

**BIRMINGHAM CITY COMMISSION /
PLANNING BOARD JOINT WORKSHOP SESSION
JUNE 17, 2019
DPS FACILITY, 851 SOUTH ETON
7:30 P.M.**

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Patty Bordman called the meeting to order at 7:30 PM.

II. ROLL CALL

Commission

ROLL CALL: Present: Mayor Bordman
Commissioner DeWeese
Commissioner Harris
Commissioner Hoff
Commissioner Nickita
Commissioner Sherman

Absent: Mayor Pro Tem Boutros

Planning Board

ROLL CALL: Present: Chairman Scott Clein
Robin Boyle
Stuart Jeffares
Nasseem Ramin, alternate
Daniel Share
Janelle Whipple-Boyce
J. Bryan Williams

Absent: Jason Emerine, alternate
Bert Koseck
Sophia Trimble, student representative
John Utley, student representative

Administration: City Manager Valentine, Deputy City Clerk Arft, Planning Director Ecker, Building Official Johnson, City Planner Cowan

III. ITEMS FOR DISCUSSION

City Manager Valentine said the objective tonight was to provide discussion items in order to clarify how the City should move forward on the following issues.

A. Current Issues:

1. Discussion on solar panel regulations

Planning Director Ecker reviewed the item. She emphasized that solar panel can now be integrated, so that aesthetics are not as big an issue. In reply to Commissioner Hoff, Planning Director Ecker stated that in the past six months there have been eight requests for solar panels. Residents have been paying a fee of \$400 for design review plus a sign bond of \$100 if the solar

panels are going to be installed on the front of their homes, and have been paying \$100 for an administrative review if the solar panels are to be installed on the back of their homes.

Planning Director Ecker confirmed for Commissioner DeWeese that comments from the public have been positive.

Commissioner Nickita stated his only concern would be obtrusive-looking solar panels, which he said would be caught by staff during administrative review. He suggested that those examples could be brought to the Planning Board for review, while the more subtle installations could be administratively approved.

Mr. Jeffares said solar panels are part of the future of ecologically-sustainable building, and that Birmingham should be doing whatever it can within reason to encourage their use. He also mentioned that currently the shingle model of solar panels are twice as expensive as the panel models and are one-third less effective. He said he anticipates the shingle model of solar panels will become more efficient over time.

Seeing no public comment, Mayor Bordman acknowledged consensus that the Planning Board should re-study the issue.

Chairman Clein asked whether the Planning Board should be studying the application process for solar panels or the design standards.

City Manager Valentine said the Commission would be formally amending the Planning Board action list in the near future to provide specific direction on any recommended study items from this meeting.

Mayor Bordman expressed appreciation for Chairman Clein's clarifying question, and said she would personally like to see both topics studied though the final study direction would come from the Commission as a whole.

2. Discussion on enclosing balconies, patios and terraces

Planning Director Ecker presented the item. She clarified for Commissioner Hoff that some of these situations are being enclosed as three-season rooms and some are not.

Commissioner Hoff observed that the changes being made to these buildings were reasonably significant as they resulted in a change of the building footprint.

In reply to Commissioner Harris, Planning Director Ecker stated the President of the Crosswinds association has called the Planning Department multiple times to express his displeasure with these enclosures. She noted that despite the President's displeasure the same association did vote to allow these enclosures on their building. She stated this has been the only contact the City has received from the public on the matter.

Commissioner Nickita said while these examples happen to be high-quality, if the City allows enclosures in general the results could also be of lower quality. He said the City must create appropriate design standards for these enclosures, must consider the footprint expansion these

enclosures can represent, and must consider the impact on the owners of neighboring condominiums as these enclosures would suddenly significantly impair their view.

Commissioner DeWeese said that any enclosures should be required to equal or improve upon the quality and aesthetic of the building they are being added to. He said that enclosures which add to the footprints of buildings, are prominent in some way, or are over public space should also be carefully reviewed. More minor changes could be administratively reviewed.

Planning Director Ecker confirmed that the City's process is to administratively review minor changes of these types and to receive Planning Board review for more significant changes.

