REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, NOVEMBER 13, 2019
7:30 PM
151 MARTIN STREET, CITY COMMISSION ROOM, BIRMINGHAM, MI

A. Roll Call
B. Review and Approval of the Minutes of the regular meeting of **October 23, 2019**
C. Chairpersons' Comments
D. Review of the Agenda

E. Community Impact Study Reviews
   1. **469 -479 S. Old Woodward** (former Mountain King and Talmer Bank) – Request for Community Impact Study acceptance for construction of a new five story mixed use building in the B4/D4 zone district (**Postponed from October 23, 2019, Request from applicant to postpone to December 11, 2019**).
   2. **770 S. Adams** (existing office building) – Request for Community Impact Study acceptance for construction of a new five story mixed use building in the MU3/MU5 zone of the Triangle District.

F. Preliminary Site Plan Reviews
   1. **469 -479 S. Old Woodward** (former Mountain King and Talmer Bank) – Request for Preliminary Site Plan approval for construction of a new five story mixed use building in the B4/D4 zone district (**Postponed from October 23, 2019, Request from applicant to postpone to December 11, 2019**).
   2. **770 S. Adams** (existing office building) – Request for Preliminary Site Plan approval for construction of a new five story mixed use building in the MU3/MU5 zone of the Triangle District.

G. Study Session Items

Rules of Procedure for Study Sessions: Site Plan and Design Review, Special Land Use Permit Review and other review decisions will not be made during study sessions; Each person (member of the public) will be allowed to speak at the end of the study session; Each person will be allowed to speak only once; The length of time for each person to speak will be decided by the Chairman at the beginning of the meeting; Board members may seek information from the public at any time during the meeting.

   1. **D5 Study**
   2. **Glazing Standards**
   3. **Master Plan Review**

H. Miscellaneous Business and Communications:
   a. Communications
   b. **Administrative Approval** Correspondence
   c. Draft Agenda for the next Regular Planning Board Meeting **(December 11, 2019)**
   d. Other Business

I. Planning Division Action Items
   a. Staff Report on Previous Requests
   b. Additional Items from tonight's meeting

J. Adjournment

Notice: Due to Building Security, public entrance during non-business hours is through the Police Department—Pierce St. Entrance only. Individuals with disabilities requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta St.

Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

Las personas con incapacidad que requieren algún tipo de ayuda para la participación en esta sesión pública deben ponerse en contacto con la oficina del escribano de la ciudad en el número (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un dia antes de la reunión para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias. (Title VI of the Civil Rights Act of 1964).

CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, OCTOBER 23, 2019
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on October 23, 2019. Chairman Scott Clein convened the meeting at 7:30 p.m.

A. ROLL CALL

Present: Chairman Scott Clein; Board Members Robin Boyle, Stuart Jeffares, Daniel Share, Janelle Whipple-Boyce, Bryan Williams; Alternate Board Member Jason Emerine; Student Representative John Utley

Absent: Board Member Bert Koseck; Alternate Board Member Nasseem Ramin; Student Representative Sophia Trimble

Administration: Jana Ecker, Planning Director
Brooks Cowan, City Planner
Laura Eichenhorn, Transcriptionist

10-151-19

B. Approval Of The Minutes Of The Regular Planning Board Meeting of September 25, 2019

Mr. Share asked that it be made more clear that with 49 parking spaces at the Lincoln Yard site, and an additional nine on the street, there would be 58 parking spaces which falls short of the City's required 65 parking spaces for the site. In addition to these spaces there would be an additional 16 parking spaces available to Lincoln Yard customers in Armstrong White's parking lot through a shared parking agreement between the two businesses.

Mr. Jeffares asked that 'City', in the third line of the first full paragraph on page two, be changed to 'Rail District (in the portion south of Lincoln)'.

Mr. Emerine recommended that it be made more clear on page six that Mr. Koseck ultimately agreed with Mr. Emerine's comments regarding the layout of the Lincoln Yard parking lot.

Motion by Mr. Boyle
Seconded by Mr. Williams to approve the minutes of the Regular Planning Board Meeting of September 25, 2019 as amended.

Motion carried, 5-0.

VOICE VOTE
Yeas: Boyle, Williams, Share, Jeffares, Whipple-Boyce
Nays: None

Abstain: Clein, Emerine

10-152-19

C. Chairperson's Comments

Chairman Clein explained standard Planning Board meeting procedures, including an explanation of when the public would have opportunity to comment.

10-153-19

D. Approval Of The Agenda

Motion by Mr. Williams
Seconded by Mr. Share to postpone consideration of the Preliminary Site Plan Review for 469-479 S. Old Woodward to November 13, 2019.

Chairman Clein invited public comment on the motion.

In reply to Jim Arpin, Planning Director Ecker explained an application and plans for the site were available in the Planning Department for any members of the public who might wish to view them.

In reply to Mickey Schwartz, Planning Director Ecker explained the developer submitted an incomplete set of plans, and that they requested their review be postponed after the notices regarding the review had already gone out to the public.

Chairman Clein clarified for Dr. Schwartz that the same applicant is seeking, through a different application, to determine whether the D5 ordinance language should be modified based on questions that arose during City Commission meetings.

Planning Director Ecker also told Dr. Schwartz that it routinely happens that an applicant may submit two sets of plans, with one set being the preference and the second being the fallback.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Share, Clein, Emerine, Jeffares, Whipple-Boyce
Nays: None

10-154-19

E. Old Business

1. 34745 Woodward, Jax Kar Wash – Request for Final Site Plan and Design Review to add a covered detailing area and reconfigure access and circulation for the site (Postponed from September 11, 2019).

Planning Director Ecker presented the item.

Mr. Jeffares said he was very familiar with the site both as a patron and because it is next to his workplace. He said that rather than reducing the queuing on Brown Street, the proposed plans would likely increase queuing on Brown because up to seven fewer vehicles could fit in Jax's lot while in line for the carwash.

Greg Roselli, site manager for Jax Kar Wash, explained that the issue with vacuuming cars in the rear of the lot is a time constraint. He said that once there are eight cars in the vacuum lanes, the line backs up to the curb by the booth which prevents other cars from being able to pass by. He said the plans would change the speed with which cars could be cleared from that area which would reduce the queuing on Brown.

Mr. Jeffares said he had never seen the area in the rear of the building congested, while conceding that Mr. Roselli was likely more aware of the site logistics than Mr. Jeffares.

Mr. Roselli said there would be more visible backups with winter's arrival.

Planning Director Ecker confirmed that:

- The Planning Department is still not in receipt of the signage calculations for all the additional proposed elements on the site.
- No floor plan for the site had been submitted.
- Both signage calculations and a floor plan are required for the Board to complete a final site plan and design review.

Mr. Roselli confirmed that the vacuuming of the cars would be done by Jax Kar Wash staff.

There was no public comment, and Chairman Clein returned the discussion to the Board.

Ms. Whipple-Boyce expressed dismay that the submitted site plans neither complied with the City's ordinances nor integrated the Board's previous feedback regarding the application. She said the Board gave specific feedback on a number of issues, none of which the applicant chose to resolve in the number of months since the previous meeting.

Chairman Clein noted that plans as submitted do not meet condition four from Article 7, section 7.27 of the Zoning Ordinance. In addition, Chairman Clein concurred with Ms. Whipple-Boyce's statement that the plans neither meet City ordinance nor previous Board recommendations regarding the application. He said that as a result of these issues he would not be prepared to move the plans forward.

Mr. Share concurred with both Ms. Whipple-Boyce and Chairman Clein.

Motion by Mr. Share
Seconded by Mr. Williams to deny the Final Site Plan and Design Review for 34745 Woodward – Jax Kar Wash – for the following reasons:

1. The proposed plan does not meet the requirements of the zoning ordinance in a number of ways as noted in both Planning Director Ecker's report and during previous meetings;
2. The proposed plan does not meet the condition four of Article 7, section 7.27 of the Zoning Ordinance being that the plans propose hazardous traffic circumstances; and,
3. At present, the applicant has not demonstrated an entitlement to utilize the counterflow into the Woodward Avenue right of way.

Motion carried, 7-0.

ROLL CALL VOTE
Yeas: Share, Williams, Whipple-Boyce, Emerine, Boyle, Clein, Jeffares
Nays: None

10-155-19

F. Special Land Use Permit and Final Site Plan & Design Review

1. 111 Henrietta & 195 W. Maple - Brooklyn Pizza (including former Birmingham Geek space) – Request for Special Land Use Permit to operate a bistro with the service of alcohol in the existing Brooklyn Pizza, to be expanded, in the B4/D4 zoning district.

2. 111 Henrietta & 195 W. Maple - Brooklyn Pizza (including former Birmingham Geek space) – Request for Final Site Plan & Design Review to convert the former Birmingham Geek space into restaurant space to expand the existing Brooklyn Pizza space, including exterior changes to the building.

City Planner Cowan presented the item. He noted there would actually be 60 interior seats, not the 65 seats stated in his written report.

Planning Director Ecker explained that while many dumpsters in alleys do not have screening walls because they were grandfathered in, they would be subject to the same screening requirements as other dumpsters in the City should changes to their circumstances be made.

Mr. Jeffares said he was considering possible improvements to the alley behind Brooklyn Pizza as part of this review.

Mr. Share asked that the Board consider whether to grant a bistro license to a restaurant with no table service. He said the lack of table service seemed counter to what bistros within the City have traditionally been.

Patrick Howe, attorney for the applicant, discussed the plans for the restaurant. He noted that the first bistro license granted in the City was for Cosi, an now-closed establishment that did not provide table service.

The Board and the applicant's team discussed whether a bistro license could be granted to an establishment where patrons pick up their own alcoholic drinks from the bar and proceed to their tables. Ms. Whipple-Boyce noted that Article 3 of the Bistro License requires that alcohol is only served to seated patrons.

Chairman Clein said that Ms. Whipple-Boyce's point was a good one, and that it would be up to the City Commission to determine whether Brooklyn Pizza's proposed bar service would be sufficiently in-line with the ordinance. He said that since the issue had been minuted, it could now be further reviewed by the City Attorney and the Commission.

Sam Abdelfatah, owner of Brooklyn Pizza, told the Board that the alley behind their building is both very narrow and very busy. He said an apartment building next to the alley has their garage exit directly into the alley and that AT&T frequently parks their trucks in that alley. He added that his business plans to purchase a larger dumpster to fit the expanding needs of the restaurant, and that to fence it off would be prohibitive for other traffic that needs to flow through the alley and for the garbage company to empty the dumpster. He also said that during the summer three of the ten bar stools from the interior would be moved to the exterior bar, and that during the colder months they would move back inside.

Joel Schmidt, architect for the project, stated that the project plans to use high-density cement fiber board, and that there are no plans to use EFIS on this project. He continued:

- The decision about whether to screen the RTUs was a matter of either violating the ordinance requiring the screening of the RTUs or violating the ordinance requiring that to the best extent possible, no screening should extend above the top edge of an imaginary plane extending upward 45 degrees from the eave line. He said that screening the most northerly unit would likely cause the screen wall to either be flush with the exterior wall of the building, or to possibly even overhang the edge of the building. This is because this unit is two feet away from the edge of the building, and a screen wall should be installed two feet away from the unit. He recommended that if the City wants that unit completely screened, a perforated metal screen should be used to make that part of the screening wall less obtrusive. He said he would use a perforated metal screen rated for 70% opacity or greater.
- The City's ordinance requiring a VLT for windows of 80% or above makes buildings in Birmingham much more expensive. He said a standard window with a standard coating would yield a VLT of 71%. To get to the 80% a number of upgrades are required. Mr. Schmidt asserted that the visible difference between windows with 71% VLT and 80% VLT would be likely invisible to the naked eye. He said that both would result in clear facades on the main streets of Birmingham, and asked that the Board consider reviewing the matter. He said that, despite this point, if the City wanted Brooklyn Pizza to move forward with the 80% VLT they were absolutely prepared to do so.
- The park benches outside of Brooklyn Pizza will remain in place as part of these plans, and were only accidentally omitted from the drawings.
- Choosing to locate the bar where it is in the plans is because Mr. Abdelfatah insisted on a layout that made the restaurant and bar area feel like it opened up onto Shain Park. It was also assumed that bar patrons would more likely sit sideways interacting each other, and would not sit looking straight ahead at the wall that will be located in front of four of the bar seats.

- The high-density cement fiber board will have open joints that will allow for open ventilation and a bit of rain driven water to enter the wall. Then the water would hit a masonry wall behind the cement fiber board that was already weatherproofed. As a result, any water that was able to permeate the fiber board will drain out the bottom of the wall, meaning the cement fiber board would be able to fully dry.

Chairman Clein noted for the record that page 107 was submitted with the original bistro application, and is not what the Planning Board would be voting on this evening. The submittal the Board would be voting on would be based on updated plans.

Ms. Whipple-Boyce told Mr. Abdelfatah that she would like him to leave his outdoor seating down in the evenings so that people strolling through the City might be able to sit in those chairs. She said that many establishments stack their chairs in the evening in a way that is both inhospitable and unsightly, and that this application was her first opportunity to address the issue.

Mr. Abdelfatah said he would be happy to leave his outdoor seating for people to sit in when the establishment is closed.

Seeing no public comment, discussion returned to the Board.

Motion by Mr. Williams
Seconded by Ms. Whipple-Boyce to add the memorandum from the Birmingham Police Department indicating that Mr. Abdelfatah had no criminal record dated October 23, 2019, and the memorandum from the Building Department dated October 23, 2019 be received and filed.

Motion carried, 7-0.

VOICE VOTE
Yeas: Williams, Whipple-Boyce, Share, Emerine, Boyle, Clein, Jeffares
Nays: None

In reply to Mr. Boyle, Planning Director Ecker stated that while the RTUs must be screened the screening walls can exceed the imaginary 45 degree plane mentioned in the ordinance if necessary, and that they may be screened using any one of a number of appropriate materials as long as it meets City specifications. She also advised the Planning Board that they could choose to lower the 80% VLT requirement for this project if the four requirements to do so were met. She told the Board that they were scheduled to review the 80% VLT requirements on their November 13, 2019 agenda. She stated that there is reasonably-priced clear glass available that can meet the 80% VLT standard, but that when a building complies with that requirement they often cannot also get the building to be compliant with the Energy Code, especially in existing buildings.

Chairman Clein acknowledged the clause that would allow the Board to lower the VLT requirement, but said he would not be comfortable randomly applying the clause.

Mr. Jeffares noted that an exception had been made for the VLT of the glass in the Baldwin

Library's youth room addition, and that there should not be one standard for public development and one standard for private.

Acknowledging that she has been an ardent supporter of clear glass windows throughout the City, Ms. Whipple-Boyce said she would also be interested in seeing the difference between 71% VLT glass and 80% VLT glass given the hardships stemming from the 80% requirement that more than one applicant has described. Echoing a previous comment from Mr. Boyle, she agreed that there should be some language in the upcoming motion to allow Brooklyn Pizza to change its window VLT should the City's VLT requirements be amended subsequent to this meeting.

Chairman Clein said it would be inappropriate for the Board to decide on a VLT percentage from the outset with the understanding that it is the number that would best serve a particular applicant. He emphasized that the City has ordinances which must be followed, and that Brooklyn Pizza could still benefit from future changes if the City's VLT standard changed by the time they return for a building permit.

Mr. Abdelfatah told the Board that he would accommodate the City's VLT ordinance if it was the best way to move the process forward.

In reply to Mr. Jeffares question regarding whether the applicant should be required to screen their dumpster, Ms. Whipple-Boyce opined that it would not likely be possible with the circumstances as they are. She said an ideal scenario would be for a number of businesses to all utilize one compacting dumpster in that alley.

Planning Director Ecker confirmed for Mr. Jeffares that the alley in question is scheduled to be redone, but could not immediately recall when that work would commence.

Motion by Mr. Jeffares
Seconded by Mr. Williams that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Final Site Plan and Design Review for Brooklyn Pizza at 111 Henrietta and 195 W. Maple, provided however that if there is a modification of the glazing ordinance that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review, and pending receipt of the following prior to appearing before the City Commission:
1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
2) Provision of tree grate specifications indicating they will be ADA compliant;
3) Specification sheets for the new glass indicating a VLT of 80% or above;
4) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
5) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and
6) Both existing park benches remain outside the restaurant.

Ms. Whipple-Boyce asked if there would be a way to allow Brooklyn Pizza to benefit if the City's VLT requirements were lowered in the future.

Planning Director Ecker replied that if the Board agreed Brooklyn Pizza should be afforded that option in the future, the relevant language should be included in the present motion.

Mr. Jeffares permitted Ms. Whipple Boyce's recommended language to be added to the motion.

Mr. Share made it known that he would not be supporting this motion or the following regarding the SLUP because in his view the operational plan was not consistent with the Zoning Ordinance in terms of serving seated patrons, and was not consistent with his conception of what a bistro is. Mr. Share stated that if the establishment were pursuing another type of alcohol-serving license within the City he would be more obliging. He noted that bistro licenses are relatively scarce resources in the City and that the Commission, as he understood it, had not considered those aspects.

Chairman Clein invited public comment.

Mr. Howe explained that the ordinance says alcohol is only served to seated patrons except for those standing in the defined bar area. He noted that with Brooklyn Pizza's proposed layout, patrons would only be served alcohol while standing in the defined bar area, after which they would proceed to their seats and become seated patrons. Mr. Howe reiterated that Brooklyn Pizza's plan is consistent with the first bistro ever granted in Birmingham, and that has been their intent.

Motion carried, 6-1.

VOICE VOTE
Yeas: Jeffares, Williams, Whipple-Boyce, Emerine, Boyle, Clein
Nays: Share

Motion by Mr. Jeffares
Seconded by Ms. Whipple-Boyce that based on a review of the site plans submitted, the Planning Board recommends approval to the City Commission of the applicant's request for Special Land Use Permit for Brooklyn Pizza at 111 Henrietta and 195 W. Maple, provided however that if there is a modification of the glazing ordinance that the applicant be allowed to meet the new VLT requirement without returning for Planning Board review, and pending receipt of the following prior to appearing before the City Commission:
1) Provision of rooftop plans indicating all RTUs are screened on all sides in accordance with the Zoning Ordinance;
2) Provision of tree grate specifications indicating they will be ADA compliant;
3) Specification sheets for the new glass indicating a VLT of 80% or above;
4) Provision of all specifications for all outdoor and signage lighting and a photometric plan in accordance with the Zoning Ordinance;
5) Provision of specifications regarding the railing material and height for the outdoor patio barrier; and
6) Both existing park benches remain outside the restaurant.

Motion carried, 6-1.

VOICE VOTE
Yeas: Jeffares, Whipple-Boyce, Williams, Emerine, Boyle, Clein
Nays: Share

10-156-19

G. Preliminary Site Plan Review

1. 344 N. Old Woodward (Morganroth & Morganroth Building) - Request for approval to expand the second and third floors of the existing building and to add a fourth floor of residential units.

City Planner Dupuis presented the item, noting that he made a mistake within the report and that the applicant was correct regarding parking.

Mr. Williams said that this project should have a community impact study (CIS) given its proximity to a residential area and the proposed increase in the size of the building. He said he would not vote to approve these plans until staff and the Board are able to review a CIS. He stated that it was significant that ordinance allows only one floor of office while this building proposes to maintain two office floors. He also said a CIS would help clarify potential traffic issues.

Mr. Share said that he was generally supportive of the effort to add residential units to the site and that there was a good chance that a CIS would assist the applicant in a Board of Zoning Appeals (BZA) application. He agreed with Mr. Williams that a CIS would be appropriate.

Chaderique Menard and Brian Najor spoke on behalf of the project.

Chairman Clein advised Mr. Menard that the Zoning Ordinance provides the Board discretion regarding whether a project that would cause a building to exceed 20,000 square feet should be required to conduct a CIS. He noted that not only does this plan take the building over the 20,000 square feet threshold, but that it nearly doubles the size of the building which could have a significant impact on the surrounding area.

Mr. Najor said the project was submitted to the City two months ago and that the applicant received feedback from the City regarding the plans on October 21, 2019. He said the applicant team did its best to address and integrate the City's feedback. Mr. Najor said a community impact study was not mentioned in any prior conversation, and that he had not previously heard many of the comments being raised by the Board this evening. Mr. Najor emphasized that this project would be harmonious with Birmingham's desire for more residential units, and that phase one and phase two studies can be made available as they were conducted as part of the project's application for funding. Mr. Najor also asserted the project, in adding a fourth floor of residential, did not propose anything that was not already permitted within City ordinance.

Chairman Clein reiterated that it was at the Board's discretion whether to require a community impact study when a project takes a building over 20,000 square feet.

Mr. Williams corrected Mr. Najor's assertion, explaining that the project sought to maintain two floors of office within four floors, when only one floor of office would be permitted by ordinance.

In reply to Mr. Najor, Planning Director Ecker explained that even revised plans adding more office to the second floor and more residential to the third would be expanding a non-conformity, due to having more than one floor of office, and would require a variance from the BZA to proceed. She said that if the applicant wanted to avoid a variance for that issue, they could keep the first floor retail, the second floor office, and the third and fourth floors entirely residential.

Chairman Clein clarified that while he both liked the design of what he saw and is highly supportive in more residential in the downtown, the Board has an obligation to review all required aspects of a project and to protect the community's interests as new projects proceed.

Chairman Clein then invited public comment.

Catherine Gaines, 343 Ferndale, explained that her home shares a property line with 344 N. Old Woodward. She stated that she was present with a number of other residential property owners adjacent to 344 N. Old Woodward, and was representing a few additional neighbors who were unable to attend the evening's meeting. Ms. Gaines said her group was asking the Board to deny the proposed project. She said three things were of particular concern:

- The likely change in community congestion and activity that would result from adding residential to the building;
- That three of the planned residential units would, from 40 feet up, face directly into her backyard; and,
- That, according to her estimate, the residential properties behind 344 N. Old Woodward stand to lose about three hours of sunlight each day if the proposed additional 20 feet in height were added to the site.

Andrew Madvin, 347 Ferndale, said he was generally supportive of development in Birmingham but that this proposed development seemed in excess. He echoed Ms. Gaines' request that the application be denied.

Lisa Krueger, 348 Ferndale, said that the residential neighborhood behind 344 N. Old Woodward already experiences significant amounts of traffic and parking congestion. She added that the proposed plans lay out a building that would be intrusive to the adjacent residential neighborhood.

John Henke, attorney for the residents of 335 Ferndale, stated that the planned massing of the building would significantly impact the neighboring residences. He said the petitioner planned to add residential to the SAIC building, which has a 14 foot 9 inch setback and abuts the Balfour building. He explained the petitioner has not supplied an SD-100 or an SD-102. Mr. Henke argued that a CIS would be particularly important for this project given the potential impact on the residential neighborhood. The plans would also have 280 N. Old Woodward ten feet from its residential neighbor. He requested on behalf of the residents of 335 Ferndale that a CIS be completed for this project before the Board further considers the plans.

Brad Host said that all the residential owners near the 344 N. Old Woodward hope to do is to ensure that the Board enforce the City's ordinances.

Chairman Clein returned discussion to the Board seeing no further public comment. Chairman Clein then explained to all present that the Board is careful to ensure enforcement of City ordinances. He clarified that while enforcement of ordinances can sometimes restrain certain developments, the ordinances can, by right, also sometimes result in projects neighbors may not prefer. He advised residents living in downtown Birmingham to be aware that possibility exists.

Motion by Mr. Boyle
Seconded by Mr. Share to postpone the Preliminary Site Plan Review for 344 N. Old Woodward until the applicant is able to provide a completed Community Impact Study in order that the Board has sufficient information regarding this proposal (to be built 32,000 square feet in size) and that this be submitted along with a full set of plans for the Preliminary Site Plan Review in accordance with Article 7, section 7.27(e)(2) of the Zoning Ordinance.

Planning Director Ecker confirmed for Ms. Whipple-Boyce that the applicant could obtain information on the requirements of a CIS either from the City's website or from coming into the Planning Department.

Planning Director Ecker confirmed for Ms. Gaines that the nearby residences to the project would be re-noticed when the CIS and site plans are submitted if the present motion was approved.

Motion carried, 7-0.

ROLL CALL VOTE
Yeas: Boyle, Share, Williams, Whipple-Boyce, Emerine, Clein, Jeffares
Nays: None

10-157-19

H. Study Session Items

1. Master Plan Update

Chairman Clein asked the Board for ideas to encourage community involvement during the rest of the master plan process.

Mr. Williams said there is excessive and redundant narrative discussion within the first draft, and that bullet points couldbetter convey the information. He said the plan needs to do a better job of addressing the implementation timing for its recommendations. Mr. Williams opined the City needs engagement from neighborhood representatives in order to achieve buy-in from the neighborhoods before the plan is finalized. Mr. Williams refuted the idea, ventured by a public commenter at the October 17, 2019 City Commission-Planning Board Joint meeting (Joint Meeting), that free discussion would be stymied if City representatives attended neighborhood association meetings. Rather, according to Mr. Williams, City representatives at neighborhood

association meetings would better allow the City to hear and subsequently address citizens' perspectives and needs. Mr. Williams expressed pressing concern that the first draft does not give the City a sense of the best way to get a broad range of community feedback regarding ideas in the master plan, and that efforts to acquire that feedback from the public should be a City effort undertaken immediately.

Mr. Share agreed. He said it would be important to invite community engagement, to engage each neighborhood in a familiar environment, and to be sure to engage each community in discussions relevant to their particular concerns. Mr. Share expressed hope that if well-publicized public meetings were held with City decision makers in various neighborhoods that the public would choose to attend.

Ms. Whipple-Boyce stated that DPZ did an outstanding job of soliciting community engagement during the spring charrettes and that the plan best represents guidelines for how to begin to draw the neighborhoods together. While Ms. Whipple-Boyce agreed with the importance of getting the neighborhoods involved, she noted for the Board that the community has been highly engaged and responsive throughout the entire process thus far. Ms. Whipple-Boyce stated that the first draft provides the City laid out some ideas for building further community engagement, and that by her assessment the level of community engagement is right in line with where it should be for implementing the plan's next steps. She also echoed Mr. Share's recommendation from the Joint Meeting that the Board create some subcommittees, possibly with some Commissioners as well, to discuss and invite public engagement on any aspects of the first draft that would benefit from a more in-depth review.

Chairman Clein agreed with Ms. Whipple-Boyce that the community has been engaged in the process. He said he wants to see continued community engagement because the plan cannot purport to represent the community's interests if very few community members ever attend the meetings or give input. Responsibility falls to the Board members, according to Chairman Clein, to encourage community engagement as much as possible. He opined that ad hoc meetings to discuss particular issues would ultimately amount to a well-intentioned misappropriation of time, since the public will often either be insufficiently aware of them, or the meetings are often scheduled for times when most people could not attend. Chairman Clein strongly recommended that any topics to be discussed from the first draft should be done as part of the Board's regular meetings. He also cautioned that the City is currently in a review stage of the process, and that implementation will not begin until the master plan is formally adopted sometime in the spring of 2020.

Mr. Boyle suggested three levels at which the plan should be discussed:

- Board-level planning topics, announced and scheduled for the Board's regular meetings;
- Implementation, which will be determined by various parts of City governance and by the Plan's ultimate recommendations; and,
- Leadership. After the November 5, 2019 City elections, Mr. Boyle anticipated the City Commission would recommence decision making processes regarding the master plan.

Mr. Boyle said the Board's focus should be on reviewing the planning elements of the plan, and providing feedback and guidance on what DPZ and McKenna have set forth.

Mr. Jeffares said a diversity of strategies will be required to retain public engagement through the balance of the process. He mentioned surveys, meetings at schools, social media posts, door-to-door conversations, and neighborhood meetings as some of the options. Anything less than a comprehensive effort, similar to what the master planning team did for community engagement in the spring, would be insufficient in Mr. Jeffares' view.

Chairman Clein requested that Staff begin the process of breaking down the draft into manageable pieces and scheduling them for the Board's upcoming meetings. He said that once the Board has a full Study Session meeting a month, beginning in January 2020, it would be worth considering whether whatever master plan topic is scheduled should be the only topic during those meetings. He also said that City Manager Valentine could review these minutes for thoughts on developing a communication strategy in regards to the master plan, and how best to engage City residents through the multiple platforms the City possesses.

Mr. Williams said he would like the City Commission, after the election, to state what the Board's role should be during the rest of the process.

Chairman Clein agreed. He said that at their next meeting the Board could review the proposed schedule of meetings, a recommendation of enhanced engagement, and a request to the Commission for further direction. Once the Board has consensus on those, he suggested the Board could either ask through Staff or pass a resolution to request that the Commission either endorse or redirect the Board's plan.

10-158-19

I. Miscellaneous Business and Communications:

a. Communications
b. Administrative Approval Correspondence

For 412-420 E. Frank Street, the type of brick being used was switched by the developer without administrative approval. Planning Director Ecker noted that the brick being used is just a bit darker than the brick originally approved. She said the Board had also requested the site provide some architectural details on the east elevation wall to be administratively approved. Planning Director Ecker explained that while there were changes to the brick wall, administrative approval was not obtained for those changes. Given the sensitivity of the site, Planning Director Ecker explained she was bringing the matter to the Board for its review.

Chairman Clein said that while he was not entirely in favor of the selected brick's similarity to the brick used on the adjacent building, the brick being used is nearly identical to the brick selected. For the east elevation, however, he recommended that the developer be asked to appear before the Board again, ready with some additional ideas to add architectural interest to that wall.

Mr. Share agreed, saying he was less troubled by the brick change than he was by the issue regarding the east elevation. He also asked if a procedure could be put in place to prevent developers from receiving their permits until all Board conditions set in place during the approval are met. That would have meant, for instance, that this developer would not have received a

permit until the Planning Department saw and approved plans to add architectural interest to the east elevation.

In reply to Mr. Jeffares, Planning Director Ecker explained that developers submit their construction drawings for permits and staff will reject those if they are not the same as what was approved by the relevant Board. She said that sometimes the City is given the same plans they were given for site plan review, and then changes occur. Once that happens, it is either not until the City is notified by a concerned party, or final inspection occurs, that the City is made aware of unauthorized changes made in the construction.

After Board consensus, Planning Director Ecker confirmed she would advise the applicant that they need to return for Board review prepared with a more detailed design alternative for the east wall. The change in the type of brick being used for the building as a whole was deemed acceptable.

City Planner Dupuis asked the Board to weigh in on the tarp being used at 34000 Woodward to screen their mechanical units. He said that the owner of the property insisted City Planner Dupuis ask the Board, even though City Planner Dupuis advised the owner that the setup was unlikely to receive Board approval.

The Board concurred with City Planner Dupuis' assessment, saying the use of a tarp as a screening wall is entirely unacceptable.

c. Draft Agenda for the next Regular Planning Board Meeting (November 13, 2019)

- D5 Zoning Discussion
- 720 N. Old Woodward -- Final Site Plan Review, Kohler Building
- 770 S. Adams, CIS and Site Plan
- 469-479 S. Old Woodward, tentatively
- 412-420 E. Frank St.

d. Other Business

10-159-19

J. Planning Division Action Items

a. Staff Report on Previous Requests
b. Additional Items from tonight's meeting

10-160-19

K. Adjournment

No further business being evident, the Chairman adjourned the meeting at 10:29 p.m.

Jana L. Ecker
Planning Director

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Division

DATE: **November 2019**

TO: **Planning Board members**

FROM: **Nicole Ciurla, Assistant Planner**

SUBJECT: **770 S. Adams – CIS & Preliminary Site Plan Review**

I. INTRODUCTION

The subject site, 770 S. Adams is currently a 2 story office building. The parcel is 28,750 square feet and is located on the west side of S. Adams between Haynes and Webster Streets. The applicant is proposing to demolish the existing building to construct a 6 story mixed use, retail and residential development occupying the entire lot. The proposed building consists of 61 residential units and 1,950 square feet of retail space.

The applicant is required to prepare a Community Impact Study in accordance with Article 7, section 7.27(E) of the Zoning Ordinance as they are proposing a new building containing more than 20,000 square feet of gross floor area.

II. COMMUNITY IMPACT STUDY

As stated above, the applicant was required to prepare a Community Impact Study given the size of the proposed development. The Zoning Ordinance recognizes that buildings of a certain size may affect community services, the environment, and neighboring properties. The CIS acts as a foundation for discussion between the Planning Board and the applicant, beyond the normal scope of information addressed in the preliminary site plan review application. The Planning Board "accepts" the CIS prior to taking action on a Preliminary Site Plan.

A. Planning & Zoning Issues:

Use

The site is currently zoned B-2 General Business and falls within the MU5 and MU3 zones of the Triangle Overlay District. The proposed residential units, retail space and parking facility are permitted principal and/or accessory uses in the Triangle Overlay District in accordance with Article 3, section 3.07 of the Zoning Ordinance.

Master Plan Compliance: Triangle District Urban Design Plan

The Triangle District Urban Design Plan ("Triangle Plan") and form based code was approved on August 20, 2007. The purpose of the Triangle Plan is to:

- Improve the visual appearance of the area, its streets, alleys, public spaces, and buildings by establishing guidelines for design and implementation of public and private projects;
- Improve the economic and social vitality by encouraging diversity of use and opportunities for a variety of experiences;
- Better utilize property through more compact, mixed-use development;
- Link with Downtown across Woodward's high traffic barrier;
- Improve the comfort, convenience, safety, and enjoyment of the pedestrian environment by create an inviting, walkable, pedestrian neighborhood and setting aside public plazas;
- Organize the parking and street system to facilitate efficient access, circulation, and parking to balance vehicular and pedestrian needs;
- Encourage sustainable development; and to
- Protect the integrity of established residential neighborhoods.

The Triangle Plan encourages proper building mass and scale to create an environment that is more comfortable to pedestrians and helps bridge the gap to Downtown across Woodward Avenue. The proposed development will help improve the visual appearance of the area, by creating a denser, more compact mixed-use development. A retail store frontage will encourage pedestrians, and the addition of street furniture, street trees and pedestrian scaled lighting will increase their comfort. The proposed building contains primarily residential units on the upper levels and the majority of the first floor is parking. However, the applicant also proposes a large retail space and residential lobby along the street frontage on S. Adams.

In addition, the Triangle Plan encourages pedestrian-scale features which should be incorporated on the first floor of buildings and at entrances to help relate buildings to the streetscape. The plan for the proposed building includes a metal canopy along the S. Adams elevation, as well as pedestrian scale lighting, and glazing along the S. Adams façade.

Streetscape components are an integral part of the Triangle Plan. As discussed above, the applicant is proposing pedestrian scale street lighting, replanting street trees and adding tree grates, and the addition of 3 outdoor seating areas in the public right-of-way. These additions create a pedestrian scale along S. Adams in accordance with the recommendations contained in the Triangle Plan**. The CIS states they also meet the Triangle District requirement for 12' sidewalks along S. Adams. However, this is not shown clearly on the site plan. The applicant has not provided a full streetscape plan.** A full design review will be conducted at the time of Final Site Plan and Design Review.

Energy efficiency should also be considered when locating and orienting buildings on a site. Green building practices, which minimize the environmental impact of buildings both in the construction phase and throughout the life of the building,

are encouraged in the construction of new facilities. **The CIS states that the project development team seeks to incorporate LEED standards into this project as required to meet the additional building height requirements. The applicant indicates that the elements proposed thus far that would be eligible for LEED points are:**

- The glass walls for all the residential units will provide occupants a connection to the outdoors through the introduction of daylight views into regularly occupied areas of the building;
- The site is in an urban area and within ½ mile of 10 services and offers pedestrian access to the services;
- Individual HVAC controls in each unit and separate controls for many of the public/service areas will provide a high level of thermal comfort system;
- The building and site will be designated "No Smoking" which will prevent or minimize exposure of building occupants, indoor surfaces and ventilation air distribution systems to environmental tobacco smoke;
- Covered storage is provided for securing bicycles for 100% of building occupants, as another method of alternative transportation.

The Triangle Plan also encourages integrating parking into the design of the buildings in order to achieve the desired pedestrian-oriented streetscapes. This development is proposing to utilize covered interior parking within the ground and lower levels of the building which is hidden. The retail and residential lobby along S. Adams still activates the street for a pedestrian friendly environment. The plan also shows the applicant proposing to provide interior covered bike storage on the ground level for occupants.

Finally, the Triangle Plan also ensures that established residential neighborhoods should be protected. The majority of the building is proposed to be 5 stories with an additional 6th floor in the MU-5 section at the west end of the parcel. **The applicant is proposing to construct a portion of the MU3 section of the building up to five (5) stories and MU5 section of the building up to six (6) stories. This is permitted by the Triangle Overlay if they are 100' or more from residential and meet the requirements of section 3.08 (E), which requires that they meet two (2) or more of the conditions listed. As currently proposed, the plan meets provision three (3) by providing over 50% of the floor area as residential and provision four (4) LEED building design, accredited based upon the rating system of the United States Green Building Council.**

B. Land Development Issues:

The applicant has provided a survey of existing site conditions, including existing drainage. The proposed development does not occur on a steep slope. **A drainage plan for the proposed development has not been submitted as**

a required component of the Community Impact Study.

The applicant has not submitted a Phase 1 Environmental Site Assessment at this time.

The Zoning Ordinance requires that soil conditions be provided as a part of the CIS review. The applicant states that a soil report will be furnished for final site plan submittal. The site will be excavated to accommodate for one level of parking below grade. The CIS does not state how much soil is going to be removed and no haul routes or maps have been included.

C. **Utilities, Noise and Air Issues**:

In accordance with the Triangle Plan, all utilities on the site should be buried to visually enhance the site. Thus, the applicant will be required to bury all utilities on the site. The applicant has indicated that electrical and gas services are proposed to come from Adams Street. Telephone and cable services are proposed to come from existing poles on Adams Street, though the provider is not listed. The exact location of the service lines and if any utility easements are needed will be determined later in the site plan process. The applicant also did not provide the location of the transformer.

The CIS states that the Noise Study was completed by Kolano and Saha Engineering, however, it was not included in the application materials.

The applicant has stated in the CIS that this site is located in Southeast Michigan Air Quality District, with monitoring stations in the Pontiac, Rochester, Oak Park and Allen Park, as well as others in the district. This district has attained and surpassed the National Ambient Air Quality Standards for Carbon Monoxide, Nitrogen Dioxide, Ozone, Sulfur Dioxide and particulate matter less than 10 microns and has attained the standard for Annual and 24-hour Fine Particulates, but is awaiting that designation by the EPA.

D. **Environmental Design and Historic Values:**

The applicant has indicated that no demonstrable destruction of natural features will take place at the site, as the site is largely impervious. Demolition will include the elimination of the existing commercial building and a surface parking lot. The proposed building will be designed to fit harmoniously with the site, surroundings and neighborhood. The CIS states that the proposed building is larger than the existing structures and larger than the adjacent building to the south. The proposed building meets the Zoning Ordinance requirements to height and scale. The proposed building is taller than other buildings in the area and will change the skyline and change some of the view from the adjoining properties, but the proposed building height conforms to the Zoning Ordinance. The goal is for the building to be prominent but also blend into the urban fabric of the street. The CIS states that the existing trees on S. Adams will be removed during construction, but new trees will be replanted in the public right-of-way once construction is

complete. The new building will occupy the entire site and therefore no onsite landscaping is proposed. A complete design review, including streetscape elements, will be conducted as a part of the Final Site Plan review process.

The site is not listed on the National Register of Historic Places, nor is it on the City's list of historic sites. Review by the SHPO and HDC is not required. The CIS states that there are no properties or elements within the site plan boundaries that are historic. No properties in the surrounding area are on the Historic Register.

E. Refuse, Sewer and Water:

The proposed site plan shows all trash and recycling collection taking place within the building. The project will include an enclosed trash chute with space for two dumpsters and recycling bins**.**

The CIS further states that the water service is proposed to be connected to the 12" water main on Adams Street. The CIS states that the applicant will use low flow toilets and Energy Star appliances to reduce water consumption in the building. **It also notes that a civil drawing will be submitted that will include required information on proposed Sanitary and Storm Sewer systems. This is needed to determine if capacity is present.**

F. Public Safety:

The applicant has stated that the proposed development provides adequate access for police, fire and emergency vehicles from S. Adams and the alley way to the South. In addition, the CIS states that the elevators in the building will accommodate a medical cart, stretchers and emergency equipment.

The Police Department has not expressed any concerns. The applicant has advised that the building will conform to all applicable Fire Codes for layout, access, hydrant coverage and water connections. **The Fire Department will require further information to ensure that all life safety issues have been addressed, including details on the fire suppression system, fire access and the Knox Box location**. This was not provided in the CIS and will be required at the time of Final Site Plan review. The CIS states that the building will be designed with security features. The main lobby door will be locked via an intercom system potentially connected to the apartments. A security gate will be installed for both parking levels. **The Police Department has not granted approval of the proposed security system at this time. The applicant will need to submit this information for approval after final design is complete.**

G. Transportation Issues:

The CIS states that on site parking will be sufficient to support the proposed development. The applicant is also proposing on site covered bicycle storage, which will encourage mode shift by residents for local trips. In addition, bus

service is currently available along both S. Adams and Woodward, and the Amtrak station is located 0.5 miles to the east.

The applicant has provided a transportation study prepared by ROWE Professional Services Company, dated October 9, 2019. The transportation report concluded that the proposed development is not anticipated to have a negative impact on the operation of the adjacent roadway system. Specifically, the report found that new vehicular traffic generated by the proposed development will increase the number of trips generated to the site by 39 total during both A.M. and P.M. typical week day peak hours.

The City's transportation consultants have provided their comments which are attached to this report. Fleis & VandenBrink found inconsistencies with the information provided on the Transportation Study Questionnaire Form A and the preliminary site plan information regarding: square footage, parking spaces, number of units and retail square footage. In addition, the CIS states that Form B is attached. It is not attached or required for the submittal. **The applicant must provide all required information for review and approval by Fleis & VandenBrink.**

H. Parking Issues:

The applicant indicates that a total of 113 parking spaces are proposed, with 56 spaces located in the parking lot on the ground level and 57 spaces on the lower level. A total of only 79 parking spaces are required (1 space/two (2) or less room unit, 1.25 spaces/3 or more room unit and 1/300 sq ft of commercial space.)

I. Natural Features:

The applicant has indicated that there will be little impact on natural features or bodies of water as a result of the proposed development, as the site is located in an urban area and the site is currently predominately impervious surface.

J. Departmental Reports

1. Engineering Division – The Engineering Department has reviewed the plans dated October 11, 2019, for the above referenced project. Our comments are as follows:

    1. The streetscape design does not appear to be consistent with the City's standards and what has been previously done in the Triangle District (i.e. both sides of Haynes, just east of Woodward);
    2. A part of the City's Standard Streetscape includes new street lights in the right-of-way. The street lights shall be installed by DTE Energy to add to the City's system in this area, to be funded by the developer. Once the site plan is finalized, a proposal will be requested from DTE Energy for this work.

3. The alley which abuts the proposed development to the south shall be clearly labeled as One-way Public Alley (i.e. traffic flows from east to west);
4. A public alley is typically used for loading and service activities as such any overhang shall have a minimum of 14' clearance. This does not appear to be the case, based on the submitted plans;
5. It is anticipated that the City alley will be damaged during the construction of this project. The owner will be asked to replace the existing pavement with new concrete as a part of the project as well as agree to a future Special Assessment District (SAD) to upgrade the northern 8' of the alley the length of the property (i.e. broom finished concrete and exposed aggregate);
6. Provisions for drainage from the parking entrance off of the alley will be required on the final plans;
7. It should be noted that there are existing utility poles and power lines along the west side of Adams Road.

Permits from our office will include:

1. Right-of-way Permit (for excavations in the right-of-way).
2. Sidewalk/Drive Approach Permit.

2. Department of Public Services – No comments have been received from the DPS.

3. Fire Department –
    1. This building shall comply will all high rise provisions required by the Michigan Building Code, and the International Fire Code. This is to include the mandatory Fire Command Center.
    2. This building will be required to have full fire suppression coverage, including covered parking areas, and any exterior balcony or terrace, with an overhead projection greater than 2 feet, with combustible materials located on the balcony or terrace, and with an ignition source present such as bbq's, fire tables, heating devices, or any other fire features.
    3. Fire alarm occupant notification shall be provided for all occupiable exterior balconies or terraces located above ground level.
    4. Fire pump for the building will be required to have an alternative power source.
4. Police Department – The Police Department has no concerns with this project.

5. Building Division – The Building Division has provided their standard comments, and has the following additional comments:

    1. Applicant must verify the location of accessible parking spaces are in accordance with Section 1106.6 of the Michigan Building Code.
    2. A number of accessible units will need to be provided in accordance with Section 1107.6.2 of the Michigan Building Code.

3. The single exit provided from the sixth floor does not appear to be in compliance with Section 1006 of the Michigan Building Code. Another exit stair may be required.

K. Summary of CIS:

The following issues remain outstanding with regards to the CIS:

(1) No Drainage plan submitted;
(2) Noise study conducted by Kolano and Saha Engineering not submitted;
(3) Phase 1 Environmental Assessment not submitted;
(4) Location of Transformer not listed;
(5) Utility service providers not listed;
(6) Traffic data requested by Fleis & VandenBrink;
(7) Information on all life safety issues and Fire Dept. approval;
(8) Information on the proposed security system for approval by the Police Department.

L. Suggested Action:

1. **To <u>POSTPONE</u> review of the Community Impact Study for the proposed development at 770 S. Adams pending receipt of the following:**

(1) Drainage plan;
(2) Noise study;
(3) Phase 1 Environmental Assessment;
(4) Details on the location of transformers and providers of all utilities;
(5) Traffic data requested by Fleis & VandenBrink;
(6) Information on all life safety issues and Fire Dept. approval; and
(7) Information on the proposed security system for approval by the Police Department.

