F&V**





MAY 31, 2018

JANA L. ECKER, PLANNING DIRECTOR  
CITY OF BIRMINGHAM  
151 MARTIN STREET  
BIRMINGHAM, MI 48009  
JECKER@BHAMGOV.ORG | 249.530.1841

CHRIS HERMANN, AICP  
PRINCIPAL-IN-CHARGE  
4219 WOODWARD AVE, SUITE 305  
DETROIT, MI 48201

**Re: City of Birmingham - MASTER PLAN UPDATE**

Dear Ms. Ecker and Members of the Selection Committee,

On behalf of our team, MKSK is pleased to present our proposal to update the City's Master Plan. We have carefully organized a team of planners, designers and community engagement specialists to lead the city through this Master Plan process. Our interdisciplinary team includes both national and local experts in charrette facilitation, land use, urban design-based plans, landscape architecture, Complete Streets, parking, infrastructure engineering and graphic communications. Our firms and individuals are committed to outcomes that promote sustainability, placemaking, multi-modal transportation and great urban environments. Our teams has demonstrated success working across a broad range of project scales and complexities. Most of us have experience working with Birmingham on a variety of other assignments.

MKSK will be the Prime firm. We are a leader in graphic-forward, broad-based comprehensive planning and imaginative solutions. Our resources include dozens of registered Landscape Architects, LEED AP certified professionals, AICP Certified Planners, Professional Transportation Planners and community involvement specialists. We have led planning efforts in many cities across the Midwest and Mid-Atlantic regions including: East Grand Rapids, Grand Rapids, Ann Arbor, Kalamazoo, and Midland MI, Columbus and Cincinnati OH, Greenville SC, Charleston WV, Lexington and Louisville KY, West Lafayette, IN, suburban Minneapolis and Tulsa Oklahoma. Our Principal-in-Charge will be Chris Hermann. Chris leads our planning team and has more than 25 years of experience. Chris provides a broad range of project planning experience to the firm, managing projects involving regional planning policy, comprehensive plans, downtown plans, focus area planning, community revitalization/reinvestment, economic development, urban design and form-based codes, transportation planning, consensus-building, and public engagement and facilitation. Chris is adept at helping communities create a unique, compelling vision and translating that vision into strategic steps that transform cities and spaces. Local Coordination will be led by Brad Strader of our Detroit office. Brad's wealth of experience includes eight projects in Birmingham including the Downtown 2016 Plan, Triangle District, zoning studies and advising the Multi-Modal Board.

Our team includes:

**UDA is our design charrette expert.** They will lead the design charrettes and development of neighborhood typologies. UDA has a well-developed Design Charrette process used as a tool to build consensus and identify implementation strategies. UDA has facilitated charrettes for mid-sized cities, downtowns, and mixed-use centers around the country and internationally. Recent similar projects include charrettes for the Chattanooga Arts District, Hershey West End Village in Derry Township, PA, Summers Corner village center in Dorchester County, SC, Cypress Village in West Vancouver, BC, downtown Huntsville, AL, Boca Raton, FL, and Alameda, CA.

**Nelson\Nygaard is our parking expert.** Parking systems have always been complicated and demands and competing needs are only intensifying. We've partnered with Nelson\Nygaard for this project (and many others) because of their renowned innovative solutions for today's parking needs that also take into account future changes in mobility. Nelson\Nygaard is currently leading the Birmingham's Downtown Parking Study, which touches on some of the topics outlined in the Master Plan RFP.

**Fleiss & Vandenbrink is our traffic and engineering expert.** They will provide support in traffic engineering and construction staging. Julie Kroll and others from the firm have reviewed development impact studies and have served as the city's Multi-Modal Board advisor for many years.

The combined talents of this team will provide Birmingham with:

- Leaders in innovative, action-oriented mid-sized city comprehensive and district plans,
- Leaders in the planning and placemaking field who are known for creating vibrant and livable communities,
- Confident professionals to facilitate and listen to diverse stakeholders and the public,
- Facilitators who have led design charrettes for decades,
- National leaders in Parking Management strategies,
- National leaders in Multi-modal and Complete Streets, linking land use with multi-modal transportation,
- Professionals who serve as instructors on best practice training on how to craft a Master Plan to be successful and meet the requirements of the Michigan Planning Act; and available support to help the city through implementation after the plan is developed,
- Experience in crafting easy to understand, visionary action plans followed by successful implementation,
- A group you have entrusted with many previous projects in Birmingham (three of our four firms).

Given our valued relationship with you and the positive experience working with the City on past undertakings, we would be delighted to continue our partnership with Birmingham with this project. We have crafted our work plan based on a combination of our past experience in developing city-wide and district comprehensive plans, as well as our specific understanding of Birmingham. We are prepared to refine the scope to best suit your expectations and budget to ensure the process and products deliver what you seek. We look forward to the opportunity to discuss our proposal with you for this exciting effort. Should you have any questions about our enclosed qualifications and proposal, please do not hesitate to write or call.

Sincerely,  
MKSK



Chris Hermann, AICP, Principal-in-Charge

chermann@mkskstudios.com | DIRECT: 614.686.0128 FAX: 614.621.3604



# OUTLINE OF QUALIFICATIONS



BRIDGE STREET DISTRICT RIVER CORRIDOR FRAMEWORK PLAN, DUBLIN, OH\_MKSK





# PROJECT MANAGEMENT, PLACEMAKING, COMMUNITY ENGAGEMENT, LAND USE, COMPLETE STREETS, TRANSIT, DOCUMENT DEVELOPMENT & ADOPTION PROCESS

**CONTACT:**

CHRIS HERMANN  
AICP, PRINCIPAL-IN-CHARGE  
CHERMANN@MKSKSTUDIOS.COM  
614.686.0128

BRAD STRADER  
PE, PTP, PRINCIPAL  
BSTRADER@MKSKSTUDIOS.COM  
313.652.1105

**OFFICE WHERE WORK  
WILL BE PERFORMED:**

4219 WOODWARD AVE, SUITE 305  
DETROIT, MI 48201  
MKSKSTUDIOS.COM

FAX:  
614.621.3604

MKSK brings Planners, Urban Designers, and Landscape Architects together to offer creative planning, design, economic, and sustainable solutions. MKSK offers multidisciplinary professional services through our studios in Michigan, Ohio, Kentucky, Indiana, and South Carolina. As planners and landscape architects, we blend the art and science of land planning, placemaking, urban design and transportation; we are principled by a comprehensive view of sustainability that emphasizes not only environment, but also economy, energy, and society. We support our work with sound market data, engineering metrics, and community engagement. This information forms the backbone of our decision-making and allows us to give clients informed recommendations. We are leaders in helping communities plan and implement projects, because we help to seek out innovative funding and partnering strategies. We revisit work and measure outcomes. We strive to learn from our projects and we bring this knowledge to our clients.

Our approach focuses on helping communities fully realize their potential, by providing plans, collaborative services, design guidelines and policy tools that address each community's specific needs and goals. Our team of highly qualified planners brings both private practice expertise, as well as a wide range of public planning experience to projects both large and small. By continually evolving planning processes and crafting individualized solutions for each community, our planners are able to create plans that clearly communicate effective strategies and facilitate success.



## 2 OUTLINE OF QUALIFICATIONS



### URBAN DESIGN, NEIGHBORHOOD TYPOLOGIES, CHARRETTE LEAD

#### URBAN DESIGN ASSOCIATES (UDA)

Urban Design Associates (UDA), founded in 1964, is a multi-disciplined urban design and architecture practice headquartered in Pittsburgh, Pennsylvania. UDA's design process features dynamic, three-dimensional graphics that allow everyone involved to visualize the scale and character of what is being proposed. This process creates consensus among stakeholders, development teams, political leaders, and the general public.

UDA establishes the character of new places through their research into the distinct patterns that have evolved in a region over time. Each place has its own DNA. These enduring qualities spring from the environment, culture, and heritage. By documenting these qualities and establishing design vocabularies that grow out of great places, new development can continue the sense of place into the future. This method makes it possible to design a rich and diverse environment that is sustainable and flexible for many different market sectors and uses over time.

CONTACT: MEGAN O'HARA, PRINCIPAL, [MEGAN.OHARA@URBANDESIGNASSOCIATES.COM](mailto:MEGAN.OHARA@URBANDESIGNASSOCIATES.COM), 412.263.5200

### PARKING

#### NELSON \ NYGAARD

Nelson\Nygaard Consulting Associates, Inc. is an internationally recognized firm committed to developing transportation systems that promote vibrant, sustainable, and accessible communities. Founded by two women in 1987, Nelson\Nygaard has grown from its roots in transit planning to a full-service transportation firm with over 130 people in offices across the United States. In keeping with the values set by the founders, Nelson\Nygaard puts people first. They recognize that transportation is not an end by itself but a platform for achieving broader community goals of mobility, equity, economic development, and healthy living. Their hands-on, national experience informs but doesn't dictate local solutions. Built on consensus and a multimodal approach, their plans are renowned as practical and implementable.

CONTACT: CHRIS BONGORNO, SENIOR ASSOCIATE, [CBONGORNO@NELSONNYGAARD.COM](mailto:CBONGORNO@NELSONNYGAARD.COM), 212.405.2534



### INFRASTRUCTURE ANALYSIS & MULTI-MODAL TRANSPORTATION ENGINEERING

#### FLEIS & VANDENBRINK ENGINEERING

Fleis & VandenBrink (F&V) has the most dedicated and experienced group of traffic professionals in SE Michigan. They have approximately 75% of all the traffic analyses performed in the state. Their clients include Kroger, Amazon, IKEA, Love's Travel Stops, Pulte Homes, REDICO, Pinnacle Homes, and Beztak, just to name a few. They are also the traffic consultants for the City of Birmingham, Bloomfield Township and Commerce Township. They have worked on projects in every community in SE Michigan, including Detroit, where they have recently worked with FCA (Chrysler) to assist them with shift change operations and parking analysis at their Jefferson North facility.

CONTACT: JULIE KROLL, PE, PTOE, PRINCIPAL, [JKROLL@FVENG.COM](mailto:JKROLL@FVENG.COM) 248.536.0080



# COMPREHENSIVE COMMUNITY MASTER PLANNING

**MKSK** understands the numerous factors that must be considered to create a robust and successful plan including assessments of existing conditions, environment, infrastructure, transportation systems, parking, demographics, market trends, development economics, fiscal implications, community character, cultural and historic structures, the built environment, and the public realm. We understand the relationships between the various types of land uses and their impacts on infrastructure and municipal services and funding.

Because of our work with the development community, we have a robust understanding of the types, yields, needs, and site layout of the myriad land developments of private developers. This ranges from subdivisions to multi-family developments, retail stores to town centers, corporate offices to industrial development, and true mixed-use urban centers. We also understand their infrastructure, parking, support, amenity, and open space needs. We specialize in planning for the public realm, including riverfronts, parks, signature spaces, plazas, civic building spaces, streetscapes, gateways, etc. Our goal in all of our community planning efforts is to identify catalytic projects that will attract investment, support the community, and greatly improve quality of life and economic opportunity.

### Our planning practice is guided by the following principles:

1. We **invest** long-term commitments with the communities where we work, which is critical to plan implementation.
2. MKSK brings a critical **understanding** of placemaking trends and community development strategies.
3. We **recognize** key success factors for implementation such as funding, stakeholder, community buy-in, resource commitments, political will and leadership.
4. We bring a **comprehension** of both public and private sector goals, partnerships that can bring results, and understand the appropriate public investments that can spur substantial private development.
5. We champion urban placemaking, walkable districts, multi-modal transportation enhancements, and sustainable healthy community design practices which have resulted in **significant reinvestment**.
6. We bring broad **experience** in funding and regulatory tools.
7. We **create** exciting and achievable visions that motivate leaders, stakeholders, funders, and the public, that lead to successful built projects embraced by the community.
8. We understand the importance of careful and thoughtful **quality** planning and design in creating catalytic and lasting projects.
9. We understand the importance of place and character that is **unique** to each community and strive to incorporate and reflect that in individual designs.



LEXINGTON STREETScape MASTER PLAN & CHEAPSIDE PARK, LEXINGTON, KY\_MKSK  
2009 INTERNATIONAL DOWNTOWN ASSOCIATION AWARD OF DISTINCTION



NATIONWIDE ARENA DISTRICT MASTER PLAN, COLUMBUS, OH\_MKSK



BRIDGE PARK DEVELOPMENT, DUBLIN, OH\_MKSK



HIGHLAND PARK REDEVELOPMENT PLAN, HIGHLAND PARK, MI\_MKSK





### URBAN DESIGN & PLANNING

**MKSK**'s approach focuses on helping communities fully realize their potential, by providing plans, collaborative services, design guidelines and policy tools that address each development's specific needs and goals. Our team of highly-qualified urban designers brings both private and public practice expertise on large and small projects.

By continually evolving design processes and crafting individualized solutions for each community, our team is able to create visions that clearly communicate effective strategies and allow for an organic and extraordinary place to emerge. There are three elements that are consistent in our firm's approach:

- A focus on quality design and placemaking;
- An inclusive, communication-based approach for coordination of stakeholder interests into a common goal;
- A strategic approach to implementation that is grounded in reality but innovative in its solutions.

These elements have directly led to renewed investment and improved quality-of-life in the places in which we have worked.

At **MKSK**, our designers have the unique ability to work in conjunction with the firm's landscape architecture, planning, and transportation studios to bring multidisciplinary expertise, high-quality design, and achievable, real-world solutions to all of its urban design efforts. This, combined with the firm's focus on high-quality graphic presentations, enhances the ability of the planning studio to effectively communicate and gain consensus on plan concepts, ideas and strategies. The end results are thoughtful, meaningful and implementable plans that spur action and provide a framework for transformational change.

### ZONING & FORM-BASED CODES

Part of **MKSK**'s commitment to implementation extends into repair of existing zoning regulations and street design standards that may be barriers. We are currently helping Lansing, Dearborn and East Lansing develop new form-based codes. **MKSK** is frequently tapped as instructors by organizations such as the MI APA, National Form-Based Code Institute, MML, MEDC and the Michigan Bar. Once the concepts and plan are identified, we can audit your regulatory program and provide advice on changes to standards and procedures. We promote a variety of techniques such as waterfront overlay districts, form-based codes and special pedestrian or transit oriented street design standards. We can also help craft user guides and other tools to help spark redevelopment interest from the private sector.

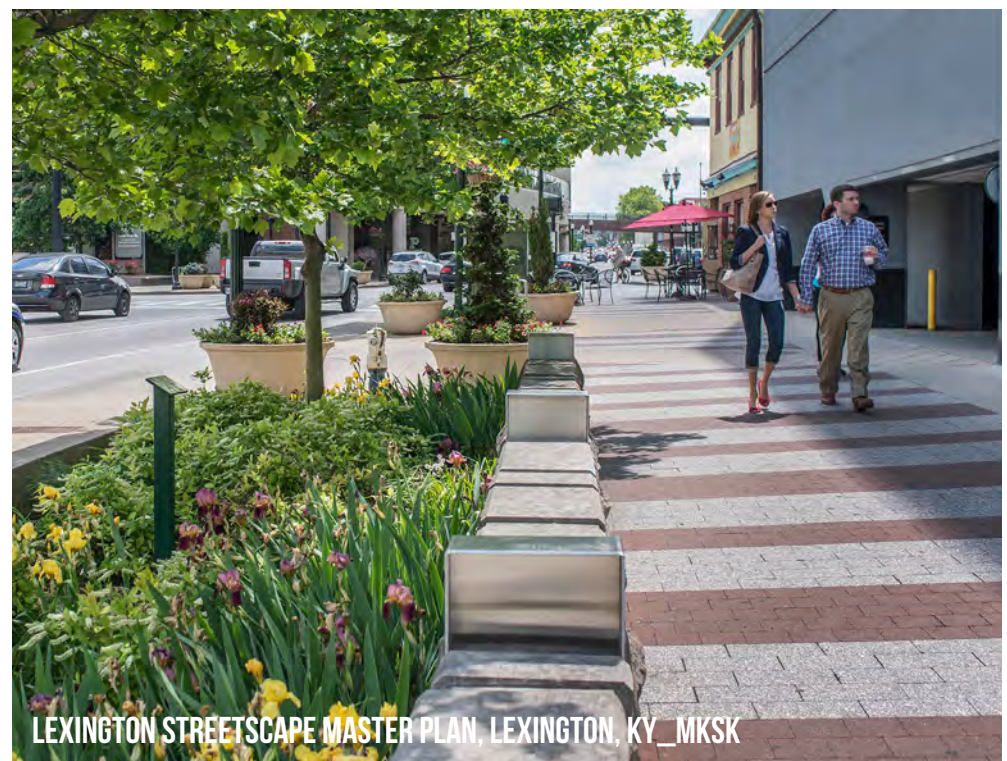
### PLACEMAKING

**MKSK** approaches placemaking with a clear understanding that each site has a unique story to tell influenced by distinctive natural, environmental, historical, and cultural influences which should be expressed through thoughtful, contextual sensitive design. Our design team's interests and abilities are rich in all aspects of project design and implementation within the fields of landscape architecture and urban design, lending expertise in creative placemaking. The team's approach is focused on helping the City of Birmingham identify their unique spirit and translate this identity into themes that can be represented physically, through various co-created placemaking strategies. This approach has been applied in many places including, but not limited to nationally prominent communities Detroit, Michigan, Lexington, Kentucky, and Athens, Ohio.

### LANDSCAPE ARCHITECTURE

**MKSK** has the largest dedicated landscape architecture studio in the Midwest, with 40 Registered Landscape Architects. Attention to detail and construction implementation of the design vision are core values of our practice. Understanding of construction process, costs, and maintenance operations inform our design decisions throughout the entire design process. Through our internal research, regional practice and on-going commitment to sustainable design, we strive for highly creative and innovative design in coordination with a practical, sustainable, and fiscally-responsible solution.







### MULTIMODAL TRANSPORTATION & COMPLETE STREETS

**MKSK** is a leader in shaping place. We strive to create places that not only perform, but also transform and inspire. We are committed to a complete streets design approach that is holistic in nature, that seeks to balance the economic, environmental and societal impacts and opportunities and apply creativity and innovation to solve current issues while striving for responsible, long-term, practical solutions. This integrated approach considers all of the layers of activity along the street, from retail nodes to office and residential districts, the interrelationships between the public realm and other adjoining uses (whether public, semi-public, or private spaces) in order to accommodate multi-functionality. Our experience and expertise includes the design and implementation of hundreds of streetscapes throughout the Midwest.

The street is the most common form of public space in Midwestern cities and neighborhoods. **MKSK** is a leader in capturing the full value of streets for all users and uses, not just the automobile. Multi-modal design that treats streets as true places to spend time is central to our street design philosophy. We know that complete streets are the most equitable for the end user and the most successful in driving economic development and private investment along a street. When travel speeds slow down, streets not only become dramatically safer, the adjacent development realizes higher rental rates, better sales per square foot, and experiences less vacancy. When streets are safer, designed and inviting for pedestrians and bicyclists, more people walk and bike, improving community health and accessibility for everyone.

We also recognize that desired design for all types of users cannot always fit into the available space so we use a "Complete Network" perspective to identify priority networks for pedestrians, bicyclists, transit, trucks and automobiles. We also promote transportation design that complements the desired character of the built and natural environment.

In our approach to transportation planning and complete streets planning and design, MKSK provides the following services:

- Multi-modal street and streetscape design
- Tactical street calming and activation strategies
- Bike and pedestrian master planning
- Street safety improvement design
- Transit station/stop planning
- Access management strategies
- Bike infrastructure and trail master planning
- Parking management studies
- Street and right-of-way design manuals
- Form-Based Codes
- Transportation Demand Management Strategies
- Smart Cities considerations

### PARKING MANAGEMENT

**Nelson\Nygaard** believes effective parking management is the key to unlocking multiple community goals, from economic development to congestion management and historic preservation. With more than 50 projects completed for cities, public agencies, developers, universities and nonprofits, they can analyze and share best practices from all sides of the table. The senior staff at Nelson\Nygaard includes former parking managers who can lead clients through the implementation process for parking cash-out, shared parking, residential permit parking and other programs. They advise on how to take advantage of new payment and enforcement technologies, and implement customer-friendly information systems.

### DEMAND ANALYSIS

**Nelson\Nygaard** helps developers and cities to go beyond the Parking Generation manual and accurately quantify parking demand for a new development, neighborhood plan or zoning ordinance. The firm's integrated financial and transportation models incorporate the impacts of density, transit access, pricing and demand management, and the potential for shared parking. They can analyze when more parking is needed, and when it is more effective to invest in alternatives to driving.





DOWNTOWN HUNTSVILLE MASTER PLAN, HUNTSVILLE, AL\_UDA



CHATTANOOGA ARTS DISTRICT, CHATTANOOGA, TN\_UDA



HUNTSVILLE PARK EDGE, HUNTSVILLE, AL\_UDA



HERSHEY TRUST, HERSHEY, PA\_UDA



### SUSTAINABILITY

History provides many examples of sustainable development patterns. The best towns and cities evolved over time as compact, mixed-use environments, designed for walking, transit, a wide range of choices and prices, and a supportive network of civic amenities. The rich interplay of streets, public spaces, and architecture provided beautiful settings for an entire range of daily activities. With the introduction of new building technologies, LEED® standards, new techniques for the disposal of waste, energy generation, and stormwater management, the environmental costs of urban development are further mitigated. **UDA** integrates these techniques and expertise into their multidisciplinary approach to urban design. They work collaboratively in teams of urban designers, ecologists, engineers, architects, and economists to design state-of-the-art environments in both urban and rural contexts.

**MKSK** is committed to the principles of sustainability and we endeavor to incorporate those principles into all of our projects based on our professional oath to serve as stewards of the environment. We seek a balance between economic, environmental, and societal impacts and opportunities, the underlying principles of sustainability and apply creativity and innovation to solve current issues while striving for responsible, long-term, practical solutions. Our design and planning projects begin with overall sustainability goals and consideration of LEED® certification. For each project site, we strive to achieve low-impact site development through means of preserving open space, accommodating multi-modal transportation and bicycle facilities, reducing impervious surfaces and heat island effects, incorporating passive solar design, retaining or creating natural habitat, integrating sustainable stormwater management through the use of permeable pavement, bio-swales, rain gardens and green roofs, and using recycled and regionally-available materials.

### CITIES, NEIGHBORHOODS & ARCHITECTURE

Over the past 40 years, cities have found renewed life as both the civic and cultural core of regions and as 24-hour centers with residential, cultural, entertainment, retail, business, civic, and educational uses. **UDA** has been working with existing cities for over 40 years to create new investment opportunities and attractive urban infill developments to capture emerging markets. Their work has featured successful developments aided by UDA Pattern Books® and form-based codes, revolutionary implementation tools that ensure high quality standards throughout the life of the project. Their approach also assimilates green infrastructure design, mixed-use centers, walkable neighborhoods, and a variety of parks and open space systems.

The UDA architecture studio is committed to building designs that evolve from regional traditions with new technology and market requirements. UDA designs a variety of key buildings for many of our urban design and master plans to create the essential character and image. Their team includes LEED® accredited professionals for each project to complete the cycle of sustainable design from the city scale to the human scale.





**Public Meeting 3 - Presentation NOW ONLINE**

**Public Meeting 3**

**Marina District Fram Plan**



**PROJECT WEBSITES**





# PUBLIC & STAKEHOLDER ENGAGEMENT

Community involvement and engagement is a fundamental part of our urban planning and design approach. The success of the public engagement process is a critical step in building understanding, support, and ownership of focus areas that will ultimately lead to effective implementation across time.

Our team views the early stages of a planning project as a time for learning and collaboration. It is here that we invite the public and stakeholders to share with us the issues and considerations important within a community. This knowledge, and the relationships built through this process, guides our planning efforts as we develop ideas and strategies to address project issues. The testing of those ideas, through further public engagement, ultimately provides us with a consensus-based direction. Our goal is to form a shared and “living” vision. To reach this goal, we cast a wide net, which often includes residents, business interests, development community members, key stakeholders, elected officials, and public agencies. Opportunities to engage the public can be in the form of traditional open houses, forums, or focus group sessions, or online through web-based meetings, surveys, and via social media platforms.

Our public participation toolbox blends traditional methods with fresh approaches adapted to hands-on engagement together with 24-hour community information and dialogue on web-based platforms. Every project and community is unique, so for each we refine an engagement tool kit in close consultation with the Working Group. The more traditional public participation and engagement opportunities incorporated in this process include stakeholder interviews, walking tours, and public meeting visioning workshops. Additional opportunities include:

- DIY Meetings in a Box
- Study area storefront displays and office hours
- Street stalls and kiosks at existing events
- Study area walking/bike tours
- Distribute disposable cameras to record the study area likes/dislikes
- Stakeholder and focus group meetings
- Public workshops and presentations
- Charrettes and visioning



## NATIONAL CHARRETTE INSTITUTE TRAINING

**MKSK’s Haley Wolfe** is NCI certified and will assist the planning team in the stakeholder engagement process to harness the talents and energies of all interested stakeholders to create and support a feasible plan. Haley’s holistic approach to planning begins with her passion to work with local residents and business owners by listening to their perceptions and positions within the city and results in designing a shared solution that resolves conflict and achieves a shared vision.

In addition, Brad Strader has helped facilitate over 15 charrettes including the Downtown 2016 Plan and Triangle District Plans in Birmingham. UDA has led dozens of charrettes from coast to coast.

- Interactive meetings & exhibits
- Pop-up displays
- Dedicated website & social media platforms
- Community mapping - geo locate ideas
- Online and telephone surveys
- Mail-in postcard concepts
- Tactical urbanism
- Youth activities

## 2 OUTLINE OF QUALIFICATIONS



**MKSK**



### MKSK PROJECT LEADERSHIP



Chris Hermann, AICP  
Principal Planner/Project Manager  
Primary Client Contact

### PROJECT TEAM KEY PERSONNEL

Urban Design Associates (UDA)



Megan O'Hara  
LEED AP, Principal  
Urban Design  
Public Participation



David Csont  
ASAI, Principal  
Chief Illustrator



Jeffrey Pongonis  
PLA, ASLA, Principal  
Urban Planner  
Development Planner



Justin Goodwin  
AICP, Associate  
Project Planner  
Administrator



Brad Strader  
AICP, PTP, Principal  
Transportation  
Planner



Haley Wolfe  
Designer  
National Charrette  
Institute Certified



Nikki Polizzotto  
Planner  
Public Engagement

MKSK

Nelson\Nygaard



Tom Brown  
Principal  
Parking



Chris Bongorno  
Senior Associate  
Parking



Alyson Fletcher  
Associate  
Parking



Julie Kroll  
PE, PTOE  
Infrastructure Analysis &  
Multimodal Transportation  
Engineering



Todd Richter  
PE, Associate  
Infrastructure Analysis &  
Construction Practices

F&V ENGINEERING

# PRINCIPAL PLANNER / PROJECT MANAGER



**CHRIS HERMANN, AICP**

PRINCIPAL PLANNER  
PROJECT MANAGER  
PRIMARY CLIENT CONTACT

## EDUCATION

Master of City and Regional Planning, The University of North Carolina  
Bachelor of Arts in Political Science, Miami University

## EXPERIENCE

Chris is a certified city planner with more than 25 years of experience. Chris provides a broad range of project planning experience to the firm, managing projects involving regional planning policy, comprehensive plans, downtown plans, focus area planning, community revitalization/reinvestment, economic development, urban design and form-based codes, transportation planning, consensus-building, and public engagement and facilitation. Chris is adept at helping communities create a unique, compelling vision and translating that vision into strategic steps that transform cities and spaces. Highly acclaimed for creating plans that are implemented, Chris is skilled at building partnerships and translating plans into strategic steps that guide and attract investment for community betterment. His aptitude for transformational planning is complemented by his strong public presentation ability. Chris has been an adjunct professor at The Ohio State University, teaching masters students in planning. He is currently on the Columbus Board of Transit and a member of the ULI transportation and corridors committee that is helping to guide the MORPC Regional Corridors Study.

## NEW ALBANY STRATEGIC PLAN

### NEW ALBANY, OHIO

The Strategic Plan guides development of this rapidly growing community, focusing on creating great neighborhoods, providing first rate amenities, and developing a robust employment base. Of more particular focus is the mixed-use Village Center, interconnecting the community with multi-use trails and guiding densities and aesthetics.



## POWELL COMPREHENSIVE PLAN

### POWELL, OHIO

The plan aims to guide the community in mitigating growth and development pressures. Aspects included determining appropriate housing types, land use and development patterns, resolving traffic congestion, and diversifying revenue sources to support needed infrastructure investments and high-quality public services.



## 2016 DOWNTOWN TOLEDO MASTER PLAN

### TOLEDO, OHIO

MKSK is leading an interdisciplinary team to develop a Master Plan for Toledo focusing market-based catalytic solutions to build on the current momentum downtown is experiencing and to identify future opportunities. The plan was informed by a robust and unique public input process including a project website and storefront.



## WESTERVILLE UPTOWN COMPREHENSIVE PLAN

### WESTERVILLE, OHIO

The 2013 Uptown Westerville Comprehensive Plan evaluates the district's existing conditions, exemplifying its strengths, and proposing catalytic projects and potential planning tools to address its challenges. By planning for the future, Uptown can ensure its continued success as the community core of the City of Westerville.





# TRANSPORTATION PLANNER



**BRAD STRADER, AICP, PTP**  
PRINCIPAL

TRANSPORTATION PLANNER

### EDUCATION

Bachelor of Science with Honors, in Urban Planning,  
Michigan State University

### EXPERIENCE

Brad advocates linking land use with multi-modal transportation and design to create vibrant places. Brad has more than 33 years experience in parking and traffic studies, comprehensive and downtown plans, multi-modal transportation, and development regulations. His transportation projects include over 60 corridor and access management thoroughfare plans and other studies including transit for metropolitan planning organizations, municipalities, and road agencies. Brad is a frequent lecturer on planning and transportation topics at state, regional and national conferences and training

### OLD WOODWARD AVENUE/MAPLE STREET CORRIDOR PLAN BIRMINGHAM, MICHIGAN

Brad led the development of a Transit-Oriented model code for the Woodward Avenue Action Association and rapid transit recommendations for the SE Michigan Regional Transit Authority in Detroit to Pontiac, including land use analysis, non-motorized concepts, station location workshops.

### TRIANGLE DISTRICT FORM-BASED CODE BIRMINGHAM, MICHIGAN

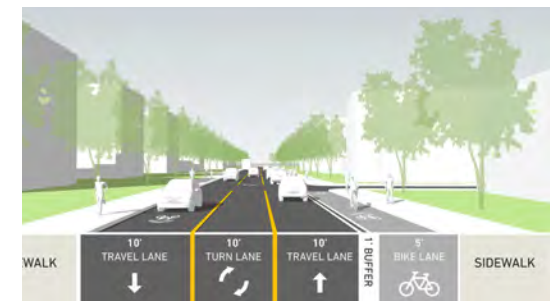
Brad led development of a new form-based code for the Triangle District to help transform that area into a more vibrant urban place. He also assisted the city in its plans and codes for the downtown, South Gateway along Woodward Ave, downtown transition zones, and parking strategies over the last 15+ years.

### MIDLAND COMPREHENSIVE/DOWNTOWN PLANS, SPECIAL STUDIES & FORM-BASED CODE MIDLAND, MICHIGAN

The Midland DDA commissioned a Redevelopment & Design Plan to explore new development opportunities and potential projects to enhance the downtown, create a commercial node, and improve the pedestrian environment connecting downtown and surrounding neighborhoods.

### AUBURN AVENUE CINCINNATI, OHIO

MKSK conducted a study to assess how Auburn Avenue, a major corridor servicing Christ Hospital—a key stakeholder, can better serve the local neighborhood and safely transport emergency vehicles into and out of the hospital. The study investigated development patterns and future development sites and how they both can better interact with the right-of-way.



# PROJECT PLANNER / ADMINISTRATOR



**JUSTIN GOODWIN, AICP  
ASSOCIATE**

PROJECT PLANNER  
ADMINISTRATOR

## EDUCATION

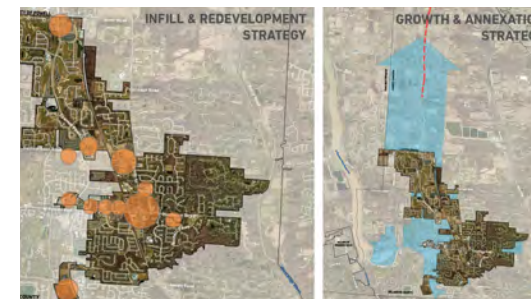
Bachelor of Science in Geography, Ohio University  
Master of Arts in Geography, Ohio University  
Master of City and Regional Planning, The Ohio State University

## EXPERIENCE

Justin has over a decade of experience in both public and private sector planning. He has completed transformational long-range plans, innovative form-based zoning regulations, and implementation strategies for catalytic development projects. He has a strong background in GIS and spatial analysis, which he combines with a broad skill set including research, writing, and public speaking to communicate complex issues in an accessible manner. Justin has managed a variety of projects and multi-disciplinary teams to create collaborative and holistic plans. His passion for walkable streets and livable cities drives Justin's commitment to making urban places better for people.

## POWELL COMPREHENSIVE PLAN POWELL, OHIO

The Plan aims to guide the community in mitigating growth and development pressures. Aspects included determining appropriate housing types, land use and development patterns, resolving traffic congestion, and diversifying revenue sources to support needed infrastructure investments and high-quality public services.



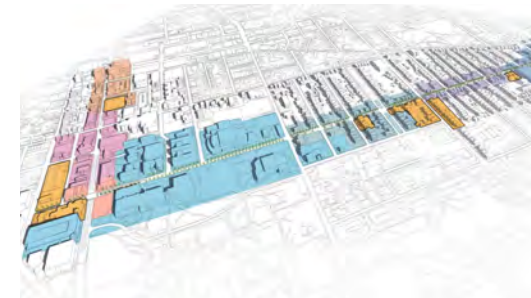
## ENVISION SHAKOPEE 2040 COMPREHENSIVE PLAN

Shakopee engaged MKSK to lead a new type of planning process that will go beyond the Met Council's technical standards. The planning process began in July 2017, kicking off with a community engagement effort including an interactive website, focus group meetings and mobile displays at community events.



## EUCLID AVENUE AND SOUTH LIMESTONE STREET COMMERCIAL CORRIDOR STUDY

Lexington, Kentucky  
In Lexington, two vastly different corridors are united by their economic potential to catalyze a revitalization of the neighborhoods that lie between the City's economic engines: the downtown and University of Kentucky.



## BRIDGE STREET DISTRICT DEVELOPMENT CODE\* DUBLIN, OHIO

The Code develops the urban design principles for an authentic, urban, mixed-use district, including new zoning districts, block standards, street and open space typologies, parking, and development review procedures. MKSK assisted in the implementation of the Code and the development of preliminary designs for several circulation and open space projects within the district.



\*personal experience prior to MKSK



# URBAN PLANNER / DEVELOPMENT PLANNER



JEFFREY PONGONIS  
PLA, ASLA, PRINCIPAL

PRINCIPAL URBAN DESIGN  
LANDSCAPE ARCHITECT

## EDUCATION

Bachelor of Science Landscape Architecture, The Ohio State University

## EXPERIENCE

Jeff is committed to the implementation of a meaningful, green, and well-connected environment. His practice, steeped in Midwestern urbanism and a devotion to the creation of market-based aspirational strategies is exemplified in Columbus' Arena District. As urban design lead and cross-discipline collaborator, Jeff's contribution in the Arena District is evident as the dynamic public realm infrastructure network is now the key link connecting the C.B.D., the Short North, the Convention Center District, and the Columbus Scioto Mile Greenways. His process is focused and mindful of both the aesthetic details of robust social spaces as well as the greater urban strategy of complex urban centers and their clients, partnerships, and cities. His practice is based around a framework of performative, contemporary, and beautiful infrastructure systems of organized urban spaces, connected pedestrian ways, and performative green corridors all equally responsible in the creation of a successful, human-scaled urban pattern.

## NATIONWIDE ARENA DISTRICT MASTER PLAN COLUMBUS, OHIO

The Arena District has served as the guiding development strategy for a vibrant, new downtown entertainment district. It has resulted in private investment and is a model success story in the country's growing urban revitalization trend. Jeff served as Design Principal and Principal in Charge.



## DOWNTOWN AKRON VISION & REDEVELOPMENT PLAN | AKRON, OHIO

The plan will help foster a rich diversity of downtown places and spaces that will attract and support people who live, work and play in Downtown Akron. The vision will articulate how to improve the character, identity, and connectivity of the downtown area and its surrounding neighborhoods and increase its vitality and prosperity.



## LIBERTY CENTER LIBERTY TOWNSHIP, OHIO

Liberty Center is a 64-acre mixed-use new town center for Liberty Township, including The Park & The Square. The Park is a open space with a custom designed pergola, an interactive fountain, splash pad, display garden, and event lawn space. The Square provides paved plaza space and larger event lawn for concerts and performances.



## GRANDVIEW YARD GRANDVIEW HEIGHTS, OHIO

A new mixed-use development that will include 1.5 - 2 million SF of commercial development and 600-800 residential units. Located on a former Brownfield site, the development will create a new vibrant neighborhood. Jeff served as Design Principal and Principal in Charge. The first LEED-ND (Silver) certified neighborhood in Ohio.



# PROJECT LANDSCAPE DESIGNER



HALEY WOLFE

DESIGNER  
NATIONAL CHARRETTE  
INSTITUTE CERTIFIED  
(ANTICIPATED JUNE 2018)

## EDUCATION

Bachelor of Landscape Architecture, The Ohio State University

## EXPERIENCE

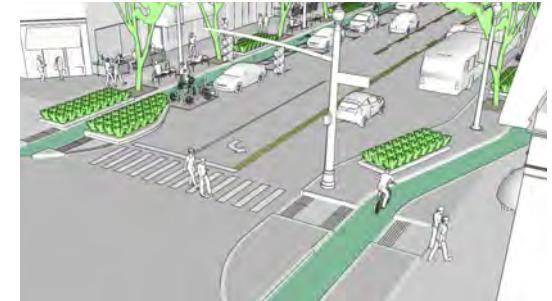
Haley believes that because everything is a part of the landscape, a landscape architect must know something about everything. She believes that designing on multiple layers will generate sites that are both beautiful and sustainable.

Haley's foundation in hospitality and mixed-use development drives her to create environments that are as memorable as they are functional. Her additional experience in hand-drawing fosters an intimate relationship with her designs and allows her to communicate in real-time. This background informs Haley's process from initial concept design to final construction of both private and public projects.

## PROMOTING TRANSIT-ORIENTED DEVELOPMENT IN THE CATA BUS RAPID TRANSIT CORRIDOR

LANSING, MICHIGAN

With a Federal Transit Administration TOD Pilot Grant, a form-based code was crafted to unify the character of future private development and public street design along the Avenue to create a vibrant, pedestrian-friendly and transit-oriented corridor.



## OLENTANGY PARKWAY DEVELOPMENT COLUMBUS, OHIO

This major Columbus river has the opportunity to be a fully realized, fully functioning green infrastructure corridor dedicated to stitching the city together east to west, north to south, for work and play, for open-space respite and ecological sustainability.



## EAST GRAND RAPIDS MASTER PLAN EAST GRAND RAPIDS, MICHIGAN

The plan is revised with a fresh look at quality of life and economy, including e-commerce, housing preferences & multi-modal transport. Retaining, strengthening, and building upon these assets is essential to the long-term sustainability of the community.



## DETROIT MOBILITY PLAN DETROIT, MICHIGAN

Recent and upcoming investment in downtown provides an unprecedented opportunity to redesign the transportation system. Various new developments are transforming the downtown into a more vibrant, 24-hour, livable place.





# PROJECT PLANNER / PUBLIC ENGAGEMENT SUPPORT



NIKKI POLIZZOTTO

PROJECT PLANNER  
PUBLIC ENGAGEMENT SUPPORT

## EDUCATION

Master of Urban Planning, University of Southern California  
Bachelor of Cultural Anthropology & Sociology, University of Puget Sound

## EXPERIENCE

Nikki has significant experience working with nonprofits, community organizations, and public agencies to build scalable and replicable solutions to promote equitable community development. Her passion and expertise as an urban planner stems from her desire to use research and meaningful engagement methods to improve the design and livability of cities and neighborhoods. Her background encompasses the research and analysis of commuting patterns and alternative modes of transportation, programming, marketing, and managing various forms of public engagement, and grant writing. Specifically, Nikki has led community engagement strategies on a variety of projects including several “First-last” mile transit projects and corridor redevelopment plans.

## ST. CLAIR SHORES PARKS AND RECREATION MASTER PLAN

### ST. CLAIR SHORES, MICHIGAN

In 2018, MKSK led community engagement and visualized several park redesigns for the City of St. Clair Shores. Through a successful series of stakeholder and public workshops, the Parks and Recreation Master Plan identified specific parks and tangible improvements valued most by the community.

## BROWNFIELD REDEVELOPMENT AREA WIDE PLAN

### RIVER ROUGE, MICHIGAN

The future decommissioning of the DTE River Rouge Power Plant and construction of the Gordie Howe International Bridge are expected to bring several opportunities for industrial and economic growth to the City of River Rouge and Southwest Detroit. This ongoing project uses technical analysis and community engagement to develop a comprehensive area wide plan with actionable next steps that supports community and economic development.

## EQUITABLE ACCESS TO PARKS AND OPEN SPACE

### LOS ANGELES, CALIFORNIA

This research endeavor studied the relationship between equity, public health, and access to parks in L.A. County. Through the review of empirical data and the history of park resource investment in L.A. County, a policy for improving equitable access to parks through a new framework for resource management and investment as well as an integrated mobility plan was recommended.

## CRITICAL CARTOGRAPHY + SPATIAL ETHNOGRAPHY: VIRGINIA AVENUE PARK

### SANTA MONICA, CALIFORNIA

Virginia Avenue Park is a space that embodies the changing, gentrifying, yet diverse Pico neighborhood. This research endeavor explored how Virginia Avenue Park has been a cultural asset to the Pico Neighborhood over time through creative mapping exercises, film, and interviews.



# URBAN DESIGN/CHARRETTE LEAD



MEGAN G. O'HARA, AICP,  
LEED AP, PRINCIPAL

URBAN DESIGN,  
PUBLIC ENGAGEMENT

## EDUCATION

Masters in Sustainable Urban Development, University of Oxford  
Bachelor of Architecture, University of Notre Dame

## EXPERIENCE

Megan has over 10 years of expertise revitalizing urban neighborhoods and promoting social, economic, and environmental sustainability. At Urban Design Associates, she has led projects domestically and internationally, including infill, mixed-use and mixed-income neighborhood revitalization, form-based codes, and design guidelines. She has a passion for helping communities create consensus visions that benefit people equitably. At every stage of the design process, authentic community involvement and engagement is key to making these plans feel like home for the current and future residents. To support Megan's focus on neighborhood stabilization in disadvantaged neighborhoods, she developed an expertise in policy, land use and zoning, and an understanding of the relationship between opportunity sites and the appropriate incentives and financing strategies. Megan has spoken at the American Planning Association, Congress for the New Urbanism, University of Notre Dame, U.S. Green Building Council, and the Remaking Cities Congress.

## CHATTANOOGA ARTS DISTRICT

### CHATTANOOGA, TENNESSEE

Urban Design Associates prepared an arts district plan for downtown Chattanooga's riverfront area. The plan proposes a pedestrian art promenade that connects the Hunter Art Museum with the Aquarium and Chattanooga Green and new residential and institutional development on key parcels in the downtown.



## HERSHEY GATEWAY

### HERSHEY, PENNSYLVANIA

UDA was selected by the Hershey School Trust to prepare a master plan for their "Gateway Site," a large parcel of land adjacent to the Penn State Hershey Medical Center. This new mixed-use neighborhood will include residential, retail, entertainment and office space.



## SUMMERS CORNER

### SUMMERVILLE, SOUTH CAROLINA

UDA prepared a pattern book for Summers Corner, a new village being developed by WestRock, in North Charleston. The stated goals include responsible management of natural environments, reconnecting individuals and families to a garden ethic, and fostering daily social connectivity that enhances the quality of life.



## CYPRESS VILLAGE, VANCOUVER, BRITISH COLUMBIA, CANADA

Cypress Village will be a high-density urban precinct with a mix of uses developed by British Pacific Properties within a 350-acre site adjacent to Cypress Falls Park at the base of Cypress Mountain. UDA led a diverse team in a 9-month long design process engaging with the West Vancouver community and the many stakeholders who work, live and play in this extraordinary region.





# URBAN DESIGN/CHARRETTE LEAD, ILLUSTRATION



DAVID CSONT, ASAI  
PRINCIPAL

URBAN DESIGN/CHARRETTE LEAD  
CHIEF ILLUSTRATOR

### EDUCATION

Bachelor of Art History, State University College at Buffalo  
Bachelor of Science, State University College at Buffalo  
Master of Fine Arts, University of Wisconsin-Madison

### EXPERIENCE

David is a nationally recognized illustrator and educator with over twenty-five years of experience in the visualization of architecture. A key member of the UDA design team, David's unique talents include the ability to translate urban design and architectural concepts into three-dimensional perspective drawings in a variety of traditional and digital media. These images become an integral part of the marketing program for each project because they can easily communicate complex ideas to a varied audience. As a member of the American Society of Architectural Illustrators (ASAI), David's work has been recognized in the juried exhibition, Architecture in Perspective, in 1989, 1996, 1998, and 2005 through 2012. He served as President of ASAI in 2007. He has conducted many seminars and lectures and is committed to the exploration of illustration as a means to effectively communicate design ideas.

### DOWNTOWN HUNTSVILLE MASTER PLAN HUNTSVILLE, ALABAMA

The Master Plan guides the creation of a vibrant mixed-use historic downtown. UDA led the master plan which enhances mobility with bicycle lanes and walkable streets, connects and adds parking resources, embraces historical Big Spring Park, reconfigures City Hall, bridges the gap to the convention center, provides hundreds of mixed-income residential units, and helps activate its retail and dining district.

### MID-CITY

#### HUNTSVILLE, ALABAMA

Mid-City is a public-private redevelopment initiative of a regional shopping mall located just west of downtown Huntsville. The plan integrates a 13-acre city park as the focus of outdoor recreation and performance venues including a 3,000 seat amphitheater. The site will have retail, office space, a specialty hotel, and residential units designed with multiple modes of access for pedestrians, bicycles, and vehicles.

### DOWNTOWN BOCA RATON

#### BOCA RATON, FLORIDA

UDA developed strategies for growth and revitalization of the district. Key among these strategies are enhancements that strengthen the connection between downtown and the waterfront, new architectural design guidelines and significant improvements to the quality of the public space.

### DOWNTOWN ALAMEDA MASTER PLAN

#### ALAMEDA, CALIFORNIA

The City of Alameda, in collaboration with UDA as their urban design consultants created vision plans for their Civic Center, Webster Street, and Encinal Terminals. The public planning process for each project engaged a broad range of citizens and stakeholders. UDA prepared digital models and perspective drawings that enabled everyone involved to visualize the scale and character of the recommendations.



# PARKING



**TOM BROWN**  
**PRINCIPAL**

PARKING

### EDUCATION

Bachelor of History, The Ohio State University  
Master of Urban Planning, Hunter College

### EXPERIENCE

Urban parking management has been a special focus during Tom's 12+ years at Nelson\Nygaard. In his experience, nothing undermines the best of planning and design efforts as quickly or significantly as failing to get the parking right. Getting it right, however, invariably involves negotiating challenging and consequential tradeoffs. Years of engaging diverse, passionate, and thoughtful stakeholders on all aspects of parking, in a wide variety of contexts and opportunity environments, has afforded Tom the capacity to offer his clients a clear assessment of best available options, the essential pros and cons of each, and a viable path forward in serving transportation, growth, and broader community goals and objectives.

### TRAVEL DEMAND MANAGEMENT STUDY

TRAVERSE CITY, MICHIGAN

Managed a study of mobility-improvement and demand-management opportunities to reduce parking needs for Traverse City's thriving downtown district. The TDM plan takes advantage of an inverse cycle of parking demand that will allow it to reduce its downtown parking needs, without requiring 12-month mode-shift commitments from its commuters.

### COMPREHENSIVE PARKING STUDY

ASHEVILLE, NORTH CAROLINA

Asheville hired Nelson\Nygaard to perform a comprehensive parking study and develop a strategic plan for parking in the downtown area. It included a comprehensive survey of best practices, covering management policies/practices and technology/operations, as well as a financial model to project the impact of various rate-setting options on parking demand and revenues.

### VITAL STREETS

GRAND RAPIDS, MICHIGAN

Led the parking and transportation demand management (TDM) component of this complete-streets study, which culminated in a Street Design guide for the City. Deliverables included a Neighborhood Commercial Center parking-management toolbox and a Citywide TDM Policy.

### PARKING & TDM STUDY

ANN ARBOR, MICHIGAN

The DDA contracted Nelson\Nygaard to complete a Downtown Parking & TDM study designed to update a similar study, completed in 2007. The primary goal of the 2016 study was to ensure downtown's continued growth, economic expansion, and rising quality of life, with little parking supply.

### OFF-STREET PARKING & MOBILITY UPDATE STUDY

ASPEN, COLORADO

Managed a study to update the City's off-Street parking requirements, with a particular focus on reducing single-occupancy travel in downtown while supporting desired levels and forms of economic and population growth in this thriving district. Built-out under a code that emphasized minimum parking requirements, most of downtown's current parking supply is private and restricted, leaving drivers wishing to park in one place and walk around the downtown to hunt for on-street parking. The recommended code update, adopted in early 2017, integrates parking standards, mobility investments, and TDM commitments, as well as an In Lieu Fee alternative, into a Mobility Requirement that allows developers to right-right their options for their projects.

### ZONING PARKING REQUIREMENTS REVIEW

MONTGOMERY COUNTY, MARYLAND

Led a comprehensive review of parking requirements for the County, as well as a peer review of the County's parking lot district program for developing shared, public parking facilities in mixed-use urban centers.



# PARKING



**CHRIS BONGORNO, SENIOR  
ASSOCIATE**

PARKING

### EDUCATION

Bachelor of Urban Studies, University of Cincinnati  
Master in Urban Planning, Design & Development, Cleveland State University

### EXPERIENCE

Chris has more than 10 years of professional planning experience, applying a detail-oriented and client-focused skill set to extensive work in the fields of transportation and community planning, mixed-use and institutional development, and place management. His curiosity about how cities work drew him to the field and that curiosity has only grown with each new community he engages with. Chris's recent work has tied together his passions for innovations in mobility, community accessibility, sustainability, civic engagement, and economic development. Chris is dedicated to the communities in which he works and lives, serving multiple non-profit and civic roles in both Cleveland and Yellow Springs, Ohio.

### DOWNTOWN DETROIT TRANSPORTATION STUDY (SEMCOG)

DETROIT, MICHIGAN

Deputy Project Manager for a collaborative effort of the Southeast Michigan Council of Governments (SEMCOG), the City of Detroit and the Michigan DOT. The study will consider all aspects of mobility in Downtown Detroit, including traffic, parking, transit, biking, and walking, beginning with evaluation of existing conditions and developing a holistic strategy to manage the future transportation demands of Downtown. As part of a strong consulting team, Nelson\Nygaard is leading strategies for Parking Management, TDM, and Curbside Management.

### DUBLIN MOBILITY PLAN

DUBLIN, OHIO

Deputy Project Manager for Phase 2 of an effort to improve public health, expand residents' multimodal travel options, and promote equitable access to mobility in Dublin, Ohio. Following development of a Mobility Vision and Toolkit, Nelson\Nygaard is working with the City to identify and evaluate action items for implementation. High-priority projects include the development of a citywide Complete Streets ordinance, a feasibility study of on-demand transit options, bike share pilot launch, bike route wayfinding, and municipal partnerships with shared mobility providers.

### IUPUI TRANSPORTATION & PARKING PLAN

INDIANAPOLIS, INDIANA

Planner on an urban campus effort to improve opportunities for biking, walking, and transit use for IUPUI employees, students and visitors. Nelson\Nygaard is examining parking utilization and other travel pattern data to understand how the campus transportation system can be managed more effectively with a variety of demand management tools. Strategies for non-driving mobility options, including bike share, car share, and shuttle services, are being developed to meet the University's goals.

### MOVING GREATER UNIVERSITY CIRCLE TRANSPORTATION & MOBILITY PLAN

CLEVELAND, OHIO

Led scope and RFP development, fundraising and project management on behalf of the University Circle Inc. over a two-year period. The 3-part plan was completed by Nelson\Nygaard and included a Parking Management Plan, Transportation & Mobility Plan, and Implementation Plan. Recommendations have led to tangible projects and additional funding for implementation.

### CIRCKELINK CIRCULAR EVALUATION

CLEVELAND, OHIO

Served as project manager on behalf of the University Circle Inc. and worked with planning consultant Nelson\Nygaard to evaluate current service and enhancements to the neighborhood's free circulator bus. Recommendations led to the addition of a second route, rebranding, and execution of a marketing plan. The improved service has expanded geography, grown ridership, increased visibility, and garnered more than \$100,000, annually, in additional financial support.

# PARKING



**ALYSON FLETCHER**  
**ASSOCIATE**

**PARKING**

### EDUCATION

Master of Art History, Literary & Cultural Studies, College of William & Mary

Master of Landscape Architecture, Cornell University

Master of City and Regional Planning, Cornell University

### EXPERIENCE

Alyson Fletcher focuses on street design and multimodal transportation studies, which encompass best practices for integrating modes. Alyson has an inter-disciplinary background in architecture, planning and landscape architecture. Before joining Nelson\Nygaard, Alyson not only worked for an architecture firm in Boston but also worked on civic landscape designs for stormwater infrastructure projects in Philadelphia and on the Neighborhood Bikeways Network for the Active Transportation Alliance in Chicago. Alyson's Chicago work became part of a thesis presented at the Transportation Research Board's 2012 Urban Street Symposium and the 2012 Velo-City in Vancouver, B.C.

### NEWTON CENTRE PARKING STRATEGY

NEWTON, MASSACHUSETTS

Alyson assisted in the creation of a parking management plan for Newton Centre with principles to be replicated in other villages within the City of Newton.

### DOWNTOWN CHELSEA PARKING & CIRCULATION STUDY

CHELSEA, MASSACHUSETTS

Alyson is studying parking demand patterns in the Broadway neighborhood of Chelsea to support a main street redesign and visioning process.

### BRAINTREE PARKING INVENTORY

BRIANTREE, MASSACHUSETTS

Alyson created a GIS repository of all on- and off-street parking facilities within the two main village squares in Braintree.

### ARLINGTON PARKING MANAGEMENT PLAN

ARLINGTON, MASSACHUSETTS

Alyson assisted in the development of a parking management plan with specific strategies to alleviate real and perceived parking problems in the core of the central business district.

### LEXINGTON PARKING MANAGEMENT IMPLEMENTATION PLAN

LEXINGTON, MASSACHUSETTS

Alyson provided planning assistance on this project, which included public participation, surveys, reviewing existing conditions, developing implementation options and outreach strategies, and studying their impacts.

### CHARLOTTE SOUTH END PARKING STUDY

CHARLOTTE, NORTH CAROLINA

Alyson diagrammed recommendations to improve parking, pedestrian, and bicycling facilities. She also drew sections to illustrate possibilities within various street widths throughout the area for this project that evaluated existing transportation conditions and developed a multimodal transportation plan that addressed design best practices and recommendations for parking management strategies for mixed use developments.

# INFRASTRUCTURE ANALYSIS & MULTIMODAL TRANSPORTATION ENGINEERING



**JULIE KROLL, PE, PTOE,  
PRINCIPAL**

INFRASTRUCTURE ANALYSIS &  
MULTIMODAL TRANSPORTATION  
ENGINEERING

### EDUCATION

Bachelor of Civil/Transportation Engineering, Michigan  
Technological University

### EXPERIENCE

Julie has been involved in a wide variety traffic and transportation engineering projects for over 18 years, including all aspects of transportation planning, operations and design. She has provided the traffic and mobility analyses on hundreds of different Federal, State and local projects. As a Project Manager she is responsible for all aspects of the project scoping, analysis, design and delivery. Julie has a broad range of experience that is essential in evaluating each project and she is able to effectively and concisely communicate this information.

### MAPLE ROAD LANE CONVERSION BEFORE/AFTER STUDY

BIRMINGHAM, MICHIGAN

Project Manager responsible for before and after study to evaluate the four lane road operations and the three lane roadway operations during the trial periods. This trail was done to determine if the implementation of a three-lane cross section would enhance operations for all transportation users including drivers, pedestrians, and bicyclists. Study analyses included modeling of the study network, crash analysis, and calculation of intersection delays, Levels of Service (LOS), and vehicle queues. The results of the study showed a decrease in speeds, improved conditions for pedestrians, reduction in crashes and negligible increases in travel time. The study results were presented to the Multi-Modal Board and the City commission who recommended to maintain the three-lane section. The project was successful and constructed as recommended in summer 2016.

### RAIL DISTRICT PARKING STUDY

BIRMINGHAM, MICHIGAN

Project Manager responsible for the evaluation of the existing peak period parking demand within the Rail District and an evaluation of pedestrian improvements at intersections identified by the Ad Hoc Rail District Commission for review. The Ad Hoc Rail District Commission members were tasked with developing a plan to address the current and future parking demands within the district that align with both the planning goals and multi-modal opportunities for the Rail District. This study was performed to assist in the development of this plan and achieving their goals. Recommendations included areas to provide shared parking and pedestrian crossing enhancements at several intersections along the corridor.

### SOUTH ELTON BIKE LANES

BIRMINGHAM, MICHIGAN

Project Manager responsible for the evaluation of the bike lane alternatives on the S. Eton Street corridor between Maple Road and 14 Mile Road. The study included several options for the Multi-Board consideration. The options were all developed in accordance with on guidance from the NACTO Urban Bikeway Design Guide, the NACTO Urban Street Design Guide and the recommendations from the City of Birmingham Multi-Modal Transportation Plan, with additional support from the Ad Hoc Rail Committee study.

### DESIGN REVIEWS/ENGINEERING STUDIES/PLAN & STUDY REVIEW

BIRMINGHAM, MICHIGAN

- Neighborhood Connector Route Plan/Signing
- Lincoln and Pierce Bumpout Evaluation
- Lincoln and Ann Signing and Striping Evaluation
- Maple Road Mid Block Crossing Evaluation
- Southfield and Maple HSIP Application
- Saxon Roundabout Operational Analysis and Design
- Lincoln and Southfield Signal Evaluation
- Chesterfield and Quarton Traffic Analysis
- North Old Woodward Corridor
- Oak Street Traffic Engineering Analysis
- South Eton Street Engineering Review
- Brookside Terrance Engineering Review
- 277 Pierce Engineering Review
- 2010 Cole Engineering Review
- Boutique Hotel Engineering Review

# INFRASTRUCTURE ANALYSIS & CONSTRUCTION PRACTICES



**TODD RICHTER, PE**  
**ASSOCIATE**

INFRASTRUCTURE ANALYSIS  
& CONSTRUCTION PRACTICES

### EDUCATION

Bachelor of Civil Engineering, Michigan State University  
Master of Civil Engineering, Michigan State University

### EXPERIENCE

Todd has experience in the design and construction of transportation projects. The majority of these consist of MDOT local agency projects.

His experience includes construction engineering and administration of state, municipal and private engineering projects. He has performed inspection and testing for quality control of concrete, asphalt and other construction materials and is familiar with the procedures and paperwork associated with local municipal and MDOT funded projects.

Todd is recognized as a Consultant Assistant for MDOT Local Agency Programs providing project delivery assistance for rural, and TAP (Enhancement and safe routes to schools) projects.

### BALDWIN STREET BRIDGE OVER THE MUSKEGON RIVER

BIG RAPIDS, MICHIGAN

Project manager for the design and construction engineering services to replace the existing five-span structure with a new three-span spread concrete box beam bridge. The bridge was also realigned to improve visibility of approaches. Other improvements included sidewalks, bike lanes, street lighting, and steel railings. The project was awarded the 2017 Project of the Year Award from APWA.

### MDOT TRAFFIC SIGNALS

OSCEOLA & WEXFORD COUNTIES, MICHIGAN

Project manager for the as needed construction inspection and testing services on traffic signal moderation and sidewalk ADA ramp upgrades across Osceola and Wexford Counties. Inspection included: removal and replacement of 23 existing traffic signals; installation of concrete sidewalk and ADA-compliant ramps and 10 pedestrian crossing signals; installation of 3 wireless vehicle detection systems with 36 wireless sensor nodes; installation of 1 solar powered flashing beacon on an advance warning sign; and direction placement of placement markings.

### EAST WEST STREET RECONSTRUCTION

STURGIS, MICHIGAN

Project manager for the reconstruction of 0.50 miles of E. West Street. Provided design, survey, permitting, and construction for the road. Work included watermain replacement, storm sewer improvements, and sidewalk improvements, including the addition of ADA-accessible ramps.

### CONGRESS STREET RECONSTRUCTION

STURGIS, MICHIGAN

Project manager for 1,400 feet of Congress Street Reconstruction. Project included watermain and storm sewer replacement.

### INDIAN RIVER PATHWAY

TUSCARORA TOWNSHIP

Project engineer for an \$833,000 in grant funded trail along M-68 in Indian River, Michigan including financing from the MNRTF, MDOT-TE, and the SR2S programs. The project provided over a mile of universally accessible paved pathway and pedestrian bridge across the Sturgeon River from the North Country Trail on the north end to M-68 west on the south end. The pathway provides walkable access to the North Country Trail, the Village of Indian Rivers, Burt Lake State Park and the Inland Lakes Schools K-12 campus.

### GRAND HAVEN ROAD

NORTON SHORES, MICHIGAN

Project engineer for 1.01 mi of residential and commercial road reconstruction and storm sewer replacements and extension. Work included drainage improvements, survey, construction testing, televising, legal descriptions / easements, Federal STIP funding, and permitting for MDOT /CRC ROW Permits.





# OUTLINE OF CONTRACTOR EXPERIENCE



DISCOVERY DISTRICT PLACEMAKING PLAN, COLUMBUS, OH\_MKSK





# MKSK - PLANNING & DEVELOPMENT PROJECT EXPERIENCE

5 POINTS REDEVELOPMENT PLAN WEST LAFAYETTE, INDIANA	CENTRIC PRIVATE DEVELOPMENT CLEVELAND, OHIO	DOWNTOWN TOLEDO MASTER PLAN TOLEDO, OHIO	JEFFREY PARK COLUMBUS, OHIO	NORTHERN KENTUCKY CONVENTION CENTER COVINGTON, KENTUCKY
15TH & HIGH URBAN FRAMEWORK AND URBAN DESIGN COLUMBUS, OHIO	CERTIFIED TECHNOLOGY PARK MASTER PLAN BLOOMINGTON, OHIO	DUVENECK SQUARE COVINGTON, KENTUCKY	JORDAN CROSSING REDEVELOPMENT PLAN CINCINNATI, OHIO	OLD WOODWARD AVENUE / MAPLE DRIVE CORRIDOR PLAN BIRMINGHAM, MICHIGAN
ALLIED INSURANCE CORPORATE HEADQUARTERS DES MOINES, IOWA	'IMAGINE CHARLESTON' COMPREHENSIVE PLAN AND DOWNTOWN PLAN CHARLESTON, WEST VIRGINIA	EAST GRAND RAPIDS MASTER PLAN EAST GRAND RAPIDS, MICHIGAN	LANSING DOWNTOWN FORM BASED CODE LANSING, MICHIGAN	OSU COMPREHENSIVE PARKING AND TRANSPORTATION PLAN COLUMBUS, OHIO
ALLIANT ENERGY CENTER FEASIBILITY STUDY MADISON, WISCONSIN	COLERAIN AVENUE CORRIDOR STUDY COLERAIN TOWNSHIP, OHIO	EASTON FENLON SQUARE COLUMBUS, OHIO	LEBANON COMPREHENSIVE PLAN LEBANON, OHIO	PIQUA COMPREHENSIVE PARKS MASTER PLAN PIQUA, OHIO
ARENA CROSSING, ARENA DISTRICT COLUMBUS, OHIO	COLUMBUS COMMONS DEVELOPMENT PLAN COLUMBUS, OHIO	EASTON TOWNE CENTER GATEWAY COLUMBUS, OHIO	LEXINGTON DISTILLERY DISTRICT LEXINGTON, KENTUCKY	PITTSBURGH NORTH SHORE MASTER PLAN PITTSBURGH, PENNSYLVANIA
BATTELLE MEMORIAL INSTITUTE MASTER PLAN COLUMBUS, OHIO	CROCKER PARK WESTLAKE, OHIO	FINDLAY CATALYTIC OPPORTUNITIES SITES STUDY FINDLAY, OHIO	LIBERTY CENTER LIBERTY TOWNSHIP, OHIO	PORTAGE CROSSING CUYAHOGA FALLS, OHIO
BIOHIO RESEARCH PARK MASTER PLAN WOOSTER, OHIO	DAVENTRY AT SUMMIT PARK BLUE ASH, OHIO	FIRESTONE ALLEY AND BUGGYWORKS II, ARENA DISTRICT COLUMBUS, OHIO	LOUISVILLE DOWNTOWN MASTER PLAN LOUISVILLE, KENTUCKY	POWELL COMPREHENSIVE PLAN POWELL, OHIO
BOB EVANS CORPORATE HEADQUARTERS NEW ALBANY, OHIO	DETROIT MOBILITY & ACCESSIBILITY PLAN DETROIT, MICHIGAN	FLATS ON VINE AND FLATS II, ARENA DISTRICT COLUMBUS, OHIO	MARATHON CORPORATION HEADQUARTERS MASTER PLAN & IMPLEMENTATION FINDLAY, OHIO	PURDUE INNOVATION DISTRICT WEST LAFAYETTE, INDIANA
BRIDGE STREET DISTRICT SCIOTO RIVER CORRIDOR FRAMEWORK DUBLIN, OHIO	DOWNTOWN AKRON VISION & REDEVELOPMENT PLAN AKRON, OHIO	GM STAMPING PLANT REDEVELOPMENT PLAN INDIANAPOLIS, INDIANA	MIDLAND DOWNTOWN STREETScape PLAN MIDLAND, MICHIGAN	REEDY RIVER REDEVELOPMENT AREA AND CITY PARK GREENVILLE, SOUTH CAROLINA
BRIDGE STREET DISTRICT STREETScape CHARACTER GUIDELINES DUBLIN, OHIO	DOWNTOWN BUSINESS DISTRICT REVITALIZATION PLAN AUBURN, INDIANA	GREATER COLUMBUS CONVENTION CENTER EXPANSION COLUMBUS, OHIO	MONROE DOWNTOWN MASTER PLAN & PARKING STUDY MONROE, MICHIGAN	RIVERWEST GREAT PLACE INVESTMENT STRATEGY INDIANAPOLIS, INDIANA
BRIDGE PARK OPEN SPACES AND STREETSCAPES DUBLIN, OHIO	DOWNTOWN COLUMBUS STRATEGIC PLAN COLUMBUS, OHIO	HIGHLAND PARK DOWNTOWN STRATEGIC PLAN HIGHLAND PARK, MICHIGAN	MONTGOMERY TRIANGLE GATEWAY MONTGOMERY, OHIO	SCIOTO PENINSULA MASTER PLAN COLUMBUS, OHIO
BREWERY DISTRICT REDEVELOPMENT PLAN COLUMBUS, OHIO	DOWNTOWN AND EAST DOWNTOWN CONNECTIVITY STUDIES LOUISVILLE, KENTUCKY	HUNTINGTON BALLPARK, ARENA DISTRICT COLUMBUS, OHIO	NASHVILLE DOWNTOWN PLAN NASHVILLE, INDIANA	SHAKOPEE COMPREHENSIVE PLAN SHAKOPEE, MINNESOTA
CAMBRIDGE REVITALIZATION/TURNER AVENUE VISION PLAN CAMBRIDGE, OHIO	DOWNTOWN DISTRICT STRATEGIC DEVELOPMENT ACTION PLAN EVANSVILLE, INDIANA	INDIANAPOLIS RIVERFRONT VISION INDIANAPOLIS, INDIANA	NATIONWIDE ARENA DISTRICT MASTER PLAN COLUMBUS, OHIO	SHAPING THE AVENUE LANSING, MICHIGAN
CENTER CITY ACTION PLAN COVINGTON, KENTUCKY	DOWNTOWN STRATEGIC REDEVELOPMENT PLAN RICHMOND, INDIANA	JACKSON SQUARE COVINGTON, KENTUCKY	NORTH BANK CONDOMINIUMS, ARENA DISTRICT COLUMBUS, OHIO	UPTOWN WESTERVILLE COMPREHENSIVE PLAN WESTERVILLE, OHIO

## OLD WOODWARD AVENUE / MAPLE DRIVE CORRIDOR PLAN BIRMINGHAM, MICHIGAN

### CONTACT:

City of Birmingham  
Jana Ecker, Planning Director  
248.538.1841

### TEAM MEMBERS:



Old Woodward Avenue and Maple Road are the intersection of “Main and Main Streets” in this vibrant downtown north of Detroit. Set for its first reconstruction in 30 years, city leaders hired MKSK to identify a design concept that would best balance a variety of transportation and economic goals advocated by various groups and the public. Business leaders emphasized the need to retain the amount of convenient on-street parking and a thoughtfully designed streetscape. Planners sought wider sidewalks with more frequent pedestrian crossings and additional space for outdoor cafés. Others advocated better routing for bikes and use of long lasting green infrastructure elements. City engineers stressed the need for smooth traffic operations, radii for larger commercial vehicles and cost considerations. Some wanted to retain the traditional streetscape features while others felt it was time for a fresh design.