Commissioner DeWeese reiterated that the quality of the enclosure and the size of impact should also be key considerations for whether a project is administratively reviewed or is sent to the Planning Board.

Commissioner Hoff emphasized the need to review the likely impact of enclosure installations on neighbors in multi-family buildings and the zoning impacts that could result from adding enclosures to balconies of single-family homes.

Mr. Share said it would also be necessary to consider whether these enclosures face courtyards or streets in terms of determining their potential impact.

Mayor Bordman observed the consensus to have the Planning Board study the issue.

3. Discussion on criteria for Administrative Approval process

Planning Director Ecker presented the item.

City Manager Valentine said this item stemmed from the perception that there should be more public input regarding what might be a minor or major change to a building.

Commissioner Nickita suggested the ordinance languages could be amended to ensure items which have a history of public engagement go through the Planning Board review process, while more minor items can continue to be administratively reviewed.

Commissioner Hoff noted the subjective nature of deciding what is a minor or major change. She stated her inclination would be to provide a way for neighbors to share their opinions.

In reply to Commissioner Hoff, Planning Director Ecker explained that if a change is not administratively approved a property owner would have the right to go to the Planning Board for a site plan review. She also explained that, while there was a situation regarding a development on Frank Street where there was a lot of dialogue between the neighbors and the developer, none of the neighbors ever attended the site plan review discussions. Because no neighbors attended the preliminary or the final site plan reviews, their interests were not presented to the City in the form of whatever possible tacit agreement the neighbors and the developer may have made.

In reply to Commissioner Harris, Planning Director Ecker stated that administratively approved changes are not listed by addresses in the Planning Board agendas, even though the documentation is included in the Planning Board agenda packets. She said including the addresses

that are being administratively approved as part of the Planning Board agendas would be worth considering.

Mr. Boyle said that these applications should be available to the public as a live portable document format (PDF) so that they could be filled out on the computer. He noted that receiving handwritten applications makes review of these items very challenging.

Mayor Bordman said Mr. Boyle's suggestion was a good one and hoped it would be easy for the City to implement. She stated the Planning Board should not have to waste its time trying to decipher handwriting on these documents.

Mayor Bordman continued, echoing Commissioner Hoff's observation that the difference between a minor and major change is subjective. The Mayor shared her confidence in staff's ability to differentiate between more mundane and more controversial changes, but she also noted that sometimes a seemingly mundane change could end up being controversial in a way staff could not anticipate. She asked the Commissioners whether this item should be further considered by the Commission or whether it should remain as-is for now.

Ms. Whipple-Boyce explained that in her 12 years as a Planning Board member, she had never seen an administrative approval inappropriately issued. She said staff solicits Planning Board input when an item is even remotely unusual. Besides for the occasional difficulty of deciphering handwriting, Ms. Whipple-Boyce said she had never seen an issue with the process as it stands, and was surprised to see the topic on the evening's agenda.

Mayor Bordman said her inclination was to leave the process as-is, as hundreds of administrative approvals are performed every year and only one has ever yielded public critique.

Commissioner Sherman said he would be inclined to agree with Mayor Bordman but there seemed to be a difference of opinion regarding what should be subject to design review. He suggested further study of this item could be combined with the discussion of enclosures to clarify what changes are substantial enough to receive design review.

4. Discussion on Master Plan charrette and draft of key proposals

Mayor Bordman asked all commenters to bear in mind that these proposals are still in draft form. There will be further opportunities for citizen input, including another upcoming master plan survey, which will be integrated into the final proposals the master planning team will make.

City Manager Valentine agreed with Mayor Bordman, emphasizing that this is a chance for the Commission and the Planning Board to discuss their observations regarding what they have heard from the master plan process so far.

Planning Director Ecker acknowledged representatives from the Master Plan team present at the meeting.

Chairman Clein said the Master Plan team was doing an excellent job so far. He observed that the master plan process is still in its early phases but has been producing useful information.