Or

2. To <u>accept</u> the Community Impact Study as provided by the applicant for the proposed development at 770 S. Adams, with the following conditions;

(1) Provision and approval of a drainage plan;
(2) Provision and approval of a noise study;
(3) Provision and approval of a Phase 1 Environmental Assessment;
(4) Details on the location of transformers and providers of all utilities;
(5) Provision and approval of the traffic data requested by Fleis & VandenBrink;
(6) Information on all life safety issues and Fire Dept. approval; and
(7) Information on the proposed security system for approval by the Police Department.

Or

3. To decline the Community Impact Study as provided by the applicant for the proposed development at 770 S. Adams for the following reasons:
   a. _____

   b. _____

   c. _____

Preliminary Site Plan Review

III. Preliminary Site Plan Review

Please see the attached Zoning Compliance Summary Sheet for detailed zoning compliance information.

1.0 Land Use and Zoning

1.1. Existing Land Use – The existing land use on the site is an office building, which is proposed to be demolished to allow construction of the new mixed use building.

1.2 Zoning – The underlying zoning is B-2, General Business, and the Overlay zoning is MU-5 and MU-3 in the Triangle District Overlay. The existing use and surrounding uses appear to conform to the permitted uses of the Zoning District.

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

	North	**South**	**East**	**West**
Existing Land Use	Retail, Commercial	Medical, Commercial	Office, Commercial, Retail	Bank, Commercial
Existing Zoning District	B-2, General Business	B-2, General Business	B-2, General Business	O-2, Office Commercial
Triangle District Overlay	MU-5, Mixed Use 5 Story and MU-3, Mixed Use 3 Story	MU-5, Mixed Use 5 Story and MU-3, Mixed Use 3 Story	None	MU-5 Mixed Use 5 story

2.0 Setback and Height Requirements

The attached zoning summary analysis provides the required and proposed bulk, area, and placement regulations for the proposed project.

There are conflicts with the side setbacks along the property line on the south. **The applicant is proposing a zero side setback on both the north and south sides of the site. This is only permitted in the MU3 and MU5 district**

for walls that do not contain windows. The northern wall meets this requirement and does not contain windows. However, the southern wall does not and contains both windows and balconies. In addition, the balconies along the southern portion of the building project into the public alley way.

Article 4 Section 4.74 (D.4cii): Permanent architectural features such as windows, balconies, overhangs and other architectural features that encroach into the right of way above 8' may be approved by the Planning Board, Design Review Board and/or the Historic District Commission provided that they do not extend 2' or more into the right of way or create an obstruction and that the encroachment complies with the design review standards set forth in Article 07 of the Birmingham Zoning Ordinance. Encroachments that extend more than 2' into the right of way will also require the approval of the City Commission through a lease agreement.

The applicant will need to provide specifications about the balconies' encroachment into the public right of way. The renderings appear to show a 5' projection, which would require the approval of the City Commission.

The applicant is proposing to construct a portion of the MU3 section of the building up to five (5) stories and MU5 section of the building up to six (6) stories. This is permitted by the Triangle Overlay if they are 100' or more from residential and meet the requirements of section 3.08 (E), which requires that they meet two (2) or more of the conditions listed. As currently proposed, the building is greater than 100' from residential zoning, and the plan meets provision three (3) by providing over 50% of the floor area as residential and provision four (4) LEED building design, accredited based upon the rating system of the United States Green Building Council.

3.0 Screening and Landscaping

3.1 Dumpster Screening – The applicant is proposing one trash area on the southwest corner of the ground floor adjacent to the stairwell with accessible trash chutes on each floor. The area is contained within the building.

3.2 Parking Lot Screening – The parking lot is contained within the building, and thus fully screened by the building.

3.3 Mechanical Equipment Screening – **The location of utilities and transformers are not listed on the application or plans. Application states there will be HVAC units on rooftop. All mechanical equipment must be screened in accordance with the requirements of the Zoning Ordinance. A roof plan showing all mechanical equipment and associated screening is required for Final Site Plan approval, along with specification sheets for all mechanical equipment.**

3.4 Landscaping – One canopy street tree planted within tree grates in the sidewalk is required for every 40' of street frontage. **The frontage on S. Adams Street is 172 ft. so 5 street trees are required. It is unclear how many street trees are proposed as a landscape plan has not been submitted and the renderings provided show varying number of street trees. The applicant will be required to provide 5 street trees along S. Adams or obtain a variance from the Board of Zoning Appeals.**

Parking Lot Landscaping – N/A

4.0 Streetscape

The following streetscape requirements are outlined within the Triangle Overlay District:

- Sidewalks: Must be a minimum of 12' wide; which the applicant is providing along S. Adams St. No streetscape plan has been submitted to determine pedestrian flow and whether the path is clear.

- Street Trees: One canopy street tree planted within tree grates in the sidewalk is required for every 40' of street frontage. The frontage on S. Adams Street is 172 ft. **The applicant appears to be proposing 5 street trees, but a landscape plan detailing this must be submitted.**

  Details about the size and species of the 5 proposed street trees are not included in the plans. **The planned trees must be 3" in caliper to meet the minimum size requirements of Article 4.20(D.7-a.2) of the Zoning Ordinance. The applicant must clarify the size of the tree grates which are not listed on the plans. Also, the renderings appear to show raised planters and not tree grates.**

- Street Lights: Pedestrian level street lighting of a decorative nature shall be installed along sidewalks and shall be designed to promote the traditional neighborhood character of the area. Light fixtures shall meet the specifications of the City of Birmingham and hanging planters must be installed on all light fixtures as directed by the Planning Board. **The application indicates that there will be wall and canopy mounted lighting but no details are provided on the plan, nor are the required street lights provided. The applicant will be required to provide street lights every 40' along S. Adams.**

- Street Furniture: Benches and trash receptacles need to be provided where the Planning Board determines that pedestrian activity will benefit from these facilities. **The applicant has indicated two**

benches and one trash receptacle along the S. Adams St. facade. The street furniture must comply with the Triangle District streetscape standards.

- Bicycle Facilities: Sufficient bike racks to allow parking of a minimum of 1 bike for every 10 cars, or 1 bike for every 3,000 sq. ft. of building floor area, whichever is greater. **The applicant must provide 43 bike racks (128,522 sq. ft. / 3,000 = 42.84). The plans show an onsite enclosed biking storage area for the building users, but does not list how many spots are provided. The application also states a public bike rack will be included per the streetscape design guidelines, but does not indicate where.**

5.0 Parking, Loading and Circulation

5.1 Parking – In accordance with Article 4, section 4.45 (PK) of the Zoning Ordinance, 79 spaces are required for the mixed use, office and residential building. The Zoning Ordinance requires 1 parking spot per residential unit of 2 rooms or less, 1.25 parking spots per residential unit of 3 rooms or more, and 1 parking spot per 300 square feet of office space. The applicant is proposing 14 residential units of 2 rooms or less, 47 units of 3 rooms or more, and 1,784 square feet of retail space.

14 residential units*1 spaces=14 parking spaces
47 units *1.25 spaces = 59 parking spaces
1,784 sq. ft. retail space/300 sq. ft= 6 parking spaces
Total required = 79 parking spaces

The applicant is proposing 113 spaces on site with interior ground level and lower level parking.

Article 3.08(G.4): Where a parking structure is provided or parking is located on the ground level below the building, usable building space to a depth of at least 20 feet shall be provided in front of the parking for the minimum required building length.

Total Lot Frontage to Public Right of Way = 172'
Total Building Frontage = 153'
Frontage Occupied by Usable Space = 88.95%

The building must have usable building space to a depth of at least 20 feet along a minimum of 75% of the total street frontage length, which requires 129' of building frontage. The applicant has met this standard as the proposed building is 153' in length.

5.2 Loading – In accordance with Article 4, section 4.24 of the Zoning Ordinance, no loading spaces are required for the proposed development.

5.3 Vehicular Circulation and Access –
Vehicular access to the proposed development will be from S. Adams Street, and the alley on the south side of the property. The new entrance on S. Adams to the interior ground level parking will require a new curb cut. Another entrance is proposed along the alley, which is sloped downward to access the lower level interior parking.

Vehicles entering the site from S. Adams may park in the ground level lot via a 19' open entrance on the eastern side of the building. Vehicles entering the site from the one way alley can park in the open covered parking spaces or enter the lower level through the 19' wide ramp opening on the southern side of the building.

5.4 Pedestrian Circulation and Access – The applicant has provided pedestrian entrances at three locations on S. Adams Street. One is in the southwest portion of the building, adjacent to the parking opening, and provides residential access to the lobby. The second provides access to the retail space from the mid-section of the north elevation. Lastly, there is access on the northwest corner into the proposed bike storage area.

6.0 Lighting

The applicant has not provided a photometric plan or lighting specification sheets which will be required at Final Site Plan Review.

7.0 Departmental Reports

1. Engineering Division – The Engineering Department has reviewed the plans dated October 11, 2019, for the above referenced project. Our comments are as follows:

    1. The streetscape design does not appear to be consistent with the City's standards and what has been previously done in the Triangle District (i.e. both sides of Haynes, just east of Woodward);
    2. A part of the City's Standard Streetscape includes new street lights in the right-of-way. The street lights shall be installed by DTE Energy to add to the City's system in this area, to be funded by the developer. Once the site plan is finalized, a proposal will be requested from DTE Energy for this work.
    3. The alley which abuts the proposed development to the south shall be clearly labeled as One-way Public Alley (i.e. traffic flows from east to west);
    4. A public alley is typically used for loading and service activities as such any overhang shall have a minimum of 14' clearance. This does not appear to be the case, based on the submitted plans;
    5. It is anticipated that the City alley will be damaged during the construction of this project. The owner will be asked to replace the existing pavement with new concrete as a part of the project as well as

agree to a future Special Assessment District (SAD) to upgrade the northern 8' of the alley the length of the property (i.e. broom finished concrete and exposed aggregate);
6. Provisions for drainage from the parking entrance off of the alley will be required on the final plans;
7. It should be noted that there are existing utility poles and power lines along the west side of Adams Road.

Permits from our office will include:

1. Right-of-way Permit (for excavations in the right-of-way).
2. Sidewalk/Drive Approach Permit.

2. Department of Public Services – No comments have been received from the DPS.

3. Fire Department –
    1. This building shall comply will all high rise provisions required by the Michigan Building Code, and the International Fire Code. This is to include the mandatory Fire Command Center.
    2. This building will be required to have full fire suppression coverage, including covered parking areas, and any exterior balcony or terrace, with an overhead projection greater than 2 feet, with combustible materials located on the balcony or terrace, and with an ignition source present such as bbq's, fire tables, heating devices, or any other fire features.
    3. Fire alarm occupant notification shall be provided for all occupiable exterior balconies or terraces located above ground level.
    4. Fire pump for the building will be required to have an alternative power source.

6. Police Department – The Police Department has no concerns with this project.

7. Building Division – The Building Division has provided their standard comments, and has the following additional comments:

    1. Applicant must verify the location of accessible parking spaces are in accordance with Section 1106.6 of the Michigan Building Code.
    2. A number of accessible units will need to be provided in accordance with Section 1107.6.2 of the Michigan Building Code.
    3. The single exit provide from the sixth floor does not appear to be in compliance with Section 1006 of the Michigan Building Code. Another exit stair may be required.

8.0 Design Review

The building primarily consists of five (5) stories along the eastern and southern

property lines, with an additional sixth story proposed on the southwestern section, while the northwestern portion of the building is only one story. All levels of the building will have flat roofs. The flat roof of northwestern portion will serve as the main outdoor terrace accessible on the second floor, and the additional flat roof in the southwestern section as another rooftop terrace accessible on the sixth floor. The ground level of the western and northern elevations consist of a masonry wall with a grey finish which will enclose the parking lot. The exterior of the building is proposed to be a grey brick. The windows are vertically proportioned and appear to be transparent. The residential units have metal balconies and railings. **A complete Design Review will be provided at Final Site Plan Review.**

A ground level façade made predominantly of glass surrounds the office and lobby space on the S. Adams Street frontages. The glazing abuts a grey masonry wall which encloses the parking lot on both the north and western elevations of the building. The masonry walls on these elevations do not have window openings or vehicle entryways to prevent a blank wall of more than 20 feet. However, they are not along the street frontage. **No glazing calculations for the first floor have been provided at this time.** As per Article 3.09(B.1) of the Zoning Ordinance, no less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway.

Openings above the first story are planned for the residential units. The upper stories consist of a grey exterior finish, with vertically proportioned windows and balconies for the residential units. The balconies are composed of metal railings and a vertical design. As per Article 3.09(B.3) of the Zoning Ordinance, openings above the first story shall be a maximum of 50% of the total façade area. Glazing calculations for the upper stories have been provided as a percentage of the façade for each elevation plan as follows: eastern, 50%; southern 38%; western 7%; northern 0%. **However, the calculations for the western and northern elevations are not including the portions of the building that are set back above the outdoor terrace area. The correct glazing amounts including these should be submitted.**

Via Activation Overlay

The current design adjacent to the via on the south side of the building includes an opening in masonry wall for a row of covered public parking with 8 parking spaces. In addition, it also provides the access to the 57 interior parking spaces on the lower level. **The Planning Board may wish to recommend design amenities that will enhance the character, visual interest, and surveillance of the building facing the via.** The current function of the space facing the via is to provide access for parking. If the function of the space facing the via is ever to change, designs and amenities should be able to accommodate different uses permitted in the Triangle and Via Activation Overlay Districts.

In accordance with Article 3.16(E.1.a) of the Zoning Ordinance, for publicly owned vias, the applicant must provide broom finish concrete with exposed aggregate for visual interest in all vias. **No details have been provided on alley improvements at this time and will be required at Final Site Plan review.**

Via lighting must be provided by adjoining property owners where needed to ensure the safety of pedestrians as per article 3.16(G.1) of the Zoning Ordinance. **The Planning Board may wish to recommend surface lighting luminaires with scale, color, and materials that will architecturally enhance the building features, and activate the via space.**

Article 3.16(H) of the Zoning Ordinance states that all portions of buildings and sites directly adjoining a via must maintain a human scale and a fine grain building rhythm that provides architectural interest for pedestrians and other users, and provide windows and doors overlooking the via to provide solar access, visual interaction, and surveillance of the via. **The Planning Board may wish to recommend windows and architectural features customarily found on the front façade of a building, such as awnings, cornice work, edge detailing or decorative finish material to improve the aesthetic experience of the via.**

9.0 Approval Criteria

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

(1) The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the structure.

(2) The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.

(3) The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property not diminish the value thereof.

(4) The site plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.

(5) The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.

(6) The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.

10.0 Recommendation

Based on a review of the site plan revisions submitted, the Planning Division recommends that the Planning Board POSTPONE the Preliminary Site Plan Review for 770 S. Adams pending the following:

1. Revisions to the south side setbacks of the building of the site or removal of windows within 10' of the property line;
2. Provision of balcony projection dimensions, and if over 5', the review and approval of the City Commission will be a required condition of any approval granted;
3. Provision of a revised site plan and roof plan showing the location of all utilities, mechanical equipment and transformers and all required screening;
4. Provision of a landscape plan showing all required street trees along S. Adams;
5. Provision of a streetscape plan showing all required street lights and street furnishings along S. Adams;
6. The addition/clarification of 43 bike racks on site;
7. A photometric plan will be required at Final Site Plan and Design Review; and
8. All material samples and specifications will be required at Final Site Plan and Design Review.

11.0 Sample Motion Language

Motion to POSTPONE the Preliminary Site Plan Review for 770 S. Adams pending the following:

1. Revisions to the south side setbacks of the building of the site or removal of windows within 10' of the property line;
2. Provision of balcony projection dimensions, and if over 5', the review and approval of the City Commission will be a required condition of any approval granted;
3. Provision of a revised site plan and roof plan showing the location of all utilities, mechanical equipment and transformers and all required screening;
4. Provision of a landscape plan showing all required street trees along S. Adams;
5. Provision of a streetscape plan showing all required street lights and street furnishings along S. Adams;
6. The addition/clarification of 43 bike racks on site;
7. A photometric plan will be required at Final Site Plan and Design Review; and
8. All material samples and specifications will be required at Final Site Plan and Design Review.

OR

Motion to APPROVE the Preliminary Site Plan Review for 770 S. Adams with the following conditions:
1._____
2._____
3._____

OR

Motion to DENY the Final Site Plan and Design for 770 S. Adams.

770 ADAMS

MCINTOSH
PORIS ASSOCIATES 11.07.19

PRELIMINARY SITE PLAN REVIEW
770 S. ADAMS ST LLC

Looking North-West on Adams St.

Looking South on Adams St.

Looking West at Alleyway.

Back of existing building.

Back of existing building.

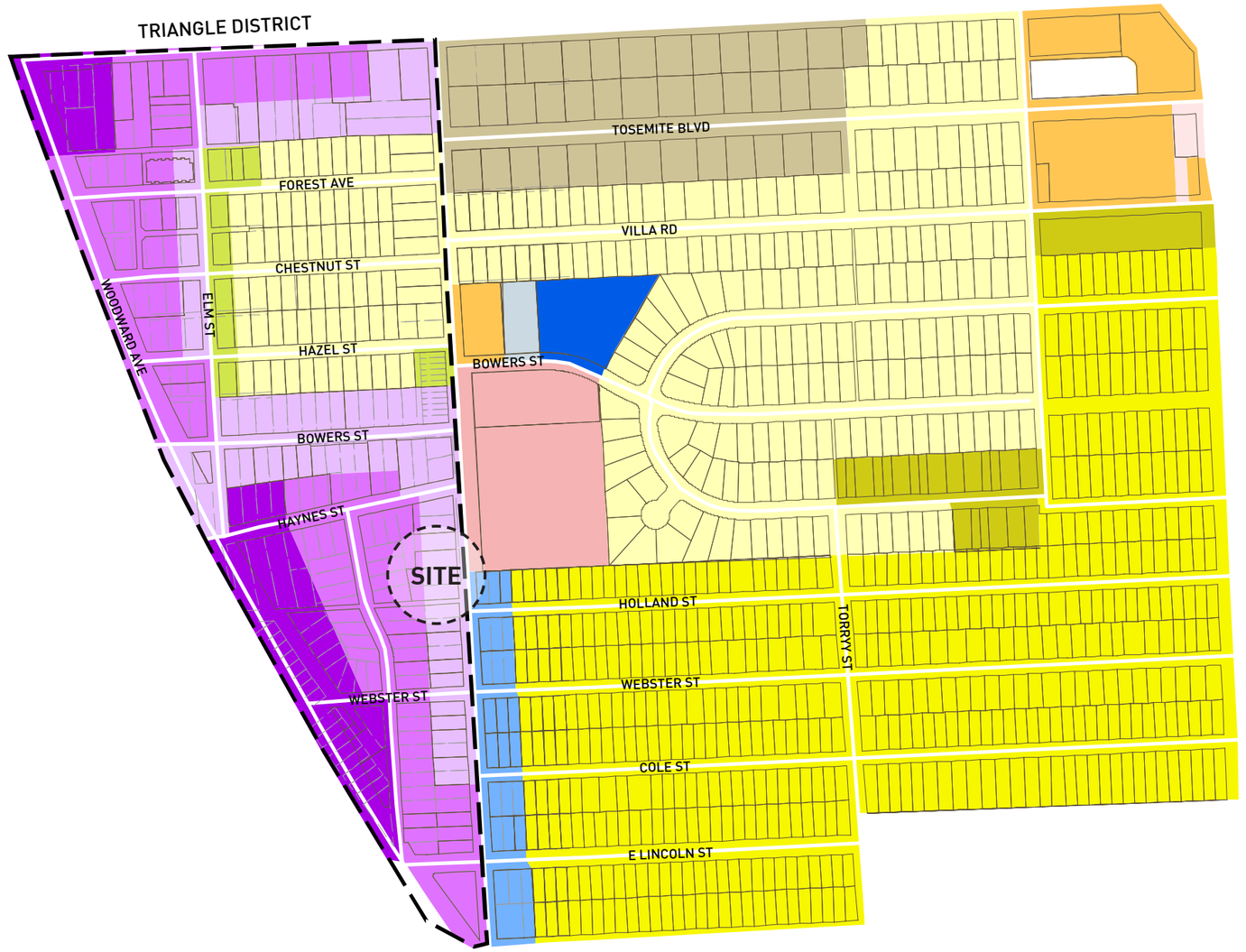
Looking East at Alleyway.

TRIANGLE ZONING DISTRICT

- ASF-3
- R2
- MU-3
- MU-5
- MU-7

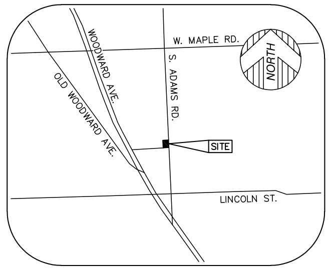
ZONING DISTRICTS

R1	SINGLE-FAMILY RESIDENTIAL
R2	SINGLE-FAMILY RESIDENTIAL
R3	SINGLE-FAMILY RESIDENTIAL
R4	TWO-FAMILY RESIDENTIAL
R6	MULTIPLE-FAMILY RESIDENTIAL
B-2	GENERAL BUSINESS
O-1	OFFICE
O-2	OFFICE COMMERCIAL
P	PARKING



MCINTOSH PORIS ASSOCIATES

SITE - ZONING AND RESTRICTIONS



VICINITY MAP
(NOT TO SCALE)

PARKING

HANDICAP PARKING = 2 STALLS
STANDARD PARKING = 41 STALLS

PARCEL AREA

28,760± SQUARE FEET = 0.660± ACRES

BASIS OF BEARING

SOUTH 03°26'46" EAST, BEING THE WEST LINE OF ADAMS ROAD, PER GPS OBSERVATION, MICHIGAN STATE PLANE COORDINATE SOUTH ZONE

BENCHMARK

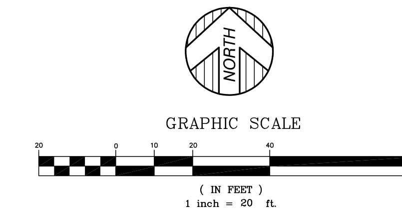
SITE BENCHMARK
MAG NAIL IN THE EAST FACE OF THE UTILITY POLE NEAR THE SOUTHWEST PROPERTY CORNER
ELEVATION = 756.13' (NAVD 88 DATUM)

SURVEYOR'S NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

LEGEND

- SET 1/2" REBAR WITH CAP P.S. 47976
- FOUND MONUMENT (AS NOTED)
- (R&M) RECORD AND MEASURED DIMENSION
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- GROUND ELEVATION
- ELECTRIC PANEL
- UTILITY POLE
- GAS METER
- GAS VALVE
- TELEPHONE MANHOLE
- CLEANOUT
- SANITARY MANHOLE
- ROUND CATCH BASIN
- SQUARE CATCH BASIN
- WATER VALVE
- LIGHTPOST/LAMP POST
- MAIL BOX
- SINGLE POST SIGN
- HANDICAP PARKING
- DECIDUOUS TREE (AS NOTED)
- CONIFEROUS TREE (AS NOTED)
- PARCEL BOUNDARY LINE
- PLATTED LOT LINE
- BUILDING
- BUILDING OVERHANG
- CONCRETE CURB
- PARKING
- EDGE OF CONCRETE (CONC.)
- EDGE OF ASPHALT (ASPH.)
- FENCE (AS NOTED)
- WALL (AS NOTED)
- OVERHEAD UTILITY LINE
- COMMUNICATION LINE
- GAS LINE
- SEWER LINE
- WATER LINE
- MINOR CONTOUR LINE
- MAJOR CONTOUR LINE
- BUILDING AREA



PROPERTY DESCRIPTION

THE LAND SITUATED IN THE BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, IS DESCRIBED AS FOLLOWS:

LOTS 15, 16, AND 17, O.E. SHATTUCK SUBDIVISION, AS RECORDED IN LIBER 8, PAGE 14 OF PLATS, OAKLAND COUNTY RECORDS.

TITLE REPORT NOTE

ONLY THOSE EXCEPTIONS CONTAINED WITHIN THE STEWART TITLE GUARANTY COMPANY FILE No. 63-18620080-SCM, DATED OCTOBER 23, 2018, AND RE-LISTED BELOW WERE CONSIDERED FOR THIS SURVEY. NO OTHER RECORDS RESEARCH WAS PERFORMED BY THE CERTIFYING SURVEYOR.

NO SPECIFIC EASEMENTS LISTED

MANHOLE SCHEDULE

SEWER CATCH BASIN (#15125)
RIM=753.70'
T/WATER=751.80'
BOTTOM=750.40'

SEWER CATCH BASIN (#15304)
RIM=755.77'
UNABLE TO OPEN

SEWER CATCH BASIN (#15010)
RIM=754.59'
INV. RCP, NE=749.62'

SEWER CATCH BASIN (#15230)
RIM=754.27'
INV. 12" RCP, NW=750.17'
INV. 12" RCP, W=750.47'

SEWER MANHOLE (#15231)
RIM=754.33'
INV. 42" N=743.56'
INV. 42" S=743.56'

SEWER MANHOLE (#15232)
RIM=754.66'
INV. 12" RCP, SE=749.76'
INV. 42" RCP, N=742.09'
INV. 42" RCP, S=742.02'

SEWER MANHOLE (#15222)
RIM=754.38'
INV. 12" RCP, E=750.68'

SEWER MANHOLE (#15301)
RIM=752.81'
INV. 12" RCP, SE=747.11'
INV. 12" RCP, NW=746.64'
INV. 12" RCP, S=748.21'

SEWER MANHOLE (#15300)
RIM=753.00'
INV. 12" RCP, NW=746.55'
INV. 42" RCP, N=741.20'
INV. 42" RCP, S=741.20'

SEWER CATCH BASIN (#15297)
RIM=751.69'
INV. 12" RCP, S=747.74'
INV. 12" RCP, SE=747.49'

SEWER MANHOLE (#10434)
RIM=752.36'
INV. 12" RCP, NE=747.26'
INV. 12" RCP, W=744.06'
INV. 42" RCP, N=742.66'
INV. 42" RCP, S=742.56'

SEWER CATCH BASIN (#10433)
RIM=753.14'
INV. 12" RCP, SE=747.99'

SEWER CATCH BASIN (#15124)
RIM=753.70'
T/WATER=751.80'
BOTTOM=750.40'

SURVEYOR'S CERTIFICATION

TO STEWART TITLE GUARANTY COMPANY, JOSEPH M. POLITO, ON BEHALF OF AN ENTITY TO BE FORMED, 770 ADAMS, LLC, A MICHIGAN LIMITED LIABILITY, COMPANY & 420 E. FRANK ST., LLC:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDED ITEMS 1, 2, 4, 5, 7A, 8, 9 AND 11 OF TABLE A, THEREOF. THE FIELD WORK WAS COMPLETED ON 11/19/18.

DATE OF PLAT OR MAP: 11/26/18

DRAFT

ANTHONY T. SYCKO, JR., P.S.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47976
22556 GRATIOT AVE., EASTPOINTE, MI 48021
TSycko@kemtec-survey.com

ALTA / NSPS LAND TITLE SURVEY
PREPARED FOR: 420 E. FRANK ST., LLC
770 S. ADAMS RD., BIRMINGHAM, MICHIGAN,
PART OF SECTION 36,
TOWN 2 NORTH, RANGE 10 EAST

KEM-TEC
www.kemtecgroupofcompanies.com

DRAWN BY:	NS	11/26/18
CHECKED BY:	ATS	11/27/18
DATE:	NOVEMBER 27, 2018	
SCALE:	1" = 20'	
PROJECT NO.	18-04136	

1
1 OF 1 SHEETS

TEXTURE AND MATERIALS

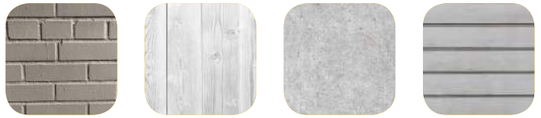
1. Commercial + Public Facilities

Brick

Metal

Fiber Cement

2. Residential

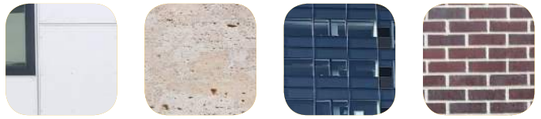


Brick

Wood

Concrete/Stone

3. Mixed Use



Fiber Cement

Limestone

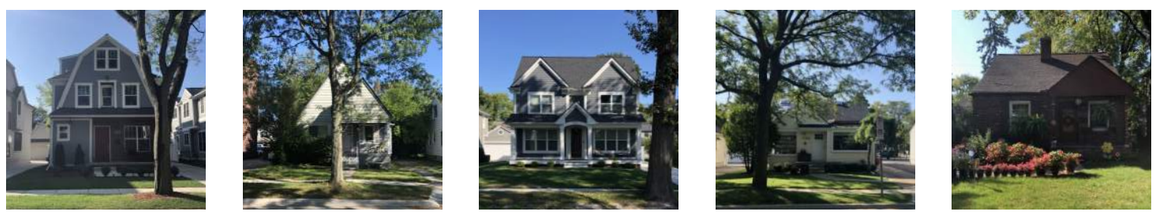
Glass

PATTERNS

Facade Patterns - Lines

Facade Patterns - Geometry

Home Patterns



MCINTOSH PORIS ASSOCIATES

STREET VIEW - OPTION 1

770 ADAMS

MCINTOSH PORIS ASSOCIATES

AERIAL VIEW

770 ADAMS

GLAZING ABOVE SECOND LEVEL 4600 SF - 50% OF FACADE

TOTAL FACADE ABOVE SECOND LEVEL 6750 SF

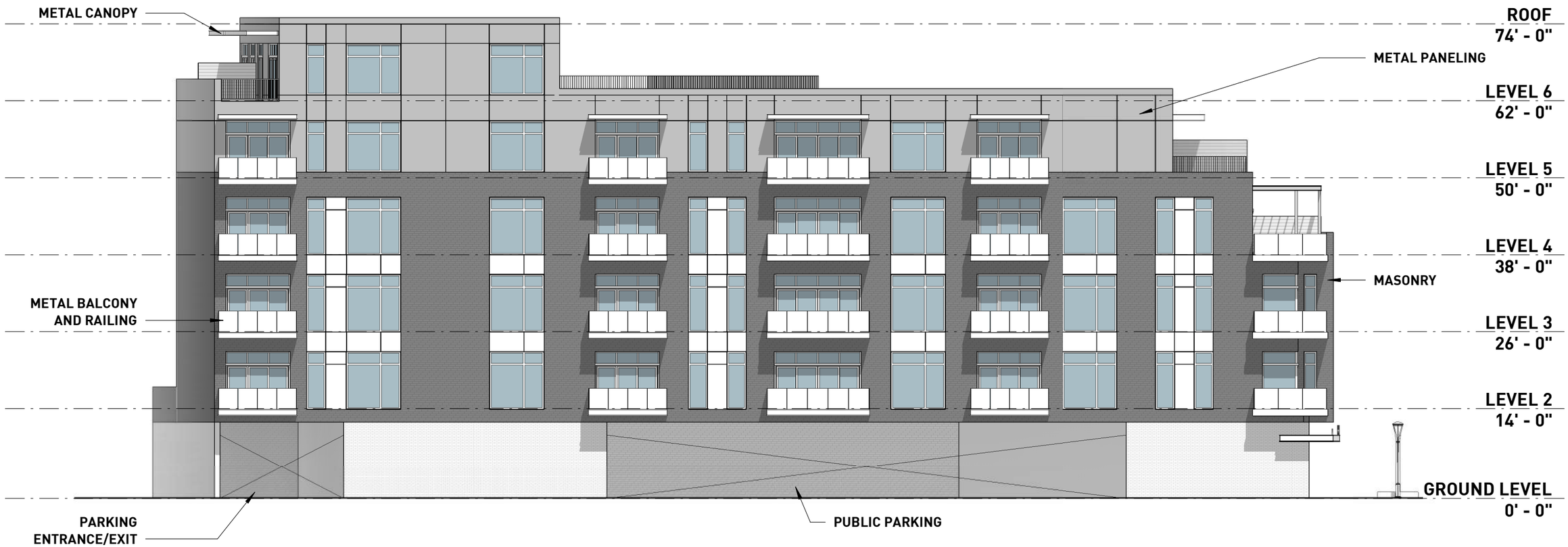
MCINTOSH PORIS ASSOCIATES

EAST ELEVATION

1/16" = 1'-0"

770 ADAMS

NOVEMBER 07, 2019 11



TOTAL FACADE ABOVE SECOND LEVEL 6850 SF

MCINTOSH PORIS ASSOCIATES

SOUTH ELEVATION

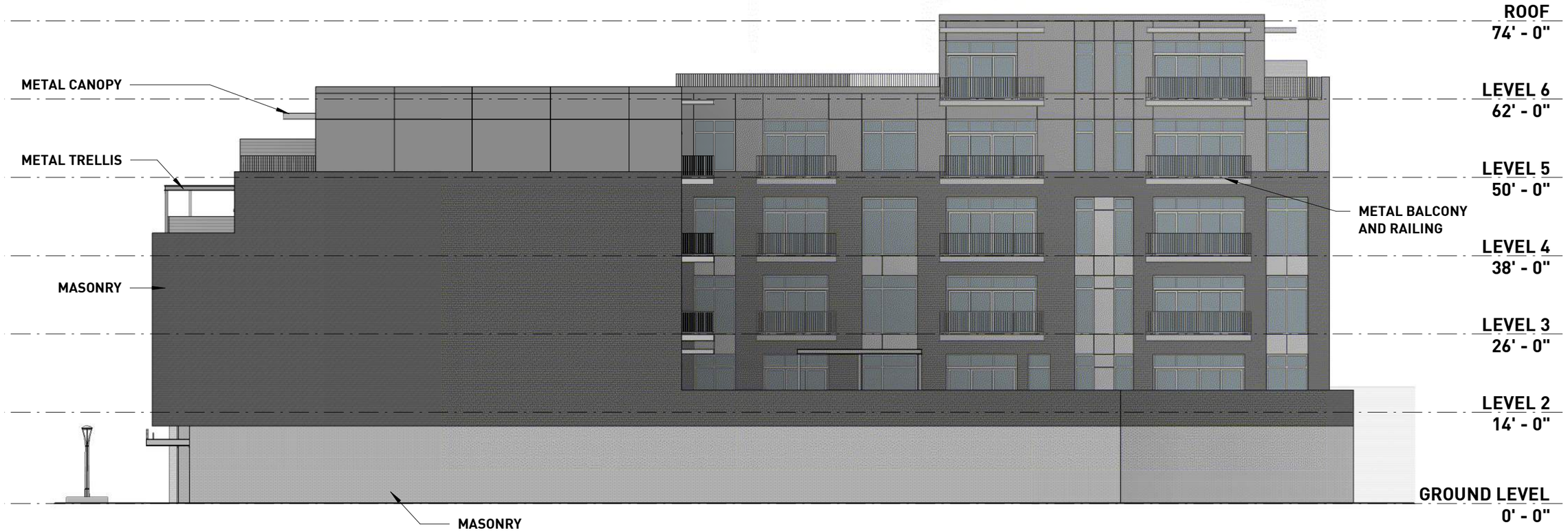
1/16" = 1'-0"

TOTAL FACADE ABOVE SECOND LEVEL 4295 SF

MCINTOSH PORIS ASSOCIATES

WEST ELEVATION

1/16" = 1'-0"



TOTAL FACADE ABOVE SECOND LEVEL 3850 SF

MCINTOSH PORIS ASSOCIATES

NORTH ELEVATION

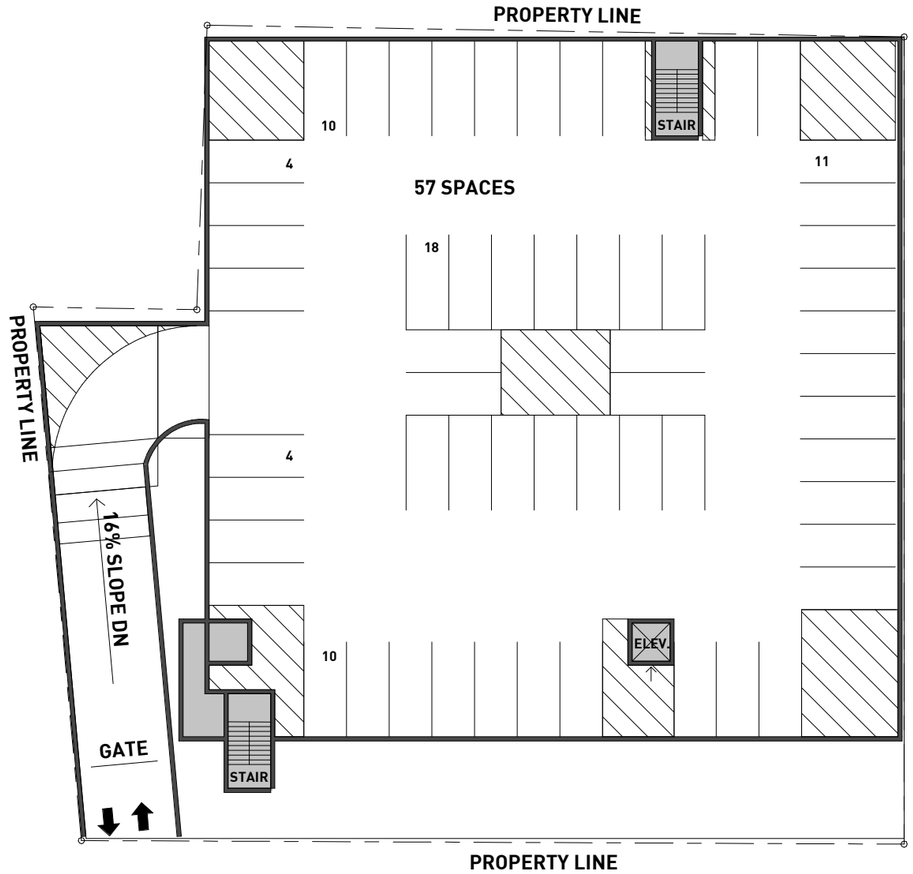
1/16" = 1'-0"

770 ADAMS

	NET AREA	GROSS AREA	UNITS
LL PARKING	0 SF	912 SF	0
GROUND FLOOR	0 SF	5,481 SF	0
SECOND FLOOR	16,905 SF	19,650 SF	15
THIRD FLOOR	16,931 SF	19,650 SF	16
FOURTH FLOOR	15,292 SF	18,200 SF	16
FIFTH FLOOR	13,235 SF	18,375 SF	13
SIXTH FLOOR	2,804 SF	3,122 SF	2
TOTAL (RESIDENTIAL FLRS)	**63,792 SF**	**78,997 SF**	**81%**
TOTAL (ALL FLRS)	**65,167 SF**	**85,390 SF**	**77%**
1 BEDROOM UNITS (795 SF):		**14 UNITS**	**23%**
2 BEDROOM UNITS (1104):		**47 UNITS**	**77%**
TOTAL UNIT COUNT:		**61 UNITS**	
PARKING REQ. (RESI):		**73 SPACES**	
PARKING REQ. (RETAIL):		**6 SPACES**	
PARKING PROVIDED:		**113 SPACES**	

GROUND LEVEL

1/32" = 1'-0"



MCINTOSH PORIS ASSOCIATES

LOWER LEVEL

1/32" = 1'-0"

MCINTOSH PORIS ASSOCIATES

SECOND & THIRD LEVEL

1/32" = 1'-0"

MCINTOSH PORIS ASSOCIATES

FOURTH & FIFTH LEVEL

1/32" = 1'-0"

770 ADAMS

MCINTOSH
PORIS ASSOCIATES

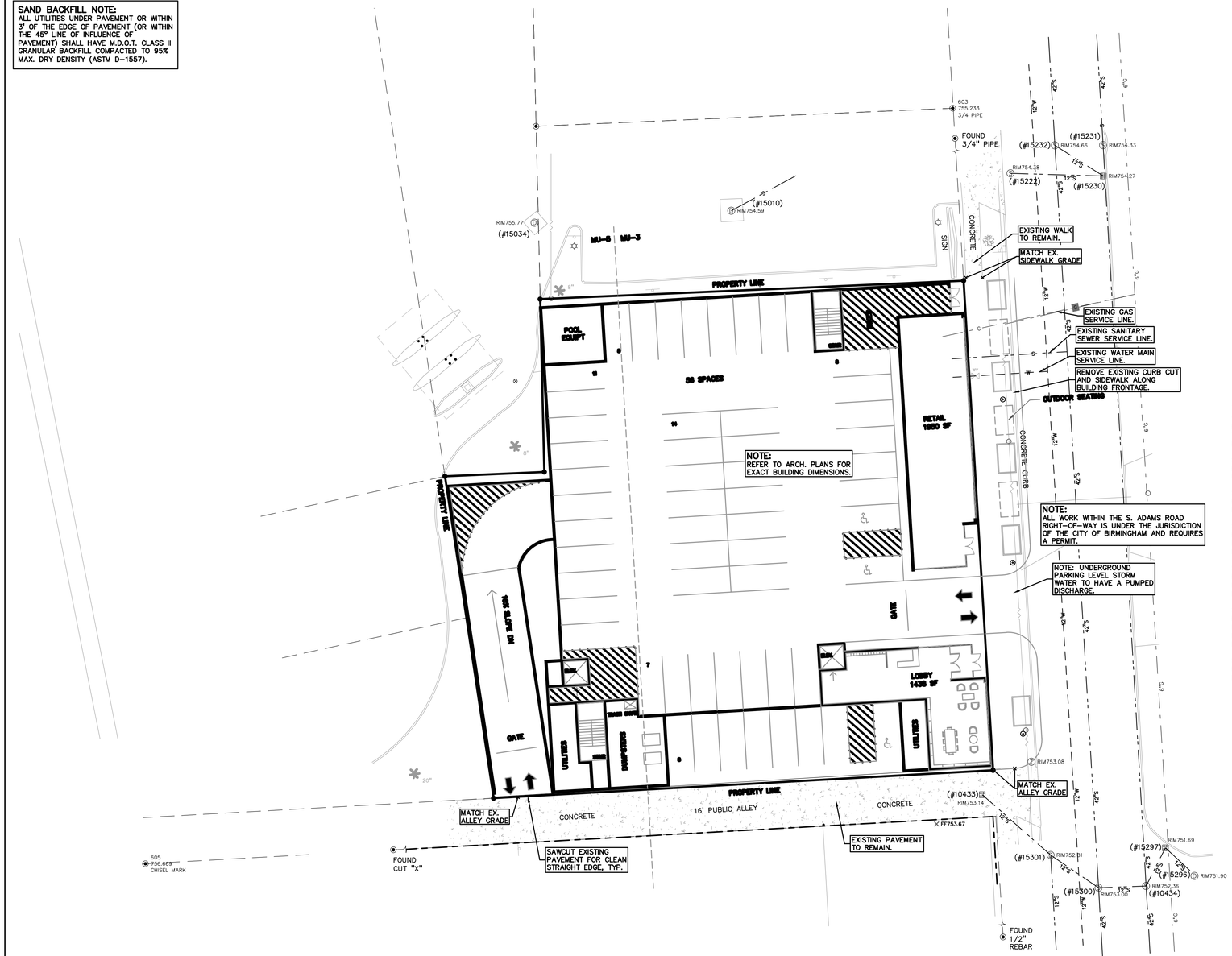
SIXTH LEVEL

1/32" = 1'-0"

1. GENERAL UTILITY NOTES:

2. ALL UTILITY LINES, STRUCTURES AND TRENCHES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE CITY OF BIRMINGHAM.
3. NO PHYSICAL CONNECTION TO THE EXISTING WATER MAIN CAN BE MADE UNTIL ALL NEW WATER MAIN PASSES PRESSURE AND BACTERIOLOGICAL TESTS TO THE SATISFACTION OF THE CITY.
4. ALL WATER MAIN AND FITTINGS (4" DIAMETER AND LARGER) SHALL BE DUCTILE IRON, CLASS 54.
5. ALL WATER MAIN SHALL BE PROVIDED WITH 5.5' OF COVER UNLESS OTHERWISE NOTED.
6. ALL FIRE HYDRANTS SHALL BE PER CITY OF BIRMINGHAM STANDARDS.
7. ALL NECESSARY FITTINGS, THRUST BLOCKS, RESTRAINING GLANDS, BLOW OFFS, ETC. FOR WATER MAIN ARE CONSIDERED INCIDENTAL TO THIS PROJECT. THE CONTRACTOR SHALL INSTALL THESE ITEMS AS NECESSARY AND AS REQUIRED BY THE CITY OF BIRMINGHAM.
8. THE WATER MAIN CONTRACTOR SHALL NOTIFY THE INSPECTION SECTION OF THE DETROIT WATER AND SEWER DEPARTMENT AT (313) 833-4682 AT LEAST THREE WORKING DAYS IN ADVANCE OF STARTING CONSTRUCTION.
9. ALL SANITARY SEWER LEADS SHALL BE POLYVINYL CHLORIDE (PVC) SDR 23.5 PIPE AND FITTINGS. ALL JOINTS TO BE ELASTOMERIC GASKET JOINTS PER ASTM D3034 UNLESS OTHERWISE NOTED.
10. SANITARY LEADS SHALL BE PROVIDED WITH CLEANOUTS EVERY 100 FEET AND AT EVERY BEND AS SHOWN. ALL CLEANOUTS TO BE PROVIDED WITH E.J.I.W. #1565 BOX OR EQUAL.
11. ALL STORM SEWER 12" DIAMETER OR LARGER SHALL BE REINFORCED CONCRETE PIPE (RCP C-76) CLASS IV WITH PREMIUM JOINTS, UNLESS OTHERWISE NOTED.
12. ALL STORM SEWER LEADS SHALL BE PVC SCHEDULE 40 WITH GLUED JOINTS UNLESS OTHERWISE NOTED.
13. PIPE LENGTHS ARE GIVEN FROM CENTER OF STRUCTURE AND TO END OF FLARED END SECTION UNLESS NOTED OTHERWISE.
14. THE CITY OF BIRMINGHAM STANDARD DETAIL SHEETS ARE INCORPORATED INTO AND MADE A PART OF THESE PLANS. CONTRACTOR TO REFER TO THE CITY OF BIRMINGHAM STANDARD DETAIL SHEETS FOR ALL STRUCTURE, PIPE MATERIALS, BEDDING, TESTING, ETC. NOTES AND DETAILS.