Due to the timing of funding, a final design concept was required within just a few months in early winter 2016. Through exploration of a range of alternatives, MKSK crafted a design that strikes a balance between those somewhat competing goals. Not only were the sidewalks widened, but a more linear landscape design increased the walkable sidewalk width by up to 25%. A new palette of trees, curbs, streetlights, and distinct pavement materials will provide a lasting design.



### TRIANGLE DISTRICT URBAN DESIGN PLAN BIRMINGHAM, MICHIGAN

#### CONTACT:

City of Birmingham  
Jana Ecker, Planning Director  
248.538.1841

#### TEAM MEMBERS:



A master plan was needed to redevelop Birmingham's Triangle District. Its goal would be to create a cohesive vision for the area that would direct future development and connect the downtown with the surrounding residential neighborhoods.

A two-day public charrette was held to guide and inform the design and build community support. It brought together prominent stakeholders, neighborhood residents, area developers, and business owners to share their hopes and visions for the area. Concepts of the final plan include mixed use buildings, new housing, parking structures, urban green spaces, public plazas, and the preservation of the existing neighborhood.

Architectural and design guidelines along with form-based code will help to control the future development of the area, ensure the long-term vision, and maintain the overall quality of design.





## ENVISION SHAKOPEE 2040 COMPREHENSIVE PLAN SHAKOPEE, MINNESOTA

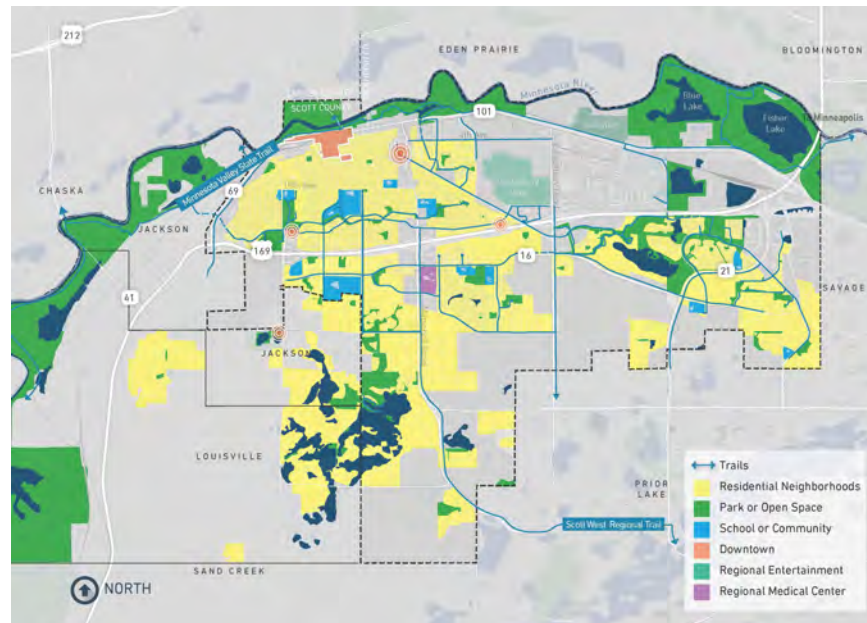
**CONTACT:**  
City of Shakopee  
Eric Weiss  
Senior Long Range Planner  
952.233.9347

### TEAM MEMBERS:



An outer suburb of Minneapolis, the City of Shakopee boasts an historic downtown along a major highway and adjacent to the Minnesota River. The city's population has seen tremendous employment and household growth, nearly doubling in population since 2000 and is expected to grow for decades to come. This growth has brought economic prosperity, but also challenges as the community grapples with rapid change, uncertainty and diverging perspectives on how the city should manage its resources.

All cities in the Twin Cities metro area are required to update their comprehensive plans every ten years to meet regional Metropolitan Council planning requirements. However, Shakopee has engaged MKSK to lead a new type of planning process that will go beyond the Met Council's technical standards. The planning process began in July 2017, kicking off with a robust community engagement effort including an interactive website, focus group meetings, mobile displays at community events, and with more outreach to come. MKSK is engaging the community to establish a shared vision of what people want Shakopee to be in the future. The Envision Shakopee 2040 Plan will paint a compelling picture of what Shakopee can be – how it would like to grow and change, what it would like to improve, and what it would like to preserve and strengthen for future generations. The plan will establish a strong and aspirational vision for the future and will serve as a guidebook and plan of action for the community to achieve that vision.



## CITY OF POWELL COMPREHENSIVE PLAN POWELL, OHIO

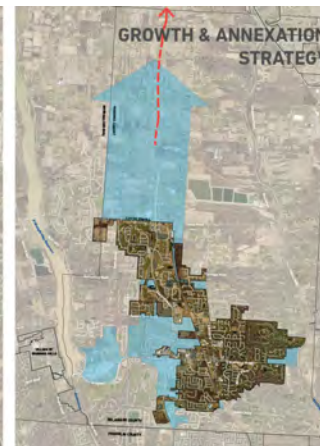
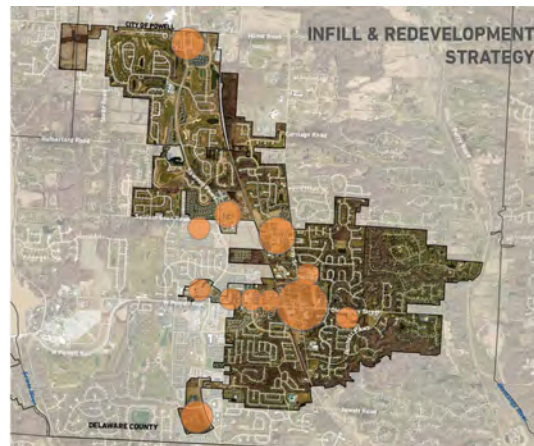
**CONTACT:**  
City of Powell  
David Betz, AICP  
Director of Development  
614.885.5380

### TEAM MEMBERS:



The City of Powell is a growing upscale 'bedroom community' in the Columbus Metropolitan Area. Located north of Columbus, State Route 750 serves as a major transportation corridor between the Columbus Zoo & Aquarium and Interstate 71, funneling traffic through historic downtown Powell. Resolving traffic congestion at the downtown's 'Four Corners' intersection was a key goal of the planning process. MKSK also explored land use considerations in Powell's downtown. The Plan aims to guide the community in determining what types of housing may be appropriate in the downtown area. This is of particular importance for a community with an aging population and few alternative housing options. The planning process also explored opportunities for Powell to expand and diversify its revenue sources to support needed infrastructure investments and maintain the high quality public services that residents desire. The planned extension of Sawmill Parkway through undeveloped farmland north of the City will increase pressure for growth and development. The Plan update guides the City in determining what types of land use and development patterns are appropriate in this expansion area, and will be fiscally sustainable in the long run. Key Components of the Plan include:

1. Traffic and infrastructure capacity
2. Annexation policy and relationship to surrounding communities
3. Downtown vitality
4. Taxation and finance policy
5. Economic development strategies
6. Preservation of community character
7. Response to changing development and market trends





## UPTOWN WESTERVILLE COMPREHENSIVE PLAN

### WESTERVILLE, OHIO

#### CONTACT:

City of Westerville  
Bassem Bitar, AICP  
Senior Planner  
bassem.bitar@westerville.org  
614.901.6658

#### TEAM MEMBERS:



Uptown Westerville represents one of the best preserved and prosperous historic town centers in Central Ohio. Decades of involved community members and active public figures have helped create a unique downtown that other communities in Central Ohio can only attempt to emulate. While, to date, Uptown has been very successful in preserving and fostering Westerville's historic downtown, it lacks a comprehensive document to help guide future growth and development. The 2013 Uptown Westerville Comprehensive Plan provides this by evaluating the district's existing conditions, exemplifying its strengths, and proposing catalytic projects and potential planning tools to address its challenges. By planning for the future, Uptown can ensure its continued success as the community core of the City of Westerville. The planning process was guided by a Steering Committee of residents, property owners, and business owners. Analysis of the study area resulted in recommendations for new civic spaces, infill development, and streetscape and transportation improvements including a new alley system, dedicated pedestrian vias; and bike improvements including important connections and improved amenities. In addition to the guidance of the Steering Committee, public input via stakeholder interviews, public meetings, and an interactive public input website helped to ensure that the final plan addresses the immediate concerns and needs of Uptown, while also advancing the interest of those in Uptown and the Westerville community. This plan will serve as a guiding document for city officials, employees, and any future developer of the Uptown area.



## WESTERVILLE ZONING CODE UPDATE WESTERVILLE, OHIO

### CONTACT:

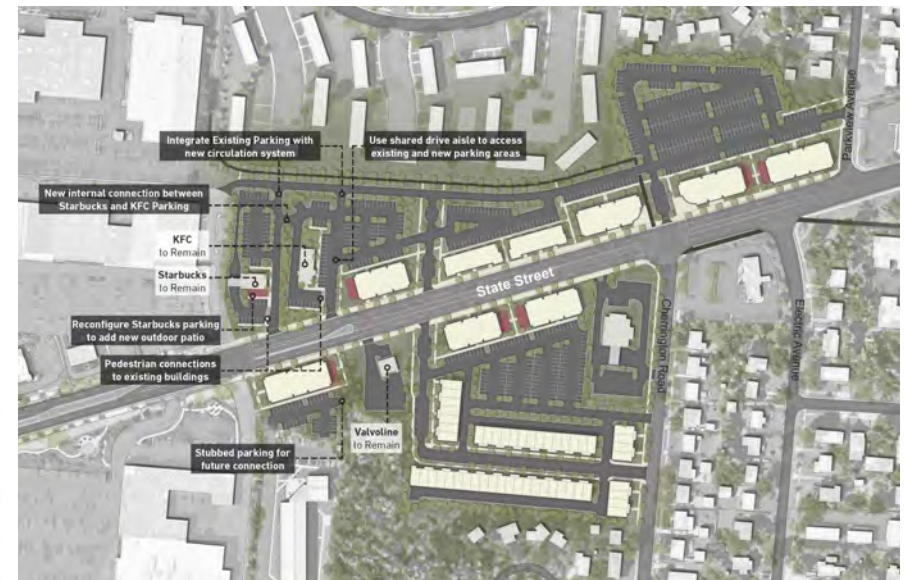
City of Westerville  
Kimberly Sharp, Deputy Director of  
Planning & Development  
kimberly.sharp@westerville.org  
614.901.6895

### TEAM MEMBERS:

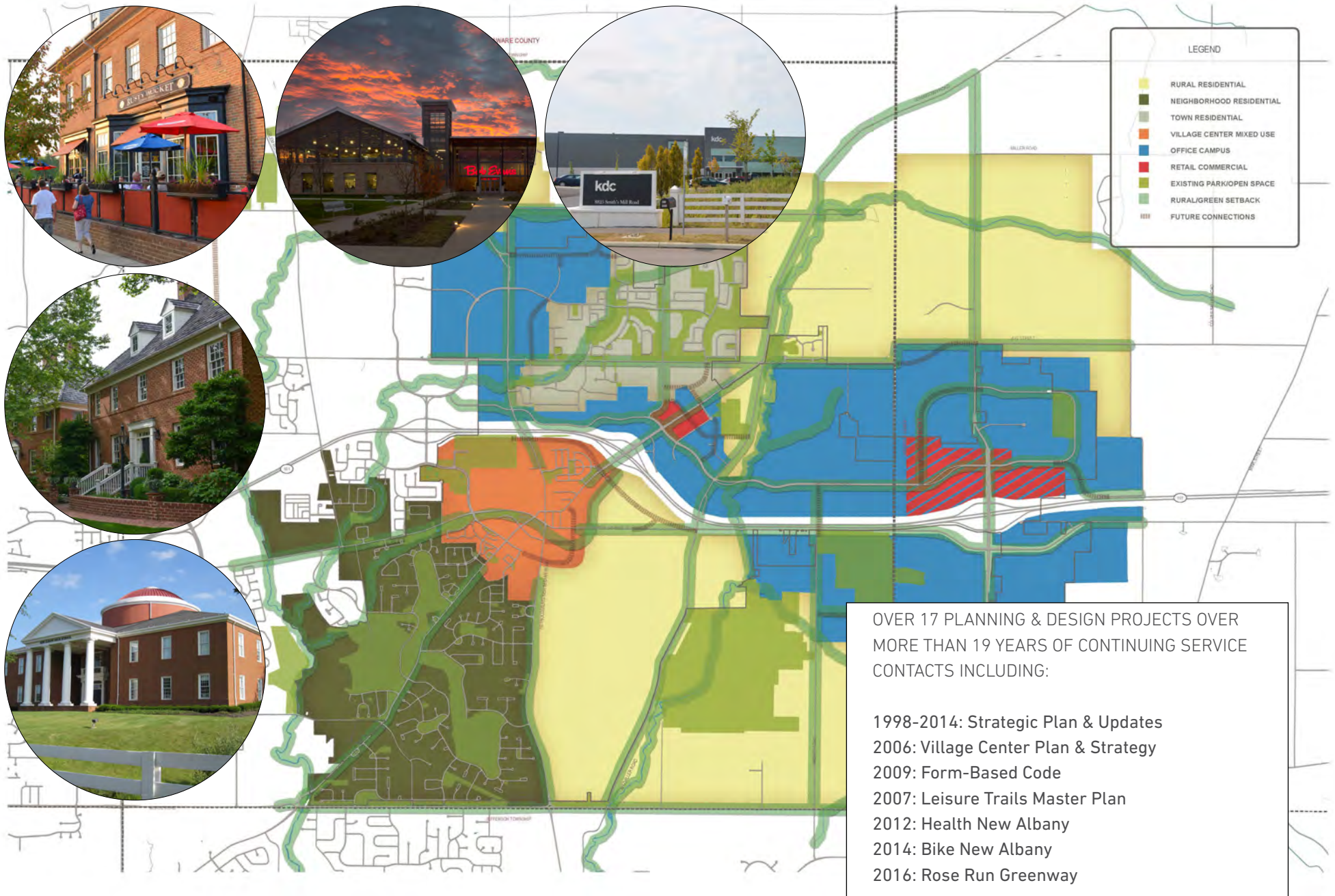


MKSK is working with the City of Westerville as part of a multidisciplinary team to conduct an extensive update and modernization of the City's zoning code. This is a key implementation action recommended by the City of Westerville's 2016 Comprehensive Plan and will position the City to accommodate new growth and economic development by eliminating outmoded standards and processes.

MKSK conducted a comparative analysis of the City's existing zoning map and districts against the Comprehensive Plan's recommended land use character areas to determine areas of conflict and opportunities for simplification. MKSK is also leading the development of form-based districts in strategic planning areas to ensure that new walkable, mixed-use urban development is permitted and appropriately designed within the context of this suburban community.







## NEW ALBANY PLANNING & DESIGN SERVICES 2000-2016

NEW ALBANY, OHIO

### CONTACT:

City of New Albany  
Joseph Stefanov  
City Manager  
admin@newalbanyohio.org  
614.855.3913

### OUTCOMES:

2000 OCASLA Merit Award  
(Strategic Plan)

2015 OCASLA Honor Award  
(Bike New Albany Master Plan)

### TEAM MEMBERS:



MKSK has been involved in planning and design services in New Albany for over 30 years, in which time New Albany has transformed from a small village to a vibrant city. Today, ranked as the Top Suburb in America by Business Insider, New Albany's continued emphasis on planning and design have resulted in a thoughtfully planned community that has preserved and exemplified its small-town charm and character.

MKSK works closely with the Community Development Staff to regularly update the City's Strategic Plan, provide site and landscape design review for new projects, continue to develop a city-wide multi-use trail system and on-street bicycle infrastructure, strategically plan for continued residential growth, ensuring a high standard of design in the City's Business Park, and develop focus area planning studies to ensure the continued growth and development of New Albany supports the community's vision. Through these efforts, the Village Center has continued to be prioritized as the downtown area for the city and the heart of the community. Additional studies such as the Village Center Study, the Village Center Form Based Code, and the Village Center Strategies Plan, the Village Center has become a pedestrian-oriented, civic and social hub, as well as a regional destination for festivals and special events in Central Ohio.

### STRATEGIC PLAN

The New Albany Strategic Plan has been guiding development in the community since its adoption in 1998. New Albany has relied on this critical tool for this growing community to preserve character, reduce impacts of development, and encourage investment that contributes to the community. The plan focuses on promoting balanced growth, creating great neighborhoods, providing first rate amenities, and developing a robust business employment base. Of particular focus has been the development of a mixed use Village Center, interconnecting the community with leisure trails, and guiding densities and aesthetics.

The original plan has been regularly updated to reflect the evolving nature of New Albany and its rapid growth. With each update, the planning effort has been a highly collaborative process involving elected leaders, administration, and community members.

### ACCORDS

The City of New Albany has relied on MKSK to develop several multi-jurisdictional planning accords including the Rocky Fork Blacklick Accord and the West Licking County Accord.



### NEW ALBANY VILLAGE CENTER PLAN NEW ALBANY, OHIO

**CONTACT:**

City of New Albany  
Joseph Stefanov  
City Manager  
admin@newalbanyohio.org  
614.855.3913

**OUTCOMES:**

2006 OCASLA Merit Award

**TEAM MEMBERS:**



The Village Center Plan establishes the long-term vision for the village core as an integrated, mixed-use town center with attention to the location of civic uses, the inclusion of high-density residential areas, and the quality of the built environment – buildings, streetscapes and public spaces.

Since the adoption of the Village Center Study a number of the planning recommendations have been accomplished including a revision of the Village Center Design Guidelines and development of a Form-Based Code. Quality development within the Village Venter includes City Hall, a public library, a community performing arts center, mixed use office and retail, higher density residential, and a community health and recreation center. Planning efforts in and around the Village Center have continued to emphasize this area as the heart of the New Albany community, which has created a vibrant and prosperous city core.





## ROSE RUN CORRIDOR VISION PLAN & IMPLEMENTATION NEW ALBANY, OHIO

### CONTACT

City of New Albany  
Joseph Stefanov, City Manager  
614.855.3913

### TEAM MEMBERS



The Rose Run Corridor Vision Plan is intended to guide park development and urban redevelopment at the core of the Village Center and energize the downtown with new park space and an improved greenway. The plan envisions to intertwine the riparian edge of the Rose Run stream corridor with more urbanized pedestrian connections and green spaces linking the Learning Campus with the Village Center and Public Library and breaking the once divided land uses. Planned improvements begin with the realignment of Village Hall Road to reclaim park space between the Library and the Rose Run corridor. Acquisition of this land facilitates the new Library Gardens to the south which connects to the new pedestrian bridge crossing the stream. The pedestrian bridge leads to a new plaza overlook along Dublin Granville Road at the southern end of the existing Learning Campus entry greenspace. Both the pedestrian bridge and the plaza overlook will serve as a ceremonial gateway to the City of New Albany. Additionally, this new space will be a focal point of the project and programmed to accommodate City festivals, farmers markets, and other public gatherings. MKSK provided study plan services for the initial design and in conjunction with the Engineer team, and is continuing design services for the next phase of implementation.





# DOWNTOWN HUNTSVILLE MASTER PLAN

## HUNTSVILLE, ALABAMA

### CONTACT:

City of Huntsville  
Dennis Madsen  
Long Range Planning  
256.427.5100  
dennis.madsen@huntsvilleal.gov

The Huntsville Downtown Master Plan guides the creation of a vibrant mixed-use historic downtown. Home to NASA and aerospace technology, the City seeks to attract and retain talented workers and companies looking for urban vitality not present in the conventional office parks, and low-density neighborhoods far from downtown. UDA led the master plan which enhances mobility with bicycle lanes and walkable streets, connects and adds parking resources, embraces historical Big Spring Park, reconfigures City Hall, bridges the gap to the convention center, provides hundreds of mixed-income residential units, and helps activate its retail and dining district.

### TEAM MEMBERS:





## SUMMERS CORNER SUMMERSVILLE, SOUTH CAROLINA

### CONTACT

West Rock  
Joseph Barnes, Director  
843.637.7735  
joseph.barnes62@gmail.com

UDA prepared a pattern book for Summers Corner, a new village being developed by WestRock, in North Charleston. Summers Corner is emerging as a model for how new communities can become part of a continuum of regional settlement patterns that are deeply connected to both natural and cultural environments. This new community connects distinctive regional building traditions to today's context of rapidly changing digital economies and working methods. The stated goals include responsible management of natural environments, reconnecting individuals and families to a garden ethic, and fostering daily social connectivity that enhances the quality of life.

### TEAM MEMBERS





## CYPRESS VILLAGE

WEST VANCOUVER, BRITISH COLUMBIA, CANADA

### CONTACT:

British Pacific Properties Limited  
Bryce Tupper  
604.418.8525  
btupper@britishproperties.com

### TEAM MEMBERS:



Cypress Village will be a high-density urban precinct with a mix of uses developed by British Pacific Properties within a 350-acre site adjacent to Cypress Falls Park at the base of Cypress Mountain in West Vancouver. UDA led a diverse team in a 9-month long design process engaging with the West Vancouver community and the many stakeholders who work, live and play in this extraordinary region. Three concept plans were developed over the course of the process to test sustainable and resilient programs, mixes of use, physical character, densities, conservation methods, community servicing, recreation networks, approach to urbanism in the mountain environment.





## CHATTANOOGA ART PROMENADE CHATTANOOGA, TENNESSEE

### CONTACT

Lyndhurst Foundation / River City Company  
Macon Toledano  
423.765.0767  
mtoledano@lyndhurstfoundation.org

### TEAM MEMBERS



River City Company and the Lyndhurst Foundation commissioned a team including Urban Design Associates and W.M. Whitaker and Associates to prepare an arts district plan for downtown Chattanooga's riverfront area. The plan proposes a pedestrian art promenade that connects the Hunter Art Museum with the Aquarium and Chattanooga Green and new residential and institutional development on key parcels in the downtown. The plan defines three character zones along the walk and provides a creative framework for integrating art into the landscape. Development guidelines are provided for new performing arts theaters flanking a cultural square at the foot of Broad Street and residential and hospitality development on the riverfront.





## DOWNTOWN MASTER PLAN & PARKING STUDY

MONROE, MICHIGAN

### CONTACT:

City of Monroe  
Annette M. Knowles  
Economic/Downtown  
Development Coordinator  
734.384.9146  
annette.knowles@mionroemi.gov

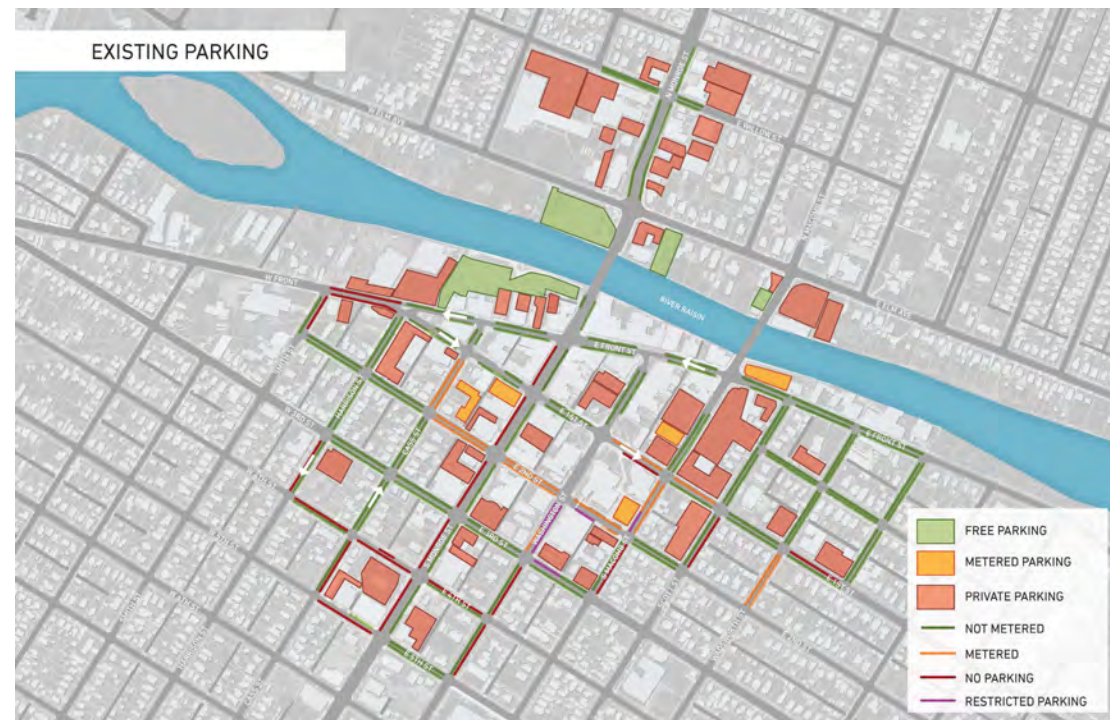
### TEAM MEMBERS:



MKSK led a team to craft a redevelopment plan and parking management strategies for downtown Monroe, Michigan. Specialists in the marketplace (Bob Gibbs) and urban design (MKSK) outlined strategies to invigorate the downtown. Specific redevelopment concepts and actions were created for key sites.

A key part of the plan was an evaluation of the transportation and parking system. The team's complete street specialists (MKSK) outlined a package of changes to streets including road diets and conversion of several one-way streets to two-way. Parking specialists from MKSK and Nelson\Nygaard outlined a series of changes to parking pricing and relocation of some parking lots to open development opportunities.

Concepts were widely embraced through meetings with business and city representatives, along with a very successful public open house at a unique downtown location. The Plan is going through the adoption process but implementation has already begun.



## GRAND RAPIDS VITAL STREETS PLAN

GRAND RAPIDS, MICHIGAN

### CONTACT

City of Grand Rapids  
Suzanne Schulz, AICP  
Managing Director of  
Design, Development & Community  
616.456.4100  
sschulz@grcity.us

### TEAM MEMBERS



The Vital Streets Plan revolutionized the approach of City of Grand Rapids, MI, to designing, maintaining, and using its streets. Adopted by the City Commission in December 2016, the Vital Streets Plan defines a community vision, principles, and design goals to build a network of accessible, inviting, and safe streets that serve all people. Going beyond a traditional complete streets policy, Vital Streets fully integrate green infrastructure into street design in order to protect the quality of region's waterways while contributing to the vitality of Michigan's second largest city. The Vital Streets Plan was developed collaboratively with public and private sector stakeholders, recognizing that roads aren't just for moving vehicular traffic. Rather, streets are complex environments that must balance the needs of different types of users. The plan establishes a street typology that unites street design with local land use context; defines an integrated, multimodal network; provides guidance in street design; presents a methodology for facility selection amid competing demands; and provides a way to measure performance and evaluate outcomes.

To implement the vision included in the Plan, Nelson\Nygaard developed Vital Streets street design guidelines. With detailed graphics, context, and use requirements, the guidelines are a tool for city staff, developers, and community stakeholders to understand the tradeoffs and design considerations in building balanced streets. An implementation and performance monitoring section of the Vital Streets Design Guidelines includes a detailed equity analysis for use in project identification and selection. The equity analysis includes estimation of the areas of the city with the greatest mobility needs in consideration with places with the greatest opportunities. Further, the Vital Streets Design Guide includes a detailed community engagement framework to ensure Vital Streets projects meet community goals.



## MOVING GREATER UNIVERSITY CIRCLE TRANSPORTATION & MOBILITY PLAN CLEVELAND, OHIO

### CONTACT:

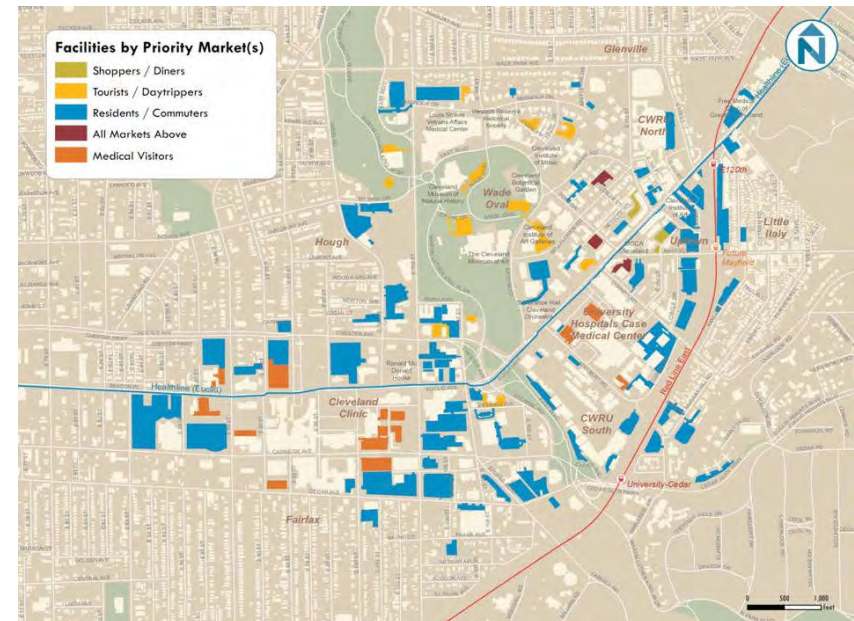
University Circle, Inc,  
Debbie Berry  
Vice President of Planning & Development  
216.791.3900  
dberry@universitycircle.org

### TEAM MEMBERS:



University Circle may be the most spectacular square mile in the state of Ohio. Anchored by major hospitals and universities, University Circle is the second largest employment center in the state and is continuing to grow. The Moving Greater University Circle Transportation & Mobility Plan was a three-part study and implementation plan assessing areas of need and opportunity in University Circle's transportation system. The study identified short- and long-term strategies for effective transportation management. Moving Greater University Circle has four primary components:

1. The District Parking Study focused on understanding and evaluating existing and projected supply and demand in the study area and was completed in December 2014. Immediate action recommendations included increasing non-driving mobility among commuters and residents with a comprehensive TDM program coupled with improvements to walking, biking, and transit options; optimizing a park-once strategy for tourists and day trippers by addressing short-term/peak period demand; and offering shoppers and diners consistent availability through information and technology improvements.
2. The Transportation & Mobility Study focused on understanding and evaluating the comprehensive transportation systems, patterns, choices, and challenges that confront people as they travel to, through the District.
3. The Transportation Management Implementation Plan synthesized recommendations from the first two components and established a series of short- and long-term goals, metrics, action steps, and organizational responsibilities, based on stakeholder feedback.
4. The CircleLink component developed a new transit circulator system to connect the major locations throughout the area, including a schedule of service based on daily trip patterns.



## PORTSMOUTH 2025 MASTER PLAN PORTSMOUTH, NEW HAMPSHIRE

### CONTACT

City of Portsmouth  
Jessa Berna  
207.774.9891  
jberna@gpcog.org

### TEAM MEMBERS



Over the last ten years, Portsmouth has taken significant steps toward updating its transportation network, from incorporating complete streets principles into its road projects, to revising its zoning policy to promote a park-once environment, to improving public transit options for evening and weekend activities. While these changes led to measured improvement, Portsmouth remained predominately car-dependent, leading to outsized parking demand both within and beyond the urban core.

The Portsmouth 2025 Master Plan prioritized connectivity for all modes of transportation, envisioning a future for Portsmouth of safe and accessible streets for all users. Toward this vision, as subs to NBBJ, Nelson\Nygaard staffed three dynamic public input workshops and developed multimodal transportation recommendations for updating the City's street standards to reflect current design best practices, including planning for full accommodations for bicyclists and pedestrians. To address high parking demand, the firm provided recommendations and implementation action items for cost-effective ways to maximize the utilization of—and access to—existing parking infrastructure and adjust parking requirements to better account for demand, including tailored recommendations for how to address demand generated by accessory unit infill development.

Recommendations for fixed-route bus service to meet emerging demands were also developed.

Portsmouth 2025's comprehensive strategies provide clear steps toward a more balanced transportation network, with less stress on the City's parking supply, more travel options, and enhancements that support the vitality of the urban core.





### TRAFFIC ENGINEERING SERVICES BIRMINGHAM, MICHIGAN

#### CONTACT:

City of Birmingham  
Jana Ecker  
City Planner  
248.530.1841

#### TEAM MEMBERS:



F&V staff have provided the City with as-needed traffic and transportation engineering consulting services since 1986. Birmingham is a community of approximately 20,000 residents and nearly 300 retailers. Birmingham has focused on providing a walkable community and F&V has provided consulting services for various projects throughout the City to help them realize their vision. Services have included as-needed traffic engineering for operations analysis and safety studies, as well as site specific traffic impact study reviews.

Since 2015, F&V has also served as the City of Birmingham Multi-Modal Transportation Board's traffic engineering consultant. Tasks performed have included road diet studies, bike route designs, and design of multi-modal facilities like sharrows, bike lanes and cycle tracks. F&V also confirms that any new development in the City follows the Multi-Modal Transportation Plan.

F&V participated in public meetings and provided recommendations to the City based on the results of these analyses, in order to maintain acceptable traffic operations for City residents, businesses, and visitors.

Sample projects include:

- Maple Road 4 to 3 Lane Conversion (Road Diet) Study
- Neighborhood Connector Route Plan/Signing
- Lincoln and Pierce Bumpout Evaluation
- Lincoln and Ann Signing and Striping Evaluation
- S. Eton Bike Lanes Study
- Maple Road Mid Block Crossing Evaluation
- Southfield and Maple HSIP Application
- Rail District Parking Study
- Saxon Roundabout Operational Analysis and Design
- Lincoln and Southfield Signal Evaluation
- Chesterfield and Quarton Traffic Analysis

## MAPLE ROAD TRAFFIC IMPACT STUDY

BIRMINGHAM, MICHIGAN

### CONTACT

City of Birmingham  
Jana Ecker  
City Planner  
248.530.1841

### TEAM MEMBERS



F&V evaluated the existing four-lane cross section and lane usage on Maple Road between Cranbrook Road and Southfield Road in Birmingham, Michigan to determine if a “Road Diet” from a four lane cross section to a three lane cross section would enhance operations for all transportation users including drivers, pedestrians, and bicyclists. The study included analysis of traffic operations for this road segment and the intersections along Maple Road to determine the feasibility of the proposed modifications.

Study analyses included modeling of the study network, crash analysis, and calculation of intersection delays, Levels of Service (LOS), and vehicle queues. Study analyses indicated that with capacity and geometric improvements at the intersection of Maple Road and Southfield Road the four lane to three lane conversion was feasible. The recommendations of the study were reviewed by the City of Birmingham and the city implemented a trial for the three lane conversion conducted from October 2015-March 2016 before accepting the recommendations.





### FENTON ROAD REHABILITATION FLINT, MICHIGAN

#### CONTACT:

Michigan Department of Transportation  
Tracie Leix, Section Supervisor  
514.335.2233

#### TEAM MEMBERS:

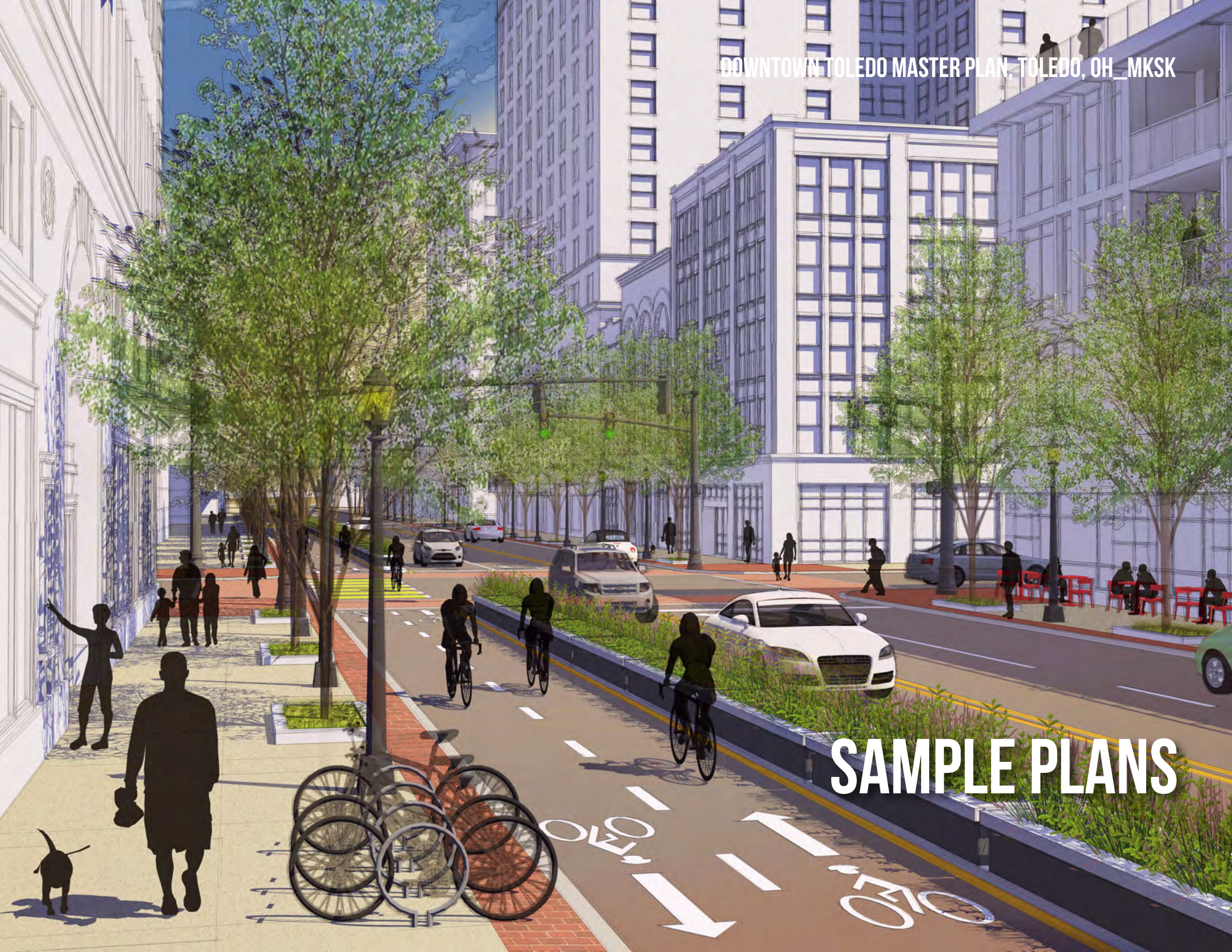


This MDOT LAP project included 4 to 3 lane Road Diet. F&V performed a crash analysis and safety review for Fenton Road from I-69 bridge to Hemphill Road. This section of Fenton Road was under consideration for a four-to-three lane conversion as part of the 3R project and as part of the review process a crash analysis was performed.

The results of the study showed that a road diet is recommended and it will help to reduce the number of crashes and crash severity.







**SAMPLE PLANS**





### **DOWNTOWN TOLEDO MASTER PLAN**

Toledo 22nd Century Committee  
randy.oostra@promedica.org  
419.469.3824



### **DOWNTOWN AKRON VISION & REDEVELOPMENT PLAN**

Downtown Akron Partnership  
Susan Graham  
103 S High Street, 4th Floor  
Akron, Ohio 44308  
sgraham@downtownakron.com  
330.374.7610



### **MONROE DOWNTOWN MASTER PLAN & PARKING STUDY**

City of Monroe  
Annette Knowles, Downtown Economic Development Coordinator  
120 E 1st Street  
Monroe, Michigan 48161  
annette.knowles@monroemi.gov  
734.384.9146



### **WESTERVILLE UPTOWN PLAN**

City of Westerville  
Bassem Bitar, Senior Planner  
21 S State Street  
Westerville, OH 43081  
bassem.bitar@westerville.org  
614.901.6658



### **CITY OF WYOMING MASTER PLAN**

City of Wyoming  
Terry Vanderman, Community Development Director  
800 Oak Avenue  
Wyoming, Ohio 45215  
tvanderman@wyomingohio.gov  
513.821.7600







# **DOWNTOWN TOLEDO**

## **Master Plan**

February 2017 | Toledo, Ohio

Prepared for the  
**22nd Century Committee**





# INTRODUCTION

## Assets & Momentum

Downtown Toledo is at the cusp of a renaissance. Current and planned developments, along with world-class institutions, have re-energized the core and have the potential to have a transformative effect on downtown and the Toledo region. Downtown Toledo benefits from high-quality assets, such as the Toledo Main Library, Fifth Third Field, the Huntington Center, Farmer's Market and the Valentine Theater. Within a short distance from downtown, the Toledo Museum of Art and the Toledo Zoo are nationally-recognized institutions that attract millions of visitors to the region. Also nearby is the University of Toledo, which has an enrollment of over 20,000 students.

Several downtown neighborhoods are currently experiencing an influx of young entrepreneurs, residents, and visitors. The Warehouse District and Uptown have emerging retail corridors in St. Clair Street and Adams Street, respectively. The Hensville development rehabilitated three historic buildings and added restaurant, retail and office space to St. Clair Street. Uptown is undergoing its own local arts-centered revitalization with the opening of Uptown Green and ProMedica's Market on the Green.

In addition to Hensville, planned, under construction and recently opened investments downtown include the continued development of the Warehouse District, a new ProMedica headquarters that will bring 1,000 jobs downtown, Middlegrounds Metropark, the Anthony Wayne Trail Gateway, and the Renaissance Hotel along the waterfront. These are all potentially transformative projects that should be leveraged to the fullest extent possible.



Hensville

**\$20M**  
TOTAL  
INVESTMENT



Promedica HQ

**+1,000**  
JOBS 2016



Residential Units

**2,500**  
UNITS



Farmer's Market

**148K**  
VISITORS  
2015



Fifth Third Field

**530K**  
ATTENDANCE  
2015



Huntington Center

**450K**  
VISITORS  
2015



# INTRODUCTION

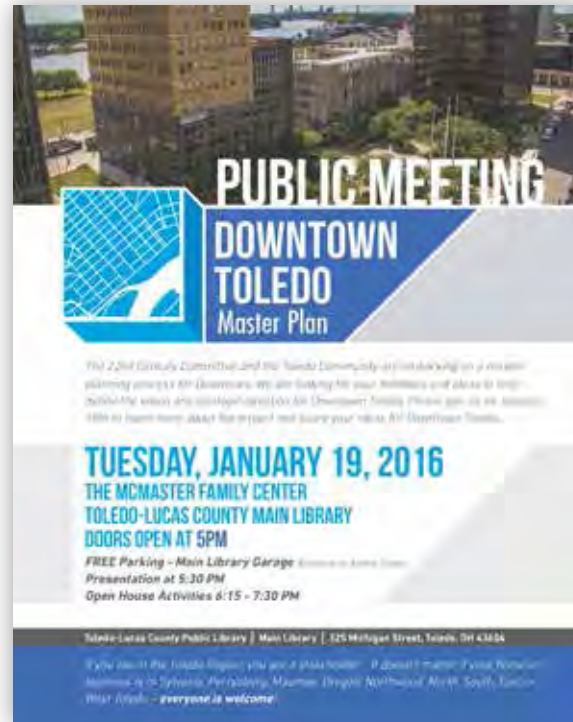
## Public Meeting 1

More than 350 Toledo area residents attended the First Public Meeting at the McMaster Family Center, located in the Toledo Main Library. Hosted by the 22nd Century Committee, the meeting took place on January 19, 2016 between 5 p.m. and 7:30 p.m. The planning team started the meeting with a presentation highlighting the process along with initial existing conditions and analysis.

After the presentation, participants were invited to interact with exhibits and the planning team for one-on-one conversations at eight themed stations, including:

- > Riverfront
- > Residential & Retail Opportunities
- > Streets/Connectivity
- > Transportation & Parking
- > Greenspace/Recreation/Bike Network
- > Business, Talent and Innovation
- > General Comments/Ideas
- > Downtown Visioning (Interactive Display)

It was an enthusiastic and highly engaged crowd. Participants expressed their vision and ideas for the future of Downtown Toledo through both conversations at the stations, and by participating in the hands-on activities. The interactive post-it and map display was transported from the Project Storefront to the Public Meeting, so meeting attendants were able to engage with the storefront activities.



A Public Meeting announcement flyer was emailed to the Toledo community and posted in various downtown locations

Meeting attendants provided over 600 comments in the form of answers to questions on comment cards, notes added to the interactive displays/map exercises, and comments left on station materials. Comments focused on revitalizing the riverfront, attracting talent and young people to the city, and building a vibrant downtown retail and residential district. Public comments have been sorted and are summarized on page 28.



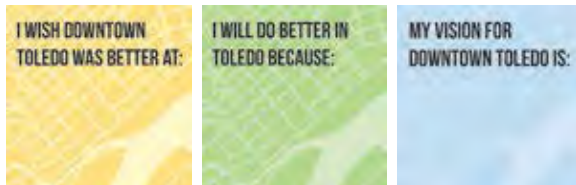


# INTRODUCTION

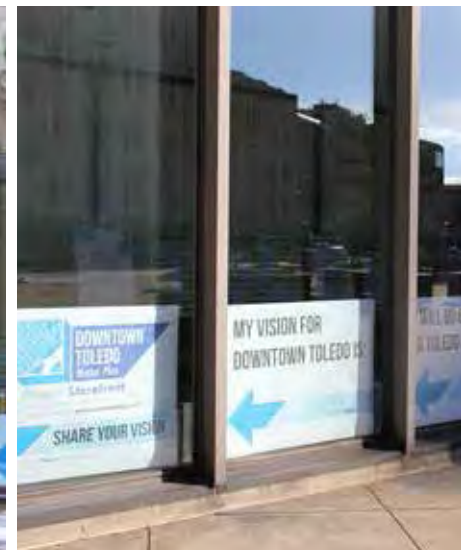
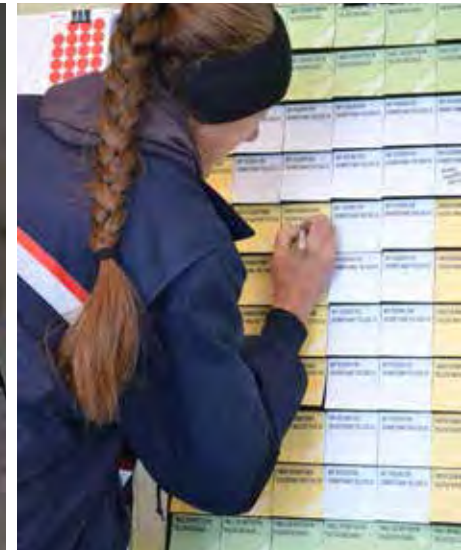
## Project Storefront

Located in the lobby of the Toledo Edison Building directly adjacent to the Downtown Toledo Improvement District Office, the Project Storefront included interactive and hands-on displays meant to engage downtown residents, workers, and visitors. The storefront was staffed by Toledo Design Center representatives between 12 PM and 1 PM on Mondays, Wednesdays, and Fridays. The lobby was fully accessible to all foot traffic during regular business hours.

Open to the public between January and May of 2016, the storefront materials included a post-it display with the following three questions:



The hands-on display also included two interactive maps where participants provided information on where they live and their perception of downtown. The display was temporarily transported to the First Public Meeting for the duration of the event.



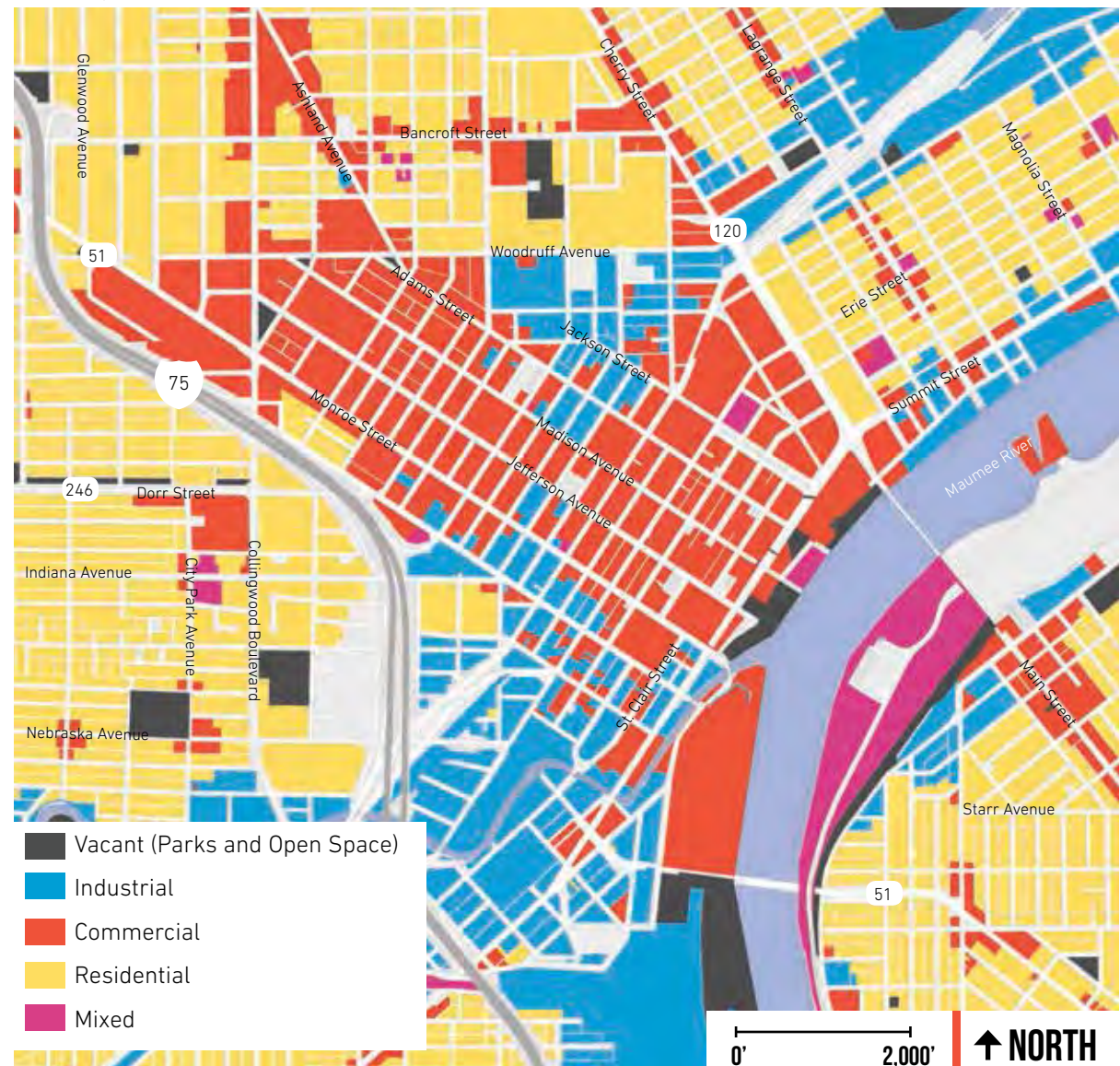
# PHYSICAL CONDITIONS

## Existing Land Use and Zoning

Current land use and zoning patterns show a heavily commercial core surrounded by primarily single-family residential neighborhoods. Corridors in these residential neighborhoods, such as Lagrange, Cherry, and Main Streets, radiate toward downtown and the river and are characterized by commercial uses of varying intensities. Commercial and office zoning designations are prevalent in the downtown area between Woodruff Avenue and the riverfront. Uptown is generally zoned office commercial, as is the Civic Center area. The Warehouse District, reminiscent of its rich industrial past, is mostly zoned limited industrial despite having a relatively high concentration of residential and commercial structures. Except for a downtown section consisting of parks and open space-zoned parcels, the riverfront is generally zoned commercial or general industrial, especially to the north of downtown.

More importantly, the City of Toledo Zoning Code establishes several Overlay Districts affecting downtown and its surrounding neighborhoods. These districts set review processes for development as well as design guidelines of various extents, some of which include guidelines for building setbacks, parking, and streetscape. The Overlay Districts relevant to the study area include: Downtown District (shown on map), Warehouse District, Uptown District, Maumee Riverfront, Monroe Street Corridor, Summit Street Corridor, and the Marina District. Each district is accompanied by a respective planning document that sets out a rationale and vision for future development.

Existing Land Use





# **DOWNTOWN** **AKRON** **VISION + REDEVELOPMENT PLAN**

**MARCH 12, 2018**

**AKRON, OHIO**





## WHAT WE HEARD

**42**  
STEERING COMMITTEE  
MEMBERS

**150**  
STAKEHOLDERS  
INTERVIEWED

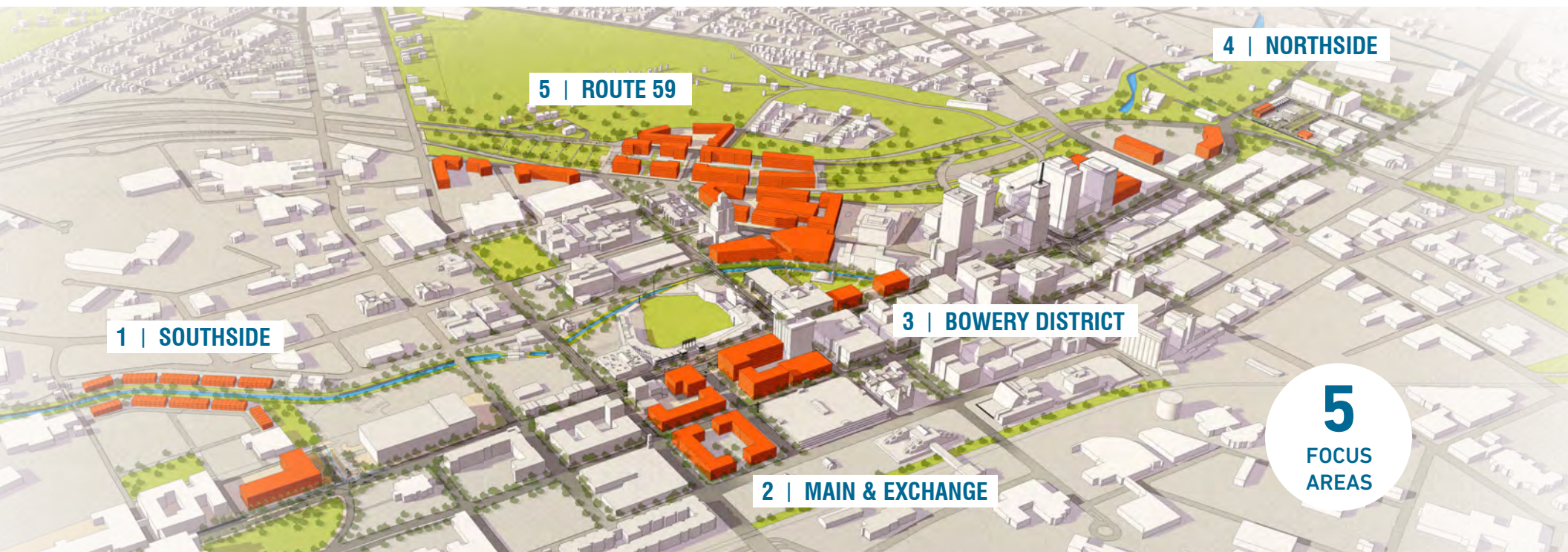
**1,800**  
WEBSITE  
VISITS

**200**  
SURVEY  
RESPONSES

**505**  
PUBLIC MEETING  
ATTENDEES

**592**  
TOTAL COMMENTS  
RECEIVED

**58**  
WARD MEETING  
ATTENDEES



1 | SOUTHSIDE

2 | MAIN & EXCHANGE

3 | BOWERY DISTRICT

4 | NORTHSIDE

5 | ROUTE 59





# EXISTING CONDITIONS

## CONNECTIVITY & STREETS

### Connectivity

Downtown's connectivity to surrounding neighborhoods is challenged by a variety of factors, the first being geography. Due to its location along the Ohio and Erie Canal, downtown's edges are defined by steep slopes that have been accentuated by decades of transportation decisions. Along the north and east, railroad tracks separate downtown from Cascade Valley and the University of Akron. Along the west, Route 59 has added a separated highway in the valley between downtown and the West Hill Neighborhood. This barrier is now being undone by the Innerbelt Project, and its completion will improve connectivity to western neighborhoods. Along the south edge, Interstate 76 separates the downtown area from South Akron neighborhoods. The result is a downtown isolated from its surrounding neighborhoods, operating as a virtual island.

### Streets

In response to topography, railroad lines, and the canal, downtown streets are better connected when traveling north-south versus east-west. As seen in the map on the following page, major streets are configured as paired one-way streets designed to move commuters in and out of downtown at fast speeds. Nonetheless, portions of one-way streets, such as Exchange and Cedar Streets, are being converted to two-way travel. This will result in calmer traffic and easier wayfinding for pedestrians and vehicles alike.



# FOCUS AREAS

## 3 | BOWERY DISTRICT

### Catalytic Change

Even with the improvements and development planned in the Bowery District, there is more work to be done to connect Main Street to Bowery Street and begin to extend the energy of downtown toward the redevelopment opportunities present along S.R. 59. There are two major mixed-use redevelopment opportunities along Bowery Street. On the west side of Bowery Street, the underutilized buildings and surface parking lot represent an opportunity for medical, mixed-use redevelopment that could serve the Akron Children's Hospital campus. With the removal of S.R. 59, this site should feature double-sided architecture that fronts both Bowery Street and Rand Street. On the other side of Bowery Street, the city—owned parking lot also represents a mixed-use residential redevelopment opportunity.

To maximize the development potential along Bowery Street, Lock 3 needs to be properly integrated and connected east to west and both sides of the canal must be activated with public spaces and pathways. This should include new bridges across the canal with walkways between new buildings to link Bowery Street to Lock 3 and a new pathway should be created on the west side of the canal to connect State Street north toward Lock 4. Along Main Street, there are two sites adjacent to Lock 3 that have long been planned to be developed. While these should be mixed-use in nature, the one adjacent to the Civic Theatre could potentially have an arts and performance use that allows cultural activity to spill out onto both Main Street and Lock 3.

## MARKET ANALYSIS CONCLUSIONS

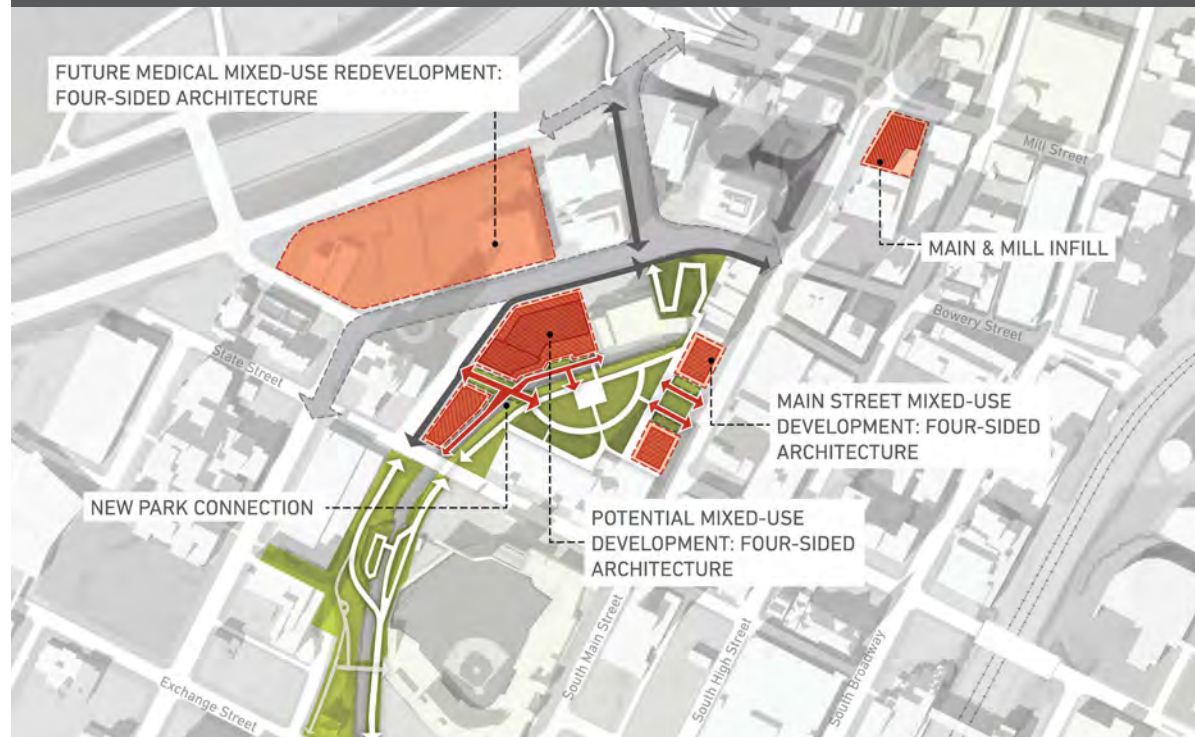
### HOUSING

### HOSPITALITY

### BUSINESS DEVELOPMENT

Product Types	Townhomes, condominiums, New and Rehabbed Apartments	NA	NA
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### STRATEGIC INFILL DEVELOPMENT



Park Expansion



Mixed-use

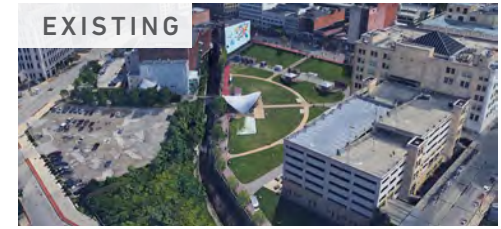


Arts and performance uses





EXISTING



## STATE STREET LOOKING NORTH: POTENTIAL







# **MONROE DOWNTOWN MASTER PLAN & PARKING STUDY**

# Existing Conditions

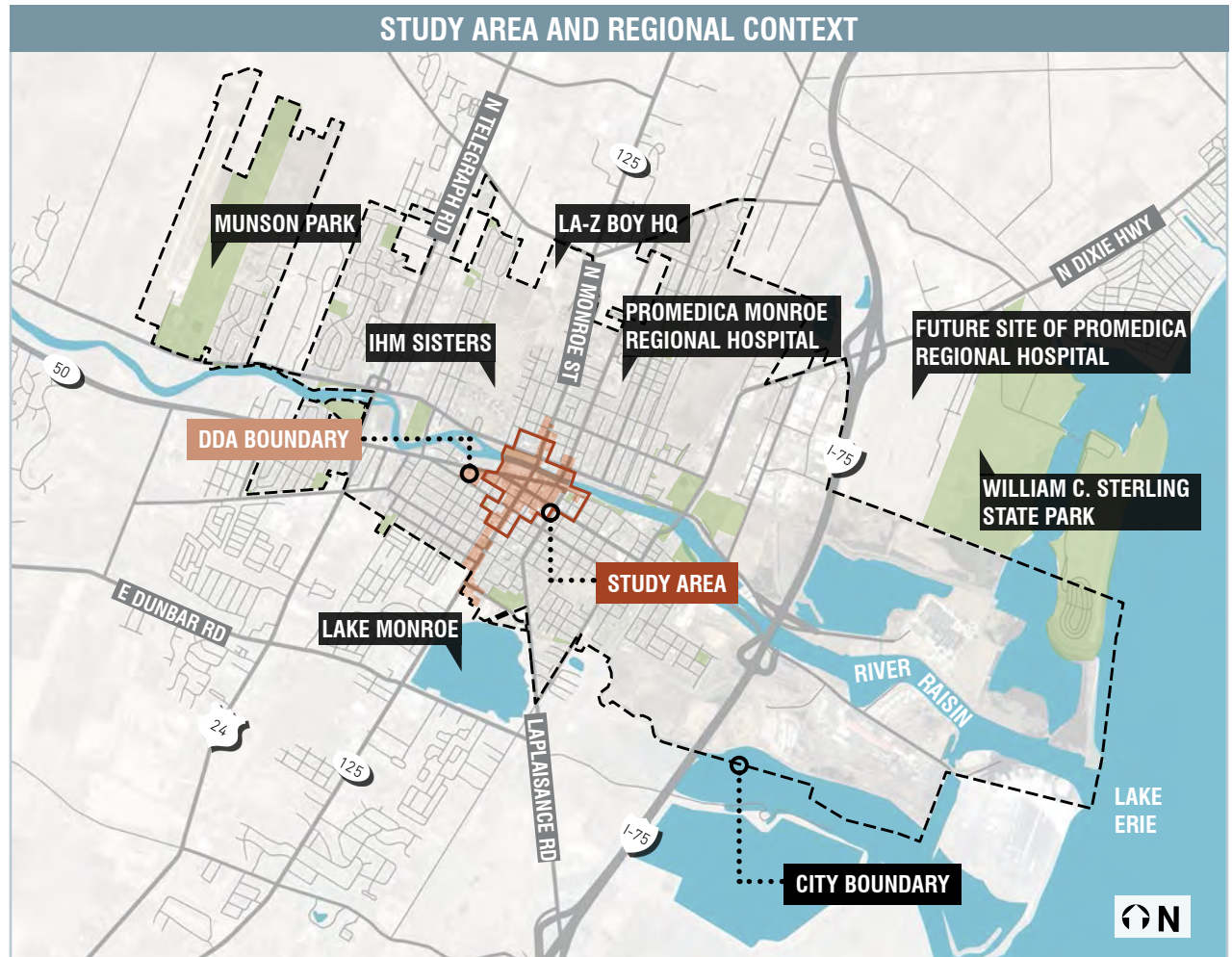
## STUDY AREA & REGIONAL CONTEXT

There are many regionally significant sites in proximity to downtown Monroe, including the River Raisin Battlefield Park, the La-Z Boy Headquarters, and the Promedica Monroe Regional Hospital, among others. Multiple direct access points to I-75 (Dixie Highway, Elm Avenue, First Street, and LaPlaisance Road) provide downtown with a greater level of connectivity to these assets and others throughout the region. In addition to I-75, two major state routes (M-50 and M-125) also connect into/pass through downtown Monroe, and U.S. Route 24 provides an alternative route just outside of downtown.