Mr. Jeffares told the meeting about a number of projects running in Traverse City, MI to increase its attainable housing stock. Traverse City defines attainable housing as housing appropriate for

people making 60% of the area median income. He explained one of their approaches is a program called PILOT, or Payment In Lieu of Taxes. In that program, a developer sets a lower rent for a certain number of their units and then pays a lump sum payment to Traverse City that is lower than paying property taxes on each unit. Another approach has been for residential developers to purchase a number of parking permits in the City's parking garages in order to provide residences with parking. Mr. Jeffares said he was encouraged by Traverse City's efforts, and said he is excited about Birmingham's continued efforts towards increasing attainable housing for its downtown.

Commissioner Nickita concurred with Chairman Clein, noting that both the charrettes and the master plan process have been well-publicized. He noted that proposed changes to Birmingham's residential parking requirements are being focused on in an attempt to increase Birmingham's attainable housing availability. Having spent the five days prior to this meeting in Louisville, KY with the Congress for New Urbanism (CNU), Commissioner Nickita explained many communities around the country are also attempting to diversify their housing stock. He noted many communities are also focusing on reducing their residential parking requirements in order to broaden the housing types available, and are doing so even more intensively than Birmingham has up to this point.

In response to the concern that developers would not develop residential housing without parking, Commissioner Nickita stated that many communities at CNU have experienced no problems in that area. Buffalo, NY, for instance, has seen great success in attracting new development since the City did away with all parking requirements, for residential and commercial uses, in 2017. While acknowledging that the Buffalo, NY changes are an extreme case, Commissioner Nickita emphasized the benefits Birmingham will likely see from considering new parking ordinance possibilities for the future.

Commissioner DeWeese said he would like to hear ways Birmingham could use other types of non-parking related zoning to incentivize increased development of residential housing stock in the downtown. For example, Commissioner DeWeese suggested a developer could be permitted to create an additional floor beyond the zoning allowances, while maintaining the overall building height, if every floor above the first was developed as residential. This would increase the density of the residences in the building, which would then decrease the costs of each residence.

Mr. Boyle summarized the national attention the Minneapolis 2040 city plan is getting, emphasizing that while their solutions cannot be Birmingham's solutions due to various differences between the municipalities, Minneapolis is grappling with similar goals of increasing both housing diversity and density. Mr. Boyle strongly recommended those present read "Americans Need More Neighbors", a piece by the New York Times editorial board from the June 15, 2019 issue, which explored the Minneapolis City Council's efforts to expand housing options. He concluded by saying he has been truly impressed by Birmingham's Master Plan team.

Mr. Share encouraged those present to be mindful of the Master Plan draft recommendation that Birmingham neighborhoods should be encouraged to each determine their own character, rather than having goals imposed on them by the City's government and committees. Secondly, Mr. Share noted that the Master Plan team found Birmingham had plenty of opportunity for increased residential density in the downtown without raising building heights. Given that, he drew attention to the issue of D5 zoning at Brown and S. Old Woodward, stating that if that area were to be rezoned, adjacent areas could also be rezoned, thus increasing building heights in the downtown

despite the draft finding that Birmingham building heights could remain as-is. He suggested that the Master Plan team could possibly look at that area and advise the City on how to proceed.

Mayor Bordman agreed, citing Mr. Duany's recommendation that Birmingham maintain its building height ordinances. She then invited public comment.

Lisa Brody explained that office space is often described as more plentiful than residential space in Birmingham. She suggested that it is not a surplus of office space causing the increase in people working in the City, but rather a change in office utilization resulting in the increase of the number of individuals usually sharing a single office. As an example, she explained that her office traditionally held three employees, where it now has nine employees working there at various times. She said she sees a similar trend in office usage across Birmingham's downtown.

Mayor Bordman thanked Ms. Brody for her comment.

5. Review of Planning Board Action List

Planning Director Ecker reviewed the item.

Commissioner Hoff said she would like to see the balconies and terraces made a higher priority on the action list.

Commissioner Sherman said a number of items from the evening's discussion were on hold pending the Master Plan. He said an interim action list would be appropriate to prepare.

Mayor Bordman agreed with Commissioner Sherman.

IV. PUBLIC COMMENT

There was no public comment.

V. ADJOURN

Mayor Bordman adjourned the meeting at 8:35 p.m.

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