SAND BACKFILL NOTE:
ALL UTILITIES UNDER PAVEMENT OR WITHIN 3' OF THE EDGE OF PAVEMENT (OR WITHIN THE 45° LINE OF INFLUENCE OF PAVEMENT) SHALL HAVE M.D.O.T. CLASS II GRANULAR BACKFILL COMPACTED TO 95% MAX. DRY DENSITY (ASTM D-1557).



GRAPHIC SCALE
-20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

NOTE: PEDESTRIAN TRAFFIC MUST BE RE-ROUTED AROUND PROPOSED SIDEWALK REPLACEMENT AREA USING EXISTING CROSSWALKS. ADDITIONAL DETAIL WILL BE PROVIDED WITHIN CONSTRUCTION PLANS.

NOTE: EXISTING BUILDING, PARKING LOT, PARKING LOT STORM STRUCTURES, AND PARKING LOT LIGHT POLES TO BE REMOVED.

MANHOLE SCHEDULE

SEWER CATCH BASIN (#15125)
RIM=753.70'
T/WATER=751.80'
BOTTOM=750.40'

SEWER CATCH BASIN (#15304)
RIM=755.77'
UNABLE TO OPEN

SEWER CATCH BASIN (#15010)
RIM=754.59'
INV. RCP, NE=749.62'

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INV. 42" RCP, N=741.20'
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SEWER CATCH BASIN (#15297)
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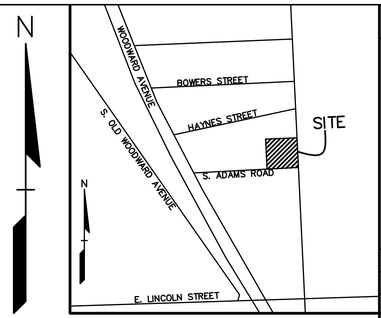
INV. 12" RCP, SE=747.49'

SEWER MANHOLE (#10434)
RIM=752.36'
INV. 12" RCP, NE=747.26'
INV. 12" RCP, W=744.06'
INV. 42" RCP, N=742.66'
INV. 42" RCP, S=742.56'

SEWER CATCH BASIN (#10433)
RIM=753.14'
INV. 12" RCP, SE=747.99'

SEWER CATCH BASIN (#15124)
RIM=753.70'
T/WATER=751.80'
BOTTOM=750.40'

SEWER CATCH BASIN (#15141)
RIM=753.65'
T/WATER=751.00'
BOTTOM=749.85'



LOCATION MAP – NOT TO SCALE

LEGEND

- IRON FOUND
- IRON SET
- NAIL FOUND
- NAIL & CAP SET
- BRASS PLUG SET
- MONUMENT FOUND
- MONUMENT SET
- SEC. CORNER FOUND
- R RECORDED
- M MEASURED
- C CALCULATED

EXISTING	PROPOSED	
-OH-ELEC-		ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
-UG-CATV-		UNDERGROUND CABLE TV, CATV PEDESTAL
-UG-PHONE-		TELEPHONE U.G. CABLE, PEDESTAL & MANHOLE
-UG-ELEC-		ELECTRIC U.G. CABLE, MANHOLE, METER & HANDHOLE
		GAS MAIN, VALVE & GAS LINE MARKER
		WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
		SANITARY SEWER, CLEANOUT & MANHOLE
		STORM SEWER, CLEANOUT & MANHOLE
		COMBINED SEWER & MANHOLE
		SQUARE, ROUND & BEEHIVE CATCH BASIN, YARD DRAIN
		POST INDICATOR VALVE
		WATER VALVE BOX/HYDRANT VALVE BOX, SERVICE SHUTOFF
		MAILBOX, TRANSFORMER, IRRIGATION CONTROL VALVE
		UNIDENTIFIED STRUCTURE
816.06		SPOT ELEVATION
670	671	CONTOUR LINE
		FENCE
		GUARD RAIL
		STREET LIGHT
		SIGN
CONC.		CONCRETE
ASPH.		ASPHALT

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(TOLL FREE)

TOPOGRAPHIC AND BOUNDARY SURVEY DISCLAIMER:

TOPOGRAPHIC AND BOUNDARY SURVEY, INCLUDING PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, EXISTING ELEVATIONS, EXISTING PHYSICAL FEATURES AND STRUCTURES WAS PROVIDED BY KEM-TEC & ASSOCIATES

KEM-TEC & ASSOCIATES
22556 GRATIOT AVE
EASTPOINTE, MI 48021

PEA, INC. WILL NOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE SURVEY OR FOR DESIGN ERRORS/OMISSIONS RESULTING FROM SURVEY INACCURACIES.

GENERAL NOTES:

THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT.

1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING, PROPERTY LINE, CENTER OF MANHOLE/CATCH BASIN OR CENTERLINE OF PIPE UNLESS OTHERWISE NOTED.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF BIRMINGHAM CURRENT STANDARDS AND REGULATIONS.
3. THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER AND/OR THE AUTHORITY HAVING JURISDICTION 3 BUSINESS DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION.
4. ANY WORK WITHIN THE STREET OR HIGHWAY RIGHT-OF-WAYS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE AGENCIES HAVING JURISDICTION AND SHALL NOT BEGIN UNTIL ALL NECESSARY PERMITS HAVE BEEN ISSUED FOR THE WORK.
5. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO ADJUST THE TOP OF ALL EXISTING AND PROPOSED STRUCTURES (MANHOLES, CATCH BASINS, INLETS, GATE WELLS ETC.) WITHIN GRADED AND /OR PAVED AREAS TO FINAL GRADE SHOWN ON THE PLANS. ALL SUCH ADJUSTMENTS SHALL BE INCIDENTAL TO THE JOB AND WILL NOT BE PAID FOR SEPARATELY.

SITE DATA TABLE:

1) TOTAL SITE AREA = 0.66 ACRES
2) ZONED: TZ1 TRANSITION ZONE
   MU3 (AT ADAMS) AND MU5 (AT REAR)
   TRIANGLE OVERLAY DISTRICT
3) PROPOSED USE: MULTI-FAMILY RESIDENTIAL
4) BUILDING SETBACKS:

	REQUIRED:	PROVIDED:
FRONT:	0'	0'
REAR:	N/A	0'
SIDE:	0'INTERIOR	0'

5) MAX BUILDING HEIGHT: 66', 5 STORIES
   PROPOSED: 5 STORIES

No.	BY	CHK	DESCRIPTION	DATE
			REVISIONS	

PEA, Inc.
2430 Rochester Ct., Ste. 100
Troy, MI 48083-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

770 S. ADAMS, LLC
36400 WOODWARD AVE., SUITE 109
BLOOMFIELD HILLS, MI 48304

PRELIMINARY SITE PLAN
770 ADAMS
PART OF SECTION 36, T. 2N., R. 10E.,
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

DES.	TMK	DN.	TMK	SUR.	OTHERS	P.M.	JBT

S:\PROJECTS\2019\2019-345 770 S ADAMS - BIRMINGHAM\DWG\SITE PLAN\[C-2.0]-SITE-19345.dwg

ORIGINAL ISSUE DATE:
NOVEMBER 6, 2019

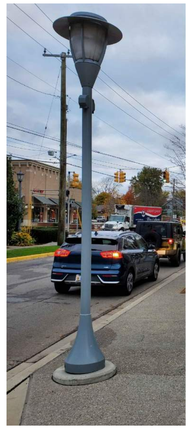
PEA JOB NO. 2019-345

SCALE: 1" = 20'

DRAWING NUMBER:
P-2.0

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2019\2019345\DWG\19345-TOPOBASE.DWG
XREF: S:\PROJECTS\2019\2019345\DWG\CONSTRUCTION\X-BASE-19345.DWG
XREF: S:\PROJECTS\2019\2019345\DWG\CONSTRUCTION\X-TBLK-19345.DWG



HADCO LUMINAIRE C8191B
120-277 VAC.
LED FIXTURE
4000K COLOR TEMP.
3000 LUMENS

5 PEDESTRIAN LIGHTING
NOT TO SCALE

35 SIT BACKED BENCH, 72"
35 COLLECTION
SURFACE MOUNT
POWDER COAT: SILVER
LANDSCAPE FORMS
PHONE: 800.521.2546

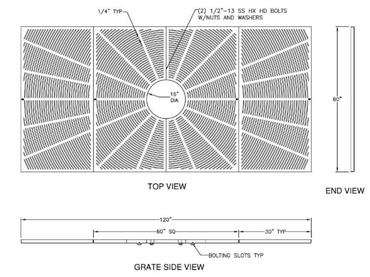
4 BENCH
NOT TO SCALE

35 PITCH LITTER RECEPTACLE
35 COLLECTION
SIDE OPENING, SURFACE MOUNT
POWDER COAT: SILVER
BLACK POLYETHYLENE
LANDSCAPE FORMS
PHONE: 800.521.2546

3 TRASH RECEPTACLE
NOT TO SCALE

LOOP BIKE RACK
SURFACE MOUNT
POWDER COAT: SILVER
LANDSCAPE FORMS
PHONE: 800.521.2546

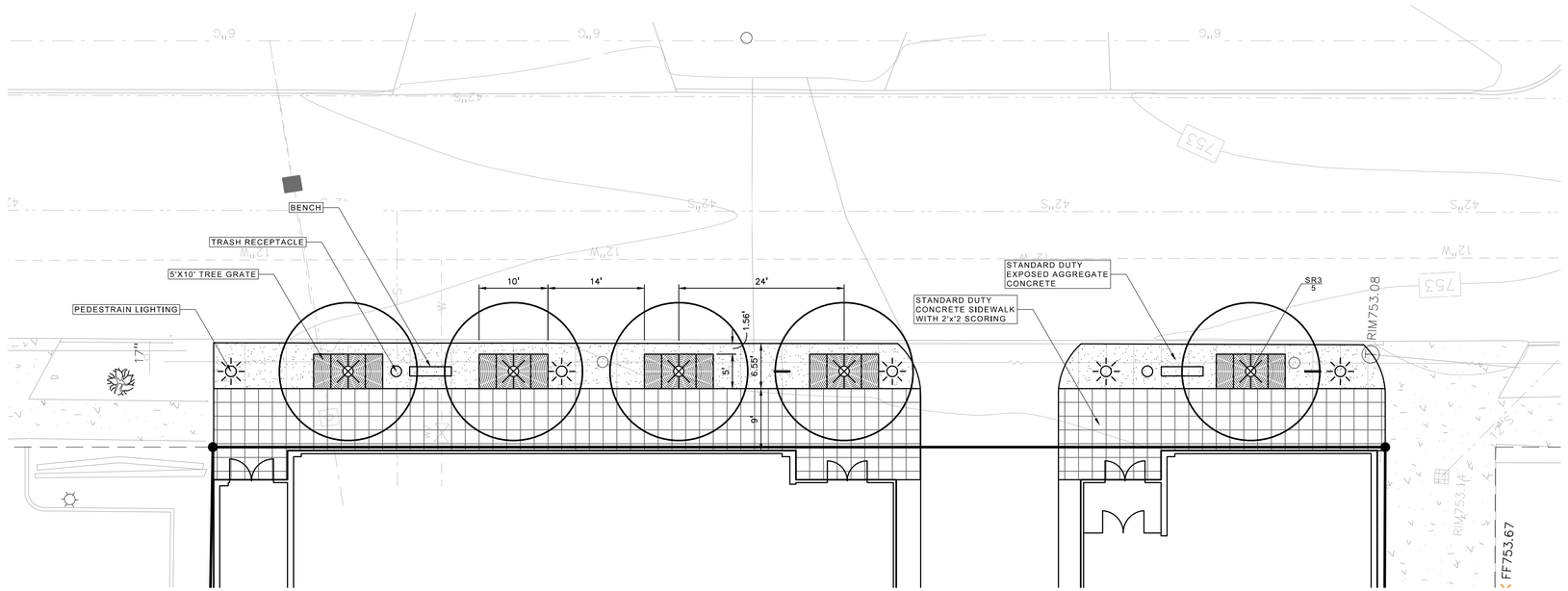
2 BIKE HOOP
NOT TO SCALE

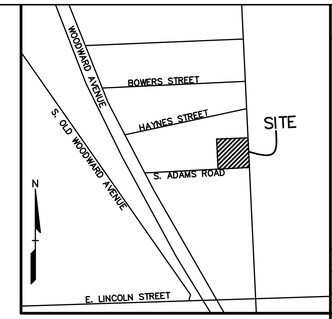


GRATE SIDE VIEW

PLAZA TREE GRADE SET
PRODUCT NUMBER: 00895551C02
MATERIAL: GRAY IRON
MANUFACTURER: EJ
PHONE: 800.626.4653

1 TREE GRATE
NOT TO SCALE





LOCATION MAP – NOT TO SCALE

DECIDUOUS TREE PLANT LIST:

QUANTITY	KEY SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	SPEC
5	SR3	Japanese Tree Lilac	*Syringa reticulata ' Ivory Silk'*	3" Cal.	B&B, Matched Specimens

LANDSCAPE CALCULATIONS:
PER CITY OF BIRMINGHAM ZONING ORDINANCE

TRIANGLE OVERLAY DISTRICT
3.12 STREETSCAPE DESIGN REQUIREMENTS

B. SIDEWALKS
REQUIRED: 12' MIN.

PROVIDED: 15.5'

C. STREET TREES
REQUIRED: 1 CANOPY TREE PER 40 LF.
170 LF / 40 LF = 4.25
PROVIDED: 5 TREES

D. STREET LIGHTS

REQUIRED: PEDESTRIAN LEVEL STREET LIGHTING OF A DECORATIVE NATURE

PROVIDED: PEDESTRIAN LEVEL STREET LIGHT THAT MATCH DISTRICT STANDARDS

F. STREET FURNITURE

REQUIRED: BENCHES AND TRASH RECEPTACLES WERE PEDESTRIAN ACTIVITY WILL BENEFIT

PROVIDED: BENCHES AND TRASH RECEPTACLES ALONG THE SIDEWALK THAT MATCH DISTRICT STANDARDS

G. BICYCLE FACILITIES

REQUIRED: 1 BIKE FOR EVERY 3,000 SF OF COMMERCIAL FLOOR AREA
1,950 SF / 3,000 SF = 0.65 BIKES

PROVIDED: (2) BIKE HOOPS THAT MATCH THE DISTRICT STANDARDS

NOT FOR CONSTRUCTION

XREF: S:\PROJECTS\2019\2019345\DWG\19345-TOPOBASE.DWG
XREF: S:\PROJECTS\2019\2019345\DWG\CONSTRUCTION\X-BASE-19345.DWG
XREF: S:\PROJECTS\2019\2019345\DWG\CONSTRUCTION\X-TBLK-19345.DWG

No.	BY	CHK	DESCRIPTION	DATE
			REVISIONS	

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Troy, MI 48083-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

770 S. ADAMS, LLC
36400 WOODWARD AVE., SUITE 109
BLOOMFIELD HILLS, MI 48304

PRELIMINARY LANDSCAPE PLAN
770 ADAMS
PART OF SECTION 36, T. 2N., R. 10E.,
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

DES.	DN.	NB	SUR.	OTHERS	P.M.	JBT

S:\PROJECTS\2019\2019-345 770 S ADAMS - BIRMINGHAM\DWG\LANDSCAPE\SITE PLANS\L-1.0)-LANDSCAPE-19345.dwg

ORIGINAL ISSUE DATE:
NOVEMBER 6, 2019

PEA JOB NO. 2019-345

SCALE: 1" = 10'

DRAWING NUMBER:
L-1.0

Combined CIS & Site Plan Review Application
Planning Division

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

1. Applicant
Name: 770 S. Adams, LLC
Address: 36400 Woodward Ave Suite 109
Bloomfield Hills MI 48304
Phone Number: 248-885-1153
Fax Number:
Email address: johns@johnrichards.com

2. Property Owner
Name: 770 S. Adams, LLC
Address: 36400 Woodward Ave Suite 109
Bloomfield Hills MI 48304
Phone Number: 248-885-1153
Fax Number:
Email address: johns@johnrichards.com

3. Applicant's Attorney/Contact Person
Name: John Shekerjian
Address: 36400 Woodward Ave Suite 109
Bloomfield Hills MI 48304
Phone Number: 248-885-1153
Fax Number:
Email address: johns@johnrichards.com

4. Project Designer/Developer
Name: McIntosh Poris Associates
Address: 36801 Woodward Ave, Suite 200
Birmingham MI 48009
Phone Number: 248-258-9346 x14
Fax Number:
Email address: rhoekstra@mcintoshporis.com

5. Required Attachments
I. Two (2) paper copies and one (1) digital copy of all project plans including:
   i. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
   ii. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
   iii. A certified Land Survey;
   iv. Interior floor plans;
   v. A Landscape Plan;
   vi. A Photometric Plan;
   vii. Colored elevation drawings for each building elevation;

II. Specification sheets for all proposed materials, light fixtures and mechanical equipment;
III. Samples of all proposed materials;
IV. Photographs of existing conditions on the site including all structures, parking areas, landscaping and adjacent structures;
V. Current aerial photographs of the site and surrounding properties;
VI. Warranty Deed, or Consent of Property Owner if applicant is not the owner;
VII. Any other data requested by the Planning Board, Planning Department, or other City Departments.

6. Project Information
Address/Location of the property: 770 S Adams Birmingham MI 48009
Name of development: 770 Adams
Sidwell #: 19-36-283-016
Current Use: OFFICE BUILDING
Current zoning: B-2 / TRIANGLE OVERLAY DISTRICT MU-3 & MU-5
Is the property located in the floodplain? NO

Name of Historic District Site is Located in: None
Date of HDC Approval: N/A
Date of DRB Approval: N/A
Area of Site in Acres: .660 ACRES
Proposed Use: MIXED USE MULTI-FAMILY
Will proposed project require the division of platted lots? ___
NO
Will proposed project require the combination of platted lots?
NO

7. Details of the Proposed Development (attach separate sheet if necessary)

770 ADAMS IS A FIVE AND SIX STORY MIXED USE RESIDENTIAL DEVELOPMENT WITH 61 RESIDENTIAL UNITS, 113 COVERED PARKING SPACES AND 1,950 SF OF RETAIL. THE SECOND FLOOR, IN ADDITION TO RESIDENTIAL UNITS, WILL INCLUDE AN OUTDOOR TERRACE SPACE THAT IS COMMON FOR ALL RESIDENTS.

8. Buildings and Structures

Number of Buildings on Site: 1
Height of Buildings & # of Stories: 74' - 0" / 6 STORIES AT HIGHEST ROOF
Use of Buildings: R-2 RESIDENTIAL WITH GROUND FLOOR RETAIL AND PARKING
Height of Rooftop Mechanical Equipment: 78'-0" AT HIGHEST ROOF

9. Floor Use and Area (in Square Feet)

Proposed Commercial Structures:

Total basement floor area: 22,025 SF
Number of square feet per upper floor: 19,650 SF
Total floor area: 128,522 SF
Floor area ratio (total floor area ÷ total land area): 4.47
128,522 / 28,760 SF
Open space: 0 SF
Percent of open space: 0%
Office Space: N/A
Retail Space: 1,950 SF
Industrial Space: N/A
Assembly Space: N/A
Seating Capacity: N/A
Maximum Occupancy Load:

Proposed Residential Structures:

Total number of units: 61
Number of one bedroom units: 14
Number of two bedroom units: 47
Number of three bedroom units: 0
Open space: 0
Percent of open space: 0%
Rental units or condominiums? CONDO
Size of one bedroom units: AVG SIZE - 795 SF
Size of two bedroom units: AVG SIZE - 1104 SF
Size of three bedroom units: N/A
Seating Capacity: N/A
Maximum Occupancy Load:

Proposed Additions:

Total basement floor area, if any, of addition: SEE ABOVE
Number of floors to be added:
Square footage added per floor:
Total building floor area (including addition):
Floor area ratio (total floor area ÷ total land area):
Open Space:
Percent of open space:
Use of addition:
Height of addition:
Office space in addition:
Retail space in addition:
Industrial space in addition:
Assembly space in addition:
Maximum building occupancy load (including addition):

10. Required and Proposed Setbacks

Required front setback: 0'
Required rear setback: 0' - 0" - MU-5 OVERLAY
Required total side setback: 0'-0" FOR WALLS WITHOUT WINDOWS
Side setback: 0'-0" FOR WALLS WITHOUT WINDOWS
Proposed front setback: 0'-0"
Proposed rear setback 0'-0"
Proposed total side setback: 0'-0"
Second side setback: 0'-0"

11. Required and Proposed Parking

Required number of parking spaces: 79 SPACES
Typical angle of parking spaces: 90 DEGREES
Typical width of maneuvering lanes: 20'-0"
Location of parking on site: GROUND FLOOR AND LOWER LEVEL
Location of parking off site: NONE
Number of light standards in parking area: NO STANDARDS
Screenwall material: INTERIOR PARKING - NO SCREENWALL
Proposed number of parking spaces: 113 SPACES
Typical size of parking spaces: 9'-0" X 20'-0"
Number of spaces <180 sq. ft.: 0
Number of handicap spaces: 3
Shared parking agreement? NO
Height of light standards in parking area: INTERIOR, N/A
Height of screenwall: N/A

12. Landscaping

Location of landscape areas: 2ND FLOOR TERRACE WILL BE LANDSCAPED WITH BOTH PAVERS AND PLANTED AREAS.

Proposed landscape material:

13. Streetscape

Sidewalk width:
Number of benches: 2 BENCHES
Number of planters:
Number of existing street trees: FOUR
Number of proposed street trees: FIVE
Streetscape Plan submitted? SEE CIVIL DRAWINGS

Description of benches or planters: 2 BENCES AND TRASH CAN
Species of existing trees:
Species of proposed trees:

14. Loading

Required number of loading spaces: 0 REQUIRED
Typical angle of loading spaces: N/A
Screenwall material: N/A
Location of loading spaces on site: N/A

Proposed number of loading spaces: N/A
Typical size of loading spaces: N/A
Height of screenwall: N/A
Typical time loading spaces are used: N/A

15. Exterior Waste Receptacles

Required number of waste receptacles: NONE REQUIRED
Location of waste receptacles: INTERIOR OF BUILDING
Screenwall material: N/A

Proposed number of waste receptacles: 2 INTERIOR
Size of waste receptacles: 6 CUBIC YARDS
Height of screenwall: INTERIOR - N/A

16. Mechanical Equipment

Utilities and Transformers:

Number of ground mounted transformers: TBD - FINAL SITE PLAN SUBMITTAL
Size of transformers (L•W•H):
Number of utility easements:
Screenwall material:

Location of all ground mounted utilities:
Height of screenwall:

Ground Mounted Mechanical Equipment:

Number of ground mounted units: NONE
Size of ground mounted units (L•W•H): N/A
Screenwall material: N/A

Location of all ground mounted units: N/A
Height of screenwall: N/A

Rooftop Mechanical Equipment:

Number of rooftop units: 61 A/C CONDENSERS / 5 FOR COMMON AREAS
Type of rooftop units: A/C CONDENSERS, COVENTIONAL ROOFTOP UNITS, MAKE UP AIR, GENERATOR
Screenwall material: METAL
Location of screenwall: ROOFTOP

Location of all rooftop units: 5TH AND 6TH FLOOR ROOFS
Size of rooftop units (L•W•H):
Percentage of rooftop covered by mechanical units:
Height of screenwall:
Distance from rooftop units to all screenwalls: 10'-0"

17. Accessory Buildings

Number of accessory buildings: NONE
Location of accessory buildings: NONE

Size of accessory buildings: NONE
Height of accessory buildings: NONE

18. Building Lighting

Number of light standards on building: TBD - FINAL SITE PLAN SUBMITTAL
Size of light fixtures (L•W•H): 4" L X 12" W X 12" H

Type of light standards on building: WALL AND CANOPY MOUNTED LIGHTS
Height from grade: 7'-0" MIN.

Maximum wattage per fixture: _____ Proposed wattage per fixture: _____
Light level at each property line: _____

19. Site Lighting

Number of light fixtures: NONE
Type of light fixtures: WALL MOUNTED AND CANOPY MOUNTED LIGHTING
Size of light fixtures (L•W•H): NONE
Height from grade: 7'-0" MIN.
Maximum wattage per fixture: NONE
Proposed wattage per fixture: TBD
Light level at each property line: SEE PHOTOMETRIC PLAN
Holiday tree lighting receptacles: NONE

20. Adjacent Properties

Number of properties within 200 ft.: 8

Property #1

Number of buildings on site: 1
Property Description: 720 ADAMS - THE PLANT STATION
Zoning district: MU-3 TRIANGLE DISTRICT / B-2
Use type: BUSINESS - RETAIL
Square footage of principal building: 1500 SF
Square footage of accessory buildings: _____
Number of parking spaces: 19 SPACES
North, south, east or west of property? NORTH

Property #2

Number of buildings on site: 1
Property Description: 1000 HAYNES ST
Zoning district: MU-5 TRIANGLE DISTRICT / B-2
Use type: BUSINESS - BANK
Square footage of principal building: 17,000 SF
Square footage of accessory buildings: _____
Number of parking spaces: 58 SPACES
North, south, east or west of property? WEST

Property #3

Number of buildings on site: 1
Property Description: 800 S ADAMS
Zoning district: MU-3 TRIANGLE DISTRICT / B-2
Use type: MEDICAL OFFICE
Square footage of principal building: 11,400 SF
Square footage of accessory buildings: _____
Number of parking spaces: 48 SPACES
North, south, east or west of property? SOUTH

Property #4

Number of buildings on site: 1
Property Description: 875 S WORTH ST
Zoning district: MU-5 TRIANGLE DISTRICT / B-2
Use type: BUSINESS -VETRINARY PRACTICE
Square footage of principal building: 3,675 SF
Square footage of accessory buildings: _____
Number of parking spaces: 13 SPACES
North, south, east or west of property? SOUTH

Property #5

Number of buildings on site: 1
Property Description: 795 ADAMS / 1113 HOLLAND ST / 1115 HOLLAND ST
Zoning district: O-2
Use type: OFFICE
Square footage of principal building: 4,300 SF
Square footage of accessory buildings: _____
Number of parking spaces: 8 SPACES
North, south, east or west of property? EAST

Property #6

Number of buildings on site: 1
Property Description: ADAMS SQUARE - RETAIL SITE ACROSS ADAMS
Zoning district: B-2
Use type: RETAIL
Square footage of principal building: 94,500 SF
Square footage of accessory buildings: _____
Number of parking spaces: 630
North, south, east or west of property? EAST

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes made to an approved site plan. The undersigned further states that they have reviewed the procedures and guidelines for Site Plan Review in Birmingham, and have complied with same. The undersigned will be in attendance at the Planning Board meeting when this application will be discussed.

Signature of Owner: _____ Date: _____

Print Name: JOHN SHEKERJIAN

Signature of Applicant: _____ Date: _____

Print Name: JOHN SHEKERJIAN

Signature of Architect: _____ Date: _____

Print Name: MICHAEL PORIS

Office Use Only

Application #: _____Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Accepted by: _____

COMBINED SITE PLAN REVIEW & COMMUNITY IMPACT STUDY APPLICATION CHECKLIST- PLANNING DIVISION

Applicant: 770 S. ADAMS, LLC Case #: _____ Date: 10/09/19

Address: 770 S. ADAMS Project: 770 ADAMS

All site plans and elevation drawings prepared for approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording. Plans must be no larger than 24" x 36", and must be folded and stapled together. The address of the site must be clearly noted on all plans and supporting documentation.

Site Plan

A full Site Plan detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☑ 1. Name and address of applicant and proof of ownership;
- ☑ 2. Name of Development (if applicable);
- ☑ 3. Address of site and legal description of the real estate;
- ☑ 4. Name and address of the land surveyor;
- ☑ 5. Legend and notes, including a graphic scale, north point, and date;
- ☑ 6. A separate location map;
- ☑ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- ☑ 8. Aerial photographs of the subject site and surrounding properties;
- ☑ 9. A detailed and scaled Site Plan depicting accurately and in detail the proposed construction, alteration or repair;
- ☑ 10. A detailed Existing Conditions Plan including the subject site in its entirety, including all property lines, buildings, structures, curb cuts, sidewalks, drives, ramps and all parking on site and on the street(s) adjacent to the site, and must show the same detail for all adjacent properties within 200 ft. of the subject site's property lines;
- ☑ 11. Interior floor plans;
- ☑ 12. A chart indicating the dates of any previous approvals by the Planning Board, Board of Zoning Appeals, Design Review Board, or the Historic District Commission ("HDC");
- ☑ 13. Existing and proposed layout of streets, open space and other basic elements of the plan;
- ☑ 14. Existing and proposed utilities and easements and their purpose;

- [x] 15. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preserve-able trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;
- [x] 16. General description, location, and types of structures on site;
- [x] 17. Location of sidewalks, curb cuts, and parking lots on subject site and all sites within 200 ft. of the property line;
- [x] 18. Details of existing or proposed lighting, signage and other pertinent development features;
- [x] 19. Elevation drawings showing proposed design;
- [x] 20. Screening to be utilized in concealing any exposed mechanical or electrical equipment and all trash receptacle areas;
- [x] 21. Location of all exterior lighting fixtures;
- [ ] 22. A Photometric Plan depicting proposed illuminance levels at all property lines;
- [ ] 23. A Landscape Plan showing all existing and proposed planting and screening materials, including the number, size, and type of plantings proposed and the method of irrigation; and
- [x] 24. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

Elevation Drawings

Complete elevation drawings detailing the proposed changes for which approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- [x] 25. Color elevation drawings showing the proposed design for each façade of the building;
- [x] 26. List of all materials to be used for the building, marked on the elevation drawings;
- [x] 27. Elevation drawings of all screenwalls to be utilized in concealing any exposed mechanical or electrical equipment, trash receptacle areas and parking areas;
- [x] 28. Details of existing or proposed lighting, signage and other pertinent development features;
- [x] 29. A list of any requested design changes;
- [x] 30. Itemized list and specification sheets of all materials, light fixtures and mechanical equipment to be used, including exact size specifications, color, style, and the name of the manufacturer;
- [ ] 31. Location of all exterior lighting fixtures, exact size specifications, color, style and the name of the manufacturer of all fixtures, and a photometric analysis of all exterior lighting fixtures showing light levels to all property lines; and
- [x] 32. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

COMMUNITY IMPACT STUDY CHECKLIST

PLANNING DIVISION

Applicant: 770 S. ADAMS, LLC Case #: _____ Date: _____

Address: 770 S. ADAMS Project: 770 ADAMS

All Community Impact Studies prepared for approval must contain the following information:

General Information

- [x] 1. Name and address of applicant and proof of ownership;
- [x] 2. Name of Development (if applicable);
- [x] 3. Address of site and legal description of the real estate;
- [x] 4. Name and address of the land surveyor;
- [x] 5. Legend and notes, including a graphic scale, north point, and date;
- [x] 6. A separate location map;
- [x] 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- [x] 8. Details of all proposed site plan changes;

Planning & Zoning Issues

- [x] 9. Recommended land use of the subject property as designated on the Future Land Use Map of the City's Master Plan;
- [x] 10. Goals and objectives of the city's Master Plans that demonstrate the City's support of the proposed development;
- [x] 11. Whether or not the project site is located within an area of the City for which an Urban Design Plan has been adopted by the Planning Board in which special design criteria or other supplemental development requirements apply;
- [x] 12. The current zoning classification of the subject property;
- [x] 13. The zoning classification required for the proposed development;
- [x] 14. The existing land uses adjacent to the proposed project;
- [x] 15. Complete the attached "Zoning Requirements Analysis" chart;

Land Development Issues

- [x] 16. A Survey and Site Drainage Plan;
- [x] 17. Identify any sensitive soils on site that will require stabilization or alteration in order to support the proposed development;
- [x] 18. Whether or not the proposed development will occur on a steep slope, and if so, the measures that will be taken to overcome potential erosion, slope stability and runoff;

☑ 19. The volume of excavated soils to be removed from the site and /or delivered to the site, and a map of the proposed haul routes;

☑ 20. Identify the potential hazards and nuisances that may be created by the proposed development and the suggested methods of mitigating such hazards;

Private Utilities

☑ 21. Indicate the source of all required private utilities to be provided;

☑ 22. Provide verification that all required utility easements have been secured for necessary private utilities;

Noise Levels

☑ 23. Provide a reading of existing ambient noise and estimated future noise levels on the site;

☑ 24. Indicate whether the project will be exposed to or cause noise levels which exceed those levels prescribed in Chapter 50, Division 4, Section 50-71 through 50-77 of the Birmingham City Code, as amended;

☑ 25. Indicate whether the site is appropriate for the proposed activities and facilities given the existing ambient noise and the estimated future noise levels of the site;

Air Quality

☑ 26. Indicate whether the project is located in the vicinity of a monitoring station where air quality violations have been registered and, if so, provide information as to whether the project will increase air quality problems in the area;

☑ 27. Indicate if the nature of the project or its potential users would be particularly sensitive to existing air pollution levels and, if so, indicate how the project has been designed to mitigate possible adverse effects;

☑ 28. Indicate whether the proposal will establish a trend which, if continued, may lead to violation of air quality standards in the future;

☑ 29. Indicate whether the proposed project will have parking facilities for more than 75 cars and indicate percentage of required parking that is proposed;

Environmental Design and Historic Values

☑ 30. Indicate whether there will be demonstrable destruction or physical alteration of the natural or human-made environment on site or in the right-of-way (i.e. clearance of trees, substantial regrading etc.);

☑ 31. Indicate whether there will be an intrusion of elements out of character or scale with the existing physical environment (i.e. significant changes in size, scale of building, floor levels, entrance patterns, height, materials, color or style from that of surrounding developments);

☑ 32. Indicate all elements of the project that are eligible for LEED points if the building were to be LEED certified (i.e. extensive use of natural daylight, use of low VOC paint, use of renewable/recycled resources, energy efficient mechanical systems, use of wind and solar power, geothermal heating etc.);

☑ 33. Indicate whether the proposed structure will block or degrade views, change the skyline or create a new focal point;

☑ 34. Indicate whether there will be objectionable visual pollution introduced directly or indirectly due to loading docks, trash receptacles or parking, and indicate mitigation measures for same;

☑ 35. Indicate whether there will be an interference with or impairment of ambient conditions necessary for the enjoyment of the physical environment (i.e. vibration, dust, odor, heat, glare etc.);

☑ 36. Indicate whether the project area and environs contain any properties listed on the National Register of Historic Places or the City's inventory of historic structures;

☑ 37. Provide any information on the project area that the State Historic Preservation Office (SHPO) may have;

☑ 38. Indicate whether there will be other properties within the boundaries or in the vicinity of the project that appear to be historic and thus require consultation with the SHPO as to eligibility for the National Register;

☑ 39. Indicate whether the Department of the Interior has been requested to make a determination of eligibility on properties the SHPO or HDC deems eligible and affected by the project;

☑ 40. Provide proof that the HDC has been given an opportunity to comment on properties that are listed on or have been found eligible for the National Register and which would be affected by the project;

Refuse

☑ 41. Indicate whether the existing or planned solid waste disposal system will adequately service the proposed development including space for separation of recyclable materials;

☑ 42. Indicate whether the design capacity of the existing or planned solid waste disposal system will be exceeded as a result of the project;

Sanitary Sewer

☑ 43. Indicate whether existing or planned waste water systems will be able to adequately service the proposed development;

☑ 44. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

☑ 45. Indicate the elements of the project that have been incorporated to reduce the amount of water entering the sewer system (such as low flush toilets, EnergyStar appliances, restricted flow faucets, greywater recycling etc.);

Storm Sewer

☑ 46. Indicate whether existing or planned storm water disposal and treatment systems will adequately serve the proposed development;

☑ 47. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

☑ 48. Indicate the elements of the project that have been incorporated to reduce the amount of storm water entering the sewer system (such as the use of pervious concrete, rain gardens, greywater recycling, green pavers etc.);

Water Service

☑ 49. Indicate whether either the municipal water utility or on-site water supply system is adequate to serve the proposed project;

☑ 50. Indicate whether the water quality is safe from both a chemical and bacteriological standpoint;

☑ 51. Indicate whether the intended location of the service will be compatible with the location and elevation of the main;

Public Safety

☑ 52. Whether or not the project location provides adequate access to police, fire and emergency medical services;

☑ 53. Whether or not the proposed project design provides easy access for emergency vehicles and individuals (ie. are there obstacles to access, such as one-way roads, narrow bridges etc.);

☑ 54. Whether or not there are plans for a security system which can be expanded, and whether approval for same has been granted by the police department;

☑ 55. Detailed description of all fire access to the building, site, fire hydrants and water connections;

☑ 56. Whether or not there are plans for adherence to all city and N.F.P.A. fire codes;

- [x] 57. Proof that one elevator has been designed to accommodate a medical cart;
- [x] 58. Detailed specifications on all fire lanes/parking lot surfaces/alleys/streets to demonstrate the ability to accommodate the weight of emergency / fire vehicles;
- [x] 59. Detailed description of all fire suppression systems;

Transportation issues

- [x] 60. Provide completed FORM A – Transportation Study Questionnaire (Abbreviated);
- [x] 61. Provide completed FORM B – Transportation Study Questionnaire if required by the city's transportation consultant;
- [x] 62. Indicate whether transportation facilities and services will be adequate to meet the needs of all users (i.e. access to public transportation, bicycle accommodations, pedestrian connections, disabled, elderly etc.);
- [x] 63. Indicate how the project will improve the mobility of all groups by providing transportation choices;
- [x] 64. Indicate how the users of the building will be encouraged to use public transit and non-motorized forms of transportation;
- [x] 65. Indicate the elements that have been incorporated into the site and surrounding right-of-way to encourage mode shift away from private vehicle trips;
- [x] 66. Indicate the elements of the project that have been provided to improve the comfort and safety of cyclists (such as secured or covered bicycle parking, lockers, bike lanes/paths, bicycle share program etc.);
- [x] 67. Indicate the elements of the project that have been provided to improve the comfort and safety of pedestrians (such as wheelchair ramps, crosswalk markings, pedestrian activated signal lights, bulb outs, benches, landscaping, lighting etc.);
- [x] 68. Indicate the elements of the project that have been provided to encourage the use of sustainable transportation modes (such as receptacles for electric vehicle charging, parking for scooters/Smart cars etc.);

Natural Features

- [x] 69. Indicate whether there are any visual indicators of pond and / or stream water quality problems on or near the site;
- [x] 70. Indicate whether the project will involve any increase in impervious surface area and, if so, indicate the runoff control measures that will be undertaken;
- [x] 71. Indicate whether the project will affect surface water flows on water levels of ponds or other water bodies;
- [x] 72. Indicate whether the project may affect or be affected by a wetland, flood plain, or floodway;
- [x] 73. Indicate whether the project location or construction will adversely impact unique natural features on or near the site;
- [x] 74. Indicate whether the project will either destroy or isolate a unique natural feature from public access;
- [x] 75. Indicate whether any unique natural feature will pose safety hazards for the proposed development;
- [x] 76. Indicate whether the project will damage or destroy existing wildlife habitats; and

Other Information

- [x] 77. Any other information as may reasonably be required by the City to assure an adequate analysis of all existing and proposed site features and conditions.

Professional Qualifications

The preparer(s) of the CIS must indicate their professional qualifications, which must include registration in the state of Michigan in their profession where licensing is a state requirement for the practice of the profession (i.e. engineer, surveyor, architect etc.). Where the state does not require licensing (ie. planner, urban designer, economist etc.), the

preparer must demonstrate acceptable credentials including, but not limited to, membership in professional societies, university degrees, documentation illustrating professional experience in preparing CIS related materials for similar projects.

City of Birmingham
A Walkable Community

ZONING REQUIREMENTS ANALYSIS

Development Standard	Required	Proposed	Variance Required
Zoning Classification	MU-3 / MU-5 TRIANGLE DISTRICT - B-2 OVERLAY	MU-3 / MU-5 TRIANGLE DISTRICT - B-2 OVERLAY	
Front Setback	0'-0" MINIMUM		
Rear Setback	0'-0" MU-5		
Side Setback	0'-0" WHEN NO WINDOWS / 10'-0" FOR WALLS WITH WINDOWS	0'-0" WHEN NO WINDOWS / 0'-0" FOR WALLS WITH WINDOWS FACING ALLEY	
FAR - Percentage	N/A IN RESIDENTIAL & PARKING USES	447%	
FAR – Square Footage	N/A	128,522 SF	
Open Space – Percentage	N/A	26% AT SECOND FLOOR ROOF TERRACE	
Open Space – Square Footage	N/A	7,450 SF AT SECOND FLOOR ROOF TERRACE	
Number of Residential Units	N/A	61	
Minimum Floor Area	N/A	1 BED - 795 SF AVG. 2 BED - 1104 SF AVG.	
Maximum Height	MU-3 - 42'-0" + 24'-0" ADDL FEET. MU-5 - 66'-0" + 12'-0" ADDL FEET	5TH STORY HEIGHT = 62'-0" 6TH STORY HEIGHT = 74'-0"	YES IF CONDITIONS OF 3.08(E) ARE NOT MET
Parking	2 OR LESS ROOMS - 1 PER UNIT = 14 SPACES 3 OR MORE ROOMS - 1.25 PER UNIT = 59 SPACES RETAIL 1 PER 300 SF = 6 SPACES 79 REQUIRED	113 SPACES PROPOSED	
Loading	NONE REQUIRED FOR RESIDENTIAL OR LESS THAN 5,000 SF OF COMMERCIAL	0 PROPOSED	
Screening	A WALL ADJACENT TO FRONT OR SIDE OF ANY PARKING FACILITY	PARKING WILL BE SCREENED BY BUILDING FACADE.	

Notice Signs - Rental Application
Community Development

1. Applicant

Name: JOHN SHEKERJIAN
Address: 36400 Woodward Ave Suite 109
Bloomfield Hills MI 48304
Phone Number: 248-885-1153
Fax Number:
Email address: johns@johnrichards.com

Property Owner

Name: 770 S. ADAMS, LLC.
Address: 36400 Woodward Ave Suite 109
Bloomfield Hills MI 48304
Phone Number: 248-885-1153
Fax Number:
Email address: johns@johnrichards.com

2. Project Information

Address/Location of Property: 770 S ADAMS BIRMINGHAM MI 48009
Name of Development: 770 ADAMS
Area in Acres: .660 ACRES

Name of Historic District site is in, if any:
Current Use: OFFICE
Current Zoning: B-2 / MU-3 & MU-5 TRIANGLE DISTRICT

3. Date of Board Review

Board of Building Trades Appeals:
City Commission:
Historic District Commission:
Planning Board:

Board of Zoning Appeals:
Design Review Board:
Housing Board of Appeals:

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to post the Notice Sign(s) at least 15 days prior to the date on which the project will be reviewed by the appropriate board or commission, and to ensure that the Notice Sign(s) remains posted during the entire 15 day mandatory posting period. The undersigned further agrees to pay a rental fee and security deposit for the Notice Sign(s), and to remove all such signs on the day immediately following the date of the hearing at which the project was reviewed. The security deposit will be refunded when the Notice Sign(s) are returned undamaged to the Community Development Department. Failure to return the Notice Sign(s) and/or damage to the Notice Sign(s) will result in forfeiture of the security deposit.

Signature of Applicant: _____ Date: _____

Office Use Only

Application #: _____ Date Received: _____ Fee: _____

Date of Approval: _____ Date of Denial: _____ Reviewed by: _____

770 ADAMS DEVELOPMENT COMMUNITY IMPACT STUDY

CITY OF BIRMINGHAM MI

APPLICANT:
770 S. ADAMS, LLC.
36400 WOODWARD AVE SUITE 109
BLOOMFIELD HILLS, MI 48304

ARCHITECT:
MCINTOSH PORIS ASSOCIATES
36801 WOODWARD AVE SUITE 200
BIRMINGHAM MI 48009

SURVEYOR:
KEM-TEC ENGINEERING
22556 GRATIOT AVE
EASTPOINTE MI 48021

CIVIL ENGINEERING:
PEA, INC.
2430 ROCHESTER CT SUITE 100
TROY MI 48083

SOUND ENGINEERING:
KOLANO AND SAHA
3559 SASHABAW ROAD
WATERFORD MI 48329

TRAFFIC ENGINEERING:
ROWE PROFESSIONAL SERVICES COMPANY
27820 HAGGERTY ROAD SUITE C-2
FARMINGTON HILLS MI 48331

COMMUNITY IMPACT STUDY CHECKLIST

PLANNING DIVISION

Applicant: 770 S. Adams LLC
Address:_ 770 S. Adams, Birmingham MI, 48009
Project:_770 Adams

All Community Impact Studies prepared for approval must contain the following information:

General Information

1. Name and Address of Applicant and Proof of Ownership
   John Shekerjian
   36400 Woodward Ave, Suite 109 Bloomfield Hills MI 48304
   Ownership: See proof of Ownership documents at end.

2. Name of Development;
   770 ADAMS

3. Address of site and legal description of the real estate;
   770 S. ADAMS Birmingham MI, 48009
   ***Parcel ID – 19-36-283-016*, The land situated in the Birmingham, County of Oakland, State of Michigan, is described as follows: Lots 15, 16, and 17, O.E. Shattuck subdivision, as recorded in Liber 8, Page 14 of Plats, Oakland County Records.**

4. Name and address of the land surveyor;
   Kem-Tec Professional Engineering, Surveying & Environmental Services
   22556 Gratiot Avenue Eastpointe, MI 48021

5. Legend and notes, including a graphic scale, north point, and date;
   See plans from Kem-Tec Engineering and McIntosh Poris Associates.

6. A separate location map;
   See McIntosh Poris Associates plans.

7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
   See Kem-Tec Engineering and McIntosh Poris Associates plans, and zoning map.