All of these routes provide critical access to the City of Monroe and serve as key gateways into downtown Monroe. An important aspect of this study will be looking at how downtown Monroe can capitalize on its regional connectivity and proximity to regional assets.

The project study area echoes the boundary for the Downtown Development Authority (DDA), but focuses more specifically around the core downtown. The study area boundary generally extends north to Willow Street, east to Murray Street, south to 5th Street, and west to Smith Street.




The DDA boundary extends farther south to the City's edge, and slightly farther north across the river, but does not include every property within the project study area.








## EXISTING PARKING SUPPLY

### ON-STREET PARKING

-  UNMETERED PARKING
-  METERED PARKING
-  NO PARKING
-  RESTRICTED PARKING

### OFF-STREET PARKING

-  FREE PARKING
-  METERED PARKING
-  PRIVATE PARKING

**1,737**

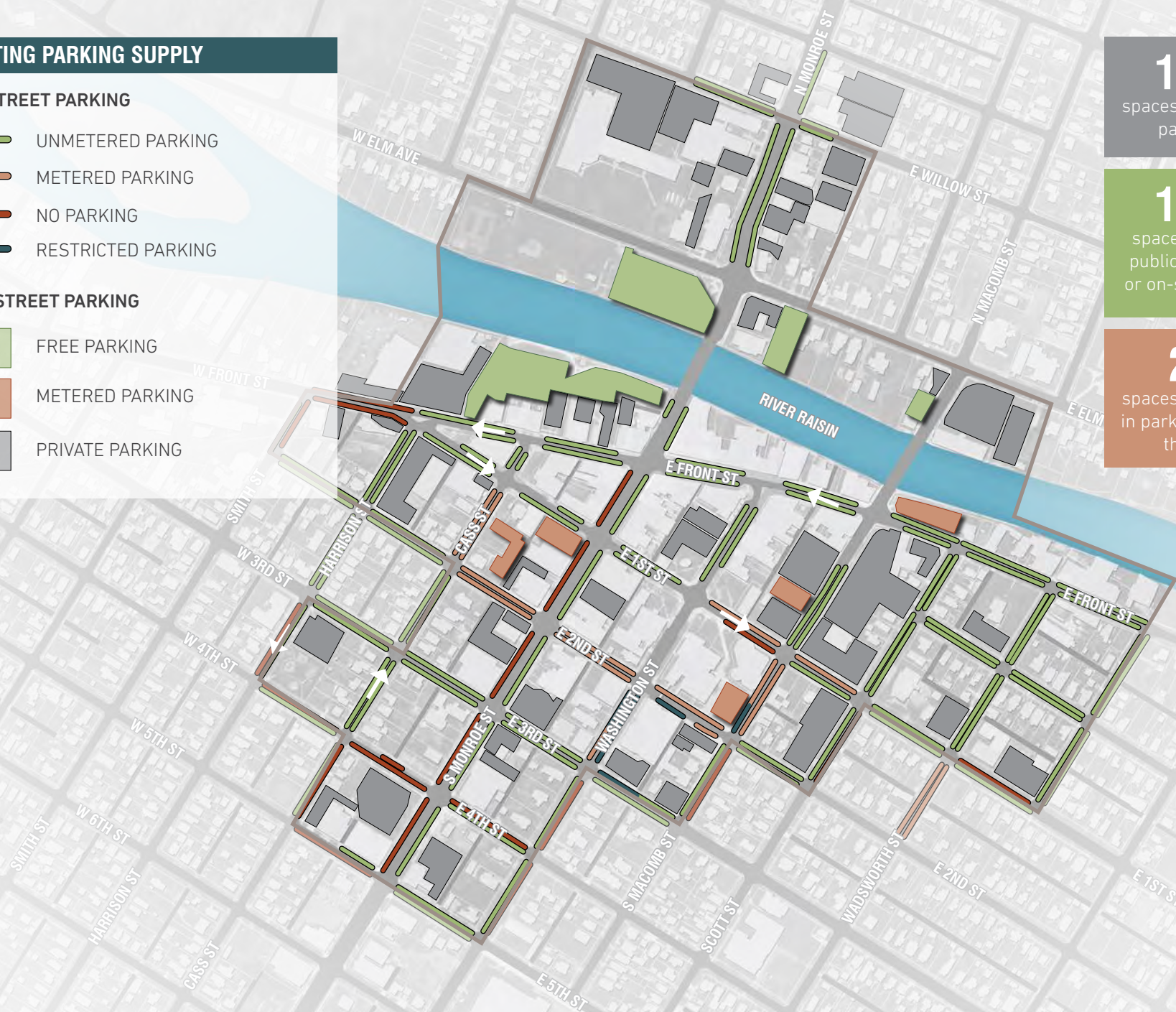
spaces are in private parking lots

**1,147**

spaces are in free, public parking lots, or on-street parking

**232**

spaces are metered in parking lots or on the street





# Parking Assessment

## PARKING SUPPLY AND OCCUPANCY

Parking occupancy counts were conducted for two distinct periods of parking demand downtown: Friday evening and weekday lunch. Between the two periods, the overall utilization of parking within the study area remained below 40% systemwide. This percentage includes all facility types (public and private, metered and free), but does not include any restricted spaces, such as designated handicap parking or police vehicles only.

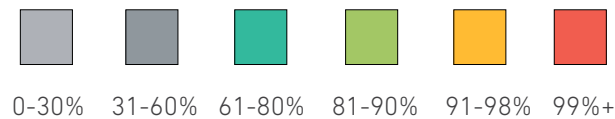
### Parking Occupancy on Friday Evening

Parking Type	Total Spaces	Total Cars	Percent Occupied
Off-Street	2,240	504	23%
On-Street	886	175	20%
<b>TOTAL</b>	<b>3,126</b>	<b>679</b>	<b>22%</b>

Note: these numbers do not include designated handicap parking or other restricted spaces.

## PARKING OCCUPANCY LEGEND

Percent of Parking Occupied at Time of Count



## FRIDAY EVENING PARKING OCCUPANCY COUNTS

Note: St Mary's parking lots were being used for festival setup during this time period.





# What We Heard

535  
RESPONSES

## PARKING SURVEY

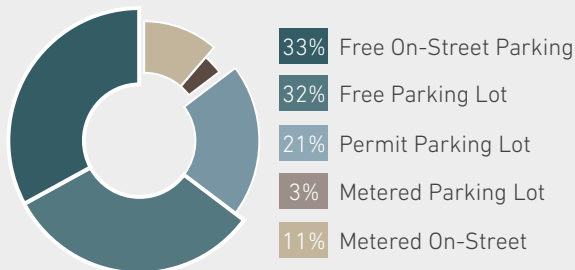
The results of the parking survey indicate that overall, the community is generally satisfied with parking downtown. Most respondents indicated that they are able to park **within a block of their final destination**, which equates to less than a 5-minute walk.

The most dissatisfaction was indicated with:

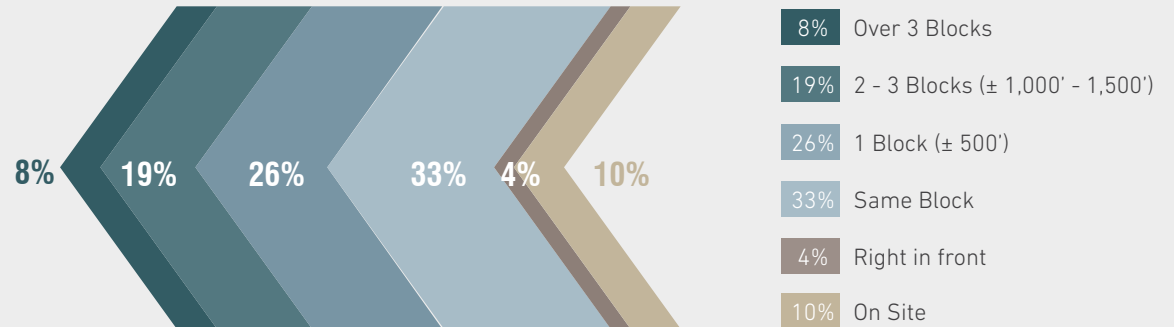
- » the ease of finding a parking space
- » the cost to park
- » the proximity of parking to destinations

Additionally, the majority (65%) of respondents indicated that they typically park in free on-street or off-street parking when they travel downtown. Another 21% indicated that they park in permit parking, which is often provided for free through employers. **Only 14% of respondents** indicated that they **typically pay for parking** downtown.

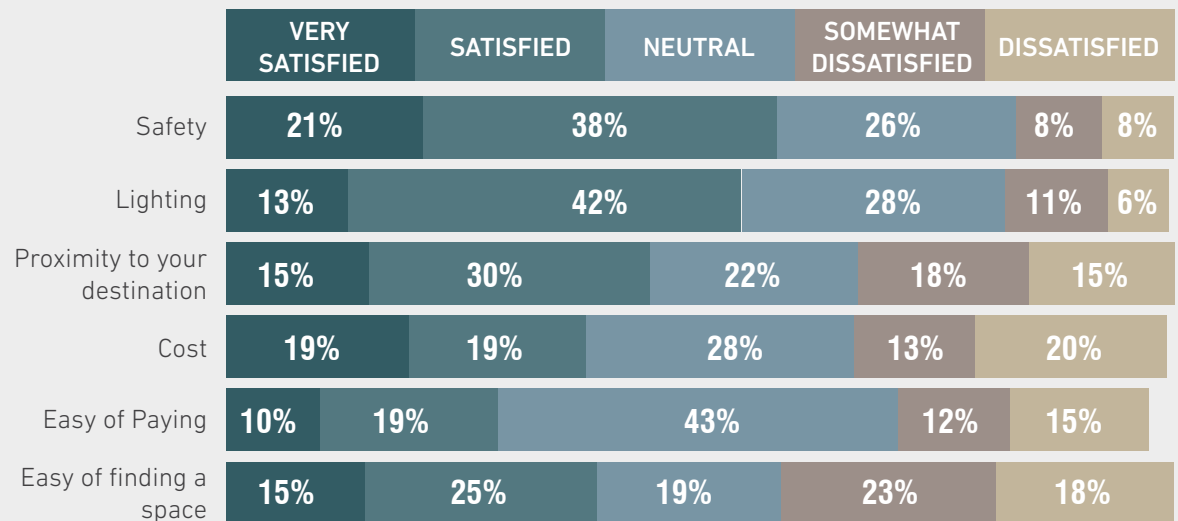
### WHERE DO YOU TYPICALLY PARK?



### HOW CLOSE TO YOUR DESTINATION DO YOU USUALLY PARK?



### HOW SATISFIED ARE YOU WITH YOUR DOWNTOWN PARKING EXPERIENCE?





# UPTOWN PLAN

WESTERVILLE, OHIO



ADOPTED: March 6, 2014  
PREPARED BY MKSK



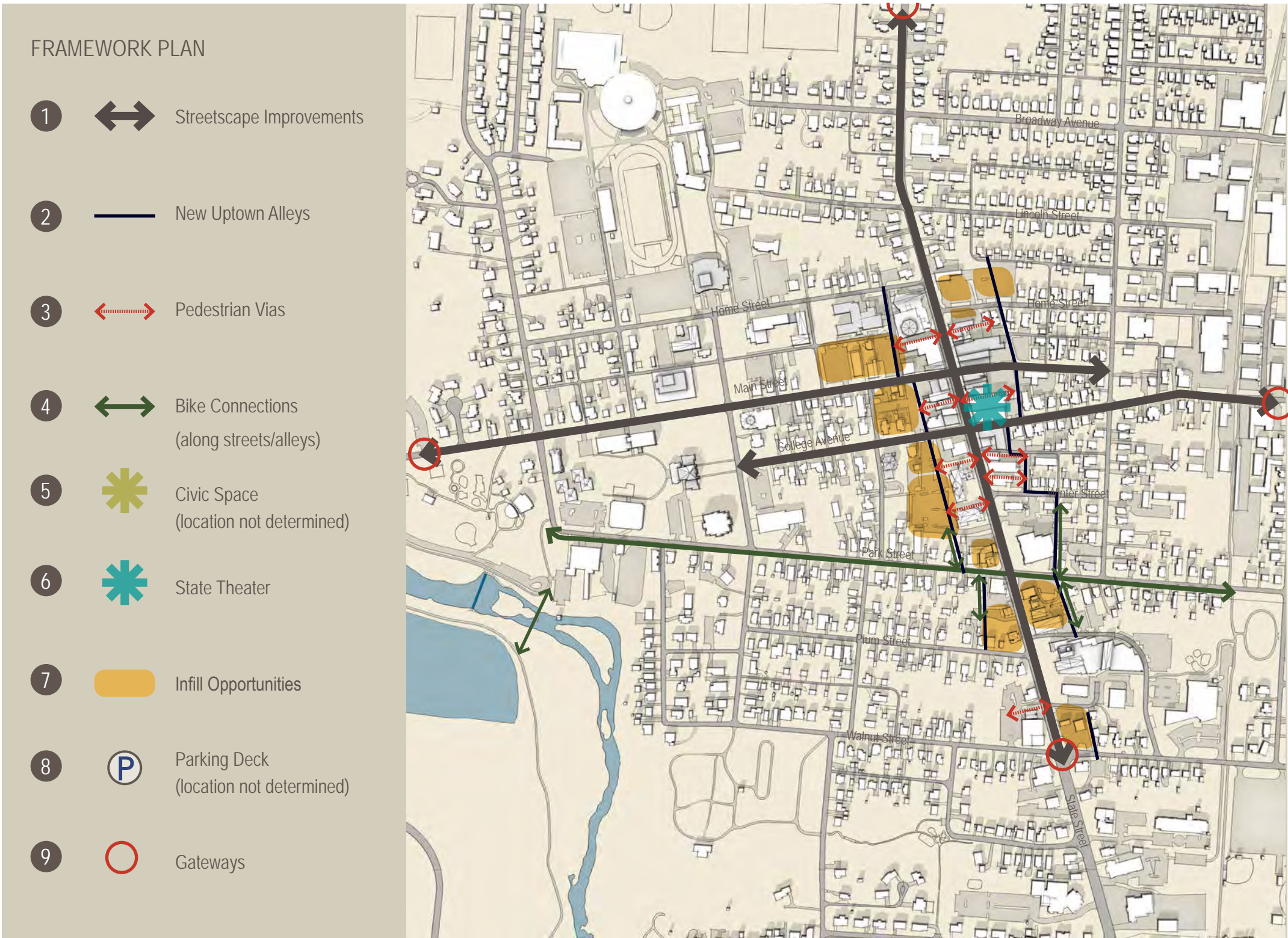
Framework Plan

The Framework Plan to the right illustrates how all of the nine catalytic ideas could work together to transform Uptown. While many of the nine catalytic ideas have a set physical location for implementation, two do not (the Civic Space and the Parking Deck) and three are shown in generally preferred locations (the New Uptown Alleys, the Bike Connections, and the Infill Opportunities). It is also worth noting that several of these, such as the Infill Opportunities and the State Theater, require the property owner to initiate, and others require participation of the property owner, such as the Pedestrian Walkways/Vias.

In this Framework Plan, streetscape improvements are planned for State Street, Main Street, and College Avenue. Both Main Street and College Avenue are important corridors because they draw people into Uptown. These streets should be enhanced to continue the aesthetic charm of Uptown and act as gateways to Olde Westerville. The streetscape improvements to State Street are planned to enhance pedestrian enjoyment and safety along this vehicle-heavy corridor. Additional streetscape improvements are recommended for Park Street to allow it to act as a bike connector to Uptown.

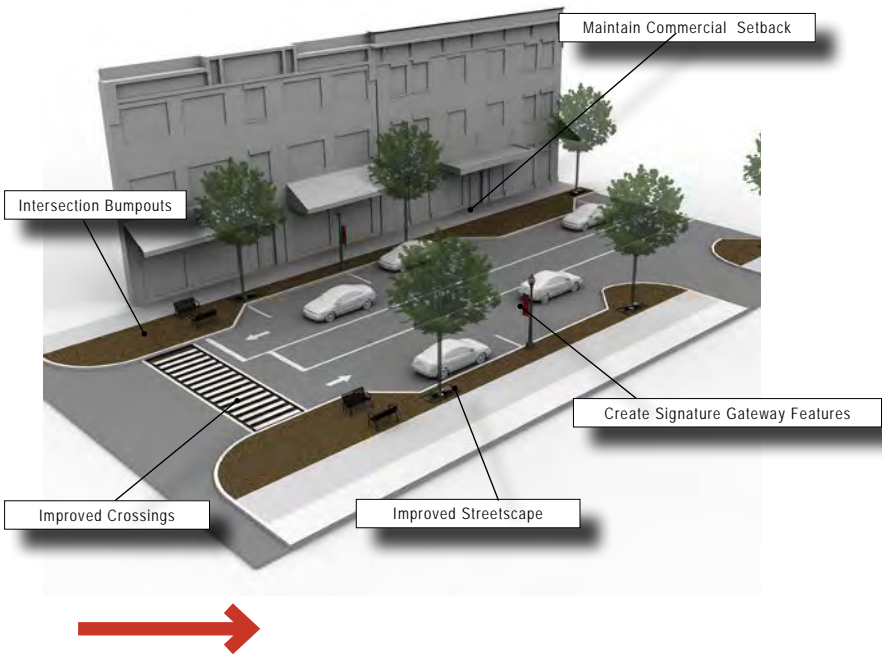
Creating a public alley system that runs parallel to State Street allows cyclists to exit Park Street and easily access Uptown. These Uptown Alleys also help to re-organize parking and access, making it more intuitive, efficient, and attractive. The Framework Plan shows how these alleys approximately follow the drives that exist behind the State Street buildings today. Implementing this idea coupled with the embellishment of the current mid-block pedestrian walks will create an inviting and memorable way-finding system from the parking areas to the activity on State Street.

Other catalytic ideas include the creation of a civic space along State Street for community gathering and events, the renovation of the State Theater, and the development of potential infill sites -- for mixed-use buildings along State Street and residential infill along the cross streets -- to help strengthen the fabric and vitality of Uptown. Such projects could be serviced by a public parking deck located in close proximity to State Street, which could help address the existing parking challenges and encourage further redevelopment. While the location of certain catalytic ideas, such as the civic space and parking deck, would need to be determined with further study, all nine ideas work together to build upon Uptown's strengths and enhance its ability to attract visitors, businesses, and residents.





Concept - State Street

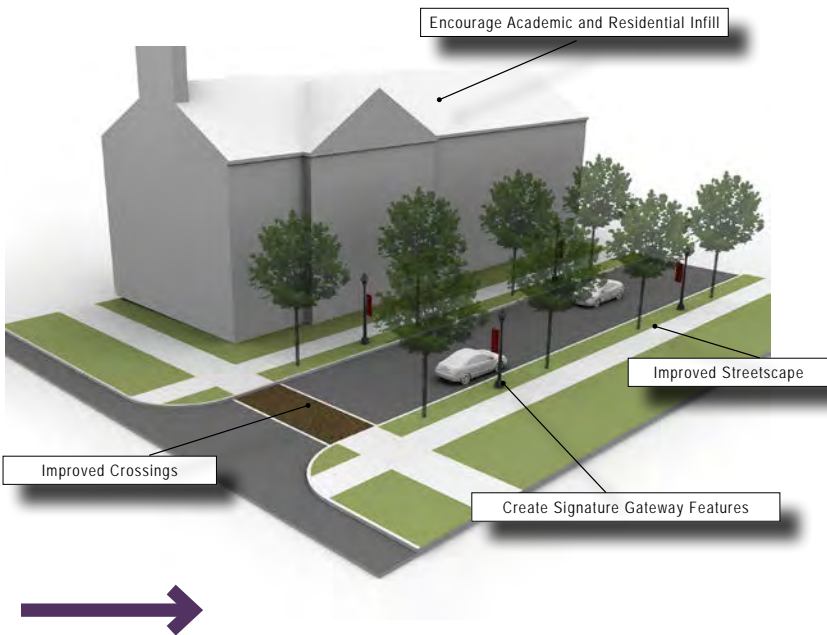


State Street Streetscape Improvement Strategies

- Add bumpouts at intersections
- Curb extensions for pinch points (ex. Old Post Office, State Theater)
- On-street parking differentiation
- Unique crosswalk pattern
- Consistent sidewalk width
- Landscape for buffering



Concept - Main Street

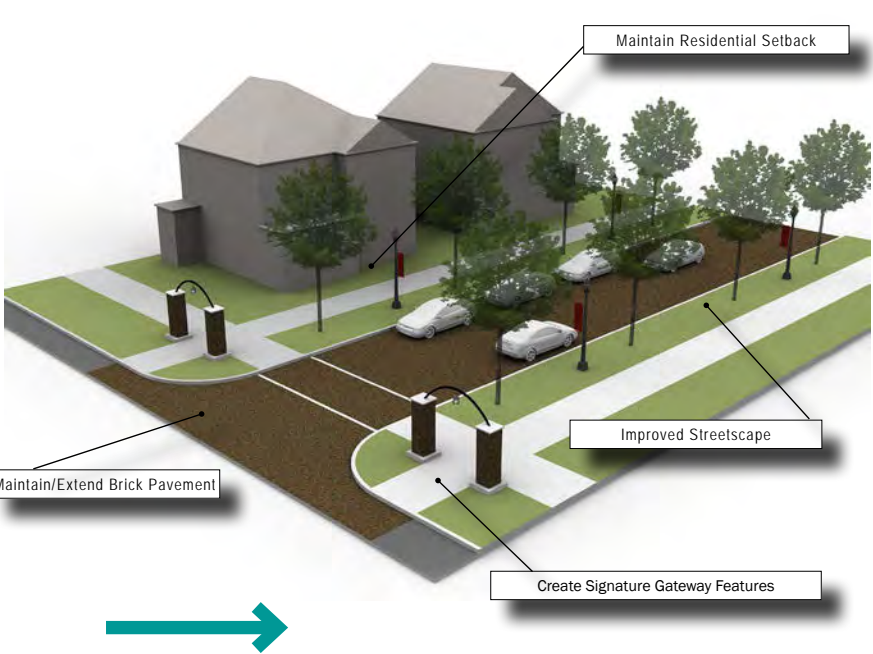


Main Street Streetscape Improvement Strategies

- Bury overhead utilities
- Improve streetscape
- Screen surface parking lots
- Create signature gateway elements
- Academic residential infill



Concept - College Avenue



College Avenue Streetscape Improvement Strategies

- Enhance College Avenue as ceremonial gateway to Otterbein University
- Maintain and extend brick street
- Bury overhead utilities
- Encourage residential and academic infill
- Maintain existing residential setback
- Create signature gateway elements
- Screen surface parking lots

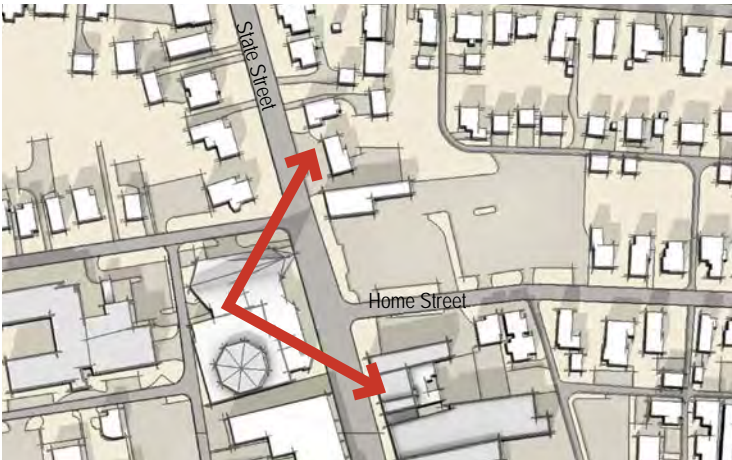




REDEVELOPMENT & INFILL

North Gateway

The existing Church of the Messiah parking lot at the northeast corner of East Home Street and State Street is one of the sites that residents and stakeholders expressed interest in seeing redeveloped. Repurposing the site with mixed-use and residential would fill in the existing gap in the State Street streetscape, and allow the site to serve a more beneficial purpose for Uptown and the City of Westerville. This location at the northern corner of Uptown creates the potential for a strong gateway feature, defining the edge of Uptown and drawing people into the district. The illustration to the right demonstrates how a new mixed-use development could be complemented by residential use along East Home Street. The mixed-use building facing State Street creates continuous edge, while the residential use along East Home Street blends into the existing scale and character of the street. This helps strengthen residential within the Uptown district, while also introducing new commercial opportunities that would be included on the first floor of the new mixed-use building.



EXISTING NORTH GATEWAY



POTENTIAL NORTH GATEWAY INFILL AT STATE AND HOME STREETS

Note: This is a conceptual illustration of how redevelopment might look. Any redevelopment of privately held parcel(s) is the purview of the property owner(s) and the private market.



ESTIMATES OF POTENTIAL COST

Catalytic Projects



1. STREET IMPROVEMENTS

- State Street: \$1.5 - 2.0 million
- Curb extensions
  - Pavers
  - Crosswalks
  - Gateway structure (north & south ends)
- Main Street: \$1.5 - 2.0 million
- Gateway features
  - Utility burial
  - Street light, sidewalk, & street trees infill
- College Avenue: \$1.7 - 2.2 million
- Similar to Main St. above

**\$4.7 - 6.2 million total for all three streets \***  
(can be accomplished in phases by street)



2. PUBLIC ALLEYS

- Estimate Includes:
- Demolition
  - Permeable pavers alley
  - Drainage
  - Sidewalk
  - Lighting
  - Trees
  - Bike/pedestrian lane & bollards
  - Note: Does *not* include any land aquisition

**\$3.8 - 5.0 million total for all alleys \***  
**or roughly \$1,200-1,800 per lineal foot \***  
(can be accomplished in phases by block)



3. MID-BLOCK PEDESTRIAN WALKWAYS / VIAS

- Estimate Includes:
- Demolition
  - Specialty pavement
  - Portal gateway elements
  - Site furnishings
  - Art elements
  - Drainage
  - Note: Does *not* include any land aquisition

**\$1.2 - 2.7 million for all pedestrian walkways \***  
**or roughly \$150,000-300,000 per walk**  
(assumes nine total walkways/vias)  
(can be accomplished in phases by alley)



4. BIKE CONNECTIONS

- Estimate Includes:
- Bikeway connecting the Ohio to Erie Trail to the Alum Creek Trail along existing Park Street
  - Sharrow (shared use) paint markings
  - Wayfinding signage

**\$25,000 - \$35,000 for the connection markings \***

\* Note: Estimates provided are for budgeting purposes only. As projects are advanced to conceptual design, more accurate cost estimates can be developed.

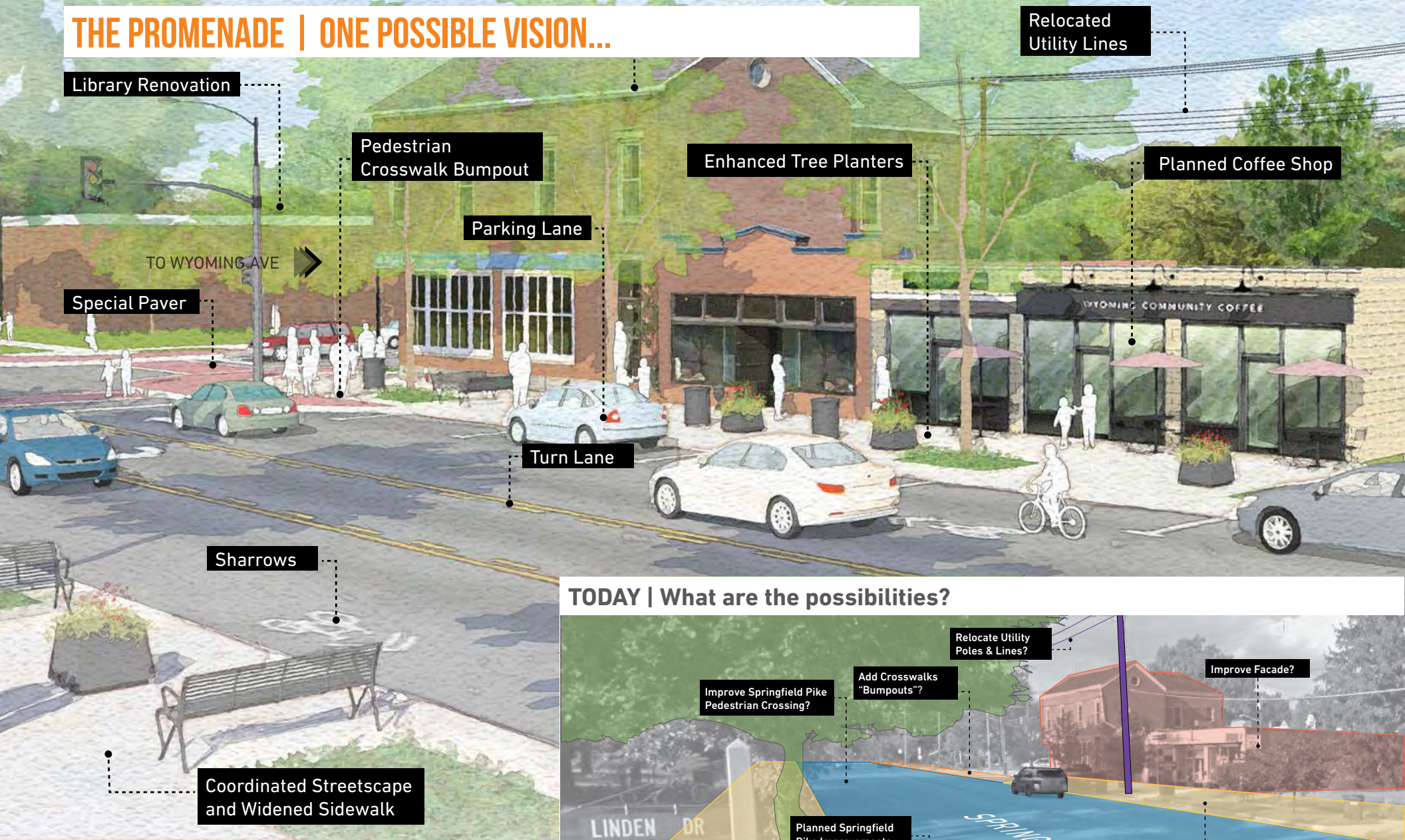




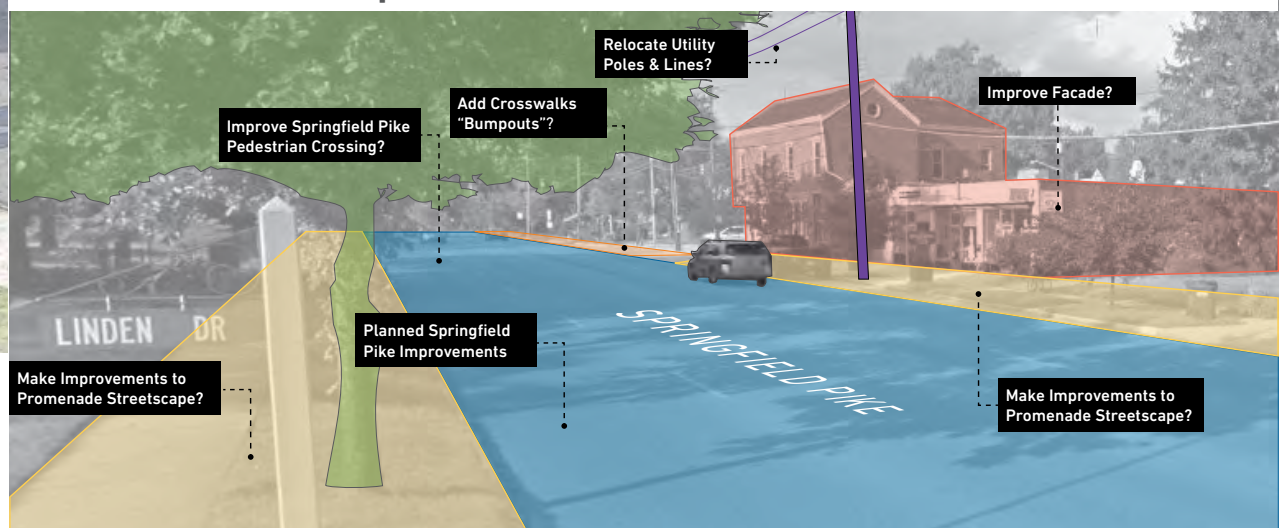
# 2018 CITY OF WYOMING MASTER PLAN



## THE PROMENADE | ONE POSSIBLE VISION...



## TODAY | What are the possibilities?



\* Any "Infill Development" or property improvements dependent on property owner.



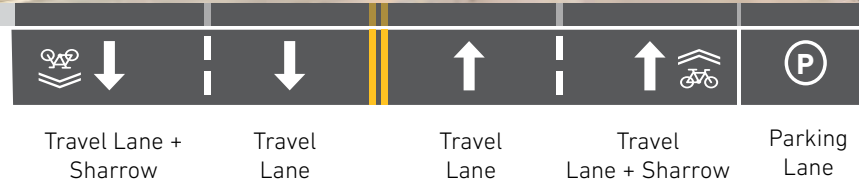
## A First Step Toward Future Opportunities

The road diet should be considered the first step toward a series of incremental improvements that will over time enhance the Pike as a public way in which the City can take pride. The improvements will provide safe and efficient travel options for people of all ages, including those who can't or choose not to drive (such as children, the elderly, and cyclists).

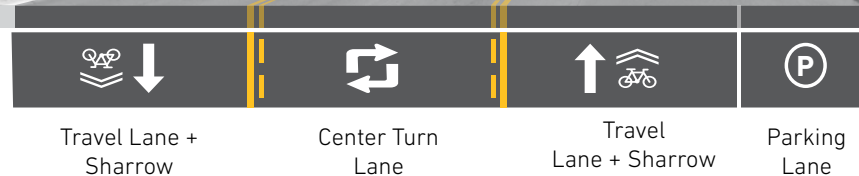
Future additional improvements should be considered to improve pedestrian crossings along Springfield Pike. These could include additional or improved crosswalk designs and curb extensions (also referred to as "bump-outs") at intersections to shorten pedestrian crossing distance and improve the streetscape quality at prominent locations.

In particular, the intersection of Wyoming, Chestnut, and Worthington Avenues, and Springfield Pike are recommended as priority locations for such a design. Where space allows, additional on-street parking could also be considered to serve businesses as redevelopment occurs. Such improvements will serve to transform Wyoming's one arterial roadway into the type of place that truly captures the essence of the community and the small town, walkable character that residents love.

Springfield Pike Looking North | Existing Conditions



Springfield Pike Looking North | Planned



# COMMUNITY SENTIMENT

## Public Open House 3

At the third public open house, held on April 12, 2017, participants were asked to engage in a fiscal prioritization exercise. Each person was allocated \$1,000 (in play money!). This represents an approximate per capita annual City tax contribution. There were 10 topic-based stations, each with multiple options for municipal investments, plus, a station for the attendees to suggest their own priorities. The public was invited to consider their priorities, decide how much of their tax dollars should be allocated to each one of their priorities and make their contributions.

The diagram on this page shows the results of this exercise portraying overall and by generation top priorities. As an example, "retail and restaurant attraction" ranked first overall and was among the top three across generations.



### WYOMING FISCAL PRIORITIES





## Public Open House 4

The final public open house was held on June 28, 2017. Planning team opened the meeting with a short presentation to reinforce the Master Plan primary goals and themes, and introduce opportunities and possible vision for targeted areas.

Participants were asked to review and prioritize a series of draft objectives and strategies organized according to eight planning themes.

Participants were also invited to review conceptual graphic renderings of potential public improvements and private development ideas and to sketch their own ideas for the future.

### Today - What are the Opportunities?

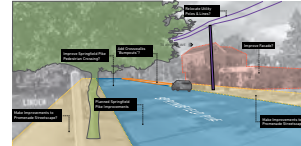


### One Possible Vision... (There Are Many Possibilities)



### WHAT IS YOUR VISION FOR THE PROMENADE?

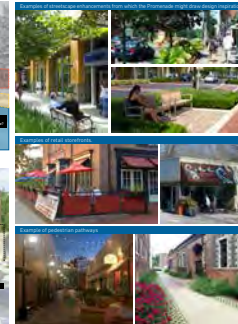
#### Today - What are the Opportunities?



#### One Possible Vision... (There Are Many Possibilities)



#### Benchmark Images - Examples to Consider



**DRAW! WRITE! INSPIRE!**







# SCOPE OF WORK



UPTOWN WESTERVILLE COMPREHENSIVE PLAN, WESTERVILLE, OH\_MKSK





## PROJECT UNDERSTANDING

Strong planning direction has helped guide the City through past challenges. It has played an important role in shaping Birmingham's various mixed use districts into one of the premier cities in the Midwest. As the City continues its forward looking legacy, a new City-wide Master Plan is sought to a course for sustained prosperity. A successful process and eventual Plan needs to consider what different stakeholders and the community at-large feel is important.

For residents, it is the downtown and their immediate neighborhood including their home, schools, parks, and tree-lined streets. Different neighborhoods also include specialty shops such as LePetite Prince, Market Square, Mills Pharmacy, the Whistle Stop Diner, Big Rock Cop House, Papa Joe's and many other unique places to enjoy. For weekend and evening visitors, it is the vibrant downtown with niche retail, restaurants, library and events. For employees, it is the attractiveness of working in a walkable downtown with plenty of open spaces and places to grab a cup of coffee, lunch or a beverage after work. For Developers and investors, it is the appeal of an affluent population in an urban setting to build upon the success of recent developments. We will work with you on a process that captures those sometimes competing interests into a well-vetted plan to guide you over the next 10 years.

In the past two decades, the City has focused its Master Planning efforts on areas that need the most guidance – the Downtown, Eaton Street Rail District and Triangle District. Woodward Avenue's corridor has been examined through a South Gateway Study, and separate Complete Street and rapid transit studies. In addition, a city-wide Non-Motorized Plan was prepared. Many of the recommendations of those prior plans have been implemented. Others are still valid for consideration. Our impression is that one objective of this Master Plan Update is a light refresher for those plans and to integrate them into a Ccity-Wwide Plan. A second goal of the Master Plan is to cover the other, largely residential districts that were not covered in those plans. This will include some consistent elements as well as policies that reflect the distinct characteristics of the City's varied neighborhoods.

While Birmingham is an incredibly successful city – from its residential neighborhoods to commercial districts – the City still needs a Master Plan to help maintain its success. Specifically, a Master Plan can help with the following:

- Engage stakeholders and the public in taking a broader view of the city and the future.
- Take a fresh look at the City overall - with an eye on future trends such as the implications of e-commerce, housing needs, and mobility.
- Identify enhancements that may be needed in the stable neighborhoods to help them retain their appeal.
- Evaluate how to better link land use, design and the transportation system to increase the number of people who walk, bike and use transit.
- Address some of the consequences of densification, such as stress on the parking system. Parking pressures that extend onto some residential streets.
- Discuss policies to align the City's various Boards, Committees, City Commission and Staff.
- Determine if a wider array of housing types is needed (the "Missing Middle"). If so, where should it be located and how can it fit into the character of the area?
- Provide a foundation for the zoning ordinance and identify potential amendments.
- Meet the State requirements that a Master Plan be adopted every five years. Along with including State-required Plan elements that are missing in Birmingham's various plans, in particular, a Zoning Plan.



## COMMUNITY ENGAGEMENT PLAN - APPROACH & ASSUMPTIONS

Our approach is to build upon the prior district plans and fill in the gaps, both content and geographic, to create a city-wide Master Plan. This will be done through an extensive community engagement process. Our definition of the community to engage is not just residents. It also includes key stakeholders (property owners, advocacy groups, organizations), agencies, city officials and staff. Our engagement process includes a variety of tactics and sessions with city staff, city officials, stakeholders and the public. Our featured event will be a four-day charrette process. As with our past projects and charrettes in Birmingham, we look for a collaborative process working with city staff. Our budget assumes city staff will handle logistics including the notices required by the Michigan Planning Act, invitations, e-blasts, event locations, publicity, media kits and other coordination.

At the project outset, we will develop a draft Community Engagement Plan. This plan will be discussed and refined at the kickoff meetings. This guidebook will include detailed of how we will communicate with different groups and the timing of various elements. The tactics and events are described in the Work Plan below at the time they would occur. In summary the Engagement Activities include the following:

- A website to be hosted by the city, to announce the project and schedule. We will develop language and illustrations for the city to update the website before and after public events.
- We will prepare e-newsletters for the city to blast out to residents, business owners and key stakeholders. We will prepare these three times 1) announce the project 2) before the charrette and 3) to summarize the draft plan before the open house and public hearing.
- Five meetings with City staff
- Five meetings with the Planning Board plus meetings during the adoption process
- Two meetings with the City Commission plus the Public Hearing
- Suggested optional meetings with city staff, the Multi-Modal Board and parking committee
- A two-day session of roundtable or focus group discussions with key stakeholders plus Visioning or Listening sessions with the public
- A meeting with agencies and representatives of adjacent communities
- A four-day design charrette led by UDA
- A public open house during the public review period before the Public Hearing
- Summary brochure

## WORK PLAN

Our proposed Work Plan is organized by Plan Phases. For each Phase we have noted the meetings and deliverables. For ease of understanding, the work plan for parking related topics has been included in one location, under the Exploration Phase. But that effort will span throughout the Phases.

We have included the meetings requested in the RFP, noted at the times we would expect them to occur. But we believe addition meetings will be needed. Those are noted as “Optional” and would be billed hourly in addition to our stated fee.

The sequence would follow the project schedule below.

**PHASE 1:** Months 1-2      Project Launch – Kickoff meetings with city staff and officials

**PHASE 2:** Months 2-4      Discovery - data collection, inventory of existing conditions, and review of past plans

**PHASE 3:** Months 3-5      Visioning - Best Practices Summit, Charrettes to identify aspirations and alternatives

**PHASE 4:** Months 6-8      Exploration - Evaluation of Options, Selection of Preferred Alternatives and Scenarios

**PHASE 5:** Months 9-12      Draft Master Plan – pulling various elements together into a document, development of an Action Plan with priorities and implementation steps

**PHASE 6:** Months 12-16      Draft Plan Adoption Process - State Required 63-day Public Review Period, Public Hearings, Revisions, Adoption

## PHASE 1: PROJECT LAUNCH

MONTHS 1-2

This first phase is intended to review the work plan and schedule to agree on any adjustments. We will also use this period to set the course for engagement activities, understand the previous plans and data available. We also suggest some early discussions on the eventual plan format.

The tasks in this phase will include the following:

- Kickoff meeting with City staff to review the work plan, to have staff provide an overview of active planning efforts, development projects, capital improvements, etc. Also clarifications of the integration and extent of update to the Downtown, Triangle and Rail District Plans. This should include representatives of Planning, Engineering, Administration, Communications Director, and the Police Chief.
- A kickoff meeting with the Planning Board
- Project start-up briefings with the Multi-Modal Board and City Commission
- Based on the above, a second meeting with city staff to agree on any refinements to the Work Plan and Schedule
- Initiate community engagement including a page on the City’s website, calendar of events, lists of key stakeholders to invite to focus group meetings

### Meetings:

2 with City staff (1 is Optional)  
1 with the Planning Board  
1 briefing for the Multi-Modal Board at our regular meeting (not charged to the Master Plan)

### Deliverables:

Materials for those meetings including summaries of discussions  
A draft Notice of Intent to Proceed with a Master Plan update to be refined and distributed by the City  
A Community Engagement Plan and calendar of events

### PHASE 2: DISCOVERY (DATA COLLECTION & ANALYSIS, INCLUDING PARKING & INFRASTRUCTURE ANALYSIS)

MONTHS 2-4

During this phase, we will work with city staff and other organizations to collect available data. This information will be evaluated for its influence on the Master Plan. We will also tour the City to begin to identify focus areas. This Discovery Phase will include the following tasks.

**Review of past plans.** We are already familiar with most of the previous plans in the City that will be a foundation for this plan. We will review and summarize those plans including those listed in the RFP: the Downtown 2016 Plan, Eton Road (Rail District), Triangle District, Alley and Passages, Multi-Modal Transportation and Parks and Recreation Plan. Since one purpose of the Master Plan is to support the zoning ordinance, we also want to discuss the South Woodward Plan, recent amendments to the zoning ordinance and map, any key zoning disputes, and other planning and zoning analyses. As part of this process, we will have a meeting with City staff, and perhaps some representatives of the Planning Board to discuss the status of those plans. This will include acknowledgement of recommendations that have been implemented, and a review of those that have not been acted upon. This will help us identify the components on the previous plans to carry forward in this process.

**Community Profile – Existing Situation and Trends.** We will prepare a community profile that includes important data to consider. This will include population and employment trends/projections, housing statistics such as age of housing stock, demographic characteristics of residents, and similar information. We will use the US Census, American Community Survey, ESRI Business Analyst (home values, commercial spending habits, etc.), and SEMCOG Traffic Analysis Zone data. This information will be supplemented through our conversations with key stakeholders in the real estate and development sectors plus conversations with representatives of the Birmingham School District and private school leadership.

**Existing Land Use and Focus Areas.** A key element of this process is to agree on how to classify certain uses. This will consider the use, its location and the distinction of uses in the zoning ordinance. The existing land use will be mapped and described to serve as a base for the future land use plan. Unlike older-style plans, this exercise will produce a series of maps and illustrations that will guide development of the Plan. This will include locations where the current land use is non-conforming or where there are major dimensional nonconformities that could influence redevelopment. This exercise will also provide a basis for identifying barriers and impediments to desired land use and development patterns that will be promoted in the future land use plan, to be developed as part of the Master Plan. We will also begin to identify sites that appear to be ripe for redevelopment. This may include vacant lots, obsolete buildings, sites in the vicinity of recent development or sites abutting more intense uses.

**Transportation and Infrastructure Analysis.** This will include street classifications, traffic volumes and projections, bike facilities, SMART transit ridership and bus stop features, and planned improvements. We will compare the Birmingham network with the latest recommendations from NACTO, ITE and other organizations. MKSK and Nelson\Nygaard will present best practice examples including new Complete Street and Vital Street public realm design manuals for Ann Arbor, Grand Rapids, Lansing, Traverse City plus notable places outside of Michigan. Fleiss & Vandenbrink engineers will also have discussions with the city engineering department construction practices. Best practices used by other communities will be identified in a tech memo for consideration during the process.

**Parking Related Data.** On the parking side, this will include a projected demand assessment, review of the downtown Parking Assessment district, the current residential permit parking zones, zoning requirements v best practices and other topics described in the section on Parking.

## 4 SCOPE OF WORK

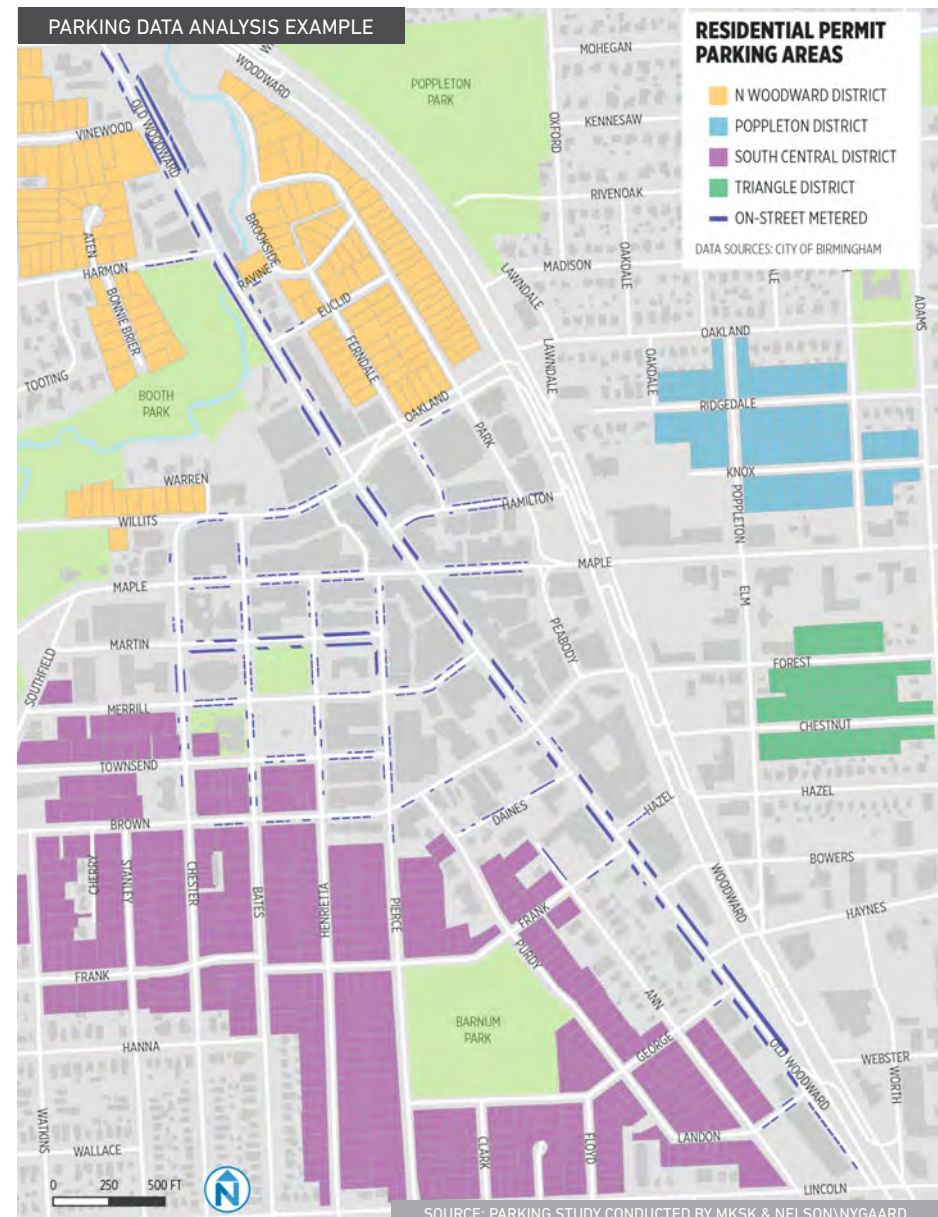
**Community Tour/Audit.** We will photo-document and qualitatively assess the pattern of lots, streets and home design forms in the various neighborhoods, corridors, and districts.

**Meetings:**

- 1 with City staff
- 1 with the Planning Board

**Deliverables:**

- Existing land use map and description
- Summary of Current Plans
- Outline for Neighborhood Pattern Book or typologies
- Existing transportation and parking assessment including maps
- Preparation of Community Meeting, Website & Targeted Outreach
- Presentations & Materials for city review and approval to announce events in the upcoming Phase



### PHASE 3: VISIONING

MONTHS 3-5

We will facilitate a two-day session of information gathering and listening workshops. This will help build a deeper understanding around the needs of the project and the vision that residents and stakeholders have for the Master Plan. Discussions will involve a vision for the future of Birmingham overall, with specific ideas about certain districts, corridors and places.

The agenda for the two days would include meetings with the City staff, key stakeholder interviews and focus groups. Those invited for an interview or focus group may include key developers, property owners, representatives of neighborhoods and others identified by the City. This will also include an Agency Day meeting with staff or an official from Bloomfield Township, Bloomfield Hills, Royal Oak, Troy, SMART, MDOT and Oakland County.

During the late afternoon or evening of each day, we will host a community input meeting. At these sessions we will exhibit the data evaluation findings. Best practice concepts that similar communities have done well will be described to discuss what could be applied or adapted to the City of Birmingham. Ample opportunities will be provided for attendees to describe what they most value in the City. This discussion will include input on the elements of the City that are most cherished that should be conserved, places that need to be enhanced, and locations where some type of more significant change is desired or feared. Elements for discussion will include specific policy strategies or initiatives and targeted geographic focus areas and redevelopment sites. Ideas discussed will be mapped. These discussions will help form a draft Vision that will be reviewed with and refined by the Planning Board. These sessions will be held at either the downtown library or at another location secured by the city.

Following these initial listening sessions, our team will develop a list of emerging themes and directions to explore for each of the areas of the city (the neighborhoods, Downtown and the Triangle, the Rail District, and South Woodward). This visioning effort will include discussion of initial placemaking, land use, development, and transportation concepts. The critical focus of the visioning effort will be on specific, strategic goals, objectives, and actions that will

improve the quality of life and opportunity for citizens, businesses and visitors, both existing and future. The visioning will respond to market opportunities and demand forecasts for new housing and commercial space and coordinated public realm and infrastructure improvements necessary to support and potentially catalyze desired private investments.

#### **Meetings:**

- 1 with City staff
- 1 with the Planning Board (Optional or could be done by City staff)
- 1 Briefing with the City Commission
- A two-day session of interviews, focus groups, and a community event

#### **Deliverables:**

- Listening/Visioning Session Materials
- List of Emerging Community Themes (Goals and Desired Outcomes)



### PHASE 4: EXPLORATION (LAND USE, DESIGN & PARKING)

MONTHS 6-8

There are two main efforts in this Phase. First is the Master Plan and design recommendation that will evolved through a four-day charrette process and then be refined through subsequent meetings. The second is the analysis of the various parking topics outlined in the City's RFP.

#### CHARRETTE

The Charrette process will consist of a 4-day workshop to develop concepts and to share with the community and elicit input and feedback. Days 1 and 2 would consist of reconvening stakeholders around each of the areas. The team would hold 4 mini-workshops (1 on Monday and 3 on Tuesday) focused on the various residential neighborhoods, Downtown and the Triangle, the Rail District, and South Woodward. Key stakeholders would be invited to participate, discuss best practices, and provide input. Day 3 would focus on development of the ideas, with a client pin-up on Wednesday afternoon/evening. Thursday would be dedicated to final production and a client/elected and appointed officials preview, culminating in a community presentation Thursday evening. This process will allow for extensive community and stakeholder participation, while ensuring the client team is comfortable with the development and direction throughout the week.

These sessions will be used to discuss alternative design concepts, land use strategies, multi-modal options and other topics. The outcome will be a series of maps and illustrations that will be refined following the charrette. These will include typologies for the residential neighborhoods using photos and plan view sketches (lot sizes, shapes, setbacks, streets, sidewalks and street trees. There will be a map that identifies where the different typologies are found or recommended. This will be a concise, fairly simple document, sometimes called a Pattern Book, that could be the basis or Regulating Plan for any zoning changes or a form-based code. UDA offers a more detailed Pattern Book as a separate document as an additional service in the budget.

#### PARKING ANALYSIS & STRATEGIES

There is a daunting (and increasing) level of uncertainty regarding the future of mobility in vibrant, walkable, urban centers, but two components of this future appear relatively certain: per square foot parking demand will decline gradually and the extent of non-driving trips will affect that the velocity of that change. Getting the parking right in such an environment will necessitate a new planning paradigm, one that abandons conventional parking requirements in favor of public/shared investments including funding for non-parking mobility and demand-management initiatives.

NN will lead the development of a parking analysis and a comprehensive set of recommendations. This will include a review of the parking requirements in the zoning ordinance specific to both uses and their district. We will identify supply-based solutions including shared parking strategies, management opportunities, curbside and off-street regulations including residential permit parking approaches, ADA parking needs, and overall funding opportunities. Our analysis will be based on a local understanding of key issues and opportunities, paired with an unparalleled understanding of national best practices and their appropriate application to Birmingham circumstances.

Particular focus areas will include:

- Projected Demand Assessment – A study of build-out capacity and its likely impacts on parking supply and demand conditions and perceived parking issues Downtown
  - This assessment will be informed by an analysis of the impact of ride sharing, autonomous vehicles, bikeshare and carshare, and other forms of “emerging mobility”, as well as mass transit, on future parking needs as it pertains to the Metro Detroit area.
- Review of the Central Business District Parking Assessment District – To ensure that concerns about constrained public parking supplies do not stifle desired growth

- This assessment will focus on restructuring the district program and the assessment framework to ensure stable funding and investment flexibility, and to minimize resistance to otherwise appropriate and desirable development.
- A complementary focus will be to assess opportunities to apply a similar approach in new, emerging growth districts.
- Growth District strategies – The potential need for a municipal parking system, and proactive public-parking management, in the Triangle District and the Rail District, with reference to recent analysis and recommendations
  - This will also include an analysis of the need for other public parking structures and locations, along with ideas on financing strategies.
- Zoning Standards – A comprehensive review of the Zoning Ordinance parking regulations that apply outside of the Parking Assessment District
- Residential Permit Parking and Alternatives – A review of conditions, concerns, and best-practice-based regulatory strategies for a citywide RPP toolkit
- Adaptive Re-Use Strategies – A comparison of options for creating more resilient infrastructure in the face of increasing uncertainty toward the Future of Parking, including:
  - Design solutions to allow the transition public parking decks to other uses in the future if demand for parking declines.
  - Land-banking alternatives that focus on peripheral surface lots for near-term supply expansions, which can be redeveloped as mixed-use projects should parking needs decline over time.
  - Shifting more development to incorporate shared/public parking solutions for on-site parking needs, allowing this infrastructure to be “re-used” by a larger set of land uses should parking-demand rates decline.
- Review of Downtown Parking Study Findings – Review of findings and recommendations emerging from this study, and their applicability beyond the Downtown, including:

- The need for demand-based pricing, to maintain consistent availability, both on the street and in the structures.
- Development of a policy for electric vehicle charging stations.
- The need for restricted on-street parking between 2am-6am.

### Meetings:

4-day charrette including a series of meetings and events as described  
 Nelson\Nygaard to attend 1 of the scheduled meetings with City staff  
 Nelson\Nygaard will be involved in two of the charrette days including a public event  
 An Optional meeting with the Planning Board or the Parking Committee or Ad Hoc Parking Committee (or joint meeting)

### Deliverables:

Assessment of Findings and Technical Report, including Best Practices  
 Summary for Inclusion in the Master Plan document

### Charrette Deliverables, including:

Urban Design Analysis (diagrams and photographs)  
 Neighborhood typologies (diagrams, drawings, and photographs)  
 Birmingham building types (diagrams and models)  
 Documentation of architectural character (photography and diagrams)  
 3 illustrative perspectives (eye-level and low aerial)

### Community Pattern Book (Additional Deliverable, if authorized), including:

Community Patterns Description  
 Urban Patterns for Infill  
 Building Types  
 Architectural, Landscape, and Garden Patterns  
 Green Building Guidelines  
 Home Owners' Guide

## PHASE 5: PREPARATION OF DRAFT PLAN

MONTHS 9-12

The planning process described in the Phases above will culminate with the synthesis of the visioning, plan concepts, future land use plan, multi-modal transportation, parking and other topics into a complete document. The Master Plan will be a graphic-rich, user-friendly document that describes how the community desires to move forward. As requested, the draft plan will be issued in a series of documents – the first at a 50% completion that will be a framework version with options identified for discussion. Following input at a meeting with the Planning Board, we will continue and develop a 75% (or more) complete version. While the RFP states a 75% draft, our experience with dozens of Master Plans that follow Michigan’s adoption requirements suggests that this should instead be a 90% draft that can be endorsed to begin the Official Public Review Period.

It is anticipated the document will include the following chapters.

1. A separate one-page summary brochure with infographics on key goals and recommendations
2. Introduction – the Role of the Master Plan
  - A summary of the community engagement process
  - Acknowledgement of Current Plans and how they are integrated
  - A brief community profile that includes info-graphics and background information on trends that influence the future
3. A review of the existing land use, including its form, for the districts and neighborhoods
4. A neighborhood typology (simple pattern book) to guide development in the neighborhoods
5. The Multi-Modal Transportation Plan, with an updated Map, and description of additional “best practice” design concepts based on NACTO, ITE and other publications
  - General infrastructure assessment including construction protocols

6. A Zoning Plan that compares future land use categories to zoning, and identifies potential zoning ordinance amendments to support Plan recommendations
7. A draft Implementation Section including recommendations for Policies, Programs, Capital Improvements, Regulations and other Topics (priorities and benchmarking/monitoring procedures to be agreed upon in the next Phase)
8. Technical appendices including the parking assessments

### Meetings:

- 2 with City staff (one is Optional)
- 2 with the Planning Board
- 1 with the Multi-Modal Board (covered by our separate contract)
- A briefing for the City Commission on the 50% draft for input (by city staff, Optional for MKSK)
- 1 Meeting with the City Commission (preferably a joint meeting with the Planning Board)

### Deliverables:

- Meeting materials including a briefing presentation for city staff to use with the City Community
- Draft one-page summary
- 1 reproducible PDF and 20 hard copies of a 50% draft plan
- 1 reproducible PDF and 20 hard copies of a 75-90% draft plan (the Public Hearing Draft)

# PHASE 6: PRESENTATION & ADOPTION

MONTHS 12-16

Once the Proposed Draft Plan is approved for public review, MKSK will work with City Staff to schedule a series of events to review the draft Master Plan with city officials, agencies, stakeholders and the public. For public review, in addition to comments received during the review process and the required public hearing, we recommend a Public Open House. Summaries of the Master Plan would be displayed and participants will be able to provide input on priorities or elements they feel are missing. This would be an informal, less intimidating opportunity for people to review the draft plan. It also allows discussions with City staff, the consultants and officials who volunteer to assist.

As comments are received on the draft during the review period, we will work in conjunction with city staff to prepare and update a matrix that summarizes suggested changes to the draft Master Plan. This document will note the request, relevant page, and a suggested response. This will be developed in conjunction with city staff, to be used at discussions with the Planning Board and City Commission. Our review and adoption process includes the meetings listed below.

### Meetings:

- 2 with City staff
- 1 with the Planning Board to set priorities for the Action Plan (Optional, could be done by City staff)
- 1 with the Planning Board to review and recommend the City Commission initiate the Official Public Review Period (Optional, could be led by City staff)
- 1 with the City Commission to approve distribution of the draft and the commencement of the Official Public Review Period (our team will join City staff if needed)
- 1 day of focus group meetings to present the draft to the same groups involved earlier
- 1 informal public open house on the draft plan and priorities held the same day as the focus groups
- A public hearing conducted by the Planning Board at the conclusion of the

63-day Review Period

- 1 Additional Meeting with the Planning Board (if needed) to review revisions made based on discussion at the public hearing
- 1 Adoption meeting with the City Commission

### Deliverables:

- Information to update the City's project website
- Materials for meetings described above
- A matrix that summarizes suggested changes to the draft Master Plan identified during the public open house and review period.
- A final one-page Master Plan summary
- 1 reproducible PDF and 20 hard copies of the adopted Master Plan including a web-ready version




# TIME FRAME



BRIDGE STREET DISTRICT RIVER CORRIDOR FRAMEWORK PLAN, DUBLIN, OH\_MKSK





	PHASE 1. PROJECT LAUNCH COMPREHENSIVE COMMUNITY ENGAGEMENT PLAN DEVELOPMENT	PHASE 2. DISCOVERY DATA COLLECTION & ANALYSIS, INCLUDING PARKING & INFRASTRUCTURE ANALYSIS	PHASE 3. VISIONING	PHASE 4. EXPLORATION LAND USE DESIGN & PARKING	PHASE 5. PREPARATION OF DRAFT PLAN	6. PRESENTATION & ADOPTION
KEY TASKS	<ul style="list-style-type: none"><li>Kickoff meeting with City staff</li><li>Kickoff meeting with the Planning Board</li><li>Project start-up briefings with the Multi-Modal Board and City Commission</li><li>Possible second meeting with city staff to agree on any refinements to the Work Plan and Schedule</li><li>Initiation of community engagement including a page on the City’s website, calendar of events, lists of key stakeholders to invite to focus group meetings</li></ul>	<ul style="list-style-type: none"><li>Review of Past Plans</li><li>Prepare a Community Profile - Existing Situation &amp; Trends</li><li>Exiting Land Use &amp; Focus Areas</li><li>Transportation &amp; Parking Related Data</li><li>Community Tour Audit</li></ul>	<ul style="list-style-type: none"><li>Facilitation of a two-day session of information gathering &amp; listening workshops</li><li>Interviews with key developers, property owners, representatives of neighborhoods, and others identified by the City</li><li>Community input meetings</li><li>Emerging themes and directions to explore for each of the areas of the city: Downtown, the Triangle, the Rail District, and South Woodward</li><li>Discussion of initial placemaking, land use, development, and transportation concepts</li></ul>	<ul style="list-style-type: none"><li>4-day workshop to develop concepts and to share with the community and elicit input and feedback.</li><li>Development of a parking analysis and a comprehensive set of recommendations, including a review of the parking requirements in the zoning ordinance</li><li>Identification of supply-based solutions, including shared parking strategies, management opportunities, curbside and off-street regulations</li><li>Review of Downtown Parking Study findings</li></ul>	<ul style="list-style-type: none"><li>Preparation of draft document to deliver a 50% completion and a 90% completion to the Planning Board</li></ul>	<ul style="list-style-type: none"><li>Review the draft Master Plan with city officials, agencies, stakeholders and the public</li><li>Preparation of a matrix that summarizes suggested changes to the draft Master Plan</li><li>Delivery of the adopted Master Plan including a web-ready version</li></ul>
COMPREHENSIVE COMMUNITY ENGAGEMENT 						
DELIVERABLES	<p>Materials for those meetings including summaries of discussions</p> <p>A draft Notice of Intent to Proceed with a Master Plan update to be refined and distributed by the City</p> <p>A Community Engagement Plan and calendar of events</p>	<p>Existing land use map and description</p> <p>Summary of Current Plans</p> <p>Outline for Neighborhood Pattern Book or typologies</p> <p>Existing transportation and parking assessment including maps</p> <p>Community Meeting, Website &amp; Targeted Outreach Presentations &amp; Materials</p>	<p>Listening/Visioning Session Materials</p> <p>List of Emerging Community Themes (Goals and Desired Outcomes)</p>	<p>Assessment of Findings and Technical Report, including Best Practices</p> <p>Summary for Inclusion in the Master Plan document</p> <p>Charrette Deliverables</p> <p>Community Pattern Book (Optional)</p>	<p>Meeting materials including a briefing presentation for city staff to use with the City Community</p> <p>Draft one-page summary</p> <p>1 reproducible PDF and 20 hard copies of a 50% draft plan</p> <p>1 reproducible PDF and 20 hard copies of a 75-90% draft plan (the Public Hearing Draft)</p>	<p>Information to update the City’s project website</p> <p>Materials for meetings described above</p> <p>A matrix that summarizes suggested changes to the draft Master Plan identified during the public open house and review period</p> <p>A final one-page Master Plan summary</p> <p>1 reproducible PDF and 20 hard copies of the adopted Master Plan including a web-ready version</p>
MEETINGS	<p>2 with City staff (1 is Optional)</p> <p>1 with the Planning Board</p> <p>1 briefing for the Multi-Modal Board at our regular meeting (not charged to the Master Plan)</p>	<p>1 with City staff</p> <p>1 with the Planning Board</p>	<p>1 with City staff</p> <p>1 with the Planning Board (Optional or could be done by City staff)</p> <p>1 Briefing with the City Commission</p> <p>A two-day session of interviews, focus groups, and a community event</p>	<p>4-day charrette including a series of meetings and events as described</p> <p>Nelson\Nygaard to attend 1 of the scheduled meetings with City staff</p> <p>Nelson\Nygaard will be involved in two of the charrette days including a public event</p> <p>An Optional meeting with the Planning Board or the Parking Committee or Ad Hoc Parking Committee (or joint meeting)</p>	<p>2 with City staff (one is Optional)</p> <p>2 with the Planning Board</p> <p>1 with the Multi-Modal Board (covered by our separate contract)</p> <p>A briefing for the City Commission on the 50% draft for input (by city staff, Optional for MKSK)</p> <p>1 Meeting with the City Commission (preferably a joint meeting with the Planning Board)</p>	<p>2 with City staff</p> <p>1 with the Planning Board (Action Plan, Optional)</p> <p>1 with the Planning Board (Official Public Review Period Optional)</p> <p>1 with the City Commission (Commencement of the Official Public Review Period - team will join City staff if needed)</p> <p>1 day of focus group meetings</p> <p>1 informal public open house</p> <p>A public hearing conducted by the Planning Board at the conclusion of the 63- day Review Period</p> <p>1 Additional Meeting with the Planning Board (if needed)</p> <p>1 Adoption meeting with the City Commission</p>
	MONTHS 1-2	MONTHS 2-4	MONTHS 3-5	MONTHS 6-8	MONTHS 9-12	MONTHS 12-16





# ATTACHMENTS



ROSE RUN CORRIDOR, NEW ALBANY, OH\_MKSK







**ATTACHMENT B - BIDDER'S AGREEMENT  
FOR MASTER PLAN UPDATE**

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In submitting this proposal, as herein described, the Contractor 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.

Chris Hermann

5/31/2018

---

**PREPARED BY  
(Print Name)**

AICP, Principal

**DATE**

5/31/2018

---

**TITLE**

*Chris Hermann*

**DATE**

chermann@mkskstudios.com

---

**AUTHORIZED SIGNATURE**

MSK2, LLC (dba MKSK)

**E-MAIL ADDRESS**

---

**COMPANY**

4219 Woodward Avenue, Suite 305, Detroit, MI 48201

614.686.0128

---

**ADDRESS**

**PHONE**

---

**NAME OF PARENT COMPANY**

**PHONE**

---

**ADDRESS**

---

## ATTACHMENT C - COST PROPOSAL FOR MASTER PLAN UPDATE

**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 itemized as follows:

<b><u>Project Elements</u></b> <b>1. Comprehensive Community Engagement Plan</b> <b>2. Updated Data Collection and Analysis</b> <b>3. Infrastructure Analysis</b> <b>4. Parking Analysis</b> <b>5. Attendance at Meetings</b> <b>6. Plan Preparation</b> <b>7. Finalization and Adoption</b>	\$ 104,500. \$ 30,000. \$ 33,000. \$ 35,000. \$ 34,600. \$ 29,800. \$ 23,000.
<b>TOTAL AMOUNT</b>	\$ 289,900.
<b>Additional Meeting Charge</b>	per PERSON/per MEETING (not including preparation of any new materials) \$ 900. per meeting
<b>Additional Services Recommended (if any):</b>  Additional Services will be billed hourly at Standard Rates, plus Expenses. Additional Services will be scoped with an estimate provided to the City for approval.	\$ 92-190 / hour MKSK \$ 156-192 / hour UDA \$ 140-180 / hour N\N \$ / hour \$ / hour \$ / hour \$ / hour

Firm Name MSK2, LLC (dba MKSK)

Authorized signature  Date 5/31/2018

**ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION  
FORM  
FOR MASTER PLAN UPDATE**

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Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City 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 City.

Chris Hermann

5/31/2018

---

**PREPARED BY  
(Print Name)**

**DATE**

AICP, Principal

5/31/2018

---

**TITLE**

**DATE**



chermann@mkskstudios.com

---

**AUTHORIZED SIGNATURE**

**E-MAIL ADDRESS**

MSK2, LLC (dba MKSK)

---

**COMPANY**

4219 Woodward Avenue, Suite 305, Detroit, MI 48201

614.686.0128

---

**ADDRESS**

**PHONE**

---

**NAME OF PARENT COMPANY**

**PHONE**

---

**ADDRESS**

45-3413259

---

**TAXPAYER I.D.#**

# DPZ CODESIGN

REQUEST FOR  
PROPOSALS

CITY OF  
BIRMINGHAM  
MASTER PLAN  
UPDATE

SUBMITTED TO  
THE CITY OF  
BIRMINGHAM  
MICHIGAN

MAY 25, 2018





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1023 SW 25th Avenue  
Miami FL 33135  
Tel: 305 644 1023  
Fax: 305 644 1021  
senen@dpz.com

May 25th, 2018

City of Birmingham  
151 Martin Street  
Birmingham MI 48012-3001  
Tel: 248 530 1841

FAO: Ms Jana L. Ecker  
Planning Director

Dear Ms. Ecker,

**REQUEST FOR PROPOSALS (RFP)  
CITY OF BIRMINGHAM MASTER PLAN UPDATE**

DPZ Partners, LLC (DPZ, DPZ CoDESIGN) are pleased to submit to the City of Birmingham our proposal for providing the above captioned services.

We look forward to assisting the City with its planning, urban design, and development efforts, towards reinforcing the City of Birmingham as a unique, lively, well-connected community; a great place to live, work, visit, and recreate; an important focus of community pride; a model of sustainable growth; and an economic success.

As you may already know, DPZ and its selected sub consultants, Mckenna, Gibbs Planning Group, and Jacobs offer renowned expertise and prowess in the best and latest practices in land use, planning, urban design, and coding; infrastructure planning and engineering; traffic and parking analysis; economic development and market demand analysis; and community engagement for sustainable cities and downtowns. We have the capacity and capability to undertake and complete the contemplated scope in a timely, cost-efficient manner, as demonstrated by the emergent success of our many prior master plans and infrastructure studies. Last but not least, DPZ and its sub consultants have worked for and within the City of Birmingham previously and is highly familiar with the issues at hand. We are excited about the prospect of collaborating with the City again and are committed to providing you with the highest quality of work.

If required, we are willing and able to discuss our proposal with you in greater detail as the procurement process moves forward. Please feel free to contact me at 305 644 1023 x 1012 or at senen@dpz.com for any questions or requests for additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Senen M. A. Antonio', with a long, sweeping horizontal stroke extending to the right.

Senen M. A. Antonio  
Partner  
DPZ CoDESIGN, LLC  
305 644 1023 x 1012  
senen@dpz.com

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## B. OUTLINE OF QUALIFICATIONS



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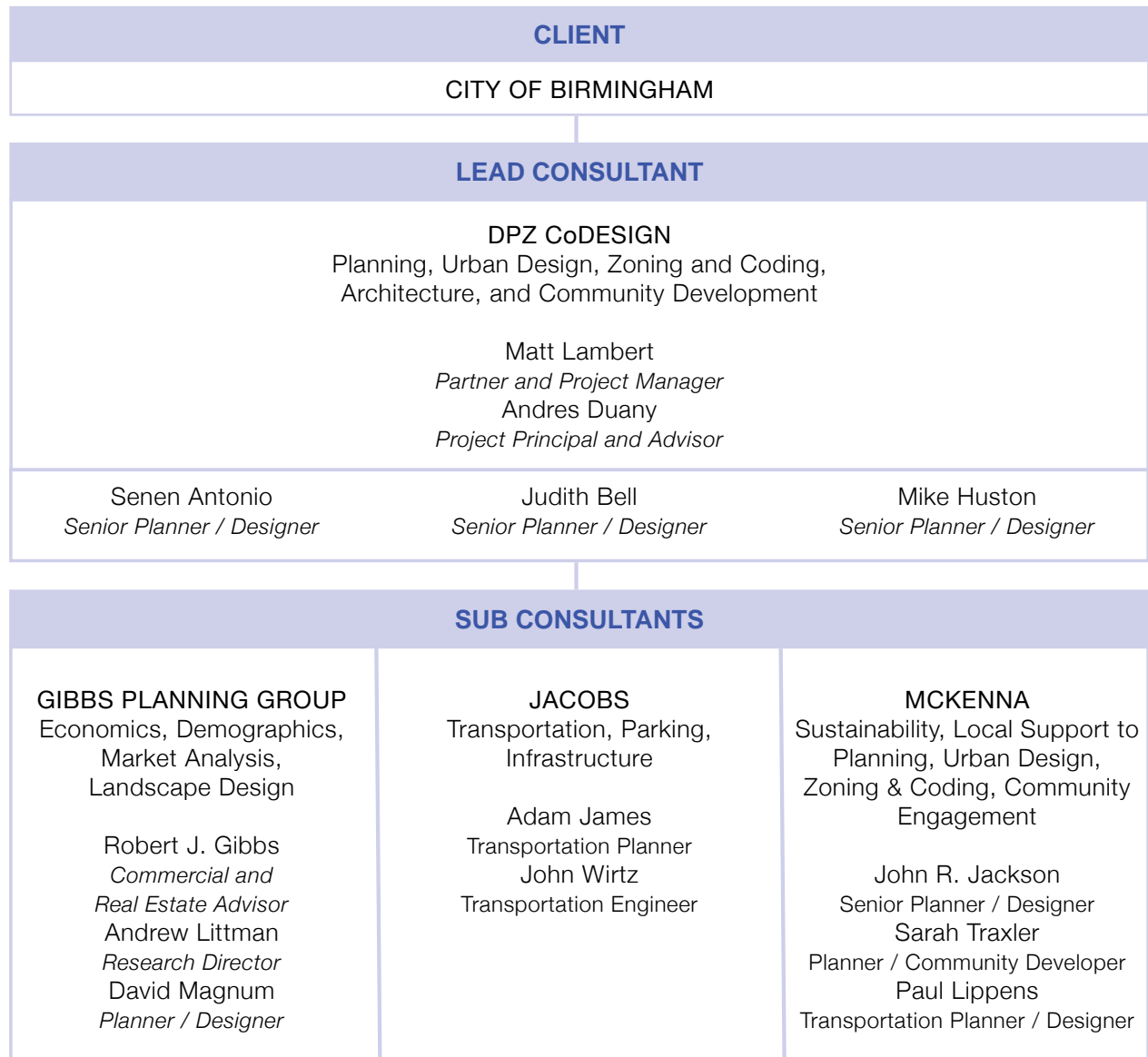
## B. OUTLINE OF QUALIFICATIONS - OVERVIEW

### Introduction

The DPZ team represents a set of balanced abilities matched to the various aspects of the multi-task scope of this proposal. The professionals identified are deeply experienced in drafting and implementing plans and policies that incorporate Traditional Neighborhood Design principles, together with evidence-based and practical knowledge. They are experts in balancing the economic, social, infrastructural, and sustainability needs of the community and through their local experience well versed in the issues at hand.

The Organizational Chart below illustrates the team's structure, including key personnel and sub consultants. Team members and sub-consultants will be assigned to accomplish the project task in the most effective manner. DPZ shall be responsible for the preparation of draft and final documents, project coordination, and managing and overseeing the quality of input from sub consultants.

*Team Organizational Chart*



## B. OUTLINE OF QUALIFICATIONS - OVERVIEW

### Lead Consultant

**DPZ CoDESIGN** will lead the project team under the guidance of Partner Matt Lambert and Founding Partner Andres Duany. Matt is well versed in preparing master plans, land use zoning, and form-based codes including Orange County, FL, Reinvent Phoenix AZ, Windward Pointe MI, City of Pontiac MI, and numerous other planning efforts in the United States and abroad. Matt also serves on the board of the CNU Form-Based Codes Institute. Working alongside Matt will be Andres Duany who has extensive experience in preparing plans, guidelines and codes, as well as with politically sensitive planning undertakings. He will provide project direction and oversight. Andres was part of the team that prepared Downtown Birmingham 2016 Plan and recently was invited back to the City to undertake an assessment of the plan's implementation and make recommendations.

Additional support is provided by senior planners / designers Senen Antonio, Judith Bell, and Mike Huston who are also focused on master planning, form-based codes, municipal projects, and sustainable initiatives.

### Sub-consultants

**Gibbs Planning Group (GPG)** are the authority on retail design and regulations in the Traditional Neighborhood Development context. Robert J. Gibbs has completed hundreds of charrettes and workshops and is an expert at preparing proposals for retail and mixed use development and is also a licensed landscape architect. A frequent consultant/advisor for DPZ, including the Birmingham 2016 Plan and recent plan assessment, Robert

wrote the award-winning Principles of Urban Retail Planning and Development. Based in Michigan, the GPG team includes the experienced Andrew Littman, as Research Director and David Magnum, a Planner and Designer. They will lead the demographic, commercial and residential trends analysis, as well as landscape matters.

**Jacobs** are one of the world's largest and most diverse providers of professional and technical services, including all aspects of community planning and zoning. Adam James and John Wirtz are experts in multi-model transportation and parking analysis and have carried out studies throughout the United States. They are considered to be leaders within their industries, driving innovation towards real-world solutions, drawn from global expertise and local knowledge. Their approach builds strong partnerships with the client and within the team and ensures a thorough analysis and effective solutions.

**Mckenna's** multidisciplinary team places importance on understanding and incorporating the bigger picture into communities at every level. The locally based team, led by John Jackson and Sarah Traxler, have extensive experience in community engagement projects that have helped create consensus and a vision by providing residents with the opportunity to directly impact the physical, social, and economic future of their community. Mckenna has worked on a number of planning and urban design projects for the City of Birmingham, including the Birmingham 2016 Plan and more recently the Parks & Recreation Master Plan. They also prepared the Sustainable Rochester Plan where their approach to sustainability was sensitive to history, size, scale, population, demographics, and diversity of people and place.

#### Team Skills Blend

REQUIRED SKILLS	DPZ CoDESIGN	Mckenna	Jacobs	GPG
Project Management/Coordination	L			
Urban design	L	•	•	•
Multi-modal transportation	•		L	
Sustainability	•	L	•	•
Urban planning	L	•	•	•
Zoning and form-based code	L	•		•
Architecture	L	•		
Physical design	L	•	•	•
Landscape architecture	•	•	•	L
Transportation engineering	•	•	L	•
Parking expertise	•	•	L	•
NCI certification and/or training		•		•
Data analysis and trends	•	•		L

L Lead      • Contributor



### DPZ Firm Profile

DPZ CoDESIGN (DPZ Partners, LLC, DPZ) is a leader in form-based planning, urban design, coding, and architecture, with over 350 projects for new and existing communities in the U.S. and internationally. DPZ's contributions to planning, design, and regulations have been widely recognized for their excellence and influence on the making of walkable urbanism, complete neighborhoods, and resilient communities – including multiple efforts within the State of Michigan as well as in the surrounding region.

DPZ was founded in 1980 with its main office in Miami, FL, with satellite offices in Gaithersburg, MD and Portland, OR, as well as affiliates in Europe, Asia, and Latin America. A tightly-knit company of 33, DPZ operates as a protean organization; DPZ collaborates with others, retaining the flexibility of a small office, while providing the capacity and expertise of a larger multi-disciplinary firm. DPZ Partners and staff play key roles in the Congress for the New Urbanism (CNU), whose Charter encapsulates the firm's philosophy. DPZ staff are skilled in managing the public process of design, including the deployment of the Charrette, a concentrated working session that assembles professionals and decision-makers to produce informed plans and implementable solutions.

DPZ is distinguished from other firms by its:

- volume of built and implemented work – at the regional, local, lot, block, and building scales – and the lessons learned from these projects;
- ongoing pursuit of innovative solutions, early adoption of technology (including but limited to AutoCAD, GIS, Photoshop, InDesign, SketchUp, etc.), and creation of new planning and design techniques;
- public process, including the DPZ Charrette and rapid prototyping;
- business efficiency, as a small firm that collaborates with others; and
- Partners' renown in the field.

DPZ is the recognized leader in Traditional Neighborhood Development (TND) design and our many built examples of authentic TNDs have been used as models throughout the industry to effect change in planning, regulatory, development, marketing, and financing practices in the United States and around the world.

The firm is an active proponent in the movement to replace suburban sprawl with a return to neighborhood-based planning. Its Founding Partners, Andres Duany and Elizabeth Plater-Zyberk, are founding members of the CNU, a non-profit organization established with the goal of reforming the built environment. The term New Urbanism, was a conscious invention to bring attention to the crisis of ad hoc suburban development and to propose a less wasteful alternative to sprawl.

The basic principles behind the movement are universal. They promote the creation of real communities with pedestrian-oriented neighborhoods, mixed uses and streets shaped by buildings and landscape. The movement, initially called “neo-traditional” planning, has grown to broad application and acceptance, its principles extending to a wide range of development contexts, densities and design. The principles project an ideal of a sustainable quality of life that competes with the

Contact:

Senen Antonio, Partner  
DPZ CoDESIGN, LLC

1023 SW 25th Avenue  
Miami FL 33135

Tel: 305 644 1023  
Fax: 305 644 1021

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## B. OUTLINE OF QUALIFICATIONS - DPZ



*All images are of DPZ projects and workshops/charrettes.*

prevalent suburban dream, and also provide a conceptual framework for contemporary development. At the neighborhood level the New Urbanism promotes such compact, mixed-use, mixed-income, pedestrian-friendly increments of community building.

### **Sustainable Planning, Design, and Development**

DPZ has long incorporated in its work green development and building practices.

In the 1980s, Seaside was designed with light infrastructure, innovative stormwater management techniques, hurricane-resilient construction methods, preserving existing terrain and dunes, and adopting a code-mandated xeriscape. Seaside initiated a “common sense” green approach, which has evolved with subsequent DPZ projects such as Kentlands, Maryland and Middleton Hills, Wisconsin.

A second generation of more comprehensively environmental projects includes regional plans such as those for Northwest Hillsborough County, Florida and Onondaga County, New York; and urban expansions such as Cornell, Ontario, Canada; and redevelopment/retrofit efforts such as Liberty Harbor North, New Jersey and Legacy Town Center, Texas. The proposals for these plans/studies involved more ambitious interventions and mitigation strategies.

The third and current generation of environmental plans include projects offering advanced environmental technologies developed from empirical review of the performance of previous project-generations; these latest include Alys Beach and Sky, Florida; Tornagrain, Scotland; Schooner Bay, the Bahamas; and East Fraserlands and Southlands, Canada, among others. These projects incorporate innovative concepts such as Light Imprint New Urbanism; off-grid development; urban agriculture; and zero energy/waste/stormwater impacts.

The ultimate goal of DPZ projects is to create benevolent urbanism in the form of cities and downtowns, towns and villages, which encourage walking, diversity and complexity. Safe and pedestrian-friendly streets encourage people to walk and interact with the built and natural surroundings. A well-designed public realm, including the “third places” (after home and work), facilitate the creation of social networks and affiliations, in contrast with the alienation propagated by suburban development.

Recent studies correlate the impact of physical environment on human health and well-being; sprawl has been blamed for the erosion of relationships within society and community. The objective for each of DPZ's projects is to create places that weave a fabric of traditional urbanism to generate the physical framework for a fulfilling human existence. DPZ's built projects show that, given the choice, people enjoy living in sustainable communities. People seek out our neighborhoods instead of suburban enclaves, to be environmentally responsible, but also because they promote individual well-being within community.

The New Urban principles for planning and urban design underpinning DPZ's work align with many of the energy and environmental strategies advocated by the U.S. Green Building Council (USGBC). DPZ's projects employ sustainable development strategies, including but not limited to, increased development densities; redevelopment and infill; transit oriented development and walkable communities; and the integration of development with open space frameworks.

These are all principles embodied in the USGBC's Leadership in Energy and Environmental Design (LEED) Green Building Rating System. DPZ participated in the de-



## THE TRANSECT



development and fine-tuning of the LEED standards for Neighborhood Development (LEED-ND), the first national standard for environmentally sustainable neighborhood design and master planning. In addition, DPZ has also developed the Light Imprint (LI) initiative, a comprehensive development approach for sustainable civil engineering practices calibrated across the rural to urban Transect (see the description following).

### The Transect, Form-Based Design, and Form-Based Coding

A significant aspect of DPZ's work is its innovative planning regulations which accompany each design. Tailored to the individual project, the codes, standards and regulations address the manner in which buildings are formed and located to ensure that they create useful and distinctive public spaces. Both broad-based (such as the DPZ's various form-based codes) and project-specific (such as DPZ's Urban and Architectural Regulations), these codes are provided to make projects more successful and to ease their implementation.

DPZ pioneered form-based planning, design, and coding, beginning with the very first modern form-based code – for Seaside, Florida – and including the development of the aforementioned SmartCode, which have been adopted by municipalities and developers across the United States and internationally.

Appropriate design of public space such as streets and their interface with private building ensures the comfort and safety of the pedestrian. The varying degrees of density and their corresponding built forms are governed by the Transect - an organizational concept developed by DPZ that proposes detailing (lot sizes, road widths, building form and function, etc.) according to each development's classification within a continuum from rural to urban context.

A transect of nature is a geographical cross-section of a region that reveals the sequence of environments. It examines the many symbiotic elements that contribute to habitats where certain plants and animals thrive. The transect was first used for biogeographical analysis by naturalist Alexander von Humboldt in the late 18th Century. In the late 20th century, Andres Duany, working with New Urbanist colleagues, identified the rural-to-urban Transect of the built environment, ranging across densities from unbuilt preserve land to the dense urban core.

Human beings thrive in a variety of habitats: some would never choose to live in the urban core and others would wither in a rural place. To provide meaningful choices in living arrangements, the rural-to-urban Transect is divided into six T-zones for use in zoning ordinances. These six habitats vary by the ratio and level of intensity of their natural, built, and social components. The T-zones are coordinated to all scales of planning, from the region, through the community and neighborhood, to

## B. OUTLINE OF QUALIFICATIONS - DPZ



"Third places" in traditional neighborhoods are important elements, such as the central basin, canals, and waterfront promenades in DPZ's master plan for DownCity Providence, Rhode Island (top left); an active Shain Square, City of Birmingham, discussed during DPZ's recent review of the Birmingham 2016 Plan (middle left); or a more intimate square at DPZ's Mashpee Commons (top right). Meanwhile, sustainability strategies are creatively integrated at all scales of planning and design, such as introducing a canal network as a stormwater management tool as well as a public space and community amenity for New Town at St. Charles, Missouri (middle right). Last but not least, sustainability also extends to the use of contextual architectural forms and materials to create meaningful, enduring places, as evidenced in the results from DPZ's master plan for Norton Commons, Kentucky (bottom left), and the successful implementation of DPZ's Birmingham 2016 Plan, Michigan (bottom right).



## B. OUTLINE OF QUALIFICATIONS - DPZ

the individual lot and building. The platform of the Transect allows the integration of the design protocols of traffic engineering, public works, town planning, architecture, landscape architecture and ecology. **This is the foundation of form-based planning, design, and coding.**

DPZ is closely affiliated with the Form-Based Codes Institute (FBCI). Founding Partner Andres Duany is an FBCI Emeritus Board Member and an Instructor. Similarly, Duany, along with DPZ Partners Galina Tachieva, Marina Khoury, and Matthew Lambert are members of the Transect Codes Council, the advisory board to the Center for Applied Transect Studies (CATS).

### Relevant Initiatives and Publications

As a progressive, cutting-edge think tank, the firm's most recognized initiatives, publications, and contributions include, but are not limited to:

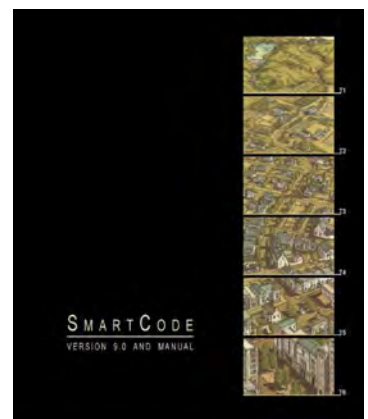
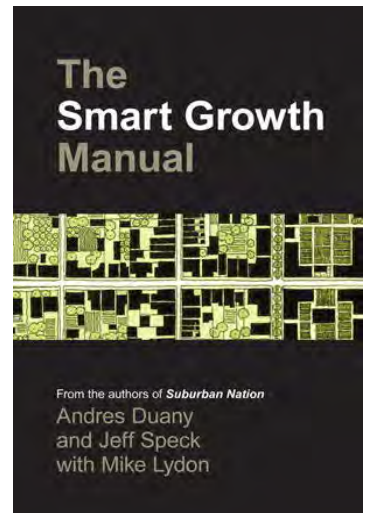
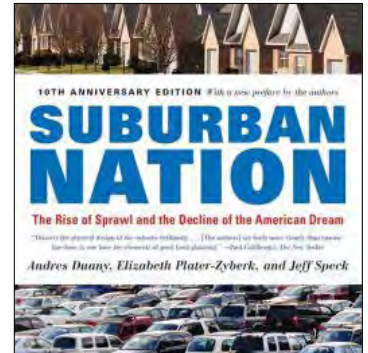
**Suburban Nation: The Rise of Sprawl and the Decline of the American Dream**, the New Urbanism/Smart Growth "bible," which examines, and offers solutions to, the failures of postwar planning.

**The Smart Growth Manual**, a handbook of best practices describing and illustrating planning goals and techniques of implementation. With their landmark book *Suburban Nation*, Andres Duany and Jeff Speck "set forth more clearly than anyone has done in our time the elements of good town planning" (*The New Yorker*). With this long-awaited companion volume, the authors have organized the latest contributions of new urbanism, green design, and healthy communities into a comprehensive handbook, fully illustrated with the built work of the nation's leading practitioners. This manual is designed as a quick reference guide, readily accessible as a talking tool to facilitate meetings. Though only recently released, the manual has quickly become a staple item for charrettes, public fora, and other discussions.

**Form-Based Development Standards and Guidelines and the SmartCode**, an open-source model form-based code. The SmartCode is a model design and development code, as well as the only unified transect-based code available for all scales of planning, from the region to the community to the block and building. As a form-based code, it keeps towns compact and rural lands open, while reforming the destructive sprawl-producing patterns of separated-use zoning.

As an integrated land development ordinance, the SmartCode folds zoning, subdivision regulations, urban design, public works standards and basic architectural controls into one compact document. It is also a unified ordinance, spanning the regional, community, and building scales. The SmartCode also enables the implementation of a community's vision by coding the specific outcomes desired in particular places. It allows for distinctly different approaches in different areas within the community, unlike a one-size-fits-all conventional code.

The SmartCode is designed to support walkable and mixed-use neighborhoods, transportation options, conservation of open lands, local character, housing diversity, and vibrant downtowns. Because the SmartCode is presented in primarily graphic form, it is increasingly known as a user friendly and "transparent" alternative to conventional zoning codes, which often confuse the layperson and expert alike. Today, the SmartCode is being used and adopted in a growing number of communities across the United States.

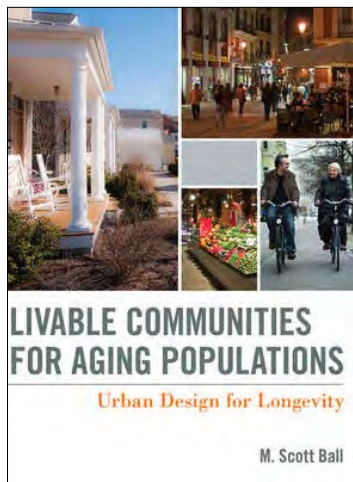


## B. OUTLINE OF QUALIFICATIONS - DPZ



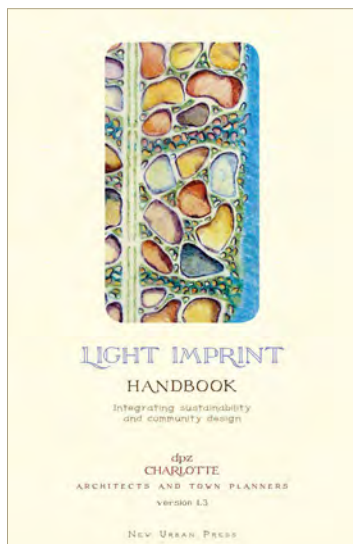
**Sprawl Repair Manual**, a compendium of techniques and processes for addressing the suburban condition. The Sprawl Repair Manual offers comprehensive guidance for transforming fragmented, isolated and car-dependent development into “complete communities”. Polemical as well as practical, the manual is designed to equip readers - from professional planners, designers and developers to regulators and concerned citizens - with strategies drawn from two decades of successful repair projects. In contrast to sprawl - characterized by an abundance of congested highways, strip development and gated cul-de-sac subdivisions - complete communities are diverse in terms of uses, transportation options and population. They are walkable, with most daily needs close by.

There is a wealth of research and literature explaining the origins and problems of suburban sprawl, as well as the urgent need to repair it. However, the Sprawl Repair Manual is the first book to provide a step-by-step design, regulatory and implementation process. From the scale of the region to the building - turning subdivisions into walkable neighborhoods, shopping centers and malls into town centers and more - today’s sprawl can be saved.



**Lifelong Communities:** Metropolitan planning organizations are increasingly challenged by the live, work, transport and healthcare challenges of their aging populations. The negative impacts of sprawling development patterns fall disproportionately hard on seniors who wish to remain in their homes as they age.

Consider the market segments labeled “Baby Boomers” (born 1946-1964) and “Millennials” (born 1977-1996) comprise the two largest global generations. Both generations are entering life stages where urban living within pedestrian-oriented, mixed-use, sustainable, light imprint environments, from village center to a reviving downtown core, is increasingly attractive. From a public sector perspective, both age groups can be much more effectively supported when they reside in the healthy and socially supportive context of a vibrant pedestrian oriented neighborhood.



This type of convergence of intergenerational need and opportunity is unprecedented. It is within this framework that DPZ, working with organizations such as the AARP and the Robert Wood Johnson Foundation, has created age inclusive community models to integrate the interdepartmental age-related concerns of health service delivery, transportation, workforce development and land use planning. Lifelong Communities proactively steers outward sprawl inward towards existing urban and suburban locations adjacent to urban centers, and in doing so, produces healthy and socially engaging communities for people of all ages and abilities. As part of this initiative, DPZ has developed concise and practical guidelines/criteria that help local elected and planning officials evaluate the qualities of specific developments as they come forward for review.

**Light Imprint New Urbanism**, a comprehensive development approach for the sensitive placement of development via coordinated sustainable engineering practices and New Urbanist design techniques, calibrated across the Transect. Light Imprint planning/engineering techniques balance environmental considerations with design objectives such as connectivity and a well-defined public realm.

While New Urbanist planning, by definition, respects terrain, geographical conditions, topography and public space, Light Imprint provides a toolkit for stormwater management using natural drainage, traditional engineering infrastructure and filtration practices, employed collectively at the scales of the sector, the neighborhood and the block. This toolkit offers a set of context-sensitive design solutions that generate a range of environmental benefits combined with an aesthetic approach to green infrastructure, while significantly lowering construction and engineering costs.

**Lean Urbanism** is an initiative advocating small-scale, incremental community-building that requires fewer resources to incubate and mature. It seeks to lower the barriers to community-building, to make it easier to start businesses, and to provide more attainable housing and development, "making Small Possible". It is open-access, allowing more people to participate in the building of their homes, businesses, and communities. It is open-source, creating tools and techniques for all to use, and is open-ended, focusing on incremental and ongoing improvement.



The Project for Lean Urbanism will restore common sense to the processes of development, building, starting small businesses, community engagement, and acquiring the necessary skills. It includes the development of tools so that community-building takes less time, reduces the resources required for compliance, and frustrates fewer well-intentioned entrepreneurs, by providing ways to work around onerous financial, bureaucratic, and regulatory processes. The tools will be made freely available to governments and organizations seeking to get things done, to entrepreneurs without the knowhow to overcome hurdles, and to small builders or homeowners who could build well in an economical, low-tech way.

### Meaningful Stakeholder Engagement

The **Charrette approach** is the method of planning which DPZ has adopted and developed in our traditional planning practice. A charrette is typically a 7- to 9-day series of meetings, presentations and sessions, during which a design team generates a comprehensive planning and development strategy while soliciting the input of key project decision-makers. Designers and stakeholders gather as a group, typically in a single space on the site of the project, to study, develop, review, and revise proposals in a concentrated period of time.

A primary feature of Charrettes is that they are specifically organized to **encourage the participation of all parties who are interested in the project**, whether they represent the interests of the regulators, the developers or community stakeholders. The exact level of stakeholder/community engagement shall be determined in close coordination with the client project team; it is preferable that the Charrette be held on or close to the project area, to facilitate the intensive interaction among the DPZ team and the client team, local leadership, and other decision-makers over the duration of the workshop.



*A typical DPZ Charrette*



## B. OUTLINE OF QUALIFICATIONS - DPZ

The DPZ team sets up a design studio, typically in the neighborhood, and leads a collaborative design process intended to incorporate the contributions of the client project team, and, as appropriate, municipal agencies and leaders, community stakeholders, and other consultants, with the design team committed to the project entirely over the course of the workshop. Through a sequence of meetings, design sessions and presentations, the proposals unfold in real time response to decisions made by the client team, other decision-makers/stakeholders, and the DPZ team.

Charrettes provide a forum for ideas, offer immediate feedback to the planners/designers and give mutual authorship to the Plan by all those who participate. The Charrettes that DPZ orchestrates accomplish the following goals:

1. all those influential to the project develop a vested interest in the design and the shared experience of the Charrette builds broad support for its vision;
2. the various design disciplines work in concert to produce a set of finished documents that address all aspects of design;
3. inputs of all the players are collectively organized at one meeting and thereby eliminates the need for prolonged, sequential discussions that can delay conventional planning projects and lose the momentum of constituents; and
4. a better final product is created through the assimilation of many ideas in a dynamic, collaborative and cost effective process.

DPZ has conducted over 300 such Charrettes with various clients in both the private and public sectors, and is adept at marshalling all the technical information that goes into the design of sustainable streets, neighborhoods and communities, while respecting and incorporating the local planning and cultural context, as well as managing the local development politics.



## B. OUTLINE OF QUALIFICATIONS - DPZ

Specifically, the Charrette scope of services includes:

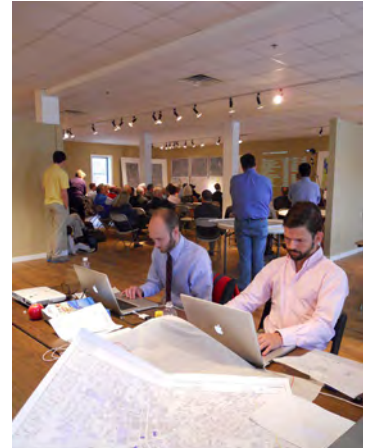
- **An opening lecture on the first night of the Charrette.** This lecture can be delivered to the immediate participants only, or (as is frequently done) it can be highly publicized and used as the first marketing event for the project.
- **Leadership of the DPZ design team.** DPZ assembles and manages a multi-disciplinary team to prepare all of the graphic planning documents and provide technical information as required. We are typically responsible for paying the sub-consultants that we bring for their time spent at the Charrette. Other sub-consultants that the client brings to the charrette shall be compensated by the client. Should additional reports or studies be required, these can be contracted directly with the pertinent sub-consultant.
- **Organization and coordination of all Charrette meetings and presentations.** The client and DPZ shall coordinate to arrange the necessary meetings with all appropriate decision-making groups, agencies and offices and/or approval bodies. With the DPZ Partner/Director and Project Manager leading the sessions, the charrette participants prepare broad development schemes leading to the recommended development option. The design team's proposals and strategies are tested with the client project team and other decision-makers over the course of the Charrette, so it is impossible to take an unacceptable scheme too far.
- **A final presentation on the last night of the Charrette.** As with the opening lecture, the media exposure and size of this event is up to the client. The presentation of the plans shapes the perception of the project. All of the work produced during the Charrette is presented and explained at this time.
- **Completion and refinement of the deliverables following the charrette.** We anticipate that minor refinements may need to be made to the documents after the Charrette. Often, new information becomes available that may affect the work. Our fee includes a full generation of post-Charrette revisions to the planning documents, if requested.

The team produces concept alternatives beginning on day one, quickly moving forward to the preferred planning proposals, vetted by the client project team and completed by the end of the charrette, with alternatives feasibility testing; feedback loops with the client and other decision-makers; and planning/design revision inbetween – all within a finite, sequential number of days.

The Charrette is aimed at bringing the stakeholders (i.e. the client team and other participants) into the decision-making-with-design process *in real time*; as such, most deliverables are integrated and/or correlated. DPZ would seek to have all decision-makers, experts representing the multiple disciplines to be integrated (market/economics, traffic, parks/open space/environment, civil), builders, developers, and if required/requested, public officials and community members, participate and have them decide on the planning proposals as the team presents the various plan alternatives and instantaneously responds to requested changes. The main refinements are actually done at the Charrette in the presence of the decision-makers and with the entire design and planning team intact, through the repeated feedback loops – this is why DPZ's Charrettes are slightly longer, but highly more effective, than most, and why we typically undertake a single, intensive workshop effort.

More information on DPZ Charrettes – including links to videos of past DPZ Charrettes – is available at <http://www.dpz.com/Charrettes/About>

- 1 Charrette team designers works on a scheme
- 2 Team engineers review site constraints at a DPZ charrette
- 3 A charrette stakeholders meeting
- 4 A charrette public presentation



## B. OUTLINE OF QUALIFICATIONS - DPZ

### Selected Awards

2018

- Congress for the New Urbanism Charter Award, Village of Providence, Huntsville, AL

2017

- NAHB Best in American Living Awards (BALA) Hall of Fame Inductee: Andres Duany

2016

- Congress for the New Urbanism Merit Award, East End Transformation, Richmond, VA

2015

- Inaugural Transect Codes Council (TCC) Innovation Award Winner, Saratoga Springs, UT

2014

- Global Human Settlements Award in Planning and Design; Global Forum on Human Settlements, for Miami 21

2013

- Congress for the New Urbanism Charter Award, Honorable Mention, The Scottish Sustainable Communities Initiative Charrette Series Report, Scotland, UK

2012

- John Nolen Medal; Congress for the New Urbanism Florida Chapter

2011

- National Planning Excellence Award for Best Practice for Miami 21, Miami, FL - American Planning Association (APA)

2010

- Charter Award for Southlands: Agricultural Urbanism, Tsawwassen, Canada: Congress for the New Urbanism
- Charter Award for Lifelong Communities, Atlanta, Georgia: Congress for the New Urbanism
- Richard H. Driehaus Charitable Lead Trust Form-Based Code Award to DPZ, for Miami 21, Miami, FL

2009

- Charter Award for the Hertfordshire Guide to Growth - 2021, UK: Congress for the New Urbanism
- Charter Award for the SmartCode: Congress for the New Urbanism

2008

- Richard H. Driehaus Prize for Classical Architecture to Andres Duany and Elizabeth Plater-Zyberk

2007

- Neighborhood Planning Excellence Award for East Fraserlands, Vancouver, Canada: Canadian Institute of Planners

2006

- Civitas: Traditional Urbanism in Contemporary Practice, The National Building Museum, Washington, DC

2005

- BALA Platinum Award for Outstanding Community Design for Habersham, Beaufort, SC

2004

- Charter Award for NW Hillsborough County, FL: Congress for the New Urbanism

2003

- Award for Excellence to the Town of Seaside: Urban Land Institute

Other awards for DPZ may be viewed at <http://www.dpz.com/Media/Awards>

### Press

DPZ has been featured in national and international media such as NBC News, ABC News, Time, Newsweek, The New York Times, Washington Post, The Scotsman, The Guardian, and a number of professional publications. A sampling of the firm's various mentions in the press may be viewed at <http://www.dpz.com/Media/Press>.



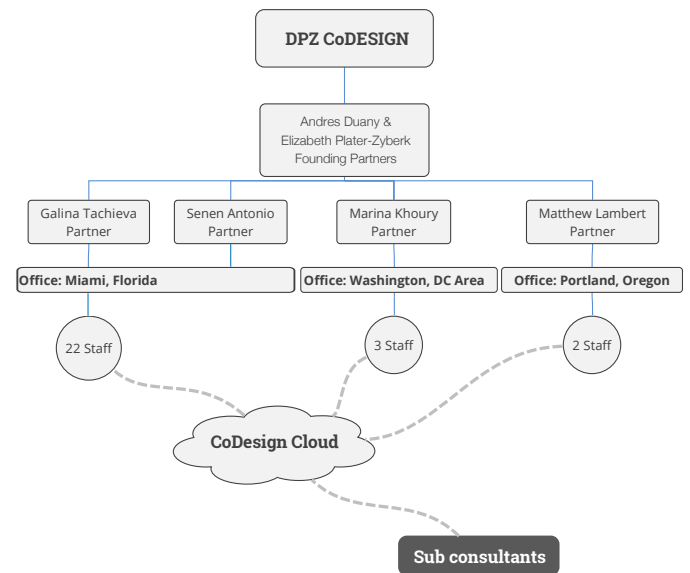
## B. OUTLINE OF QUALIFICATIONS - DPZ

### Work Load, Availability, and Capacity

DPZ has sufficient capacity to perform the work as contemplated in the RFP, and are committed to the City of Birmingham in providing quality master planning and design services under the anticipated contract. Our confidence in this regard stems from our experience with other similar projects and from an office methodology which is geared to providing a responsive level of service to a limited client base. We have chosen to remain a small office in order to maintain complete control over quality of our work and to be able to respond promptly and thoroughly to client requests and project issues. We consistently receive more offers of employment than our firm can handle, and we have responded by selecting only those projects that best exemplify our professional objectives. DPZ has built an extensive network of consultants that can be utilized when required and that share our philosophy and approach. This is the case for this proposal where the team of consultants complement DPZ's national expertise by providing the best blend of professional skills and local knowledge.

We only respond to RFQs/Ps when we believe that there exists an opportunity for us to make a significant contribution. When we are selected to work on a specific project, we dedicate the majority of our resources to that project in anticipation of finishing it quickly. Most of the significant work is progressed during the Charrette process, which – as described in the previous section – is a significant factor in the timely provision of our services.

DPZ Firm Structure Diagram



B. OUTLINE OF QUALIFICATIONS - DPZ



Matthew Lambert, CNU - Partner and Project Manager

Matthew Lambert is an architectural and urban designer and planner with more than a decade of experience that covers a broad range of project types, from multi-county regional plans, to new community and redevelopment plans and regulations, to affordable and modular housing design. Since he joined DPZ in 2000, he has managed projects for campus master plans and hospital strategic master plans (including program distribution); form-based codes; resort towns; new towns and urban infill; and disaster recovery plans, throughout the U.S. He has worked with communities in the Caribbean, Europe and the Middle East.

Lambert is active in the Congress for the New Urbanism (CNU); he is an early leader of the CNU Next-Gen. As a member of the Transect Codes Council, he is contributing to the evolution of the Smart Code. He contributes to Form-based Code education by co-organizing and lecturing at CNU 202 education sessions. He served as DPZ's Project Manager for our work with Hendrix College, among other various campus master planning efforts.

Selected Projects

- Windward Pointe, MI Master Plan
- City of Pontiac, MI - CNU Legacy Charrette, Downtown Revitalization Master Plan
- Bay City, MI
- Hot Springs Village, AR Master Plan
- Central Avenue TOD Plan, Albuquerque, NM
- Tigard Lean Code, Tigard, OR
- Doña Ana County Comprehensive Plan, NM
- Reinvent Phoenix TOD Form Based Codes and Master Plans, AZ
- Vista Field Airport Redevelopment Plan, Kennewick, WA
- Albuquerque, NM - Economic Development-based Infill and Zoning Analysis with Zoning Update Recommendations
- Doña Ana County, NM - Regional Scenario Planning and Comprehensive Plan
- Downtown Mobile, AL - Downtown Master Plan and Form-based Code
- Hendrix College/The Village at Hendrix, Conway, AK - Campus & College Town Master Plan
- Palmer Trinity School Master Plan, Miami, FL Campus Master Plan
- Edinburgh Garden District, Edinburgh, Scotland - Greenfield New Town/Airport and Rail TOD
- Buckeye Lake, OH
- Green Tree Master Plan and Code, Vacaville, CA
- Little Rock Towers, Little Rock, AR
- Project Trek, Philippines
- Ignite High Point, NC - Downtown Master Plan, Urban Infill, Mall Retrofit
- Uptown Dardenne Prairie, MO - Inner City Retrofit and Form-Based Code
- East End, Richmond, VA: APA VA Award, 2011 - Medical-initiated Infill Development
- St. Mary's Hospital, Richmond, VA - Medical Campus Redevelopment
- Federal City, New Orleans, LA - Military Base/Campus Redevelopment

Academic

2005 Bachelor of Architecture in Architecture and Computer Science, Magna Cum Laude, University of Miami, Miami, FL

Affiliations and Service

2001-Present	Congress for the New Urbanism (CNU)
2003-2012	Next Generation of the New Urbanism (CNU), Steering Committee
2006-Present	Transect Codes Council, Board Member
2012-Present	CNU Form-based Codes 202, Co-organizer and Lecturer
2015-Present	Codes Study, Contributor





### **Andres Duany, FAIA CNU Founding Partner and Project Advisor**

Andrés Duany, architect, urban designer, planner and author, has dedicated over three decades to pioneering a vision for sustainable urban development and its implementation. He has influenced planners and designers worldwide, redirected government policies in the U.S. and abroad, and produced plans for hundreds of new and renewed communities of enduring value.

Duany's leadership can be credited with the plan and code for Seaside, the first new traditional community; the Traditional Neighborhood Development (TND) zoning ordinance; the development of the SmartCode, a form-based zoning code, adopted by numerous municipalities seeking to encourage compact, mixed-use, walkable communities; the definition of the rural to urban Transect and Agrarian Urbanism; as well as inventive affordable housing designs, including Carpet Cottages and Cabanons.

Duany is the author of many essay and articles, and co-author of several books, including *Suburban Nation: the Rise of Sprawl and the Decline of the American Dream*. The SmartCode, *The Smart Growth Manual*, *Garden Cities: Agricultural Urbanism*, and *The New Civic Art*. Duany's work has been recognized with numerous awards, including the Richard Driehaus Award, the Jefferson Medal, The Vincent Scully Prize and several honorary doctorates.

### **Selected Projects**

Downtown Birmingham Master Plan 2016 and Birmingham 2016 Plan Assessment, MI  
High Point, NC  
Downtown West Palm Beach, FL  
Downtown Mobile, AL  
Al Ain Central Business District Plan and Code, Abu Dhabi, UAE  
Bon Secours St. Mary's Hospital Campus Extension, Richmond, VA  
DownCity Providence, Downtown Revitalization Plan and Code, Providence RI  
Study of Westminster, Washington and Thayer Streets, Providence RI  
Markham Master Plan and Code, Ontario, Canada  
The Village at Hendrix, Conway, AR  
Historic Gateway, Roswell, GA  
Seaside, Walton Co., FL: National AIA Award, Progressive Architecture Award  
Fifth Avenue South, Naples, FL  
Downtown Sarasota Master Plan, FL: CNU Charter Award  
Downtown Fort Myers Master Plan, FL  
Downtown Stuart, FL: Florida Governor's Award for Urban Design  
Hannibal Square, Winter Park, FL  
Plan Baton Rouge, LA: Sierra Club Smart Growth Award  
Mississippi Renewal Forum  
Louisiana Speaks (multiple municipal master plans and codes)  
NW Hillsborough Plan, FL: CNU Charter Award  
Legacy Town Center, Plano, TX

### **Academic**

1980-1995	Visiting Professorship at Harvard, Princeton, Yale, and Virginia
1974	Master of Architecture, Yale School of Architecture
1972	Ecole de Beaux Arts, Paris, Ancien Eleve
1971	B.A. Architecture and Urban Planning, Princeton University

### **Affiliations and Service**

1996 Elected, American Institute of Architecture, College of Fellows  
1993-2004 Congress for the New Urbanism, Co-Founder and Board Member  
Registered Architect, NCARB # 33870  
Design awards juror for many organizations

## B. OUTLINE OF QUALIFICATIONS - DPZ



### Senen Antonio, Partner and Senior Planner/Designer

Senen M. A. Antonio possesses over twenty years of international experience in sustainable design and planning, including plans for regions, downtowns, transit-oriented development, disaster recovery, urban revitalization and infill, resorts, and new towns, in the Americas, Europe, Africa, and Asia. A major part of his firm-wide responsibility is to help define the future of the practice, working with fellow Partners in projecting industry trends and seeking project opportunities for breaking new areas of knowledge and technique in the New Urbanism. He remains involved in several key project assignments, managing projects across all phases from conceptual design through construction. He lectures widely across the United States, in the Middle East, and throughout Asia, and contributes articles to professional journals. He is co-writing, with Andres Duany, a book on sustainable communities. He is a member of the Congress for the New Urbanism and is a LEED-accredited professional.

### Selected Projects

Windward Pointe, MI Master Plan  
ABQ Central Corridor TOD Planning Study, TOD/Urban Infill Planning and Coding Analysis, Albuquerque, NM  
Vista Field Redevelopment, Urban Infill/Brownfield Redevelopment, Kennewick, WA  
Downtown Monroe Master Plan, Urban Infill, Monroe, LA  
Uptown Dardenne Prairie, Urban Infill & Form-Based Code, Dardenne Prairie, MO  
Newburgh Waterfront, Urban Revitalization Plan & Form-Based Code, Newburgh, NY  
Scottish Sustainable Communities Initiative, Regional Plan & Pilot Projects, Scotland, UK  
Hertfordshire Guide to Growth Study, Regional Plan & Pilot Projects, Hertfordshire, UK  
ARC Lifelong Communities, Regional Plan and Code, Atlanta, GA,  
Green Tree Master Plan, Urban Infill/New Town Plan & Form-Based Code, Vacaville, CA  
Glenridge/Aria Master Plan, Urban Infill/New Village Plan & Form-Based Code, Atlanta, GA  
Stanboroughbury/Symondshyde, Urban Infill/New Village Plan, Hertfordshire Co., UK  
The Hills of Depoe Bay, Urban Infill/New Village Plan & Form-Based Code, Depoe Bay, OR  
Wittenbeck, Urban Infill/New Village, Heiligendamm, Germany  
Melana Village Centers, Incremental Village Development, Pretoria, South Africa  
Southlands, Agrarian Urbanism, Tsawwassen, Canada

### Publications (Selected)

***Green By Design: The Four Communities of Florida's EcoCoast*** (with Andres Duany and Christian Wagley), to be published in 2018

### Seminars and Lectures

- 2017 Session Speaker - "New Urbanism vs. New York Urbanism", APA National Planning Conference, New York
- 2015 Featured Speaker - United Nations Environmental Programme- Sustainable Buildings and Climate Initiative (UNEP-SBCI), the Global Forum on Human Settlements (GFHS), and China Railways Group (CRG), Shanghai
- 2013 Featured Speaker - Philippine Green Building Council (PhilGBC), Manila
- 2012 Featured Speaker - Municipality of Makkah Smart Growth Workshop, Jeddah  
Featured Speaker - US Speaker and Specialist Grant, Bureau of International Information Programs, US Department of State/US Embassy - Laos  
Featured Speaker, New Urbanism and SmartCode Workshop, Ministry of Public Works, Indonesia  
Key Speaker and Seminar Presenter, "Sustainable Cities Dialogues 2012", Cebu
- 2011 Invited Speaker, 3rd League of Cities of the Philippines Global Convention, Manila  
Keynote Speaker, 2011 Indonesia World Town Planning Day, Jakarta, Indonesia

### Affiliations and Academic

- 2010 - Present Congress for the New Urbanism Accredited Professional (CNU-A)
- 2004 - Present USGBC LEED Accredited Professional
- 2001 - Present The Congress for the New Urbanism, member
- 1992 - Present Registered Architect, Philippines, No. 11026
- 1995 Master of Urban Design, With Honors, The University of Hong Kong
- 1990 B.Sc. Architecture, magna cum laude, The University of the Philippines



### **Mike Huston, Senior Planner/Designer**

Michael Huston is a licensed architect, urban designer and planner, with over twenty years of professional experience. His background includes a decade of designing educational facilities, a number of years devoted to downtown revitalization in Louisville, KY, working first with city government and subsequently in partnership with a developer, and many years in private practice.

Huston's experience in all phases of development and design has been an important contribution to his work at DPZ on master plans for transit oriented development and sprawl repair, as well as on building type studies for those plans.

### **Selected Projects**

"Bayside" Retail Town Center for Skipjack Properties, South Padre Island, TX  
Syosset Park Town Center for Simon Property Group, Oyster Bay, New York  
Town Madison, Retail Town Center, Madison, AL  
City Sao Paulo, Pirituba, Brazil  
Midtown 2050, Omaha, NE  
Alys Beach "Main Street" Plan Update, Alys Beach, FL  
Bethel TOD, Bethel CT  
Wild Cherry Canyon Master Plan, San Luis Obispo, CA  
West Haven TOD, West Haven CT  
South Point Master Plan, Ribeirao Preto, Brazil  
Itahye Master Plan, Sao Paulo, Brazil  
Westside Master Plan, Houston, TX  
The Hills of Depoe Bay, Depoe Bay, OR  
Renn Farm Master Plan, Frederick, MD  
Ignite High Point Master Plan, NC  
Reinvent Phoenix TOD Master Plan, AZ  
Coconut Grove BID Plan, Miami, FL  
Westview South Park, Urban Infill, Frederick, MD  
Bon Secours DePaul Medical Center, Norfolk, VA  
Bon Secours Memorial Regional Medical Center, Hanover County, VA  
The Land, Tulsa, OK  
Economic Development Strategic Plan, Orem, UT  
University Mall Urban Infill Plan, Provo, UT

### **Academic**

University of Kentucky, Bachelor of Architecture  
University of Florida, Bachelor of Arts

### **Affiliations and Service**

Affiliations and Service: Registered Architect, Kentucky (#4170), Florida (AR# 94985)  
Congress for the New Urbanism (CNU)  
U.S. Green Building Council (USGBC), LEED Accredited Professional

## B. OUTLINE OF QUALIFICATIONS - DPZ



### Judith I. Bell, CNU-A LEED AP - Senior Planner/Designer

Judith I. Bell is a planner and urban and architectural designer with twelve years of experience in a variety of project types, from regional plans and new community master plans, urban revitalization and infill plans, and design guidelines and zoning codes. She has participated in projects in North and South America, the Caribbean, Europe and China, and she has lectured on the New Urbanism and the SmartCode. She also contributes to the firm's publications and marketing process by improving and streamlining reports, book layouts and presentation graphics. Judith is fluent in both English and Spanish, received her Bachelors and Masters degrees in Architecture from the University of Miami and is a LEED-accredited professional.

#### Selected Projects

Windward Pointe, MI Master Plan  
 City of Pontiac, MI - CNU Legacy Charrette, Downtown Revitalization Master Plan  
 Miami 21, Vision Plan and Form-Based Code, Miami, FL  
 Reinvent Phoenix, Multiple Transit District Master Plans and SmartCode, Phoenix, AZ  
 City of Charleston, The B.A.R Process, Charleston, SC  
 Bull Street, Campus Redevelopment, Community Master Plan, Form-Based Code, Columbia, SC  
 New Town St. Charles, Community Master Plan and Urban Regulations, St. Charles, MO  
 Scottish Sustainable Communities Initiative Charrette Series, Regional Visioning, Scotland, UK: CNU Charter Award, 2013  
 Chapelton of Elrick, Community Master Plan & Urban Regs., Aberdeen, Scotland, UK  
 Grandhome, Community Master Plan, Aberdeen, Scotland, UK  
 City of Charleston, The B.A.R Process, Charleston, SC  
 Ave Maria School of Law, Campus Master Plan Exploration, Naples, FL  
 Olowalu, Community Master Plan and Urban Regulations, Maui, HI  
 Alys Beach, Community Master Plan, Walton County, FL  
 Beachtown New Village, Community Master Plan, Galveston, TX  
 The Land Urban Infill Master Plan, Tulsa, OK  
 River District (East Fraserlands), Urban Infill Master Plan and Code, Vancouver, Canada  
 Southlands Master Plan, Tsawwassen, British Columbia, Canada  
 Village at Niagara on the Lake, Community Master Plan & Urban Regs., Toronto, Canada  
 Big Bay Point Resort, Village Master Plan and Urban Regulations, Inisfill, Ontario, Canada  
 Porta Norte, Community Master Plan and Code, City of Panama, Panama  
 Schooner Bay, Prototypical Houses, Great Abaco Island, The Bahamas  
 Xi Shui Dong, Urban Infill, Wuxi, China  
 Marina Rio Lujan, Infill Village Plan, Tigre, Argentina

#### Academic

2004	M. Architecture in Urban Design, University of Miami, FL
2003	B. Architecture , cum laude, Minor in Business Administration, University of Miami, FL

#### Affiliations and Service

Registered Architect, Florida State Board of Architecture and Interior Design AR 99161  
 CNU-Accredited Professional, Congress for New Urbanism  
 LEED Accredited Professional, US Green Building Council

#### Selected Publications and Lectures

2014 - Present	Guest Juror, University of Miami School of Architecture
2012	Graphics Editor, Garden Cities: Theory & Practice of Agrarian Urbanism, (The Prince's Foundation)
2011	Lecturer, Smartcode Calibration 202, Congress of New Urbanism (CNU 19), Madison, WI
2010	Lecturer, "Principles of New Urbanism", Universidad Americana de Asunción, Paraguay
2010	Contributor, Sprawl Repair Manual, (Island Press)

## B. OUTLINE OF QUALIFICATIONS - REFERENCES

### **Team Leader Reference - Matt Lambert, Partner and Project Manager**

City of Phoenix, Arizona

Scope: Reinvent PHX; Urban Infill, Transit-Oriented Development, Form-Based Code; Planning, Urban Design, Coding, Green Infrastructure Planning and Design; Community Engagement

Date: 2012-2015

Contact: Katherine Coles, Planner

Telephone: 602-534-9938

Email: katherine.coles@phoenix.gov

### **DPZ CoDESIGN References**

City of Pontiac, Michigan

Scope: Downtown Visioning and Master Plan, with Community Outreach

Date: 2017

Contact: Jane Bais DiSessa, Deputy Mayor, City of Pontiac

Email: jbais-disessa@pontiac.mi.us

Telephone: 248-758-3322

City of Kirkwood, Missouri

Scope: Master Plan and Parking Study, with Community Outreach

Date: 2017

Contact: Jonathan D. Raiche, AICP, City Planner

Telephone: 314-984-5926

Email: raichejd@kirkwoodmo.org

City of Derby, Connecticut

Scope: Revitalization Plan, Community Outreach and Zoning Code Adjustments.

Date: 2016

Contact: Lynn DiGiovanni, Previous Project Manager and Mayor's Advisor

Telephone: 203-650-5599

Email: digiovannil@luchs.com

City of Miami, Florida

Scope: City-wide Zoning Code Overhaul; Planning and Land Use, Urban Design, Zoning/Coding, Transportation/Infrastructure, Community Engagement

Date: 2004 - 2010

Contact: Manny Diaz former Mayor of Miami

Telephone: 305 416 3180

Email: manny@lydeckerdiaz.com



## B. OUTLINE OF QUALIFICATIONS - GIBBS PLANNING GROUP



### Offices:

240 Martin Street  
Birmingham,  
Michigan 48009  
Tel: 248 642-4800  
Fax: 248 642-5758

### President:

Robert J. Gibbs, AICP,  
ASLA, CNU-A

### Firm Profile

Gibbs Planning Group (GPG) is a Michigan corporation, founded in 1988. GPG offers urban planning, landscape architectural and real estate market research services for hotels, office, residential and retail developments. GPG's expertise allows us to formulate and refine a proven and focused approach to accomplish the market research. GPG is dedicated to providing practical, actionable results, which reflect economic development realities and not just theoretical research.

GPG has a broad range of both private and public-sector experience across North America. Public urban retail consulting clients include: Alexandria, Bay City, Birmingham, MI, Cambridge, Charleston, Chicago, Fargo, Kalamazoo, Grand Rapids, Houston, Knoxville, Madison, Mackinac Island, Marquette, Miami, Palm Desert, Petoskey, Portland, Troy, Traverse City and Seattle.

GPG's private sector clients include EDS, Pulte Homes, Rosemary Beach, Steiner Associates, The St. Joe Company, The Taubman Company, Simon Property Group and the Walt Disney Company. GPG has also conducted market research for Brown University and the Universities of Pennsylvania and Miami. GPG has provided consulting services for over 500 town centers and communities across the United States, Central America, Europe and the Pacific Rim.

## B. OUTLINE OF QUALIFICATIONS - GIBBS PLANNING GROUP



### **Gibbs Planning Group - Robert J. Gibbs, APA, CNU Commercial Real Estate Advisor**

Robert Gibbs serves as GPG's president and managing director. Gibbs is considered one of the foremost urban retail planners in America. For more than two decades, his expertise has been sought by some of the most respected mayors, renowned architects, and successful real-estate developers in the country. Profiled in The New York Times, The Wall Street Journal, and Urban Land, Gibbs has, writes The Atlantic Monthly, "a commercial sensibility unlike anything possessed by the urban planners who usually design downtown-renewal efforts." He is also a recognized leader in the New Urbanism, having pioneered the implementation of its environmentally sustainable principles of Traditional Town Planning and Smart Growth.

For the past 30 years, Gibbs has been active in developing innovative yet practical methods for applying modern trends in commercial development to more than 400 town centers and historic cities here and abroad. He also planned Michigan's first ten New Urban communities and Form Based Codes. A speaker at the First Congress of the New Urbanism in 1992 and twenty subsequent CNUs, Gibbs lectures frequently throughout the country. He is the author of Principles of Urban Retail Planning and Development and the Retail Module of the SmartCode and has contributed articles to numerous books and publications. For the past 22 years, he has taught "Urban Retail Planning" in the Executive Education Program at the Harvard Graduate School of Design. In 2012, Gibbs was honored by the Clinton Presidential Library for his life's contributions to urban planning and development, and by the City of Auckland, New Zealand for his planning innovations.

Gibbs serves as president, supervising all operations, planning, and research

#### **Selected Projects**

Birmingham, MI	Kennesaw, GA
Holland, MI	Marquette Third Street
Corridor, Marquette, MI	Cuyahoga Falls, OH
Boyne Resort, MI	Niagara-on-the-Lake, ON
Grosse Pointe, MI	Palm Beach Gardens, FL
Farmington, MI	Panama Pacifico,
Downtown Des Moines, IA	Panama, Central America
Downtown Hartford, CT	Patrick Sq., Clemson, SC
Florida Hosp., Orlando, FL	Sarasota, FL
Freshfields Village, SC	Seabrook, WA
High Street, Atlanta, GA	South Memphis, TN
Indian School Rd. Transit	Stonecrest Mall, GA
District, Phoenix, AZ	South Bend, IN

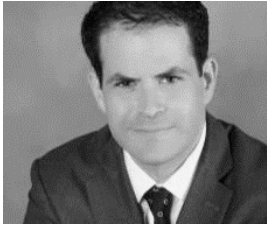
#### **Academic**

Master of Landscape Architecture, University of Michigan - Ann Arbor  
Bachelor of Arts in History, Oakland University, Auburn Hills, Michigan

#### **Affiliations and Service**

American Institute of Certified Planners  
American Planning Association  
American Society of Landscape Architects  
Congress for the New Urbanism, Charter Member  
CNU-Michigan, Board Member  
Form Based Code Institute, Board Member  
Michigan ASLA  
Urban Land Institute  
NCI Charrette System  
Form-Based Code Institute

## B. OUTLINE OF QUALIFICATIONS - GIBBS PLANNING GROUP



**Andrew L. Littman, J.D., CNU-A**  
**Director of Research**

Email: [andrew@gibbsplanning.com](mailto:andrew@gibbsplanning.com)

Andrew Littman serves as Director of Research at GPG where he oversees its hotel, office, residential and retail market research for cities and new town centers across the country. Prior to joining GPG in 2016, Andrew practiced law (initially in private practice and later as a staff attorney at the Wayne County Circuit Court) and then worked as a broker at Marcus & Millichap.

Andrew is a graduate of Skidmore College, the Moritz College of Law at The Ohio State University and obtained a graduate certificate in real estate development from the University of Michigan. He is a member of the State Bar of Michigan and the Congress for the New Urbanism, as well as being a licensed real estate salesperson.

**Gibbs Planning Group**  
May 2016 – Present

### **Relevant Training**

Completed Harvard University Graduate School of Design class “Urban Retail: Essential Planning, Design, and Management Practices”.

### **Education**

University of Michigan – Ann Arbor  
Taubman College of Architecture & Urban Planning Graduate  
Certificate in Real Estate Development  
The Ohio State University  
Moritz College of Law  
Juris Doctor Skidmore College  
Bachelor of Arts in Government

### **Memberships**

State Bar of Michigan  
Congress for the New Urbanism graduate

### **Representative Market Analysis Experience**

Bangor Township, MI  
Clemson, SC  
Conyers, GA  
Detroit Fairgrounds, MI  
Downtown Jackson, MI  
Fresno, CA  
Hilton Head, NC  
Las Cruces, NM  
Leander, TX  
Montclair, CA  
Muskegon, MI  
Pittsboro, NC  
Santa Cruz, CA  
Savannah, GA  
Troy, MI  
Wilsonville, OR

## B. OUTLINE OF QUALIFICATIONS - GIBBS PLANNING GROUP



**David N. Mangum, CNU-A, LEED APND**  
**Director Urban Planning & Design**

Email: [david@gibbsplanning.com](mailto:david@gibbsplanning.com)

David Mangum serves as GPG's Director of Urban Design and Planning and has been intricately involved in GPG's urban design and town planning efforts, market research and charrette leadership. David was recently project manager and head planner for GPG's Troy Town Center master plan, a 100-acre mixed-use walkable community planned for the city's existing civic center.

### **Planning and Urban Design**

Alternative & Interim Master Plans, S. Fort Wayne, IN  
Chandler Crossings Master Plan, Lansing, MI  
Eddington Farms Master Plan, Rochester Hills, MI  
Fallen Timbers Master Plan, Marietta, OH  
Frankenmuth, Michigan  
Gateway Innovation District, Lansing, MI  
Historic Hospital Master Plan, Three Rivers, MI  
Palmer Park Master Plan, Detroit, MI  
Retail Implementation Strategy: Longwood, FL  
Shelby Town Center, Shelby Twp., MI  
Troy Town Center, Troy, MI  
Warren, MI Streetscape Plan  
Wixom, MI Town Center, Woodward-I 696 Complete Streets Analysis, R.O., MI

### **Representative Market Analysis Experience**

Boyne Resort, MI  
Cuyahoga Falls, OH  
Downtown Des Moines, IA  
Downtown Hartford, CT  
Farmington, MI  
Florida Hosp., Orlando, FL  
Freshfields Village, SC  
Grosse Pointe, MI  
High Street, Atlanta, GA  
Historic Richmond Town, Staten Island, NY  
Holland, MI  
Indian School Rd. Transit District, Phoenix, AZ  
Kennesaw, GA  
Marquette Third Street Corridor, Marquette, MI  
Niagara-on-the-Lake, ON  
Palm Beach Gardens, FL  
Panama Pacifico, Panama, Central America  
Patrick Sq., Clemson, SC  
Sarasota, FL  
Seabrook, WA  
South Memphis, TN  
Stonecrest Mall, GA  
South Bend, IN  
S. Fort Wayne, IN

Recent projects include Boyne Resorts, Detroit Fairgrounds, Farmington, Frankenmuth, Grosse Pointe, Highland Park, Holland and new mixed-use town centers for the cities of Troy, Warren and Wixom, MI; David has also consulted for Nob Hill District of Albuquerque, NM; Cuyahoga Falls OH; Hot Springs, AR; Midtown Omaha, NE; Panama Pacifico in Panama, Central America; Sarasota, FL; Uptown Normal, IL; and South Bend, IN. He spearheaded alternative master plan projects for city clients Fort Wayne, IN; Three Rivers, Troy and Wixom, MI; and Longwood, FL, and has helped organize and lead charrettes for East Lansing, Marquette, Oak Park, Palmer Park (Detroit), and Woodward Avenue, MI.