8. Details of all proposed site plan changes;
   See McIntosh Poris Associates plans.

Planning & Zoning Issues

9. Recommended land use of the subject property as designated on the future land use map of the city's Master Plan;
   The zoning of the property is split between MU-3 on the Adams Street side and MU-5 on the back side. The proposed mixed-use building has a limited amount of first floor retail/office which is permitted and the residential lobby. The rest of the first floor is

needed to provide the parking required for the residential units. The building meets all the required setbacks and height restrictions per the ordinance.

10. Goals and objectives of the city's Master Plans that demonstrate the city's support of the proposed development;

The proposed use is as specified per the master plan and the regulations of the Triangle Overlay District. The proposed project add additional residential units and street facing ground floor retail per the objectives of the Birmingham master plan.

11. Whether or not the project site is located within an area of the city for which an Urban Design Plan has been adopted by the Planning Board in which special design criteria or other Supplemental development requirements apply;

The proposed project is a mixed-use project that is primarily residential. It is located in the Triangle District which has an Urban Design plan and unique zoning characteristics. The project follows the Design Plan and Triangle District zoning and details.

12. The current zoning classification of the subject property;

The property is zoned MU-3 for the first 120' on Adam street side, and MU-5 on the back side.

13. The zoning classification required for the proposed development;

The project aims to maintain the MU-3 and MU-5 zoning. This mixed-use building meets all the requirements of these two zoning classifications and is encouraged by the ordinances the Triangle District Urban Plan.

14. The existing land uses adjacent to the proposed project;

The zoning split between MU-3 and MU-5 is continuous on the north and south side of the property. The properties across the street are zoned B-2 on the north end and O-1 on the south end. North and west of the property is a bank and retail business. South of the property is medical office and retail. East of the property are offices and retail stores.

15. Complete the attached "Zoning Requirements Analysis" chart;

See completed Analysis attached from McIntosh Poris Associates.

Land Development Issues

16. A survey and site drainage plan;

See plans from Kem-Tec Engineering and PEA.

17. Identify any sensitive soils on site that will require stabilization or alteration in order to Support the proposed development;

A soil report will be furnished for final site plan submittal.

18. Whether or not the proposed development will occur on a steep slope, and if so, the measures that will be taken to overcome potential erosion, slope stability and runoff;

The proposed development does not occur on a steep slope.

19. The volume of excavated soils to be removed from the site and /or delivered to the site, and a map of the proposed haul routes;

The site will be excavated to accommodate for one level of parking below grade.

20. Identify the potential hazards and nuisances that may be created by the proposed development and the suggested methods of mitigating such hazards;

Due to infill and excavating required for this development, and with the building located directly adjacent to public sidewalks and alleys, there is a need to prohibit public access to the site during construction and protect pedestrians on the sidewalk. An 8'tall construction fence is proposed around the perimeter of the site throughout construction.

Private Utilities

21. Indicate the source of all required private utilities to be provided;

Electrical service is proposed to come from Adams St.
The gas service is proposed to come from Adams St.
A 6" fire suppression line will be provided from Adams St.
Telephone and cable services are proposed to from the existing poles on Adams Street.
The exact location of the service lines will be determined later in the site plan process.

22. Provide verification that all required utility easements have been secured for necessary private utilities;

Utility easements, if any are needed, have not been secured at this time. The location of all necessary easements will be identified and secured prior to construction.

Noise Levels

23. Provide a reading of existing ambient noise and estimated future noise levels on the site;

Kolano and Saha Engineering have conducted a sound level measurement and noise impact assessment of the site. The report is included as part of this package.

24. Indicate whether the project will be exposed to or cause noise levels which exceed those levels prescribed in Chapter 50, Division 4, Section 50-71 through 50-77 of the Birmingham City Code, as amended;

The operation of this project will not exceed the noise levels prescribed in the Birmingham City Code. Please Kolano and Saha report for additional details.

25. Indicate whether the site is appropriate for the proposed activities and facilities given the existing ambient noise and the estimated future noise levels of the site;

See Kolano and Saha Engineering report for additional details.

Air Quality

26. Indicate whether the project is located in the vicinity of a monitoring station where air quality violations have been registered and, if so, provide information as to whether the project will increase air quality problems in the area;

This site is located in Southeast Michigan Air Quality District, with monitoring stations in the Pontiac, Rochester, Oak Park and Allen Park, as well as others in the district. This district has attained and surpassed the National Ambient Air Quality Standards for Carbon Monoxide, Nitrogen Dioxide, Ozone, Sulfur Dioxide and particulate matter less than 10 microns and has attained the standard for Annual and 24-hour Fine Particulates, but is awaiting that designation by the EPA.

27. Indicate if the nature of the project or its potential users would be particularly sensitive to existing air pollution levels and, if so, indicate how the project has been designed to mitigate possible adverse effects;

The building's HVAC units will be equipped with approved filer system to protect the potential users and individual unit owners will be allowed to put electronic air cleaners or other devices to handle people with high levels of sensitivity.

28. Indicate whether the proposal will establish a trend which, if continued, may lead to violation of air quality standards in the future;

This proposed development will not establish a trend which may lead to a violation of air quality standards.

29. Indicate whether the proposed project will have parking facilities for more than 75 cars and indicate percentage of required parking that is proposed;

The proposed project will provide 113 parking spots, 79 of the spots are required for residence of the building and the retail/office space. (70% of the provided parking spaces are required).

Environmental Design and Historic Values

30. Indicate whether there will be demonstrable destruction or physical alteration of the natural or human-made environment on site or in the right-of-way (i.e. clearance of trees, substantial regrading etc.);

The existing commercial building will be removed as will the associated parking lot. Trees on Adams street will be removed and replanted in accordance with the zoning requirements.

31. Indicate whether there will be an intrusion of elements out of character or scale with the existing physical environment (i.e. significant changes in size, scale of building, floor levels, entrance patterns, height, materials, color or style from that of surrounding developments);

The proposed building is larger than the existing building and the adjacent building to the south. The proposed building meets all parts of the zoning ordinance, including height and scale.

32. Indicate all elements of the project that are eligible for LEED points if the building were to be LEED certified (i.e. extensive use of natural daylight, use of low VOC paint, use of renewable/recycled resources, energy efficient mechanical systems, use of wind and solar power, geothermal heating etc.);

The project development team seeks to incorporate LEED standards into this project as required by the additional building height requirements. At this point the building is not full designed but elements thus far that would be eligible for LEED points are:

- ***The glass walls for all the residential units will provide occupants a connection to the outdoors thru the introduction of daylight views into regularly occupied areas of the building.***
- ***The site is in an urban area and within 1/2 mile of 10 services and offers pedestrian access to the services.***
- ***Individual HVAC controls in each unit and separate controls for many of the public/service areas will provide a high level of thermal comfort system.***
- ***The building and site will be designated "No Smoking" which will prevent or minimize exposure of building occupants, indoor surfaces and ventilation air distribution systems to environmental tobacco smoke.***
- ***Covered storage is provided for securing bicycles for 100% of building occupants, as another method of alternative transportation.***

  The project development team seeks to incorporate LEED standards into this project as required by the additional building height requirements

33. Indicate whether the proposed structure will block or degrade views, change the skyline or create a new focal point;

The proposed building is taller than the adjacent buildings in the area and will change the Skyline. The development will change some of the views from the surrounding properties, but the proposed building height conforms to the zoning ordinance. The goal of the development is to increase the quality of the area while blending the urban fabric of the street and conforming to the zoning requirements.

34. Indicate whether there will be objectionable visual pollution introduced directly or indirectly due to loading docks, trash receptacles or parking, and indicate mitigation measures for same;

The development does not propose to introduce any pollutions to the site. The majority of the parking will be enclosed and out of view. The trash receptacles will also be concealed and out of view.

35. Indicate whether there will be an interference with or impairment of ambient conditions necessary for the enjoyment of the physical environment (i.e. vibration, dust, odor, heat, glare etc.);

This development will not generate vibrations, dust, odor, heat, glare that would interfere with or impair the ambient conditions necessary for the enjoyment of the physical environment.

36. Indicate whether the project area and environs contain any properties listed on the National Register of Historic Places or the City's inventory of historic structures;

This property does not appear on the National Register of Historic Places and is not included in the City's inventory of historic structures.

37. Provide any information on the project area that the State Historic Preservation Office (SHPO) may have;

There is none that anyone is aware of.

38. Indicate whether there will be other properties within the boundaries or in the vicinity of the project that appear to be historic and thus require consultation with the SHPO as to eligibility for the National Register;

None of the properties adjacent to the site appears historic and none appear in a search of the state-registered historic properties listed in the State Historic Preservation Office database.

39. Indicate whether the Department of the Interior has been requested to make a determination of eligibility on properties the SHPO or HDC deems eligible and affected by the project;

Not that anyone is aware of.

40. Provide proof that the HDC has been given an opportunity to comment on properties that are listed on or have been found eligible for the National Register and which would be affected by the project;

This property is not listed as historic nor is it in a historic district, therefore the HDC will not be involved in this project.

Refuse

41. Indicate whether the existing or planned solid waste disposal system will adequately service the proposed development including space for separation of recyclable materials;

The project will include an enclosed trash chute with space for two dumpsters and the recycling bins that would be needed. This trash will be collected via the public alley.

42. Indicate whether the design capacity of the existing or planned solid waste disposal system will be exceeded as a result of the project;

Solid waste generated by the facility will be standard and can be handled by local waste management companies.

Sanitary Sewer

43. Indicate whether existing or planned waste water systems will be able to adequately service the proposed development;

PEA is in the process of developing a civil drawing that will indicate this information, and will be included at a later date.

44. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

PEA is in the process of developing a civil drawing that will provide us with this information.

45. Indicate the elements of the project that have been incorporated to reduce the amount of water entering the sewer system (such as low flush toilets, EnergyStar appliances, restricted flow faucets, greywater recycling etc.);

The building design will include low flow toilets and faucets and energy star appliances.

Storm Sewer

46. Indicate whether existing or planned storm water disposal and treatment systems will adequately serve the proposed development;

PEA is in the process of developing a civil drawing that will provide us with this information.

47. Indicate whether the design capacity of these facilities will be exceeded as a result of the project;

PEA is in the process of developing a civil drawing that will provide us with this information.

48. Indicate the elements of the project that have been incorporated to reduce the amount of storm water entering the sewer system (such as the use of pervious concrete, rain gardens, greywater recycling, green pavers etc.);

As of right now there are no feasible options to significantly reduce the quantity of the runoff from this site. The proposed project does not add to the amount of impervious surface that exists currently on the site.

Water Service

49. Indicate whether either the municipal water utility or on-site water supply system is adequate to serve the proposed project;

The water service is proposed to be connected to the 12" water main on Adams street.

50. Indicate whether the water quality is safe from both a chemical and bacteriological standpoint;

Birmingham's Annual Water Quality Report indicates the City's public water supply surpasses the EPA and MDEQ water quality standards, and is safe from a chemical and biological standpoint.

51. Indicate whether the intended location of the service will be compatible with the location and elevation of the main;

The water service connection will be designed in accordance with City standards to be compatible with the location and elevation of the public water main.

Public Safety

52. Whether or not the project location provides adequate access to police, fire and emergency medical services;

The project is located on S. Adams Street which is a two-way. The site also has access from the alley way to the south.

53. Whether or not the proposed project design provides easy access for emergency vehicles and individuals (ie. are there obstacles to access, such as one-way roads, narrow bridges etc.);

The site can be accessed along S. Adams Street, as well as the alley way to the south.

54. Whether or not there are plans for a security system which can be expanded, and whether approval for same has been granted by the police department;

The building will be designed with security features. The main lobby door will be locked with an intercom system potentially connected to the units. A security gate will be installed for both parking levels.

55. Detailed description of all fire access to the building, site, fire hydrants and water connections;

The building will conform to all applicable fire codes for layout, access, hydrant coverage and water connections.

56. Whether or not there are plans for adherence to all city and N.F.P.A. fire codes;

The proposed site and building will be designed to conform to applicable city and national fire codes.

57. Proof that one elevator has been designed to accommodate a medical cart;

See McIntosh Poris Associates plans. The elevator will be big enough to accommodate a medical cart. McIntosh Poris will provide a plan to demonstrate conformance of the elevator to medical cart accessibility standards.

58. Detailed specifications on all fire lanes/parking lot surfaces/alleys/streets to demonstrate the ability to accommodate the weight of emergency / fire vehicles;

All the access for fire and emergency vehicles will be on public streets and alleys already in place.

59. Detailed description of all fire suppression systems;

The building fire suppression system has not been designed yet but will conform to all applicable fire codes.

Transportation issues

60. Provide completed FORM A – Transportation Study Questionnaire (Abbreviated);

See attached transportation FORM A prepared by Rowe Professional Services Company.

61. Provide completed FORM B – Transportation Study Questionnaire if required by the city's transportation consultant;

See attached transportation FORM B prepared by Rowe Professional Services Company

62. Indicate whether transportation facilities and services will be adequate to meet the needs of all users (i.e. access to public transportation, bicycle accommodations, pedestrian connections, disabled, elderly etc.);

The transportation facilities available to the site (SMART bus service, train service, shuttle bus service, pedestrian connections, bicycle facilities) will be adequate to serve the needs of the residents and staff of the site.

63. Indicate how the project will improve the mobility of all groups by providing transportation choices;

Site walkways connect to the right of way walks for pedestrian travel, bike storage/parking is provided, there is a Smart bus stop near the site and an Amtrak station nearby, and on-site parking is provided for private vehicles. Furthermore, there is barrier free accessibility to all aspects of the development as well as pedestrian access from Adams.

64. Indicate how the users of the building will be encouraged to use public transit and non-motorized forms of transportation;

There are multiple bus stops in the immediate area, along with the Amtrak Station that is ½ mile east.

65. Indicate the elements that have been incorporated into the site and surrounding right-of-way to encourage mode shift away from private vehicle trips;

The location of this site, within the downtown shopping and services plus the shopping mall across the street makes walking a very feasible alternative to driving. Additionally, the ground floor retail will be encourage walking from the nearby residential neighborhoods.

66. Indicate the elements of the project that have been provided to improve the comfort and safety of cyclists (such as secured or covered bicycle parking, lockers, bike lanes/paths, bicycle share program etc.);

An onsite, enclosed biking storage is provided for the building users. A public bike rack will also be included per the streetscape design guidelines.

67. Indicate the elements of the project that have been provided to improve the comfort and safety of pedestrians (such as wheelchair ramps, crosswalk markings, pedestrian activated signal lights, bulb outs, benches, landscaping, lighting etc.);

Benches are provided in the right-of-way walks, street lighting in the right-of-way, plus building lights at all entrances. The access to the building entrances will meet federal accessibility standards.

68. Indicate the elements of the project that have been provided to encourage the use of sustainable transportation modes (such as receptacles for electric vehicle charging, parking for scooters/Smart cars etc.);

As of right now there are no feasible options to encourage the use of sustainable transportation, but options for induvial vehicle charging stations could be considered upon request from unit owners.

Natural Features

69. Indicate whether there are any visual indicators of pond and / or stream water quality problems on or near the site;

There is no visual indicators of ponds or streams near the site.

70. Indicate whether the project will involve any increase in impervious surface area and, if so, indicate the runoff control measures that will be undertaken;

The project will not increase impervious surface area.

71. Indicate whether the project will affect surface water flows on water levels of ponds or other water bodies;

This project will not affect surface water flows or water levels in ponds or other bodies of water. There is no visual indicators of ponds or streams near the site.

72. Indicate whether the project may affect or be affected by a wetland, flood plain, or floodway;

There are no wetlands, floodplains or floodways adjacent to or nearby this site that anyone is aware of.

73. Indicate whether the project location or construction will adversely impact unique natural features on or near the site;

This project will not adversely impact any unique natural feature on this site or adjacent to it.

74. Indicate whether the project will either destroy or isolate a unique natural feature from public access;

This project will not destroy or isolate any unique natural feature on this site or adjacent to it.

75. Indicate whether any unique natural feature will pose safety hazards for the proposed development;

No unique natural feature poses a safety hazard for this proposed project.

76. Indicate whether the project will damage or destroy existing wildlife habitats;

This project will not damage or destroy existing wildlife habitats.

<u>Other Information</u>

77. Any other information as may reasonably be required by the City to assure an adequate analysis of all existing and proposed site features and conditions.

Our team will provide any additional information that the city requests during the site plan approval process.

Prepared by: McIntosh Poris Associates, State of Michigan Registration, Michael Poris - 1301041358

Professional Qualifications

The preparer(s) of the CIS must indicate their professional qualifications, which must include registration in the state of Michigan in their profession where licensing is a state requirement for the practice of the profession (i.e. engineer, surveyor, architect etc.). Where the state does not require licensing (ie. planner, urban designer, economist etc.), the preparer must demonstrate acceptable credentials including, but not limited to, membership in professional societies, university degrees, documentation illustrating professional experience in preparing CIS related materials for similar projects.

City of Birmingham
A Walkable Community

FEE SCHEDULE

Application	Fees
Administrative Approval	$100
Administrative Sign Approval	$100
Board of Zoning Appeals* • Single Family Residential • All Other Zoning Districts	 $310 $510
Community Impact Study Review*	$2,050
Design Review*	$350
Division/Combination of Platted Lots	$200
Historic District Review* • Single Family Residential • All Other Zoning Districts	 No Charge $350
Public Notice Sign • Notice Sign Rental • Returnable Sign Bond	 $50 $100 ➔ $150 total
Preliminary/Final Site Plan Review • R4 – R8 Zoning District • Nonresidential Districts	 $850, plus $50 per dwelling unit $1,050, plus $50 per acre or portion of acre
Special Land Use Permit* • Plus Site Plan Review • Plus Design Review • Plus Publish of Legal Notice • Plus Sign Rental and Deposit	$800 $1,050 $350 $450 $150 ➔ $2,800 total
Special Land Use Permit Annual Renewal	$200
Temporary Use Permit	$100
Zoning Compliance Letter	$50

***The fees for Board of Zoning Appeals, Community Impact Study Review, Design Review, Site Plan Review, Historic District Review and Special Land Use Permits shall be double the listed amounts in the event the work is commenced prior to the filing of an application for review by the City of Birmingham.**

ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention. sm

Memorandum

To: John Shekerjian, Agent – 770 S. Adams, LLC

From: Michael J. Labadie, PE and Jill M. Bauer, PE, PTOE

Date: October 9, 2019

RE: Traffic Analysis for a Proposed Mixed-Use Development in Birmingham, MI

ROWE Professional Services Company has completed a traffic analysis related to the proposed Mixed-Use Development located on the west side of S. Adams Road, between Holland Street and Haynes Street. The current site plan (included in the materials attached to this report) indicates 78 dwelling units, first-floor retail, and street level and underground parking areas. This traffic analysis is intended to fulfill the requirements of transportation and traffic issues identified on the City of Birmingham's Combined CIS & Site Plan Review Application.

TRAFFIC ANALYSIS

Traffic Counts

Turning movement traffic counts were collected, via Traffic Data Collection (TDC), during the weekday AM (7 a.m. to 9 a.m.) and PM (4 p.m. to 6 p.m.) peak periods on September 11, 2019 at the intersections of:

- S. Adams Road and Haynes Street
- S. Worth Street and Alley
- S. Adams Road and Alley/Holland Street

Trip Generation

Using the information and methodologies specified in the latest version of *Trip Generation (10th Edition)* published by the Institute of Transportation Engineers (ITE), ROWE forecast the weekday AM and PM peak hour trips associated with the existing office building and proposed mixed-use development. The results of the trip generation forecast are provided below in Table 1.

Table 1
Trip Generation

Scenario	Land Use	Land Use Code	Units	AM Peak Hour			PM Peak Hour			Week Day
				In	Out	Total	In	Out	Total	
Existing	General Office Building	710	20,574 SF	40	6	46	4	21	25	229
Proposed	Mid-Rise Residential with 1st-Floor Commercial	231	78 DU	7	16	23	20	8	28	268
Net Trip Generation of Proposed Development				**-33**	**10**	**-23**	**16**	**-13**	**3**	**39**

FORM A – Transportation Study Questionnaire

The completed FORM A – Transportation Study Questionnaire is attached to this report.

Accessibility

All sidewalk and sidewalk ramps adjacent to the new development will be updated to meet current standards and will provide accessibility for all users. All sidewalk will be 12 feet wide, consisting of standard concrete sidewalk. The non-walkable "furniture zone" will be comprised of exposed aggregate concrete.

Public Transit

The nearest bus station is approximately 400 feet north of the site, at the corner of S. Adams Road and Bowers Street, which provides routes towards Auburn Hills to the north and towards Detroit to the south. The close proximity to the bus service will allow residents to utilize this service instead of using their personal vehicle.

Cyclist Improvements

This development will provide covered bicycle parking/storage for residents in the lower level of the parking deck. Short-term bicycle parking will be provided at street level for cyclists accessing the retail facilities. In addition, the city's Multi-Modal Plan calls for the installation of shared use markings for bikes on S. Adams Road. This will increase driver's awareness of bicycles, improving safety for all road users.

Pedestrian Improvements

There is currently sidewalk running alongside S. Adams Road, which includes marked crosswalks at the intersections with Haynes Street, Bowers Street, and Webster Street. The intersections with Bowers Street and Webster Street currently have pedestrian signals. This development will include new street trees at maximum 40-foot spacing, new pedestrian level street lighting, and new benches and trash receptacles in accordance with the city's standards for the "Triangle District".

Sustainable Transportation Modes

This development is planning to install one receptacle for charging electric vehicles in the street level parking area that will be used by vehicles accessing the retail stores. On the lower level parking area reserved for residents, receptacles for electric vehicle parking can be provided for residents as an individual upcharge per unit.

Attachments

TRAFFIC STUDY FORM A

FORM A - TRAFFIC STUDY QUESTIONNAIRE

Applicant: 770 S. Adams LLC - John Shekerjian, Agent Case#:

Date: 9-16-19 Address: 36400 Woodward Ave, Suite 109 Bloomfield Hills, MI 48304

1. Proposed Project

Brief description of the proposed project: Mixed use development with 78 apartments, 2,380 gross square feet of retail space on the first floor, and parking garage under the building located on the west side of S. Adams Road, between Holland Street and Haynes Street

Use of building(s): Apartments, retail, and parking garage

Gross square footage: 85,390 SF

Net square footage: 65,448 SF

Number of parking spaces: 105

Site plan attached: Yes

2. Driveway Movements (a.m. and p.m. peak hours)

Driveway: S. Adams Road & Ground Level Parking	Driveway: Alley & Lower Level Parking
Left In: AM: 2 PM: 4	Left In: N/A - One Way Alley
Right In: AM: 2 PM: 4	Right In: AM: 2 PM: 12
Left Out: AM: 3 PM: 3	Left Out: N/A - One Way Alley
Right Out: AM: 3 PM: 3	Right Out: AM: 10 PM: 2
Driveway:	Driveway:
Left In:	Left In:
Right In:	Right In:
Left Out:	Left Out:
Right Out:	Right Out:

3. Transportation Standards

Using the City Design and Construction standards or where appropriate, County Road Commission and Michigan Department of Transportation standards, identify the following:

Passing lanes: Not warranted, see attached exhibits

Tapers: Not warranted, see attached exhibits

Turn Lanes: Not warranted, see attached exhibits. Adams Road already has 2-way left turn lane. The Alley is one-way operation, no left turns allowed at site driveway.

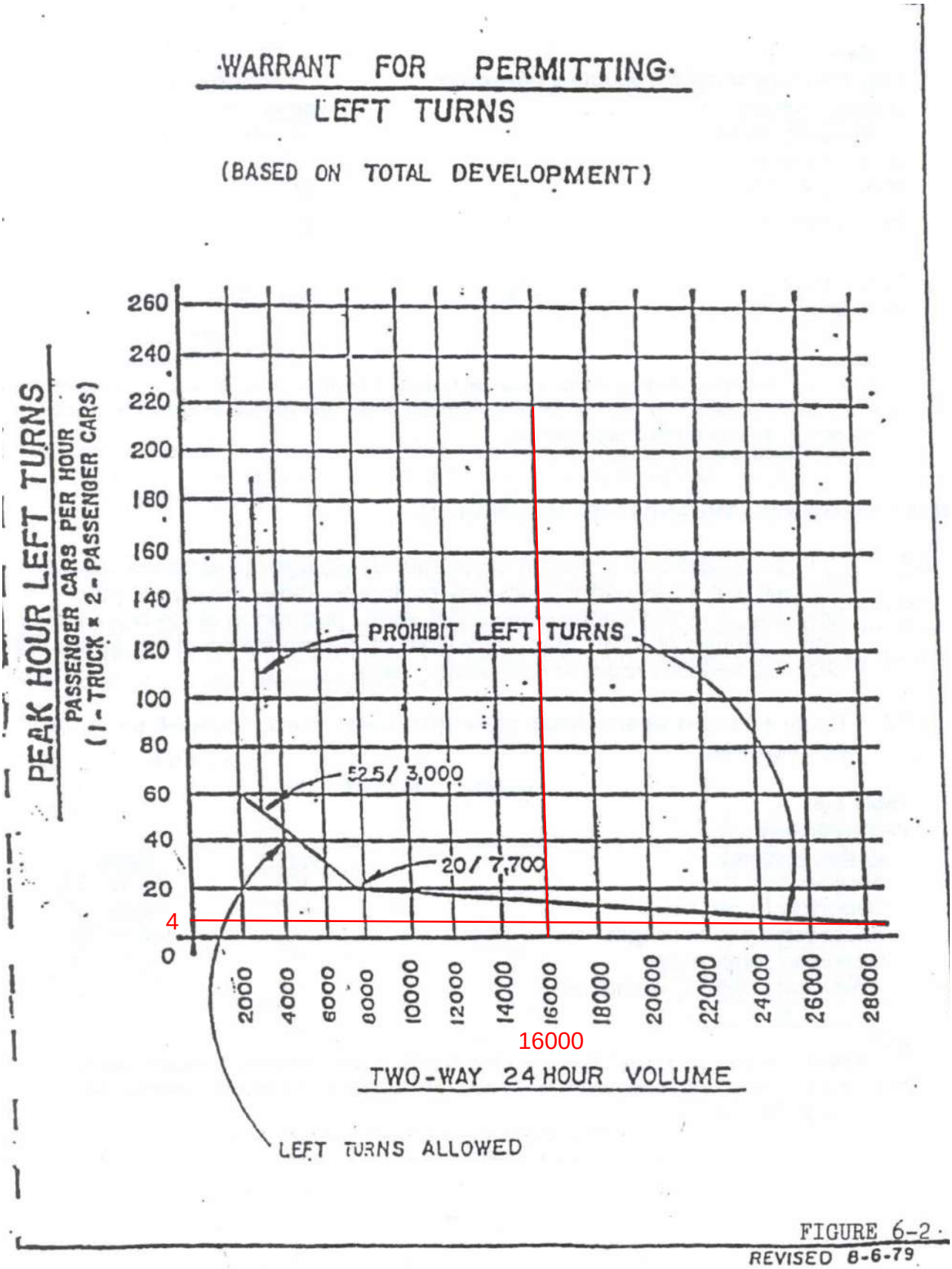
Evaluate sight distances at project driveways: Right turn in and right turn out only. Set building back from alley to provide adequate sight distance.

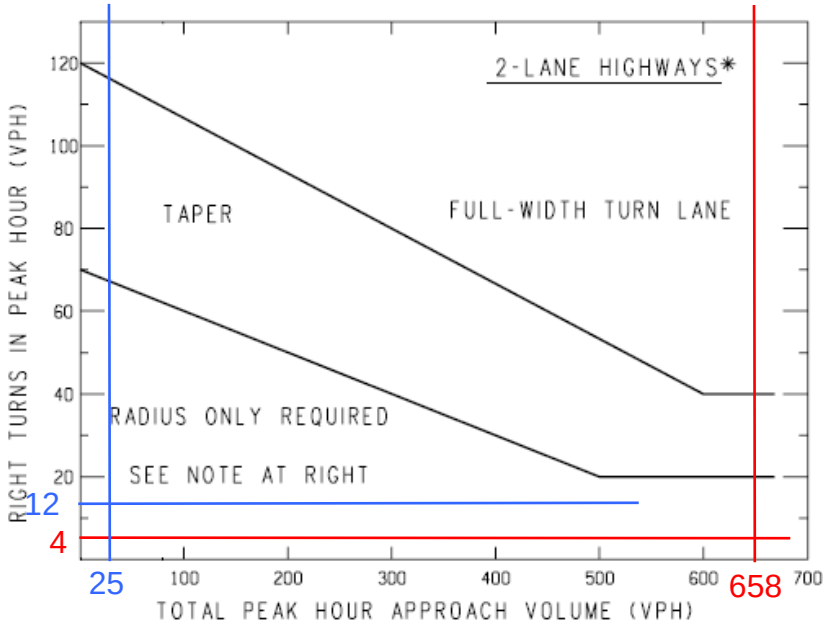
Vehicle stacking analysis (if drive-up facilities are proposed): _____

TURN LANE WARRANTS

Adams & Site Driveway
Alley & Site Driveway - no left turns

FIGURE 6-2

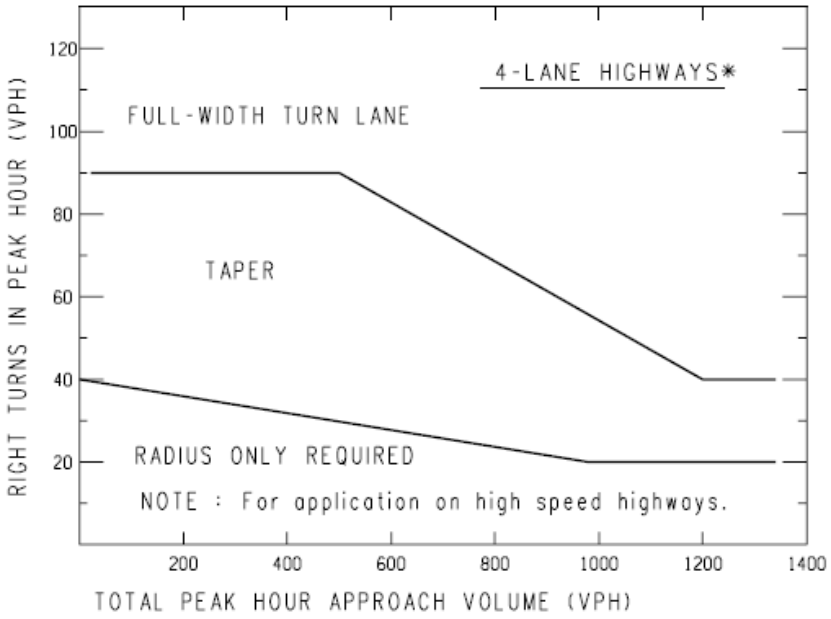




NOTE: For posted speeds at or under 45 mph, peak hour right turns greater than 40 vph, and total peak hour approach less than 300 vph, adjust right turn volumes.

Adjust peak hour Right turns = Peak hour Right turns – 20

Adams & Site Driveway
Alley & Site Driveway



*If a center left-turn lane exists (ie 3 or 5 lane roadway), subtract the number of left turns in approach volume form the total approach volume to get an adjusted total approach volume.

Sample Problem: The Design Speed is 55 mph. The Peak Hour Approach Volume is 300 vph. The Number of Right Turns in the Peak Hous is 100 vph. Determine if a right turn lane is recommended.

Solution: Figure indicates that the intersection of 300 vph and 100 vph is located above the upper trend line; thus, a right-turn lane may be recommended.

SITE PLAN

	NET AREA	GROSS AREA	UNITS
LL PARKING	0 SF	912 SF	0
GROUND FLOOR	0 SF	5,481 SF	0
SECOND FLOOR	16,318 SF	19,650 SF	19
THIRD FLOOR	17,124 SF	19,650 SF	20
FOURTH FLOOR	15,650 SF	18,200SF	20
FIFTH FLOOR	13,634 SF	18,375 SF	17
SIXTH FLOOR	2,722 SF	3,122 SF	2
TOTAL (RESIDENTIAL FLRS)	**65,448 SF**	**78,997 SF**	**83%**
TOTAL (ALL FLRS)	**65,448 SF**	**85,390 SF**	**77%**

STUDIOS (591 SF):	**5 UNITS**
1 BEDROOM UNITS (712 SF):	**47 UNITS**
2 BEDROOM UNITS (1,139 SF):	**26 UNITS**
TOTAL UNIT COUNT:	**78 UNITS**
PARKING REQ. (RESI):	**84 SPACES**
PARKING REQ. (RETAIL):	**8 SPACES**
PARKING PROVIDED:	**105 SPACES**

1 GROUND FLOOR
1/32" = 1'-0"

770 SOUTH ADAMS ST LLC | 2 ELEVATORS OPTION

Schematic Design | 08/16/19 | As indicated

MCINTOSH ARCHITECTURE
PORIS ASSOCIATES

	NET AREA	GROSS AREA	UNITS
LL PARKING	0 SF	912 SF	0
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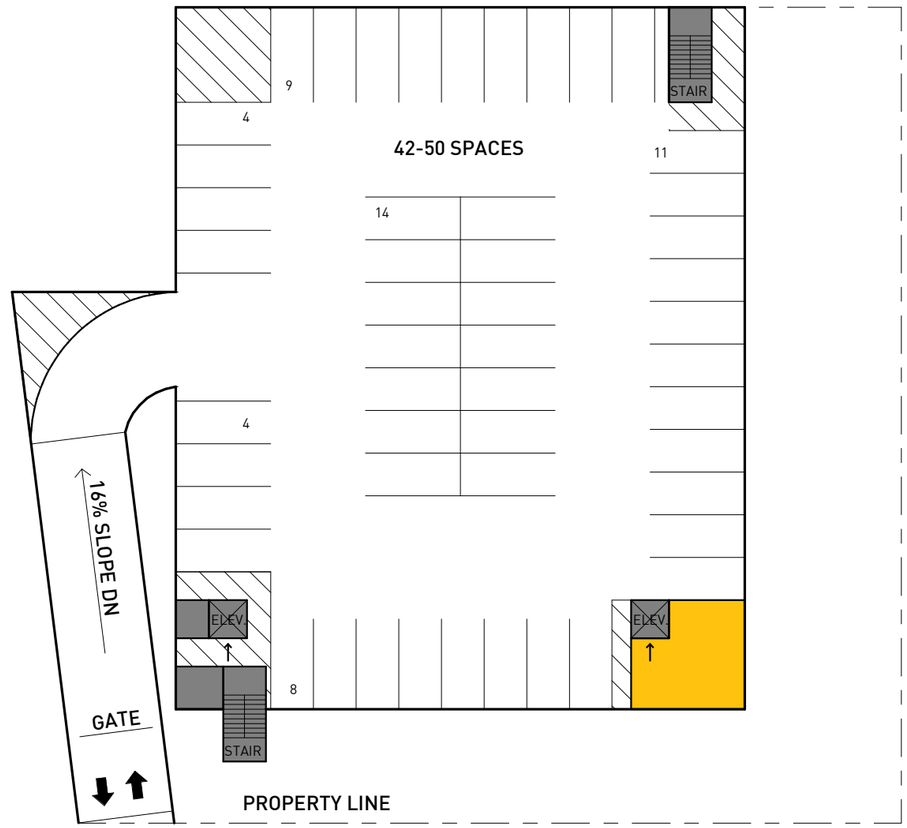

1 LL PARKING
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770 SOUTH ADAMS ST LLC | 2 ELEVATORS OPTION
Schematic Design | 08/16/19 | As indicated

MCINTOSH ARCHITECTURE
PORIS ASSOCIATES

Kolano and Saha Engineers, Inc.
Consultants in Acoustics, Noise and Vibration

2019-174
September 26, 2019

Mr. John Shekerjian
770 S. Adams LLC
36400 Woodward Ave., Suite 109
Bloomfield Hills, MI 48304

Subject: **Birmingham CIS - Sound Level Measurements and Noise Impact Assessment**
re: Residential Development - 770 South Adams Road
Birmingham, MI

Mr. Shekerjian:

At your request and authorization, Kolano and Saha Engineers, Inc. (K&SE) conducted an investigation to evaluate the environmental noise associated with the proposed 770 S. Adams Road residential development. This investigation includes a review of the measurements at the development site to understand the current ambient noise condition with an evaluation of the proposed development to help assess if noise associated with this development will be compatible at this location and noise sources that are likely to need some attention.

On-Site Sound Level Measurements

We conducted measurements using a Brüel & Kjær 2270 environmental noise analyzer with a precision outdoor microphone assembly. This instrumentation was calibrated before and after measurements using an acoustic calibrator traceable to the National Institute for Standards and Technology.

Measurements were conducted near the proposed site for a 24-hour period to capture the existing ambient sound levels. Due to a building and parking lot occupying the entirety of the 770 S. Adams property, no suitable measurement location was available for this site. As a result, measurements were conducted on the adjacent 720 S. Adams property. Measurements at this location are expected to be similar to those of the 770 S. Adams property. The measurement position was located 50 feet south of Haynes Street and 95 feet west of S. Adams Road. Details of this measurement position is provided in **Exhibit 1**.

The measurement equipment captured sound levels starting at 12AM on Sept. 19, 2019 and continued for a complete 24-hour period. The measurement results are provided in **Exhibit 2**. The results of the measurements are presented in a graph of sound level versus time. These graphs contain three plot lines; the 5-minute L_{eq} (energy average level), the hourly L_{eq} and the daytime and nighttime averaged sound levels.

From this data we calculated the DNL or day-night sound level average. The DNL is an average of both the daytime and nighttime sound levels where the nighttime sound levels have been raised by

10 dB to account for people's greater sensitivity to noise in the nighttime hours. Measurement results, in terms of the day-night sound level average (DNL), were determined and compared to U.S. Government guidelines promulgated by the U.S. Environmental Protection Agency (EPA) and the department of Housing and Urban Development (HUD). EPA guidelines define DNL 55dB (or less) as desirable goal for residential land use; HUD guidelines consider outdoor noise levels up to DNL 65dB as "normally acceptable" for residential land use. HUD guidelines consider outdoor noise levels between 65dB and 75dB as "normally unacceptable" for residential land use. For the 770 S. Adams Development, we measured a site sound level of **61dB(A) DNL**.

While ambient noise is expected to fall within the "normally acceptable" range, traffic noise from S. Adams Road has the potential to create an adverse noise impact to future residents of the multi-use buildings. It may be desired to provide additional noise isolating construction on the façades of the building that will have direct exposure to traffic noise. Windows and balcony doors are typically the easiest path for noise to pass through, and could be upgraded with sound rated assemblies. We recommend that the façade construction or sound barrier elements, be designed to provide sufficient sound attenuation to produce interior traffic noise levels no higher than DNL 45 dB(A). For luxury construction, even lower interior traffic noise levels not exceeding DNL 35 dB(A) should be considered. Properly selected sound rated windows and doors are key to obtaining that level of interior sound.

City of Birmingham Noise Ordinance

The City of Birmingham addresses noise in their ordinance under *Part II – City Code, Chapter 50 – Environment, Article II. Nuisances, Division 4 – Noise.* This ordinance provides information of Definitions, general prohibitions, specific prohibitions, decibel level prohibitions, general exemptions and test procedures.

The objective limits cited in this ordinance (as Table 1) are:

Use of Property Producing the Sound	Use of Property Receiving the Sound	Sunday to Saturday 7:00 a.m. to 7:00 p.m.	Sunday to Saturday 7:00 p.m. to 7:00 a.m.
Residential	Residential	75	60
Commercial	Residential	80	60
Residential	Commercial	80	60
Commercial	Commercial	90	75

Exemptions to these limits include power equipment operations between 7AM and 7PM that do not exceed 100 dB(A) at or beyond the property line, construction noise between 7AM and 7PM Monday-Saturday excluding holidays (with additional provisions), and snow removal which does not exceed 90 dB(A) at or beyond the property line.

The adjacent properties to this development are office buildings, a bank, a shopping strip mall and a multi-family residential building. The noise associated with these buildings is expected to be primarily related to on-site vehicular noise and building mechanical equipment.

Proposed Development Noise Impact

The proposed residential building is generally similar to other residential buildings in Birmingham. The proposed 6 story building is expected to be have a lobby and a retail space on the ground level floor. The second through sixth floors are planned to be residential. The building is expected to include below-ground parking. The sources of noise expected from the building include:

Building Wide & Individual Unit Heating and Cooling Mechanical Systems

Like other large buildings in Birmingham, centralized roof mounted heating and cooling equipment are expected to control the climate of building areas separate from individual residential units. If located sufficiently away from the property lines and with screen walls, these elements are not expected to exceed the ordinance limits.

Sub-Terranean Parking Exhaust Fans

To ventilate vehicle exhaust gasses, an exhaust fan is expected for the below ground parking. Careful selection of this fan (or fans), possibly a centrifugal or mixed flow, with appropriate noise control elements is recommended to help keep pedestrians on this parking level safe (to be able to hear approaching vehicles) as well to comply with the noise ordinance for above grade air intake and discharge vents.

Emergency Power Generator

It is expected that a power generator will be part of the building mechanical systems. While this has the potential for excessive noise, with the proper location and provisions for an enclosure and exhaust muffling, and minimal actual operation time (weekly or bimonthly maintenance cycles are anticipated), we expect that a generator can be made to comply with the ordinance and create minimal noise impact. Deliberate noise control designs for any power generators are critical for successful compliance of ordinance requirements, as well to meet the expectations of residents for reasonable levels of noise.

Conclusion

Based on the information we have been provided, we anticipate that the proposed development will produce no excessive noise contribution to the adjacent community and will be within the Birmingham Noise Ordinance limits with the proper considerations for noise control. Furthermore, the measured site sound levels do not exceed 65 DNL and are in the range of the "normally acceptable" noise level guidelines promulgated for residential land use by the U.S. Department of HUD.

Should there be any questions or need for additional assistance on this matter, we can be readily contacted.

Sincerely,

KOLANO AND SAHA ENGINEERS, INC.

Darren Brown, P.E.
INCE Board Certified
Consultant

EXHIBIT 1

SITE PLAN SHOWING THE LOCATION OF AMBIENT SOUND LEVEL MEASUREMENTS FOR THE 770 S. ADAMS DEVELOPMENT

Due to a building and parking lot occupying the entirety of the 770 S. Adams property, no suitable measurement location was available for this site. As a result, measurements were conducted on the adjacent 720 S. Adams property. Sound levels measured at this location are expected to be similar to those of the 770 S. Adams property.