David has given extensive public lectures and workshops and has also presented and participated in panel discussions at the "1st Moscow International Forum- Culture: A Look into the Future" on the contemporary integration of urban retail formats in modern cities.

### **Gibbs Planning Group**

May 2013 - Present

### **Presentations**

The 1<sup>st</sup> Moscow International Forum - Culture: A Look into the Future: "Urban Retail Planning Principles & New Trends in Commercial Development" 2014  
CNU 22 - The Resilient Community: "Retail Success: Rebuilding Cities & Towns" 2014  
CNU 26 - Surviving the Retail Apocalypse

### **Relevant Training**

NCI Charrette System Training, December 2013  
Form-Based Code Institute, November 2013 (Courses 101e & 301)  
MI Place Initiative, October 2013  
Placemaking Strategy Development Trainer

### **Education**

Wayne State University  
Department of Urban Studies & Planning  
Master of Urban Planning  
University of Michigan - Ann Arbor  
Taubman College of Architecture & Urban Planning  
Bachelor of Science in Architecture

### **Memberships**

American Planning Association (Michigan Chapter)  
U.S. Green Building Council (Detroit Regional Chapter)  
Congress for New Urbanism

### **Publications & Awards**

MIASLA Award of Merit: Palmer Park Master Plan  
Michigan Association of Planning Award of Excellence: Marquette Third Street Master Plan  
Crain's Detroit Business  
Detroit Free Press  
SITES

## B. OUTLINE OF QUALIFICATIONS - JACOBS



### Firm Profile

Jacobs is a multidisciplinary firm offering a comprehensive range of master planning, engineering, environmental, civil/site, and other professional services extending from the initial analysis phase of a project through design, bidding and construction. Founded in 1947, we serve clients in both private and public sectors, including municipalities, corporations, and government agencies. Our Midwest offices include Detroit, Columbus, Chicago and St. Louis.

Our Infrastructure Planners and Engineers provide an array of services including:

- Parking analysis and design
- Roadway and traffic signage
- Bridges/Structural Design
- Streetscapes
- Site development
- Recreational trails and bicycle paths
- Utilities
- Intelligent Transportation Systems (ITS)
- Traffic studies and modeling
- Interchanges
- Drainage and flood protection
- Transit

Jacobs is working with clients to evaluate the changing impacts of new forms of transportation. These new forms of transportation are reshaping how we think about infrastructure planning, design, and construction to accommodate technologies like ride sharing, connected and autonomous vehicles, and automated transportation systems





### **Adam James Garms, AICP Transportation Planner**

Adam Garms' transportation experience includes traffic control plans, data collection, travel demand and traffic simulation modeling, construction staging alternatives, and parking studies. He has been involved in the planning and design of Geographic Information Systems (GIS) and Intelligent Transportation Systems (ITS). He also has experience with traffic signal design and sign design. He has worked extensively with ArcGIS, ArcPad, TransCAD, Cube, VISUM, Microscopic Transportation Simulation Model (MITSIM), VISSIM, SimTraffic, SYNCHRO, Highway Capacity Software (HCS), aSIDRA, Turbo Architecture, MicroStation, AutoCAD, and GuidSign.

### **Selected Projects**

Kirkwood Downtown Master Plan, Kirkwood – Kirkwood, MO. Transportation Planner conducted an analysis of the current and future parking supply and demand to determine the sufficiency of the parking system through an inventory of the existing system, the identification of deficiencies, and the identification of possible improvement solutions. Adjustments to the zoning codes and modifications to the parking systems were included as part of the recommendations. (2017-2018)

Doniphan Drive Corridor Study, TxDOT – El Paso, TX. Transportation Planner using the El Paso MPO's travel demand model to forecast traffic volumes along the Doniphan Drive corridor from Racetrack Drive to the New Mexico border. The demographics in the travel demand model were modified for a redevelopment scenario and the roadway network was expanded to include additional intersections. The forecasted traffic volumes were used as part of the process to develop future traffic volumes for the project corridor. (2016 – present)

Master Plan Update, Webster University – St. Louis, MO. Transportation Planner evaluating vehicular circulation, pedestrian circulation, and parking for existing conditions and proposed future conditions. Proposed several traffic calming methods for campus streets and travel demand management techniques. Developed parking forecasts for proposed future conditions. ArcGIS was used to produce maps of the vehicular/pedestrian circulation and existing parking conditions. (2011-2012)

Traffic Operations Study, Missouri DOT – Troy and Moscow Mills, MO. Transportation Planner developing a SYNCHRO model used for operational analysis roadway network, including eight miles of divided highway and ten miles of arterial/collector roads in east central Missouri. The model was used to determine capacity issues and to test various mitigation alternatives. (2005)

### **Technical Papers/Publications**

"Data on the Fly" article published in Roads and Bridges magazine, April 2007

"Comprehensive Use of Semipermanent Dynamic Message Signs for Regionwide ATIS Programs" at Transportation Research Board 86th Annual Meeting (January 2007)

"Access Management Plan and Program for Des Moines, Iowa, Metropolitan Area" at Transportation Research Board 85th Annual Meeting (January 2006)

"Development and Calibration of a Large-Scale Microscopic Traffic Simulation Model" at Transportation Research Board 83rd Annual Meeting. Published in Transportation Research Record: Journal of the Transportation Research Board 1876, December 2004 (January 2004)

**Academic** B.S., Community and Regional Planning, Iowa State University (Ames), 2002

### **Affiliations and Service**

American Institute of Certified Planners, 2005 (#136126)

Indiana DOT NEPA and CE Certified, 2014

TxDOT Pre-Certification Categories: 1.3.1 and 1.4.1

American Planning Association (APA)

Transportation Engineering Association of Metropolitan St. Louis (TEAM STL) Board Member

Institute of Transportation Engineers (ITE)

## B. OUTLINE OF QUALIFICATIONS - JACOBS



### John Wirtz, PE, PTOE Transportation Engineer

John is a project manager with over 13 years of traffic engineering and transportation planning experience. He is passionate about multi-modal transportation, complete streets, and traffic safety; and has served as a guest lecturer for a graduate level Complete Streets courses at the University of Illinois at Chicago and the Illinois Institute of Technology. John has a deep understanding of traffic engineering for urban streets due to his four-year tenure as an on-site consultant for the Chicago Department of Transportation. He has also worked on various NEPA studies, including environmental impact statements (EIS) for major freight and transit projects. As Project Manager, John has led the design of over 35 miles of protected bike lanes and buffered bike lanes as part of CDOT's Streets for Cycling Phase I/II project. John's strengths include data analysis, creative engineering solutions, and technical writing.

### QUALIFICATIONS

#### EDUCATION

M.S., Transportation Engineering,  
Northwestern University, 2004

B.S., Civil Engineering, The Ohio  
State University, 2002

#### REGISTRATIONS/ CERTIFICATIONS

##### Professional Engineer:

IL #062-060954 (2008, Expires  
11/30/2017)

Certified Professional Traffic  
Operations Engineer, 2010

#### MEMBERSHIPS AND AFFILIATIONS

Institute of Transportation Engineers  
Illinois Section, President (2017),  
Vice President (2016), Secretary  
(2015), Director of Operations  
(2011-2015)

ITE 2016 Midwestern District  
Conference Planning Committee,  
Technical Program Co-Chair

Illinois Complete Streets Coalition  
(2016-Present)

Illinois Safe Routes to Schools Task  
Force (2006-2008)

Transport Chicago Conference  
Planning Committee, Vice President

### Areas of Expertise

- Complete Streets Planning and Design
- Traffic Operations Analysis
- Crash and Safety Analysis
- On-Street Bicycle Facility Design
- Streetscape Design
- Synchro Traffic Modeling
- Project Prioritization
- NEPA/Environmental Analysis
- Technical Writing

### Selected Projects

Milwaukee Avenue / Logan Square Phase I and II – Chicago, IL  
Title/Role: Project Manager 04/2017 to Present,  
Scope: Preliminary engineering and final design services for a 1.3-mile segment of Milwaukee Avenue, including the roadways surrounding historic Logan Square. The scope includes reevaluating a previous study to incorporate complete streets elements, and a once-in-a-generation opportunity to redesign Logan Square.

Western Avenue Streetscape Master Plan – Chicago, IL  
Title/Role: Project Engineer 04/2010 to 05/2013  
Scope: This project included a 3.5-mile segment of Western Avenue in Chicago's Beverly and Morgan Park neighborhood. The primary goal of the study was to recommend streetscape improvements to improve the walkability of the area and create a more vibrant local business district in an area that is currently largely auto-oriented.

Chicago Streets for Cycling Phase I and II – Chicago, IL  
Title/Role: Project Manager 02/2013 to 11/2017  
Scope/Description: The City's goal was to create 100 miles of improved bike lanes. Jacobs has helped CDOT meet that goal through the design of 35.3 miles of buffered and protected bike lanes in 29 separate corridors.

Red Line Extension Project Environmental Impact Statement – Chicago, IL  
Title/Role: Transportation Planner 04/2012 to 12/2013  
Scope/Description: A joint venture team to complete an Environmental Impact Statement for several alternatives to extend public transit service south from the existing 95th Street Red Line Terminal to the far south side of Chicago, including two heavy rail transit (HRT) corridors and one bus rapid transit (BRT) corridor.



## Firm Profile



**McKenna's downtown Northville, Michigan headquarters – a repurposed Ford Motor Company plant designed by Albert Kahn, built in the 1930s. Our work spaces reflect McKenna's commitment to our people, our communities, sustainable design and the rich technology heritage of the Midwest.**

McKenna's team of talented planning, design and building professionals help municipal leaders develop and maintain communities for real life. From street festivals, neighborhood parks, and storefronts, to parking spots, coffee shops, and farmers' markets, we want your community to thrive. Headquartered in Northville with offices in Detroit and Kalamazoo, Michigan, McKenna provides planning, zoning, landscape architecture, community and economic development and urban design assistance to cities, villages, townships, counties, and regional agencies, as well as select private clients. Our success can be measured by the physical improvements to hundreds of McKenna client communities, and by our 40-year record of client satisfaction and on-time, on-budget delivery.

McKenna currently provides project services to more than 85 communities and private land investors in Michigan, Ohio, Kentucky, Indiana, and Illinois. Anticipating and responding to change is a major distinction of McKenna's practice. McKenna's innovation and depth of experience is a resource for public and private decision-makers; we are a corporation of roughly 20 planners, urban designers, and landscape architects formed under the laws of Michigan on May 2, 1978.

### HEADQUARTERS

235 East Main Street  
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E [info@mcka.com](mailto:info@mcka.com)

### WEST MICHIGAN

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Kalamazoo, MI 49007

☎ 269.382.4443  
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E [info@mcka.com](mailto:info@mcka.com)

### DETROIT

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Suite 1000  
Detroit, MI 48226

☎ 313.888.9882  
F 248.596.0930  
E [info@mcka.com](mailto:info@mcka.com)



**MCKA.COM**

# Areas of Service

### Community Planning

- Master Plans (Cities, Villages, Townships, Counties and Regions)
- Neighborhood Preservation Plans
- Redevelopment Plans
- Corridor Plans
- Downtown Plans
- Growth Management Plans
- Park and Recreation Plans
- Capital Improvements Programs
- Community and Fiscal Impact Analysis
- Waterfront Planning
- Open Space Planning
- Historic Preservation Plans
- Transportation and Parking Plans
- GIS Analysis and Alternative Testing
- Access Management



### Economic Development

- Public/Private Partnerships
- Brownfield Redevelopment Planning
- Downtown Redevelopment Action Plans
- Corridor Redevelopment
- Tax Increment Finance Plans
- Grant Applications
- Redevelopment Project Management
- Market Studies: Retail, Commercial, Residential, Industrial, Institutional
- Redevelopment Financing Assistance
- Land Assembly/Eminent Domain Assistance

### Building Department Administration

- Zoning Administration
- Building Code and Zoning Enforcement
- Building Inspection
- Electrical, Mechanical and Plumbing Inspections
- Property Maintenance and Housing Inspection
- Landscape Construction Observation
- Code Enforcement
- Compliance with State
- Department Management Plans

### Parks and Recreation

- Parks and Recreation Master Plans
- Park Design (neighborhood, community, regional)
- Ball Field Planning and Design
- Park and Recreation Facilities Design
- Bikeway and Trail Planning and Design
- Grant Applications
- Public Participation
- Universal and ADA Accessibility
- Park and Recreation Furnishings

### On-Site Management Services

- Zoning and Planning Administration
- Tax Increment Finance Authority Management
- Downtown Development Authority Administration
- CDBG Administration
- Housing Rehabilitation
- Project Management – Capital Improvement Projects
- Redevelopment Project Administration
- Community Development Administration
- Economic Development Administration

### Development Codes

- Zoning Ordinance
- Zoning Ordinance and Resolution Review and Preparation
- Continuing Advisory Services to Elected and Appointed Officials, Planning and Zoning Commissions, and Boards of Appeal
- Subdivision and Condominium Regulations
- Form-Based Codes
- Environmental Regulations – Wetlands, Woodlands
- Expert Witnessing and Court Testimony on Zoning
- Sign Regulations
- Annexation Advisory Assistance
- Sex-Oriented Business Regulations and GIS Testing
- Open Space Regulations
- Planning and Zoning Code Training Seminars
- On-Site Zoning Administration



### Complete Streets and Transportation Planning

- Complete Streets Policy Development
- Complete Streets Design Guidelines
- Complete Streets Procedure and Implementation
- Corridor Plans
- Streetscape Plans
- Bicycle & Pedestrian Plans
- Bicycle Parking Plans
- Bicycle Sign Plans
- Bike Share Feasibility Studies
- Intersection Design & Crossing Plans
- Zoning and Regulatory Review
- User Maps and Wayfinding Studies
- Transportation Master Plans
- Site Plan Review of Transportation Facilities
- Circulation Studies Vehicles and Pedestrian
- TOD Studies
- Education and Training
- Transportation and Parking Plans
- Access Management
- Parking Studies

### Public Participation (NCI Certified)

- Charrettes
- Hands-on Workshops
- Focus Groups
- Roundtable Discussions
- Surveys (telephone, online, direct mail)
- Public Hearings
- Open Houses
- Interactive Citizen Advisory Committees
- Youth Outreach
- Community Walks and Bike Rides
- Pop-Up / Storefront Workshops
- Consensus Building
- Participatory Decision-Making
- Interviews (one-on-one, intercept)
- Community Preference Surveys

### Community Development

- HUD CDBG Administration
- Analysis of Impediments to Fair Housing
- Environmental Review Records
- Consolidated Plans
- Elderly Housing Assistance
- Five Year and Annual Action Plans
- CDBG Program Planning and Applications
- Housing Rehabilitation Administration
- Market Studies – Market Rate, Elderly and Assisted Housing
- Housing Market Studies (MSHDA approved)

### Urban Design

- Community Design Plans
- Placemaking Strategies
- Parks, Greens, Commons and Plaza Design
- Streetscape Design
- Site Planning
- Community Character Planning
- Historic Park Design
- Computer Visualization (before/after)
- Design Review
- Site Evaluation and Selection
- Design Manuals
- Neo-Traditional Design (TND)
- Urban Form Pattern Books
- Mixed Use (residential, retail, office, public, institutional) Design
- Public Art

### Sustainability Plans

- Sustainability Indicators Analysis, Evaluation Criteria, and Program Improvements
- Develop Neighborhood Stabilization Plans
- Green Infrastructure Plan for Community's Public Property
- Walkable/Bikeable Audits and Implementation Plans
- Community Master Plan, Strategic Plan, or Capital Improvement Plan
- Plan for Low Impact Development (LID) Components
- Local Planning and Zoning
- Access Management Plans for Transportation Corridors

### Landscape Architecture

- Residential Development Plans (single family detached/attached; multi-family, elderly, mixed use, townhouses) Conventional & Cluster
- Site Analysis and Design
- Site Layout and Planning
- Construction Drawings and Construction Observation
- Landscape Architecture (MSHDA-approved)
- Arborist Services (tree surveys and maintenance plans)
- Greenways and Trail Planning and Design
- Native Plant Landscapes
- Wayfinding, Signs, and Interpretive Stations
- Environmental Performance Standards
- Public Art Development
- Public Space Design – Greenways, Bikeways, Streetscapes
- Wetlands, Woodlands, Groundwater, Aesthetic, and Vista Protection Regulations
- Sustainable Landscape Design



## Awards and Accolades



**McKenna has been honored by its peers and public with planning and design awards. We take pride in consistently delivering exceptional planning and personal service to public officials across the Midwest.**

**2017 Award for Excellence in Transportation Planning**, Michigan Association of Planning.  
Delhi Charter Township (Ingham County), MI – Realize Cedar: Urban Design Framework.

**2016 Award for Excellence in Transportation Planning**, Michigan Association of Planning.  
City of Livonia, MI – Bike/Walk Livonia: A Future Transportation Plan.

**2011 Outstanding Implementation Project**, Michigan Association of Planning.  
City of Grosse Pointe, MI – Downtown Revitalization Program.

**2010 Site Design/Parks Award**, Michigan Recreation and Park Association.  
Van Buren Charter Township (Wayne County), MI – Riggs Heritage Park.

**2009 Outstanding Implementation Project**, Michigan Association of Planning.  
Buena Vista Charter Township (Saginaw County), MI – Town Center Project.

**2008 Merit Award, Outstanding Design**, American Society of Landscape Architects, Michigan Chapter.  
Brighton, MI – Green Oak Village Plan.

**2007 Planner of Year Award**, Michigan Association of Planning. Phillip C. McKenna, AICP, PCP.

**2007 Interactive Mapping Tool GIS for Everyone Award**, Improving Michigan's Access to Geographic Information Networks (IMAGIN). River Rouge, MI.

**2005 CAM Magazine Year End Special Issue**, Construction Association of Michigan in recognition of outstanding facility planning and design. Flat Rock, MI – Community Center Site Design and Boardwalk.

**2004 Innovative Park Resource Award**, Michigan Recreation and Park Association.  
Downriver (Southeast MI) Linked Greenways – Wayside Companion Trail Signage and Wayfinding Manual.

**2004 Outstanding Small Business Award**, Crain's Detroit Business. McKenna.

**2002 MRPA Master Plan Award**, Michigan Recreation and Park Association.  
Oakland County, MI, Orion Oaks County – Park Site (1,000 acre) Master Plan.

**2001 Award for Landscape Architectural Design**, Michigan Society of Landscape Architects  
Flat Rock, MI – Community Fields Ballfield/Community Park Complex.

**2001 Outstanding Facility Design Award**, Michigan Recreation and Park Association.  
Flat Rock, MI – Community Fields Ballfield/Community Park Complex.

**2001 Award for Excellence in Comprehensive Planning- Large Jurisdiction**, Ohio Planning Conference.  
Dayton, OH – West View Development Opportunity Redevelopment Plan.

**1999 Outstanding Planning Project Award**, Michigan Association of Planning & Michigan Society of Planning Officials. Hamburg Township (Livingston County), MI – Open Space Development.

**1996 Outstanding Planning Project Award** Michigan Association of Planning & Michigan Society of Planning Officials. Plymouth Charter Township (Wayne County), MI – Ann Arbor Corridor Plan Commercial Corridor.

*McKenna and its planners and designers have also been selected for other awards including Crain's Detroit Business 20-in-their-20's; Crain's Detroit Business "Coolest Places to Work"; and the Michigan Business and Professional Association's The 101 Best and Brightest Places to Work in Southeast and West Michigan.*



# John R. Jackson, AICP, CNU, NCI

PRESIDENT

## EDUCATION

**Master of Urban Planning**  
Taubman College  
University of Michigan

**Bachelor of Environmental Design**  
Miami University, Oxford, OH

## HONORS

**Planning Excellence Award for Implementation of "Downtown Grosse Pointe Revitalization Program"**  
City of Grosse Pointe, MI, Michigan Association of Planning.

**Outstanding Planning Project Award for Open Space Development,**  
Hamburg Township (Livingston County), MI, Michigan Association of Planning and Michigan Society of Planning Officials.

## PROFESSIONAL EXPERIENCE

### Comprehensive Planning

Prepared comprehensive plans for rural and urban communities based upon community goals and land capability. Prepared zoning ordinances, capital improvement programs and regulatory mechanisms for communities from 4,000 to 60,000 populations.

### Community Planning and Zoning

Directed preparation of the master plans, urban design plans, and updated zoning ordinances. Provided day-to-day advisory services on comprehensive planning, zoning, site design and subdivision regulations for municipal, legal and real estate clients.

### Zoning

Prepared complete zoning ordinances, overlay districts, form-based standards, and comprehensive text and map amendments for cities, villages, and townships in Michigan. Advised legislative bodies, Planning Commissions, and Zoning Boards of Appeals on land use regulation and proposed development and redevelopment in a number of communities of various sizes and character. Prepared form-based and hybrid zoning ordinances for municipalities to promote quality predictable development.

### Urban Design

Prepared and implemented regulatory instruments addressing architectural design, form-based standards, aesthetic character, historic preservations, site plan review, and streetscape design.

### Economic Development Planning and Management

Provided planning and execution assistance in all phases of economic and community development and tax increment financing including planning, acquisition, rehabilitation, public improvements, citizen participation, financing and administration for redevelopment projects using DDA, TIFA, LDFA, and Brownfield mechanisms.

### Real Estate Development

Created redevelopment strategies for single and multiple sites in Michigan communities. Tasks included performing economic and political/social feasibility studies, researching and developing appropriate use concepts for the site, and guiding the design process to complement the surrounding areas.

### Central Business District Planning

Directed major urban design efforts for downtowns of cities, including retail, office, institutional, tourism, redevelopment, placemaking, circulation and parking planning and redevelopment financing.

### Commercial Corridor Redevelopment

Directed preparation of corridor plans to revitalize older commercial strips and to accommodate public and private improvements through merchant and citizen involvement in the economic development process.

## MEMBERSHIPS

American Institute of Certified Planners  
American Planning Association  
Michigan Association of Planning  
Congress for the New Urbanism

Michigan Downtown Association  
Michigan Farmland and Community Alliance  
American Institute of Architects, Affiliate Member

B. OUTLINE OF QUALIFICATIONS - MCKENNA



Sarah Traxler, AICP, NCI

VICE PRESIDENT

EDUCATION

Master of Urban Planning  
Taubman College  
University of Michigan

Bachelor of Arts (with honors)  
Sociology  
University of California at Santa Cruz

HONORS

Excellence Award for Implementation of the “Downtown Marketing and Strategic Plan”  
Buena Vista Charter Township, Michigan Association of Planning.

Outstanding Student Project Award for “New Directions for Vehicle City: a Framework for Brownfield Reuse”  
Michigan Association of Planning.

Raoul K. Wallenberg Scholarship Recipient  
University of Michigan, Taubman College of Architecture and Urban Planning.

PROFESSIONAL  
EXPERIENCE

**Comprehensive and Master Planning**  
Managed numerous master and comprehensive planning efforts for diverse Midwestern communities, including thoughtful public engagement, sustainable future land use analyses, corridor re-imagining, and housing typologies and planning, all with a focus on effective and easy-to-administer implementation strategies. Managed and prepared parks and recreation plans for diverse communities, focusing on the future of play, inclusive / universal design, and equity planning for the provision of parks and recreation in a contextualized manner.

**Redevelopment Planning and Management**  
Managed urban and suburban redevelopment projects including project planning, land acquisition, relocation, citizen participation, budgeting and finance, grantsmanship, public improvements, site design, zoning, strategic planning, land disposition, and scheduling. Successfully functions as project manager for municipality acquiring vacant, blighted 380,000 sq. ft. shopping mall using eminent domain. Prepared a brownfield reuse strategy for a Brownfield Redevelopment Authority. Created an inventory of probable brownfields; crafted reuse goals; developed criteria to target areas where brownfield redevelopment could best fulfill reuse goals; and created frameworks for reuse in areas with the highest redevelopment potential. Reuse strategy recipient of a state planning award.

**Zoning**  
Prepared complete zoning ordinances, overlay districts, form-based standards, and comprehensive text and map amendments for cities, villages, and townships in Michigan. Advised legislative bodies, Planning Commissions, and Zoning Boards of Appeals on land use regulation and proposed development and redevelopment in a number of communities of various sizes and character. Provided on-site administration of zoning and other land use and building regulations for a community of 25,000.

**Real Estate Development**  
Created redevelopment strategies for single and multiple sites in Michigan communities. Tasks included performing economic and political/social feasibility studies, researching and developing appropriate use concepts for the site, and guiding the design process to complement the surrounding areas.

**Neighborhood Planning**  
Managed and prepared Neighborhood Plans for Michigan and Indiana communities. Plan elements include housing and commercial market analyses, placemaking strategies, capital improvement prioritization, funding recommendations and implementation matrices.

**Community Development**  
Managed annual Community Development Block Grant programs for three inner-ring suburbs (two entitlement communities and one Urban County program sub-recipient). Responsibilities included preparation of annual Action Plans, Environmental Review Records (ERRs), Consolidated Action Plan Evaluation Reports (CAPERs), applications to County for funding, and administration of projects, including Housing Rehabilitation. Administered Neighborhood Stabilization Program with \$1.65 M budget, including preparation of ERR, program and policy design, managing other consultants and project implementation.

MEMBERSHIPS

American Institute of Certified Planners  
American Planning Association  
Michigan Association of Planning

International Council of Shopping Centers



# M. Paul Lippens, AICP, NCI

DIRECTOR OF TRANSPORTATION AND URBAN DESIGN

## EDUCATION

**Master of Urban Planning**  
Taubman College  
University of Michigan

**Bachelor of Arts**  
Hampshire College

## HONORS

**Award for Excellence in Transportation Planning for "Realize Cedar: Urban Design Framework"**  
Delhi Charter Township (Ingham County), MI, Michigan Association of Planning

**Award for Excellence in Transportation Planning for "Bike/Walk Livonia: A Future Transportation Plan"**  
City of Livonia, MI, Michigan Association of Planning

**Implementation Award, 2013**  
Illinois American Planning Association

**Best Practices Award, 2012**  
Illinois American Planning Association

## PROFESSIONAL EXPERIENCE

### Urban Design

Led the Indianapolis East 10th Street Urban Design and Gateway Plan to improve the pedestrian environment and promote walkable access and crossing areas. The plan defines parking and parking management for businesses and residences, as well as the creation of bicycle facilities. Plan recommends improved bus shelters and bus pull-offs and intersection traffic management and improved vehicular traffic flow. Developed design alternatives for balanced multimodal transportation, and corridor/district placemaking, as well as destination functions; district identity elements; and public open space with design recommendations, construction budgets and implementation strategies.

### Complete Streets Policy and Implementation

Award winning author of the Complete Streets, Complete Networks Design Manual, which combines the physical planning of infrastructure with an institutional understanding of project management, funding and prioritization. The manual provides guidance on the implementation of complete streets policy and presents a structure for evaluating street design, mode prioritization, network optimization and placemaking. Also coauthored the Complete Streets Chicago: Design Guide - Chicago's, Complete Streets v2.0.

### Bicycle and Pedestrian Plans and Safety

Led award winning bicycle and pedestrian planning in Livonia, Delhi Township, Frenchtown Township, and Paw Paw (Michigan) Evanston, Midlothian, Palos Heights and Winfield (Illinois) and Lowell (Indiana), as well as sub regional bike plans in Chicago suburbs. Studied sidewalk gaps, and recommended bike lanes, sharrows, trails, and protected bikeways. Improved crossing safety and intersection design for people walking, biking, and taking transit. Made network recommendations which considered traffic vehicular volume, roadway configuration, MMLOS, destinations, delay, directness, and public perception.

### Trail Planning and Access Studies

Lead planner and designer for the Fort Wayne Downtown/South Central Area Connectivity Plan. Planned a network of non-motorized transportation options to support neighborhood residential development, equity, and accessibility to regional amenities. The network is highlighted by an urban greenway linear park loop. A greenway extends the current Rivergreenway system as an armature linking neighborhoods with shared recreational, cultural and commercial resources. Additionally, led design and access studies on the Des Plaines River Trail, the Illinois Prairie Path, and Chicago's world famous Lakefront Trail.

### Multi-Modal Transportation System Planning and Design

Led multi-modal planning projects in Indianapolis and Carmel, Indiana, which initiated transportation systems to integrate bicycle, pedestrian and transit modes in a network of streets that form typology-specific corridors. Designed system to encourage development of a place-based transportation, principally pulling land use analysis, housing and neighborhood planning, economic development potential, and green infrastructure into the plan to assure a comprehensive approach to add value to residents.

## MEMBERSHIPS

American Institute of Certified Planners  
American Planning Association

Michigan Association of Planning  
Congress for New Urbanism

## CERTIFICATIONS

**National Charrette Institute**  
Charrette Systems and Management and Facilitation

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## C. OUTLINE OF CONTRACTORS' EXPERIENCE

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## C. OUTLINE OF CONTRACTORS' EXPERIENCE - OVERVIEW

DPZ, Jacobs, Gibbs Planning Group, and McKenna have strong track records of collaborating and providing master planning, urban design, zoning and coding services for various successful cities and downtowns; towns and town centers; and villages throughout the United States and internationally. These include multiple projects for the City of Birmingham and a number more in the surrounding region. The team possesses unparalleled experience working with various authorities, agencies, and municipalities, including, where required, in venues with a great degree of community engagement. In carrying public sector projects forward, we intensively coordinate stakeholders, agencies, and levels of municipal governments from work order through the approval processes.

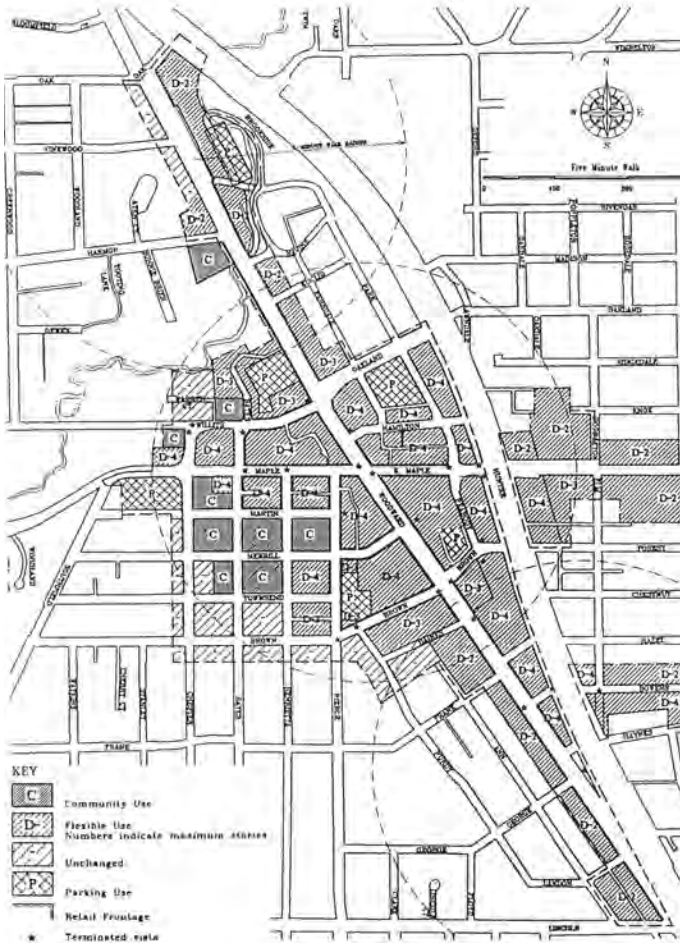
The DPZ projects on the following pages comprise several recent planning efforts which are consistent with the goals of traditional pedestrian-oriented place making; sensitive, sustainable development; responsible economic growth; and integration/coordination with the local municipal framework. These include master plans projects that emphasized the importance of effective community engagement and information dissemination – a method that is critical with the interrelated planning, design, transportation, economic, and sociocultural issues typically associated with municipal development/redevelopment.

Similarly, our sub consultants project samples included herein highlight each firm's experience in similar municipal planning work and technical studies to that identified in this RFP. They include projects for the City of Birmingham as well as others in the region.



*The DPZ Team has been involved over the past several decades in the planning and revitalization efforts for the City of Birmingham, MI.*

## C. OUTLINE OF CONTRACTORS' EXPERIENCE - DPZ



*Downtown Birmingham 2016 Regulating Plan*

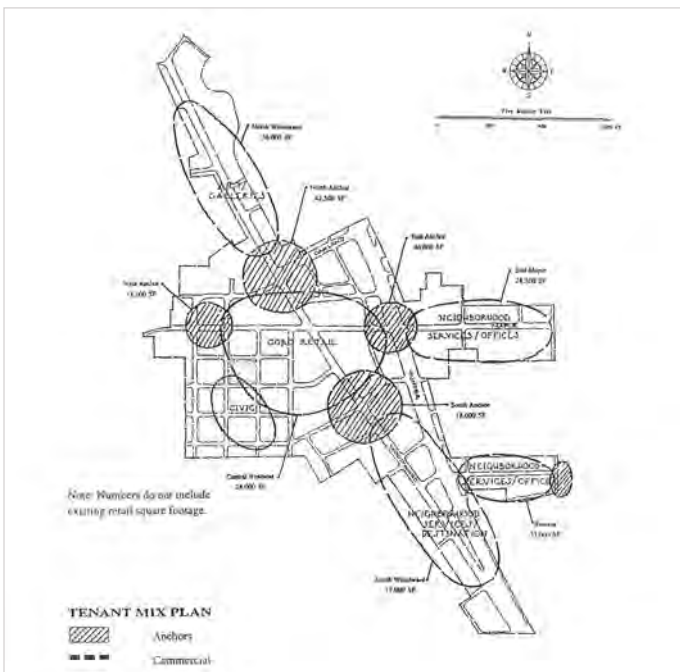
### DOWNTOWN BIRMINGHAM 2016

Location: City of Birmingham, Michigan  
 Type: Master Plan  
 Year Design: 1996  
 Status: Adopted

During a week long charrette DPZ, together with local consultants Robert Gibbs and McKenna Associates, collaborated with the City of Birmingham to plan Downtown Birmingham to 2016. Benefitting from effective community engagement during the process the adopted plan served as a strategic guide through the next two decades of the City's development. It was designed to be broad and visionary, with tactical studies, designs, and partnerships to follow.

The Master Plan recommendations included:

- Downtown as a regional traffic destination, but not a traffic conduit.
- Birmingham to evolve gracefully into a small city, and not be held to the standards of a village.
- Decisions lead to mixed-use public spaces uncontaminated by suburban traffic & parking standards.
- Additional plans to safeguard local neighborhoods, with their small town character, from degradation.
- Design reflects Birmingham's preeminent position as a regional arts center, and not diminished by technocratic standards or economic determinism.



*Tenant Mix Plan*



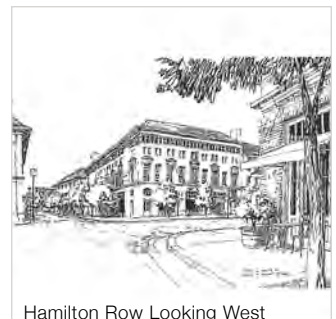
East Maple Conceptual Build-out



East Maple Gateway Looking West



Architectural Syntax



Hamilton Row Looking West

*Illustrations depicting specific policies and interventions*



### BIRMINGHAM 2016 PLAN ASSESSMENT

Location: City of Birmingham, Michigan  
Type: Implementation Assessment and Proposals  
Year: 2014  
Status: Complete

At the request of the City Commission and Planning Board, Andrés Duany returned to Birmingham in 2014, to review the Birmingham 2016 Plan's implementation. Over the course of three days, DPZ and consultant Bob Gibbs held meetings with authorities, stakeholders, developers, and residents. Responding to concerns, DPZ shared observations, made recommendations and emphasized the need to plan for the next generation. Building on the success of the Birmingham Plan a number of untapped opportunities were identified; including:

- Further improvements to the streetscape, infrastructure and civic spaces.
- Review and, when necessary, expand the parking
- Library Plaza Improvements.
- Short and medium interventions activate Shain Park.
- Complete the Booth Park Connector.
- A highway link connecting northeast and northwest.
- Transform 555 Building to create landmark gateway.



*The quality of the streetscape was one of the issues assessed*



*A walking tour and stakeholder meetings allowed specific topics and locations to be examined and a way forward considered.*



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - DPZ



*Downtown Master Plan supports the shared vision*

### PONTIAC CNU LEGACY PROJECT

Location:	City of Pontiac, Michigan
Type:	Downtown Revitalization Plan
Year Design:	2016
Status:	Implementation in progress
Size:	190 acres
Contact:	Jane Bais DiSessa, Deputy Mayor, City of Pontiac

Each year, CNU's Legacy Charrettes work in the Congress host region to empower local leaders, advocates, and communities to implement New Urbanist principles and build places where people and businesses can thrive and prosper. In 2016, the City of Pontiac was selected as one of four projects commissioned that year.

The early analysis identified much of the urban fabric still intact, pioneering local entrepreneurs, and market demand ready for housing and commercial uses. What was missing was a coherent, continuous, pedestrian-friendly framework for businesses, shops, restaurants and citizens to flourish. During the Charrette the team met with many of the City leaders, local business owners, developers and members of the community. Enthusiasm was built around a shared vision to see Downtown improved, made pedestrian-friendly, opened up to investment opportunities and a broad mix of housing and other uses accommodated.

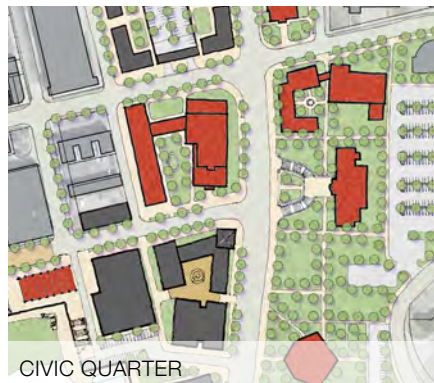


*Steps connecting the re-imagined Phoenix Center*

The Vision encompassed practical steps to revitalize Downtown Pontiac in a rational, phased process. The re-striping of streets to double the number of on-street parking, and making streets two-way again to help local businesses to be done right away; improving and reusing the Phoenix Center as a sports venue to begin soon after; the transportation recommendations be put in motion concurrently; a public market, pop-up retail and incentives for infill and redevelopment can come soon after.



LOT 9 AND PHOENIX CENTER



CIVIC QUARTER



LAFAYETTE NEIGHBORHOOD

*Focus areas include short and medium term actions that underpins the overall Master Plan vision*



### FORT MEYERS DOWNTOWN PLAN

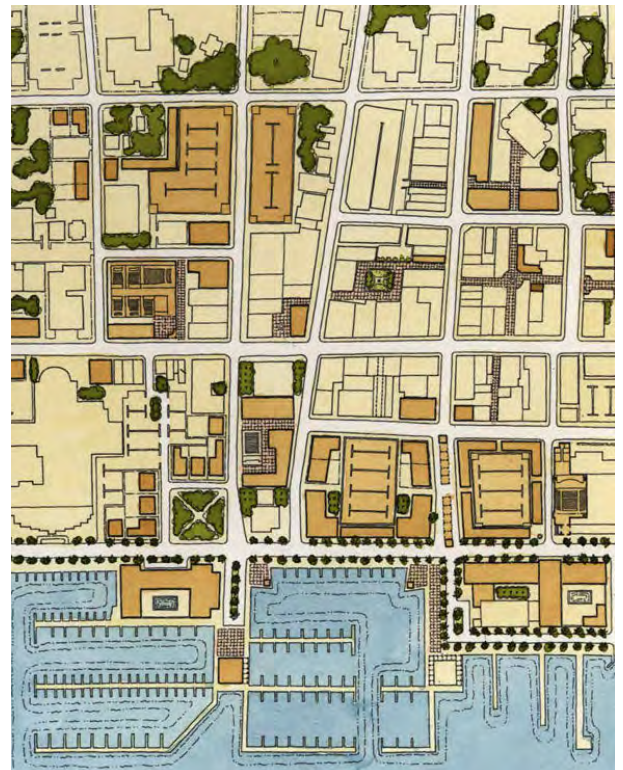
Location:	Fort Myers, Florida
Type:	Downtown Plans
Year Design:	2001, 1986
Status:	Under Construction
Size:	540 Acres
Contact:	Don Paight, Executive Director Downtown Redevelopment Agency

DPZ worked with Genesis Group to complete a master plan for this 540-acre study area in downtown Fort Myers. While the previous master plan, prepared in 1986, had succeeded in spurring reinvestment in the downtown area, the following years saw dramatic changes in the local politics and demographics. To address this new reality more effectively, the City retained DPZ to prepare a fresh and cohesive development program that could be implemented through public and private partnerships.

The DPZ master plan reflects a new way of approaching urban planning and development, one that views the collaboration of public and private actions as a continuous and evolving process that begins months before the design team's efforts and continues for years afterwards. The plan aims to identify general initiatives and specific projects that will maximize private investment while enhancing the public realm of downtown.

The master plan is to be used in conjunction with three separate documents: the SmartCode, the Fort Myers Retail Analysis, and the Downtown Fort Myers Streetscape Plan. The SmartCode is an alternative zoning ordinance that can be implemented as either a replacement to existing ordinances or as an optional alternative to function in parallel with existing ordinances.

The plan reflects 17 specific interventions. These are pilot projects that highlight areas the City should encourage in its efforts to improve the downtown.

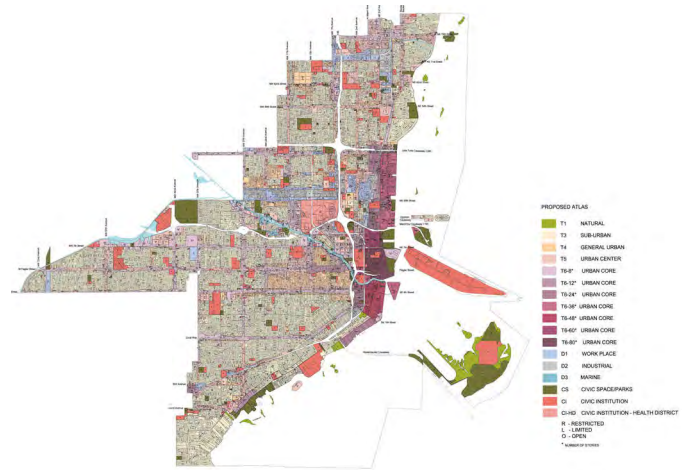


*Visualizations of streetscapes proposed by the Downtown Master Plan.*

## C. OUTLINE OF CONTRACTORS' EXPERIENCE - DPZ

### MIAMI21

Location: Miami, Florida  
Scope and Services: City-wide Zoning Code Overhaul;  
Planning and Land Use, Urban  
Design, Zoning/Coding,  
Transportation/Infrastructure,  
Community Engagement  
Date: 2004 - 2010  
Size: 35 Sq. Miles  
Client Contact: Manny Diaz  
Former Mayor of Miami  
Lydecker Diaz



Responding to Miami's rapid growth, the City's Planning Department commissioned DPZ to embark on an unprecedented mission: a complete overhaul of the City's zoning code with the largest known application of a form based code.

The project name "Miami21" represents the "Miami of the 21st Century" and entails a holistic approach to land use and urban planning, broadening the scope of a traditional zoning code to become a truly comprehensive plan. Miami21 will provide a clear vision for the City that will be supported by specific guidelines and regulations to: address the public and private realm, create a more efficient permitting process, and provide a stable environment for investment.

Miami21 proposes dual yet distinct goals of conservation and development. Conservation goals are intended to preserve neighborhoods and historic site, create sustainable development through green building incentives, conserve energy through green initiatives, improve connectedness for walkability, increase access to natural environments and improve quality of life for residents. Development goals are intended to develop corridors to

function as transit-oriented centers, ensure predictable environment for growth and appropriate development, incentivize LEED and maintain future growth capacity of downtown.

Six elements, in particular, serve as the linchpins in the development of the blueprint: a Form-based Code, Economic Development, Transportation, Parks and Open Spaces, Arts and Culture, and Historic Preservation.

The project was a huge cooperative venture with many public meetings and meetings with the Office of Mayor Manuel A. Diaz, the Office of City Manager Pedro G. Hernandez, the Offices of City Commissioners, the Planning Department, the Office of Zoning, the Department of Economic Development, the Department of Capital Improvements and Transportation, the Office of the City Attorney, the Neighborhood Enhancement Team (NET), CitiStat, the Office of Communications, the Department of Public Works, the Department of Parks and Recreation, and the Department of Code Enforcement.

Miami21 was fully adopted – as DPZ had submitted it – in May 2010.

### Awards

2014 Global Human Settlements Award in Planning and Design, Global Forum on Human Settlements

2014 AIA Institute Honor Award for Regional and Urban Design; The American Institute of Architects

2011 APA National Planning Excellence Award for Best Practice

2010 Driehaus Form-Based Code Award

2010 Paul Crawford Distinction for a Ground-Breaking Code

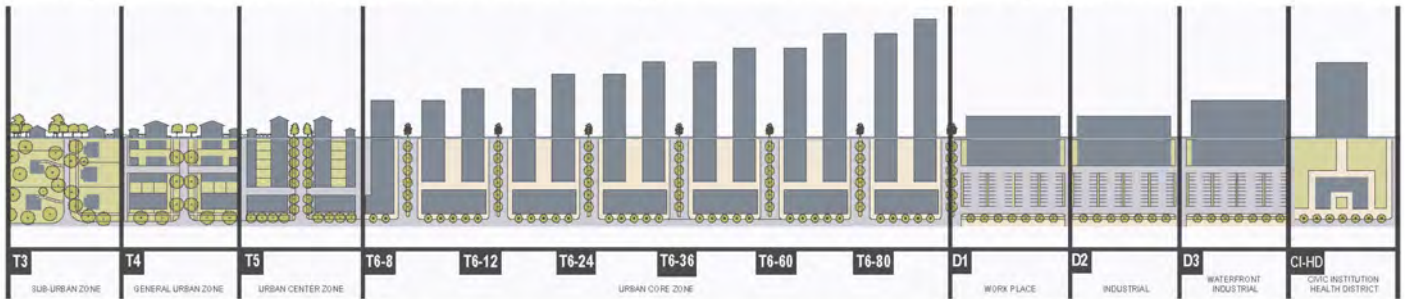
APA FL 2010 Award of Excellence, Best Practices Category



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - DPZ



Goals depicted here: Neighborhood Conservation, Pedestrian Friendly Environment, Economic Vitality, Civic Space Accessibility, Historic Preservation



Miami 21 Transect Zones - Graphic Description



An inactive street can be transformed by removing large blank walls and creating walkable, active streets by bringing buildings closer to the sidewalk with active sidewalk storefronts and frequent entrances.



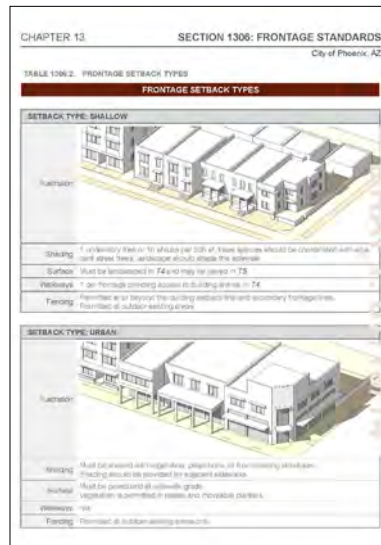
Mixed-use neighborhood corridors with medium densities provide jobs, neighborhood services, live-work options, and transit opportunities—all within walking distance of one another. In this example the transportation corridor goes from just being a way to get to a destination—to a destination in-and-of itself.



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - DPZ

### REINVENT PHOENIX

Location:	5 TOD Districts and Corridors in Downtown Phoenix, Arizona
Scope and Services:	Downtown Revitalization, Urban Infill, Transit-Oriented Development, Form-Based Code; Planning, Urban Design, Coding, Green Infrastructure Planning and Design; Community Engagement
Date:	2013-2014
Size:	Varies
Contact:	Curt Upton, City of Denver, formerly City of Phoenix Planning and Development Department



(Left): Illustration of the new plan proposals; (Middle): Excerpt from the proposed form-based code; (Right): One among a set of several proposed corridor transformations resulting from the form-based code

Beginning in early 2013, DPZ began the design, coding, and implementation plan for five TOD districts located along the existing Metro light rail corridor in the City of Phoenix.

As the prime consultant, DPZ lead a team with over a dozen national and local consultants; the DPZ Team also worked closely with the Gateway Steering Committee representing the local community, the City of Phoenix Planning and Development Department and other departments, agencies and organizations, as well as the City's partners, Arizona State University (ASU), and St. Luke Health Initiative.

The City of Phoenix started the process of defining a new vision for a more livable and equitable development future. The DPZ Team was privileged to be a part of this process and work with the City and its partners to create long-term, sustainable vision and plans for the five TOD Districts, and to help stimulate growth within them while also positively influencing the larger city.

The six main components of this vision include:

- Diverse and Affordable Housing
- Thriving Economic Development
- Green Infrastructure
- Balanced Land Use
- Connected Mobility
- Health and Vitality

The multi-year process included large scale planning, envisioning potential futures and best-use scenarios addressing land-use, transportation, utilities, affordability, and development regulations. The primary goal of DPZ's engagement was a new zoning code addressing land within 1/2 mile of light-rail stations.

Reinvent Phoenix has resulted in a number of small-scale interventions continuing to transform the city, as well as commitment to major thoroughfare reconfigurations now secured through CIP. The TOD code was adopted in July 2015.



### DOWNTOWN KIRKWOOD MASTER PLAN

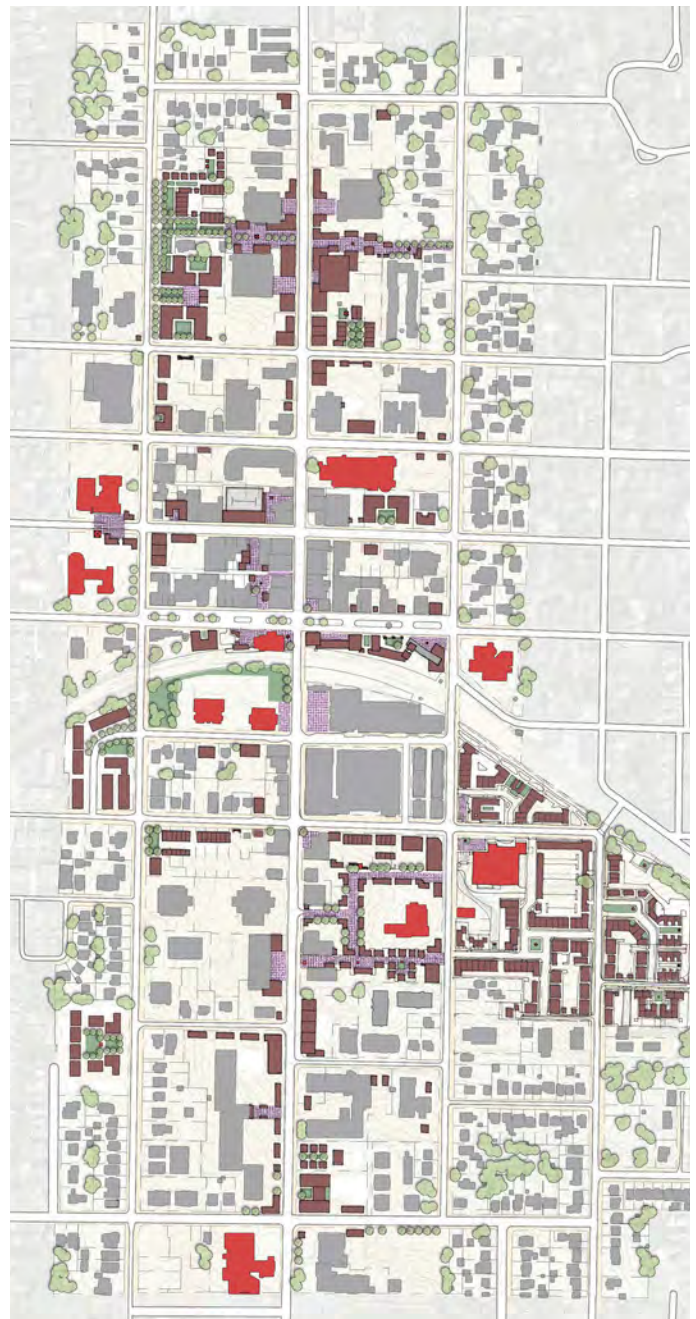
Location: Kirkwood, MO  
 Type: Master Plan  
 Status: Design / Adopted  
 Size: 275 Acres  
 Contact: Jonathan Raiche  
 City of Kirkwood

DPZ was commissioned by the City of Kirkwood, Missouri to do a downtown Master Plan and Parking Study. A full study of existing conditions, zoning regulations, potential development sites, demographics, and a complete market potential analysis was undertaken. These studies informed a week-long public charrette held in October 2017 in which a consensus downtown master plan was drafted. The Master Plan recommendations and proposed changes to the Zoning Code were approved in 2018.

Following a recent Comprehensive Plan and based on a series of analyses looking at the zoning code, parking, and market helped shape the overall master plan. The master plan identified strategic locations for redevelopment opportunities and proposed methods for stitching the downtown fabric back together again.

Rebuilding the historic block structure, defining pedestrian priority streets, identifying parking strategies were key in the implementation of the downtown master plan for Kirkwood. Additionally, new building types were proposed that were missing from the region, due to constraints in zoning. These building types along with small revisions to the zoning code will allow residents to remain in the city as they age.

The master plan, while designed over private property, provided a unified vision forward for the city which residents and the city can utilize as they move forward in the redevelopment of their downtown.



Full build-out plan



A cross-block pedestrian passage



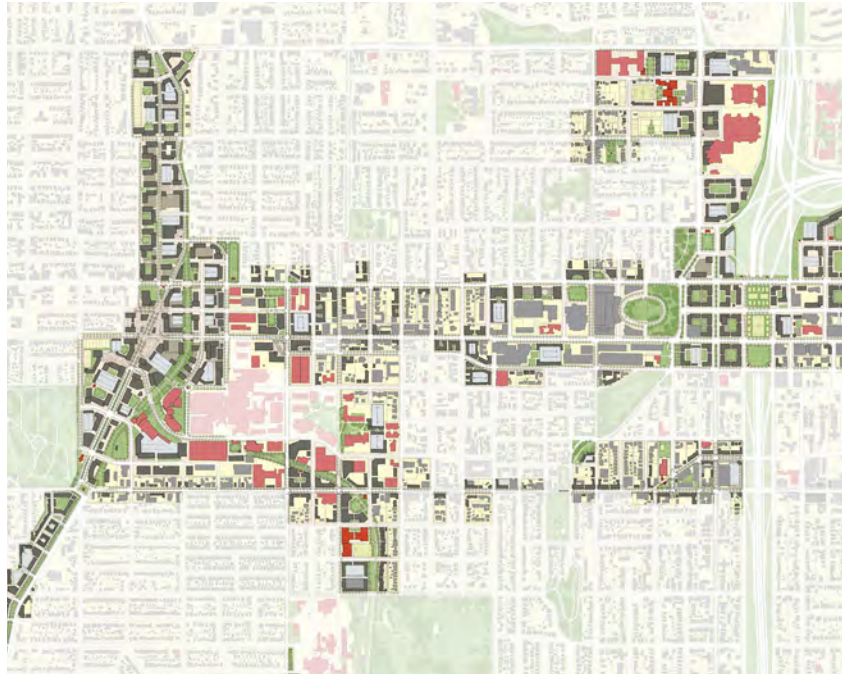
Visulaization of the code proposals



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - DPZ

### MIDTOWN OMAHA 2050

Location: Omaha, Nebraska  
Scope and Services: Midtown Development Vision and Master Plan;  
Planning, Urban Design, Preliminary Coding, Community Engagement  
Date: 2016  
Size: ~5 Square Miles  
Client Contact: D.J. Thayer, Executive Director, International & Domestic Business Affairs



Midtown Vision 2050 – comprising 5 square miles of Omaha that stretch from downtown to Dundee, generally extending from 20th Street on the east to 48th Street on the west, and from Center Street on the south to Cuming Street on the north – serves as a framework for Midtown Omaha's growth, as shepherded by a new nonprofit group led by some of the city's largest employers in collaboration with DPZ. The planning proposals are aimed towards maximizing Midtown's potential by connecting its existing corporate and university campuses and neighborhoods, and filling in the gaps between them with new development designed to complement each other and support an urban lifestyle.

A main component of the plan is the introduction of a modern streetcar line down Farnam Street that would connect midtown, downtown and the riverfront. The plan envisions the establishment of neighborhood nodes with shops, restaurants, and offices sensitively transitioning to residential areas. Proposals also include the conversion of many one-way streets in the area to two-way traffic, as well as the narrowing of other overly-wide

streets and the addition of bike lanes and wider, pedestrian-friendly sidewalks. Last but not least, the plan also recommends revisions to city zoning regulations to create better design standards and more cohesive neighborhoods.

"Midtown Vision 2050 is a visionary plan that guides growth and redevelopment in midtown Omaha for the next several decades," said Ken Cook, chairman of Midtown 2050's board. Midtown 2050 is backed by Mutual of Omaha, the University of Nebraska Medical Center, Nebraska Medicine, Kiewit Corp., Creighton University, the philanthropic nonprofit Heritage Services, and the Midtown Neighborhood Alliance.

Midtown 2050 considers a more robust redevelopment of midtown as crucial to metropolitan Omaha's economic progress. Not only would it generate more activity and tax revenue in a half-empty part of the city's urban core, but it would be vital to attracting talented young employees and entrepreneurs.

### DOWNTOWN WEST PALM BEACH

Location: West Palm Beach, Florida  
Scope and Services: Downtown Master Plan and Form-Based Code;  
Planning, Urban Design, Coding, Community Engagement  
Date: 1993  
Size: 700 Acres  
Client Contact: Dana Little, Urban Design Director  
Treasure Coast Regional Planning Council



This revitalization plan for the 700-acre area of downtown West Palm Beach was a collaborative process and involved twenty-two improvement initiatives that were underway before the April 1993 charrette began. The goal of the initial effort was to bring these disparate projects together and place them within a coherent context. The resulting master plan reinforces the unique character of each of the downtown neighborhoods, districts, and corridors; supports the improvements underway; describes additional improvements required to fight deterioration; and provides strategies to inspire confidence in a healthy urban fixture. Each action proposed by the plan is related to the following six strategies, produced during the planning process:

1. reinforce the identity of each neighborhood, district, and corridor,
2. balance vehicular and pedestrian comfort on downtown streets,
3. focus retail growth by area and type,
4. provide a regulatory framework for physical predictability,
5. encourage housing downtown,
6. identify sites for future civic buildings

The new code is simple and succinct. It promotes small-scale, incremental growth. The coding of buildings is based on building type rather than on an abstract floor-area ratio. In conjunction with the regulating plan, the height and physical configuration of a building is described in advance. The code and master plan have been adopted and are in the process of implementation. Immediate successes have been the rebirth of Clematis Street and the development of City Place. Both projects hinged on zoning ordinance changes introduced by the master plan. New projects based on the DPZ plan include a performing arts center and a library.



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - DPZ

### ALBUQUERQUE CENTRAL CORRIDOR TOD PLANNING STUDY

Location: Albuquerque, NM  
Type: TOD  
Status: Planning Study  
Size: 1500 Acres +/-  
Contact: Susan Henderson  
Principal Town Planner



Downtown Albuquerque and EDo comprise downtown Albuquerque but are divided due to a rail line splitting the two down the middle. A master plan was done to bridge the two neighborhoods and allow them to support one another rather than compete against each other.

Central Avenue, the main east west spine, has several opportunities for development including activating the ground floors to provide a consistent, comfortable pedestrian experience. Development on the west is primarily revitalization opportunities around future transit stations while the east side (East Downtown) has become the tech hub of Albuquerque. This has increased interest in some of the surrounding underutilized parcels as potential infill opportunities.

The rail line which runs north/south and is the physical divide between the Downtown on the west and East Downtown has numerous underutilized parcels along it and with Innovate ABQ reinvigorating the neighborhood there are unique opportunities for small-scale develop-

ment along some of the vacant sites, facing the rail line. Some of this development would otherwise be unrealistic, by virtue of the size and scale. The rail line is an amenity to be capitalized on with development fronting it. Envisioned to be an arts district with restaurants and outdoor seating along the promenade with the potential to include a BRT within the underutilized right-of-way, tying Downtown to Old Town through a transit loop. The rail line provides the opportunity to stitch the core of the city back together.

During the workshop, all of the in-progress development projects and many of those parcels highly likely to develop were analyzed and illustrated with the Integrated Development Ordinance (IDO) metrics. Innovate ABQ alone projects approximately 600,000 square feet of new development across office, research, institutional, retail, hospitality, and residential uses, including nearly 400 student units. Outside of Innovate, approximately 800 residential units and 800,000 square feet of new non-residential development is possible.



Water St station in EDo

### DOWNTOWN SARASOTA

Location: Sarasota, FL  
Type: Downtown Master Plan  
Date: 2000 (Completed in 2001)  
Contact: Peter Katz  
Director of Smart Growth/Urban Planning  
Sarasota County, FL

The Downtown Sarasota Master Plan was prepared by DPZ in conjunction with Cardinal Carlson + Parks, Hall Planning & Engineering and James Moore, in collaboration with the Sarasota CRA.

The Master Plan draws upon earlier plans for the downtown, including those of 1986, 1983 and John Nolen's plan of 1925.

This version's main contribution is an increase in precision, the assignment of priorities and the provision of tools for implementation - specifically a new form-based code. Since Sarasota is a relatively young city, the Master Plan and code will provide the guidance and discipline needed to bring the city into a period of graceful maturity.

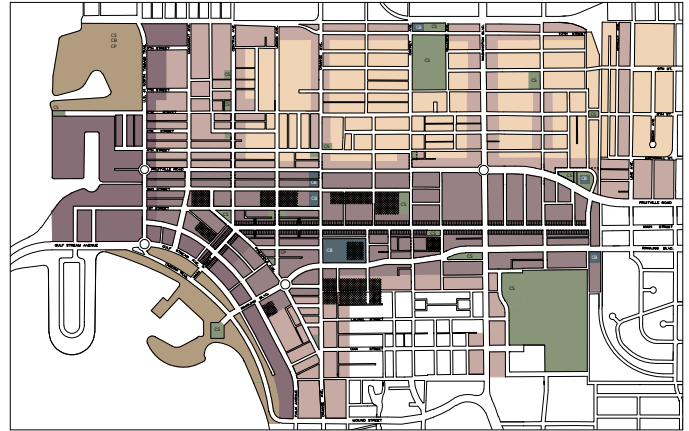
Major themes in the new plan included:

- Connecting the downtown to the bay front
- A system of walkable streets
- A balanced transportation system
- Walk-to-town neighborhoods
- Civic improvements
- Strategic, pragmatic implementation

To realize the city's motto, "A city of urban amenities with a small town feeling," it is necessary to create an urban downtown proper surrounded by small town neighborhoods. The study area of this plan includes the three inner-city neighborhoods, Rosemary, Gillespie Park and Park East, recognizing that together with the downtown proper they form an integral part of the pedestrian experience and must be conceived of as a single sector.

By designating each of the city's streets either 'A,' pedestrian-oriented, or 'B,' auto-oriented, based on what currently exists, the Master Plan provides a guide for future growth.

Sarasota will be able to fulfill the potential of its existing street network, creating a cohesive and functional system that facilitates vehicular movement and at the same time creates a viable and pleasant system for pedestrians and bicyclists.



The Form-based Regulating Plan



Street standards were prescribed to encourage street-level activity such as retail and restaurants; sidewalk design specifically allowed spillover dining, creating a dynamic urban environment.



The form-based code created a wider mix of urban residential uses in downtown, including condominiums, apartments, townhouses and courtyard homes.



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - DPZ

### DOWNTOWN DORAL

Location:	Doral, Florida
Type:	Downtown redevelopment. Sprawl Repair Urban Infill
Date:	2005
Status:	Under Construction
Size:	120 Acres
Contact:	Anna Codina Barlick, Codina Partners



By revamping an out-of-date office park into a high-density, mixed-use development, the Downtown Doral project will provide the City of Doral with a central business and civic district. The City, which was independently incorporated in 2003, initially grew as a series of disparate parcels that included a world renowned golf club, isolated subdivisions, shopping centers, and a warehouse district. It never had a pedestrian-oriented core.

Responding to the City's growing population and need for an identifiable center, Armando Codina, now with Flagler Development Group, hired Cooper-Carry's Atlanta office to initiate a design for the conversion of a former industrial and office zone into a mixed-use downtown neighborhood. In August of 2005, DPZ was brought on board to conduct a charrette to refine the plan and draft the code documents.

Downtown Doral will replace one million square feet of office space with 2,840 residential units, over 1 million square feet of commercial space---including 180,000 sf of retail and 400,000 sf of new class "A" office space -- and civic features such as an elementary school, a library and a new City Hall. The current municipal cen-

ter is housed in one of the existing office buildings. The master plan preserves the existing public rights-of-way and underground infrastructure, yet introduces new structures, thoroughfares and public spaces. All of the streets will be scaled for the pedestrian, with high-density condominium towers rising above a steady podium of residential and retail uses that screen mid-block parking structures. All the main thoroughfares shall be lined with ground floor shops and/or townhouses.

A main feature in the Cooper-Carry design, a broad linear park called the Paseo Doral was reinforced in DPZ's charrette plan. The Paseo's greenway is on a cross-axis with Downtown Doral's new Main Street and is framed by townhouses in a manner reminiscent of Boston's Commonwealth Avenue. The plan also features a 4-acre City Park overlooked by the site for the new library. DPZ's regulating plan, urban regulations and thoroughfare standards were approved by the City in 2006 as part of a special downtown district zone. Together, these documents will dictate the size and placement of Downtown Doral's buildings. Construction is underway for the first residential tower by Perkins + Will.





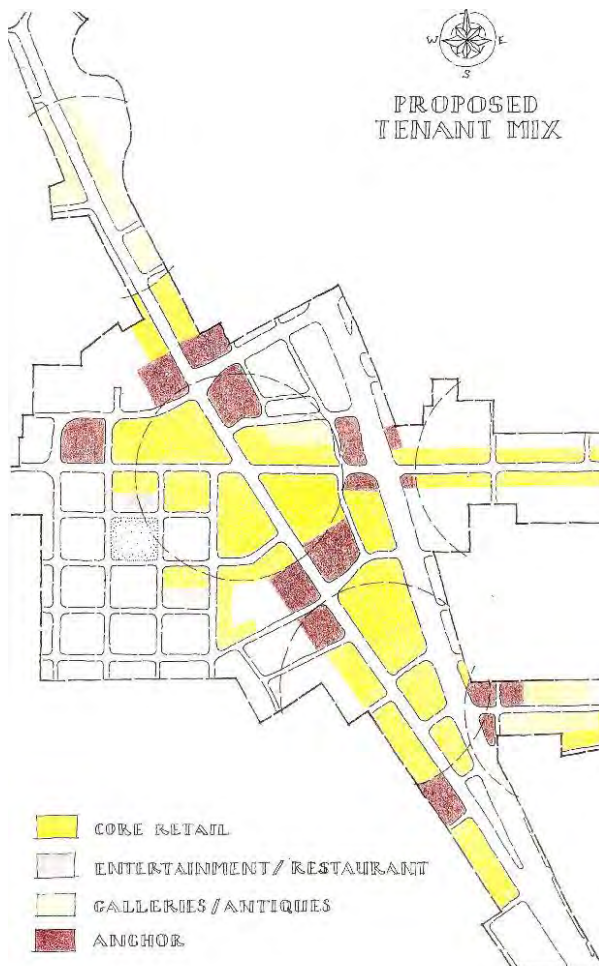
## C. OUTLINE OF CONTRACTORS' EXPERIENCE - GIBBS PLANNING GROUP

### Gibbs Planning Group

Urban *intelligence*

### EXPERIENCE

2016 Master Plan, Birmingham, Michigan



With the completion of a massive regional mall in the near vicinity, downtown Birmingham, Michigan was feeling the pressure of changing retail/shopping trends. The City decided to commission a planning study in an effort to nurture and enhance future downtown growth.

GPG, with McKenna Associates and Duany Plater-Zyberk, was hired to develop a downtown master plan. The team held a week-long Charrette in downtown Birmingham and conducted a series of public meetings and presentations while designing the City's future *in public*. From viable retail expansion quantities to proposals for mixed-use "liner buildings" to conceal parking decks, the planning study was comprehensive. The plan was approved by the City, and many of the recommendations, such as a renovated central city park and traffic calming measures in the North Woodward gateway are continually in the process of being implemented.

*Principal: Robert Gibbs*

*Client: City of Birmingham, Michigan*

*Contact: Jana Ecker, Planning Director*

*PO BOX 3001*

*Birmingham, MI 48012-3001*

*Tel: (248) 530-1090*

*Email: [jeckerplanner@mainlink.net](mailto:jeckerplanner@mainlink.net)*





## C. OUTLINE OF CONTRACTORS' EXPERIENCE - GIBBS PLANNING GROUP

### Gibbs Planning Group

Urban intelligence

### EXPERIENCE

The Grosse Pointe Communities, Michigan

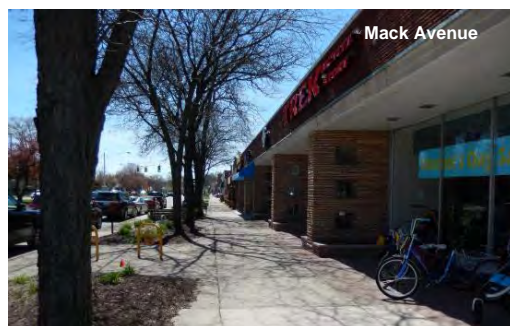


The Grosse Pointe Chamber of Commerce, with the cooperation of the five municipalities that make up Grosse Pointe, commissioned Gibbs Planning Group (GPG) to do a study of the community from a commercial, retail and restaurant perspective.

GPG conducted market studies for the four major commercial areas servicing the Grosse Pointes: Mack Avenue from Alter Road on the west to just past 8 Mile Rd./Vernier Rd., and three primary shopping areas along Kercheval Rd. commonly referred to as "The Park, The Village and The Hill." Exceptional public services, schools and parks, combined with several private clubs and four unique commercial areas, amount to a high quality of life enigmatic of the Grosse Pointes' metropolitan reputation.

GPG found that adding to the critical mass of retailers and restaurants in the four study areas could increase vibrancy in the commercial districts and further economic development within each study area as they evolve into desirable, mixed-use, urban places. The trade area demographics represent a pent up market for traditional main street commerce, furthering the potential for sustainable retail development. Leading categories of supportable retail growth are grocery stores, restaurants, pharmacy and department store merchandise.

The four study areas could presently support up to 563,200 additional sf of retail and restaurant development, generating as much as \$164.1 million in new sales. By 2021, household income growth could increase the total captured sales to \$172.4 million. Demand could partially be absorbed by existing businesses and/or with the opening of 165 to 225 new restaurants and



Client: Grosse Pointe Chamber of Commerce  
Contact: Jennifer Palms Boettcher, Executive Director  
63 Kercheval, Suite 16, Grosse Pointe, Michigan 48236  
Tel: (313) 881-4722  
Email: [jboettcher@grossepointechamber.com](mailto:jboettcher@grossepointechamber.com)



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - GIBBS PLANNING GROUP

### Gibbs Planning Group

Urban intelligence

### EXPERIENCE

DOWNTOWN RETAIL ANALYSIS, Holland, Michigan



#### 2014

GPG conducted a retail analysis for the City of Holland's Downtown. While historic charm, stable employment and exceptional infrastructure make downtown Holland a desirable location for local, regional and national retailers, the study proposed that just beyond some densely developed blocks, several advantageously located sites are suitable for infill or redevelopment.

A steadily increasing population in a fast-growing region, coupled with strong tourism and events, positions Holland for new commercial development to complement the existing supply of successful retailers and restaurants. GPG's market study identified and quantified the retail demand generated by residents, workers, students and a year-round supply of tourists, ultimately discovering opportunities for existing retailers to expand their presence or for new retailers to enter the market. Adding to the critical mass of retailers and restaurants downtown can further the broad appeal to tourists and contribute to increased expenditure within the downtown development district. Leading categories of supportable retail growth are restaurants, department store merchandise, apparel, furniture and jewelry.

GPG offered guidance in marketing and distributing the study, as well as equipping the DDA with a list of potential tenants to fill the retail gaps, and consequently, property owners have fully embraced the study.



Principal: Robert Gibbs  
Client: City of Holland  
Contact: Dana Kollwehr, Downtown Manager  
44 West Ninth Street, Holland,  
Tel: (616) 928-0676  
Email: D.Kollwehr@cityofholland.com



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - GIBBS PLANNING GROUP

**Gibbs Planning Group**

*Urban intelligence*

**EXPERIENCE**

**HISTORIC DOWNTOWN NAPLES, Florida**



GPG first teamed with Duany Plater-Zyberk Architects (DPZ) in 1995 to develop a master plan that would turn downtown Naples into a more vibrant mixed-use city center. GPG discovered a significant pent-up demand for upscale residential, office, shopping and dining in the region. The demand was being suppressed by a lack of parking, local zoning codes and little incentive for property owners to redevelop. Naples elected to increase downtown density, building heights and its commercial area, and to attract more diverse retail and restaurants into the downtown areas.

Another market analysis was conducted in 2010, which made the following recommendations to enhance Fifth Avenue's commercial sustainability:

- Implement a Business Improvement District or similar for improved business retention, new business recruitment, expanded marketing and central management.
- Improve landscape lighting, parking design, and streetscape amenities.
- Expand marketing to include all local and national businesses (the website and publications list only association members).
- Conduct parking meter beta test to measure effectiveness of improved shopper parking in relation to retail sales.
- Encourage more outside dining areas and live entertainment for restaurants.
- Encourage business employees to park in parking garages by increasing the rate of on-street parking, by implementing a progressive parking ticket policy.
- Temporary pop-up stores in key locations/ vacant storefronts.

*Principal: Robert Gibbs*

*Client: Fifth Avenue South Business Association*

*Contact: Lou Vlasho, Property Owners' Steering Committee  
700 Fifth Avenue South, Naples, Florida 34102*

*Tel: (239) 659-0040*

*Email: louvlasho1@comcast.net*



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - JACOBS

### Butler Township, OH Butler Township Miller Lane and North Dixie Drive Plan

Butler Township,  
Montgomery County, OH

**Owner:**

Erica Vogel  
Township Administrator  
evogel@butlertownship.com

Butler Township, OH  
8524 North Dixie Drive  
Dayton, OH 45414  
937.898.6735

**Brief Description:**

Land Use Planning

Data Collection and Analysis

Wayfinding

Transportation Planning

Zoning

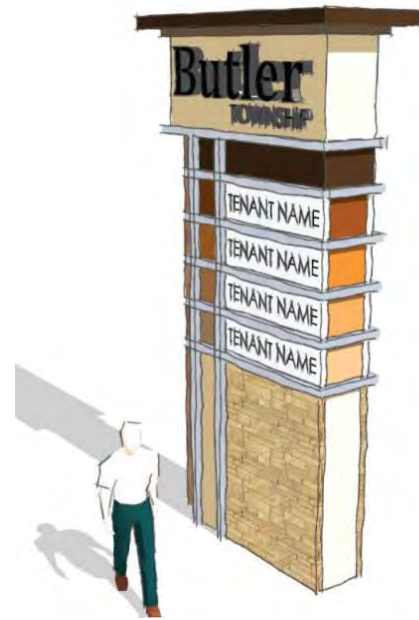
Redevelopment Strategies

Streetscapes

Access Management

**Project Duration:**

2013 - 14 Months



Butler Township retained Jacobs to prepare a comprehensive plan and land use strategies for the primary retail area bordered by I-75 to the east, Little York Road to the north, North Dixie Drive to the west and Benchwood Road to the south. The need for this plan was driven by several factors including: the closure of an interchange on I-75 at Little York (north), the opening of a new interchange at Benchwood Lane (south) and decades of piecemeal, uncoordinated development resulting in severe disinvestment in the northern portion of the study area.

This plan analyzed existing conditions including land use, utilities, transportation linkages, gaps in goods and services and established a detailed vision and goals for the preservation, development and redevelopment of this important commercial shopping destination in the greater Dayton region.

The study area was divided into 10 policy areas, each exhibiting unique characteristics for which future policies and implementation strategies were established. Key to this effort was the establishment of sustainable land use patterns, a wayfinding, streetscape and gateway signage program to cohesively identify and tie together the individual policy areas.

Recommendations ranged from maintaining and protecting certain policy areas and structures to a complete revised vision for other areas which included the establishment of a mixed use, high density, Town Center main street concept to attract new residents and smaller service and retail types businesses – a niche missing in this region.

Deliverables include a comprehensive plan including recommendations for land use, zoning, streetscapes, transportation and wayfinding signage.

The plan was unanimously adopted by the Township Planning and Zoning Commission and the Township Trustees in April, 2013. Construction of wayfinding signage began in early 2014.

## C. OUTLINE OF CONTRACTORS' EXPERIENCE - JACOBS

### **Downtown Amarillo Inc. Downtown Amarillo Parking Study**

**Amarillo, TX**

**Owner:**

Downtown Amarillo, Inc.  
801 S. Fillmore, Ste. 205  
Amarillo, TX 79102  
806.640.4406

**Brief Description:**

*Parking Study  
Transportation Planning*

**Project Duration:**

2012



In order to make ensure that downtown's future parking needs and concerns are fully identified, Jacobs was hired by Downtown Amarillo, Inc (DAI) to conduct a parking study encompassing a 45 block area in Amarillo Texas. The study entailed a four step process including:

1. Assembling existing conditions information including GIS data and base mapping, identification of public and private parking facility players, summarizing previous parking studies, identification of public and private parking facility locations (both on and off street), identification of public transit routes and stop locations, and a summary of zoning regulations that affect downtown development;
2. Conducting an analysis of existing on and off-street parking areas and layouts including the identification of the number of parking spaces and determining parking occupancy/utilization counts as it relates to existing land use patterns;
3. Establishing strategies and alternatives for identified parking needs as it relates to current and future land uses which included, but were not limited to: identifying deficiencies that may exist in the current parking system, evaluating opportunities to better utilize parking through reconfiguration, offsetting demand through various parking demand strategies, investigating joint or shared parking opportunities, the potential establishment of new parking areas and identifying changes that are recommended to be made in the zoning code with respect to required parking.
4. Preparing a final study and recommendations which will enable DAI to: understand current and future parking conditions in the downtown area; determine if and where parking issues currently exist and identify methods for minimizing them, understand the impact of expected future development on downtown parking, understand if additional parking capacity is needed and where it may be needed, and understand alternative ways to better utilize existing parking systems downtown.

## C. OUTLINE OF CONTRACTORS' EXPERIENCE - JACOBS

### Chicago Streets Cycling Plan 2020

#### Client

Sam Schwartz Engineering  
505 North LaSalle Drive  
Suite 300  
Chicago, IL 60654

Chicago Department of Transportation  
30 North LaSalle Street  
Room 500  
Chicago, IL 60602

#### Contact

Mark de la Vergne  
Sam Schwartz Engineering  
773.305.0800

Mike Amsden  
Chicago Department of Transportation  
312.742.2973

#### Services

- Planning
- Traffic Analysis
- Conceptual Design

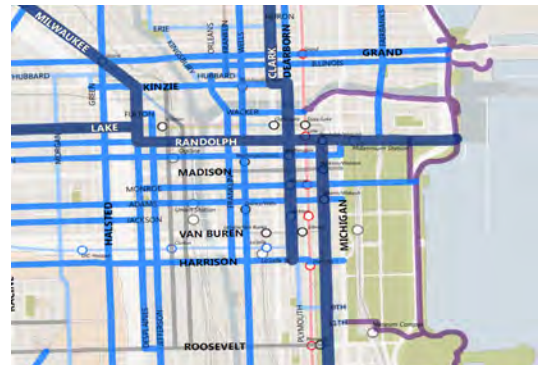
**Project Completion**  
2012

#### Cost

Contract Value: \$40K

#### Key Personnel

- John Wirtz  
Project Manager



Chicago's Streets for Cycling 2020 Plan recommends a 645-mile network of bike facilities for innovative treatments with the goal of making all Chicagoans feel safe bicycling on the city's streets.

Jacobs teamed with Sam Schwartz Engineering to plan the future bikeway network by identifying gaps in the existing bicycle system, opportunities for improvement, and implementation challenges. The network was divided into three types of routes:

- Spoke Routes (60 miles) – Seven bicycle priority corridors radiating in all directions from downtown, with protected bike lanes and buffered bike lanes as the preferred design treatment, colorized pavement, and extra branding effort.
- Crosstown Bike Routes (275 miles) – Major through streets with protected bike lanes and buffered bike lanes as the preferred design treatment.
- Neighborhood Bike Routes (310 miles) – Local streets with neighborhood greenways as the preferred treatment. Neighborhood greenways would prioritize traffic control for the bike route and use traffic calming to reduce automobile speeds and volumes.



Jacobs is responsible for the route planning in three of the nine city sub-regions, including the central business district. We developed a methodology to rate and prioritize individual corridors based on factors such as existing bike commute mode share, population density, proximity to destinations (transit, schools, parks), and network connectivity. We also performed design review of concept geometry and traffic analysis for the West Side Boulevards corridor, and assisted with Community Advisory Group and public meetings. Jacobs is currently working on design and implementation of the project through a separate contract.

### Webster University, MO Parking Analysis and Projection Strategy

#### Owner:

Webster University  
470 East Lockwood Ave.  
Webster Groves, MO  
314.981.9801

#### Brief Description:

*Parking Usage and Master Planning*

#### Project Duration:

2010



As part of the Webster University Master Plan Update, Jacobs collected data on existing parking usage across the campus and anticipated future parking needs for the campus. This included parking in a garage, multiple lots, and on street parking. Parking lot counts were used to determine the usage of the parking lots and recommend a program to manage the parking needs across the campus. Recommendations were also provided for future parking locations and options to accommodate anticipated future growth on the campus.



## C. OUTLINE OF CONTRACTORS' EXPERIENCE - JACOBS

### Milwaukee Avenue, Logan Boulevard to Belmont Avenue - Phase I and II

#### Client

Chicago Department of  
Transportation  
30 North LaSalle Street, #400  
Chicago, IL 60602

#### Contact

Mr. Nathan Roseberry  
312.744.5936

#### Services

Topographic Survey  
Geotechnical Analysis  
Concept Design  
Complete Streets Design  
Traffic Analysis  
Traffic Modeling  
Landscape Architecture  
Street Lighting Design  
Structural Design  
ADA Ramp Design  
Contract Plan Development  
Contract Specifications  
Cost Estimating  
Stakeholder Outreach

#### Project Completion

2017 to Present

#### Cost

Contract Value: \$1.55 M  
Construction Cost: ≈\$20 M

#### Key Personnel

Chad Hammerl – *Project Principal*  
John Wirtz – *Project Manager /*  
*Project Engineer*  
Craig Jakobsen – *Lead Civil*  
*Engineer*

#### Subconsultants

AAA Engineering – Lighting Design  
Altamanu – Landscape and  
Streetscape Design  
Blue Daring – Stakeholder  
Outreach  
DB Sterlin – Topographic Survey  
Quality Counts – Traffic Counts  
Sam Schwartz – Phase I Design  
Wang Engineering – Geotechnical  
Analysis

CDOT previously completed a Phase I Project Development Report (PDR) for eight miles of Milwaukee Avenue from Grand Avenue to Jefferson Park in 2003, an Addendum to the PDR in 2006, and has since reconstructed four segments of Milwaukee Avenue moving from northwest to southeast. However, in the time since the PDR and its Addendum were approved, CDOT has adopted a more concentrated focus on developing complete streets design solutions that consider the needs of all roadway users.

Simultaneously, in 2012, a group of Logan Square neighborhood residents began reimagining the design of the streets surrounding the Square, including rerouting Milwaukee Avenue around the Square to create a single park space, and realigning Kedzie Avenue to the west of an existing transit terminal to create a large new public plaza adjacent to businesses and restaurants on the east side of Kedzie Avenue. This group referred to their concept as the Bicentennial Improvements Plan.



**Logan Square Concept 4 – “The Bend”**

CDOT selected Jacobs to reevaluate the previous Phase I study for a 1.3-mile segment of Milwaukee Avenue between Logan Boulevard and Belmont Avenue, including a once-in-a-generation opportunity to redesign the roadways surrounding Logan Square. We began by meeting with local elected officials, assembling a project study group comprised of key local stakeholders, collecting data, and hosting a public meeting to discuss existing conditions in the study area. The data collection effort included a unique origin-destination study using data from mobile devices provided by Streetlight, and multiple parking observations on different days and times to analyze utilization.

Jacobs developed four concepts for the design of Logan Square and two for Milwaukee Avenue that were presented at a second PSG and Public Meeting.

- The Logan Square design concepts included a minor change option, a “traffic oval” option similar to the design proposed by the resident-generated Bicentennial Improvement Plan, a two-way option that keeps Milwaukee Avenue through the Square and Kedzie Avenue in its existing location, and a two-way option that “bends” Milwaukee Avenue around the north and east sides of the square instead of going through the Square.
- The Milwaukee Avenue design concepts included one option for additional complete streets improvements such as dashed bike lanes and curb extensions to improve pedestrian crossings, and one option that would narrow the roadway and remove parking to provide fully separated bike lanes.

All concepts were compared for impacts on public spaces, historic integrity, pedestrians, bicyclists, transit users, traffic operations, parking supply, and constructability.



**MCKENNA**

Communities for real life.

What we did:

### PLANNING

Parks and Recreation  
Public Engagement

# Parks & Recreation Master Plan

CITY OF BIRMINGHAM, MICHIGAN

The City of Birmingham is one of Michigan's premier communities, and part of its reputation and tradition of excellence is its longstanding commitment to world-class parks design and recreation provision. The City engaged McKenna to prepare a rewrite of its Parks and Recreation Master Plan, which—in Michigan—is the basis for access to State and other grants and loans for acquisition, design, and development of parks. Additionally, the Parks and Recreation Board wished to reexamine its overall planning priorities, as well as specific plans for each of its 26 parks, which cover more than 230 acres or 10% of the City's total acreage.

McKenna designed a robust public engagement program; City leaders had desired to extensively engage residents, who are extremely passionate about Birmingham parks. Throughout the multi-pronged engagement process, which included a "Field Day" at the Fall Harvest Farmer's Market, a comprehensive online and paper survey, key stakeholder roundtable discussions, and public presentations, a significant number of residents indicated that the parks and recreation programs were key to their choosing to invest and stay in Birmingham.

McKenna's beautifully-designed, easy to interpret Parks and Recreation Master Plan document included all information required by the State, as well as best practice and strategic recommendations on features that the City wished to investigate for future development, including restrooms in public parks, green stormwater handling, and other special planning topics.

City leaders are highly satisfied with the process and resulting document, and are incorporating the plan features into their other robust planning and design priorities city-wide for a comprehensive, coordinated program of community planning and design excellence.







**MCKENNA**

Communities for real life.

What we did:

**PLANNING**

Master Planning

Downtown Planning

Neighborhood Planning

Public Engagement

# Sustainable Rochester Plan

CITY OF ROCHESTER, MICHIGAN

Rochester, one of Michigan's premier medium-sized cities located north of Detroit, is surrounded by fast-growing communities—and thus has been subject to extreme development pressure. Rochester's walkability, vibrant downtown, and traditional neighborhoods have made it the center of this highly attractive suburban area in metro Detroit.

The City's recently updated Master Plan identified a number of "potential intensity change areas"—sites likely to redevelop in the near future. Rochester experienced a building boom of mixed-use and residential development in its downtown consistent with the Master Plan. However, City leaders saw the need to gain a thorough understanding of the impact each of these projects would have on the character of the community, as well as impacts on the community's natural, historic, and man-made systems.

Rochester engaged McKenna to develop a sustainability tool that would establish key measurable indicators. McKenna analyzed and developed 20 Rochester-specific indicators including tree coverage, traffic, parking, stormwater, and financial impact. McKenna's analysis included a determination of the baseline for each indicator; then, working closely with the Interdisciplinary Working Committee through a robust public process, McKenna developed optimal levels for each indicator based on the objectives of the Master Plan. The McKenna team developed a scoring system, on which each new development is scored—ensuring that future development is sustainable and consistent with the established and envisioned character of the community. In addition, the City appointed McKenna to its Sustainability Directorship.

Rochester leaders are highly satisfied with the Sustainable Rochester process and resulting sustainability tool, and have directed McKenna to incorporate the program into the development review process for a comprehensive, coordinated approach to community planning and design excellence.





Communities for real life.

What we did:

## PLANNING

Transportation Planning  
Public Engagement

# Eton Road Corridor Plan

BIRMINGHAM, MICHIGAN

The City of Birmingham was confronted by redevelopment proposals for an area of the City located along Eton Road between Maple and Lincoln which was perceived by the private market to be underdeveloped. The area contained a variety of uses, most commonly older industrial. The City judged redevelopment proposals to be premature without a land use and transportation plan first in place and retained McKenna to create a master plan to guide the transformation.

As part of the process, McKenna developed a master plan amendment to set the vision for the area and a zoning ordinance amendment to implement the recommendations of the plan. The plan resulted in a vision for a mixed use corridor with a range of commercial, service, light industrial and residential uses. The plan called for high quality, cohesive development, compatible with existing uses in the corridor and adjacent single-family neighborhoods.

The area has since redeveloped according to the Eton Road Corridor Plan, which included detailed implementation, marketing, and design guidelines. Major features of the process included community input, a visioning workshop which employed a development potential map, and a land use and transportation evaluation matrix.

As a result of the plan, more than 300 residential dwelling units were built and five industrial buildings revitalized for a variety of uses in the Eton Road corridor. The area transformed from a first-generation industrial area to a vibrant, mixed use area in the decade following the adoption of the plan.



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## D. SCOPE OF WORK

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## D. SCOPE OF WORK - INTRODUCTION

Our team has long standing relationships and a history of highly collaborative project execution. This is key to keep in mind while reviewing the work plan. Tasks specified are highly dependent upon each other and touch many hands within the team. No one team member has all of the answers; we gain insight through collaborative cross-over, engagement with stakeholders, and consultation with area experts. In order to facilitate this relationship, we will ensure close coordination between DPZ, GPG, McKenna, and Jacobs during the collaborative charrette and for the duration of the full project cycle.

The following approach is prepared prior to direct discussion with the City of Birmingham. Therefore it makes assumptions based on our understanding of the scope and may be refined as the project moves forward in order to meet the City's expectations. We envision execution of specific tasks to occur within bursts of overlapping activity, as identified in the project time frame (Section E). Our team will be available according to the proposed time frame. The majority of tasks outlined below are related to others and cross boundaries of team members. We have found over decades of working on projects similar to this one that huddling cross-disciplinary expertise and immediate analysis and feedback on proposals is the best path to success. Organizing our work with a focus on the Charrette is key to achieving this.



*DPZ Charrette and Public Engagement during a Charrette held in the City of Pontiac, MI*

## D. SCOPE OF WORK - (I) COMMUNITY ENGAGEMENT PLAN

### Community Engagement Understanding

The DPZ Team is experienced in all forms of public outreach and engagement techniques. Our blend of national and local experts will ensure the community engagement plan not only encompasses appropriate and innovative techniques but also is manageable, properly resourced, and accounts for any regional sensitivities.

Our team has proven success in appropriately and comprehensively engaging Birmingham residents - both in the prior Birmingham 2016 Plan preparation and more recently during the Parks and Recreation Master Plan process. For this initiative we understand that Birmingham is again desirous of an inclusive, comprehensive community engagement approach for the master planning effort and that Birmingham residents are engaged, highly educated, and passionate about local opportunities and constraints.

The type and extent of consultation must be tailored to the scope of the project and proper planning ensures the agreed approach will be strategic, targeted and fully effective at each stage of the project. The Project Initiation meeting (Task 1) will confirm with the City the proposed approach and timings of initiatives and make any necessary refinements. This includes agreeing a schedule of meetings, presentations and workshops, publicity strategy, and the deployment of online communication tools such as a website and social media strategy.

### Framework for Engagement

Our team will be considerate of how residents and other stakeholders wish to be engaged. Thus, our team will:

- Be respectful of residents' and other stakeholders' time and attitudes.
- Provide multiple opportunities for input.
- Be straightforward and forthcoming in establishing the role their participation will play in decision-making, whether they are empowered (most powerful role) or advised (least powerful role) – though most engagement processes fall somewhere in between those two poles.
- Fashion the approach around the role the City wishes to grant its stakeholders.
- Proactively engage all age groups and account for all knowledge levels.
- Conduct community activities with friendly yet professional demeanors.
- Follow through on any and every promise made to the community.



*Community engagement during the Birmingham Parks and Recreation Plan process*

## D. SCOPE OF WORK - (I) COMMUNITY ENGAGEMENT PLAN

### Baseline Engagement Acknowledged

The RFP identified a number of events and meetings that together comprise the baseline for community engagement, from a multi-day Charrette to working sessions with the Planning Board. Our proposal includes all of the base meetings as identified in the RFP and the significant engagement elements are described in more detail below.

### Communication / Publicity Tools

A communication strategy will be agreed as an early task (Task 1). We will work with the City to utilize existing and/or set up and manage new communication tools to enable extensive publicity of the project, key events and dates, and provide further engagement opportunities as reports and documents are prepared and published. This will include both a website, (see screenshots on the following page of websites previously set up by McKenna), and the use of the City's Social Media Applications, as appropriate.

### Interactive Workshop / Charrette

As mentioned, DPZ utilizes short focused workshops (Charrettes) as our preferred method to intensively engage stakeholders and communities in our traditional planning practice and this will be a principle part of this project's scope (Tasks 6 & 7). Our team comprise expert Charrette facilitators and includes personnel certified by the National Charrette Institute in both its NCI Charrette System program and the NCI Charrette Management and Facilitation program. The Charrette will assemble key decision-makers to collaborate with the DPZ team in information sharing, creating iterative proposals, listening to feedback, and agreeing revisions. A sample Charrette schedule is shown below.

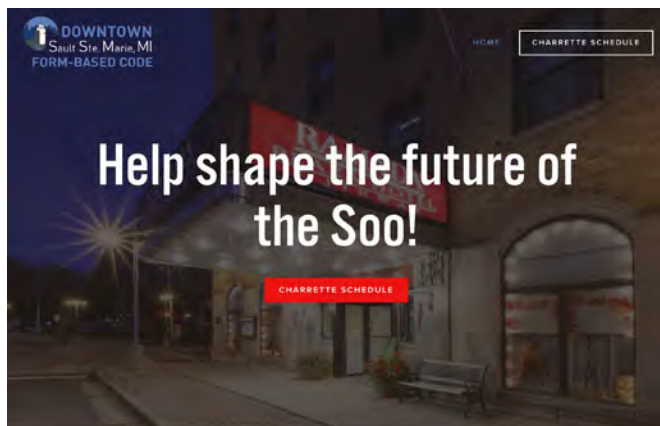
Community engagement is an important aspect of the proposed Charrette and will encourage input and produce valuable political and audience feedback. Professionals and stakeholders will identify options that will be rapidly prototyped and judged in public sessions, enabling informed decisions and save months of sequential coordination. The dynamic and inclusive process, with frequent presentations, is a fast method of identifying and overcoming obstacles and objections. The shared experience will vest interest in the proposals and build support for the vision.

Locations		Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	
Presentations	8:00 am					Day Off				
City of Birmingham Location	9:00 am	Set-Up Studio	DPZ Team Briefing	DPZ Team Briefing	DPZ Team Briefing		DPZ Team Briefing	DPZ Team Briefing	DPZ Team Briefing	
Topic Meetings & Studio	10:00 am	DPZ Team Briefing	Meeting 1: Transportation	Meeting 4: Utilities and Stormwater	Analysis / Planning / Design		Meeting 7: Sustainability	Design and Production	Design and Production	
City of Birmingham Location	11:00 am	Site Tour								Analysis / Planning / Design
	Noon									
Presentations and Discussions	1:00 pm	Lunch Out	Lunch In	Lunch In	Lunch In		Lunch In	Lunch In	Lunch In	
Public Welcome	2:00 pm	Analysis / Planning / Design	Meeting 2: Environment	Meeting 5: Housing Market	Analysis / Planning / Design		Meeting 8: Implementation	Design and Production	Design and Production	
Topical Meetings	3:00 pm		Analysis / Planning / Design	Analysis / Planning / Design	Progress Presentation 3:00 pm					
Public Welcome	4:00 pm		Meeting 3: Open Space and Civic Program	Meeting 6: Retail and Mixed-Use						
DPZ Team Briefings	5:00 pm		Opening Presentation 6:00 pm	Analysis / Planning / Design	Analysis / Planning / Design					Analysis / Planning / Design
Project Team	6:00 pm									
Analysis / Planning / Design Project Team	7:00 pm		Dinner Out	Dinner Out	Dinner Out		Dinner Out	Dinner Out	Closing Presentation 6:00 pm	
	8:00 pm									

*Sample of Proposed Charrette Schedule (To be tailored with the City)*



## D. SCOPE OF WORK - (I) COMMUNITY ENGAGEMENT PLAN



Sault Ste. Marie is replacing its current downtown zoning districts with a new Form-Based Code that will provide a framework for land use through smart standards for buildings, streets and public spaces.

The Form-Based Code will be the tool that will make your vision for the Soo a reality. We are excited to hear your input during the code development process, and we thank you for your support!

The four-day charrette will take place at the  
Ramada Plaza Hotel Ojibway from May 8 through May 11, 2018.

CHARRETTE SCHEDULE



We want to hear from you! Help  
LIVONIA VISION 21 by sharing  
your ideas and your vision.

LIVONIA VISION 21  
STARTS NOW

A number of online surveys will be posted for your feedback from March – June 2018. Be sure to check back here, Livonia's Facebook page, and [www.CityofLivonia.net](http://www.CityofLivonia.net) for updates and new opportunities to share your thoughts.

What's your big idea for Livonia? Share your one big idea for Livonia's Master Plan with the quick survey here.

TAKE THE SURVEY

Help set the City's goals for the future! The City analyzed past plans and current needs to develop candidate goals and objectives for Livonia Vision 21. Tell us what you think!

TAKE THE SURVEY

What should Livonia prioritize for future development? Share your ideas about neighborhood and business development in Livonia.

TAKE THE SURVEY

Interested in helping to inform the look and feel of future projects in the City? Take a visual preference survey and let the City know what type of development suits your style!

TAKE THE SURVEY

How do you get around? Do you think it will be different in the future? The City is interested in your preferences and priorities for transportation and mobility!

TAKE THE SURVEY

LIVONIA VISION 21 is an official project of the City of Livonia, 39000 Oak Creek Drive, Livonia, MI 48154, United States

### Online Surveys

Two (2) Online Surveys – Online surveys can be effective methods of engaging large numbers of residents and stakeholders during a planning process. Additionally, many communities prefer online surveys to other online engagement methods - online fora, for example - so that the chance for inappropriate discussions in moderated comments sections or forums is effectively eliminated. The McKenna team employed in-person and online methods to engage nearly 2,000 residents and stakeholders during the 2017 Birmingham Parks and Recreation Master Plan process; the online surveys were taken by nearly 1,000 participants, proving that online engagement is effective in Birmingham. We developed the communications plan, language for posting on social media and the City's website, and a detailed approach that was convenient and straightforward for the City to administer using its communications and IT teams.

Thus, having recent proven success in gathering online survey responses and “getting the word out” effectively and efficiently to people who are engaged in social media, we propose administering two online surveys during the planning process (Provisionally proposed during Tasks 3 & 9). We will work with City staff to develop the questions, which will be focused on strategic issues that Birmingham leaders are currently wrestling with and will deploy the surveys towards the beginning and middle of the project schedule for maximum effect. Together with the Charrette, the online survey will inform the strategies and future land uses represented in the adopted Master Plan, as determined and agreed upon by the City's project team when the Community Engagement Plan is prepared and finalized.

Please note that if there is a specific desire to NOT administer online surveys as part of this planning effort we will work with the City to develop an alternative online engagement method, if desired.

### Telephone Interviews

Unlimited Telephone Interviews + 10 In-Person Interviews – Our team will conduct an unlimited number of telephone interviews and up to 10 in-person interviews with key stakeholders who are not able or willing to attend the multi-day Charrette (Provisionally proposed during tasks 6 -7). This is critical to project success, as there will undoubtedly be a handful of important property owners or tenants that will not participate otherwise. Additionally, as necessary and as desired / approved by the City, we will work with local, County, regional and State stakeholders through voice and electronic communications.

*Samples of Websites and Online tools deployed by McKenna*

## D. SCOPE OF WORK - (II) DATA COLLECTION AND ANALYSIS

### Data Collection and Analysis Understanding

The following key activities are proposed as part of the data collection and analysis work-stream to be led by Gibbs Planning Group. The information gathered will provide an important basis to determine the City of Birmingham's current demographic profile and allow informed consideration be given to the likely trends and future opportunities for commercial and residential policy.

A significant proportion of this work will be carried out as early tasks in the project time line (Tasks 2-4) with opportunities for consultation with the City and other stakeholders. The early assessment will allow a baseline of information to be available for further analysis at the beginning of the Charrette (Tasks 6 & 7). The policies and proposals developed during the Charrette will respond to an interactive analysis of the information available with input from stakeholders and the community. This intuitive process and respected techniques applied by Gibbs Planning Group will result in a relevant, authoritative and effective updated plan.

Specific activities include:

- Update Birmingham and Oakland County population data to include current demographic data, future projections and analysis of each demographic group including: families, seniors and all other population segments. This data shall be based on city, county, SEMCOG, US Census, and private research resources.
- Update Birmingham, Oakland County, and Southeast Michigan demographic and employment data to include current and projected demographic data (residential, retail, office, mix of land uses) and analysis of the region, regional and downtown development trends, and regional collaboration efforts.
- Update of City of Birmingham Residential Housing section to include neighborhood vision in residential areas, analysis of changes in residential patterns and residential areas from 1980 to now, typology and character of neighborhoods, development trends, future projections, and future direction. Future housing demand shall also be estimated for the City of Birmingham.
- Prepare a retail market study for downtown Birmingham and each surrounding neighborhood and commercial district.
- Analyze the physical characteristics of Birmingham's neighborhoods and commercial districts. This analysis shall include historic attributes, landscape conditions, parks and open space, housing types, commercial characteristics and the period of construction of each land use pattern.



*1/4- and 1/2-mile radii (static circles) vs. 5- and 10-minute walk zones (network shed)*



## D. SCOPE OF WORK - (III) PARKING AND INFRASTRUCTURE ANALYSIS

### Parking and Infrastructure Analysis Understanding

Birmingham's network of walkable tree-lined streets is a key infrastructure asset of the community, helping to differentiate it from other nearby suburbs and make it one of the most desirable places to live in Metro Detroit. In recent years, Birmingham has taken steps to improve upon its transportation system by implementing many of the recommendations of DPZ's Downtown Birmingham 2016 Plan, passing a resolution of support for Complete Streets in 2011, and developing a vision for a more walkable and bikeable city in the City's 2013 Multi-Modal Transportation Plan.

Parking is also a key infrastructure asset, and ensuring that adequate and appropriate parking is available is part of a successful plan. Birmingham has evaluated parking as part of recent individual plans and the Master Plan Update will review these plans and bring them together into one cohesive parking plan for the community.

This Master Plan Update will build upon Birmingham's previously completed plans to analyze infrastructure and parking needs and develop recommendations that support the goals of the community. Stakeholder input will play a key role in the planning process, from developing goals related to transportation and parking infrastructure, to identifying existing issues and concerns, to soliciting ideas for improvements.

### Identification of Goals

Through coordination with City staff, key stakeholders, and the general public, various transportation and parking goals will be identified to help guide the infrastructure recommendations (Tasks 1 & 2). Goals could be related to physical infrastructure, such as closing gaps in the sidewalk network, creating low stress bike routes to every school, or ensuring that traffic signals are equipped for a future with connected vehicles. Or the goals could be performance-based, such as reducing the number of traffic crashes, increasing transit mode share, or developing green infrastructure to reduce stormwater runoff. Parking goals could relate to the number and type of parking spaces provided, desired parking utilization, or related to requirements on how parking is to be provided as part of developments. All goals should be measurable and have an associated time frame for implementation.

### Infrastructure Analysis

We will review existing data, supplemented by field data collection as necessary, to create maps of the existing transportation network, including street classifications, traffic volumes, sidewalks, bicycle facilities, and tran-

### Miami 21: Sample Corridor Transformation



*Existing Commercial Corridors: exposed parking lots, inappropriate building setbacks, and frequent driveway access*



*Street Transformation: landscape improvements, safer sidewalks, and a more pleasant public realm*



*Corridor transformed: pedestrian-friendly sidewalks, and mixed-use buildings appropriately addressing the street*

## D. SCOPE OF WORK - (III) PARKING AND INFRASTRUCTURE ANALYSIS

sit routes (Tasks 2-4). We recommend moving away from the classifications of “regional, major, and secondary thoroughfares” used in the 1980 Birmingham Plan, and towards a system that identifies roadways as boulevards, avenues, or streets based on the functional definitions in the Designing Walkable Urban Thoroughfares manual produced by the Institute of Transportation Engineers and the Congress for the New Urbanism. Additionally, “hot spots” showing the community’s main concerns (e.g., congestion, speeding, safety, cut-through traffic, difficult pedestrian crossings, etc.) will be developed through public coordination and stakeholder involvement.

### **Parking Analysis**

The existing conditions for parking will include an inventory of existing parking spaces in the Central Business District, the Triangle District, and the Rail District. The analysis will also evaluate the parking demand for these locations and evaluate the need for or adjustments to the municipal parking systems (Tasks 2-4). Items to be evaluated would include capacity, pricing (possibly demand-related), type (i.e., handicap, electric vehicle, etc.), permitting and restrictions (residential, business), impact of other modes (i.e., walking, biking, ride sharing, transit), need for additional parking structures and future uses of parking structures, and a review of the Zoning Ordinance parking regulations.

### **Recommendation of Solutions**

Many transportation and parking infrastructure projects have already been recommended by other plans or are currently budgeted and programmed. This Master Plan Update will supplement those projects with additional recommendations based on a combination of stake-

holder input, the community’s goals, existing conditions analysis, and our understanding of best practices (Tasks 4-7). Our specialty is identifying creative engineering solutions. For example, on the Milwaukee Avenue / Logan Square design project in Chicago, we developed a range of alternatives that address the public’s goals to increase open space, improve pedestrian safety, provide dedicated off-street bicycle facilities, and still maintain acceptable traffic operations. We will apply the same approach to the most pressing issues in Birmingham to recommend solutions that improve conditions for all roadway users.

It is also important to understand the supply and demand for the parking and we will provide recommendations based on the actual, not perceived, demand. For example, in our recent Downtown Kirkwood Master Plan update we found that there was adequate parking to meet the demand within the study area, which allowed the city to prioritize other needs instead of building additional parking.

### **Prioritization of Recommendations**

Recommendations will be prioritized into short-term, medium-term, and long-term projects based on multiple factors. We applied a similar approach to a recent multi-modal plan in Chicago’s northwest suburbs, where we prioritized 167 bicycle and pedestrian facility recommendations based on factors such as crash history, proximity to key destinations, connections to existing facilities or across barriers, and constructability. The constructability criteria will include a planning-level cost estimate for each recommendation. The results of the infrastructure and parking analysis will be incorporated into the draft and final plans (Tasks 6-10).

## D. SCOPE OF WORK - (IV & V) PREPARATION OF DRAFT PLAN AND PRESENTATION & ADOPTION

### Project Understanding

Birmingham has been on an excellent trajectory since before the City-wide Master Plan was adopted in 1980, subsequent to the Plan until today, and will continue into the future. Birmingham is a world-class city whose residents and property owners enjoy strong returns on investment and excellent quality of space because of the planned, deliberate, and appropriately-scaled public investments implemented by City leaders over many decades.

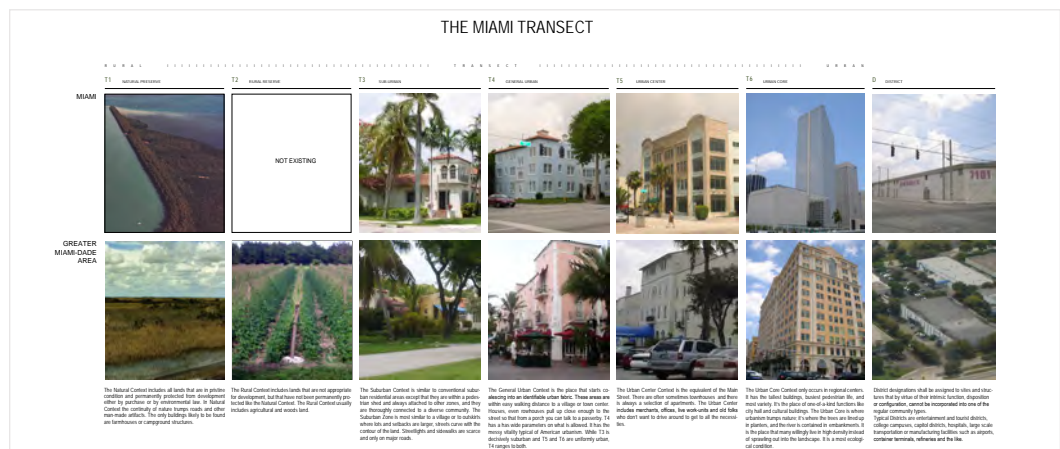
The City has remained proactive in planning for future success and continued excellence of place by undertaking and adopting several sub-area plans, which now require a comprehensive synthesis and integration into the City-wide master plan. Sub Area Plans include:

- Downtown 2016 Plan (1996);
- Eton Road Corridor Plan (1999);
- Triangle District Plan (2007);
- Alleys and Passages Plan (2012); and
- Multi-modal Transportation Plan (2013);
- Parks and Recreation Master Plan (TBD)

Several further untapped opportunities were detailed during DPZ's Plan Assessment carried out in 2014 and provide good insight into the issues at hand. Much of the recent focus has been on Downtown revitalization and the City's Commercial Areas. This success needs to be institutionalized, reflected in an updated plan, and spread further with an emphasis placed on a number of key opportunity areas and the residential neighborhoods.

Tough questions will be asked and addressed during the process, such as:

- How might the Triangle and Rail Districts relate to one another and provide nodes of interest and connection to residents of surrounding neighborhoods?
- Are there neighborhoods with small lots and buildings that should remain smaller in stature and protected from infill rebuild to continue to provide entry points into the market?
- Can Birmingham's aging residents expect to remain in the community they love?
- What downtown retail environment should be molded given the current proliferation of professional service provider tenants?
- Should green infrastructure play a significant role in the way the community develops in the future?



*Rural-to-Urban Transect of typical Miami conditions*

## D. SCOPE OF WORK - (IV & V) PREPARATION OF DRAFT PLAN AND PRESENTATION & ADOPTION

### Overview of Approach

To complete the above project four phases are proposed over a period of 16 months. The work begins with initiation and analysis, followed by preparation of the draft plan with subsequent refinements, and lastly through to the successful adoption of the finalized plan.

#### PROPOSED PHASES

One: Initiation, Assessment and Analysis

Two: Preparation of Draft Master Plan Update

Three: Refinement of Draft Master Plan Update

Four: Finalization and Adoption

The phases comprise a total of 11 distinct tasks and embed effective community and stakeholder engagement throughout the process. Our proposal also includes all the necessary work sessions with City Staff and meetings with the Planning Board and Planning Commission as set out in the RFP. The operation and timing of these meetings is crucial to making progress as scheduled, maintaining open communication channels, delivering to the scope, and the overall success of the project. Strategic meetings that relate to the key stages and presentations led by DPZ, including the project initiation tasks and the Charrette, with routine / topic specific meetings will be led by our qualified sub consultants. Meetings will be a combination of in-person meetings and, when more efficient, via conference call, particularly for short focused discussions with City staff. This approach will be refined and agreed during project initiation and/or in advance of the meeting.

This description of Services below corresponds with the proposed Project Time Frame (see Section E).

### PHASE ONE – INITIATION, ASSESSMENT, AND ANALYSIS

#### Task 1: Project Initiation

A project start-up meeting will be conducted to establish the process and procedures of the project; the Project Schedule of work, production, meetings and presentations; the Work Plan Services and Deliverables; project governance; community engagement plan and methods of communication of proposals and progress. Regular coordination meetings are a common fixture of municipal work and will be an important component of this project. This task also includes a tour of the City

and potentially an early visioning workshop with City staff.

Deliverable: Project Initiation Document/Powerpoint

Meetings: 1 work session with City Staff and 1 meeting with Planning Board.

#### Task 2: Analysis of Background Materials and Existing Conditions

An analysis of background materials will be undertaken; demographic, commercial and residential data will be updated; an assessment of parking and infrastructure conditions will be undertaken; key elements of current plans and policy documents will be identified (including the City-wide Plan and the aforementioned sub area plans). Existing conditions will thus be documented and an outline of the goals and potential areas of adjustment will be developed. Includes work described in D.(II) & (III) of this section.

Deliverable: Successive Powerpoint presentations outlining 'draft assessment and analysis findings'

Meetings: Meetings with Staff and Stakeholders, as needed.

#### Task 3: Public Review of Analysis Findings

This task comprises a public, staff, and stakeholders review of the draft findings from the Task 2 Analysis. This includes an outline of the goals and key concerns to be addressed in the updated plan. This represents the first opportunity for the public and other stakeholders to formally input into the plan content and their ongoing engagement will be crucial from this point.

Deliverables: Powerpoint or booklet, media communication materials

Meetings: Online Consultation / Surveys / Telephone Interviews, 1 work session with City Staff, 1 work session with the Planning Board to discuss key segments of the Plan, other meetings with Staff as needed

#### Task 4: Finalize Analysis Findings

The finalization of the analysis incorporates all the responses to prior presentations and public review. The Finalized Analysis will provide a good foundation for the most intensive period of work to be carried out during the Charrette (Tasks 6 & 7). The finalized documentation, may also include an executive summary and other maps and graphics for public audience.



## D. SCOPE OF WORK - (IV & V) PREPARATION OF DRAFT PLAN AND PRESENTATION & ADOPTION

**Deliverable:** Powerpoint or booklet, and electronically for web documentation or other media communication. As specified, one reproducible PDF digital file and twenty hard copies of the latest version of the updated plan.

**Meetings:** Online Communication, as appropriate, to present the Findings and follow-up meeting with City Staff, as needed

### **Task 5: Phase End Progress Review (50% Project Completion)**

The progress review allows for revisions to the schedule, processes and other adjustments following the work of this phase and the public response to the work, confirming or revising the work plan as needed.

**Deliverables:** Progress Report (representing 50% of project completion) and media communication materials, as needed

**Meetings:** 1 meeting with City Staff and 1 progress report meeting with the City Commission

## **PHASE TWO – PREPARATION OF DRAFT MASTER PLAN UPDATE**

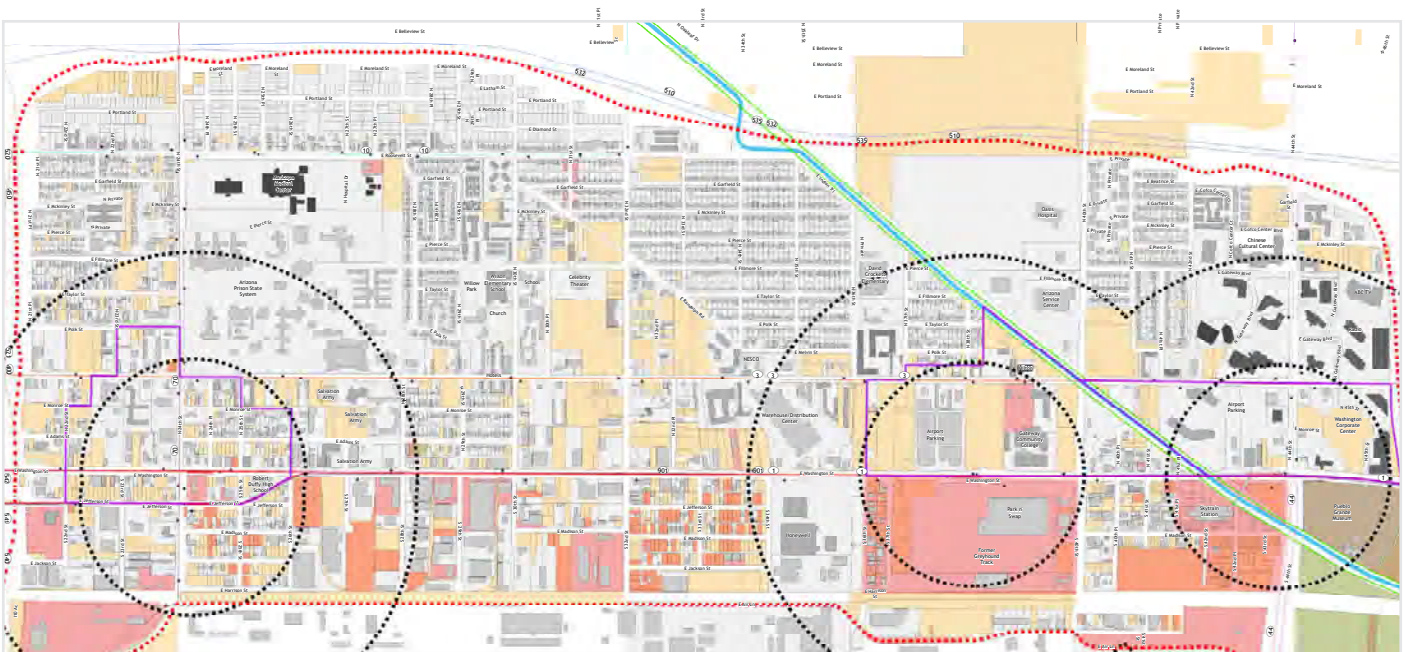
For Tasks 6 and 7, a multi-day Charrette is proposed to engage specific topics and to enable a condensed and iterative process. This represents the most intensive period of work.

### **Task 6: Prepare Draft Master Plan Update - Charrette**

Following a tour of the City, the task begins by determining the overall organization and specific techniques of the new plan; the identification of which portions of the existing plan require changes in content, and whether any portions of the existing plan are to be retained. An outline of document sections and content will be confirmed. Following initial a visioning session(s), specific topic focused meetings will be held with key stakeholders and staff. Issues will be discussed, relevant data further analyzed, and solutions presented. Drafting of key elements of the text, plans, and graphics may also be prepared or proposed, as appropriate. An appropriate draft Equivalency Chart is initiated to track significant themes throughout the process, and to facilitate comparisons between existing and proposed as they evolve. A closing public presentation will bring together the key themes, recommendations, and next steps.

**Deliverable:** Outline of plan including drafts of key text, graphics and illustrative materials, Powerpoint presentation, web and media communication materials

**Meetings:** The Charrette will comprise of multiple topic focused meetings, visioning exercises, and interactive works sessions and presentations with staff, the public, and stakeholders, as needed. A sample Charrette schedule is included in the Community Engagement Plan Section D (I)



*Sample existing conditions study completed for Reinvent Phoenix project. The diagram depicts vacant and city-owned properties, transit sheds, and building heights.*



## D. SCOPE OF WORK - (IV & V) PREPARATION OF DRAFT PLAN AND PRESENTATION & ADOPTION



### ***Task 7: Examine and/or Update Specific Areas of Intervention - Charrette***

The examination of considers a number of master plan, urban design, and building development interventions, and/or locations identified during development of the Draft Updated Plan as potential concerns for stakeholders or staff. As suggested by the RFP these include specific consideration of residential areas, the downtown and commercial areas, and the transitional areas that connect these zones.

**Deliverables:** Powerpoint presentation, graphics and plans, web and media communication as needed

**Meetings:** Combined with Task 6 above. Includes 1 work session with the Planning Board to discuss key segments of the Plan.

### ***Task 8: Finalize Draft Master Plan Update - Post-Charrette (75% Project Completion)***

Following the conclusion of the Charrette, the Project Team will gather all the information and findings and prepare a full draft of the updated plan. This will include a draft of the updated text, maps, and graphics as agreed during Phase One and Two and specified in the RFP. The Draft will be made available to City Staff along with a Progress Report representing 75% completion of the project.

**Deliverables:** One reproducible PDF digital file and twenty hard copies of the draft Plan; Progress Report

**Meetings:** 1 City staff working session and 1 meeting with City Commission to consider Progress Report



### **PHASE THREE – REFINEMENT OF DRAFT MASTER PLAN UPDATE**

#### ***Task 9: Revise the Draft Master Plan Update***

The Draft will be presented to City Staff for feedback, including specific Departments to review pertinent sections. The documents will also be made available for public presentation and response. This may be facilitated by working sessions with members of specific stakeholder or community groups, or through online surveys / electronic communication, to be determined in the course of prior tasks.

**Deliverables:** Electronic and paper of refined plan, maps and graphics, Equivalency Chart, Powerpoint presentation, web and media communication materials.

**Meetings:** 1 Staff working session or series of stakeholder workshops and other meetings with Staff as needed. 1 work session with the Planning Board to discuss key segments of the Plan.

### **PHASE FOUR – FINALIZATION AND ADOPTION**

#### ***Task 10: Finalization of Updated Plan***

Documents are finalized in response to the suggested refinements following the staff, public and stakeholder input.

**Deliverables:** One reproducible PDF digital file and twenty hard color copies of the completed plan; One reproducible PDF digital file of the final Plan for publication on the web and social media; and One page infographic outlining vision, goals and recommendations of the Plan.

**Meetings:** Meetings with City Staff, as needed

## D. SCOPE OF WORK - (IV & V) PREPARATION OF DRAFT PLAN AND PRESENTATION & ADOPTION

### ***Task 11: Final Presentations and Adoption***

On finalization of Updated Plan the City can progress into the adoption phase. The final presentations to the City include a public hearing at the Planning Board and a further public hearing at the City Commission. Technical support of Staff will be available during the Adoption Process.

**Deliverables:** Responses to on-going questions and comments, advice on potential adjustments.

**Meetings:** 1 Planning Commission meeting, Staff meetings and support as needed to respond to questions and incorporate revisions



Final Presentation Delivered by Andres Duany, DPZ CoDESIGN

## E. PROPOSED TIME FRAME

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# CITY OF BIRMINGHAM MASTER PLAN UPDATE PROPOSED TIME FRAME

TASKS		TEAM INVOLVEMENT				PROJECT MONTH																
		DPZ	Gibbs	Jacobs	McKenna	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
Phase One	Initiation, Assessment and Analysis (Months 1 - 4)					Phase One																
Task 1	Project Initiation	✓	✓	✓	✓																	
Task 2	Analysis of Background Materials and Existing Conditions	✓	✓	✓	✓																	
Task 3	Public Review of Analysis Findings	✓	✓	✓	✓																	
Task 4	Finalize Analysis Findings	✓	✓	✓	✓																	
Task 5	Phase End Progress Review (50% Project Completion)	✓																				
Phase Two	Preparation of Draft Master Plan Update (Months 5- 10)									Phase Two												
Task 6	Prepare Draft Master Plan Update	✓	✓		✓																	
Task 7	Examine and/or update specific areas of intervention	✓	✓		✓																	
Task 8	Finalize Draft Master Plan Update (75% Project Completion)	✓	✓	✓	✓																	
Phase Three	Refinement of Draft Master Plan Update (Months 10 - 12)													Phase Three								
Task 9	Revise the Draft Master Plan Update	✓	✓	✓	✓																	
Phase Four	Finalization and Adoption (Months 13 - 15)															Phase Four						
Task 10	Finalization of Updated Plan	✓	✓	✓	✓																	
Task 11	Final Presentations and Adoption	✓	✓		✓																	

The team will be available according to the proposed time frame.

## E. PROPOSED TIME FRAME



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## F. ADDITIONAL SERVICES

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## F. ADDITIONAL SERVICES

No additional services beyond those already included and described in Sections D & E of this proposal are proposed in order to complete the project.

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## G. ATTACHMENTS

## G. ATTACHMENTS

### ATTACHMENT B - BIDDER'S AGREEMENT FOR MASTER PLAN UPDATE

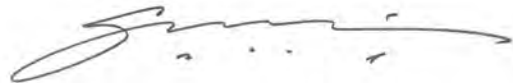
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In submitting this proposal, as herein described, the Contractor agrees that:

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.

SENEN ANTONIO	MAY 25, 2018
<b>PREPARED BY</b> (Print Name)	<b>DATE</b>
PARTNER	MAY 25, 2018
<b>TITLE</b>	<b>DATE</b>
	SENEN@DPZ.COM
<b>AUTHORIZED SIGNATURE</b>	<b>E-MAIL ADDRESS</b>
DPZ CODESIGN	
<b>COMPANY</b>	
1023 SW 25TH AVENUE	305-644-1023
<b>ADDRESS</b>	<b>PHONE</b>
N/A	N/A
<b>NAME OF PARENT COMPANY</b>	<b>PHONE</b>
N/A	
<b>ADDRESS</b>	

I FURTHER ACKNOWLEDGE RECEIPT OF ADDENDUM NO.1 OF THE CITY OF BIRMINGHAM RFP MASTER PLANNING UPDATE ISSUED ON MAY 23, 2018.

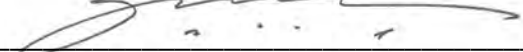


**ATTACHMENT C - COST PROPOSAL  
FOR MASTER PLAN UPDATE**

**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 itemized as follows:

<b>Project Elements</b>	
1. Comprehensive Community Engagement Plan	\$ 30,000
2. Updated Data Collection and Analysis	\$ 30,000
3. Infrastructure Analysis	\$ 30,000
4. Parking Analysis	\$ 25,000
5. Attendance at Meetings	\$ 25,000
6. Plan Preparation	\$ 118,000
7. Finalization and Adoption	\$ 40,000
<b>TOTAL AMOUNT</b>	<b>\$ 298,000</b>
<b>Additional Meeting Charge</b>	<i>Depending on personnel required</i> <b>\$1,000-4,000 per meeting</b>
<b>Additional Services Recommended (if any):</b>  Additional services beyond the scope of this RFP are not proposed. For the purposes of completeness please find herein DPZ's hourly rates.	<i>Principal</i> \$ 350 / hour <i>Director</i> \$ 200 / hour <i>Senior Project Manager</i> \$ 175 / hour <i>Project Manager</i> \$ 150 / hour <i>Designer / Illustrator</i> \$ 120 / hour <i>Draftsperson</i> \$ 100 / hour <i>Clerical</i> \$ 60 / hour

Firm Name DPZ CODESIGN

Authorized signature  Date MAY 25TH, 2018

## G. ATTACHMENTS

### ATTACHMENT D - IRAN SANCTIONS ACT VENDOR CERTIFICATION FORM FOR MASTER PLAN UPDATE

Pursuant to Michigan Law and the Iran Economic Sanction Act, 2012 PA 517 ("Act"), prior to the City 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 City.

SENEN ANTONIO	MAY 25, 2018
<b>PREPARED BY</b> (Print Name)	<b>DATE</b>
PARTNER	MAY 25, 2018
<b>TITLE</b>	<b>DATE</b>
	SENEN@DPZ.COM
<b>AUTHORIZED SIGNATURE</b>	<b>E-MAIL ADDRESS</b>
DPZ CODESIGN	
<b>COMPANY</b>	
1023 SW 25TH AVENUE	305-644-1023
<b>ADDRESS</b>	<b>PHONE</b>
N/A	N/A
<b>NAME OF PARENT COMPANY</b>	<b>PHONE</b>
N/A	
<b>ADDRESS</b>	
20-2563570	
<b>TAXPAYER I.D.#</b>	





DPZ  
CODESIGN



August 7, 2018

DPZ CoDesign  
1023 SW 25<sup>th</sup> Avenue  
Miami, FL 33135

**Attention: Senen M. A. Antonio**

**Re: City of Birmingham Master Plan Update – Consultant Selection**

---

We confirm receipt of your firm's proposal in response to the above-captioned Request for Proposal and thank you for same. I would also like to take this opportunity to thank you for the time and effort that your firm put into preparing your proposal to conduct a comprehensive master planning effort for the City, and for your continued interest in working with the City of Birmingham.

Please be advised that the Ad Hoc Master Plan Selection Committee ("the Committee") has completed an evaluation of all of the proposals received to determine which firms the City would like to interview to complete our consultant selection process.

I am pleased to inform you that the Committee selected two (2) firms to advance to the second round of our evaluation process, and your firm was one of the two selected to proceed. As a result, we would like to invite your team to come to Birmingham for an **interview before the Committee on August 29, 2018 at 9:00am**. The Committee is comprised of members of the Planning Board, Multi-Modal Transportation Board, Ad Hoc Parking Committee, Parks and Recreation Board, Design Review Board / Historic District Commission and includes a former City Commissioner, as well as a resident at large member. You will have 20 – 30 minutes to conduct a presentation to the Committee, and another 30 – 45 minutes for a question and answer session. The Committee has asked for your team to provide additional information during the interview to clarify your approach to the following:

- The study of residential neighborhoods;
- The provision of future projections;
- Market conditions affecting the City;
- Density considerations and recommendations;
- Who will provide project leadership for your team; and
- Possibilities for tightening up of project time frame and cost reduction.

Given the time it took for us to convene the Committee to evaluate proposals during the summer vacation season, we are requesting a 45 day extension on the term of your proposal to the City to allow us to complete the selection process. Your original proposal is valid for 90 days, which ends on September 1, 2018. If you agree to this extension, please sign and date below and return the signed copy to our office to confirm the term extension to your proposal. Receipt of this letter

signed by DPZ below will confirm both the term extension and DPZ's interview time slot on August 29, 2018 at 9:00am.

Should you have any questions or comments, please do not hesitate to contact me at your convenience at 248-530-1841.

Yours very truly,



Jana L. Ecker  
Director of Planning

**DPZ agrees to extend the term of the proposal for the City of Birmingham – Master Plan Update dated June 1, 2018 to a total of 135 days, with such term ending on October 15, 2018.**



**Signature**

Aug. 8, 2018

**Date**

Matthew Lambert, Partner

**Printed Name & Title**



August 7, 2018

MKSK  
4219 Woodward Ave, Suite 305  
Detroit, MI 48201

**Attention: Chris Hermann**

**Re: City of Birmingham Master Plan Update – Consultant Selection**

---

We confirm receipt of your firm's proposal in response to the above-captioned Request for Proposal and thank you for same. I would also like to take this opportunity to thank you for the time and effort that your firm put into preparing your proposal to conduct a comprehensive master planning effort for the City, and for your continued interest in working with the City of Birmingham.

Please be advised that the Ad Hoc Master Plan Selection Committee ("the Committee") has completed an evaluation of all of the proposals received to determine which firms the City would like to interview to complete our consultant selection process.

I am pleased to inform you that the Committee selected two (2) firms to advance to the second round of our evaluation process, and your firm was one of the two selected to proceed. As a result, we would like to invite your team to come to Birmingham for an **interview before the Committee on August 29, 2018 at 10:30am**. The Committee is comprised of members of the Planning Board, Multi-Modal Transportation Board, Ad Hoc Parking Committee, Parks and Recreation Board, Design Review Board / Historic District Commission and includes a former City Commissioner, as well as a resident at large member. You will have 20 – 30 minutes to conduct a presentation to the Committee, and another 30 – 45 minutes for a question and answer session. The Committee has asked for your team to provide additional information during the interview to clarify your approach to the following:

- The study of residential neighborhoods;
- The provision of future projections;
- Market conditions affecting the City;
- Density considerations and recommendations;
- Who will provide project leadership for your team; and
- Possibilities for tightening up of project time frame and cost reduction.

Given the time it took for us to convene the Committee to evaluate proposals during the summer vacation season, we are requesting a 45 day extension on the term of your proposal to the City to allow us to complete the selection process. Your original proposal is valid for 90 days, which ends on September 1, 2018. If you agree to this extension, please sign and date below and return the signed copy to our office to confirm the term extension to your proposal. Receipt of this letter

signed by MKSK below will confirm both the term extension and MKSK's interview time slot on August 29, 2018 at 10:30am.

Should you have any questions or comments, please do not hesitate to contact me at your convenience at 248-530-1841.

Yours very truly,



Jana L. Ecker  
Director of Planning

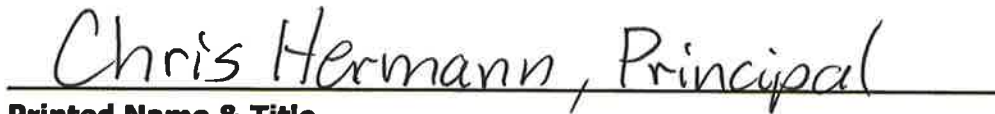
**MKSK agrees to extend the term of the proposal for the City of Birmingham – Master Plan Update dated June 1, 2018 to a total of 135 days, with such term ending on October 15, 2018.**



**Signature**



**Date**



**Printed Name & Title**



## **AGREEMENT FOR MASTER PLAN UPDATE**

---

This AGREEMENT, made this 17th day of September, 2018, by and between CITY OF BIRMINGHAM, having its principal municipal office at 151 Martin Street, Birmingham, MI (hereinafter sometimes called "City"), and DPZ Partners, LLC, having its principal office at 1023 SW 25th Ave, Miami, FL (hereinafter called "Contractor"), provides as follows:

### **WITNESSETH:**

**WHEREAS**, the City has heretofore advertised for bids for the procurement and performance of services required to complete an update to the City-wide comprehensive master plan, and in connection therewith has prepared a request for sealed proposals ("RFP"), which includes certain instructions to bidders, specifications, terms and conditions.