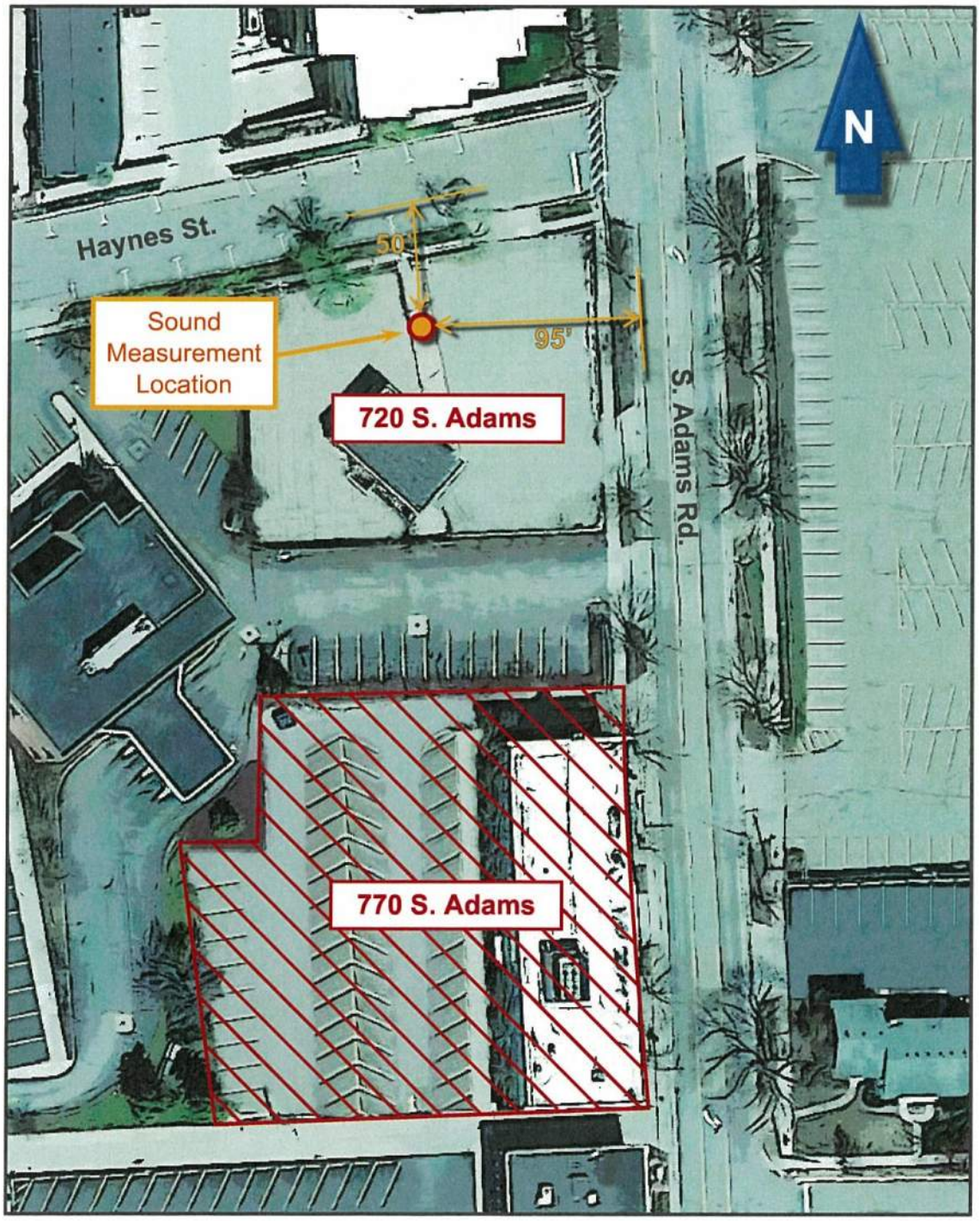
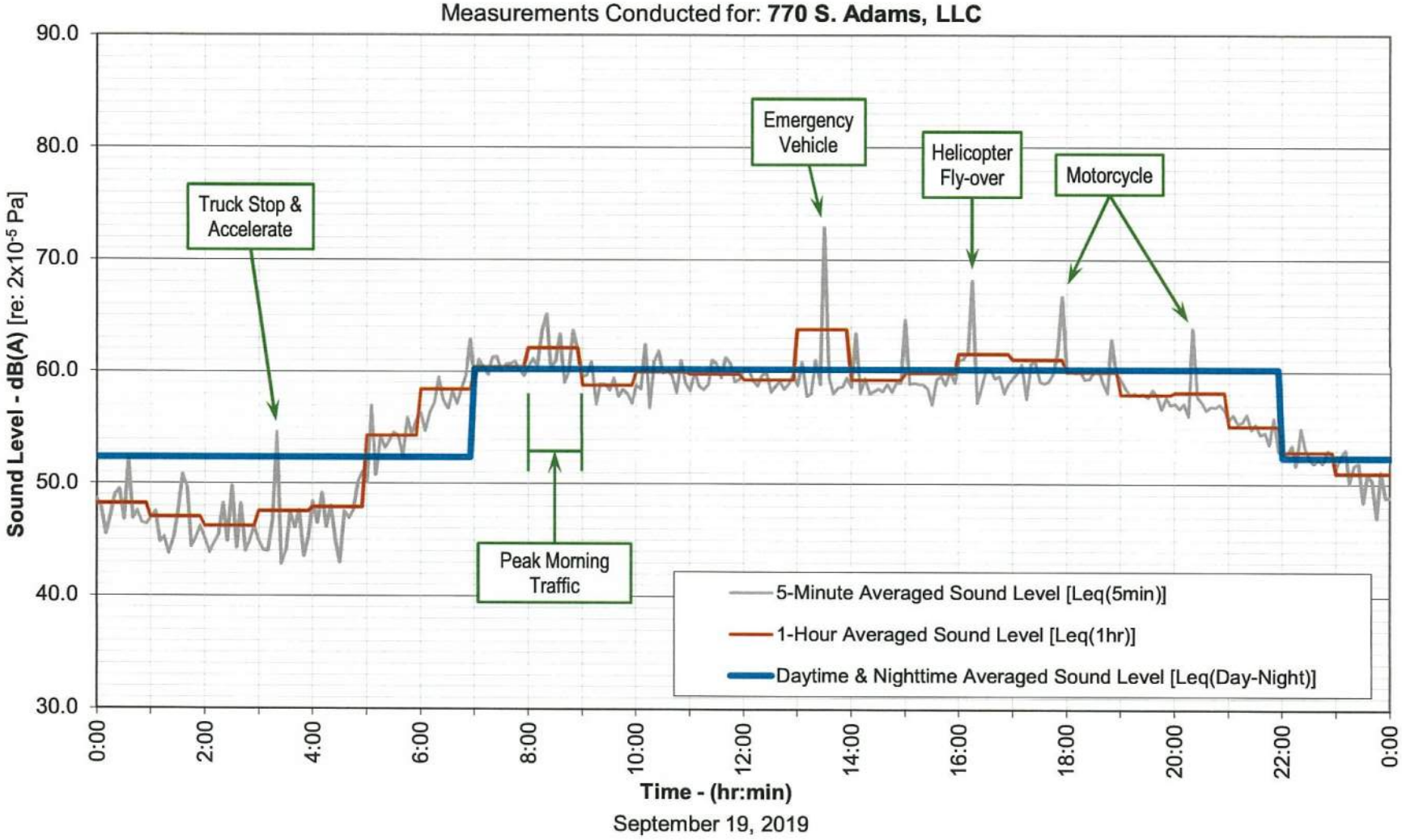


EXHIBIT 2

Ambient Sound Levels for 770 S. Adams Road

Measurements conducted approximately 50 feet south of Haynes Street and 95 feet west of S. Adams Road.
Sound is predominantly from traffic on S. Adams Road



Site Measurement Data.xlsx

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LIMITED PRE-DEMOLITION ASBESTOS CONTAINING MATERIALS SAMPLING

770 South Adams Road | Birmingham, Michigan
PM Project Number 01-10175-1-0002

Prepared for:

Mr. Joe Politio
4260 Edgeland Avenue
Birmingham, Michigan 48073

Prepared by:

PM Environmental, Inc.
4080 West Eleven Mile Road
Berkley, Michigan 48072

PM ENVIRONMENTAL
Risk Well Managed

Corporate Headquarters
Lansing, Michigan
3340 Ranger Road, Lansing, MI 48906
f: 877.884.6775
t: 517.321.3331

Michigan Locations
Berkley
Bay City
Grand Rapids
Chesterfield
Lansing

November 26, 2018

Mr. Joe Polito
4260 Edgeland Avenue
Birmingham, Michigan 48073

Re: Limited Pre-Demolition Asbestos Containing Materials Sampling
For the Commercial Property
Located at 770 South Adams Road, Birmingham, Michigan
PM Environmental, Inc. Project No. 01-10175-1-0002

Dear Mr. Polito:

PM Environmental, Inc. (PM) was retained by Mr. Joe Polito (i.e., the Client) to perform a Limited Asbestos Containing Materials (ACM) Sampling of the Commercial Property located at 770 South Adams Road, Birmingham, Michigan. The purpose of this survey was to verify materials found in a provided previous ACM report, prepared by Fibertec, Inc., and to identify and sample any new suspect ACM prior to the purchase and start of the building demolition project. The provided previous ACM report is attached as Appendix A.

The Limited Pre-Demolition ACM Sampling for the above referenced property represents the product of PM's professional expertise and judgment in the environmental consulting industry, and it is reasonable for **JOSEPH POLITO & JANET SHEKERJIAN AND ENTITIES WHICH THEY CONTROL DIRECTLY OR INDIRECTLY AND FIRST COMMUNITY BANK** to rely on PM's survey report.

The survey for ACM was performed in accordance with the United States Environmental Protection Agency's (U.S. EPA) requirements for ACM that is presented in 40 CFR 61, Subpart M, and the National Emissions Standards for Hazardous Air Pollutants (NESHAP). During the survey, bulk material inspection, physical assessment, sampling and analysis of the samples were performed in accordance with the requirements of the U.S. EPA's Asbestos Hazard Emergency Response Act (AHERA (40 CFR 763)). The ACM Survey was performed by Mr. Tyler Maraskine (State of Michigan Asbestos Inspector Accreditation No. A47893), of PM on November 13, 2018. This survey was conducted in general accordance with the scope of services identified in PM's proposal (01013087) to Mr. Joe Polito dated November 5, 2018.

REGULATORY INFORMATION

ACM is defined by AHERA as any material or product containing more than one percent asbestos. Materials containing more than one percent asbestos are subject to the requirements of the Asbestos NESHAP. The Asbestos NESHAP requires that all ACM classified as Regulated Asbestos Containing Materials (RACM) be handled in the following manner dependent on its characteristics as summarized below.

- All friable RACM must be removed from a building or structure that is being demolished or renovated before any wrecking or dismantling is performed.

- ACM that is determined to be non-friable in nature must be classified as a Category I or Category II material. This classification then determines, based on handling procedures, whether the material must be removed prior to renovation or demolition and the means and methods to remove the ACM in accordance with the Asbestos NESHAP.

- Category I Non-Friable Materials that may become friable if subjected to sanding, grinding, cutting, or abrading during demolition or renovation must be removed.

- Category II Non-Friable Materials with a high probability of becoming crumbled, pulverized, or reduced to a powder during construction activities (i.e., including renovation and demolition) must be removed.

ACCESS LIMITATIONS

During the preparation of the Limited Pre-Demolition ACM Sampling, the following limitations were encountered and are described below.

1. The subject property was partially occupied at the time of the sampling, therefore PM could not sample or inspect the following inaccessible areas: Suites 105, 103, 101 and 100, storage closets under the stairwell, suites 210 and 200 and the rooftop. An inspection into these areas should be performed to determine if any additional suspect ACM is present prior to demolition activities.

2. Inspection into wall, floor and ceiling cavities was performed in a non-invasive way (lifting ceiling tiles and inspecting in open areas) as to minimize destruction of current building materials since the building was still occupied and not currently owned by client.

3. Due to the destructive nature of sampling, PM did not sample tagged metal fire doors (HA7) and flat roofing materials (HA20). Therefore, the identified metal fire doors and flat roofing materials are assumed to be asbestos-containing and should be abated or sampled to determine asbestos content prior to demolition activities.

4. PM identified exterior metal panels during the site visit. These materials should be destructively investigated once the building has been vacated to determine if any interior suspect ACM is present.

DESCRIPTION OF BUILDING STRUCTURE

The commercial property consists of a three story building with a flat roof constructed on a concrete slab. The three stories are referred to as the garden level, first and second floor. The building was partially occupied at the time of the survey and consists of tenant suites, restrooms, hallways and stairwells, mechanical rooms and storage closets. Interior building materials consists of drywall walls, various types of suspended ceiling tiles, various ceramic and vinyl floor tile and carpeting. Exterior building materials consist of brick and concrete blocks, metal panels, building caulk and flat roofing materials.

ASBESTOS SURVEY INSPECTION AND METHODOLOGY

As required under AHERA, suspect ACM is categorized as thermal system insulation (TSI), surfacing materials (SM), or miscellaneous materials (MM). AHERA requires that at least three samples of TSI materials (i.e. piping and boiler system insulation) must be collected and analyzed by Polarized Light Microscopy (PLM).

Surfacing Materials (i.e. plaster, textured ceiling material, fireproofing, etc.) is sampled in accordance to the quantity of material present as measured by its square footage and is further defined below.

- If less than 1,000 square feet of material is present, a minimum of three bulk samples must be collected and analyzed by PLM;
- If between 1,000 and 5,000 square feet of material is present, a minimum of five bulk samples must be collected and analyzed by PLM; and
- If greater than 5,000 square feet of material is present, a minimum of seven samples must be space collected and analyzed by PLM.

Miscellaneous materials (i.e. floor tile, mastics, roofing materials, drywall, ceiling tile, etc.) as described under AHERA sampling requirements need to be sampled "in a matter sufficient to determine" its asbestos content using the professional judgment of the accredited asbestos building inspector.

During the building inspection activities, PM collected samples of suspect ACM throughout the accessible areas of the building. PM entered all accessible areas and performed visual inspections for suspect materials. Sampling for ACM was conducted within homogenous areas (HA) which are defined as suspect ACM that appear to be similar based on color, texture, and date of application or installation.

ASBESTOS SURVEY RESULTS

PM collected a total of 12 bulk material samples from 12 different homogenous materials. Previously sampled materials are also listed in the table if they were observed in the accessible areas of the building during the site visit. Previously sampled negative materials were not evaluated for locations, condition, friability and estimated quantity. Photographs depicting newly sampled Homogenous Areas are found attached as Appendix B. The samples were placed inside laboratory provided sealed bags and submitted to a third party laboratory for analysis using chain of custody documentation. Bulk samples were analyzed for asbestos content by EMC Labs, Inc. of Phoenix, Arizona, a National Voluntary Laboratory Accreditation Program (NVLAP) accredited laboratory. The samples were analyzed by Polarized Light Microscopy (PLM) with dispersion staining by U.S.EPA Test Methods (EPA-600/M4-82-020) and the United States National Institute of Standards and Technology (NIST) Bulk Asbestos Handbook. Copies of the laboratory datasheets and chain of custody documentation is attached as Appendix C for review. A summary of the survey results is provided below.

Table No. 1: Summary of Asbestos Bulk Sample Results

HA No.	Material Type	Location	Condition	Friable (Yes/No)	Estimated Quantity	Asbestos Content (%)
HA1	Drywall Finishing Board (Previously Sampled Negative)	-	-	-	-	None Detected
HA2	12" x 12" Floor Tile – Red Brick Pattern	Not Identified in Accessible Areas of Building During Site Visit				None Detected
HA3	Grey Masonry Ceiling Plaster (Previously Sampled Negative)	Not Identified in Accessible Areas of Building During Site Visit				None Detected
HA4	**White Pipe Joint Insulation Compound Associated with Fiberglass Pipe Insulation (Previously Sampled Positive)**	**Not Identified in Accessible Areas of Building during Site Visit. May Still Exist in Previously Identified Inaccessible Areas**				**25% Chrysotile**
HA5	2' x 2' White Stucco Pattern Ceiling Tile (Previously Sampled Negative)	-	-	-	-	None Detected
HA6	2' x 2' White Deep Etched Ceiling Tile (Previously Sampled Negative)	-	-	-	-	None Detected
HA7	**Tagged Metal Fire Door (Assumed ACM)**	**Boiler Room Entry Door and Elevator Mechanical Room Entry Door**	**Good**	**No**	**2 Doors**	**Assumed ACM**
HA8	Residual Cove Base Adhesive	Boiler Room	Damaged	No	50 LF	None Detected
HA9	**12" x 12" Floor Tile and Mastic – Orange Mottled**	**Boiler Room Closet**	**Good**	**No**	**200 SF***	**Floor Tile: 3% Chrysotile;** Mastic: None Detected
HA10	Grey Cove Base and Adhesive	Boiler Room	Good	No	25 LF	None Detected
HA11	2' x 4' Suspended Ceiling Tile – Pinholes and Small Gouges	Suite 104	Good	Yes	450 SF	None Detected
HA12	Yellow Carpet Adhesive	Suite 104, 2nd Floor SE Suite and 3rd Floor Suite	Good	No	6,700 SF	None Detected
HA13	Black Cove Base and Adhesive	2nd Floor SE Suite and Adjacent Server Room and 3rd Floor Suite	Good	No	875 LF	None Detected

HA No.	Material Type	Location	Condition	Friable (Yes/No)	Estimated Quantity	Asbestos Content (%)
HA14	2' x 2' Suspended Ceiling Tile – Pinholes and Small Gouges	2nd Floor SE Suite and Adjacent Server Room	Good	Yes	1,500 SF	None Detected
HA15	2' x 2' Suspended Ceiling Tile – Semi-Smooth Texture	All Restrooms and 3rd Floor Suite Lobby	Good	Yes	2,700 SF	None Detected
HA16	2' x 4' Suspended Ceiling Tile – Pinholes and Medium Gouges (2' Pattern)	3rd Floor Suite	Good	Yes	4,750 SF	None Detected
HA17	**Interior Seam Caulk Associated with Vertical Beams**	**3rd Floor Suite – Exterior Wall on Each Side of Building Vertical Support Beams**	**Good**	**No**	**22 Beams – Approx. 275 LF***	**10% Chrysotile**
HA18	Grey Sink Undercoating	3rd Floor Suite	Good	No	1 EA, 6 SF	None Detected
HA19	Exterior Building Caulk	Around Perimeter of Windows and Metal Panels	Good	No	120 Windows (5' x 6') 60 Panels (5' x 6') 30 Panels (4' x 5') 30 Panels (2' x 5')	None Detected
HA20	**Flat Roofing Materials (Assumed ACM)**	**Roof**	**Good**	**No**	**7,250 SF**	**Assumed ACM**

HA – Homogenous Area LF - Linear Feet SF – Square Feet EA – Each
***Materials only quantified in accessible areas of the building, a potential for more of this material to be present in the inaccessible areas exists.**

The laboratory results indicate the 12" x 12" orange mottled floor tile (HA9) and interior seam caulk associated with vertical beams (HA17) contained asbestos in concentrations greater than one percent and are therefore considered ACMs. As noted in the summary table, the ACM was assessed to be in good condition at the time of the inspection.

CONCLUSIONS AND RECOMMENDATIONS:

PM has completed a Limited Pre-Demolition ACM Sampling of the Commercial Property located at 770 Adams Road, Birmingham, Michigan. The conclusions and recommendations that have been identified are based on the results of the building inspection, material sampling, and laboratory analyses. PM has identified the following conclusions and recommendations:

- Site access limitations were encountered and hindered PM's ability to inspect into all areas of the subject property. These limitations are listed under the Access Limitations section. PM recommends additional investigation into these areas prior to demolition to determine if new suspect materials are present or additional quantities of identified ACM exist.

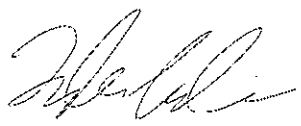
- White pipe joint insulation was identified in the previous report but was not identified in the accessible areas during PM's site visit. Additional destructive investigation should be performed prior to demolition activities to determine if this material exists in the inaccessible areas. If found during additional investigation, it will require removal by a licensed abatement contractor prior to demolition activities.

- The results of the limited asbestos sampling indicate that ACM is present. The asbestos containing 12" x 12" orange mottled floor tile and interior seam caulk associated with vertical beams are considered by the EPA to be Category I and Category II non-friable materials. These materials may be left in-place if they are in good condition, remain intact and are not rendered friable during demolition activities. Further, if concrete subflooring is planned to be recycled during demolition activities, all floor covering will require abatement. PM recommends having the ACM materials abated to relieve the demolition contractor of additional regulatory requirements.

- Assumed tagged metal fire doors and flat roofing materials should be treated as ACM or sampled prior to demolition to determine asbestos content.

PM notes that if additional suspect materials are identified during demolition, that these materials should be sampled to determine their characteristics (i.e. whether they must be treated as ACM or not) or assumed to be ACM, and handled accordingly prior to their removal and disposal. PM's reporting of quantities of materials are to be interpreted as good faith estimates for contractors inspecting and bidding on project abatement and/or demolition activities; however, contractors should use their own estimates of material quantities as a basis for their project cost estimates. This report has been reviewed for its completeness and accuracy. Please feel free to contact our office at (800) 313-2966 to discuss this report.

REPORT PREPARED BY:
PM Environmental, Inc.



Tyler Maraskine
Industrial Hygienist
State of Michigan Asbestos
Inspector Accreditation No. A47893

REPORT REVIEWED BY:
PM Environmental, Inc.

Jon M. Balsamo
Manager, Industrial Hygiene Services

APPENDICES

Appendix A: Fibertec Environmental Services, Asbestos Materials Survey and Assessment Report, Dated: 11/27/1995
Appendix B: Photographic Log from Site Reconnaissance
Appendix C: Laboratory Analytical Data and Chain of Custody Documentation

Appendix A

PM ENVIRONMENTAL Environmental & Engineering Services

Fibertec
Environmental
Services

DATE: 11/27/95

Malcolm Pirnie Engineers
411C W. Lake Lansing Rd.
East Lansing, MI 488223

ATTN: Grant Gartrell

RE: ASBESTOS MANAGEMENT SERVICES
ASBESTOS MATERIALS SURVEY AND ASSESSMENT
OFFICE FACILITY
BIRMINGHAM, MICHIGAN

Dear Mr: Gartrell:

Enclosed please find Fibertec, Inc.'s report of our Asbestos Survey conducted at 770 S. Adams, Birmingham, Michigan.

Thank you for the opportunity to have been of service to you on this project. Should you have any questions, please contact my office.

Respectfully
Fibertec

Raymond Signs
Director of Operations
Asbestos and Environmental Hygiene

2280 Aurelius Road Holt, Michigan 48842 Telephone: (517) 699-0345 Facsimile: (517) 699-0388
29300 Wall Street Wixom, Michigan 48393 Telephone: (810) 348-5598 Facsimile: (810) 348-4896

REPORT OF ASBESTOS MATERIALS AND ASSESSMENT SURVEY
770 S. ADAMS
BIRMINGHAM, MICHIGAN

DATE OF REPORT: 11/28/95

PREPARED FOR:

Malcolm Pirnie Engineers
411C W. Lake Lansing Rd.
East Lansing, MI 48823

INTRODUCTION

Fibertec, Inc. was retained by Malcolm Pirnie Engineers to conduct an asbestos materials survey at 770 S. Adams Rd., Birmingham, Michigan.

The goal of the asbestos survey was the identification of asbestos-containing materials (ACM's) and suspect asbestos - containing materials at the building surveyed. Further goals of the survey were the assessment of the existing and/or potential environmental hazards posed by the ACM identified and recommendation of appropriate response actions.

The scope of the survey did not include encroachment through interior architectural enclosures or dismantlement of mechanical equipment.

Physical inspection of the subject building, and the associated collection of bulk material samples for asbestos content analysis, were performed by Mr. Raymond Signs of Fibertec on November 23rd , 1995. Mr. Signs is an United States Environmental Protection Agency (USEPA) accredited AHERA Building Inspector (Accreditation No. 380827921).

The findings presented in this report are based on observations made at the time Fibertec personnel were on site, and cannot address changes in the condition of the asbestos-containing materials relative to their status as an environmental hazard subsequent to our investigation.

SAMPLING

Bulk sampling of suspected ACM was accomplished by removing a representative piece of the material in question and transferring it into an airtight plastic sample container. Consideration of a material as suspect, was in general accordance with the USEPA's "Asbestos-Containing Materials in Schools Rule" (40 CFR 763, Subpart E). These regulations were recently adopted and enforced for commercial buildings by OSHA 29 CFR 1926.1011.

Laboratory analysis for asbestos content was performed in accordance with the USEPA approved petrographic method utilizing polarized light microscopy (PLM) with dispersion staining (EPA Interim Method for the Determination of Asbestos in Bulk Samples 600/M4-82-020). Asphaltic and polymeric samples were dissolved by heating the material in dispersion fluid to aid in separating particulate components from their matrices.

Samples were analyzed in the laboratory of Fibertec Inc. Fibertec's Bulk Asbestos Fiber Analysis Laboratory is a participating member of the National Institute of Standards and technology, National Voluntary Laboratory Accreditation Program (NIST/NVLAP), laboratory #101510.

INSPECTION

The following suspect materials were observed to exist as part of the subject building's interior architectural finishes, structural, and/or mechanical systems :

	MATERIAL	LOCATION
1.	Drywall finishing board;	throughout building.
2.	12"x12" red, brick pattern floor tile;	boiler and adjacent mechanical rooms.
3.	Grey masonry ceiling plaster;	throughout building.
4.	White pipe joint insulation compound associated with fiberglass pipe insulation;	boiler and adjacent mechanical rooms; apprx. 35 pipe joints.
5.	2'x2' white, stucco patterned ceiling tile;	various locations.
6.	2' x2' white, deep etched ceiling tile;	various locations.
7.	2'x4' white, etched ceiling tile;	office across from suite 107.
8.	Exterior siding panels;	exterior of building.

Samples of materials numbered 1 - 6 above, were gathered for asbestos content analysis.

Due to conduct and/or scope of work limitations of the survey, samples were not gathered from the remaining above listed materials. (Please note: Based on the character and type of these materials, the probability these materials contain asbestos is low.)

The roof of the building was not observed and therefore any asphaltic roofing materials that may exist are considered suspect.

OBSERVATIONS

The building was observed to be serviced by a forced air heating and ventilation system (HVAC), and a hot water/baseboard heating system. Boiler and straight line piping insulations was observed to be non-suspect fibrous glass.

The HVAC ductwork was observed either uninsulated, or insulated with non-suspect fibrous glass.

Domestic water pipelines were observed either uninsulated or insulated with non-suspect fibrous glass.

Non-suspect fibrous glass wall and ceiling insulations were observed in several areas.

Non-suspect carpet and masonry/ceramic flooring were observed throughout the office spaces of the building. Inspection of the substrate beneath the carpeted areas was limited, however in areas where observed, suspect asbestos-containing vinyl flooring was not observed beneath the carpet.

Metal infrastructual components of the building, such as beams and decking, were observed not to be insulated with fireproofing.

SAMPLE RESULTS

The criterion used for determining the status of a suspect material as ACM is the USEPA criterion of being "asbestos-containing", which is that the material is determined to contain greater than 1% by weight of actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite asbestiform fibers (40 CFR 61, Subpart M).

Analysis of the pipe joint insulation sample indicates that this material is asbestos-containing.

Analysis of the other samples gathered indicated no detectable asbestos content in the materials represented.

ASSESSMENT

Assessment of the environmental hazard posed by the potential presence of ACM in a building lies in the ACM's fibrogenic potential i.e., the likelihood that it will release fibers that may become airborne and subsequently inhaled. Assessment of this fibrogenic potential lies in the consideration of these factors:

1. The type and condition of the ACM [i.e., type of material(s), their asbestos content(s) and their friability];

2. The location and status of the ACM relative to the present building use [i.e., its accessibility, exposed surface area, presence of physical damage, location relative to air streams,etc]; and

3. The potential for change in the status of the ACM, such as that which might occur during renovation activities.

The asbestos containing pipe joint compound is a friable material. This material would be expected to act as a source of fiber release if damaged. This material was observed to be in good condition at the time of the inspection, and is not likely an environmental hazard in its present condition.

The suspect 2'x4' ceiling tile (not sampled) would be considered a friable material. The material was observed to be in good condition and not an environmental hazard in its present condition.

The remaining suspect materials (the exterior siding and possible asphaltic roofing) are durable non-friable materials and are not likely sources of fiber release.

RECOMMENDATIONS

With respect to the current condition of the identified ACM at the facility, no recommendations are necessary if the material is not disturbed.

With regard to possible future repair and renovation events:

Prior to undertaking renovation or repair activities that may disturb ACM at the facility, the ACM should be removed by qualified personnel.

Actions taken in regards to the ACM should be in compliance with any applicable federal, state, and local regulations or codes that my apply to handling, disposal, and contracting. Presently, removal, demolition, and disposal operations are under the jurisdiction of the USEPA NESHAP (National Emission Standard for Hazardous Air Pollutants, 40 CFR 61, Subpart M) regulation, OSHA (Occupational Safety and Health Administration) asbestos regulations (29 CFR 1910.1001, adopted by the State of Michigan through multiple P.A. Acts), and the Michigan Department of Transportation.

REPORT PREPARED BY:

Raymond Signs
Director of Operations
Asbestos and Environmental Hygiene

APPENDIX A

SAMPLE ANALYSES

[redacted]
Fibertec
Environmental
Services

NVLAP Accreditation 101510

Report Number 11038-1
Date Issued 11/29/95
Client P.O.# N/A
Bulk Sample Analytical Report

Attention: Grant Gartrell
MALCOM PIRNIE
411-C W. Lake Lansing Rd
East Lansing MI 48823

Project:
770 ADAMS, BIRMINGHAM, MI, 7 BULK SAMPLE ANALYSIS.

Bulk samples are analyzed utilizing the USEPA "Interim Method for the Determination of Asbestos in Bulk Insulation Samples". The constituent percent reported represents an estimate of the area percent of the component. The test report relates only to items tested. This report is not intended to be used as a product endorsement by NVLAP or any agency of the U.S. Government.
*No asbestos present indicates less than 1% asbestos mineral present.

Description-Location	*Asbestos Present <Y/N>	Asbestos Type	Percent Asbestos	Non-Asbestos Containing Portion
WHITE, FIBROUS MATRIX, LOWER ELBOW, NEAR AIR UNIT, MAIN ROOM. Sample Number----> 01	Y	CHRYSOTILE	25	55% NON-FIBROUS MATTER 15% MINERAL WOOL 5% CELLULOSE FIBERS Analyst Name--> RAY SIGNS
GRAY, CEMENTITIOUS MATERIAL, PLASTER, ON RISER DECK, CEILING, MECHANICAL ROOM. Sample Number----> 02	N	----------	-----	100% NON-FIBROUS MATTER Analyst Name--> RAY SIGNS
RED TILE, 12" X 12" FAKE BRICK. Sample Number----> 03	N	----------	-----	90% NON-FIBROUS MATTER 10% CELLULOSE FIBERS Analyst Name--> RAY SIGNS
GRAY MATRIX WITH WHITE FINISH, 2' X 2' ETCHED CEILING TILE, 2ND FLOOR. Sample Number----> 04	N	----------	-----	70% MINERAL WOOL 30% NON-FIBROUS MATTER Analyst Name--> RAY SIGNS

2280 Aurelius Road Holt, Michigan 48842 Telephone: (517) 699-0345 Facsimile: (517) 699-0388
29300 Wall Street Wixom, Michigan 48393 Telephone: (810) 348-5598 Facsimile: (810) 348-4896

Fibertec
Environmental
Services

NVLAP Accreditation 101510

Report Number 11038-1
Date Issued 11/29/95
Client P.O.# N/A
Bulk Sample Analytical Report

Attention: Grant Gartrell
MALCOM PIRNIE
411-C W. Lake Lansing Rd
East Lansing MI 48823

Project:
770 ADAMS, BIRMINGHAM, MI, 7 BULK SAMPLE ANALYSIS.

Bulk samples are analyzed utilizing the USEPA "Interim Method for the Determination of Asbestos in Bulk Insulation Samples". The constituent percent reported represents an estimate of the area percent of the component. The test report relates only to items tested. This report is not intended to be used as a product endorsement by NVLAP or any agency of the U.S. Government.
*No asbestos present indicates less than 1% asbestos mineral present.

Description-Location	*Asbestos Present <Y/N>	Asbestos Type	Percent Asbestos	Non-Asbestos Containing Portion
TAN MATRIX WITH WHITE FINISH, 2' X 2' STUCKO TEXTURED CEILING TILE, 2ND FLOOR.	N	----------	-----	55% NON-FIBROUS MATTER 30% CELLULOSE FIBERS 15% MINERAL WOOL
Sample Number----> 05		Analyst Name--> RAY SIGNS		
WHITE MATRIX, SHEET ROCK, SUITE 107.	N	----------	-----	92% NON-FIBROUS MATTER 8% CELLULOSE FIBERS
Sample Number----> 06		Analyst Name--> RAY SIGNS		
GRAY MATRIX WITH WHITE FINISH, 2' X 2' ETCHED CEILING TILE, 3RD FLOOR, OUTSIDE SUITE 300.	N	----------	-----	45% NON-FIBROUS MATTER 35% CELLULOSE FIBERS 20% MINERAL WOOL
Sample Number----> 07		Analyst Name--> RAY SIGNS		

Laboratory Supervisor

2280 Aurelius Road Holt, Michigan 48842 Telephone: (517) 699-0345 Facsimile: (517) 699-0388
29300 Wall Street Wixom, Michigan 48393 Telephone: (810) 348-5598 Facsimile: (810) 348-4896

MALCOLM PIRNIE

TELEPHONE RECORD

DATE: 11/29/95 TIME: 4:45pm

TO/(FROM:) Raymond Sigus TELEPHONE #: 5176990345

AFFILIATION: Fibertech

PROJECT NAME/NUMBER: Shannon Properties

SUBJECT: ACM Survey

BRIEF DISCUSSION:

Ray said that the results of the ACM survey concluded that samples of the plumbing joints w/ insulation in the downstairs mechanical room had ACM in the insulation.

The # of joints = 30-45 (estimate)

Joints being tees, elbows, couplings

SIGNATURE: Grantt Gartrell PAGE 1 OF 1

C:\FORMS\PHONEREC.DLK REVISED 6/26/92 BLS

Appendix B

PM ENVIRONMENTAL Environmental & Engineering Services

Photographs From Site Reconnaissance
Taken by Mr. Tyler Maraskine on November 13, 2018
PM Project No. 01-10175-1-0002
Location: 770 South Adams Road, Birmingham, Michigan

Photograph 1

Exterior View of Subject Property

Photograph 2

View of HA7:

Assumed Asbestos Containing Tagged Metal Fire Door

Photographs From Site Reconnaissance
Taken by Mr. Tyler Maraskine on November 13, 2018
PM Project No. 01-10175-1-0002
Location: 770 South Adams Road, Birmingham, Michigan

Photograph 3

View of HA8:

Residual Cove Base Adhesive

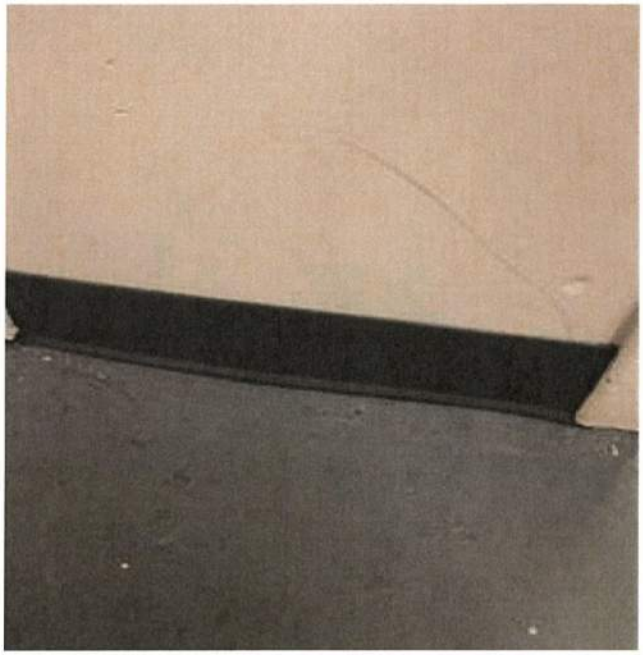
Photograph 4

View of HA9:

Asbestos Containing Orange Mottled 12" x 12" Floor Tile and Non Asbestos Containing Mastic

Photographs From Site Reconnaissance
Taken by Mr. Tyler Maraskine on November 13, 2018
PM Project No. 01-10175-1-0002
Location: 770 South Adams Road, Birmingham, Michigan

Photograph 5



View of HA10:

Grey Cove Base and Adhesive

Photograph 6

View of HA11:

2' x 4' Suspended Ceiling Tile – Pinholes and Small Gouges

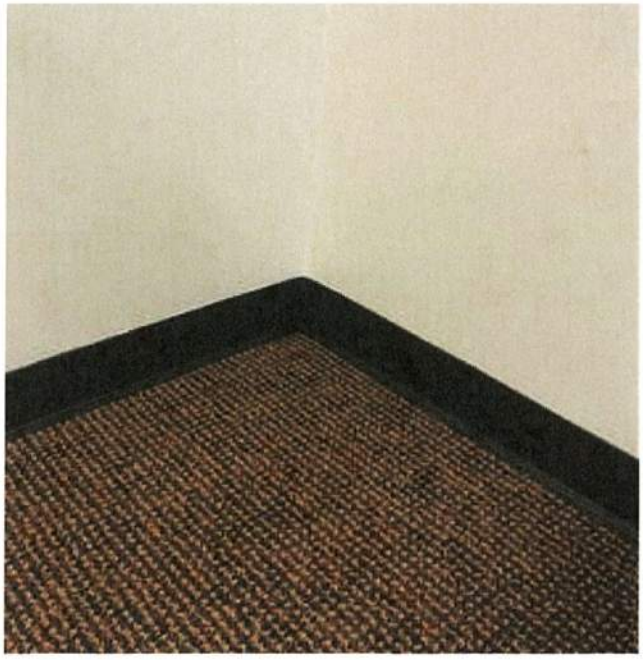
Photographs From Site Reconnaissance
Taken by Mr. Tyler Maraskine on November 13, 2018
PM Project No. 01-10175-1-0002
Location: 770 South Adams Road, Birmingham, Michigan

Photograph 7

View of HA12:

Yellow Carpet Adhesive

Photograph 8



View of HA13:

Black Cove Base and Adhesive

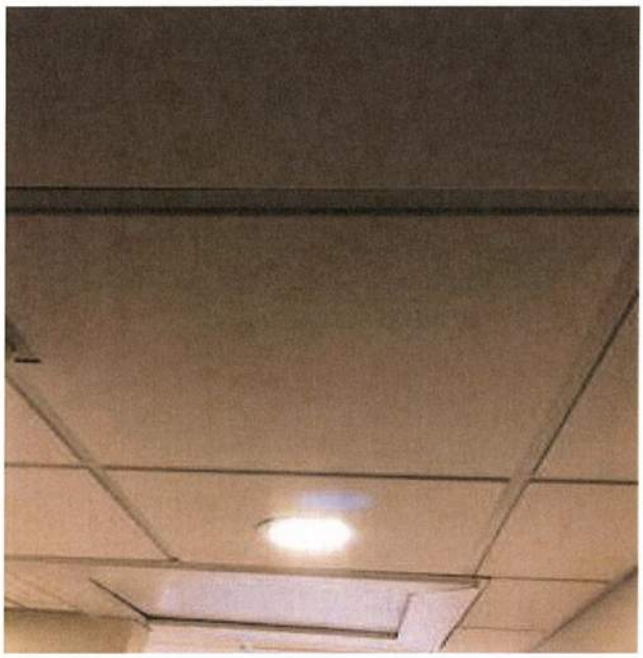
Photographs From Site Reconnaissance
Taken by Mr. Tyler Maraskine on November 13, 2018
PM Project No. 01-10175-1-0002
Location: 770 South Adams Road, Birmingham, Michigan

Photograph 9

View of HA14:

2' x 2' Suspended Ceiling Tile – Pinholes and Small Gouges

Photograph 10



View of HA15:

2' x 2' Suspended Ceiling Tile – Semi-Smooth Texture

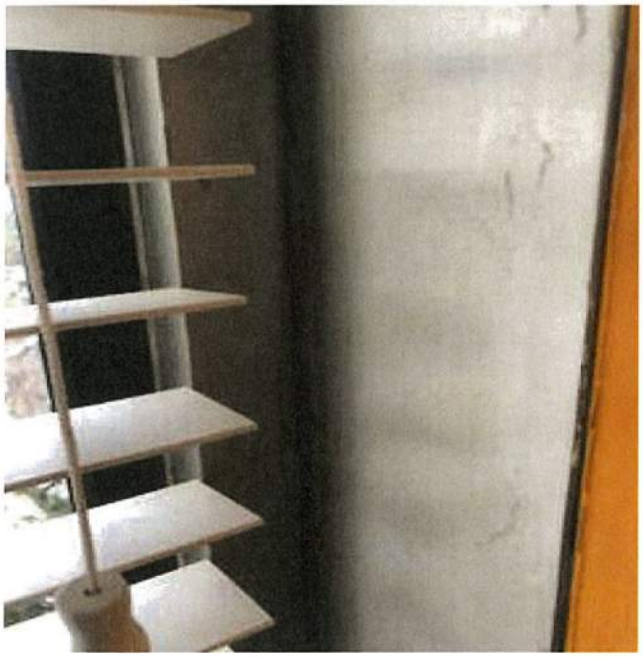
Photographs From Site Reconnaissance
Taken by Mr. Tyler Maraskine on November 13, 2018
PM Project No. 01-10175-1-0002
Location: 770 South Adams Road, Birmingham, Michigan

Photograph 11

View of HA16:

2' x 4' Suspended Ceiling Tile – Pinholes and Medium Gouges (2' Pattern)

Photograph 12



View of HA17:

Asbestos Containing Interior Seam Caulk Associated with Vertical Beams

Photographs From Site Reconnaissance
Taken by Mr. Tyler Maraskine on November 13, 2018
PM Project No. 01-10175-1-0002
Location: 770 South Adams Road, Birmingham, Michigan

Photograph 13

View of HA18:

Grey Sink Undercoating

Photograph 14

View of HA19:

Exterior Building Caulk

Appendix C

PM ENVIRONMENTAL Environmental & Engineering Services

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report
0211466

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	PM ENVIRONMENTAL	Job# / P.O. #:	01-10175-1-0002
Address:	3340 RANGER ROAD	Date Received:	11/16/2018
	LANSING MI 48906	Date Analyzed:	11/21/2018
Collected:	11/13/2018	Date Reported:	11/21/2018
Project Name:	770 S. ADAMS RD.,	EPA Method:	EPA 600/R-93/116
Address:	BIRMINGHAM, MI	Submitted By:	TYLER MARASKINE
		Collected By:	

Lab ID / Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type	(%)	Non-Asbestos Constituents	
0211466-001 HA8-1	BOILER RM	Covebase Adhesive, Brown	No	None Detected		Cellulose Fiber	1%
						Quartz	
						Carbonates	
						Binder/Filler	99%
0211466-002 HA9-1	BOILER RM CLOSET	LAYER 1 12"x12" Floor Tile, Orange Muddled	Yes	Chrysotile	3%		
						Carbonates	
						Quartz	
						Binder/Filler	97%
		LAYER 2 Mastic, Black	No	None Detected		Cellulose Fiber	2%
						Quartz	
						Carbonates	
						Binder/Filler	98%
0211466-003 HA10-1	BOILER RM	LAYER 1 Cove Base, Gray	No	None Detected			
						Carbonates	
						Quartz	
						Binder/Filler	100%
		LAYER 2 Adhesive, Gray	No	None Detected		Cellulose Fiber	<1%
						Carbonates	
						Binder/Filler	99%
0211466-004 HA11-1	SUITE 104	2'x4' SCT, White/ Beige	No	None Detected		Cellulose Fiber	60%
						Mineral Wool	20%
						Carbonates	
						Perlite	
						Binder/Filler	20%
0211466-005 HA12-1	SUITE 104	Carpet Adhesive, Yellow	No	None Detected		Synthetic Fiber	<1%
						Quartz	
						Carbonates	
						Binder/Filler	99%

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report
0211466

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	PM ENVIRONMENTAL	Job# / P.O. #:	01-10175-1-0002
Address:	3340 RANGER ROAD	Date Received:	11/16/2018
	LANSING MI 48906	Date Analyzed:	11/21/2018
Collected:	11/13/2018	Date Reported:	11/21/2018
Project Name:	770 S. ADAMS RD.,	EPA Method:	EPA 600/R-93/116
Address:	BIRMINGHAM, MI	Submitted By:	TYLER MARASKINE
		Collected By:	

Lab ID / Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type	(%)	Non-Asbestos Constituents	
0211466-006 HA13-1	2ND FL SE SUITE	LAYER 1 Cove Base, Black	No	None Detected		Carbonates Quartz Binder/Filler	100%
		LAYER 2 Adhesive, Yellow	No	None Detected		Cellulose Fiber	1%
						Quartz Gypsum Binder/Filler	99%
0211466-007 HA14-1	2ND FL SE SUITE	2'x2' SCT, White/ Beige Note: Pinholes & Gouges	No	None Detected		Cellulose Fiber	40%
						Mineral Wool	40%
						Carbonates Perlite Binder/Filler	20%
0211466-008 HA15-1	3RD FL MEN'S RESTRM	2'x2' SCT, White/ Beige Note: Smooth Texture	No	None Detected		Cellulose Fiber	40%
						Mineral Wool	40%
						Carbonates Perlite Binder/Filler	20%
0211466-009 HA16-1	3RD FL SUITE	2'x4' SCT, White/ Beige Note: Pinholes & Small Gouges	No	None Detected		Cellulose Fiber	70%
						Mineral Wool	10%
						Carbonates Perlite Binder/Filler	20%
0211466-010 HA17-1	3RD FL SUITE	Interior Seam Caulk, Gray	Yes	Chrysotile	10%	Carbonates Quartz Binder/Filler	90%
0211466-011 HA18-1	3RD FL SUITE	Sink Undercoating, Gray	No	None Detected		Cellulose Fiber	2%
						Quartz Carbonates Binder/Filler	98%

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Address:	BIRMINGHAM, MI	Submitted By:	TYLER MARASKINE
		Collected By:	

Lab ID / Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents	
0211466-012 HA19-1	EAST SIDE WINDOW/METAL PANEL	Exterior Caulk, Gray	No	None Detected	Fibrous Glass	2%
					Carbonates	
					Quartz	
					Binder/Filler	98%

Analyst - Johann Hofer

Signatory - Lab Director - Kurt Kettler

Page 1 of 1

12 pak

CHAIN OF CUSTODY

EMC Labs, Inc.
9830 S. 51ST St., Ste B-109
Phoenix, AZ 85044
(800) 362-3373 Fax (480) 893-1726

LAB#: 211466
TAT: 3 Day
Rec'd: EMC USE ONLY 11 16 PM

COMPANY NAME: PM ENVIRONMENTAL
3340 Ranger Road
Lansing, MI 48906
CONTACT: Tyler Maraskine
Phone/Fax: (517) 485-3333 / (517) 323-7228
Email: THS @pmenv.com

BILL TO: SAME (If Different Location)

COMPLETE ITEMS 1-4: (Failure to complete any items may cause a delay in processing or analyzing your samples)

1. **TURNAROUND TIME:** [4hr rush] [8hr rush] [1-Day] [2-Day] (3-Day) [5-Day] [6-10 Day]
2. **TYPE OF ANALYSIS:** (Bulk-PLM) [Air-PCM] [Lead] [Point Count] [Fungi: AOC, W-C, Bulk, Swab, Tape]
3. **DISPOSAL INSTRUCTIONS:** (Dispose of samples at EMC) / [Return samples to me at my expense]
(If you do not indicate preference, EMC will dispose of samples 60 days from analysis.)

4. Project Name: 770 S Adams Rd, Birmingham, MI
P.O. Number: _____ Project Number: 01-10175-1-CXX2

EMC SAMPLE #	CLIENT SAMPLE #	DATE SAMPLED	LOCATION/MATERIAL TYPE	Samples Accepted Yes / No
1	HA 8-1	11-13-18	Residual Cove Base Adhesive / Boiler Room	(Y) N
2	HA 9-1		12"x12" FT & Mastic - orange Mottled / Boiler Room	(Y) N
3	HA 10-1		Grey Cove Base & Adhesive / Boiler Room	Y N
4	HA 11-1		2'x4' SCT - Pinholes & Small Gouges / Suite 104	Y N
5	HA 12-1		Yellow Carpet Adhesive / Suite 104	Y N
6	HA 13-1		Black Cove Base & Adhesive / 2nd Floor SE Suite	Y N
7	HA 14-1		2'x2' SCT - Pinholes & Small Gouges / 2nd floor SE Suite	Y N
8	HA 15-1		2'x2' SCT - Semi-Smooth Texture / 3rd floor Men's Restroom	
9	HA 16-1		2'x4' SCT - Pinholes & Medium Gouges (2' Pattern) / 3rd Floor Suite	
10	HA 17-1		Interior Seam Caulk Associated w/ Vertical Beams / 3rd Floor Suite	
11	HA 18-1		Grey Sink Undercoating / 3rd floor Suite	Y N
12	HA 19-1		Exterior Building Caulk / East Side Windows / Metal Panel	(Y) N
				Y N
				Y N
				Y N
				Y N
				Y N
				Y N
				Y N
				Y N

SPECIAL INSTRUCTIONS: _____

Sample Collector: (Print) Tyler Maraskine (Signature) _____

Relinquished by: _____ Date/Time: 11-14-18 12:00 Received by: Diana Federico Date/Time: 11/16/18

Relinquished by: Diana Federico Date/Time: 11/16/18 Received by: _____ Date/Time: 11-16-18

** In the event of any dispute between the above parties for these services or otherwise, parties agree that jurisdiction and venue will be in Phoenix, Arizona and prevailing party will be entitled to attorney's fees and court costs.