**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 complete an update to the City-wide comprehensive master plan.

**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 complete an update to the City-wide comprehensive master plan and the Contractor's cost proposal dated May 25, 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 City shall pay the Contractor for the performance of this Agreement in an amount not to exceed \$298,000.00, as set forth in the Contractor's May 25, 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. The Contractor agrees that it will require all subcontractors to sign a Non-Disclosure Agreement satisfactory to the City Attorney.
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. Workers' Compensation Insurance: 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. 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.
- F. 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.
- G. Coverage Expiration: 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.
- H. Maintaining Insurance: 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: Jana L. Ecker  
151 Martin Street  
Birmingham, MI 48009  
248-530-1841

CONTRACTOR  
DPZ Partners, LLC  
1023 SW 25th Avenue  
Miami, FL 33135  
305-644-1023

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

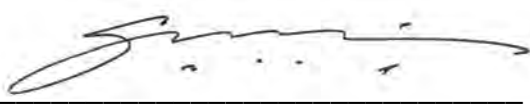


will be accomplished without abrogation or sacrifice of quality and as determined to be in the best interest of the City of Birmingham.

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

WITNESSES:

CONTRACTOR



Senen M. A. Antonio  
Partner, DPZ Partners, LLC

By: 

Matthew J. Lambert  
Its: Partner

**CITY OF BIRMINGHAM**

\_\_\_\_\_

By: \_\_\_\_\_

Andrew Harris  
Its: Mayor

\_\_\_\_\_

By: \_\_\_\_\_

Cherilynn Mynsberge  
Its: City Clerk

Approved:

\_\_\_\_\_  
Jana L. Ecker, Planning Director  
(Approved as to substance)

\_\_\_\_\_  
Joseph A. 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)



DUANPLA-01

NANCY

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/9/2018

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. 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 <b>Acrisure, LLC d/b/a InSource</b> 9500 South Dadeland Boulevard 4th Floor Miami, FL 33156-2867	CONTACT NAME:		
	PHONE (A/C, No, Ext): (305) 670-6111	FAX (A/C, No): (305) 670-9699	
	E-MAIL ADDRESS: email@insource-inc.com		
	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A :	Hartford Casualty Insurance Co	29424
INSURED  <b>DPZ Partners, LLC</b> 1023 SW 25 Avenue Miami, FL 33135	INSURER B :	Hartford Underwriters Ins. Co.	30104
	INSURER C :		
	INSURER D :		
	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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:			21SBABY0640	12/18/2017	12/18/2018	EACH OCCURRENCE \$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
							MED EXP (Any one person) \$ 10,000
							PERSONAL & ADV INJURY \$ 2,000,000
							GENERAL AGGREGATE \$ 4,000,000
							PRODUCTS - COMP/OP AGG \$ 4,000,000
							\$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			21UECTE1819	12/18/2017	12/18/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			21SBABY0640	12/18/2017	12/18/2018	EACH OCCURRENCE \$ 4,000,000
							AGGREGATE \$ 4,000,000
							\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input checked="" type="checkbox"/> Y / N <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below			21WECAJ3690	10/01/2017	10/01/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
							E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

## CERTIFICATE HOLDER

## CANCELLATION

SPECIMEN CERTIFICATE - DOES NOT CONVEY COVERAGE  
-INFORMATIONAL  
PURPOSES ONLY - IF ACTUAL CERT  
NEEDED, IT WILL BE ISSUED TO A  
SPECIFIC ENTITY and

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE  
THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN  
ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/25/2017

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.

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<b>PRODUCER</b> Collinsworth Ins & Risk Mgmt Services In P.O. Box 661628  Miami Springs FL 33266	<b>CONTACT</b> NAME: Erinn E Collinsworth PHONE (A/C, No, Ext): (786) 930-4795 E-MAIL ADDRESS: erinn@collinsworthinsurance.com FAX (A/C, No): (786) 930-4794
<b>INSURED</b> DPZ Partners, LLC  1023 S.W. 25th Ave.  Miami FL 33135	<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: Beazley Insurance Company Inc. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
(305) 644-1023	NAIC # 37540

**COVERAGES**

CERTIFICATE NUMBER: Cert ID 1925

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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG \$ \$ \$ \$ \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) \$ \$ \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE AGGREGATE \$ \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input type="checkbox"/> N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT \$ \$ \$
A	<b>Professional Liability</b>			V12F1F170601 Claims-Made Basis	10/12/2017	10/12/2018	Each Claim Policy Aggregate \$ 3,000,000 \$ 6,000,000

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

**CERTIFICATE HOLDER****CANCELLATION**

SPECIMEN

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ACORD 25 (2016/03)

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## **MEMORANDUM**

**Planning Department**

**DATE:** August 27, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Lauren Chapman, Assistant City Planner

**APPROVED BY:** Jana L. Ecker, Planning Director  
Scott Grewe, Police Dept.  
Paul O'Meara, City Engineer

**SUBJECT:** Priority Bus Stops for Bus Shelters

---

On May 3, 2018, the Multi-Modal Transportation Board (MMTB) considered and recommended a prioritized list of possible bus shelters. Please find attached the staff report that was presented to the MMTB and the minutes from the May 3, 2018 MMTB meeting for your review.

FAST is a new service powered by SMART that offers limited stops to connect people throughout the region quickly and easily. The high-frequency service travels along three of metro Detroit's busiest corridors, Gratiot, Woodward, and Michigan, and only stops at designated FAST stops (approximately once every mile). SMART plans to install 20 enhanced shelters on each of the three corridors at FAST stops; this includes three locations in Birmingham (Woodward northbound at 14 Mile and northbound and southbound at Maple). There is a standard Birmingham shelter on northbound Woodward at 14 Mile. If SMART installed a FAST style shelter at that stop, the City could relocate the existing shelter to another bus stop. The City can install standard Birmingham shelters, but SMART would only be willing to do the concrete work. If the City accepts SMART's FAST style shelters, SMART will provide all the funding and work.

### **Suggested Action**

To approve the recommendation from the Multi-Modal Transportation Board that the attached list of priority locations for bus shelters be used as a guide when new bus shelters are considered for installation.

### **AND**

To direct City staff to work with SMART to install three SMART enhanced FAST style shelters at SMART FAST bus stops on Woodward Ave. northbound at 14 Mile Rd. and northbound and southbound at Maple Rd.

**AND**

To relocate the existing standard Birmingham shelter on northbound Woodward Ave. at 14 Mile Rd. to westbound 14 Mile Rd. at Woodward Ave. in order to facilitate the installation of a SMART enhanced FAST style shelter at the existing bus stop.

**AND**

To approve a bus shelter at westbound E. Maple Rd. and Coolidge as the next bus shelter to be installed.



**DATE:** April 23, 2018

**TO:** Multi-Modal Transportation Board

**FROM:** Lauren Chapman, Assistant City Planner

**APPROVED BY:** Jana L. Ecker, Planning Director

**SUBJECT:** Priority Bus Stops for Bus Shelters

---

Over the past several years, the City has implemented a bus shelter installation program. Please find attached a list of SMART bus stops that are the top priorities for the installation of bus shelters. Ridership numbers are extracted from data from September 4, 2017 through December 31, 2017. On numbers are what generally constitute the need for a shelter or other amenities at any given stop.

FAST is a new service powered by SMART, which offers limited stops to connect people throughout the region quickly and easily. The new high-frequency service travels along three of metro Detroit's busiest corridors, Gratiot, Woodward, and Michigan, and only stops at designated FAST stops. In addition to the City's ongoing shelter installation program, SMART plans to install 20 enhanced shelters this summer on each corridor (Woodward, Gratiot, and Michigan) at FAST stops. SMART staff is considering installing shelters in Birmingham on Woodward northbound at 14 Mile and northbound and southbound at Maple. There is a standard Birmingham shelter on northbound Woodward at 14 Mile. If SMART installed a FAST style shelter at that stop, the City could relocate the shelter to another bus stop. The City can install standard Birmingham shelters, but SMART would only be willing to do the concrete work. If we accept SMART's FAST style shelters, they will provide all the funding and work. Attached are drawings of the shelters that SMART is willing to provide. The shelters will include:

- Red accents (Woodward is the red route);
- Overhead lighting;
- A bench with three seats;
- A solar powered beacon bus stop sign pole;
- A solar powered backlit identification sign box;



**Existing shelter on  
Woodward at 14 Mile**

- 2 solar powered USB ports;
- An emergency phone; and
- 32" solar powered real time information screen.

Some aspects of the shelters are still under design and may change. City staff believes that the SMART FAST style shelters are a good choice because they look similar to the standard Birmingham shelters, have valuable enhancements, and contribute to a regional identity. The MMTB is asked to review the priority list and recommend approval and select the next location for a standard Birmingham shelter. In addition, the MMTB is asked to make a recommendation to the City Commission regarding the use of the FAST shelters and their installation.

### **Suggested Recommendation**

**To recommend to the City Commission that the attached list of priority locations for bus shelters be used as a guide when new bus shelters are considered for installation.**

**AND**

**To recommend to the City Commission that City staff work with SMART to install three SMART enhanced FAST style shelters at SMART FAST bus stops on Woodward northbound at 14 Mile and northbound and southbound at Maple.**

**AND**

**To relocate the existing standard Birmingham shelter on northbound Woodward at 14 Mile to westbound 14 Mile at Woodward in order to facilitate the installation of a SMART enhanced FAST style shelter at the existing bus stop.**

**AND**

**To recommend to the City Commission approval of the location of the next bus shelter at westbound E. Maple and Coolidge.**

There were no comments on the motion from members of the public at 6:35 p.m.

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Edwards, Folberg, Rontal, Isaksen, Schafer

Nays: None

Absent: Slanga

## **6. RAIL DISTRICT STANDARD BIKE RACK AND LOCATIONS**

Chairman Rontal noted there is not a standard bike rack standard for the Rail District. Tonight the board has been given choices for bike racks along with their prices.

Ms. Chapman recalled the design suggestions for the Rail District streetscape were that it be hip and edgy, have clean lines, potentially use black wrought iron and/or brushed steel elements and a graphic that represents ties to the railroad.

U-racks (the City standard) have been installed in the Rail District by developers. City staff has identified 18 locations for bike racks within the District. City Staff recommends that bike racks be embedded into the surface rather than mounted onto the surface. Embedded racks tend to be more secure and more stable than surface mounted racks.

Board members were enthused by the logo for the Rail District and thought it might be installed on black U racks in highly visible places in the District, if it is not cost prohibitive. Ms. Ecker thought that staff could get some quotes for that and bring them back to the board. Also staff will come back at the next meeting with a map for the board's consideration that includes some suggested locations for placement of the racks.

It was thought that racks on Eton should be priorities and maybe one in front of Kenning Park.

## **7. BUS SHELTER LOCATION PRIORITIES**

Ms. Chapman advised that over the past several years, the City has implemented a bus shelter installation program.

FAST is a new service powered by SMART, which offers limited stops to connect people throughout the region quickly and easily. The new high-frequency service travels along three of metro Detroit's busiest corridors, Gratiot, Woodward Ave., and Michigan, and only stops at designated FAST stops. In addition to the City's ongoing shelter installation program, SMART plans to install 20 enhanced shelters this summer along each corridor at FAST stops. SMART staff is considering installing shelters in Birmingham on

## Multi-Modal Transportation Board Proceedings

May 3, 2018

Page 6

Woodward Ave. northbound at 14 Mile Rd., and northbound and southbound at Maple Rd.

There is a standard Birmingham shelter on northbound Woodward Ave. at 14 Mile Rd. If SMART installed a FAST style shelter at that stop, the City could relocate the shelter to another bus stop. The City can install standard Birmingham shelters, but SMART would only be willing to do the concrete work. If the City accepts SMART's FAST style shelters, they will provide all the funding and work.

Some aspects of the shelters are still under design and may change. City staff believes that the SMART FAST style shelters are a good choice because they look similar to the standard Birmingham shelters, have valuable enhancements, and contribute to a regional identity.

Ms. Ecker said the question is whether to allow SMART to do their branded bus shelters throughout the Birmingham section of their route. SMART would pay for them and they would have many more amenities, however they would have red accents. Mr. Isaksen said he would like Birmingham's shelters to look like every single other bus shelter on the entire length of Woodward Ave. This is a metro wide effort and Birmingham should be part of that effort.

Ms. Ecker advised that SMART would be responsible for maintaining the SMART standard shelters if they install them. It is staff's understanding that DPS would maintain the grounds.

### **Motion by Mr. Isaksen**

**Seconded by Ms. Edwards to recommend to the City Commission that the attached list of priority locations for bus shelters be used as a guide when new bus shelters are considered for installation.**

**AND**

**To recommend to the City Commission that City staff work with SMART to install three SMART enhanced FAST style shelters at SMART FAST bus stops on Woodward Ave. northbound at 14 Mile Rd. and northbound and southbound at Maple Rd.**

**AND**

**To relocate the existing standard Birmingham shelter on northbound Woodward Ave. at 14 Mile Rd. to westbound 14 Mile Rd. at Woodward Ave. in order to facilitate the installation of a SMART enhanced FAST style shelter at the existing bus stop.**

**AND**

**To recommend to the City Commission approval of the location of the next bus shelter at westbound E. Maple Rd. and Coolidge.**

The Chairman called for public comment at 6:55 p.m.

Mr. Strader confirmed that Mr. Robert Kramer at SMART told him if the MMTB approves the red shelter, SMART will take care of all the cost of installation and repairs, including cracked windows, and look to the City or business sponsor for trash pickup and any landscaping maintenance.

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Isaksen, Edwards, Folberg, Rontal, Shafer

Nays: None

Absent: Slanga

## **8. COMPLETE STREETS TRAINING SESSION**

Mr. Strader explained that his presentation focuses mostly on pedestrians and bikes and not so much on autos. The training objective is to provide a basic understanding of what complete streets are and what they mean to your community. The Michigan Complete Streets Coalition came up with a definition for Michigan that was enacted in Michigan Public Act 135 of 2010. A system of streets. . . "planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot or bicycle." That is when Complete Streets got its big push in Michigan that has changed the way streets are designed.

Also in 2010 one of the laws that was changed in Michigan was to acknowledge Complete Streets in Act 33 of 2010 (Planning Act). The Birmingham Planning Board follows the Planning Act in terms of a Master Plan that directs land uses and infrastructure and is a guide for capital improvements.

In Michigan, State funding for roads is called Act 51 of 2010 (Michigan Transportation Fund). It classifies roads into major and minor streets and provides the formula for how the City gets its funds funneled through the State. MDOT may work with communities or municipalities to look at Complete Streets design changes on a trunk line such as Woodward Ave. MDOT has an undefined amount that is supposed to go for maintaining pedestrian and bicycle ways and in the Upper Peninsula maintaining snow mobile trails.

Nationally and in Michigan there are ten Complete Street principles:

1. Set the vision.
2. Accommodate all legal roadway users.
3. Emphasize interconnected networks.
4. Address all roadways and inter-jurisdictional issues to have consistency where possible.
5. Define process for exceptions based on criteria.
7. Integrate best practices.
8. Context sensitive design to fit the characteristics of that part of the city.



## Priority Locations for Enhanced Transit Stops – 08-05-2018

Rank	Stop ID	Routes	Bus Stop	Approved	2017 Ridership			Notes
					On	Off	Total	
1	22059	460,780	E. Maple & Coolidge Westbound	No	<b>16</b>	2	18	Nearby intersection will be reconfigured in 2018
2	11300	450,460, 780	W. Maple & Old Woodward Eastbound	No	<b>22</b>	28	50	Phase 1: Old Woodward Reconstruction - not approved in original plans; would need approval
3	1277	780	W. Maple & Old Woodward Westbound	No	<b>11</b>	18	28	Phase 1: Old Woodward Reconstruction - not approved in original plans; would need approval
4	1652	450,460	S Old Woodward & Daines Northbound	No	<b>28</b>	4	31	Phase 3: Old Woodward Reconstruction
5	12082	445, 450,460	Woodward & Bennaville Southbound	No	<b>5</b>	1	6	Currently no room for shelter- would need to move stop to parking area bumpout
6	10676	450,460	Bowers & S. Old Woodward Northbound	No	<b>2</b>	6	8	Would require new pad on possibly private property
7	12099	780	W. Maple Rd & Pleasant Eastbound	ARC 7/15/16	<b>1</b>	0	1	First United Methodist Church
8	10691	780	W Maple Rd & Woodward Westbound	No	<b>18</b>	7	25	Currently no room for shelter- maybe add curb cut
	23830	461,462	Woodward & Maple Southbound	No	Too soon for ridership figures			FAST stop (SMART offering to pay for shelter of different design)
	23829	461,462	Woodward & Maple Northbound	No	Too soon for ridership figures			FAST stop (may relocate)- Near shelter on Maple (SMART offering to pay for shelter of different design)
	22375	415,420	14 Mile Rd & Woodward Westbound	No	<b>24</b>	8	32	Will receive current shelter on Woodward at 14 Mile if SMART installs FAST shelter



Lauren Chapman &lt;lchapman@bhamgov.org&gt;

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## Possible bus shelter at Birmingham Corners

---

**John Reinhart** <john\_reinhart\_home@yahoo.com>

Mon, Aug 6, 2018 at 8:43 AM

To: Lauren Chapman &lt;lchapman@bhamgov.org&gt;

You have our (Birmingham Corners Association) support and approval to install a SMART bus shelter on our property (NW corner of Maple and Coolidge) between the sidewalk and carport, pending a review meeting and legal agreement.

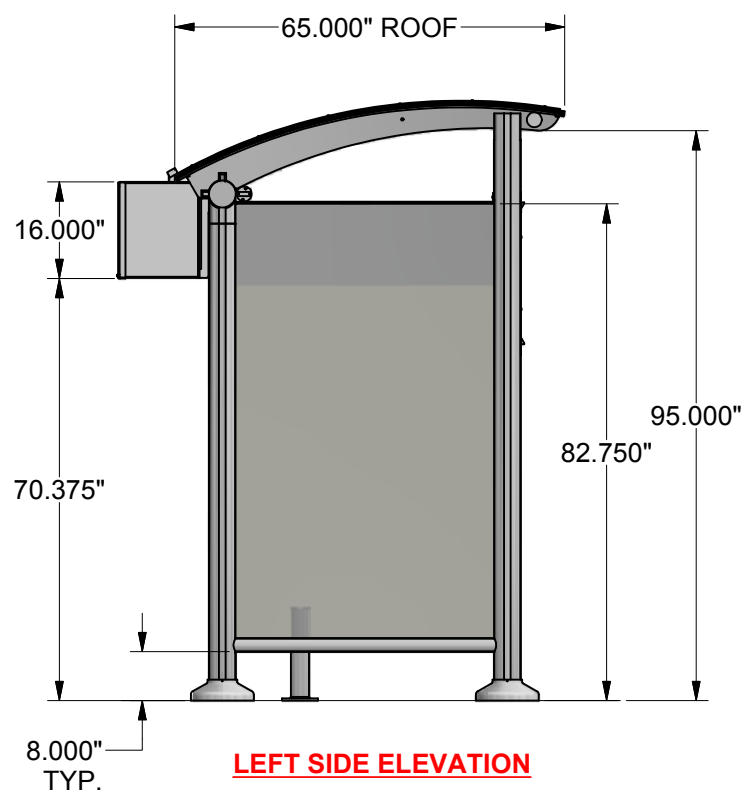
Contact me with any questions / next steps.

Sent from the iPad of John Reinhart

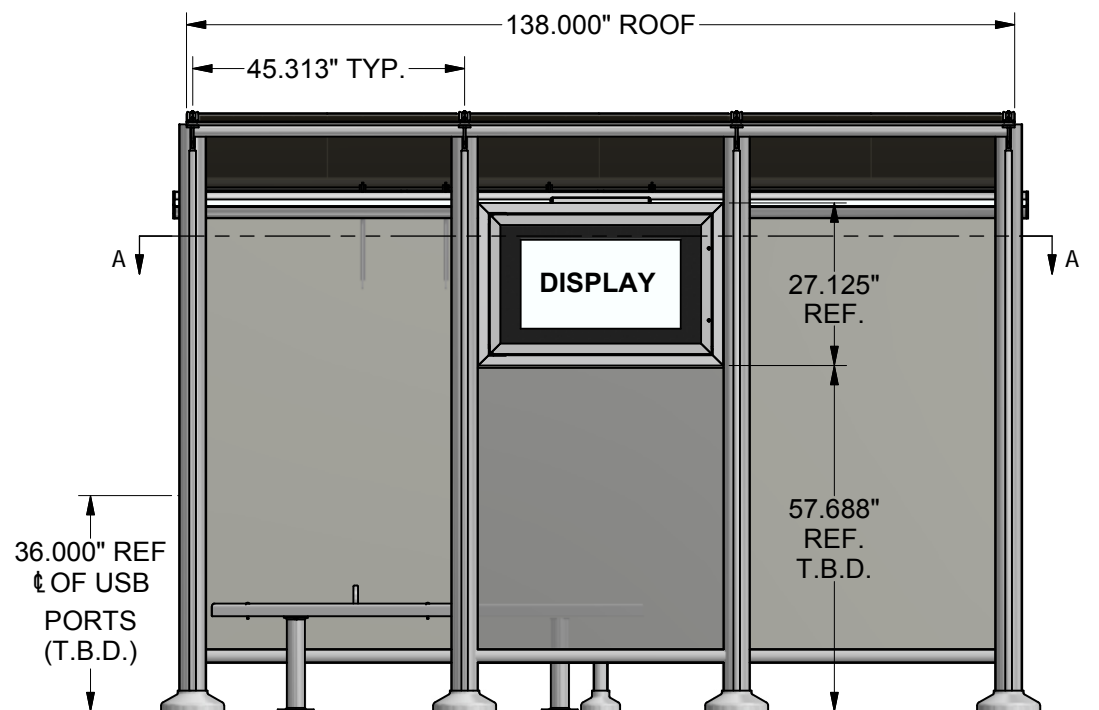
[313-909-7481](tel:313-909-7481)

[john\\_reinhart\\_home@yahoo.com](mailto:john_reinhart_home@yahoo.com)

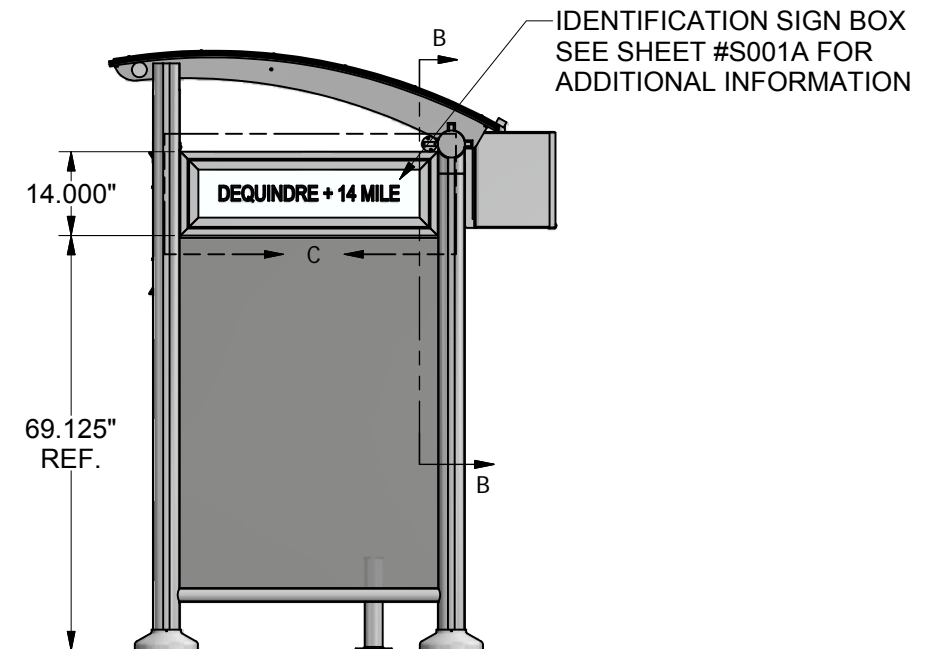
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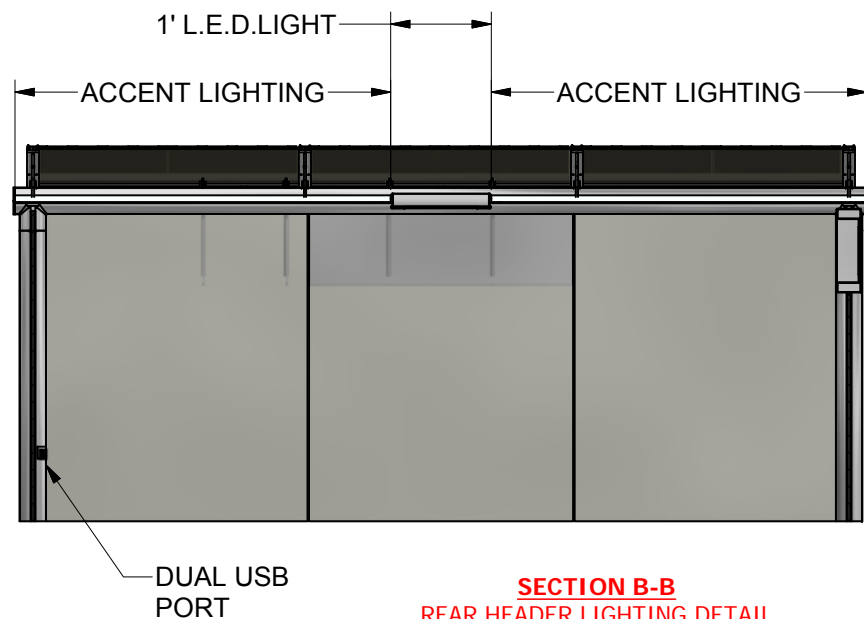
**LEFT SIDE ELEVATION**



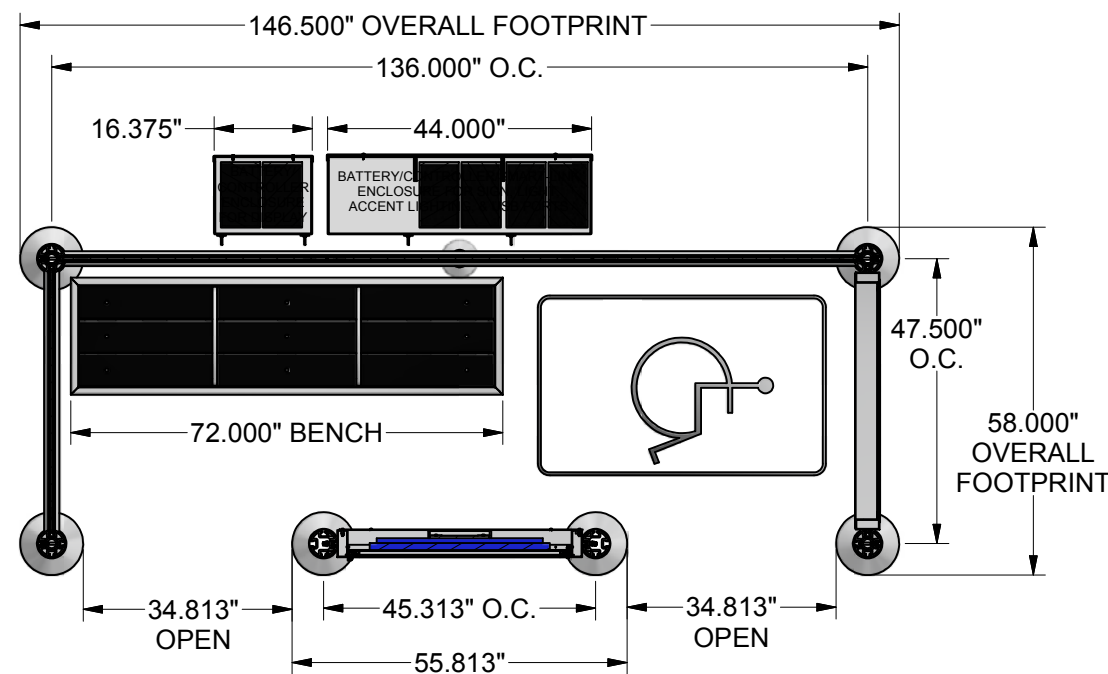
**FRONT ELEVATION**



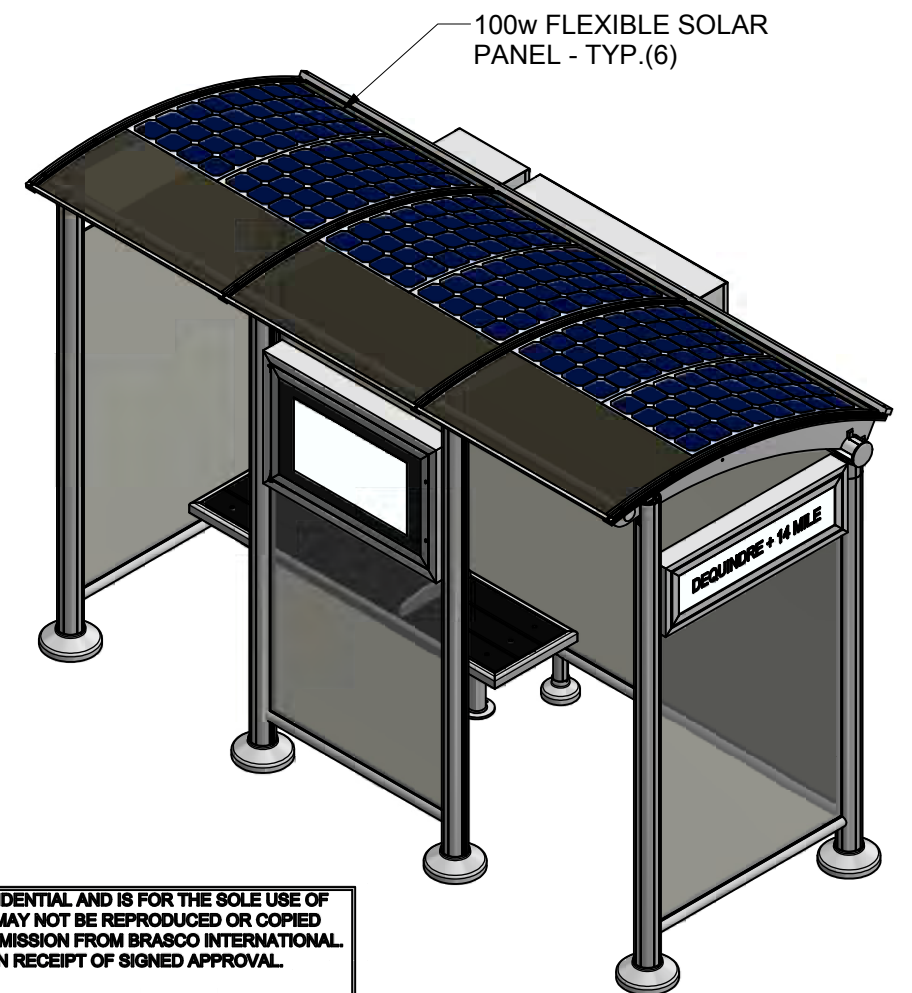
**RIGHT SIDE ELEVATION**



**SECTION B-B  
REAR HEADER LIGHTING DETAIL**



**SECTION A-A**



100w FLEXIBLE SOLAR  
PANEL - TYP.(6)

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SIGNED:

DATE:

**QUANTITY (6) SHELTERS THUS**

**SPECIFICATIONS:**

- RAL9006 WHITE ALUMINUM POWDER COATED ALUMINUM STRUCTURE
- 3/8" CLEAR TEMPERED SAFETY GLASS
- 3/8" CLEAR TEMPERED SAFETY GLASS WITH CERAMIC FRIT (MIDDLE REAR)
- 6' ALUMINUM BENCH WITH (3) HDPE SLATS AND (2) DIVIDERS
- ALUMINUM ESCUTCHEON COVERS
- 32" SOLAR POWERED CONNECTPOINT DIGITAL MESSAGING DISPLAY (FRONT WALL)
- SOLAR POWERED, BACKLIT IDENTIFICATION SIGN BOX (RIGHT SIDE WALL)
- (2) SOLAR POWERED USB PORTS (INSIDE LEFT REAR COLUMN)
- CUSTOM BATTERY ENCLOSURE WITH SMART LINK CONTROLLER
- ARCHED ROOF WITH 1/4" BRONZE ACRYLIC AND SOLAR PANEL ARRAY



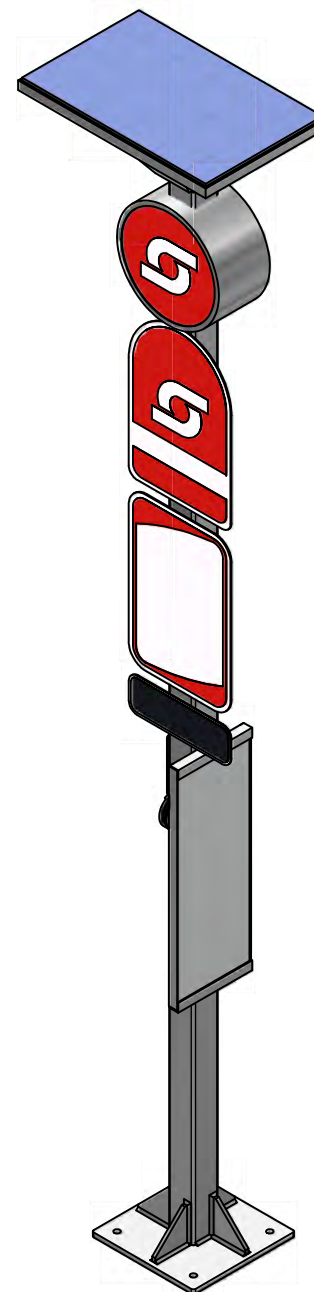
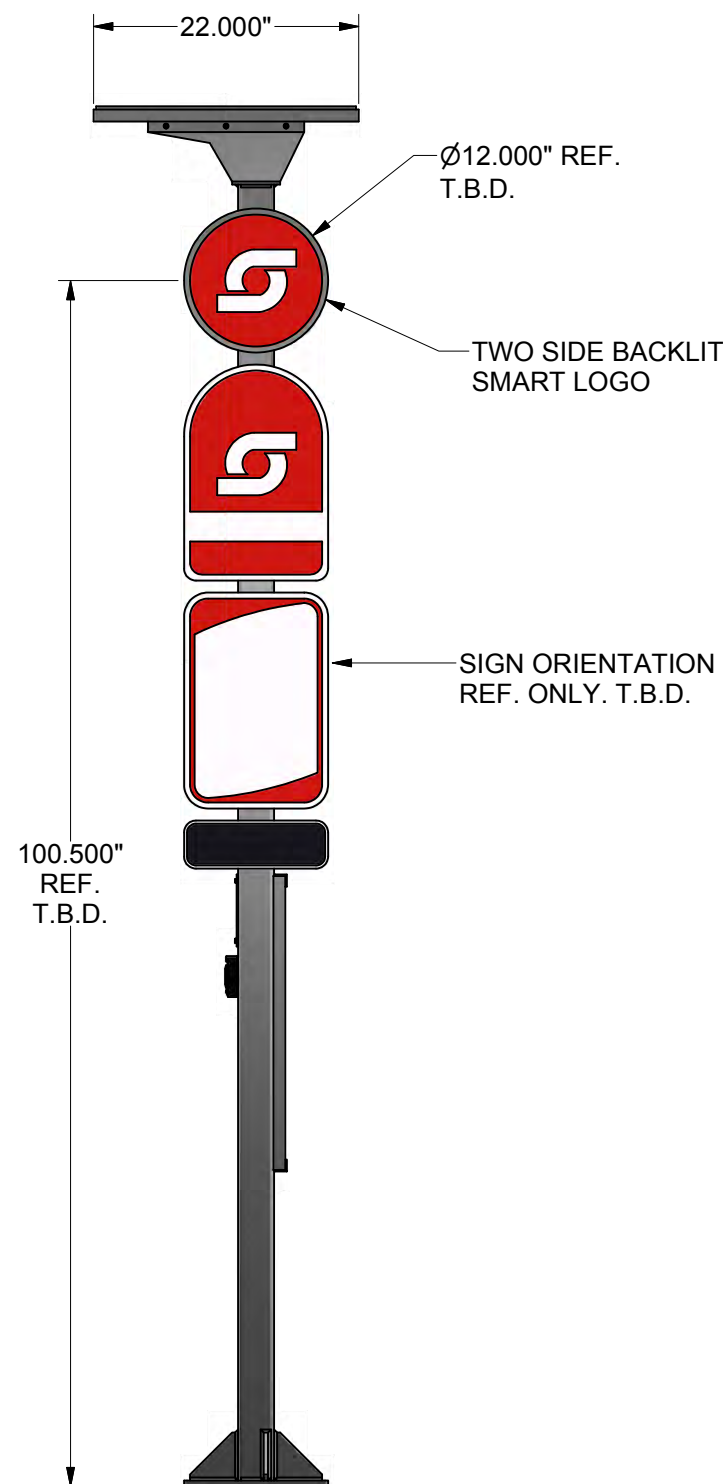
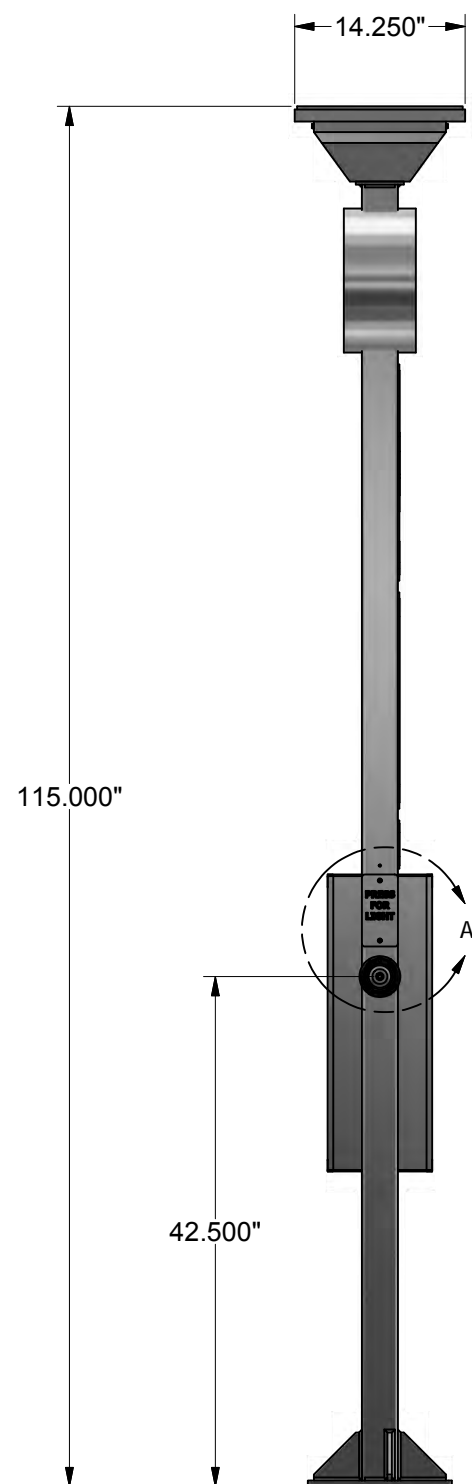
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CUSTOMER: S.M.A.R.T.		DESIGNER: HAUS	CHECKER: BDH
PROJECT: ECLIPSE STYLE TRANSIT SHELTER		DATE: 4-18-18	DATE: 4-18-18
MODEL: ECL0512-AR-AC-WC-SO	JOB # 5363	SHEET: S001	REVISION: A



DETAIL A



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SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

QUANTITY (6) SOLSTOPS THUS

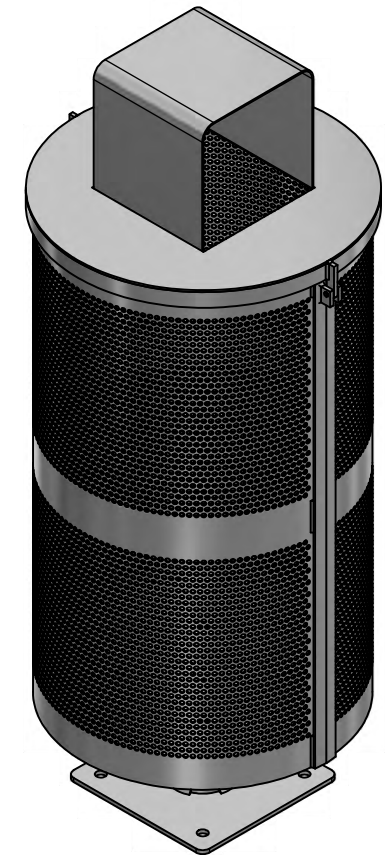
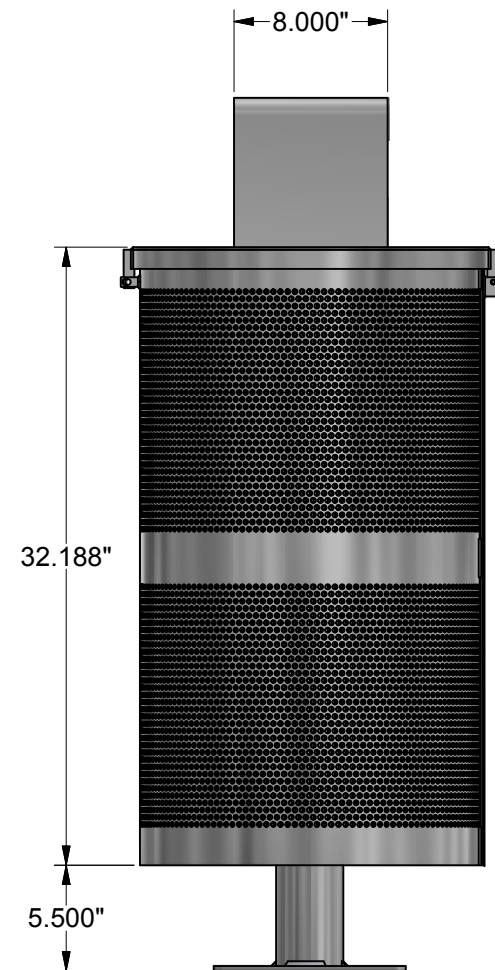
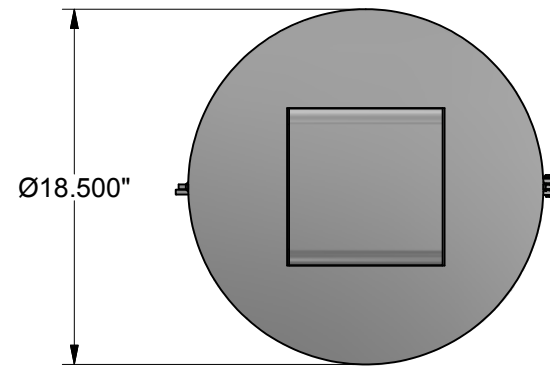
- SPECIFICATIONS:**
- RAL9006 WHITE ALUMINUM POWDER COATED ALUMINUM STRUCTURE
  - 20w SOLAR PANEL
  - 5w L.E.D. LIGHT FIXTURE
  - PUSH BUTTON ACTIVATION



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PROJECT: ECLIPSE STYLE TRANSIT SHELTER		DATE: 4-18-18	DATE: 4-18-18
MODEL:	JOB # 5363B	SHEET: S002	REVISION: A



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SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

**QUANTITY (6) TRASH RECEPTACLES THUS**

**SPECIFICATIONS:**  
- RAL9006 WHITE ALUMINUM POWDER COATED ALUMINUM STRUCTURE  
- ALUMINUM BONNET LID

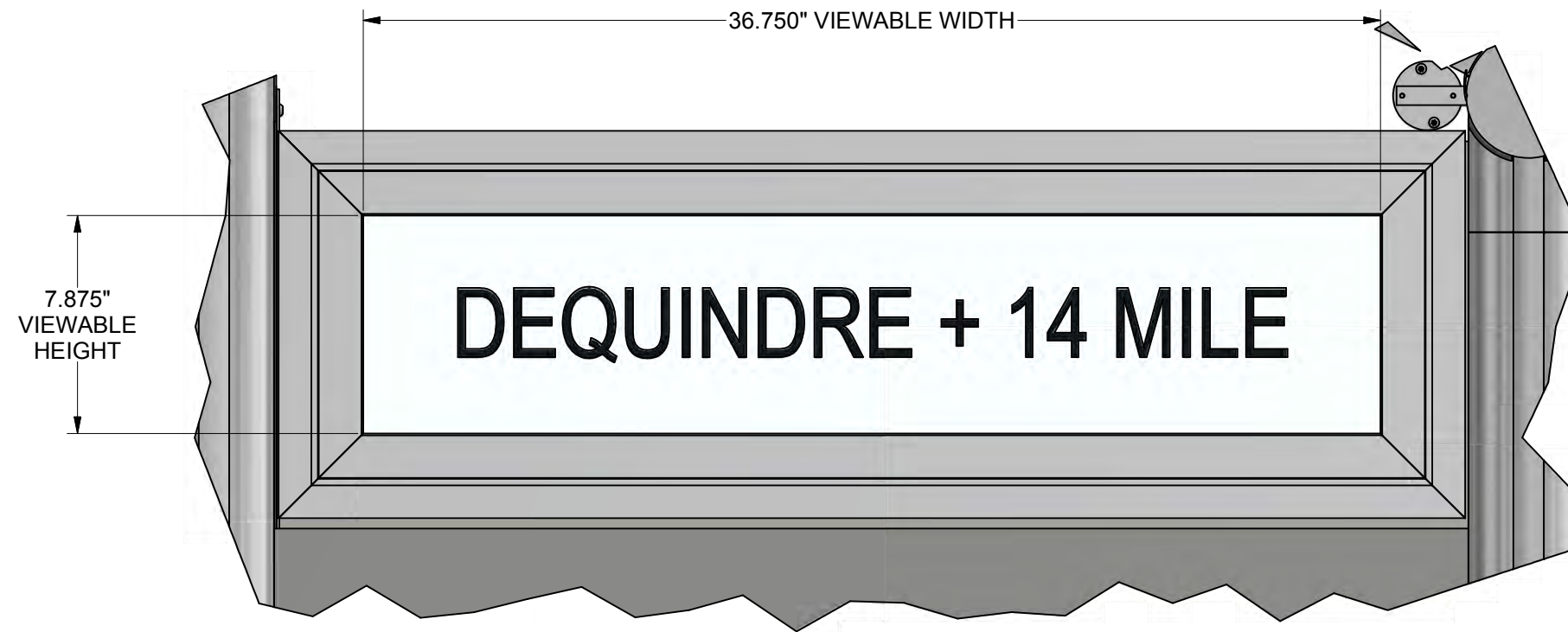


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CUSTOMER: S.M.A.R.T.		DESIGNER: HAUS	CHECKER: BDH
PROJECT: ECLIPSE STYLE TRANSIT SHELTER		DATE: 4-18-18	DATE: 4-18-18
MODEL: EC-TR-006	JOB # 5363 C	SHEET: S003	REVISION: A






**DETAIL C**  
FROM SHEET #S001

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**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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		PROJECT: ECLIPSE STYLE TRANSIT SHELTER		DATE: 4-18-18	DATE: 4-18-18
		MODEL: ECL0512-AR-AC-WC-SO	JOB # 5363	SHEET: S001 A	REVISION: A



## MEMORANDUM

Engineering Dept.

**DATE:** September 12, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** Paul T. O'Meara, City Engineer

**SUBJECT:** Michigns Dept. of Environmental Quality (MDEQ)  
Revised Lead & Copper Rules

---

As you know, in 2014, a public health crisis developed in the City of Flint when the City elected to begin using its own water treatment plant (which had not been used in decades) instead of purchasing water from the City of Detroit. The crisis focused on how the change in the chemical composition of the water removed the protective coating that had formed on the inside of lead water services and plumbing fixtures, which resulted in dangerously high levels of lead in the drinking water.

Since that time, the MI Dept. of Environmental Quality (MDEQ) has been formulating plans to require all public drinking water systems to prepare and implement plans to remove lead water services from their system. Some of the rule changes have been described as inappropriate, unconstitutional, or just downright impossible to implement. Earlier this year, MDEQ released the suggested rule changes, and provided an official 90 day comment period for affected water systems to comment. Many comments were received. Instead of responding to the concerns of water system operators, MDEQ proceeded to declare that the new rules were now in force, with a transition period starting June 14, 2018. Full implementation is expected by January 1, 2019. The following summarizes the rule changes that are of particular concern:

1. All lead water services shall be removed and replaced within 20 years.

The City is expected to develop and implement a plan to remove at least 5% of its lead water services every year for a period of 20 years. Currently, information on the status of each water service is stored on an individual file maintained for every active customer, by address. Knowing that this rule was coming, our staff has begun researching every file, and making a list of known lead water services in the City in our spare time. The preparation of the list is only about 5% complete. As the weather cools and construction levels are reduced, we hope to make more progress on the list. At that time, we will review the list and develop a plan to address this requirement, and eventually submit it to MDEQ for approval.

There are two major factors with this requirement that are problematic for cities everywhere:

- a. *Replacement of the lead service is required from the water main to the water meter.*

Fortunately, there are relatively few lead services in Birmingham's system. It is anticipated that less than 5% of the 8,000 customer water services in the system will contain some form of lead piping that requires removal. For decades, as a part of any public water main replacement

project, the City has replaced all lead services in the project area with copper from the main to the property line, at City expense, as a good will gesture. More recently, the City is now replacing all undersized copper water services as well as lead services, which greatly increases the number of homes getting a new water service. The MDEQ rule will now require the City to extend the replacement of the water service into the front yard of the house, through the foundation and basement floor, and terminating at the water meter. Such work will complicate the project in that permission and access to the basement of the home will be required, and all work will have to be completed with the supervision of a registered plumber.

*b. Replacement of the lead service must be paid for by the water system.*

Under the old policy that lead services would be replaced up to the property line at City expense, the cost would be about \$3,000 per house, when combined with a street replacement. For a typical half mile of street, the total cost to the project would be an average of \$15,000 total. Under the City's 2017 policy change, homeowners having their water service replaced due to it being undersized are assessed for this work. The City's policy also directs staff to bill at the same rate as those that have a lead service being replaced, as the final product and cost to the City to complete this work is the same. Therefore, the only cost to the City for this work has been the relatively minor cost of landscaping and sidewalk replacement at the property line connection.

Now that the City is required to replace the service all the way to the meter, staff time and effort will increase given the need to obtain permission to work on private property. We will also expend time identifying any issues with the proposed work in the home's basement, and potentially issues with the foundation, landscaping, front porches, or other amenities located at the home. It is expected that the new average cost for this work will be on the order of \$8,000 to \$10,000 per house, and will increase for those homes that have a meter located in a difficult to access location. There will be an equity issue in that having a lead water service will provide the customer the opportunity to receive a new service for "free" all the way to the meter, while their neighbors are receiving an upgrade of their service to the property line (a benefit at less than half the value) while being assessed for 100% of the cost.

2. Sampling requirements will be modified, and the action level will be reduced from 15ppb to 12 ppb.

Birmingham just completed its lead and copper sampling last year, and is not required to do so again until 2020. The rule will not go into effect until 2025.

3. A list of lead water services must be finished by 2020, and the City must plan to replace 5% of its lead services each year starting in 2021.

It is our internal goal to finish this list by the end of this year, to allow for better planning on the other requirements. If this rule stands, the City will have to initiate lead service replacement projects so that every street is ultimately worked over the following 20 years to address this issue.

4. Homeowners must be notified once it is identified that a lead water service exists.

Once the City-wide list has been compiled, it is our intent to notify all residents at the same time, by US Mail.

To summarize, the two rule changes that are of the most immediate concern are:

- The requirement to always replace the lead water service in its entirety whenever it or the adjacent water main is being worked on, which requires the consent and cooperation of the private property owner.
- The requirement that work that benefits individual homeowners must be paid for by the water system, and cannot be charged back to the customer.

It is expected that these rule changes will eventually result in a lawsuit. In order to move in that direction, the Great Lakes Water Authority (GLWA), the Detroit Water & Sewer Dept. (DWSD), and the Oakland Co. Water Resources Commissioner (OCWRC) have filed the attached Request for Declaratory Ruling. The request is filled out on the MDEQ's form prepared for the purpose of requesting an official review of an action taken by the MDEQ. The filing states in part: "We (the above) request a declaratory ruling...in regards to the MDEQ Lead and Copper Rules (LCR) filed...on June 14, 2018. Petitioners challenge the validity of the LCR asserting that the rules exceed the scope of the MDEQ's authority under the state law and are arbitrary and capricious."

The three agencies above are asking other affected water systems throughout the state to pass a motion supporting the action, so as to lend support of this action. This morning, the Southeast Oakland Co. Water Authority (SOCWA) passed a motion supporting the Request. Further, the director of SOCWA Jeffrey McKeen encouraged all of the member water systems to also take this step of concurring with the request.

While the City of Birmingham staff fully acknowledges the dangers that high lead levels in drinking water can cause, we also understand that the corrosion control inhibitors consistently used in GLWA water have kept the lead content well below safe minimums for decades when testing occurs. With that in mind, we agree that additional dialogue is needed between water system operators and the MDEQ to arrive at goals that are achievable and appropriate as we move to remove all lead piping from our system. With that in mind, it is recommended that the City sign the concurrence form included below identifying the City of Birmingham as an interested party to this action.

**SUGGESTED RESOLUTION:**

To authorize the Mayor to sign the Concurrence Form regarding the Request for Declaratory Ruling filed by the Great Lakes Water Authority, the Detroit Water & Sewer Dept., and the Oakland Co. Water Resources Commissioner pertaining to the new Lead & Copper Rules as issued by the Michigan Dept. of Environmental Quality dated June 14, 2018.

**CONCURRENCE WITH  
PETITIONERS' REQUEST FOR DECLARATORY RULING  
Re: MDEQ's Lead and Copper Rules**

NAME OF GOVERNMENTAL ENTITY City of Birmingham	STREET ADDRESS 151 Martin Street		
CITY Birmingham	STATE MI	ZIP CODE 48009	TELEPHONE NO. (248 ) 530.1808
E-MAIL ADDRESS jvalentine@bhamgov.org			
<p>On June 14, 2018, the MDEQ filed the MDEQ Lead and Copper Rules ("LCRs") with the Secretary of State.</p> <p>On August 13, 2018, the Great Lakes Water Authority, Detroit Water and Sewerage Department and the Oakland County Water Resource Commissioner (the "Petitioners") timely filed their Request for Declaratory Ruling, pursuant to 2003 MR 2, R 324.81. The Petitioners challenged the validity of the LCRs, asserting that the LCRs exceed the scope of the MDEQ's authority under state law and are arbitrary and capricious.</p> <p>The above stated governmental entity has reviewed the Petitioners' Request for Declaratory Relief and incorporates it by reference and concurs in its Relief Requested.</p>			
<p><b>Indicate below whether the request relates to a Statute, Administrative Rule, or an Order administered by the Department.</b></p> <p><input type="checkbox"/> Part        of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 <i>et seq.</i></p> <p><input type="checkbox"/> Part        of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 <i>et seq.</i></p> <p><input type="checkbox"/> Other statute:</p> <p><input checked="" type="checkbox"/> <b>Administrative Rule, R 325.10102-.11606 Title: Supplying Water to the Public (Lead and Copper Rules)</b></p> <p><input type="checkbox"/> Order No.        ; Title</p>			
<p><b>Please state the specific question or request to be addressed:</b> The above stated governmental entity concurs in the Petitioners' request that:</p> <p>(1) the MDEQ issue a declaratory ruling finding that key provisions of the LCRs exceed the MDEQ's authority under the Michigan Safe Drinking Water Act ("MSDWA"), and are arbitrary and capricious, and</p> <p>(2) the MDEQ issue a declaratory ruling finding that the rulemaking record for the LCRs, Regulatory Impact Statement and Cost Benefit Analysis are incomplete, deficient and fail to provide the necessary legal support and foundation for the LCRs.</p>			
<p>Please state the actual <i>uncontested facts</i>, including your status as an interested person or your standing to request a declaratory ruling:</p> <p>Like the Petitioners, the above stated governmental entity is a supplier of water, as defined under the MSDWA, and thus has a direct interest in the scope and applicability of the LCRs and has standing to challenge the validity of the LCRs.</p> <p>As described in the Petitioners' Request for Declaratory Ruling, the LCRs impose a myriad of new and additional regulatory, technical and cost burdens on suppliers of water.</p> <p>As such, the above stated governmental entity incorporates by reference the statements and allegations made in the Request for Declaratory Relief. Further, the above stated governmental entity concurs in the Petitioners' Relief Requested in the Request for Declaratory Ruling.</p>			
(Additional pages, maps, drawings, etc., may be attached)			
TITLE IF SIGNING FOR THE GOVERNMENTAL ENTITY Mayor		NAME OF GOVERNMENTAL ENTITY City of Birmingham	
SIGNATURE		DATE	

Submit this Concurrence with Petitioners' Request for Declaratory Ruling and attachments to:

EXECUTIVE DIVISION  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
525 WEST ALLEGAN STREET  
LANSING, MI 48933



Founded in 1852  
by Sidney Davy Miller

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# MILLER CANFIELD

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August 13, 2018

## VIA HAND DELIVERY

Ms. Heidi Grether  
Director  
Executive Division  
Department of Environmental Quality  
525 W. Allegan St.  
Lansing, MI 48933

Re: Request for Declaratory Ruling

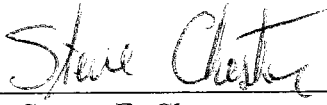
Dear Director Grether:

Enclosed for filing is a Request for Declaratory Ruling on behalf of Great Lakes Water Authority, Detroit Water and Sewerage Department, and Jim Nash in his capacity as Oakland County Water Resources Commissioner and as County Agent for the County of Oakland.

Please feel free to contact me if you have any questions regarding this letter or the enclosed Request.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By:   
Steven E. Chester

SEC

cc w/enc: ALJ Daniel L. Pulter (via hand delivery)  
Attorney General Bill Schuette (via hand delivery)



# MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY REQUEST FOR DECLARATORY RULING\*

The procedural authority for a declaratory ruling is the  
Michigan Administrative Procedures Act, 1969 PA 306, as amended; MCL 24.201 et seq.  
Information requested on this form may be provided in an alternative, written format or additional pages may be attached.

NAME For list of Petitioners, see Attachment		STREET ADDRESS See Attachment	
CITY See Attachment	STATE MI	ZIP CODE Attachment	TELEPHONE NO. Attachment
E-MAIL ADDRESS See Attachment			
We (the above) request a declaratory ruling pursuant to 2003 MR 2, R 324.81 in regards to the MDEQ Lead and Copper Rules ("LCR"), which were filed with the Secretary of State on June 14, 2018.. Petitioners challenge the validity of the LCR asserting that the rules exceed the scope of the MDEQ's authority under state law and are arbitrary and capricious.			
<b>Indicate below whether the request relates to a Statute, Administrative Rule, or an Order administered by the Department.</b> <input type="checkbox"/> Part of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 <i>et seq.</i> <input type="checkbox"/> Part of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 <i>et seq.</i> <input type="checkbox"/> Other statute: <input checked="" type="checkbox"/> Administrative Rule, R 325.10102 - .11606 Title: Supplying Water to the Public (Lead and Copper Rules) <input type="checkbox"/> Order No. ; Title			
Please state the specific question or request to be addressed: We are requesting that the MDEQ issue a declaratory ruling finding that key provisions of the LCR exceed the MDEQ's authority under the Michigan Safe Drinking Water Act ("MSDWA"), and are arbitrary and capricious. We also request that the MDEQ issue a declaratory ruling finding that the rulemaking record for the LCR, including the Regulatory Impact Statement and Cost Benefit Analysis ("RIS"), is incomplete, deficient, and fails to provide the necessary legal support and foundation for the rules.			
Please state the actual <i>uncontested facts</i> , including your status as an interested person or your standing to request a declaratory ruling: Petitioners are suppliers of water as defined under the MSDWA and thus have a direct interest in the scope and applicability of the LCR. As described in the Attachment, the rules impose myriad new and additional regulatory, technical and cost burdens on Petitioners. As such, Petitioners have standing to challenge the validity of the LCR. For the factual Background, see the Attachment.			
<b>ATTENTION: IF YOU ARE REQUESTING A DECLARATORY RULING, YOU MUST SIGN THIS FORM.</b>			
TITLE IF SIGNING FOR ORGANIZATION Attorneys for Petitioners		ORGANIZATION Miller, Canfield, Paddock and Stone, PLC.	
SIGNATURE 		DATE August 13, 2018	

\*Requests regarding enforcement issues are not a proper subject for a Declaratory Ruling: 2003 MR 2, R 324.81(1).

Submit this Request and attachments to:  
EXECUTIVE DIVISION  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
525 WEST ALLEGAN STREET  
LANSING, MI 48933

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Petitioners:

Great Lakes Water Authority ("GLWA"), Detroit Water and Sewerage Department ("DWSD"), and Jim Nash in his capacity as Oakland County Water Resources Commissioner and as County Agent for the County of Oakland ("Oakland Water Resources Commissioner")

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**REQUEST FOR DECLARATORY RULING**

Petitioners DWSD and GLWA, by and through their attorneys Miller, Canfield, Paddock and Stone, PLC, and Petitioner Oakland Water Resources Commissioner, by and through their counsel Dickinson Wright PLLC, (collectively "Petitioners") submit this Request for Declaratory Ruling to the Michigan Department of Environmental Quality ("MDEQ" or the "Department") pursuant to Sections 63 and 64 of the Michigan Administrative Procedures Act ("APA"), MCL 24.263 and MCL 24.264, and Administrative Rules R 792.10301 and R 324.81.<sup>1</sup> As set forth herein, Petitioners challenge the validity of the MDEQ Lead and Copper Rules ("LCRs")<sup>2</sup> which were filed with the Secretary of State on June 14, 2018. Petitioners assert that the LCRs exceed the scope of the MDEQ's authority under state law and are arbitrary and capricious.

In support of the Request, Petitioners state the following:

**Petitioners**

1. Petitioner Great Lakes Water Authority ("GLWA") is an authority established pursuant to Act 233, Michigan Public Acts of 1955, as amended and a wholesale water supply provider to over 127

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<sup>1</sup> In accordance with Section 64 of the APA, before challenging the validity or applicability of a rule in circuit court, a petitioner/ plaintiff must first request the agency that promulgated the rule for a declaratory ruling. MCL 24.264. Section 63 of the APA and the rules cited above identify the criteria for seeking a declaratory ruling from the MDEQ. The relevant APA sections and rule citations are set forth in the attached **Addendum**.

<sup>2</sup> The LCR amends the MDEQ "Supplying Water to the Public" Rules, specifically R 325.10102, R 325.10105, R 325.10108, R 325.10401a, R 325.10405, R 325.10410, R 325.10413, R 325.10420, R 325.10604f, R 325.10710a, R 325.10710b, R 325.10710d, R 325.11506, R 325.11604, and R 325.11606 of the Michigan Administrative Code.

governmental entities in Southeast Michigan. By license through the Detroit Water and Sewerage Department, GLWA is also a water supply provider to all of Detroit's retail customers. GLWA's main office is located at 735 Randolph St., Suite 1900, Detroit, MI 48226 GLWA, sue.mccormick@glwater.org.

2. Petitioner Detroit Water and Sewerage Department ("DWSD") is a public utility that provides drinking water and sewerage services for customers in the City of Detroit. DWSD's service area has an estimated 2,700 miles of water mains serving a population of approximately 680,000, of which over 35 percent have incomes below the U.S. federal poverty line. Detroit has an estimated 125,000 lead service lines (LSLs), aged water and sewer pipe networks, and high incidences of water and sewer line breaks. DWSD's main office is located at 735 Randolph St., Suite 506, Detroit, Michigan 48226-2830, browngary@detroitmi.gov.

3. Petitioner Jim Nash in his capacity as Oakland County Water Resources Commissioner and as County Agent for the County of Oakland is the elected official in Oakland County responsible for planning, developing, and maintaining designated surface water drainage systems in Oakland County, providing operations and maintenance to both water and sewer customers in more than fifteen Oakland County communities. Oakland County's service area in the City of Pontiac has 304 miles of water main serving a population of approximately, 59,792, of which more than 34.4 percent have incomes below the U.S. federal poverty line. Pontiac has a high percentage of lead service lines, has aged water and sewer infrastructure, and high incidents of water main breaks. The office of the Oakland County Water Resources Commissioner is located at One Public Works Drive, Building 95 West, Waterford, MI 48238, wrc@oakgov.com.

4. Each Petitioner is a "*supplier of water*" as defined by the Michigan Safe Drinking Water Act ("MSDWA"), MCL 325.1001 *et seq.*, and subject to the LCRs. As defined by the MSDWA, a "*supplier of water*" is: "a person who owns or operates a public water supply, and includes a water hauler." MCL

325.1002 (t). In turn, a “*public water supply*” is defined, in pertinent part, as: “a waterworks system that provides water for drinking or household purposes to persons other than the supplier of the water....” MCL 325.1002(p). Lastly, a “*waterworks system*” is: “a system of pipes and structures through which water is obtained and distributed, including but not limited to wells and well structures, intakes and cribs, pumping stations, treatment plants, storage tanks, pipelines and appurtenances, or a combination thereof, actually used or intended for use for the purpose of furnishing water for drinking or household purposes.” MCL 325.1002(x).

5. As suppliers of water, Petitioners have a direct interest in the scope and applicability of the LCRs. As described below, the LCRs impose myriad new and additional regulatory, technical and cost burdens on Petitioners. As such, Petitioners have standing to challenge the validity of the LCRs.

### **Background**

6. In March, 2017, the MDEQ submitted a Request for Rulemaking to the Office of Regulatory Reinvention to amend the lead and copper provisions of the state’s existing Supplying Water to the Public Rules. Up to this point, the MDEQ’s lead and copper drinking water regulations, enacted under the MSDWA, substantially tracked and incorporated the requirements of the federal Lead and Copper Rule, 40 CFR 141.80-.91, promulgated by the U. S. Environmental Protection Agency (“U.S. EPA” or “the Agency”) under the federal Safe Drinking Water Act, 42 USC 300f *et seq.*<sup>3</sup> The MDEQ’s proposed rule changes were intended to impose additional requirements on state drinking water suppliers beyond those imposed by the federal rule.

7. The MDEQ formed a stakeholder group and held stakeholder meetings from July through November, 2017. Draft LCRs were published in January, 2018. As required by Section 45 of the APA, MCL

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<sup>3</sup> U.S. EPA has granted Michigan primacy to implement the federal SDWA and federal Lead and Copper Rule.



24.245, and Executive Order 2011-5, the MDEQ prepared a Regulatory Impact Statement and Cost-Benefit Analysis ("RIS") to, among other things, compare the LCRs to parallel federal and state regulations, determine whether the LCRs conflict with existing law, identify the behavior to be altered and the harm to be addressed by the LCRs, identify the impacts of the LCRs on businesses, groups and individuals, discuss possible alternatives to the LCRs, and estimate the costs imposed by the LCRs (a cost-benefit analysis). Hence, one of the main purposes of the RIS is to inform the public and decision-makers regarding the impact of the LCRs.

8. A public comment period for the LCRs was held from February 8, 2018 through March 21, 2018, and a public hearing was held in Lansing on March 1, 2018. Petitioners were part of a "Coalition" of water suppliers and municipal associations that provided comments. **Attachment A.** Petitioner DWSD also provided comments individually. **Attachment B.** As noted below, the MDEQ largely rejected the Petitioners' legal, technical and substantive comments and concerns regarding the LCRs. The LCRs were provided to the Joint Committee on Administrative Rules (JCAR) in May, 2018 and, after several additional changes, the rulemaking process was completed and the LCRs became final on June 14, 2018.