Rev. 09/01/08

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Department

DATE: **November 8, 2019**

TO: **Planning Board**

FROM: **Jana Ecker, Planning Director**

SUBJECT: **D5 Study – Downtown Overlay District**

At the July 10, 2019 Planning Board meeting, the owner of the properties at 469 – 479 S. Old Woodward submitted an application requesting an amendment to the Zoning Ordinance and/or Zoning Map. Specifically, the applicant requested that the Planning Board address the following issues and suggest any zoning amendments necessary to do so:

1. Clarify the applicable standards to determine building height in the D5 Zone;
2. Clarify the meaning of "immediately adjacent or abutting"; and
3. Determine which properties to consider, if any, for rezoning to the D5 zoning

At that meeting, the Planning Board reviewed the application and supporting documentation submitted by the applicant, as well as the Planning Division memo addressing each of the three issues noted above. Both the application and the staff memo are attached for your review. The Planning Board reviewed the findings and recommendations in the staff memo. After much discussion, the Planning Board recommended having DPZ CoDesign conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward and Woodward Avenue. The study was to make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors. The Planning Board also discussed conducting massing studies in the study area to determine the impact of any parcels recommended for rezoning to D5.

Accordingly, the Planning Division forwarded the Planning Board's request for a D5 study to the City Manager for authorization to proceed. The City Manager approved the request, and the City obtained a proposal from DPZ to conduct the study. The D5 Study completed by DPZ CoDesign, dated September 5, 2019 is attached for your review and discussion.

On September 11, 2019, the Planning Board reviewed the D5 Study completed by DPZ CoDesign. The D5 Study contains a massing study of the subject block and surrounding properties, as well as a detailed analysis of the current and recommended zoning for properties within the block. The D5 Study's recommendation is "that all properties within the study area should be eligible for rezoning to D5, with the potential exception of the Ford-Peabody Mansion for considerations related to preservation" (D5 Study, DPZ CoDesign, September 5, 2019, p. 9). This recommendation is consistent with the previous discussion of the Planning Board at the July 10, 2019 meeting. After much discussion, the Planning Board requested additional illustrations

showing the massing of the study area if the area was rezoned to D5 from DPZ for inclusion in the D5 Study. In addition, board members requested that potential ordinance language address how streets and alleys would play into the definition of abutting, and provide a definition of abutting for review, looking at definitions used by other cities.

Accordingly, please find attached an updated D5 study that contains the massing illustrations using the D5 zoning that were requested by the board. In addition, please find attached draft ordinance language for your review and consideration to clarify the proximity requirements to existing D5 properties as abutting and to add a definition for abutting. Definitions of abutting used in other cities are provided, along with many dictionary definitions previously reviewed in July 2019.

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, OVERLAY DISTRICTS, SECTION 3.04(A) TO AMEND THE BUILDING HEIGHT STANDARDS IN THE D5 ZONE OF THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT.

Article 3, section 3.04 (A) of the Zoning Ordinance:

> New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing **building on a directly abutting** D5 Zone **property,** ~~to which they are immediately adjacent or abutting~~ if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit. **For the purposes of this section, private properties separated by public property (including public right-of-way and public vias), will not be deemed abutting.**

ORDAINED this _____ publication day of_____, 2019 to become effective 7 days after publication.

_____
Patty Bordman, Mayor

_____
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, DEFINITIONS, SECTION 9.02 TO DEFINE THE TERM ABUTTING.

<u>Abutting</u>: Sharing a boundary or property line.

ORDAINED this _____ publication day of_____, 2019 to become effective 7 days after publication.

_____
Patty Bordman, Mayor

_____
Cheryl Arft, Acting City Clerk

Sample Definitions from Other Communities

Alexandria, VA

All property that touches the property in question and any property that directly faces (and, in the case of a corner lot, diagonally faces) the property in question.

Laquinta, CA

"Abutting" or **"adjacent"** means two or more parcels sharing a common boundary at one or more points.

Montgomery County, MD

Abutting: properties that share a property line or easement

NYC, NY

"Abut" is to be in contact with or join at the edge or border.

San Carlos, CA

"Abutting" or "adjoining" means having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.

Institute for Local Government

Abutting. Having property or zone district boundaries in common; for example, two lots are abutting if they have property lines in common.

City Commission Minutes
March 11, 2019

PUBLIC HEARING TO CONSIDER THE REZONING OF 469 – 479 S. OLD WOODWARD FROM B3/D4 TO B3/D5

Mayor Bordman suggested the Commission consider including this property in the Parking Assessment District (PAD) before considering whether to rezone the property, since they are separate considerations.

Commissioner DeWeese supported Mayor Bordman's suggestion.

Commissioner Hoff said she was unsure whether the issues were actually separate, since the parking requirements for a property are partially dependent on whether the property is part of the PAD.

Mayor Bordman advised that the contractor's decisions vis-a-vis parking may change if the property is included in the PAD, but the Commission's decision on how to zone the property will not, and as a result should be considered separately.

Agreeing with Mayor Bordman, Commissioner Sherman suggested the entire discussion of this property's potential inclusion in the PAD be moved to a later date so as not to confuse this evening's public hearing on rezoning.

Commissioner DeWeese opined that if the Commission sends the possibility of this property's inclusion in the PAD to the Advisory Parking Committee (APC) for further study, it clarifies the topic of the evening's public hearing in the same way Commissioner Sherman intended.

Mayor Bordman sought comment from the Commission on whether this property's potential inclusion in the PAD should be sent to the APC for further study.

Mayor Pro Tem Boutros said the question of this property's inclusion in the PAD is an important subject and he would be comfortable voting on the issue separately this evening.

Commissioner Harris agreed with Commissioner Sherman and said he would like to see more thorough information from staff before the Commission decides whether to refer the question to the APC.

Commissioner Nickita said this will end up before the APC, so it would be most efficient to move the PAD question for their study now.

Commissioner Sherman opined that this discussion was inappropriate in both timing and procedure. He said that not only does this conversation have nothing to do with

the current rezoning request, but the onus for requesting a property's inclusion in the PAD is on the property owner, not the City.

The Commission took no action on the question of the property's inclusion in the PAD, and Mayor Bordman affirmed it would not be part of the evening's discussions.

Mayor Bordman noted for the record that the City received a confirmed petition from the property's neighbors. As a result, according to state statute, the motion to re-zone would have to pass with a ¾ vote, meaning six out of the seven Commissioners approving.

Mayor Bordman then gave a review of public hearing procedure and opened the public hearing at 7:59 p.m.
Planning Director Ecker presented the proposed rezoning. <u>Clarifications/Comments</u>
Commissioner Nickita stated Birmingham Place, in terms of space which can be occupied, is 98'
2" tall. The mechanicals bring the height of the building up to 114' 4". This makes Birmingham Place 18' 2" taller in eave height than the allowable D4 height.

Planning Director Ecker explained:

- **The on-site parking requirements do not change between D4 and D5.**
- **A D4 zoned building has a five-story and 80' maximum, including all mechanicals. If a property in the D4 district wanted to go to six stories and 80', the property would have to receive a variance from the Board of Zoning Appeals (BZA).**
- **Any building zoned D5 is subject to a Special Land Use Permit (SLUP) over five stories or 80'.**
- **Any Birmingham property owner can apply for any zoning classification, but it does not mean the owner will be granted approval for the rezoning.**
- **Buildings in the downtown overlay district have a maximum overall height, which**
  includes mechanical height.
- **The City has increased flexibility in influencing the design, development and use of buildings zoned D5 through the SLUP requirement, once the building is over five stories or 80'.**

Rick Rattner, attorney for the applicant, presented the rezoning request. The presentation began with a four-minute video excerpt from the July 8, 2015 Planning Board (PB) meeting. Mr. Rattner said:

- **The Planning Board considered the matter of the D5 zoning designation very carefully, as the video excerpt demonstrated. He reviewed the Board's process for creating the D5 designation, adding that new construction was anticipated as a result of the D5 zoning classification.**
- **This is clearly not an instance of spot-zoning, since spot-zoning entails changing one building to be zoned differently from the surrounding properties, allowing permitted uses that are inconsistent with the area, and is an unreasonable classification. None of those conditions are present in the subject**

rezoning request. The proposed rezoning would make this building the same as the surrounding properties, have similar use to the surrounding buildings, and would be a reasonable classification change.

- **Rezoning 469 - 479 S. Old Woodward to D5 fits the Master Plan by allowing for the**
  building of aesthetically similar buildings in the downtown in order to encourage a sense of place. While the property owner could build a D4-compliant building, this would result in the owner of the property not being able to enjoy the same rights of usage that the adjacent buildings enjoy.
- **If Birmingham Place or the 555 Building had owned 469 - 479 S. Old Woodward at the time the D5 zoning designation was created, it is likely the 469 - 479 S. Old Woodward property would have been rezoned to D5 at the time as well. Mr. Rattner cited the 555 Building's pursuit and eventual receipt of a D5 rezoning of the vacant lot to the south of the property.**
- **The 469 - 479 S. Old Woodward lot is unusual in that it is long, narrow, and neither part of the PAD nor adjacent to any building that is part of the PAD. To not rezone this parcel would be to leave it as a D4 island surrounded by two D5 buildings.**
- **Part of the due diligence done in purchasing this parcel was understanding the City ordinance could potentially permit the rezoning of this parcel to D5. Purchasing the parcel with the intent to request its rezoning was appropriate and in-line with the intention of the D5 zoning ordinance.**
- **The applicant is not pursuing entry into the PAD because of their distance from the**
  relevant parking decks.

Mayor Bordman made clear that the current issue before the Commission is whether to rezone the parcel to D5, and not any consideration of what might be built on the parcel. She emphasized that the focus must remain on whether rezoning the parcel is appropriate for the City as a whole.

Mayor Bordman also noted that the building to the south of 469 - 479 S. Old Woodward is 77½` tall, which is 2½' shorter than the permitted height for a D4 building.

Mr. Rattner replied that the height of the closest building to the 469 - 479 S. Old Woodward parcel is 114'. He suggested it is more appropriate to compare the parcel to the buildings directly abutting it, rather than to the building across the street. He added that the 77½' building being reference is zoned D5, and if they were approved for a SLUP could build higher because of that zoning.

Mayor Bordman invited members of the public to speak.

Mr. Rattner spoke once more, stating an objection to the submitted petition since he and the applicant have not yet had an opportunity to review its contents.

Mayor Bordman thanked Mr. Rattner for his comments.

Susan Friedlaender, attorney at Friedlaender Nykanen & Rogowski, said the excerpt Mr. Rattner presented from the July 8, 2015 PB meeting was irrelevant because the minutes from a PB meeting in January 2016 reflect the PB was unable to reach consensus about D5 zoning. At that time the PB decided to address the non-conforming aspects of the 555 Building and not the whole surrounding area. Ms. Friedlaender continued:

- **At the July 26, 2016 City Commission meeting, a motion was passed "to review the non- conformance provisions pertaining to commercial buildings to provide specific requirements considering a new zoning category or categories that allow for changes to non-conforming buildings for the maintenance and renovation of existing buildings consistent with those permitted for residential buildings and structures."**
- **The reason the applicant asked for the rehearing from the PB was because the PB failed to recognize the applicant was not in the PAD.**
- **The Master Plan recognizes that building height varies within the City, and the standard is that the maximum building height should be based on the smaller buildings in proximity.**

Michele Prentice, property manager at Birmingham Place, said a number of condominiums sold in the building were partially purchased on the assurance that the parcel at 469 - 479 S. Old Woodward could not be built over five stories, and thus would not significantly obstruct southern sun or views even when developed. She continued:

- **The effect of the proposed rezoning on the south-facing condominiums is already**
  apparent, as one was taken off the market with no offers and two have been on the market for over 120 days, when in the last four years condominiums in Birmingham Place were on the market for less than 35 day.
- **Sales of condominiums in other parts of the building have not fared better.**
- **A sixteen-year office tenant of Birmingham Place informed Ms. Prentice he would not be renewing his lease because he did not want his view to be obstructed by a hotel.**
- **Continued slow residential sales and rentals will decrease the taxable value of Birmingham Place and decrease tax revenue received by the City. The current taxable value of Birmingham Place is estimated at $36 million which generates an estimated**
  $1.6 million in yearly property taxes to the City.
- **Birmingham Place has 146 residential units.**

Patrick Howe, attorney representing the Birmingham Place Commercial Condo Association, said:

- **The Commission has to determine whether the whole of the downtown overlay district should be eligible to go from D4 to D5.**
- **The record reflects that this matter has only been considered by the Commission for a cumulative 18 minutes prior to this evening, in the context of discussing the applicability of the D5 ordinance to three non-conforming buildings.**

- **Birmingham's Master Plan speaks to compatible building heights, not whether it is appropriate for buildings to be built taller than five stories.**
- **According to Planning Director Ecker, the height maximum for a building zoned D5 on the 469 - 479 S. Old Woodward parcel would be 15 stories. In addition, Planning Director Ecker indicated that buildings across the street can be considered adjacent for the purpose of determining height maximums. Given this, many more parcels could reasonably argue for a D5 rezoning, which would change the look of Woodward Ave.**
- **It would be most appropriate to explore the potential ramifications during the City's planning process rather than exclusively during the consideration of the rezoning of a single parcel.**

Bob Clemente of 411 S. Old Woodward advised the Commission that he owns a couple of condominiums in Birmingham Place, and works in a Birmingham Place office where his employer has been a tenant since around 1985. Mr. Clemente agreed with Mr. Howe. He added:

- **The goal of the 2016 Plan was to strengthen the spatial and architectural character of the downtown area in mass and scale with the immediate surroundings and the downtown tradition of two- to four- story buildings.**
- **Rezoning the 469 - 479 S. Old Woodward parcel stands to have an intensely negative impact on Birmingham Place over an eighteen-foot height difference.**
- **The applicant and their representative have made it clear that the building would be viable if they kept the D4 zoning on the parcel in question, but just prefer it to be D5.**

Jason Abel, attorney for the Birmingham Place Development Master Association, said:

- **The implications of 7.02(b)(5)(d) and 7.02(b)(2)(b)(1) would be the focus of his comments.**
- **The PB recommended the Commission consider the rezoning by a 4-3 vote, with two of the dissenting members asking why the rezoning would be required for enjoyment of use. Mr. Abel asserted they were not provided with an answer to that inquiry because the rezoning is not, in fact, necessary for the enjoyment of use.**
- **City staff reports show no finding of fact that would allow for the legitimate support of the applicant on this issue. The findings of fact only noted that under the current zoning classification all the same uses are permitted as under the D5 classification, and that the building is not part of the PAD.**
- **He challenges the applicant to prove that the property cannot be used under the D4 classification, as that is the fundamental consideration of 7.02(b)(2)(b)(1).**

Mr. Rattner argued that rezoning should be considered based on whether it is necessary in order to bestow the rights and usage common to an adjacent property to the property in question, which is not what the City ordinance says. The question the ordinance actually addresses is whether the current zoning allows for the enjoyment of property ownership.

Mickey Schwartz of Birmingham Place said the City's previous plans intentionally limited building height, and this matter should be considered as part of the current Master Planning process. He noted that a number of other buildings in the area have conformed to their D4 zoning and it has not been a problem for them.

Richard Huddleston, vice-president of Valstone Asset Management and office tenant at 260 E. Brown, explained that from November 2010 - December 2017 Valstone owned the commercial space at Birmingham Place. He continued:

- **Valstone rescued the commercial space at Birmingham Place from foreclosure by purchasing the note, renovating the building, and turning it into one of the most desirable business addresses in southeastern Michigan.**
- **When 469 - 479 S. Old Woodward was on the market, he was approached by the real estate brokers to purchase the property. After running the numbers, he determined that the only way to make the parcel profitable would be to significantly obscure the southern view for the tenants of Birmingham Place, and he found that he would not in good conscience be able to do that.**

Karl Sachs of 666 Baldwin Ct. said he would be concerned about the domino effect of granting D5 zoning to this parcel and other buildings along Woodward pursuing the same height increases through their own subsequent requests for rezoning.

Anthony Yousaif, one of the developers of the 469 - 479 S. Old Woodward parcel, yielded his time to Duraid Markus.

Duraid Markus introduced himself as one of the partners in the 469 - 479 S. Old Woodward development. Mr. Markus said:

- **The project went back to the PB because the developers were unsure whether a D5 zoning allowed for the expansion of buildings, not only because the building had not been appropriately described as being outside of the PAD.**
- **City Attorney Currier had already opined that the parcel is eligible for D5 rezoning.**
- **When he considered purchasing the parcel, research into the City ordinances indicated rezoning should be possible subject to the owners entering into a SLUP.**
- **There are no other buildings in Birmingham where the middle building is zoned differently from the buildings on the left and the right.**
- **Rezoning to D5 would allow the proposed building to be stepped back, which would minimize the impact on Birmingham Place. Leaving the zoning at D4 would require the building to be built up to the lot line, resulting in far more obstruction for south-facing Birmingham Place tenants.**
- **The domino effect concern with rezoning leading to more rezoning is a red herring.**
- **Considering the loss of flexibility a developer experiences when agreeing to a SLUP. In many cases it is more likely that a developer would find it more beneficial to remain in D4 than to agree to a SLUP.**

Alice Lezotte, a Birmingham Place resident, said that Birmingham Place is a vertical neighborhood and entreated the Commissioners to consider it as such, keeping in

mind what they would want for their horizontal neighborhoods. She explained this discussion is a matter of quality of life, air, space, noise, and safety for the residents of Birmingham Place.

Fred Lavery, owner of the Audi Dealership on Woodward in Birmingham, said that as a business owner who has been party to SLUPs with the City he believes Mr. Markus is correct in saying that the City gains control by rezoning the parcel to D5 because of the SLUP requirement. The Triangle District, which is designed with consideration of New Urbanism, requires building heights from five to nine stories, meaning the precedent for taller buildings has already been set in Birmingham.

Paul Reagan, 997 Purdy, said he had occasion to attend the PB meeting on adjacent buildings and recalled it being said that it was nothing more than cleaning house for the two non- conforming buildings. The 555 Building and Birmingham Place are aberrations in Birmingham planning, not an appropriate standard. Mr. Reagan shared concern that this is an attempt to get a parcel rezoned in a way that would no longer be possible after the community has its say as part of the upcoming Master Planning process, and he urged the Commission not to let it go through. He asked the Commission to send the issue back to the PB with a focus on respecting the 2016 Plan and figuring out the issue of shared parking for the parcel.

Mayor Bordman closed the public hearing at 9:42 p.m.

Commissioner Hoff explained that she understood Birmingham Place residents' concerns, but the decision before the Commission is the rezoning of a parcel, not how that rezoning might affect the residents of Birmingham Place. She continued:

- **Rezoning the parcel to D5 would not significantly change or benefit the streetscape versus a D4 parcel, despite the applicant's assertion that it would.**
- **When the PB determined which buildings would be part of the D5 zone, the decision specifically applied to those buildings. The ordinance specifies that it is "to allow for the extension or enlargement of existing legal non-conforming commercial buildings."**
- **She is concerned about setting a precedent for further D5 zoning. The condition of buildings of different heights in Birmingham already exists, and Birmingham is a beautiful city with it.**
- **Section 7.02(b)(2) states that rezoning must be proven necessary for the preservation and enjoyment of rights of usage, and she was not convinced that it is necessary.**
- **She would not be voting in favor of the rezoning.**

Commissioner DeWeese said he did not understand the D5 zoning designation to be applicable to any buildings beyond the specific non-conforming buildings for which the designation was designed. He said he was not convinced the zoning needed to be changed for enjoyment of use, and that the 555 Building seems to be made up of two buildings, the shorter of which would be more appropriate to determine the height to which the proposed building at 469 – 479 Old Woodward could go. While he said he would consider other points, at this time Commissioner DeWeese indicated he would not be voting to approve the rezoning.

Commissioner Sherman said the question of what buildings and areas would be appropriately included in the D5 zoning area, with specific attention from Haines to Brown, should be sent back to the PB with a request for a definitive answer. No action should be taken on the motion because it is too related to the potential development in this case.

Commissioner DeWeese said he would be comfortable sending this back to the PB with the request that they pay particular attention to the issues broached this evening. He added that he was not comfortable with the 4-3 vote by the PB and would like more unanimity in their recommendation.

Mayor Bordman said she was not in favor of sending the matter back to the PB. She noted all the information the Commission had been provided with in order to make a decision and said it would not be appropriate to delay.

Commissioner Nickita said:

- **The 200-foot right-of-way of the Woodward Corridor between the 555 Building and Birmingham Place on the west side and the west side of the Triangle District on the east side has been intentionally planned and developed as a high-density area.**
- **While the Downtown Overlay has always adhered to buildings that are no more than five stories in height, the Woodward Corridor has been built with taller buildings. For this reason, rezoning the parcel at 469 - 479 S. Old Woodward to D5 would not establish a precedent for the buildings in the Downtown Overlay. The D4 parcel in question is anomalous among the other buildings along the Woodward Corridor.**
- **The City has much more influence on any development at 469 - 479 S. Old Woodward if they change the zoning to D5 because of the SLUP requirement.**
- **The Citywide Master Plan is a broad view, and as such will not focus on specific zoning details like the question currently before the Commission.**
- **The ability to update non-conforming properties or parcels was the intention of the D5 classification. The ordinance was supposed to refer to whatever property is closest to the property in question in order to determine the maximum height. Because the ordinance language seems not to be clear on the issue, it would be inappropriate to vote on this since the definition of 'adjacent and abutting' is being interpreted more broadly than may have been originally intended. The point in the D5 ordinance language should be clarified so that an 'adjacent' building cannot be interpreted as a building across the street.**

Mayor Pro Tem Boutros said he would like to see this studied as part of the Master Planning process.

Commissioner Harris said he agrees with Mayor Bordman that the decision should be made this evening. Referring to 7.02(2)(b)(2), he continued:

- **He does not see a significant difference between the first criterion requiring rezoning for**

the necessity and preservation of enjoyment and rights and the second criterion requiring rezoning if the zoning classification is no longer appropriate. That said, the applicant made a compelling case that parking is unfeasible with this parcel zoned to D4, which satisfies both criteria.

- **He was hoping to hear how D5 zoning would resolve the issue of parking, but since the applicant sufficiently demonstrated that parking would be an issue in D4 the criteria were still met.**
- **A staff report from November 8, 2018 stated adhering to a D4 would be "completely inconsistent and dominated by the height of the adjacent Birmingham Place and 555 Buildings."**
- **The last criterion under 7.02(b)(2)(b) is "why the proposed zoning will not be detrimental to the surrounding properties." The applicant made a compelling case as to why D5 is better for Birmingham Place, and the SLUP requirement would allow the City to encourage the accommodation of the neighboring properties.**
- **Commissioner Nickita's assessment that there are limitations on when the D5 can be applied to future properties is accurate. There is no real risk of a 'slippery slope' with this zoning because this decision is not binding for any other decision. In addition, any building that sought to be rezoned to D5 would be subject to a SLUP.**
- **The risk level that the property owner assumed when buying the 469 - 479 S. Old Woodward parcel is irrelevant to the present discussion.**
- **Although the D5 was designed with the particular focus on the previous non-conforming properties, it was not restricted to only those non-conforming properties.**
- **For all those reasons, he is inclined to support the rezoning request.**
- **He also took heed of Commissioner Nikita's comments about the ambiguity in the ordinance, which he agrees should be addressed, but at a later date. The ambiguity does not dissuade him from approving the rezoning for this particular property.**

Commissioner Hoff said there were valid reasons for sending this back to the PB, but she believed that a decision should be made.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese: To deny the rezoning of 469 - 479 S. Old Woodward from B3/D4 to B3/D5.

City Attorney Currier said he would have to research whether the applicant could submit a new application before a year's time elapses if the City makes changes to the D5 ordinance, because it might sufficiently constitute a material change in circumstance.

Mayor Bordman said she would be supporting the motion because she does not want the issue to go back to the PB.

VOTE: Yeas, 3
Nays, 4 (Boutros, Harris, Nickita, Sherman)

MOTION FAILED

MOTION: Motion by Commissioner Harris
To approve the rezoning of 469 - 479 S. Old Woodward from B3/D4 to B3/D5.
MOTION DIED FOR LACK OF A SECOND

MOTION: Motion by Mayor Pro Tem Boutros

To postpone the hearing to do a comprehensive study.

MOTION DIED FOR LACK OF SECOND

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:

To postpone the public hearing to July 22, 2019 for the purposes of sending it back to the Planning Board with specific direction to look at the issues raised by Commissioner Nickita on the D-5 ordinance and to look at the properties between Haines and Brown, Old Woodward and Woodward for the appropriate zoning classification.

Planning Director Ecker said the ordinance language could possibly be reviewed and brought back by July 22, 2019. She was not sure if the PB would reach consensus in three months on the geographic area to which the D5 zoning should be applied, since they have already studied the issue and were not able to reach consensus.

Commissioner Hoff said she would be interested in knowing whether building heights should be to the eaves or to the tallest structure on a building, and the specific meaning of the 'adjacent' and 'abutting' in the context of the ordinance.

Commissioner Sherman said he would be willing to change the date in the motion to allow an additional month of study.

Commissioner Nickita said it should not take four months to define the method of determining building height and the definitions of 'adjacent' and 'abutting'. He said it would be better to keep the date in the motion and to extend it if necessary.

Mayor Bordman invited public comment on the motion.

Mr. Rattner stated the applicant had no objection to the motion.

Mr. Schwartz said that all the interested parties have weighed in on the issue, and the Commission is in effect postponing a civic duty.

Mr. Bloom said he would like to know the impact on the City if the parcel is built up as a hotel, office building, mixed use space, or any other type of development. He would want the PB to report on each building-type's likely impact on parking, public safety, density, and overall quality of life for Birmingham residents.

Mr. Reagan said 'adjacent' and 'abutting' were terms already discussed at the beginning of the 2016 planning process. In addition, the expansion of the geographic

area being studied concerned Mr. Reagan because, as he stated, the neighborhood included within that area already deals with significant congestion, cut-through traffic, and parking issues. If these developments occur, there has to be sufficient parking accommodations. Mr. Reagan asserted parking shortages would stem the possible larger D5 developments the City is considering allowing.

Ms. Friedlaender said choosing to raise the heights of buildings should be part of a community study process, and all the buildings around the Merrillwood building should be included in this motion and studied since Merrillwood is also zoned D5.

Mr. Abel said the Commission should make a decision this evening.

Commissioner Hoff said Commissioner Nickita's concerns should be spelled out in the motion. Mayor Bordman agreed with Mr. Abel and Commissioner Hoff. She asked if there was a motion to amend in order to include Commissioner Nickita's comments. No motion to amend was offered.

VOTE:	**Yeas,**	**2 (Nickita, Sherman)**
	Nays,	**5**

MOTION FAILED

The Commission took no action. The property remains zoned D4.

Mayor Bordman referred the issue to City Attorney Currier to determine the specific terms under which the applicant may re-apply, since the application was not denied.

Mayor Bordman recessed the meeting for three minutes. The meeting resumed at 10:48 p.m.

Planning Board Minutes
July 10, 2019

2. Zoning Ordinance Amendment – D5 Overlay Zoning

Planning Director Ecker summarized the history of the issue and reviewed the item.

Vice-Chairman Williams recalled the Board had previously decided not to rezone property where the property owner was not making application. He maintained that was the correct approach, explaining that if he were a property owner, he would not want his property rezoned without his knowledge or request. As a result of that consideration, the Board decided at the time not to expand the D5 designation beyond the three requesting properties. Mr. Williams said he welcomed instruction from the City Commission if they believe the issue should be approached differently.

Mr. Koseck said he agreed with Vice-Chairman Williams' assessment, saying that from a 30,000-foot view certain buildings may seem appropriate to zone together, but that a more detailed view might find other factors to disrupt such a finding. For this reason Mr. Koseck said it was appropriate to create the zoning categories, and then to allow owners to apply to the Board for a rezoning if desired. He added that it was not spot zoning, since each application involves a methodical process for deciding whether a rezoning should be granted.

Chairman Clein requested the Board avoid comments on any previous D5 rezoning applicants, noting the matter before the Board was an ordinance amendment, not a particular rezoning consideration.

Ms. Whipple-Boyce said the building height matter seemed clear and that the Board should discuss the definitions of 'adjacent' and 'abutting'. While acknowledging that she believes the Board acted appropriately when it decided not to rezone properties without a property owner's request, she also noted that there is one property zoned differently from the buildings to either side of it, which she said was odd.

Citing Mr. Lambert's experience with different cities and the likelihood of him having seen similar issues in the past, Mr. Jeffares asked if Mr. Lambert might be able to weigh in on the matter.

Chairman Clein said that while he did not want to ask Mr. Lambert for input on the matter this evening, he suggested that the Board could request that the Commission solicit additional services from its planning consultant to provide a small area report and some recommendations. Chairman Clein stated this would be the best approach because defining 'adjacent' and 'abutting' now could give the impression that the Board is effectively choosing which properties are eligible for possible future D5 rezoning. He said the Board may have previously erred in its use of the two words because deciding on the density and heights in question with D5 should not be done one property at a time. He said it is more appropriate to approach the issue through a plan in which a zoning area is decided, and lots are eligible or ineligible for zoning changes based on their location.

Mr. Boyle said he agreed with Mr. Jeffares' and Chairman Clein's inclinations to seek insight from the City's planning consultants. Noting that this seemed to be a matter of significance for the City, he opined that it would be most appropriately addressed in the master plan.

Ms. Whipple-Boyce and Vice-Chairman Williams concurred with Mr. Boyle, Mr. Jeffares, and Chairman Clein. Vice-Chairman Williams said he would rather the master plan have an analysis of D5 zoning instead of the Board trying to solve the problem by piecemeal.

Chairman Clein said that waiting to include this in the master plan could result in the applicant not having an answer until January 2020 at the earliest. Stating he did not want that to happen, Chairman Clein recommended that the Board frame the request as a subarea plan.

Mr. Koseck said the Board could answer the issue as it is posed, noting that an adverse effect on a neighboring property is a prohibitive circumstance for granting a rezoning. B He said while a consultant may ultimately be asked to study the issue, he thought the Board could also determine through discussion the questions of building height and the definitions of 'abutting' and 'adjacent'.

Mr. Jeffares suggested that the Board permit D5 rezoning applications from buildings that both abut or are adjacent to other D5 buildings, and have frontage along the Woodward corridor. This would prevent every newly zoned D5 building from causing its neighbors to also be candidates for D5 rezoning, and would allow massing that echoes the buildings across Woodward in the Triangle District.

Mr. Boyle said the Board, possibly in conjunction with Staff, should define the geographical area the consultant would look at. He noted that the Board could prevent an ever-increasing D5 zone if they set the final parameters of where the zone would be permitted.

Vice-Chairman Williams asked if all the taller buildings in the Triangle District had frontage on Woodward.

Planning Director Ecker replied that the majority of the tall buildings in the Triangle District have Woodward frontage, but that she was unsure if there was a taller property one row back from Woodward behind Papa Joe's.

Ms. Whipple-Boyce said she was supportive of asking for the planning consultant's help in considering the issue, and said she would suggest limiting it to the Haynes, Brown, Old Woodward and Woodward Ave. area.

Chairman Clein asked Planning Director Ecker for her opinion on the possibility of requesting a small subarea study.

Planing Director Ecker said the City would benefit from further clarity on the issue, should the Commission see fit to proceed with a small subarea study, since the community is clearly divided on the issue and has been unable to reach consensus.

Mr. Koseck noted that the City has before hired consultants to provide similar input and that it was very helpful.

Chairman Clein invited comment from the applicant and their representatives.

Rick Rattner, attorney for the applicant, stated that while he understood the neighbors' consternation at the potential D5 rezoning, the applicant meets all the requirements for getting the Zoning Ordinance changed. He said D5 zoning is an appropriate zoning for that area given the surrounding properties and the nature of the surrounding properties, including its immediate proximity to Birmingham Place. He said the applicant would like the Board to solve the definitional issues of 'adjacent' and 'abutting' in order to resolve whether the property in question could be rezoned to D5.

Chairman Clein stated the Board's goal is to answer the applicant's questions in the most expedient and accurate way. He asked Mr. Rattner if the applicant would be supportive of the Board's potential request for a subarea plan from the City's planning consultant.

Mr. Rattner said a months-long study would be a problem for the applicant. Barring that, he said a study would be useful because the applicant's team is sure a consultant would find it appropriate to allow the applicant's building's rezoning to D5.

Duraid Markus, a member of the applicant team, said he would be in support of a subarea study that follows the boundaries as outlined in Planning Director Ecker's report. He noted that a D4 as it currently sits would be higher than the Merrillwood Building, and that no other developer would likely build a D5 that could only go to the height of the Merrillwood Building when a D4 building could go higher. He said that if he were to build a D4 building, the neighbors would be adversely affected as much as they would be by a D5 building. He was in favor of a study session to decide the definitions and specific issues, noting that planning cannot always satisfy all parties.

Mr. Markus said that ultimately if the Board believes D4 is appropriate, he would proceed with a D4 building even though he believes there will be consensus that his building should be zoned D5. Emphasizing that time is of the essence, he reiterated that a small study done to the boundaries suggested would be his ideal outcome since he believes a D5 rezoning allowance would likely prevail.

Chairman Clein invited public comment.

Mr. Baller said he was disappointed to not see more members of the public present to discuss this item. He suggested that more online surveys or other opportunities to express opinions on matters like this would benefit the City. He would like to see the City soliciting and encouraging more proactive engagement beyond the people noticed within a 300 square foot radius of properties. He said that while he did not live near Mr. Markus' building, he thought rezoning the building to D5 was a logical and appropriate thing to do.

Toni Schwartz, resident of Birmingham Place, was under the impression that the agenda item had been added to the agenda at the last minute and opined that was why there was not more public present for the discussion. She said that Birmingham Place is an entire neighborhood and that the Board is already aware of all the reasons to leave the zoning at D4. Ms. Schwartz said she was unclear why the conversation was continuing to occur when she sees the matter as clearly decided for D4 zoning.

Patrick Howe, attorney representing the Birmingham Condo Association, said he was also unaware that the item was on the agenda until this evening when he was told by his client. He

stated that 'abutting' and 'adjacent' was a question of how other possible buildings could go on the properties that were already zoned D5. He suggested that if the City publicized the question as "Is the City in favor of raising heights in the downtown district?" many more members of the public would attend the discussion. Mr. Howe said that asking the Board to determine this issue is inappropriate, and would be better done through consultation of the City's previous and upcoming planning documents, including the master plan.

Chairman Clein returned the conversation to the Board.

Mr. Jeffares reminded those following the conversation that a D5 zoning allows the Board to have an impact on various aspects of the building through the use of a Special Land Use Permit that D4 zoning would not.

There was Board consensus to request that Planning Director Ecker go to City Manager Valentine to explain that the Board would like to tackle the matter of 'abutting' and 'adjacent' more closely, that the Board believes the City's planning consultant may be able to quickly and inexpensively provide the City with a professional opinion regarding the Haynes, Brown, Old Woodward and Woodward Ave. area to help inform those definitions.

Vice-Chairman Williams said the City should ask their current planning consultants to conduct this subarea plan, and that he would not be in favor of enlisting a different consultant.

Chairman Clein reiterated that this is a very focused effort, not a detailed plan.

Planning Board Minutes
September 11, 2019

F. Study Session Items

1. D5 Study Report from DPZ

Chairman Clein indicated that he would be recusing himself from discussion of this item, as his consulting firm was recently retained by a client who owns property within the City block being discussed.

Chairman Clein recused himself and left the room at 8:12 p.m. Vice-Chairman Williams began chairing the meeting at 8:12 p.m.

Planning Director Ecker reviewed the item.

Mr. Share said it would be important to see the massing of the area if it were rezoned to D5. Mr. Jeffares concurred.

Mr. Share also said that potential ordinance language should address how streets and alleys would play into the definition of abutting. He noted that if a public alley abutting a D5 property were to be turned private, then the abutting property owner would be allowed to split the alley in half which could result in zoning creep.

In reply to Mr. Share, Planning Director Ecker stated that the SLUP process is broad enough to affect the design of the buildings in the area, since the report determined that the design of the buildings are largely more important than the height of the buildings.

Vice-Chairman Williams said he did not believe the Board has a sufficient definition of abutting, and that without a definition it would not be appropriate to set a public hearing on the issue. Vice-Chairman Williams said asking Planning Director Ecker to devise some proposed language for abutting would be an appropriate next step, with information on how other cities define 'abutting' to be included for the discussion.

In reply to Ms. Whipple-Boyce, Planning Director Ecker confirmed that the most challenging block in regards to defining 'abutting' would be around Hazel. She said that the language must be clarified to determine whether heights are measured from the shortest part of a building, the tallest part of a building, the part of a building closest to another building, or other possible aspects that could be used to determine what a building's 'height' is considered to be in regards to the D5 language.

In reply to Mr. Emerine, Planning Director Ecker confirmed that the Board could use the SLUP process to affect building heights even if a building were within the D5 zone.

Board consensus was that the item was not ready to set a public hearing, that the definition of 'abutting' needs to be studied and determined, and that a map with massing of the maximum potential D5 height should be included in future materials for the Board's consideration.

Vice-Chairman Williams then invited public comment.

In reply to Alice Lazatt, Planning Director Ecker explained that in order to determine the City's definition of 'abutting', the Board would study and discuss the matter at a study session, come to a consensus, send the definition to the City Attorney for review, and set a public hearing at the Board level. After any revisions resulting from the study session, the Board would recommend the definition to the City Commission, the City Commission would conduct further review and a public hearing, and subsequent to the review, potential revisions, and discussion at the Commission level, the Commission would vote on whether to adopt the definition.

Michele Prentiss said she thought the study's aim was define terms like 'abutting', and asked the Board why the study did not do that.

Vice-Chairman Williams said Ms. Prentiss' understanding of the study's aim was incorrect. He said the report determined which properties to consider for the D5 question, which was point number three. He said the Board would conduct further study on the definition of 'abutting'.

Patrick Howe, lawyer for the Birmingham Place Condo Association, reprised the contents of his August 26, 2019 letter, which was included in the meeting's agenda packet.

Jim Arpin asked that the Board include this study as part of the more general master planning process.

In reply to Karl Sachs, Planning Director Ecker explained that in D2-D5, buildings must be at least two stories. She also confirmed that D5 zoning is actually a bit more restrictive than D4 because a SLUP process is involved in a D5 application.

In reply to Rick Rattner, Vice-Chairman Williams said the earliest the Board would be holding a public hearing would be November, assuming they were able to reach an agreement on the definition of 'abutting' within the next month and then were able to set a public hearing for the month following. He said that would be the fastest the Board could proceed, but that the process could move slower.

Doraid Markus spoke as one of the principals who owns the lot next to Birmingham Place. He noted that when D5 zoning was made, the mechanism to allow adjacent or abutting buildings to request increase in heights was intentionally included at the time subsequent to immense study and discussion. He emphasized that his request to change his lot's zoning is not out of caprice, but rather out of direct respect for the mechanism the City chose to build in to the D5 ordinance.

Mr. Howe said Mr. Markus' assertion was inaccurate, stating that D5 was created to accommodate the three specific buildings that requested it at the time. He said the ordinance change did not involve study of the broader area in terms of zoning.

Vice-Chairman Williams stated that the City's records will best reflect how D5 came to be and that it would not be necessary for members of the public to continue debating what review of the records will show.

Mickey Schwartz said there that while the setbacks are a positive requirement, Mr. Markus' lot does not have sufficient room to accommodate creating a setback. Citing the power the Board has from the SLUP requirement for D5, Dr. Schwartz said that perhaps D4 zoning should require a SLUP as well. He asserted that City ordinance only sufficiently addresses the height of buildings, while disregarding matters of massing, aesthetics, or impact on the community. He noted that the consultant's main conclusion in regards to D5 was to consider expanding the buildings it applied to, but did not actually recommend an expansion. Dr. Schwartz said this conclusion did not provide much new information to the City, and should not supercede the conversation that has been occuring in the City prior to the study's release.

Seeing no further comment from the public, Vice-Chairman Williams advised the public that this matter would next be discussed on October 23, 2019 with additional consideration of the definition of 'abutting' and massing that shows the maximum height if all the buildings on the block were zoned D5.

Vice-Chairman Williams then called for a recess at 9:00 p.m.

Chairman Clein re-commenced chairing the meeting and resumed the meeting at 9:03 p.m.

Since 1973
WWRP
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Fax: (248) 642-0856

Richard D. Rattner
rdr@wwrplaw.com

June 19, 2019

Via Hand Delivery
Ms. Jana Ecker
Planning Director
City of Birmingham
151 Martin Street
Birmingham, MI 48009

Re: Application and request for study session of Planning Board to discuss clarification of the terms and scope of the D5 Zoning Ordinance

Dear Ms. Ecker:

On behalf of our client, Birmingham Tower Partners, LLC, please find enclosed an application and request for a study session of the Planning Board regarding the captioned matter. We understand that this matter is scheduled to be heard at the Planning Board's July 10, 2019 meeting. Attached in support of the application and request is a copy of our letter dated April 26, 2019, originally emailed to the City at the end of April.

Thank you for your assistance.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner, Esq.

RDR/jmg
Encl.
cc: Mr. Joseph Valentine
Mr. Timothy Currier, Esq.
Mr. Doraid Markus
Mr. Christopher Longe

APPLICATION AND REQUEST FOR STUDY SESSION OF PLANNING BOARD TO DISCUSS CLARIFICATION OF THE TERMS AND SCOPE OF THE D5 ZONING ORDINANCE
Birmingham, Michigan

TO THE PLANNING BOARD:

The undersigned hereby makes application for a study session of the Planning Board to discuss clarification of the terms and scope of the D5 Zoning ordinance:

1. Amendments to the zoning ordinance text:

   Article 03 Downtown Birmingham Overlay District, Section 3.04 Specific Standards, A. Building Height, Overlay, 4. D5 Zone (over 5 stories) in order to:
   - **Clarify building height standards within the D5 Zone**
   - **Clarify the meaning of the words "immediately adjacent and abutting"**

   Statements and reasons for this request or other data having a direct bearing on the request are attached.

2. **Determine the properties to which the D5 overlay classification should be applied in Downtown Birmingham within the area bounded by Haynes, Brown, Old Woodward, and Woodward.**

   Statements and reasons for this request or other data having a direct bearing on the request are attached.

RECEIVED
JUN 19 2013
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

BIRMINGHAM TOWER PARTNERS, LLC
Applicant

By: Richard D Rattner
Richard D. Rattner, Esq
Its: Attorney
Address and Telephone Number: Williams, Williams, Rattner & Plunket, P.C.
380 N. Old Woodward, Suite 300
Birmingham, MI 48009
(248) 642-0333
rdr@wwrplaw.com

Date Received:_____ Received By:_____

Resolution No._____ Approved/Denied_____

April 26, 2019

W|W|R|P
Williams Williams Rattner & Plunkett, P.C.
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Richard D. Rattner
rdr@wwrplaw.com

VIA EMAIL ONLY
Ms. Jana Ecker
Planning Director
City of Birmingham
jecker@bhamgov.org

Re: Request to Amend the D5 Overlay Zoning Ordinance

Dear Ms. Ecker:

This firm represents the owner of the property located at 469 – 479 S. Old Woodward. Please accept this letter as a request that the Planning Board consider amendments to the Birmingham Zoning Ordinance.

There have been many recent discussions regarding our client's request to rezone the its property to D5. The discussion during the public hearing in March at the City Commission centered around the following three topics:

1. The applicable standards with respect to determining building height within the D5 overlay district.

2. Further clarification of the meaning of the words "immediately adjacent or abutting" in the ordinance. The ordinance currently provides:

> New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing D5 Zone to which they are immediately adjacent or abutting if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit.

3. To which properties the D5 overlay classification should be applied in Downtown Birmingham within the confines of Haynes, Brown, Old Woodward, and Woodward.

The City Commission did not take action on these matters. On behalf of our client, we request that the Planning Board move forward consistent with the concerns discussed at the hearing. An excerpt from the hearing minutes is attached as **Exhibit A**, with the salient points highlighted.

W|W|R|P

1. **Proposed Amendment to Clarify Maximum Building Height**

There was confusion regarding how the height of an existing D5 building is determined. Questions were raised as to whether height is determined by the building's eave line, roof line, or overall height with mechanicals.

See the comments of Commissioner Hoff on page 14 of the hearing minutes.

2. **Proposed Amendment to Define "Immediately Adjacent or Abutting"**

There was a discussion regarding the meaning of the ordinance language: "the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing building in the D5 to which they are immediately adjacent or abutting." Concerns were expressed about whether a building located across a side street, or even across big Woodward, could be considered adjacent for purposes of D5.

See the last bullet point of Commissioner Nickita's comments on page 12 of the hearing minutes.

3. **The Properties to Which D5 Overlay Should Apply**

There was discussion regarding the issue as to which properties in the small area of Downtown Birmingham, located between Haynes, Brown, Old Woodward, and Woodward, should be classified as D5 overlay. See the comments of Commissioner Sherman on page 12 of the hearing minutes.

It should be noted that there are only 7 properties (not including the Peabody Mansion at the northeast Corner of Brown and S. Old Woodward) within the proposed area of study. Half of the properties within this area are already zoned D5. A map showing the current overlay zoning classifications is attached as **Exhibit B**.