#### **Statutory and Substantive Legal Defects of the LCR**

9. During the stakeholder process and public comment period, Petitioners identified significant substantive defects and statutory and constitutional conflicts with the LCRs. Petitioners repeatedly requested that the MDEQ respond to these legal issues, but the department chose not to do so, leaving most of the Petitioners' concerns unaddressed. As a consequence, the rulemaking record for the LCRs is incomplete, deficient, and fails to provide the necessary legal support and foundation for the LCRs. As such, the MDEQ has exceeded its statutory and constitutional authority in promulgating the LCRs.

10. The LCRs impose new obligations on water suppliers without duly considering the legal, scientific and technical support for such unfunded mandates. Without limitation, these obligations include:

- a. removing privately owned lead service lines using public monies, R 325.10604f(5)(c) and (6)(e);
- b. with limited exceptions, removing all lead service lines within 20 years even where existing lines fall below lead action levels, R 325.10604f(6)(b);
- c. accessing private property to complete a distribution system materials inventory, R 325.11604(c);
- d. reducing the lead action level from 15 parts per billion ("ppb") to 12 ppb triggering additional regulatory actions, R325.10604f(1)(c), (e), and (f), and R325.10604f(4) and R325.10604f(5);
- e. requiring sequential sampling in addition to first flush sampling for water suppliers with lead service lines, R325.10710a(2)(b);
- f. anticipating partial lead service line replacements in emergencies without defining an emergency, R325.10604f(6)(e)(iv); and
- g. creating and providing support for local Drinking Water Advisory Councils, R325.10410(7).

11. As discussed herein, the LCRs exceed the scope of the MDEQ's rulemaking authority under the MSDWA in several key ways. To begin with, the LCRs require municipal water suppliers to pay the cost of removing and replacing private lead service lines with the consent of the owner **at the supplier's cost.** 325.10604f(5)(c) and (6)(e).] The MSDWA simply does not authorize the MDEQ to shift the financial burden of removing private lead lines from property owners to municipal providers and their ratepayers who did not install and do not own the lines. Yet, this is precisely what the LCRs require. The MDEQ cannot, through adopting rules, redefine the statutorily defined term "waterworks system" to expand the system's scope to include private lines which are not legally part of the system.

12. The inability and lack of authority to access private property is also a significant impediment to municipal water suppliers' compliance with the LCRs. The municipality does not have a legal right to trespass on private property without an easement or specific authority from the property owner. By way of example, City of Detroit local ordinance specifically states "whenever any repairs are necessary to any service connection between **the lot line and the water main**, the board of water commissioners shall immediately cause the same to be repaired without cost to the property owner or person responsible." Detroit City Code Sec. 56-2-4. The portion of the service line from the lot line to the residence is the **property owner's responsibility and expense**. Based upon Detroit's experience to date, obtaining permission from the actual owner of a home has been a daunting task. Nearly 50% of Detroit's housing stock is rental property and in the majority of circumstances, rental property managers are the only entity with which the City or the tenants have contact. Neither the tenant nor the property manager has legal authority to grant the municipality the right to replace the lead service line. (At least one municipal water supplier sought guidance from the MDEQ on how to handle situations where the property owner would not allow access or could not be located. MDEQ's potential "solutions" include: obtaining warrants to gain access to private land, shutting off water service until owner consents and/or refusing to connect lead line to new main. Each of these "solutions" completely ignores the fact that a family renting the home may be fully supportive of the lead service line replacement, but is at the mercy of a reluctant or elusive property owner.)

13. The issue of access to comply with the LCRs encompasses more than just the lead line replacement; first, inventory requirements and the sampling protocols are necessary under the LCRs. Petitioner Oakland County Water Resources Commissioner has found that home owners will need assistance with performing the sampling. Many home owners, if willing to assist, do not have the ability and

knowledge to take a water sample that can actually be used. Then, the even more intrusive lead line replacement work begins. Petitioner DWSD has already experienced the lack of cooperation by home owners in its pilot program for lead line replacement on just one street in Detroit. Countless hours, numerous requests and manpower have been expended to gain access to homes, but many home owners, to no avail, still refuse. Home owners simply do not want to be bothered with having to take time away from work and other obligations to attend to municipal projects. Municipal water suppliers are faced with the reality that compliance with the LCRs depends on decisions by these home owners over which the suppliers have no control.

14. The LCRs also mandate that a city with a population over 50,000 establish and provide support for a Water Advisory Council. R325.10410(7). There is no authority in the MSDWA empowering the MDEQ to require water suppliers to create such councils. A water supplier may independently decide to create and consult an advisory board or council, but that is a choice to be made by the municipal supplier and not a mandate imposed by state law.

15. Although not clearly stated in either the LCRs or its accompanying RIS, it is presumed that the overarching public health purpose of the LCRs is to lower blood lead levels in children and adults. The LCRs lower the lead action level from 15 ppb to 12 ppb. R325.10604f(1)(c). Lowering the action level then triggers a number of regulatory responses and actions on the part of water suppliers. R325.10604f(4) and R325.10604f(5). Yet, the MDEQ offers no technical rationale for how lowering the action level will contribute in any meaningful way to reducing blood lead levels amongst the general public and specifically in children because the rule does not in any way address the primary source for lead poisoning in children, which is lead paint. **Attachment A**, *Petitioners' Comments on the RIS*, (pp. 4-5).

16. An action level of 15 ppb is a “technology-based” requirement selected by the U.S. EPA as being representative of effective corrosion control treatment. *Lead and Copper Rule Revisions White Paper, EPA, p. 11 (October 2016)*. To establish a meaningful health-based benchmark, U.S. EPA currently is developing up-to-date scientific modeling of the relationship between lead levels in drinking water and blood lead levels – particularly for sensitive life stages such as formula-fed infants and children under age 6. *White Paper, p. 12*. The Agency has not yet completed its peer reviewed modelling analysis, but intends to do so as it considers revisions to the federal Lead and Copper Rule. In addition to modelling, U.S. EPA also will consider field data and studies provided by water suppliers on the relationship of blood lead levels and drinking water. The MDEQ thus has taken the federal action level developed to address the effectiveness of corrosion control measures and misapplied it to lead service line replacement. As such, the MDEQ’s lowering of the lead action level without the results of U.S. EPA’s rigorous analysis is arbitrary and capricious.

17. The LCRs require water suppliers to now conduct sequential sampling in addition to first draw sampling. R325.10710a(2)(b). As Petitioners indicated to the MDEQ, compliance with the lead action level should be determined by first draw samples. First draw samples are reflective of both recent exposure of the water to household plumbing and service line. If that first draw sample comes back above the action level, an investigation should begin. Sequential sampling should be used only as part of an investigation in response to elevated levels. These samples should not be used for compliance with the action level, nor should they be used to trigger any system-wide lead service line replacement. The purpose of sequential sampling is to determine the source of the elevated lead level, which will then drive decisions about mitigation of the source. Also, by requiring sequential sampling, the MDEQ has created an otherwise avoidable potential conflict with the U.S. EPA Lead and Copper Rule which continues to require first draw



sampling (U.S. EPA presently is seeking input on sampling protocols and might require an entirely different approach to sequential sampling).

18. The LCRs even require water suppliers in compliance with the lead action level and corrosion control requirements to replace, on average, 5% of their lead service lines per year, not to exceed 20 years for total line replacements unless an alternative schedule has been approved by the MDEQ. R 325.10604f(6)(b). Petitioners maintained that line replacement should not be subject to an arbitrary 20 year timeline, but should be implemented through a water supplier's asset management plan that also accounts for numerous other infrastructure objectives sought by the state. **Attachment A, Introduction** and *Petitioners' Comments to RIS, Question 4, (pp. 4-5)*. The purpose of Michigan's on-going pilot asset management project is to find more holistic approaches that align the multiple public health and safety needs water suppliers are required by law to achieve. An asset management approach will allow state and local governments to implement a lead reduction program that is both protective of public health and within a level of resources that does not compromise other public health protections. It will also ensure that local governments have the ability to continue investing in needed drinking water, sanitary sewer, and stormwater infrastructure improvements thereby avoiding an entirely different set of public health problems and unintended consequences. For instance, in Southeast Michigan's old drinking water infrastructure, a significant number of breaks occur annually; if left unaddressed each break is an opportunity for backflow or microbes in the soil to enter the drinking water supply. See the 21<sup>st</sup> Century Infrastructure Report regarding the benefits of asset management programs.<sup>4</sup>

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<sup>4</sup> Petitioner DWSD's asset management plan provides for \$37 Million in improvements system wide annually. DWSD has issued over 400 work orders to address leaks and main breaks since January 2018 on the public side of the system. (There have been another 600 work orders issued that turned out to be leaks on the customer's private side of the line.) Replacement of 5% of Detroit's 125,000 service lines in one year would cost an estimated \$42 Million – far exceeding the entire amount allocated to its asset management plan and leaving nothing to address  
*Continued on next page.*

19. The ban on partial service line replacement is uniquely arbitrary and capricious, as a myriad of operational and functional issues may necessitate partial replacement of a service line, to minimize both lead particle release risk and to enhance customer safety. The ban also prevents municipal water suppliers from providing clean, potable water to customers. Water main breaks happen unexpectedly at any time during the day or night. The operational goal is to repair the break safely and as expeditiously as possible, to restore water service, and minimize damage to public and private property; and disturbing lead service lines on unplanned basis will likely cause an increase in lead particulate into the system. While the LCRs provide exceptions for emergency situations, there is no clarity about the process or protocols for declaring an emergency as required in the new rules. The MDEQ advised at least one municipality that it may have to submit a written explanation as "what constitutes an emergency" to the MDEQ for their consideration. Yet, the ban on partial replacements is in effect *now*. Additionally, services can either be individual pipes serving individual properties, or the utility may discover a lead "pigtail" – a multi-pronged service connection that can manifold several properties into a singular connection to a water main. When these are discovered, they must be removed in accordance with the LCRs. However, if one of the properties served by this pigtail denies access to the water supplier to perform a full lead service line replacement, the utility is in a conundrum wherein it cannot replace or reconnect the services to *all* lines connected to the pigtail because that would constitute a partial replacement. Yet another example is when another utility or a construction project unrelated to municipal water supplier activities damages a lead service line. The section of the line disturbed can and should be repaired as quickly as possible. But the obvious question becomes is this now a banned partial line replacement? Coordination and planning to do a full lead service

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*Continued from previous page.*

other public health issues like main breaks – issues best understood by local health officials - and forcing dramatic increases in water rates, exacerbating the affordability and collection challenges with which DWSD and its customers are already grappling.

line replacement demands prior proper planning so as to not unduly negatively affect the customer during the replacement. The myriad of activities that happen in the street both by the water supplier and others necessitates having the operational flexibility to safely and carefully and prudently perform partial lead service replacements. The LCRs fail to take into account any of these considerations.

20. As noted elsewhere, the LCRs reduce the lead action level from 15 ppb to 12 ppb, which triggers a water supplier's obligation to apply corrosion control treatment to its waterworks system. R325.10604f(4). The most common and cost-effective form of corrosion control treatment is through addition of orthophosphate. If waterworks systems that exceed 12 ppb but do not exceed 15 ppb choose to add orthophosphate for corrosion control, this may have the undesirable outcome of increasing phosphorus levels in Michigan's waterways. Downstream regulated NPDES permitted wastewater treatment plants, such as GLWA's Water Resource Recovery Facility, would then have an added burden to remove phosphorus being added by upstream water systems and bear the additional costs, or risk exceeding their phosphorus discharge limits or TMDLs at downstream regulated MS4 communities. This is a significant potential environmental consequence of the LCR that has not been sufficiently studied or addressed by the MDEQ. *Petitioners' Comments to RIS, Question 1 (pp. 1-2).*

### **RIS Deficiencies**

21. The APA now requires that state departments prepare and include with a notice of rulemaking a regulatory impact statement. MCL 24.245(3). The statement must contain specific information and analysis pertaining to the proposed rules, including comparing the rules to federal and state counterparts, identifying the harms avoided by and the benefits of the rules, estimating the costs associated with implementation of and compliance with the rules, and identifying alternatives to the rules. Executive Order 2011-5

supplements the APA by requiring departments to complete a cost-benefit analysis for all proposed rules. *Exec. Order, Art V.1 (p. 5)*.

22. The MDEQ completed the RIS for the draft LCRs in January 2018. **Attachment C**. This RIS is required to provide the scientific, technical and legal foundation for the proposed rules. If the assumptions articulated in the RIS are flawed, then the LCRs themselves are flawed. The Petitioners submitted a detailed critique of the RIS on March 20, 2018. Despite identifying numerous inadequacies and flaws with the RIS, the MDEQ made no effort to address Petitioners' comments or to revise the RIS.

23. One of the most important analyses required as part of the RIS is to estimate any increase or decrease in costs to local governmental units as a result of the LCRs. **Attachment C, RIS, Question 11**. The MDEQ estimated that the overall cost for lead service line replacement under the draft LCRs would be \$499 Million over 20 years. As noted by Petitioners, the MDEQ's cost estimate was based on several fundamentally flawed assumptions. **Attachment A, Petitioners' Comments to RIS, Question 11 (pp. 11-12)**. After making adjustments for these flawed assumptions, but accepting the MDEQ's assertion that it would cost approximately \$5,000 per line to replace existing lead service lines, Petitioners demonstrated that the overall line replacement costs associated with the draft LCRs was closer to **\$2.5 Billion** over 20 years (Petitioner DWSD estimates its costs alone would be \$438 to \$625 Million for lead service line replacement). This far exceeds the MDEQ cost estimate of \$499 Million, and borders on being punitive. This is particularly true given that neither the draft nor the final LCRs provide any source of funding to cover lead line replacement, and both place the entire burden on the water suppliers and their customers. The MDEQ offered no response to Petitioners' cost assessment and made no meaningful effort to revise the rules to address the excessive costs associated with complying with the LCRs. If the RIS is wrong then how

can the MDEQ move forward with the LCRs under the APA where both the water suppliers and the public have grossly misleading information about the LCRs' impact?

24. Also, the RIS required the MDEQ to compare the LCRs to "parallel federal rules or standards;" indicate if the LCRs were required by state law or federal mandate; indicate if the LCRs exceeded a federal standard and if yes describe why it was necessary that the proposed LCRs exceed federal law; and specify the costs and benefits arising out of the deviation from federal law. **Attachment C, RIS, Question 1.** The MDEQ did not address this requirement. The Department acknowledged that there is a federal Lead and Copper Rule but then failed to: 1) identify if the proposed MDEQ revisions to the LCRs are required by state law or federal mandate; 2) describe why it is necessary for the MDEQ to exceed the regulatory standards of the federal Lead and Copper Rule; and 3) specify the costs and benefits associated with deviating from the federal Lead and Copper Rule.

25. In December 2017, the U.S. EPA sent letters to state drinking water agencies inviting them to participate in the Agency's rulemaking process to update and revise the existing federal Lead and Copper Rule. This rulemaking demonstrated U.S. EPA's commitment to assume responsibility for, and take a leadership role in, identifying how the rule can be improved to better protect human health. The MDEQ failed to articulate why it is necessary for the State of Michigan to act before the federal government on this issue rather than participate in and contribute to federal efforts to revise the existing federal Rule. A revised federal rule will apply standards applicable not only to Michigan communities but communities across the country. Also, the federal Rule will be based on scientific and technical expertise possessed by the U.S. EPA but lacking at the state level. Moreover, it will reflect input and the experiences of many more stakeholders than involved in the MDEQ process thereby resulting in a more-informed and effective rule.

**Attachment A, Petitioners' Comments to RIS, Question 1 (pp. 1-2).**



26. The MDEQ furthermore fails to specify the costs and benefits likely to occur if the state takes action that deviates from U.S. EPA's efforts to revise the federal Lead and Copper Rule. The MDEQ asserts that the modified federal Rule "will contain many of the same provisions," as the MDEQ's LCRs, but offers no support for this conclusion. As water suppliers, Petitioners are concerned that the revised federal Lead and Copper Rule may vary significantly from the now final MDEQ LCRs, resulting in needless confusion and inconsistency, and imposing substantial unintended costs on water suppliers and their customers. By way of example, the U.S. EPA could recommend an action level at odds with the MDEQ 12 ppb level. Finally, the MDEQ was required to provide a robust cost/benefit analysis in response to this Question but failed to do so. **Attachment A**, *Petitioners' Comments to RIS, Question 1* (pp. 1-2).

27. The RIS also required MDEQ to compare the proposed LCRs to standards in similarly situated states, and if the LCRs included requirements exceeding standards in those states, explain why and specify the costs and benefits arising from the deviation. **Attachment C**, *RIS, Question 2*. The intent of this Question is to require MDEQ to justify actions that go beyond other states' regulatory requirements, and thereby impose different and/or additional burdens on regulated entities within the State of Michigan. The MDEQ asserted that other states have adopted the federal Lead and Copper Rule and have not varied from it in substantive ways. Once again, the MDEQ did not identify any costs or benefits associated with exceeding the standard of similarly situated states on this issue. The fact that the MDEQ's LCRs impose burdens on water suppliers above and beyond what is presently required by other states certainly will result in increased costs for the suppliers and their customers. The MDEQ did not respond to Petitioners' concerns and offered no substantive or independently verifiable justification for imposing such additional costs and burdens. **Attachment A**, *Petitioners' Comments to RIS, Question 2* (pp. 3).

28. Further, the RIS required the MDEQ to identify “laws, rules, and other legal requirements” that may duplicate, overlap, or conflict with the proposed LCRs. This included describing how the LCRs have been coordinated with other comparable federal, state, and local laws, and efforts undertaken to avoid or minimize duplication. **Attachment C**, *RIS, Question 3*. In response, the MDEQ tersely asserted “No other rules or legal requirements pertain.” The MDEQ’s response was an obvious non-response to the Question.

29. The MDEQ ignored the potential duplication, overlap and conflict the state LCRs have with the existing federal Lead and Copper Rule, or might have with any revisions to the federal Lead and Copper Rule. Also, Petitioners are not aware of (and the RIS does not identify) any effort on MDEQ’s part to coordinate the development of the its LCRs with the U.S. EPA, or to avoid duplication. In addition, the MDEQ response did not consider the adverse impact the LCRs would have on water suppliers’ asset management plans (i.e.; “other legal requirement”). These plans are intended to ensure that local governments have the ability to continue investing in needed drinking water, sanitary sewer, and stormwater infrastructure improvements given available financial resources. The LCRs would prioritize virtually all available funds for lead service line replacement, thereby depriving water suppliers of funds to address other pressing public health issues, such as replacing 100 year old mains at risk of rupture. **Attachment A**, *Petitioners’ Comments to RIS, Question 3 (pp. 3-4)*.

30. Moreover, in its comments on the LCRs and RIS, and during the stakeholder meetings and rulemaking process, Petitioners expressed significant concerns about the validity of the LCRs’ requirement that local governments pay for the replacement of privately-owned lead lines, R 325.10604f(5)(c) and (6)(e), given certain provisions of the Michigan Constitution. See **Attachment A**, *Legal Memorandum*. Similar comments were raised during the MDEQ’s LCR Public Hearing on March 1, 2018. **Attachment D**,

*Hearing Transcript*. (pp. 22, 57, 63). Yet, MDEQ failed to address any of the constitutional provisions raised by Petitioners. For example:

- a. The MDEQ failed to address whether the LCRs violate Article VII, Section 26, of the Michigan Constitution, which prohibits municipalities from loaning their credit for any private purpose and thus, could arguably prohibit municipal water suppliers from appropriating public money for a lead service line replacement directly for the benefit of private owners. Petitioners neither own nor installed the portion of the service lines which fall outside the Petitioners' right of way on private property. Article VII, Section 26 arguably prohibits local governments from using municipal fee revenue (i.e., public money) to cover the costs of replacing private lead service lines.
- b. The MDEQ did not address whether the LCRs violate Article IV, Section 30, of Michigan's Constitution, which requires two-thirds of the Michigan Legislature to approve the use of public money for private purposes (i.e., for the benefit of private lead line replacement). Nor did the MDEQ provide any legal authority showing that two-thirds of the Michigan Legislature had approved the use of public money for the rules' purposes.
- c. The MDEQ did not address whether the LCRs violate Article IX, Sections 25 and 29, of the Headlee Amendment to the Michigan Constitution, which prohibit the state from imposing new or expanded requirements upon municipalities without full state funding. Section 25 and 29 could prohibit MDEQ from imposing upon local governments a new mandate to remove and replace lead service lines unless it also ensures that the state has provided adequate funding for removal and replacement. This is a critical issue especially since replacement of lead service lines on private property alone could easily exceed **\$2.5 Billion**. **Attachment A, Petitioners' Comments to RIS, Question 11 (pp. 11-12)**.
- d. Finally, the MDEQ did not address whether the LCRs violate Article IX, Section 31, of the Michigan Constitution, which prohibits municipalities from assessing an unlawful tax upon its citizens without voter approval. The Michigan Supreme Court concluded in *Bolt v City of Lansing*, 459 Mich 152 (1998) that a municipal fee is an unlawful tax under Section 31 if it is not regulatory, proportional and voluntary. Petitioners raised concerns that because the LCRs require municipalities and their ratepayers to pay for the replacement of privately-owned lead lines, it will necessarily require them to spread the costs of that replacement across all ratepayers by including the costs in future rate assessments. Petitioners worried that ratepayers would challenge increased rates by filing lawsuits alleging that their payment of lead line replacement costs through their rates violates Section 31 because the rate is not proportional to the costs of service they each receive (i.e., these ratepayers are paying for the lead line

replacements that benefit other ratepayers, not for replacements that particularly benefit each of them directly). In the rulemaking record, the MDEQ failed to explain how the LCRs do not ultimately lead to a violation of *Bolt* and Section 31 of the Headlee Amendment.

31. Despite Petitioners' warning that a key provision of the LCRs could conflict with the Michigan Constitution, **the MDEQ failed to address a single constitutional concern** as part of the rulemaking record. It is as if these concerns simply do not exist. But ignoring them does not alleviate the significant legal and financial risk that scores of municipalities will bear by implementing the LCRs and by financing the replacement of privately-owned lead lines. Municipal water suppliers who follow the LCRs (many of whom are already cash-strapped) will incur substantial expense, first to implement the LCRs, and then to defend the LCRs' requirements if faced with a challenge to the LCRs' constitutionality. These municipalities will lose millions of dollars (in sunk replacement costs, in legal fees and in possible damages) if the LCRs and the municipal rates imposed to finance the improvements mandated by the LCRs are later found to be unconstitutional by the courts. These risks are absolutely unnecessary.

32. The RIS also required the MDEQ to describe how the proposed LCRs would protect public health, safety, and welfare while promoting a regulatory environment that is the "least burdensome alternative." **Attachment C, RIS, Question 6.** In response to this Question, the MDEQ asserted that removing lead service lines is the most effective way to remove lead exposure in drinking water. This is true only if the lead service line has been identified as the source of lead in drinking water – but this isn't always the case. As written, the LCRs fail to allow water suppliers, local health departments and other agencies to work collaboratively to pinpoint sources of lead exposure in waterworks systems - which may be attributed to other sources like indoor lead plumbing and fixtures. Consequently, lead service line removal may **not** be the most effective technique to eliminate lead exposure. Also, during the stakeholder process, Petitioners repeatedly expressed technical, scientific and legal concerns with the burdens imposed by the LCRs.

These concerns were placed in the “parking lot” by the MDEQ but given no further consideration during the rulemaking process. Petitioners restated these parking lot issues in their comments to the RIS, but once again the MDEQ failed to provide any substantive responses to the concerns. (Two of the parking lot issues in particular have already presented serious implementation challenges for municipal water suppliers, i.e.; issues of property access and partial line replacement, both of which are discussed in the text above. The LCRs provide no meaningful guidance on these issues.) **Attachment A, Petitioners’ Comments to RIS, Question 6 (pp. 6-7).**

33. The RIS required MDEQ to estimate the primary and direct benefits and any secondary or indirect benefits of the LCRs. **Attachment C, RIS, Question 29.** In its response, the MDEQ cites and relies exclusively on a 2016 Ecology Center Report (the “Report”), **but this reliance is misplaced.** As Petitioners pointed out, the Report unequivocally states that: “[w]e note that this research began in 2013 before Flint’s water-related lead exposures, and the scope of the work is state-wide. The impacts here are calculated using state-wide elevated blood lead levels in 2014, and associated costs of education, crime, health care, and lifetime earnings in 2014, so these calculations reflect little of the costs associated with Flint’s water contamination. Instead, these **figures indicate the baseline costs and economic impacts of lead exposure in Michigan, largely associated with lead paint.**” *Ecology Center Report, p. 5* (emphasis added); cited in **Attachment A, Petitioners’ Comments to RIS, Question 29 (pp. 18-19),**

34. In comments to the RIS, Petitioners speculated that the MDEQ’s purpose in citing the Report’s cost figures might be to suggest that these costs represent the quantified value of the benefits referenced by the MDEQ in support of the draft LCRs - but this is an inference without merit. The Report makes clear that the quoted costs reflect the impacts of lead exposure from lead paint. *Ecology Center Report, p. 30* (“A discussion of lead in water contamination is beyond the scope of this report.”). The Report actually supports



a recommendation Petitioners repeatedly made, i.e.; that a more effective rule would evaluate the multiple pathways contributing to lead exposures and use this as the yard stick for allocating resources to reduce overall risk. Lastly, the MDEQ provides only generic “benefit” declarations (e.g.; reducing exposure to lead, protecting public health, creating jobs), making no effort to articulate any specific benefits, or quantify the value of any benefits. **Attachment A**, *Petitioners’ Comments to RIS, Question 29* (pp. 18-19).

35. The RIS required the MDEQ to identify the sources it relied on in compiling the RIS, including the methodology used to determine impacts of and a cost benefit for the proposed LCRs. **Attachment C**, *RIS, Question 32*. In response, the MDEQ provided a list of documents/reports it relied on to prepare the RIS, but failed to provide any analysis or description of methodology used to determine the impact of the draft LCRs or the cost-benefit analysis. Consequently, as Petitioners pointed out, the relevancy of the cited documents/reports to the development of the LCRs is ambiguous at best (and, as pointed out above, the Report explicitly does **not** support the LCRs). Also, Petitioners identified two reports missing from the MDEQ’s list that should have been reviewed and considered in development of the RIS and the LCRs, those being the Child Lead Poisoning Elimination Board report, **“A Roadmap to Eliminating Child Lead Exposure”**; and the Infrastructure Commission’s **“21<sup>st</sup> Century Infrastructure Commission Report.”** **Attachment A**, *Petitioners’ Comments to RIS, Question 32* (pp. 19-21). As with all other comments on the RIS made by Petitioners, the MDEQ never responded or otherwise revised the RIS in consideration of the comments.

36. The RIS required MDEQ to identify any reasonable alternatives to the proposed LCRs. **Attachment C**, *RIS, Question 33*. The MDEQ declared no reasonable alternatives existed. In commenting on the RIS, Petitioners provided a list of provisions that would constitute the foundation of an alternative,

more protective and cost effective lead abatement rule. **Attachment A**, *Petitioners' Comments to RIS, Question 33* (pp. 21). The MDEQ offered no response to or critique of Petitioners' suggestions.

37. Petitioners raised additional comments and concerns with the RIS (e.g.; including, without limitation, comments on Questions 4, 5, 9, 10, 12, 13, 14, 15, 26, 27, 28, 30, 31, 35) that are not repeated here but require a response from the MDEQ.

38. This RIS (including the cost-benefit analysis) is intended to provide the scientific, technical and legal foundation for the LCRs. Yet, for the reasons articulated by Petitioners, the LCRs' RIS fails to do so and falls far short of providing a sound foundation for the rules. As a consequence, the LCRs are invalid, and arbitrary and capricious.

### Relief Requested

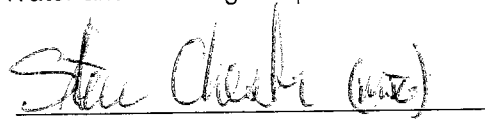
WHEREFORE, Petitioners respectfully request:

- A. That the MDEQ issue a declaratory ruling finding that key provisions of the LCRs exceed the MDEQ's authority under the Michigan Safe Drinking Water Act, and are arbitrary and capricious; and
- B. That the MDEQ issue a declaratory ruling finding that the rulemaking record for the LCRs, including the RIS, is incomplete, deficient, and fails to provide the necessary legal support and foundation for the rules;
- C. That the MDEQ discontinue implementation of the LCRs and re-engage Petitioners and other stakeholders to develop alternative lead and copper rules and a regulatory impact statement that are legally valid and provide an accurate analysis and assessment of the regulatory impacts, costs and benefits associated with the rules; and
- D. That Petitioners shall have such further relief as is warranted and equitable.

Miller, Canfield, Paddock and Stone, P.L.C.  
Attorneys for Petitioners Great Lakes Water Authority and  
Detroit Water and Sewerage Department

DATED: August 13, 2018

By:



Steven Chester, Esq.

Scott Eldridge, Esq.

Dickinson Wright PLLC  
Attorneys for Petitioner Jim Nash as Oakland County  
Water Resources Commissioner and as County Agent for  
the County of Oakland

By:



Peter H. Webster, Esq.



## MEMORANDUM

City Clerk's Office

**DATE:** September 13, 2018

**TO:** Joseph A. Valentine, City Manager

**FROM:** J. Cherilynn Mynsberge, City Clerk

**SUBJECT:** Hearing on Appeal of FOIA Request

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Mr. Arthur Siegal, Jaffe, Raitt, Heuer & Weiss, PC, filed a request under the Freedom of Information Act on September 5, 2018.

Mr. Siegal's request was denied by the City Clerk on September 6, 2018 under FOIA Section 13 (1) (v).

Mr. Siegal filed an appeal of the FOIA denial on September 7, 2018 under FOIA Section 10.

Mr. Siegal was notified on September 12, 2018 by City Attorney Currier that a hearing on the matter would be set for September 17, 2018 as part of the regular City Commission meeting.

SUBMITTED: <u>IN-PERSON</u> <u>BY MAIL</u> <u>X</u> <u>BY FAX/EMAIL</u> <u>SPAM/FOLDER</u>	City of Birmingham City Clerk's Office 151 Martin, Birmingham, MI 48009 Phone: 248.530.1800 Fax: 248.530.1080 <a href="http://www.bhamgov.org/foia">www.bhamgov.org/foia</a>
DATE FILED: <u>9-5-18</u>	
5-DAY DUE DATE: <u>9-12-18</u>	
10-DAY EXTENSION DUE DATE: _____	
REQUEST # <u>18-0445</u>	

RECEIVED BY

SEP - 5 2018



**FOIA Request for Public Records**  
Michigan Freedom of Information Act,  
Public Act 442 of 1976, MCL 15.231, et seq.

(Please Print or Type)

Name	Arthur Siegal	Phone	248-727-1452
Firm/Organization	Jaffe, Raitt, Heuer & Weiss, PC	Fax	
Street	27777 Franklin, Suite 2400	Email	asiegal@jaffelaw.com
City	Southfield	State	MI
		Zip	48034

Request for: ☒ Copy ☒ Record inspection ☐ Other \_\_\_\_\_

Delivery Method: ☒ Will pick up ☐ Will make own copies onsite ☐ Mail to address above ☐ Email to address above

Describe the public record(s) as specifically as possible. PLEASE BE SPECIFIC. If the request is unclear, it could prevent the City from providing the information. Include information such as property address, sidwell number, incident number, date of occurrence, time frame of records requested, etc. Attach additional page if necessary.

All documents in the possession of the City of Birmingham relating to the development of the property located at 2400 Lincoln including, but not limited to:

1. all pleadings and other documents relating to the bankruptcy case No. 09-75649-mbm dated prior to January 1, 2018
2. all agreements to which the City is a party including development agreements relating to the property located at 2400 Lincoln dated between January 1, 2000 and January 1, 2018
3. all insurance certificates or proof of evidence of insurance supplied by any property owner or developer or any other person relating to commercial general liability insurance for personal injury, death or property damage at such property

#### Consent to Non-Statutory Extension of City's Response Time

I have requested a copy of records or the opportunity to inspect records, pursuant to the Michigan Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq. I understand that the City must respond to this request within five (5) business days after receiving it, and that response may include taking a 10-business day extension.

Based on the City of Birmingham's approved FOIA policy, I agree to submit 50% of the estimated total costs if the estimate fee exceeds \$50.00 and confirm the balance of the fees incurred will be paid before the public record(s) are released to me. The City must grant or deny all, or a portion of my request, or issue a notice extending for ten (10) business days, the period in which the City must respond to my request.

I hereby certify that the above information is correct and agree to reimburse the City of Birmingham for any costs incurred in processing this request that are allowable under the Michigan Freedom of Information Act. I further acknowledge that my identity is subject to disclosure.

I understand that a copy of the City's Procedure and Guidelines and Summary of the Procedure and Guidelines will be provided to me at no charge if requested at the City Clerk's Office. The information is also available at [www.bhamgov.org/foia](http://www.bhamgov.org/foia).

Requestor's Signature 	Date September 5, 2018
---------------------------	---------------------------

(Complete both sides of form)



**Records Located on Website**

If the City directly or indirectly administers or maintains an official internet presence, any public records available to the general public on that internet site at the time the request is made are exempt from any labor charges to redact (separate exempt information from non-exempt information).

If the FOIA coordinator knows or has reason to know that all or a portion of the requested information is available on its website, the City must notify the requestor in its written response that all or a portion of the requested information is available on its website. The written response, to the degree practicable in the specific instance, must include a specific webpage address where the requested information is available. On the detailed cost itemization form, the City must separate the requested public records that are available on its website from those that are not available on the website and must inform the requestor of the additional charge to receive copies of the public records that are available on its website.

If the City has included the website address for a record in its written response to the requestor and the requestor thereafter stipulates that the public record be provided to him or her in a paper format or other form, including digital media, the City must provide the public records in the specified format (if the City has the technological capability) but may use a fringe benefit multiplier greater than the 50%, not to exceed the actual costs of providing the information in the specified format.

**Request for Copies/Duplication of Records on City Website**

I hereby stipulate that, even if some or all of the records are located on a City website, I am requesting that the City make copies of those records on the website and deliver them to me in the format I have requested above. I understand that some FOIA fees may apply.

Requestor's Signature

Date

**Overtime Labor Costs**

Overtime wages shall not be included in the calculation of labor costs unless overtime is specifically stipulated by the requestor and clearly noted on the detailed cost itemization form.

**Consent to Overtime Labor Costs**

I hereby agree and stipulate to the City using overtime wages in calculating the following labor costs as itemized in the following categories:

1 ☒ Labor to copy/duplicate2 ☒ Labor to locate3a ☒ Labor to redact3b ☒ Contract labor to redact6b ☒ Labor to copy/duplicate records already on City's website

Requestor's Signature

Date

**Request for Discount: Indigence**

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by an individual who is entitled to information under this act and who:

1) Submits an affidavit stating that the individual is indigent and receiving specific public assistance, OR

2) If not receiving public assistance, stating facts showing inability to pay the cost because of indigence.

If a requestor is ineligible for the discount, the public body shall inform the requestor specifically of the reason for ineligibility in the public body's written response. An individual is ineligible for this fee reduction if ANY of the following apply:

(i) The individual has previously received discounted copies of public records from the same public body twice during that calendar year,

(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. A public body may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

Office Use: Affidavit Received      Eligible for Discount      Ineligible for Discount

I am submitting an affidavit and requesting that I receive the discount for indigence for this FOIA request:

Date:

Requestor's Signature:

**Request for Discount: Nonprofit Organization**

A public record search must be made and a copy of a public record must be furnished without charge for the first \$20.00 of the fee for each request by a nonprofit organization formally designated by the state to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the Protection and Advocacy for Individuals with Mental Illness Act, if the request meets ALL of the following requirements:

(i) Is made directly on behalf of the organization or its clients.

(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931.

(iii) Is accompanied by documentation of its designation by the state, if requested by the City.

Office Use: Documentation of State Designation Received      Eligible for Discount      Ineligible for Discount

I stipulate that I am a designated agent for the nonprofit organization making this FOIA request and that this request is made directly on behalf of the organization or its clients and is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, MCL 330.1931:

Date:

Requestor's Signature:

(JULY, 2015)

SUBMITTED: \_\_\_ IN-PERSON \_\_\_ BY MAIL X BY FAX/EMAIL \_\_\_ SPAM FOLDER

DATE FILED: 9/5/18

5-DAY DUE DATE: 9/12/18

10-DAY EXTENSION DUE DATE: \_\_\_\_\_

REQUEST # 18-0425

City of Birmingham

City Clerk's Office

151 Martin, Birmingham, MI 48009

Phone: 248.530.1800

Fax: 248.530.1080

[www.bhamgov.org/foia](http://www.bhamgov.org/foia)



## Notice of Denial of FOIA Request

Michigan Freedom of Information Act,  
Public Act 442 of 1976, MCL 15.231, *et seq.*

### NOTICE TO:

Name	ARTHUR SIEGAL	Phone	248-727-1452
Firm/Organization	JAFFE, RAITT, HEUER & WEISS, PC	Fax	
Street	27777 FRANKLIN, SUITE 2400	Email	ASIEGAL@JAFELAW.COM
City	SOUTHFIELD	State	MI Zip 48034
Date of Notice	9/6/18		

Record(s) You Requested: (Listed here or see attached copy of original request) SEE ATTACHED FOIA REQUEST  
#18-0425

☒ **All** OR ☐ **Part** of your request for records has been denied. Please refer to this form for an explanation. If you have any questions regarding this denial, contact Cherilynn Mynsberge, Clerk at 248-530-1880

### Reason for Denial:

☒ **1. Exempt from Disclosure:** This item is exempt from disclosure under FOIA Section 13, Subsection 13V (insert number), because: pending litigation with the City of Birmingham.

☐ **2. Record Does Not Exist:** This item does not exist under the name provided in your request or by another name reasonably known to the City. If you believe this record does exist, provide a description that will enable us to locate the record:

☐ **3. Redaction:** A portion of the requested record had to be separated or deleted (redacted) as it is exempt under FOIA Section 13, Subsection \_\_\_\_\_ (insert number), because: \_\_\_\_\_

A brief description of the information that had to be separated or deleted: \_\_\_\_\_

### Notice of Requestor's Right to Seek Judicial Review

You are entitled under Section 10 of the Michigan Freedom of Information Act, MCL 15.240, to appeal this denial to the City Commission or to commence an action in the Circuit Court to compel disclosure of the requested records if you believe they were wrongfully withheld from disclosure. If, after judicial review, the court determines that the City has not complied with MCL 15.235 in making this denial and orders disclosure of all or a portion of a public record, you have the right to receive attorneys' fees and damages as provided in MCL 15.240. (See back of this form for additional information on your rights.)

Signature of FOIA Coordinator:  
(JULY, 2015)

Date: 9/6/18

**FREEDOM OF INFORMATION ACT (EXCERPT)**  
**Act 442 of 1976**

**15.240.amended** Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

**Sec. 10.**

(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 the head of the public body a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the denial.

(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

(2) Within 10 business days after receiving a written appeal pursuant to subsection (1)(a), the head of a public body shall do 1 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 a public body shall not issue more than 1 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 a civil action 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. Venue for an action against a local public body is proper in 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 an 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 receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or 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).

(7) If the 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 order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 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 part of its public function.

**History:** 1976, Act 442, Eff. Apr. 13, 1977 ;-- Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;-- Am. 1996, Act 553, Eff. Mar. 31, 1997 ;-- Am. 2014, Act 563, Eff. July 1, 2015

FREEDOM OF INFORMATION ACT (EXCERPT)  
Act 442 of 1976

15.240.amended Options by requesting person; appeal; actions by public body; receipt of written appeal; judicial review; civil action; venue; de novo proceeding; burden of proof; private view of public record; contempt; assignment of action or appeal for hearing, trial, or argument; attorneys' fees, costs, and disbursements; assessment of award; damages.

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(b) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the public body's disclosure of the public records within 180 days after a public body's final determination to deny a request.

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(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 a public body shall not issue more than 1 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 a civil action 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. Venue for an action against a local public body is proper in 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 an 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 receive a copy of all or a portion of a public record prevails in an action commenced under this section, the court shall award reasonable attorneys' fees, costs, and disbursements. If the person or 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).

(7) If the 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 order the public body to pay a civil fine of \$1,000.00, which shall be deposited into the general fund of the state treasury. The court shall award, in addition to any actual or compensatory damages, punitive damages in the amount of \$1,000.00 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 part of its public function.

History: 1976, Act 442, Eff. Apr. 13, 1977 ;— Am. 1978, Act 329, Imd. Eff. July 11, 1978 ;— Am. 1996, Act 553, Eff. Mar. 31, 1997 ;— Am. 2014, Act 563, Eff. July 1, 2015



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Arthur H. Siegal  
asiegal@jaffelaw.com  
(248) 727-1452



September 7, 2018

Mayor Andrew Harris  
City of Birmingham  
151 Martin Street  
Birmingham, MI 48009

**VIA FACSIMILE AND  
VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Re: Freedom of Information Request - APPEAL

Dear Mayor Harris:

On Wednesday, September 5, 2018, I made a request of the City of Birmingham to inspect and copy documents held by it, pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq. On September 6, 2018, the Deputy City Clerk responded with a complete denial of that request. A copy of the request and the denial are attached. The City's denial states as its only basis for denial that the items that I requested are "exempt from disclosure under FOIA Section 13V because pending litigation [sic] with the City of Birmingham."

First of all, there is no Section 13V of the FOIA statute. There is a Section 13(1)(v) which we assume is what the Deputy Clerk meant. That section reads as follows:

"A public body may exempt from disclosure as a public record under this act any of the following: ... (v) Records or information relating to a civil action in which the requesting party and the public body are parties."

While I understand that the City is a party to pending litigation, I, personally, am the requesting party and, to my knowledge, I am not a party to any litigation with the City of Birmingham. Therefore, the Deputy Clerk's basis for denial of my request is invalid. A plain reading of MCL 15.243(1)(v) compels a conclusion that the City cannot deny my request. The term "party" is not defined in the FOIA statute itself, but is defined in Black's Law Dictionary (6th ed.) as "those by or against whom a legal suit is brought...." See, e.g., *Taylor v Lansing Board of Water and Light*, 272 Mich App 200 (2006) where the Court of Appeals held that even when the requester was the best friend of a party in litigation against the Lansing Board of Water and Light, the requestor was not a party to the action and that MCL 15.243(1)(v) is clear and unambiguous and thus serves as no basis for exempting the records requested by such a non-party.



Mayor Andrew Harris  
Page 2  
September 7, 2018

Further, there is long established Michigan case law that holds that litigation between parties does not allow a public body to deny disclosure or public records in response to a FOIA request, regardless of how the requestor intends to use that information. *Taylor v Lansing Bd of Water & Light, supra. Central Michigan Univ Supervisory-Technical Ass'n MEA/NEA v Central Michigan Univ Bd of Trustees*, 223 Mich App 727, 730 (1997).

Finally, the information requested is unrelated to the litigation. Exceptions to disclosure under the FOIA statute are to be read narrowly, *City of Warren v Detroit*, 261 Mich App 165, 169-170 (2004), and with an understanding that the goal of the statute is to provide information to the public to allow the public to interact with the government. Here, it appears that the Deputy Clerk's complaint in the only action of which I am aware relates to the question of whether 2400 Lincoln LLC's right to reimbursement was somehow wiped out or barred by that company's prior Chapter 7 bankruptcy. The documents requested have nothing to do with the company's bankruptcy or the City's position relating thereto. Therefore, even if I were held to be a party to the litigation, the documents requested, relating to development agreements and insurance are entirely unrelated to the litigation.

Further, as the City Clerk is likely aware, earlier this week, the City of Birmingham Brownfield Redevelopment Authority issued a notice to a prior Developer requesting certain insurance documentation and demanding a response within 28 days. The information that I requested relates to the City's notice and not the pending litigation and the City, the BRA and their counsel are well aware of this fact. Therefore, the City has no basis to deny the request to inspect and copy certain documents.

Finally, denying me access to these documents when any other member of the public may obtain them leads to an absurd result which reflects no legitimate governmental interest (such as preserving attorney client or work-product privilege) but, instead, reflects an apparent strategy of attempting to deny due process as the City endeavors to improperly terminate a contract and refuse to make payments that it is both contractually and equitably bound to make.

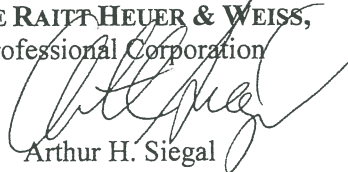
Therefore, pursuant to MCL 15.240(1)(a), I hereby appeal the determination of the Deputy Clerk and ask that you reverse the denial and provide me access to the file and the ability to make copies of the documents that I would like to copy. As you know, under MCL 15.240(2) you have 10 business days to make a decision on this appeal. Given the City's demand for information, we request that you expedite your review of this appeal. Failure to do so would be deemed bad faith and an arbitrary, willful and malicious denial of due process.

Finally, as noted in the City's denial, if the City persists in this arbitrary, willful and malicious attempt to deny access to publicly available documents, my client reserves the right to pursue all remedies under the FOIA Act including but not limited to legal fees and penalties under MCL 15.240. It is my hope, of course, that such unpleasantness can be avoided and that the City will provide me access to the requested documents.

Mayor Andrew Harris  
Page 3  
September 7, 2018

Thank you for your prompt attention. Please contact me if you have any questions regarding this request.

Very truly yours,  
**JAFFE RAITT HEUER & WEISS,**  
Professional Corporation



Arthur H. Siegal

cc: Cheryl Arft, Deputy City Clerk

# Beier Howlett

ATTORNEYS AND COUNSELORS

TIMOTHY J. CURRIER

tcourier@bhlaw.us.com

Telephone (248) 645-9400

Fax (248) 645-9344

September 12, 2018

Arthur H. Siegal, Esquire  
**Jaffe Raitt Heuer & Weiss, P.C.**  
27777 Franklin Rd., Suite 2500  
Southfield, MI 48034-8214

***Re: FOIA Request Received on September 5, 2018***

Dear Mr. Siegal:

As you are aware, this office represents the City of Birmingham. Your FOIA request referenced above, as well as denial of your request has been forwarded to our office for review. It is my understanding that the City Manager is setting a hearing on this matter for September 17, 2018 at 7:30 p.m., as part of the regular City Commission meeting.

With respect to the FOIA request itself, I am asking for clarification with respect to your request at number (3) which reads:

“all insurance certificates or proof or evidence of insurance supplied by any property owner or developer or any other person relating to commercial general liability insurance for personal injury, death or property damage at such property.”

Is it your intent to limit this inquiry to just the property located at 2400 E. Lincoln? Or, are you intending this inquiry to extend to all properties in the City for which the City has received insurance certificates?

The City, in the regular course of business usually requires insurance by property owners and developers that affect the City to provide general commercial liability insurance, personal injury death or property damage insuring the City. If this date has no commencement date, it could go back for decades and involve thousands of pages and thousands of particular contracts. We, therefore, request that you clarify your exact request so we may determine the cost of locating and accumulating the material as well as redaction and photocopying, which could be extremely expensive.

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

Very truly yours,

**BEIER HOWLETT, P.C.**



Timothy J. Currier  
Birmingham City Attorney

TJC/jc

cc: Mr. Joseph A. Valentine, City Manager  
Ms. J. Cherilynn Mynsberge, City Clerk  
Mr. Jeffrey K. Haynes



## MEMORANDUM

City Clerk's Office

**DATE:** September 12, 2018  
**TO:** Joseph A. Valentine, City Manager  
**FROM:** J. Cherilynn Mynsberge, City Clerk  
**SUBJECT:** 2017 Annual Report - Greenwood Cemetery Advisory Board

---

Attached is the Annual Report from the Greenwood Cemetery Advisory Board (GCAB) for calendar year 2017.

The GCAB was created by Ordinance No. 2146 on October 13, 2014. The ordinance requires the GCAB to submit an annual report to the Commission of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The first annual report of the GCAB was for calendar year 2015 and was submitted to the City Commission on July 11, 2016. On that date the City Commission directed the GCAB to develop an action/priority list.

The GCAB adopted an action list on September 2, 2016 and submitted the list to the City Commission on March 17, 2017. The City Commission felt that the GCAB's recommendation to create a master plan for the cemetery was the key component to accomplishing the other items on the list. To that end, the Commission took the following action:

Motion by Commissioner Bordman, seconded by Commissioner DeWeese:

To accept the proposed Greenwood Cemetery Advisory Board's Action List, with the following revisions:

1. Develop a Master Plan for the Cemetery including a map;
2. Revise the Rules and Regulations to remove the restriction of upright monuments in Section F. North

VOTE: Yeas, 6  
Nays, None  
Absent, 1 (Harris)

The Rules and Regulations were revised as directed on May 5, 2017.

A Request for Proposals (RFP) for a master plan consultant was issued on August 17, 2017 through the Michigan Inter-governmental Trade Network (MITN). At least 24 firms reviewed the RFP on-line, but no proposals were submitted. Feedback was solicited from firms which were expected to bid. The comments received centered on the scope of work being too broad. One firm respectfully stated "that the RFP seemed a bit onerous in that a detailed work plan was required". One smaller company noted they would need to partner with another firm to successfully complete all items in the scope of work.

The objectives detailed in the scope of work were:

- To identify how to best meet future needs based on population, interment projections, and existing resources;

**R10E1**

- To review and assess the current policies and regulations, operations, and management of the cemetery;
- To evaluate financial strategies to ensure the sustainable management, operation and maintenance of the cemetery;
- To recognize and preserve the historic legacy of the cemetery; and
- To provide a quiet, beautiful resting place for the departed and a place of serenity for visitors.

The GCAB revised the RFP to narrow the scope of work to focus on operational analysis of the cemetery and infrastructure planning, and to remove the financial planning component. In addition, the GCAB noted the project was not for construction and received verification that the bidders need not submit a bid bond, performance bond or payment bond for labor or material. These terms were removed from the revised RFP.

The revised RFP was issued, again through MITN, on January 16, 2018. Bids were received on February 22, 2018 from Fleis & Vandenbrink and Johnson & Anderson. Fleis & Vandenbrink bid \$37,600, with \$700 for meetings in excess of the eight specified in the RFP. Johnson & Anderson bid \$35,597, with \$4,750 for extra meetings. The City Commission budgeted \$20,000 for the master plan project.

Neither bidder demonstrated a clear understanding of the scope of work or of the cemetery itself. Fleis & Vandenbrink's proposal focused on the firm's experience with large scale design and construction. Johnson & Anderson's proposal was centered almost solely on GIS mapping. Neither proposal addressed operational assessment. Requests for clarification were sent to both firms on March 19, 2018 and stressed the primary focus of the master plan project was an assessment of current operations: structure, management, procedures, policies, and practices. The requests also explained that no large scale expansion or major construction was being planned; that what is needed is planning to maintain or improve the current infrastructure, to optimize interment space within the current site, and to preserve and enhance the Cemetery's historic aspects and park-like setting. Both firms responded and expounded on their experience in all aspects of the scope of work.

After careful review of the proposals and the clarifications in April and May, the GCAB agreed neither bid should be accepted due to the costs being exceedingly over budget. Preliminary discussions over the summer suggest the term "master plan" conveys a project much broader in scope than what is intended. At their meeting of September 7, 2018 the GCAB began to reevaluate the goals to be accomplished through the master plan process. Discussions in progress indicate the need to first establish a baseline of the Cemetery property in terms of grave sites that have been sold, sites that are occupied, and sites which remain unsold. The process by which this might be accomplished will be explored in detail in coming months and will be instrumental in defining the scope of work requiring professional assistance.

#### ATTACHMENTS:

2017 Annual Report of the Greenwood Cemetery Advisory Board

Attachment A: Cemetery Rules and Regulations as amended May 5, 2017.

Master Plan Process Planning matrix under development by the GCAB

#### SUGGESTED RESOLUTION:

To accept the 2017 Annual Report of the Greenwood Cemetery Advisory Board.



GREENWOOD CEMETERY ADVISORY BOARD

# 2017 ANNUAL REPORT

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CITY OF BIRMINGHAM  
151 MARTIN ST.  
BIRMINGHAM MI 48009

# GREENWOOD CEMETERY ADVISORY BOARD

## 2017 ANNUAL REPORT

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### THE BOARD

---

Darlene Gehringer, Chairperson

Linda Buchanan, Vice Chairperson

Kevin Desmond

Linda Peterson

Laura Schreiner

George Stern

Margaret Suter

---

### INTRODUCTION

---

The City Commission established the Greenwood Cemetery Advisory Board (GCAB) on October 13, 2014 by adoption of Ordinance No. 2146. Now codified as Chapter 34, Section 34-30 of the Birmingham Code of Ordinances, the ordinance reads, in part:

- (g) *Powers and duties.* In general, it shall be the duty of the Greenwood Cemetery Advisory Board to provide recommendations to the city commission:
  - (1) *Modifications.* As to modifications of the rules and regulations governing Greenwood Cemetery;
  - (2) *Capital improvements.* As to what capital improvements should be made to the cemetery;
  - (3) *Future demands.* As to how to respond to future demands for cemetery services; and
  - (4) *Day to day administration.* The day to day administration of the cemetery shall be under the direction and control of the city, through the city manager or his/her designee.
- (h) *Reports.* The Greenwood Cemetery Advisory Board shall make and submit to the city commission annually a report of the general activities, operation, and condition of the Greenwood Cemetery for the preceding 12 months. The Greenwood Cemetery advisory board shall, from time to

time, as occasion requires, either in the annual report, or at any time deemed necessary by the Greenwood Cemetery advisory board, advise the city commission in writing on all matters necessary and proper for and pertaining to the proper operation of Greenwood Cemetery and any of its activities or properties.

By ordinance the GCAB is required to meet at least once each calendar quarter. In 2017 the GCAB met a total of ten times, with at least one meeting being held in each quarter.

This annual report covers the calendar year 2017 and is separated into the three statutory sections:

1. General Activities
2. Operation
3. Condition.

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## 1. GENERAL ACTIVITIES

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### MASTER PLAN

On March 17, 2017 the City Commission considered the action list adopted by the GCAB on September 2, 2016. The Commission felt that the GCAB's recommendation to create a master plan for the cemetery was the key component to accomplishing the other items on the list. To that end, the Commission took the following action:

Motion by Commissioner Bordman, seconded by Commissioner DeWeese:  
To accept the proposed Greenwood Cemetery Advisory Board's Action List, with the following revisions:

1. Develop a Master Plan for the Cemetery including a map;
2. Revise the Rules and Regulations to remove the restriction of upright monuments in Section F. North

VOTE: Yeas, 6  
Nays, None  
Absent, 1 (Harris)

A Request for Proposals (RFP) for a master plan consultant was issued on August 17, 2017. No bids were received.

The GCAB revised the RFP to narrow the scope of work to focus on operational analysis of the cemetery and reissued the RFP on January 16, 2018. Bids were received from Fleis & Vandenbrink and Johnson & Anderson. Both bids were close to double the \$20,000 budgeted by the City Commission for the project. Neither bidder demonstrated a clear understanding of the scope of work or of the cemetery itself. Fleis & Vandenbrink's proposal focused on the firm's experience with large scale design and construction. Johnson & Anderson's proposal was centered almost solely on GIS mapping.

After reviewing the proposals, the GCAB agreed neither bid should be accepted. In coming months the GCAB will reevaluate the goals to be accomplished through the master plan process and draft a new RFP. Preliminary discussions suggest the term "master plan" conveys a project much broader in scope than what is intended. Discussions in progress indicate the need to first establish a baseline of the property in terms of sites that are sold, sites that are occupied, and sites which remain unsold. The process by which this might be accomplished will be explored in order to more narrowly define the scope of work requiring professional assistance.

### RULES AND REGULATIONS

#### A. MONUMENTS

On March 17, 2017 the City Commission directed the GCAB to revise the Cemetery Rules and Regulations to permit upright monuments in Section F North of Greenwood Cemetery. All conditions as to the erection of monuments in Section VI, Monuments, Grave Markers, and Foundations shall continue to apply.

The GCAB took the necessary action to amend the Cemetery Rules and Regulations on May 5, 2017. The revised Rules are appended to this report as Attachment A.

## B. PAYMENT PLANS

Installment payment plans for the purchase of cemetery plots 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 recommends a written, City policy be enacted to regulate payment plans.

The GCAB studied the current practice and drafted a policy which maintains the general structure while changing several economic factors:

1. Reduction of maximum period for payment plan agreements from 36-months to 24-months.
2. Increase in down payment from 10% to 20%.
3. For payment plan agreements initiated on or after October 1, 2018, 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 funds paid to date.
4. For plots under the Payment Plan for which funds have not been previously paid to the Greenwood Cemetery Perpetual Care Fund, 75% of payments received to date shall be remitted to the Greenwood Cemetery Perpetual Care Fund by December 31, 2018. Thereafter 75% of each payment made shall be remitted to the Greenwood Cemetery Perpetual Care Fund at the end of each calendar quarter.

The recommended policy also clarifies operational procedures:

5. Payments will be made in equal monthly installments, and if multiple plots are included in the Payment Agreement, each monthly payment shall be equally allocated to each plot. Once allocated to one plot, the funds are not transferable to a different plot.
6. Installment plans will be interest free.
7. A plot must be paid in full before interment takes place.

Taking into consideration the comments of the City Commission, the GCAB finalized the policy at their meeting of September 7, 2018, and plans to present a recommendation for adoption of the policy to the City Commission on September 17, 2018.



## 2. OPERATION

### FINANCIAL REPORT

#### A. CEMETERY

##### Cumulative Sales Totals for 2017

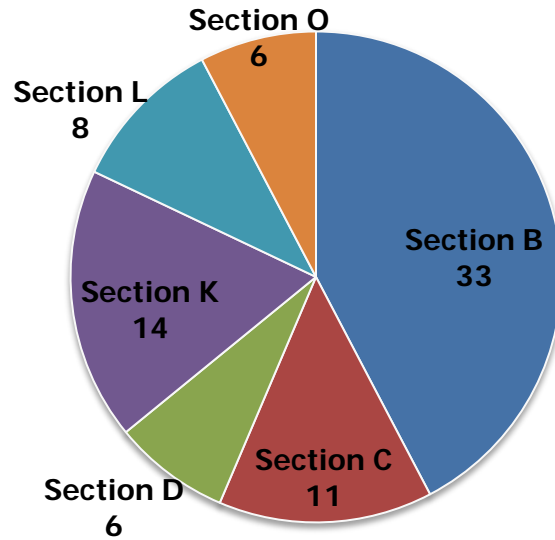
Graves Sold	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	TOTAL SOLD	75% of sale paid to City	25% of sale to Contractor
Resident	2	8	1	5	11	\$24,750.00	\$8,250.00
Non-Resident	12	9	4	6	25	\$56,250.00	\$18,750.00
<b>TOTAL</b>	<b>14</b>	<b>17</b>	<b>5</b>	<b>11</b>	<b>47</b>	<b>\$105,750.00</b>	<b>\$35,250.00</b>

##### Sales Totals for Newly Identified Grave Spaces

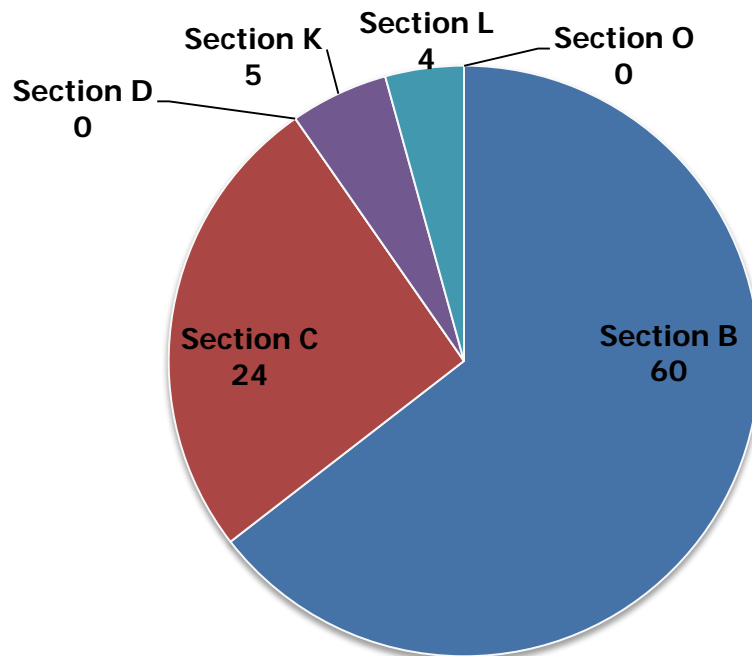
In 2015 the Contractor identified 530 potential grave spaces in Sections B, C, D, K, L, and O. In August, 2015 the City Commission released the plots for sale, limiting the sale of newly identified graves in Sections B and C to 240, and directing the GCAB to provide a recommendation after 200 were sold as to whether or not additional grave spaces should be released for sale. As of the end of 2017, 169 of the grave spaces have been sold in Sections B and C.

Section	2015 Total	2016 Total	1 Qtr 2017	2 Qtr 2017	3 Qtr 2017	4 Qtr 2017	2017 Total	TOTAL Sold 2015 through 2017	Number of Graves Remaining
B	33	60	14	14	2	6	36	129	279
C	11	24	0	1	2	2	5	40	32
<b>Total sold in Sections B &amp; C:</b>								<b>169</b>	
D	6	0	0	0	0	0	0	6	6
K	14	5	0	0	0	0	0	19	0
L	8	4	0	0	0	0	0	12	4
O	6	0	0	0	0	0	0	6	4
<b>TOTAL</b>	<b>78</b>	<b>93</b>	<b>14</b>	<b>15</b>	<b>4</b>	<b>8</b>	<b>41</b>	<b>212</b>	<b>325</b>

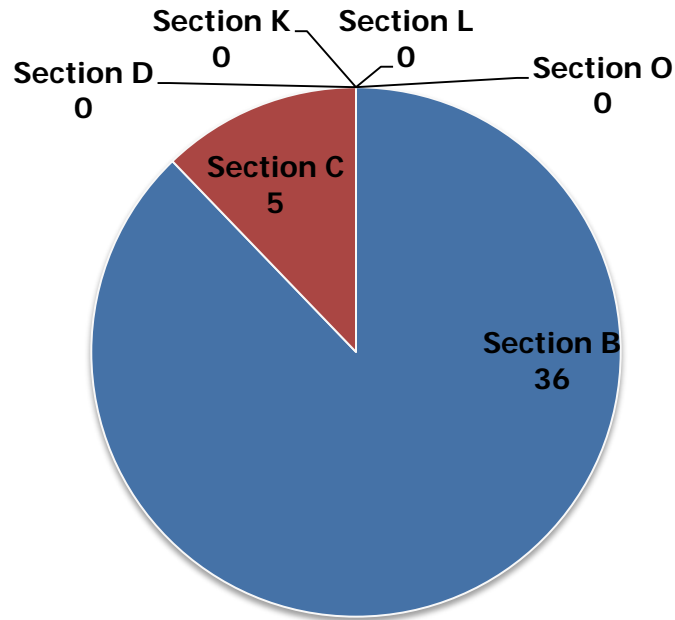
## 2015 SALES OF NEWLY IDENTIFIED GRAVE SPACES - 78



## 2016 SALES OF NEWLY IDENTIFIED GRAVE SPACES - 93



## 2017 SALES OF NEWLY IDENTIFIED GRAVE SPACES - 41



Plots Under Contract (Payment Plan) in Sections B, C, K, L & O  
*Current through March 31, 2018*

Section	Lot	Grave Nos.	Date of Agreement	Term of Agreement	NUMBER OF PLOTS
B	1-A	24	06/21/2018	24 months	1
B	4-A	19, 20	10/23/2017	24 months	2
B	5-C	19, 20	10/23/2017	24 months	2
B	10-A	3, 4	11/16/2015	36 months	2
B	11-A	23	06/26/2018	24 months	1
B	12-A	9, 10	07/15/2016	24 months	2
B	12-A	11, 12	09/15/2016	24 months	2
C	16-C	5	06/13/2018	24 months	1
C	16-C	6	06/13/2018	24 months	1
C	17-C	23, 24	10/26/2016	60 months	2
C	18-A	9, 10	11/04/2016	36 months	2
C	19-A	5, 6	09/21/2017	24 months	2
K	12-A	5, 6	08/26/2015	60 months	2
L	16-A	9, 10	12/03/2015	60 months	2
O	20-A	7, 8	08/26/2015	60 months	2
O	20-B	5,6,7,8	04/22/2016	60 months	4
<b>TOTAL:</b>					<b>30</b>

B. PERPETUAL CARE FUND

DESCRIPTION	BUDGET 2017-2018	PROJECTED 2017-2018
<u>REVENUES</u>		
CHARGES FOR SERVICES	200,000	80,000
INTEREST AND RENT	11,600	10,290
TRANSFERS IN	20,000	20,000
REVENUES	231,600	110,290
<u>EXPENDITURES</u>		
OTHER CHARGES	20,000	20,000
EXPENDITURES	20,000	20,000
REVENUES OVER (UNDER) EXPENDITURES	211,600	90,290
BEGINNING FUND BALANCE	514,443	514,443
ENDING FUND BALANCE	726,043	604,733

Charges for Services - represents proceeds from grave sales.

Interest and Rent - represents income from investments.

Transfers In - represents money transferred from the general fund for the master plan.

Other Charges - represent money spent on the master plan.

Fund Balance - represents the accumulation of assets. Some of it is unspendable (principal) and some is spendable (earnings on investments).

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### **3. CONDITION**

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#### **EAST GATE**

Early in the year the GCAB reported the east gate of the Cemetery was in need of repair. The Department of Public Works (DPS) removed the gate and obtained estimates for the necessary welding and masonry work. On November 22, 2017 Parks & Recreation Manager Laird reported the repair had been completed.

#### **WHITE OAK TREES PLANTED**

At the request of the GCAB, the Cemetery was included in the DPS's 2017 Spring Tree Purchase and Planting Project. Six white oak trees were planted along Oak Street between the Cemetery fence and the street curb. The trees are under a two-year warranty program.

#### **ROADS**

In 2017 the Contractor reported the roads on the east side of the property had reached a point where coning was making the roads difficult for use by vehicles and were in poor condition. The roads were included in the DPS's 2018-2019 budget for the cape seal program. In June capeseal crews conducted the pulverizing process on the east side of the cemetery. The final seal coating was applied in September, and the project is now complete.



**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.

- 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 x 12 x 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).



## MEMORANDUM

City Clerk's Office

**DATE:** September 5, 2018  
**TO:** Greenwood Cemetery Advisory Board  
**FROM:** J. Cherilynn Mynsberge, City Clerk  
**SUBJECT:** Master Plan Process

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At the City Commission's direction on March 17, 2017, the Board has worked to secure a contractor to create a Master Plan for the cemetery. After a year and a half, two Requests for Proposals have failed to yield any suitable bids. The Board's recent discussions have produced several ideas for moving forward.

- The term "master plan" conveys a project much broader in scope than what is intended.
- The scope of work needs to be more narrowly defined.
- A baseline of supply and possibly demand should be established.
- Some work could be done internally to save professional fees.
- Obtaining general cost estimates for some projects would be helpful.

To focus our discussion about next steps, I've attached a draft of a "Process Chart". This provides a framework for determining our initial needs and developing a narrow scope of work for which a professional consultant will be needed. With the entire process more clearly defined the Board should find it easier to develop a new Request for Proposals that is clear about our needs and which will result in responsive bids.

**ATTACHMENTS:**  
Process Chart

# GREENWOOD CEMETERY ADVISORY BOARD

## MASTER PLAN PROCESS PLANNING

[illegible]