See the first two bullet points on page 12 and the 4th bullet point on page 13 of the hearing minutes (Exhibit A).

W|W|R|P

Conclusion

On behalf of our client, we request that the Planning Board move forward with considering amendments to the D5 ordinance and study the issues raised in prior hearings and this letter. Please place this matter on the agenda for the Planning Board's next study session.

Please contact me to further discuss. I look forward to hearing from you.

Very truly yours,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.

Richard D. Rattner, Esq.

RDR/jmg

Encl.
cc: Mr. Joseph Valentine
Mr. Timothy Currier, Esq.
Mr. Doraid Markus
Mr. Christopher Longe

Exhibit A

From March 11, 2019 City Commission Hearing Minutes:
Excerpt regarding discussion of the rezoning of 469 - 479 S. Old Woodward

Commissioner Sherman said the question of what buildings and areas would be appropriately included in the D5 zoning area, with specific attention from Haines to Brown, should be sent back to the PB with a request for a definitive answer. No action should be taken on the motion because it is too related to the potential development in this case.

Commissioner DeWeese said he would be comfortable sending this back to the PB with the request that they pay particular attention to the issues broached this evening. He added that he was not comfortable with the 4-3 vote by the PB and would like more unanimity in their recommendation.

Mayor Bordman said she was not in favor of sending the matter back to the PB. She noted all the information the Commission had been provided with in order to make a decision and said it would not be appropriate to delay.

Commissioner Nickita said:

- The 200-foot right-of-way of the Woodward Corridor between the 555 Building and Birmingham Place on the west side and the west side of the Triangle District on the east side has been intentionally planned and developed as a high-density area.
- While the Downtown Overlay has always adhered to buildings that are no more than five stories in height, the Woodward Corridor has been built with taller buildings. For this reason, rezoning the parcel at 469 - 479 S. Old Woodward to D5 would not establish a precedent for the buildings in the Downtown Overlay. The D4 parcel in question is anomalous among the other buildings along the Woodward Corridor.
- The City has much more influence on any development at 469 - 479 S. Old Woodward if they change the zoning to D5 because of the SLUP requirement.
- The Citywide Master Plan is a broad view, and as such will not focus on specific zoning details like the question currently before the Commission.
- The ability to update non-conforming properties or parcels was the intention of the D5 classification. The ordinance was supposed to refer to whatever property is closest to the property in question in order to determine the maximum height. Because the ordinance language seems not to be clear on the issue, it would be inappropriate to vote on this since the definition of 'adjacent and abutting' is being interpreted more broadly than may have been originally intended. The point in the D5 ordinance language should be clarified so that an 'adjacent' building cannot be interpreted as a building across the street.

Mayor Pro Tem Boutros said he would like to see this studied as part of the Master Planning process.

Commissioner Harris said he agrees with Mayor Bordman that the decision should be made this evening. Referring to 7.02(2)(b)(2), he continued:

- He does not see a significant difference between the first criterion requiring rezoning for the necessity and preservation of enjoyment and rights and the second criterion requiring rezoning if the zoning classification is no longer appropriate. That said, the applicant made a compelling case that parking is unfeasible with this parcel zoned to D4, which satisfies both criteria.

- He was hoping to hear how D5 zoning would resolve the issue of parking, but since the applicant sufficiently demonstrated that parking would be an issue in D4 the criteria were still met.
- A staff report from November 8, 2018 stated adhering to a D4 would be "completely inconsistent and dominated by the height of the adjacent Birmingham Place and 555 Buildings."
- The last criterion under 7.02(b)(2)(b) is "why the proposed zoning will not be detrimental to the surrounding properties." The applicant made a compelling case as to why D5 is better for Birmingham Place, and the SLUP requirement would allow the City to encourage the accommodation of the neighboring properties.
- Commissioner Nickita's assessment that there are limitations on when the D5 can be applied to future properties is accurate. There is no real risk of a 'slippery slope' with this zoning because this decision is not binding for any other decision. In addition, any building that sought to be rezoned to D5 would be subject to a SLUP.
- The risk level that the property owner assumed when buying the 469 - 479 S. Old Woodward parcel is irrelevant to the present discussion.
- Although the D5 was designed with the particular focus on the previous non-conforming properties, it was not restricted to only those non-conforming properties.
- For all those reasons, he is inclined to support the rezoning request.
- He also took heed of Commissioner Nikita's comments about the ambiguity in the ordinance, which he agrees should be addressed, but at a later date. The ambiguity does not dissuade him from approving the rezoning for this particular property.

Commissioner Hoff said there were valid reasons for sending this back to the PB, but she believed that a decision should be made.

MOTION: Motion by Commissioner Hoff, seconded by Commissioner DeWeese:
To deny the rezoning of 469 - 479 S. Old Woodward from B3/D4 to B3/D5.

City Attorney Currier said he would have to research whether the applicant could submit a new application before a year's time elapses if the City makes changes to the D5 ordinance, because it might sufficiently constitute a material change in circumstance.

Mayor Bordman said she would be supporting the motion because she does not want the issue to go back to the PB.

VOTE: Yeas, 3
Nays, 4 (Boutros, Harris, Nickita, Sherman)

MOTION FAILED

MOTION: Motion by Commissioner Harris
To approve the rezoning of 469 - 479 S. Old Woodward from B3/D4 to B3/D5.

MOTION DIED FOR LACK OF A SECOND

MOTION: Motion by Mayor Pro Tem Boutros
To postpone the hearing to do a comprehensive study.

MOTION DIED FOR LACK OF SECOND

MOTION: Motion by Commissioner Sherman, seconded by Commissioner Nickita:
To postpone the public hearing to July 22, 2019 for the purposes of sending it back to the Planning Board with specific direction to look at the issues raised by Commissioner Nickita on the D-5 ordinance and to look at the properties between Haines and Brown, Old Woodward and Woodward for the appropriate zoning classification.

Planning Director Ecker said the ordinance language could possibly be reviewed and brought back by July 22, 2019. She was not sure if the PB would reach consensus in three months on the geographic area to which the D5 zoning should be applied, since they have already studied the issue and were not able to reach consensus.

Commissioner Hoff said she would be interested in knowing whether building heights should be to the eaves or to the tallest structure on a building, and the specific meaning of the 'adjacent' and 'abutting' in the context of the ordinance.

Commissioner Sherman said he would be willing to change the date in the motion to allow an additional month of study.

Commissioner Nickita said it should not take four months to define the method of determining building height and the definitions of 'adjacent' and 'abutting'. He said it would be better to keep the date in the motion and to extend it if necessary.

Mayor Bordman invited public comment on the motion.

Mr. Rattner stated the applicant had no objection to the motion.

Mr. Schwartz said that all the interested parties have weighed in on the issue, and the Commission is in effect postponing a civic duty.

Mr. Bloom said he would like to know the impact on the City if the parcel is built up as a hotel, office building, mixed use space, or any other type of development. He would want the PB to report on each building-type's likely impact on parking, public safety, density, and overall quality of life for Birmingham residents.

Mr. Reagan said 'adjacent' and 'abutting' were terms already discussed at the beginning of the 2016 planning process. In addition, the expansion of the geographic area being studied concerned Mr. Reagan because, as he stated, the neighborhood included within that area already deals with significant congestion, cut-through traffic, and parking issues. If these developments occur, there has to be sufficient parking accommodations. Mr. Reagan asserted parking shortages would stem the possible larger D5 developments the City is considering allowing.

Ms. Friedlaender said choosing to raise the heights of buildings should be part of a community study process, and all the buildings around the Merrillwood building should be included in this motion and studied since Merrillwood is also zoned D5.

Mr. Abel said the Commission should make a decision this evening.

Commissioner Hoff said Commissioner Nickita's concerns should be spelled out in the motion.

Mayor Bordman agreed with Mr. Abel and Commissioner Hoff. She asked if there was a motion to amend in order to include Commissioner Nickita's comments.

No motion to amend was offered.

VOTE:	Yeas,	2 (Nickita, Sherman)
	Nays,	5

MOTION FAILED

The Commission took no action. The property remains zoned D4.

Mayor Bordman referred the issue to City Attorney Currier to determine the specific terms under which the applicant may re-apply, since the application was not denied.

Mayor Bordman recessed the meeting for three minutes. The meeting resumed at 10:48 p.m.

03-060-19 PUBLIC HEARING ON SPECIAL ASSESSMENT DISTRICT FOR PARK STREET PAVING PROJECT – OAKLAND TO HAMILTON STREETSCAPE AND STREET LIGHT

Mayor Bordman opened the public hearing at 10:48 p.m.

Assistant City Engineer Fletcher presented the proposed project and special assessment district (SAD).

Clarifications/Comments

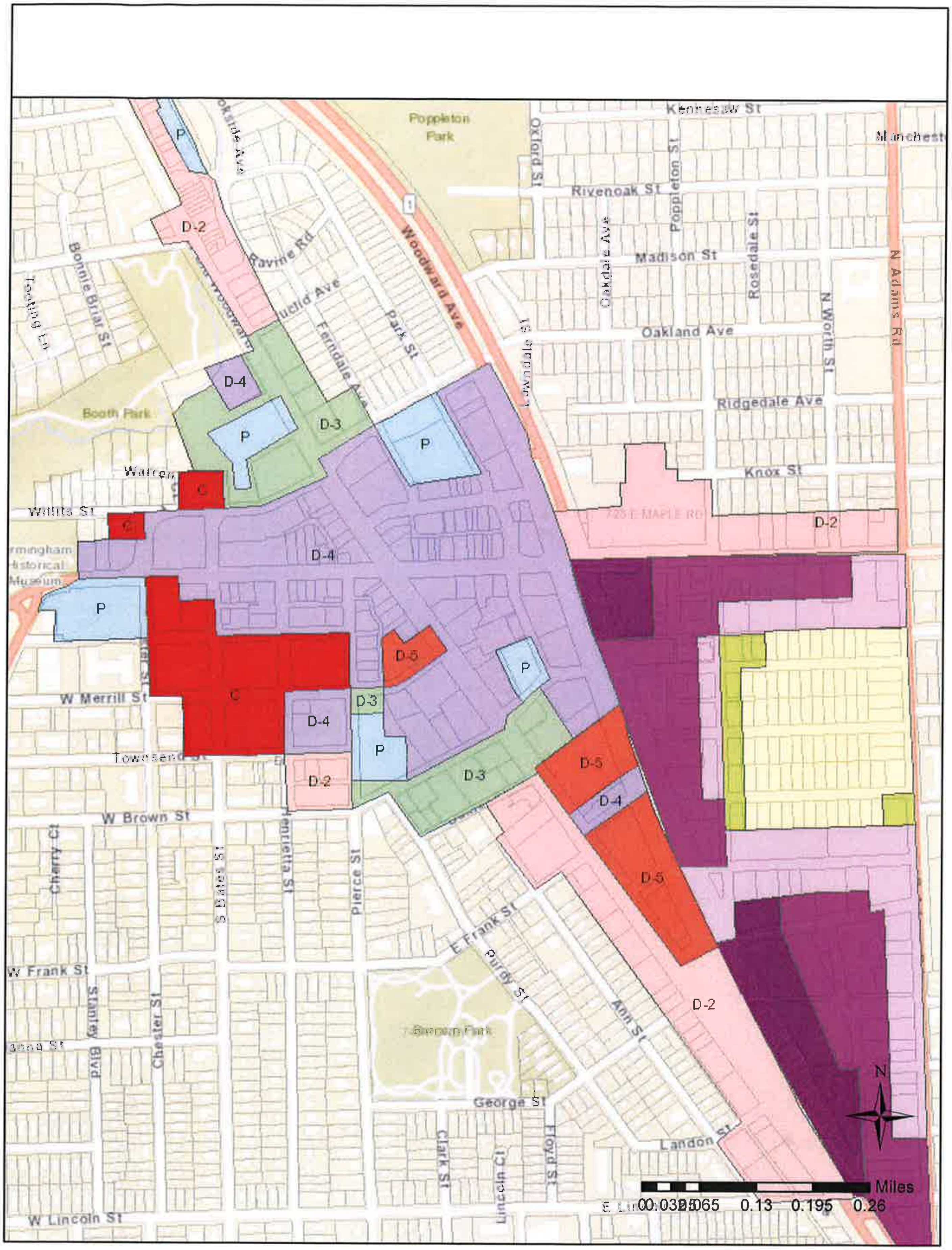
City Manager Valentine clarified that the SAD would be assessed for the same standard streetscape that exists throughout the downtown. The only corner that would be different is Park and Hamilton, which is publicly owned and currently before the Architectural Review Committee for design.

City Engineer O'Meara advised the Commission that all residents affected by the SAD have been sent a two page letter documenting all the information, and the City has received no questions or concerns regarding the issue.

Commissioner Sherman reminded the Commission that it has approved similar SADs in other locations without plans. The proposal encompasses the standard streetscape of the sidewalk, exposed aggregate, the trees and the lights. He said there is no reason to postpone this decision.

Exhibit B

Map of Current Overlay Zoning Classifications


Kennesaw St
Poppleton Park
Manchest
Oxford St
Rivenoak St
Poppleton St
Woodward Ave
Madison St
Oakdale Ave
Rosedale St
N Adams Rd
N Worth St
Oakland Ave
Ridgedale Ave
Knox St
Ravine Rd
Euclid Ave
Ferndale Ave
Park St
Bonnie Briar St
Booth Park
Warren
Willits St
W Merrill St
Townsend St
W Brown St
Cherry Ct
S Bates St
Henrietta St
Pierce St
E Frank St
Purdy St
W Frank St
Stanley Blvd
Chester St
Ann St
George St
Clark St
Lincoln Ct
Floyd St
Landon St
W Lincoln St
D-2
D-3
D-4
D-5
P
C
N
Miles
0 0.0325 0.065 0.13 0.195 0.26

City of Birmingham
A Walkable Community

Woodward Gateway
D-5 Zone

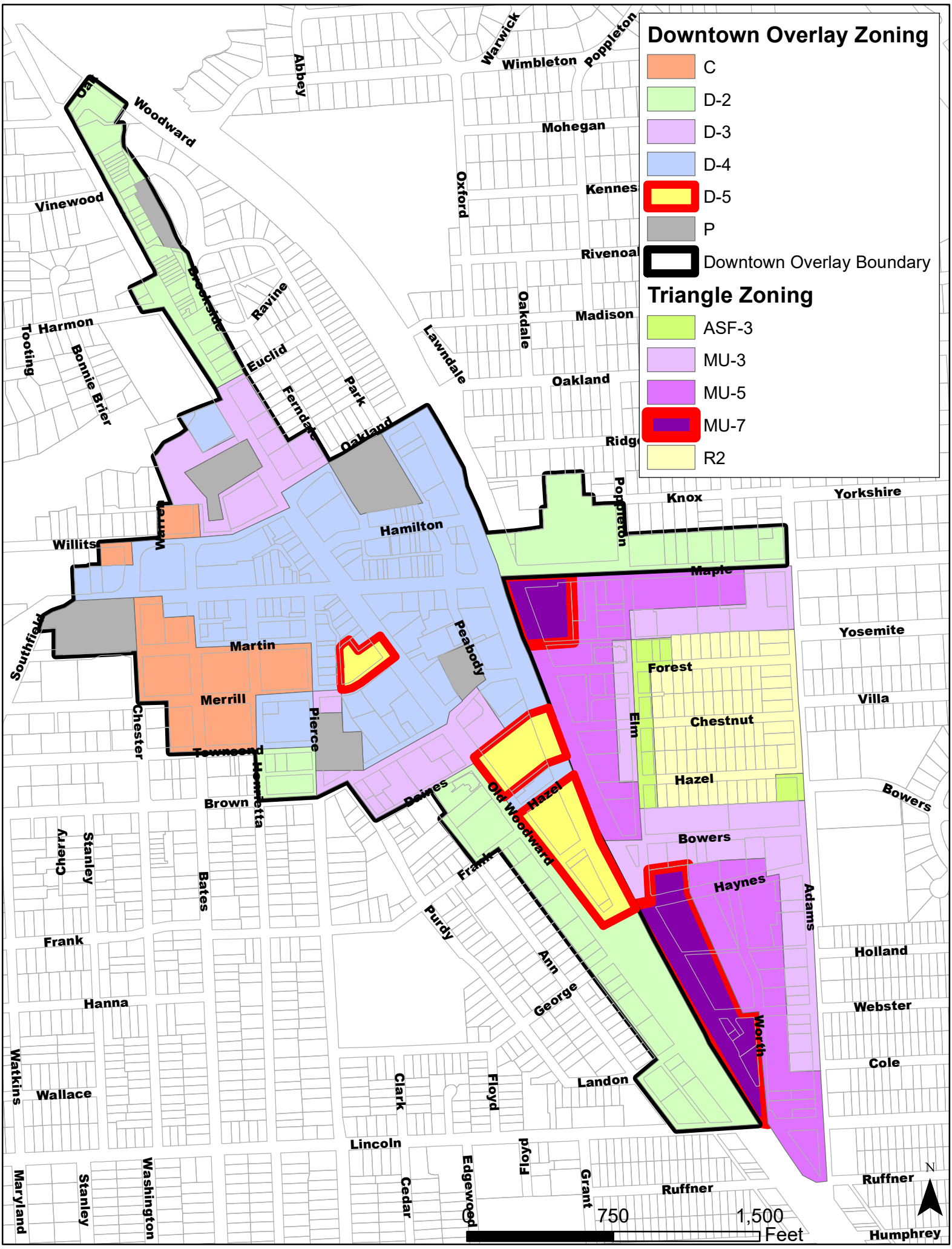
Legend

- Zoning allows 9 stories
- Zoning allows 7 stories
- Possible D-5 Zone

0 150 300 600 900 1,200 Feet

1 in = 422.818 feet

RREN CT.
OAKLAND
HAMILTON
N. BATES
OAKDALE
POPPLETON
RIDGEDALE
KNOX
N. A
PLE
MARTIN
S. OLD WOODWARD
PEABODY
ELM ST.
FOREST
CHESTNUT
HAZEL
DAINES
ROWN
CHESTER
S. BATES
HENRIETTA
PIERCE
E. FRANK
ANN
BOWERS
HAYNES
S. ADAMS
HAYNES CT.
DORCHESTER
RUGBY
YORKSHIRE
CAMBRIDGE
EAST MAPLE
YOSEMITE
YANKEE
COLUMBIA
BOWERS
H
HOLLAND
WEBSTER
COLE
S. WORTH
PURDY
GEORGE
CT.
CLARK
LINCOLN CT.
FLOYD
FLOYD CT.
LANDON
LINCOLN
RUFFNER
HUMPHREY
TORRY
TAUNTON
PIERCE
CEDAR
EDGEWOOD
GRAN
WOODWAR
LAWN


Downtown Overlay Zoning
C
D-2
D-3
D-4
D-5
P
Downtown Overlay Boundary
Triangle Zoning
ASF-3
MU-3
MU-5
MU-7
R2
Oak
Woodward
Vinewood
Abbey
Warwick
Wimbleton
Poppleton
Mohegan
Oxford
Kennes
Rivenoal
Madison
Oakdale
Lawndale
Oakland
Ridge
Brookside
Ravine
Euclid
Ferndale
Park
Harmon
Tooting
Bonnie Brier
Knox
Yorkshire
Maple
Yosemite
Villa
Willits
Martin
Hamilton
Peabody
Southfield
Martin
Merrill
Chester
Townsend
Pierce
Hunnetta
Brown
Forest
Chestnut
Elm
Hazel
Bowers
Old Woodward
Haynes
Adams
Holland
Webster
Cole
Worth
Landon
Ann
George
Purdy
Frank
Cherry
Stanley
Bates
Hanna
Watkins
Wallace
Clark
Floyd
Lincoln
Edgewood
Cedar
Grant
Ruffner
Humphrey
Maryland
Washington
750
1,500
Feet
N

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Division

DATE: **July 5, 2019**

TO: **Planning Board Members**

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

SUBJECT: **Application for Zoning Ordinance Change**

On March 11, 2019, the City Commission conducted a public hearing to consider a rezoning request for 469-479 S. Old Woodward from B3/D4 to B3/D5 to allow construction of a nine story mixed use building on the corner of Haynes and Woodward/S. Old Woodward. After much discussion, the City Commission took no action on the matter. However, based on the extensive discussion (minutes attached) that occurred at the City Commission meeting, the owners of 469-479 S. Old Woodward have now submitted an application requesting an amendment to the Zoning Ordinance and/or Zoning Map. The application and supporting documentation are attached for your review. Specifically, the applicant is requesting that the Planning Board address the following issues and suggest any zoning amendments necessary to do so:

1. Clarify the applicable standards to determine building height in the D5 Zone;
2. Clarify the meaning of "immediately adjacent or abutting"; and
3. Determine which properties to consider, if any, for rezoning to the D5 zoning classification.

Background

The D5 Zone was created in recent years as a new zoning district within the Downtown Overlay District. The D5 classification currently applies to three properties, the 555 Building, Birmingham Place, and the Merrillwood Building. The provisions of the D5 zone are outlined in Article 3, section 3.04 (A) of the Zoning Ordinance:

> New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone **may be over the maximum building height up to, but not exceeding, the height of an existing D5 Zone to which they are immediately adjacent or abutting** if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit.

Thus, the D5 Zone requires buildings in this zone to meet all requirements of the D4 Zone, with the exception of the building height requirements. With regards to height, buildings in the D5 zone may be constructed up to, but not exceeding, the height of an existing immediately adjacent or abutting building that is within the D5 Zone, provided the owner agrees to build under a SLUP.

Issue 1: Calculating Building Height

Based on comments made at the City Commission meeting on March 11, 2019, the applicant is requesting clarification on how to calculate building height in the Downtown Birmingham Overlay District.

Article 9, Section 9.02, Definitions, of the Zoning Ordinance defines building height specifically for buildings located within the Downtown Birmingham Overlay District as follows:

> The **vertical distance from the average grade at the sidewalk at the frontage line to the highest point of the roof surface in a flat roof and to the eaves/eave line for a gable, hip, gambrel or mansard roof**. Height limits do not apply to parapet walls, belfries, steeple, flagpoles, skylights, chimneys, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.

Article 9, section 9.02 provides specific instructions for calculating a building's height when the building is located within the Downtown Birmingham Overlay District. This definition has been successfully interpreted and applied over the past 20 years, and provides clarity to allow applicants to determine a building's height.

Thus, the Planning Division does not recommend any changes to the existing, clearly defined, method of calculating building height in the Downtown Overlay.

Issue 2: Clarify the Meanings of Adjacent and Abutting

Article 9, section 9.02 of the Zoning Ordinance provides definitions for specific words to be "observed and applied in the interpretation of all Articles" within the Zoning Ordinance where clarification is needed. There are currently no definitions provided in Article 9, section 9.02 for either of the terms adjacent or abutting.

Thus, the Planning Board may wish to consider adding definitions for both adjacent and / or abutting to Article 9, section 9.02 to clarify their meanings to allow applicants to clearly identify which surrounding properties would be considered to determine the maximum height permitted on a D5 zoned property. Sample definitions for discussion are noted below.

Definitions of "Adjacent"

- ***Lying near or close to; neighboring.***[1]
  Adjacent means that objects or parcels of land are not widely separated, though perhaps they are not actually touching; but adjoining implies that they are united so closely that no other object comes between them.
- **Next to or near something else**[2]
- **a) Not distant, nearby**
  b) Having a common endpoint or border
  c) Immediately preceding or following[3]
- **Near or close (*to* something); adjoining**[4]

Definitions of "Abutting"

- ***To reach; to touch. To touch at the end; be contiguous; join at a border or boundary; terminate on; end at; border on; reach ortouch with an end. The term* abutting *implies a closer proximity than the term* adjacent.**[5]
  When referring to real property, abutting means that there is no intervening land between the abutting parcels. Generally, properties that share a common boundary are abutting. A statute may require abutting owners to pay proportional shares of the cost of a street improvement project.
  -v. when two parcels of real property touch each other.[6]
- **Adjoining, bordering**[7]
- **Sharing a boundary**[8]
- **To end (on) or lean (upon) at one end; border (on) terminate (against)**
  To end at; border upon[9]

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[1] West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.
[2] Macmillandictionary.com
[3] Merriam-webster.com
[4] Collinsdictionary.com
[5] West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.
[6] West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.
[7] Merriam-webster.com
[8] Macmillandictionary.com
[9] Collinsdictionary.com

Given the sometimes conflicting definitions of adjacent and abutting noted above, the Planning Board may wish to consider amending the existing D5 ordinance language that refers to the height of buildings "immediately adjacent or abutting". This language could be amended to simply refer to the height of "immediately abutting" or simply "abutting" buildings. A concise definition for abutting could then be added to Article 9, section 9.02 of the Zoning Ordinance that clarifies that abutting properties are only those that join at a border or share a boundary line.

Issue 3: Determine which properties, if any, warrant rezoning to the D5 zoning classification within the area bounded by Haynes, Brown, Old Woodward and Woodward Avenue

Several years ago, the Planning Board addressed the specific issues of which properties to consider for rezoning to the D5 Zone within the Downtown Overly District. At that time, the Planning Board considered rezoning properties along Woodward Avenue up to Maple, and then scaled back the properties under consideration for the D5 zoning. Ultimately, the Planning Board recommended to the City Commission that only the three existing, non-conforming buildings (with respect to height) within the Downtown Overlay District be rezoned to D5. This included the 555 Building, Birmingham Place and the Merrillwood Building, which were ultimately rezoned to D5 by the City Commission.

The applicant's request at this time is to consider which properties within the area bounded by Haynes, Brown, Old Woodward and Woodward Avenue only, should be considered for rezoning to D5. Please find attached a map created in 2015 during the Planning Board's previous discussions as to which properties, if any, should be considered for rezoning to D5. This map shows properties in green that were previously discussed for potential rezoning to D5 within the area bounded by Haynes, Brown, Old Woodward and Woodward Avenue. All properties within the area noted were discussed for rezoning to D5, with the exception of the historic Peabody Mansion on the southeast corner of Brown and S. Old Woodward.

If the Planning Board wishes to amend the existing D5 ordinance language noted above that refers to the height of buildings "immediately adjacent or abutting" to refer to the height of buildings "immediately abutting" or simply "abutting", a similar approach could be taken for considering which properties, if any, should be considered for rezoning to D5.

For instance, the Planning Board may wish to consider only those parcels that abut (join at a border or share a boundary line) with one or more parcels already zoned D5. This approach would limit the properties under consideration for rezoning to D5 at this time to the two properties on S. Old Woodward that abut the Merrillwood Building, and the two properties that abut Birmingham Place, one to the south, and one to the north. However, should these 4 properties be rezoned to D5, this would then potentially allow up to 9 additional parcels to be rezoned to D5 over time until no further properties abut a D5 zoned parcel (due to the block ending and an alley or street separating any other adjacent properties). In this scenario, the

remaining 6 properties on the same block running north on S. Old Woodward from the Merrillwood Building would eventually be considered for rezoning to D5, as well as the remaining 4 parcels on the same block both north and south on S. Old Woodward and the Jax Karwash site on Brown.

This approach of allowing only those properties that abut an existing D5 Zone could be further limited however by adding that only those parcels that are not located in an Historic District **and** abut one or more parcels already zoned D5 may be considered for rezoning to D5. This would limit the properties that may be considered for rezoning to D5 over time to the two properties that are located north of Birmingham Place (not including the Peabody Mansion parcel) and the two properties south of Birmingham, due to the block ending. All other surrounding parcels are separated from any D5 parcels by a street in all directions, and thus would not join at a border or share a boundary line in order to qualify for rezoning to D5, if the above amendments were made.

Next Steps

Once the Planning Board has discussed each of the issues noted above, draft ordinance language will be drafted for your review. In addition, should the Planning Board wish to recommend any other parcels for rezoning to the D5 Zone, a map will be created to identify these parcels as well as the zoning classification and permitted heights of all other properties in the surrounding area. Massing studies can also be prepared to further study the impact of any parcels recommended for rezoning to D5.

DPZ
CoDESIGN

July 25, 2019

Jana L. Ecker
Planning Director
City of Birmingham, MI

Proposal to study D5 properties in Birmingham

Dear Jana,

Pursuant to your request and that of the City of Birmingham Planning Board, we have prepared the following proposal for consideration.

Scope of Work

To conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward, and Woodward Avenue, and make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors.

Process

To achieve a fair outcome, we propose including both our Birmingham Master Plan staff who may efficiently produce diagrams as necessary for this evaluation as well as additional opinion from DPZ partner Marina Khoury, who has had no contact with the Birmingham Master Plan. Marina has extensive experience with zoning, including co-leading Miami21, re-zoning of the entire City of Miami. We will diagram the existing conditions and potential development capacity given current zoning, provide opinion of current and future conditions by two partners, independently, and finally provide a coordinated recommendation. Particular attention will be paid to those elements which influence the recommendation, in consideration of Planning Board's discussions over the terms "abutting" and "adjacent" as they have considered this question.

DPZ
CoDESIGN

Cost

Cost for this work is determined by DPZ's normal hourly rates and an estimate of time required to complete the study, producing a lump sum to be contracted for. The estimate and sum are as follows:

Diagramming and analysis: $2,300.00
    Partner - 2 hours @ $250 / hr.
    Staff - 12 hours @ $150 / hr.
Independent opinion and combined recommendation: $1,500.00
    Partner - 2 people, 3 hours @ $250 / hr.
Assembly of study and recommendations: $1,275.00
    Partner - 1.5 hours @ $250 / hr.
    Staff - 6 hours @ $150 / hr.

Lump sum proposal: $5,075.00

We hope that you find this proposal acceptable, and we believe that it can provide an unbiased recommendation to assist the Planning Board in this and future decisions.

Sincerely yours,

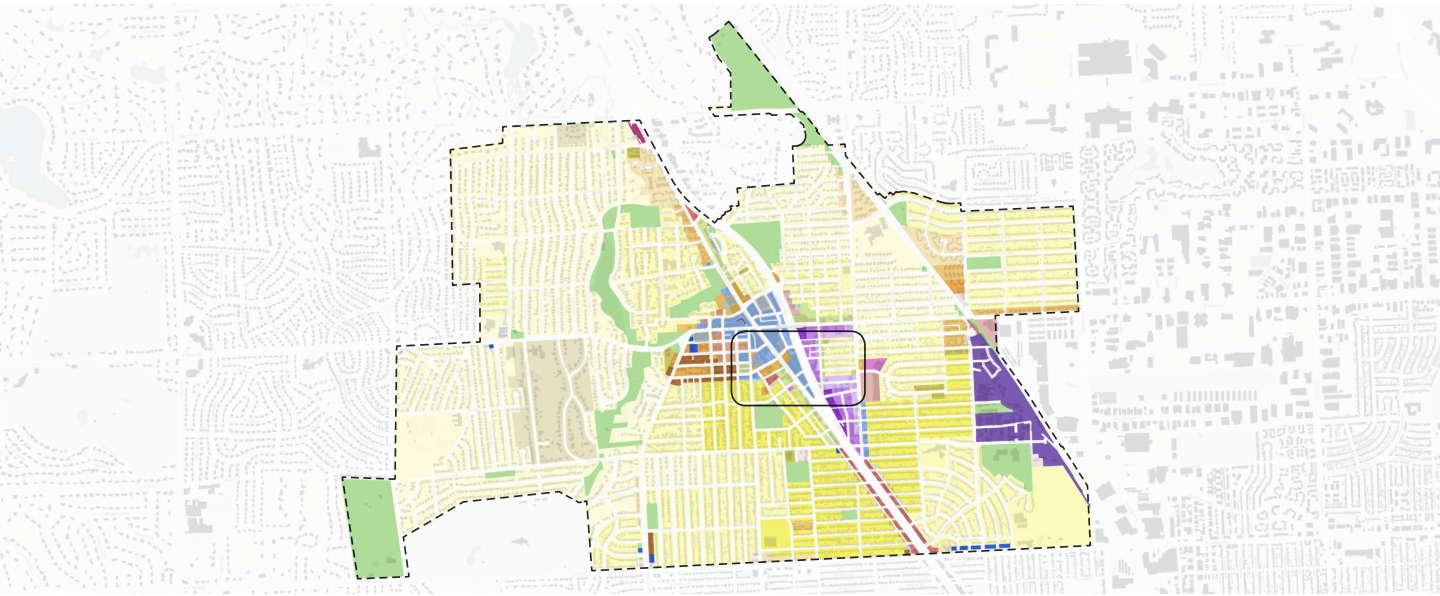
Matthew Lambert
Partner, DPZ CoDesign

D5 STUDY

DPZ
CODESIGN

D5 Study

Purpose



Purpose:

To conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward and Woodward Avenue and make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors.

The Planning Board would then review the recommendations and use them to assist in clarifying the terms “abutting” and “adjacent” with regards to the D5 zone.

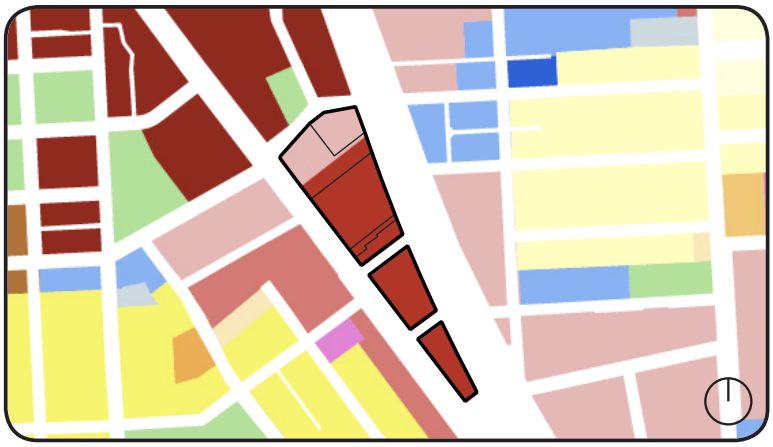
Zoning Enabling Act Reference:

125.3201 Regulation of land development and establishment of districts; provisions; uniformity of regulations; designations; limitations.

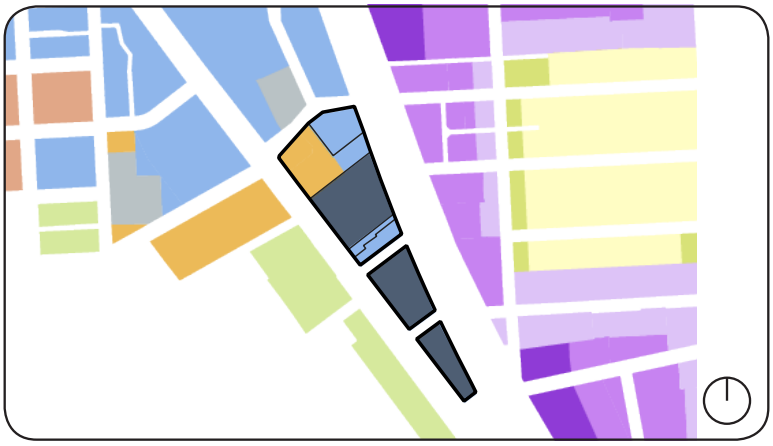
Sec. 201.

1. A local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.
2. Except as otherwise provided under this act, the regulations shall be uniform for each class of land or buildings, dwellings, and structures within a district.
3. A local unit of government may provide under the zoning ordinance for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion.
4. A local unit of government may adopt land development regulations under the zoning ordinance designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles.

Zoning



Overlay zoning



Zoning district	max height
R3 SFR	28’
R5 MFR	30’
R7 MFR	50’
TZ1 attached SFR	35’
B-2 general business	40’
B-2B general business	40’
B-3 office-residential	60’
B-4 business-residential	60’
0-1 office	28’
0-2 office commercial	28’
P parking	50’
PP public property	-

Downtown overlay	max height
C community use	-
D2 3-story development	56’
D3 4-story development	68’
D4 5-story development	80’
D5 special land use	by permit
P parking structures	50’

Triangle overlay	max height
ASF-3 SFR	35’
R2 MFR	30’
MU-3 MFR	60’
MU-5 attached SF	82’
MU-7 general business	118’

Background:

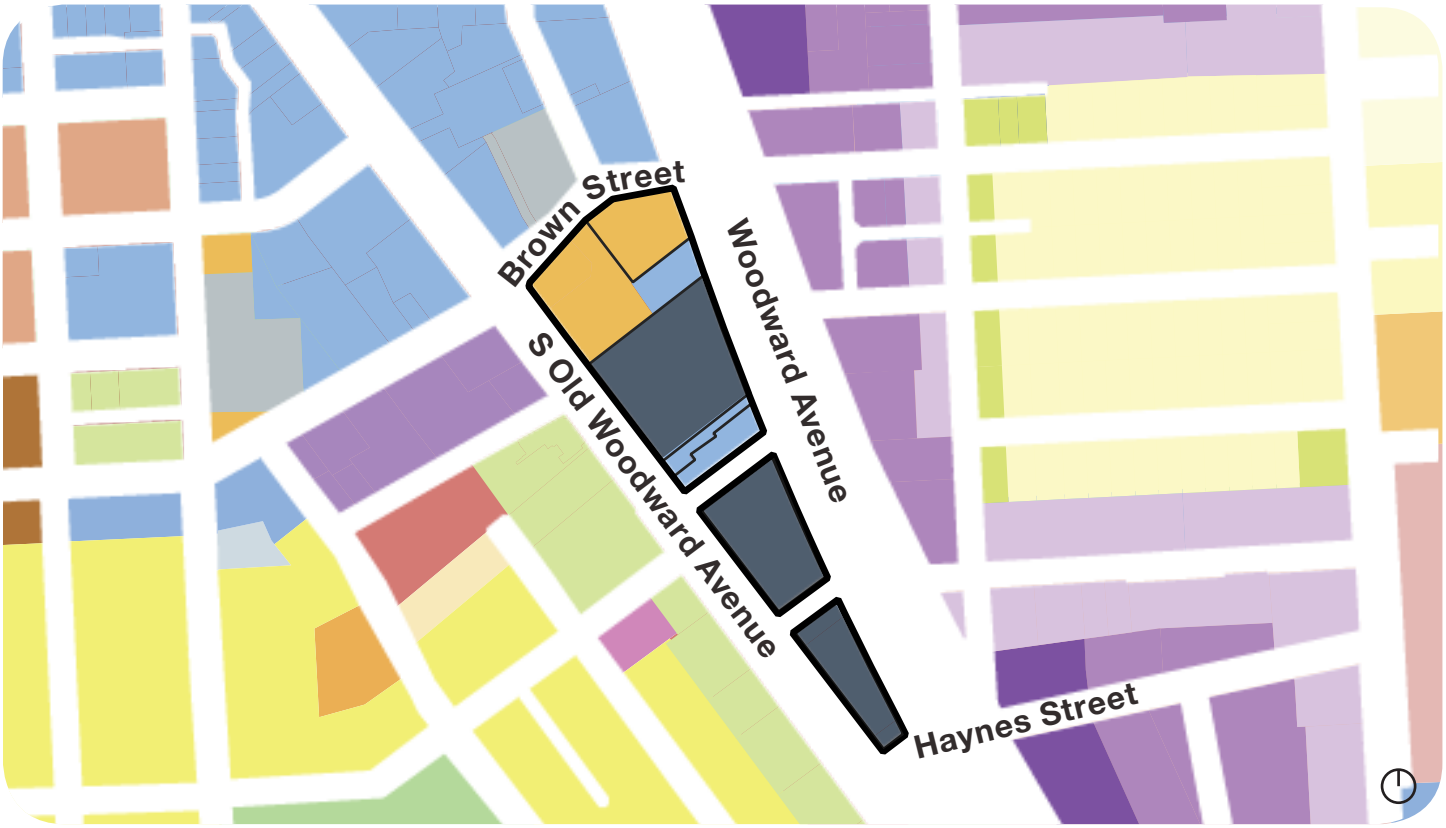
The D5 zone is an overlay zone within the Downtown Birmingham Overlay District (DBOD), which is intended to implement the Downtown Birmingham 2016 Plan. Originally, the DBOD included 3 overlay zones: D2, D3, and D4, as well as Civic and Parking zones for parks and public parking. The D5 zone was established in order to make three otherwise legally non-conforming buildings legally conforming, two of which are within the study area. Prior to D5, the three non-conforming buildings fell within the D4 district, which restricts buildings to 5 stories if the upper floor is residential and 4 stories otherwise. The D5 district permits building height per the D4 requirements, except where a Special Land Use Permit (SLUP) allows heights over 5 stories. Above 5 stories there is no specified limit, outside of the subjective evaluation requirements of the SLUP process requiring recommendation of the Planning Board and approval of the City Commission.

The study area includes D5, D4, and D3 overlay zones, which are mapped over B-3, office-residential, and B-2, general business. D3 limits height to 4 stories where the upper floor is residential and 3 stories otherwise. The limits for D4 were previously stated. Properties mapped with D5 include two existing structures which exceeded 5 stories prior to the DBOD. The D3 and D4 district boundaries do not coincide with property lines at the northern end of the study area where one property is mapped with both D3 and D4. This is likely due to the location of Downtown Overlay zones recommended within the 2016 Plan which were drawn by hand prior to widespread adoption of GIS. Within the mid-block, there are two small properties mapped with D4, properties to the south and north of these being D5. See the map above and on the following page with D5 in dark gray, D4 in light blue, D3 in orange, and D2 in light green. The light gray parcels are public parking.

D5 Study

Background

Effective zoning within and around the study area

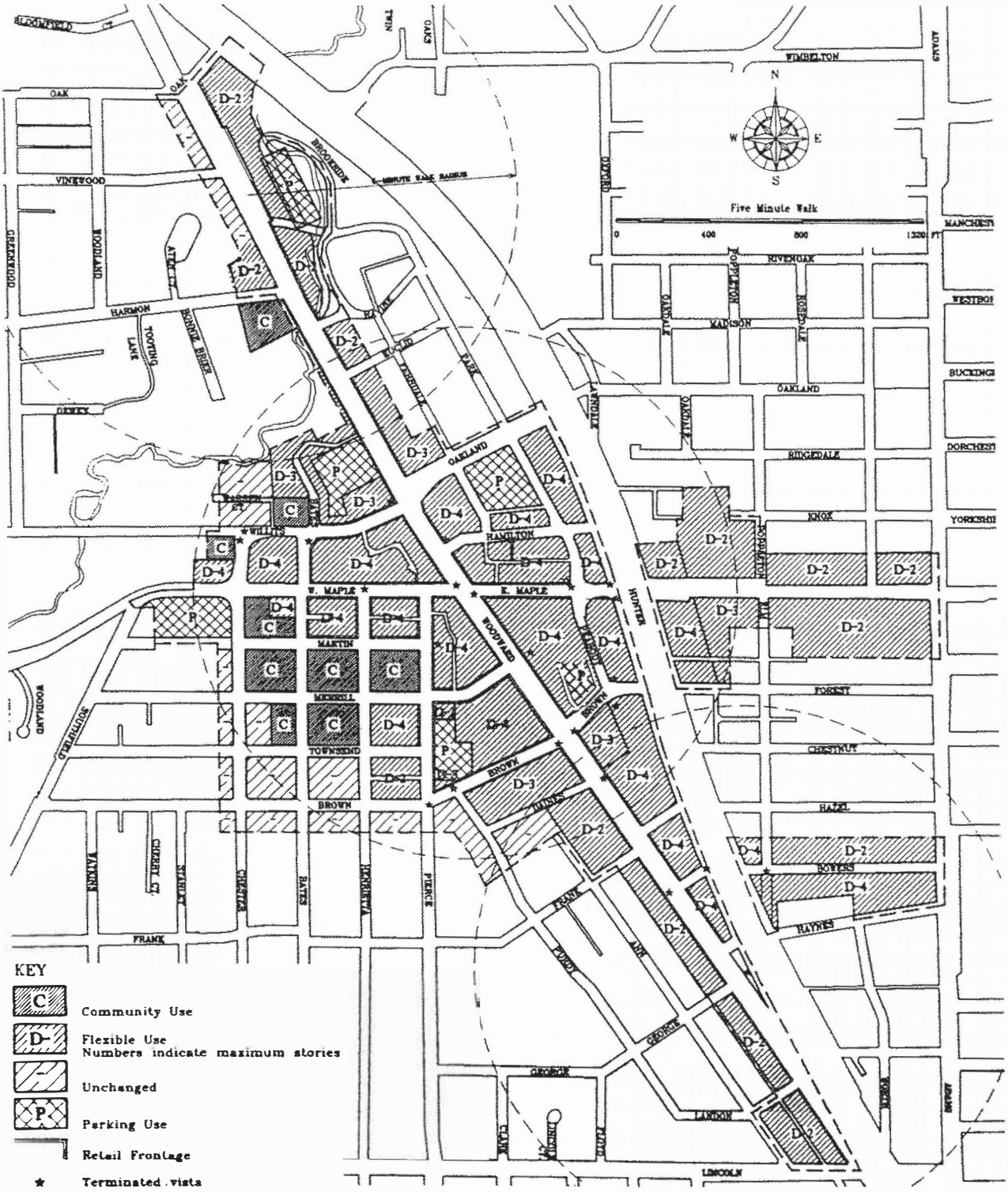


The current City Master Plan, from 1980, had recommended reducing the overall development capacity within Downtown from its 4 story limit at the time to 2 stories, due to parking limitations. The buildings which required the D5 zone had already been constructed, and some indicate that their presence at the time is in part what instigated the desire for a Master Plan update in 1980. The 555 Building is specifically discussed in the Master Plan as being out of character due to its bulk, not necessarily its height. The Master Plan also indicates that other high-rise buildings may be appropriate within the downtown to accentuate the skyline, provided careful regulation to ensure compatibility. At the time, most of Downtown was 2 stories or below, with a few taller buildings. The incompatibility between the higher buildings and 2 story downtown as a general practice is noted. Discussion of the Merrillwood Building, a 6 story building which steps back at the 3rd floor, states that its corner location is appropriate for taller buildings as a compliment to the otherwise low height of Downtown.

The Downtown Birmingham 2016 plan provided a recommended overlay district for Downtown and discussed heights such that the area generally retain a cap of five stories as most traditional American downtowns are between 2 and 4 stories. The Downtown Overlay District follows the height recommendations of the 2016 plan and zoning district boundary recommendations, shown below, with the exception of D5 which was added later. The boundary between D3 and D4 within the study area that does not coincide with property lines is a result of this map. Presumably, since D4 generally surrounds the area, the D3 portion is intended to preserve an existing historic building. Across Old Woodward, D3 and D2 districts are intended to provide a transition to the adjacent neighborhood.

Downtown Birmingham 2016 APPENDIX F – 2

BUILDING 1: REGULATING PLAN



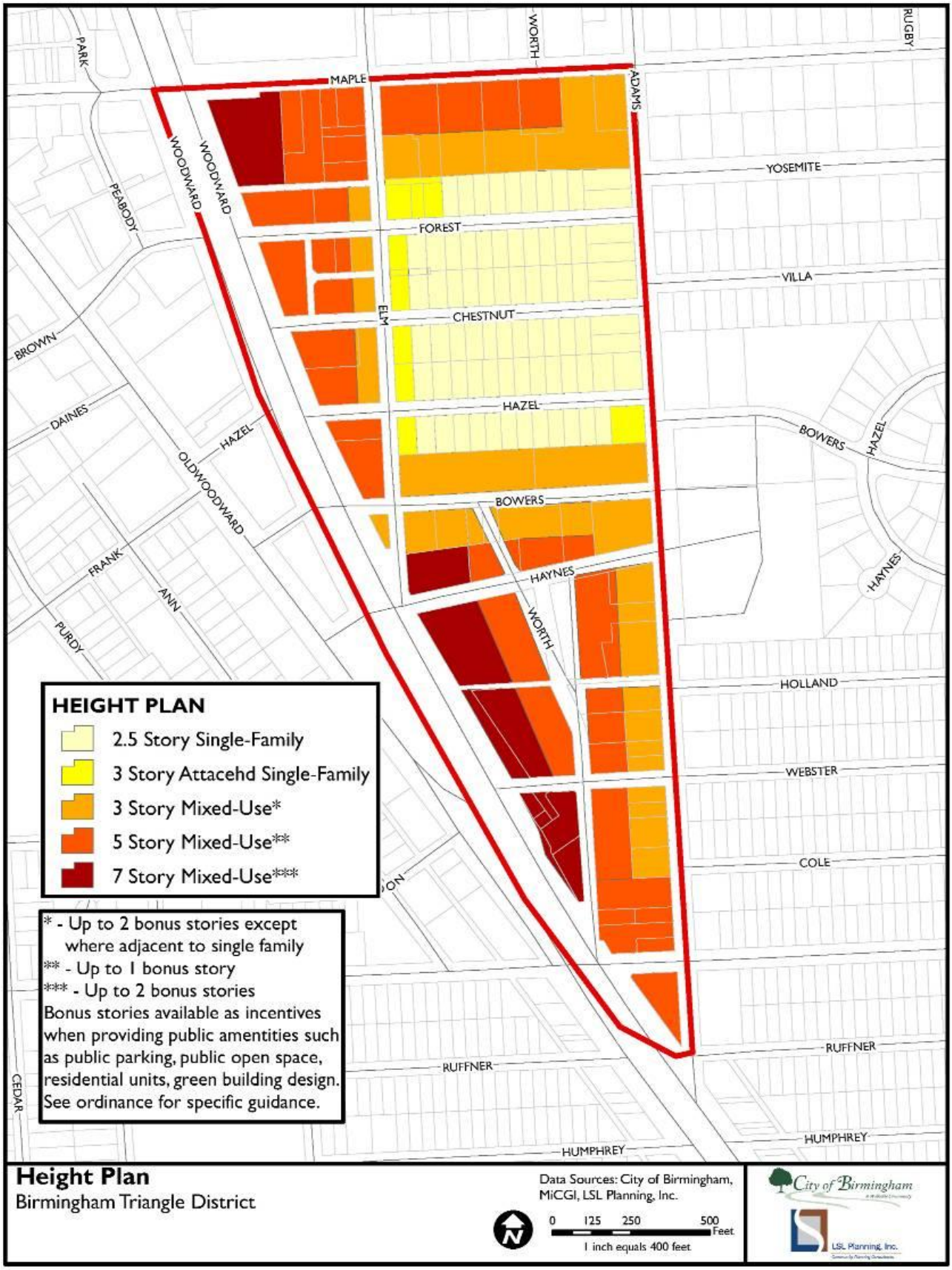
REGULATING PLAN OF THE DOWNTOWN BIRMINGHAM OVERLAY ZONING DISTRICT

D5 Study

Background

In addition to the core Downtown, the vision for the Triangle District, updated in 2007, is important contextually. Both the study area and the Triangle District frame the vision of Downtown Birmingham along big Woodward. The Triangle District Plan recommends that taller mixed-use buildings be located along Woodward, 7 to 9 stories, with medium height mixed-use buildings, 3 to 6 stories, within the District's interior. In all cases, the maximum permitted height is unclear due to the use of height bonuses where each stated height district can be increased in height, such as 3 Story Mixed-Use qualifying for 5 story buildings. The allocation of height and the Triangle District Overlay focus heavily on transitions to adjacent neighborhoods, especially the single-family housing which remains within the District. The study area is generally adjacent to areas of 5 to 6 story mixed-use buildings, due to the adjacency of those properties to residences along Forest, Chestnut, and Hazel. As apparent at Maple and Woodward and at Haynes and south along Woodward, the 7 to 9 story district would be mapped along the entirety of Woodward if residences were further, transitioning upward from the 5 to 6 story district.

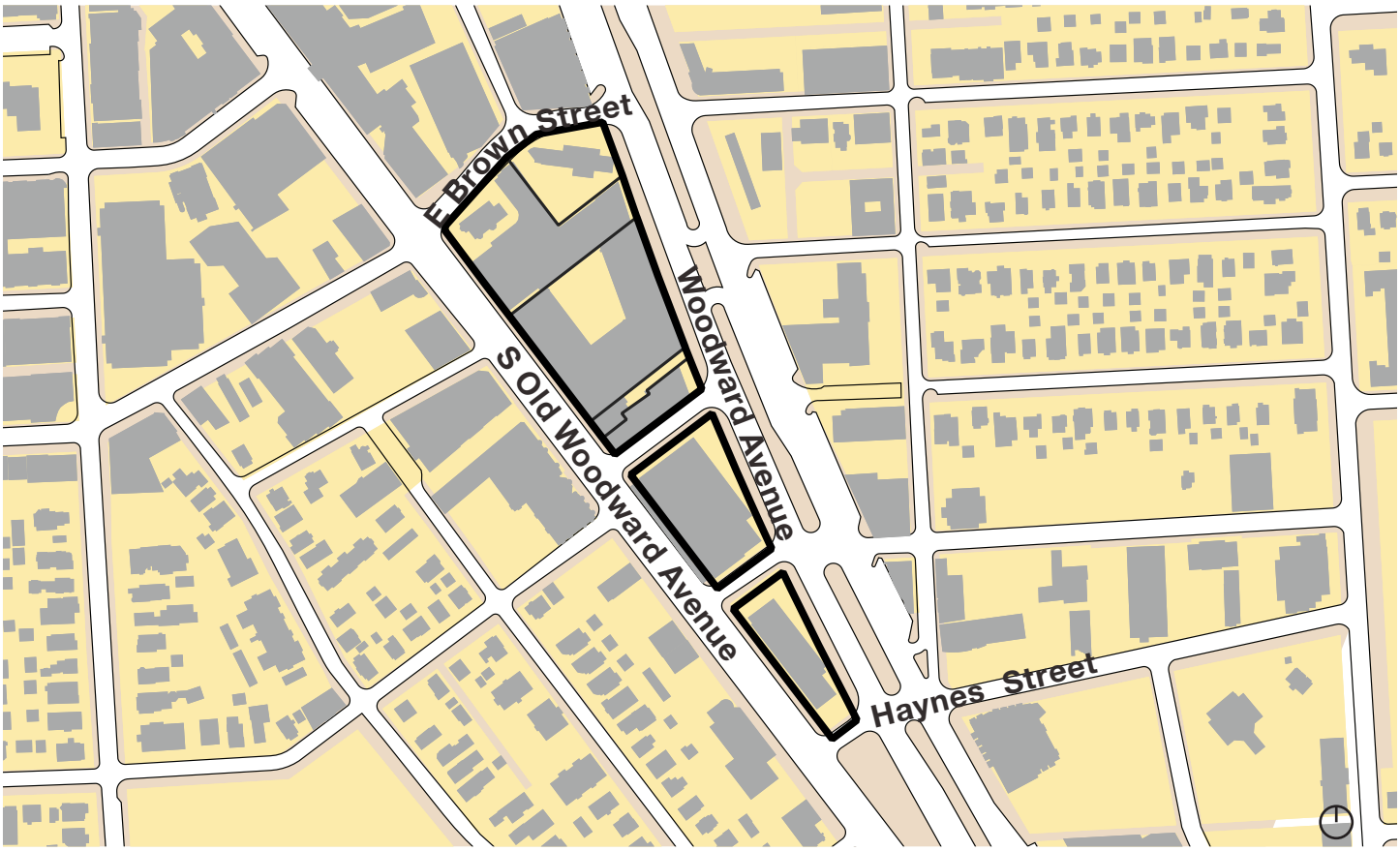
The Birmingham Plan for 2040, currently in progress, has proposed that Downtown Birmingham be considered to include 3 districts: Market North, Maple and Woodward, and Haynes Square. This proposal is aimed at bridging the Woodward divide and at improving the quality of retail and development along south Old Woodward. Presently, the experience of travel along Woodward is that one drives by Downtown Birmingham, rather than through Downtown Birmingham. The 2040 plan intends to change this perception to one of driving through the core of Downtown Birmingham. The study area occurs at a key seam between Haynes Square and Maple and Woodward, framing the northern end of Haynes Square. The concept for Haynes Square is to connect Old Woodward with big Woodward at a right-angle, accompanied by a public open space, the square. This alleviates the dangerous traffic condition at the current intersection of these roads, and provides a central public space to mark the entrance to greater Downtown Birmingham.


HEIGHT PLAN
2.5 Story Single-Family
3 Story Attacehd Single-Family
3 Story Mixed-Use*
5 Story Mixed-Use**
7 Story Mixed-Use***
* - Up to 2 bonus stories except where adjacent to single family
** - Up to 1 bonus story
*** - Up to 2 bonus stories
Bonus stories available as incentives when providing public amentities such as public parking, public open space, residential units, green building design. See ordinance for specific guidance.
MAPLE
WOODWARD
WORTH
ADAMS
RUGBY
YOSEMITE
FOREST
VILLA
CHESTNUT
ELM
HAZEL
BOWERS
HAYNES
HOLLAND
WEBSTER
COLE
RUFFNER
HUMPHREY
PARK
PEABODY
BROWN
DAINES
OLDWOODWARD
FRANK
ANN
PURDY
CEDAR
Height Plan
Birmingham Triangle District
Data Sources: City of Birmingham, MiCGI, LSL Planning, Inc.
0 125 250 500 Feet
1 inch equals 400 feet
City of Birmingham
LSL Planning, Inc.

D5 Study

Discussion and Recommendation

Current Building Footprints



Discussion:

In order to evaluate the request, DPZ Partners Matthew Lambert and Marina Khoury discussed the conditions of the study area and surrounding Downtown Districts. Marina was consulted due to her extensive code experience and her lack of familiarity with the specifics of Birmingham, and objective party. Matthew provided familiarity with the conditions of the study area, the 2040 plan in progress, and the reason for this request.

Prior to being informed about further specifics, Marina was provided the information included in the Background section of this document, including the 3d models of the current conditions and present zoning allowances. Her initial take away was based upon 3 assertions:

1. Nothing in the present assignment of height through zoning justifies retaining a lower height for any properties within the study area.
2. Zones should generally be contiguous.
3. The design of buildings has a greater impact on compatibility than height.

Initial assertions from Marina reinforced the conclusions that Matthew had also arrived at. Further discussion ensued, addressing other issues of design compatibility and public benefit that are beyond the scope of the request, and addressed through the existing Special Land Use Permit (SLUP) process that is embedded in the D5 zone.

Overall, it is clear that the entire study area merits rezoning to D5. This triangle of land occupies a very special position in Downtown Birmingham where Woodward and Old Woodward separate from each other. Already, the study area has been developed at a scale above the majority of the downtown area. Were the Triangle District height map extended in concept across Woodward, the study area would be mapped with the 7 to 9 story district. The most significant position within the study area is the site of the 555 building, which merits the greatest height. The remainder of the study area provides background to that key site: a podium which is capped by place where the Woodwards meet.

Impact overall must also be addressed. The sites within the study area that are not currently D5 would only impact directly abutting (sharing a property line) properties, Birmingham Place, which is already a taller building within D5. Context is established by the nearby properties, which includes the 555 building even though it is in the study area, properties zoned between 6 and 9 stories in the Triangle District, and 4 to 5 story properties within the overall Downtown District. Old Woodward and Woodward are both very wide roads where taller buildings on one side of the road have a limited impact on those adjacent properties across the road. In fact, due to the size of both roads, they require taller buildings to create a street room, greater height along Woodward than Old Woodward, as is recognized by the Triangle District zoning. Brown is also a relatively wide road, a portion of which is occupied by a parking structure. Taller buildings along the south side of Brown may require one or more stepbacks, which is already provided for in D4 and further requirements possible through D5's SLUP process. Hazel is the street where nearby properties are most impacted, however the only impacted property is the 555 building which is already tall and presents a mostly blank wall to the north.

One concern remains which is the preservation of the Ford-Peabody Mansion. This concern reflects the Downtown Overlay mapping of the 2016 Plan. While presently a listed historic resource, the Historic Preservation Ordinance provides little protection for the building overall. While the allocation of heights and zoning districts is not necessarily to be concerned with preservation in a downtown area, allocating significant additional height may induce development and loss of the historic asset. Yet the mansion could be relocated were the site to be redeveloped. This is a consideration left for the appointed boards and elected officials to address. Concerning the specifics of the request made, setting aside the question of historic significance, this site would also qualify for rezoning to D5.

Lastly, we want to reiterate an important point: the design of buildings is more impactful to compatibility than height. This sentiment was discussed at length in review of the study area, and also stated in the 1980 Master Plan which considered this same issue of the impact of height on the city. As also stated in the 1980 plan, the design of the 555 building was considered to be less compatible due to the long mass of the larger portion of the building. Should the study area be rezoned to D5 as recommended, it is incumbent upon the Planning Board and City Commission to ensure that the massing and design of any new building is compatible with the context.

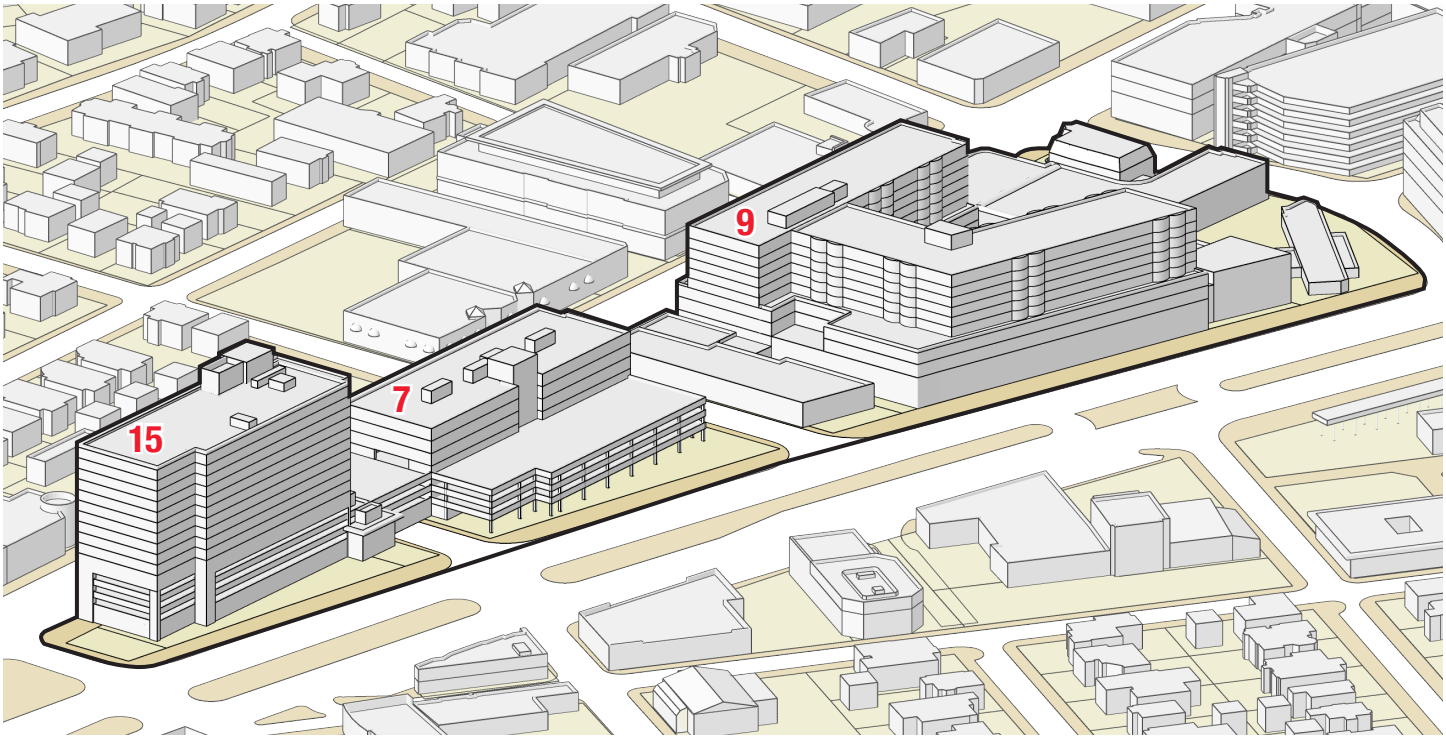
Recommendation:

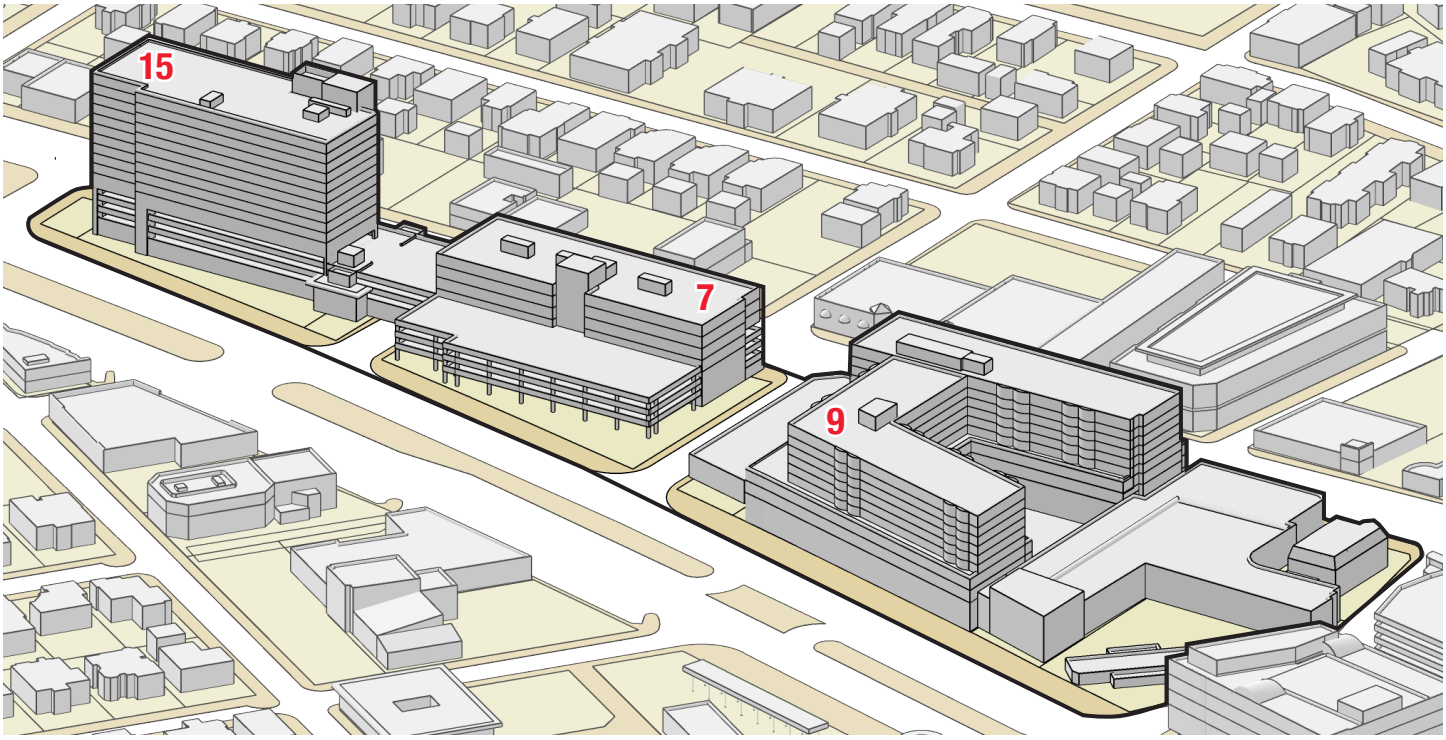
All properties within the study area should be eligible for rezoning to D5, with the potential exception of the Ford-Peabody Mansion for considerations related to preservation.

D5 Study

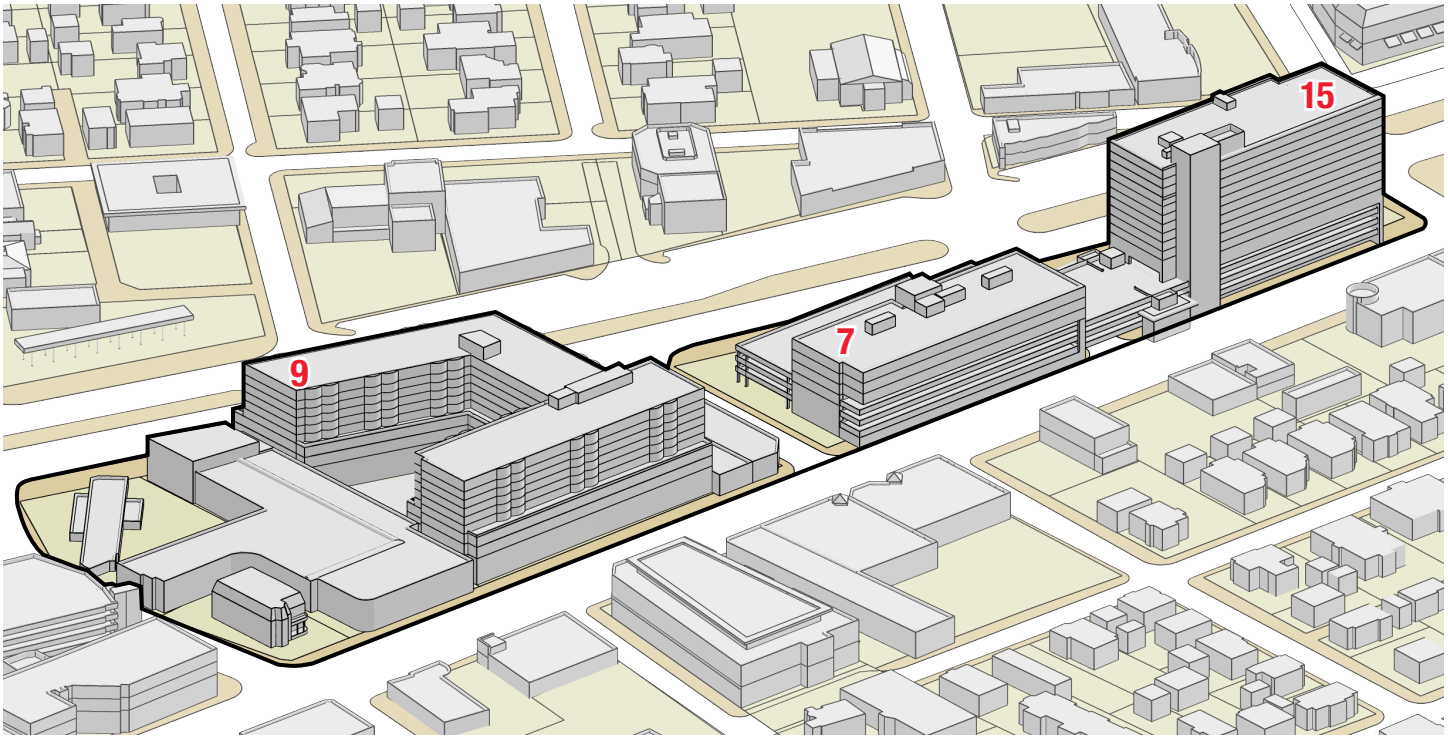
Massing Studies - Existing condition

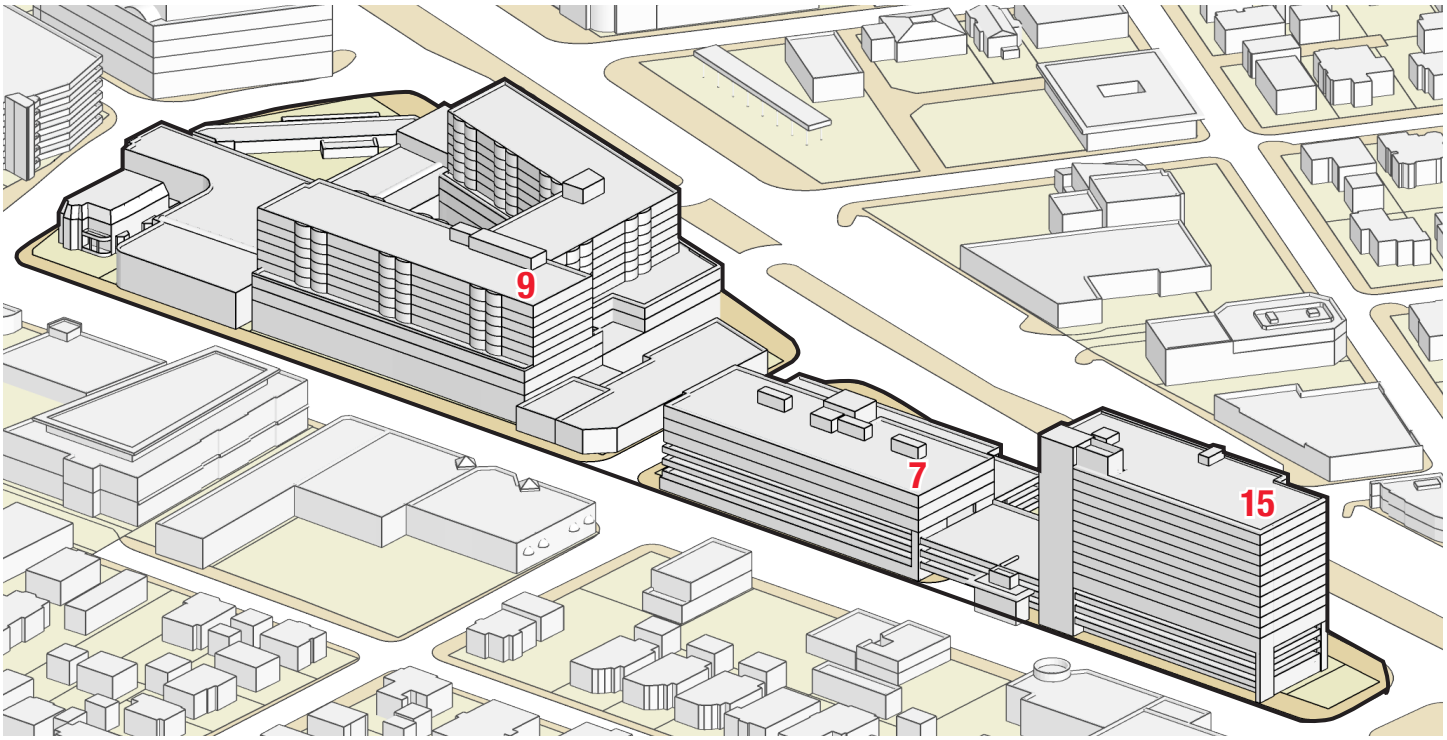
 # Height of buildings in stories





 # Height of buildings in stories





D5 Study

Massing Studies - Development potential under current zoning

Downtown Overlay

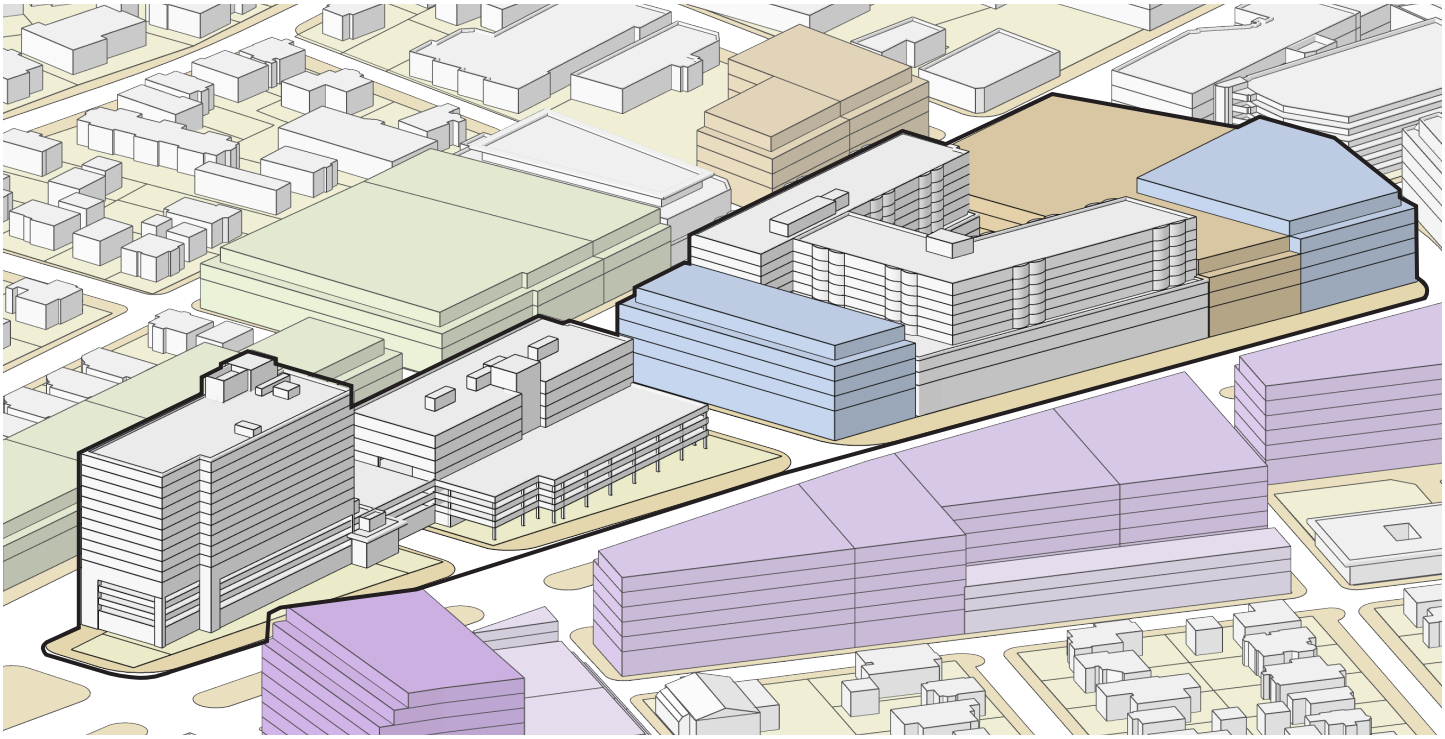
max allowable heights:

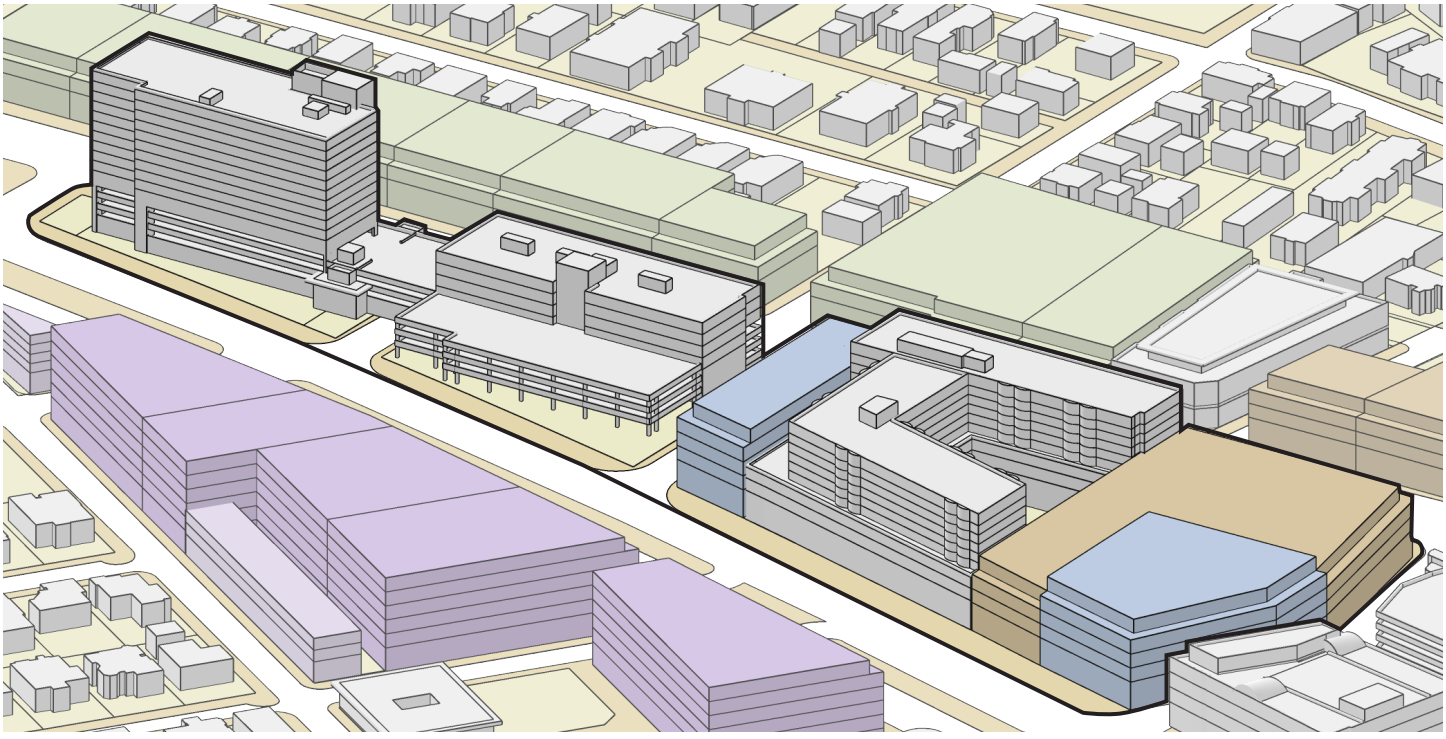
- **D2** 3-story development - **56’**
- **D3** 4-story development - **68’**
- **D4** 5-story development - **80’**

Triangle Overlay

max allowable heights:

- **MU-3** MFR - **60’**
- **MU-5** attached SF - **82’**
- **MU-7** general business - **118’**





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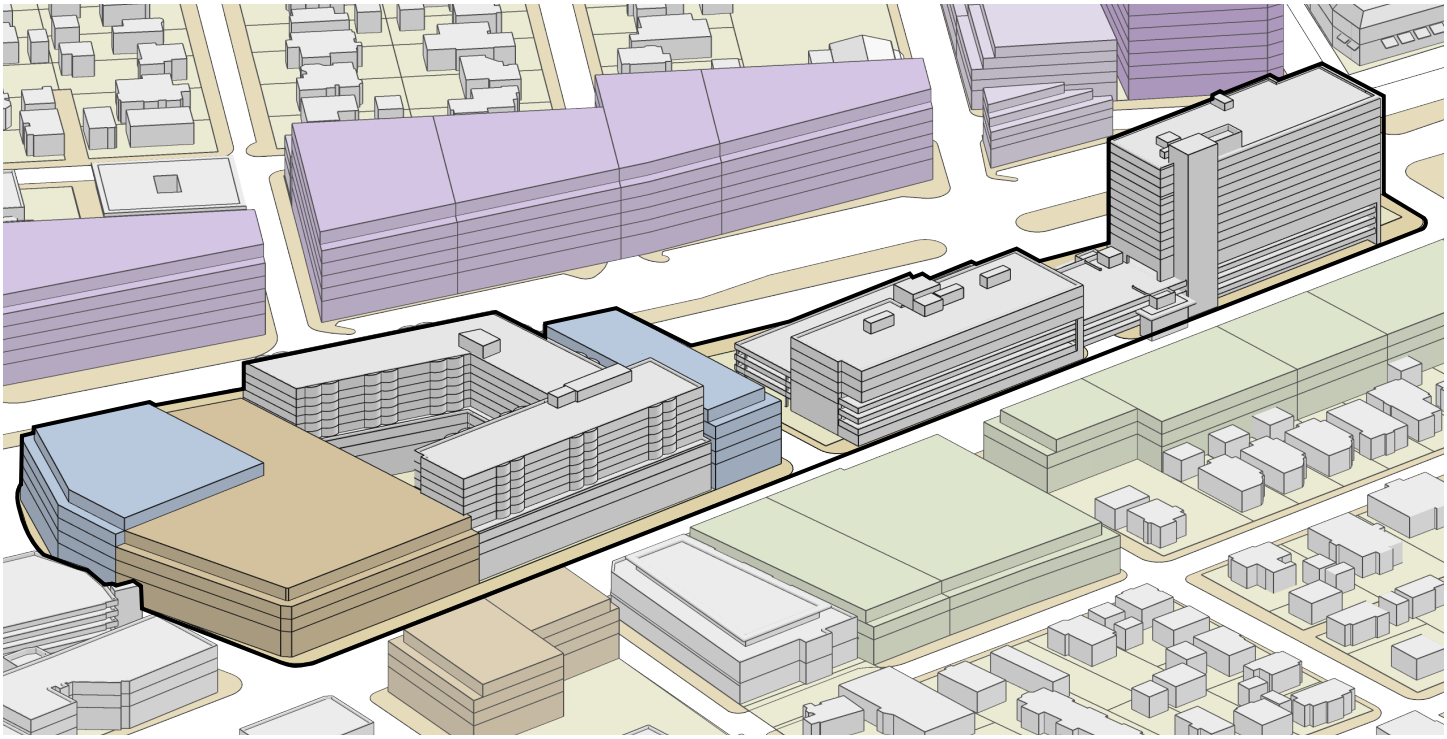

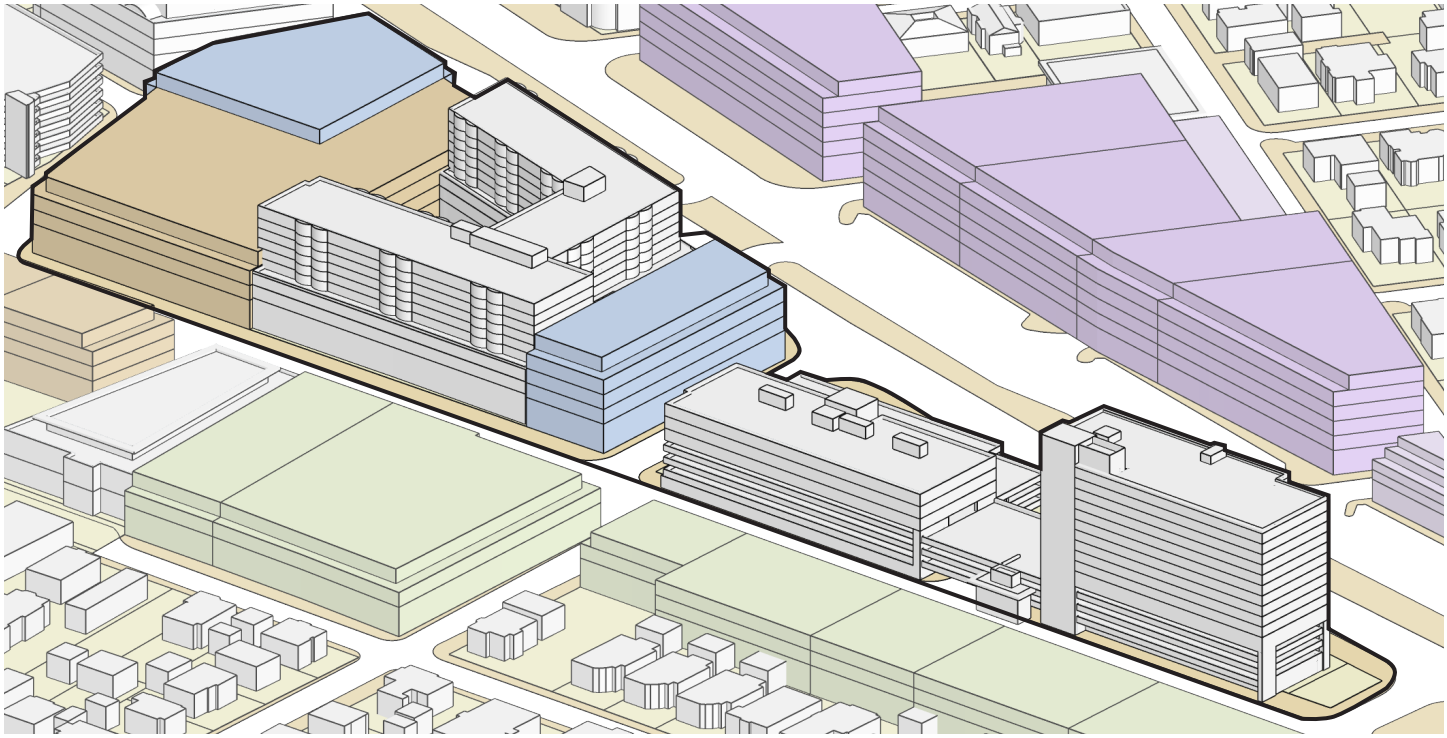

D5 Study

Massing Studies - Development potential under D5 zoning

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max allowable heights:

- **D2** 3-story development - **56’**
- **D3** 4-story development - **68’**
- **D5** special land use - **by permit**

Triangle Overlay

max allowable heights:

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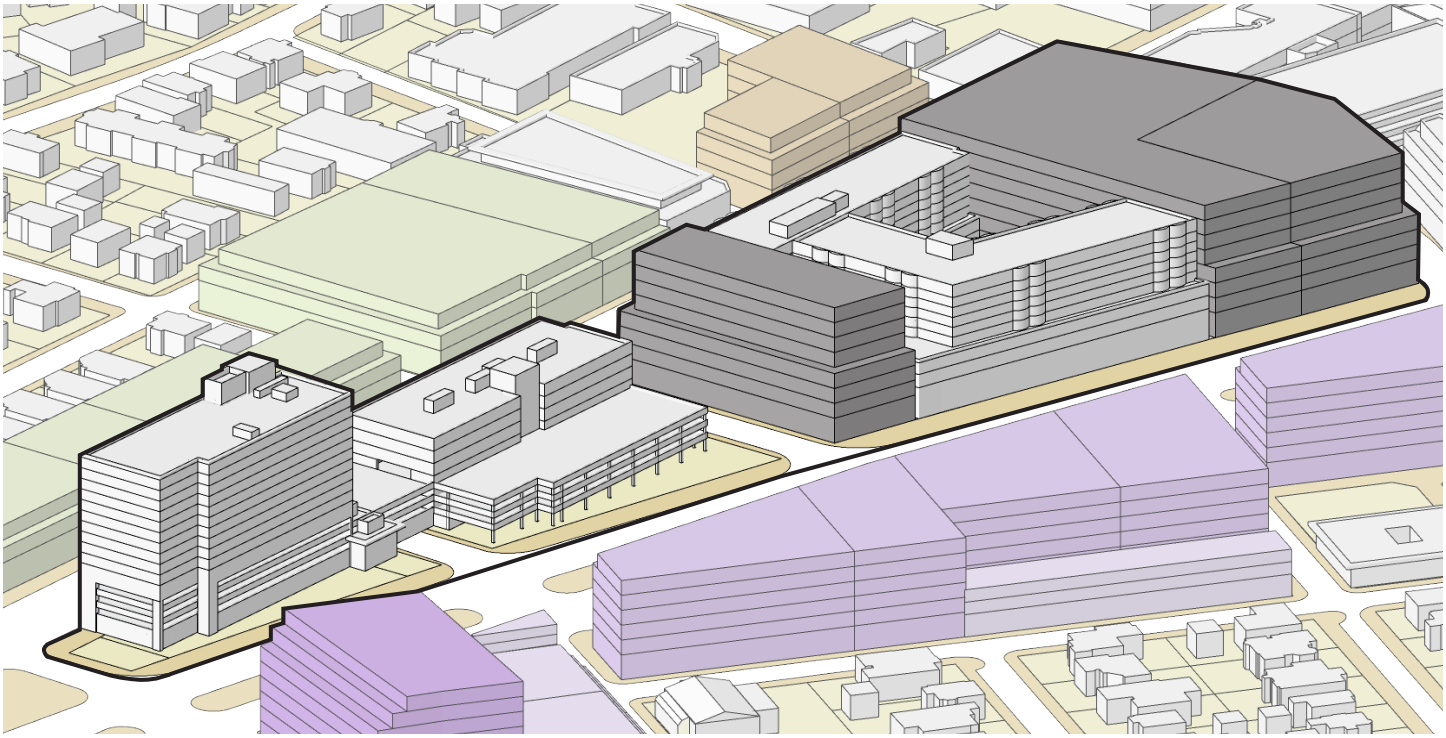

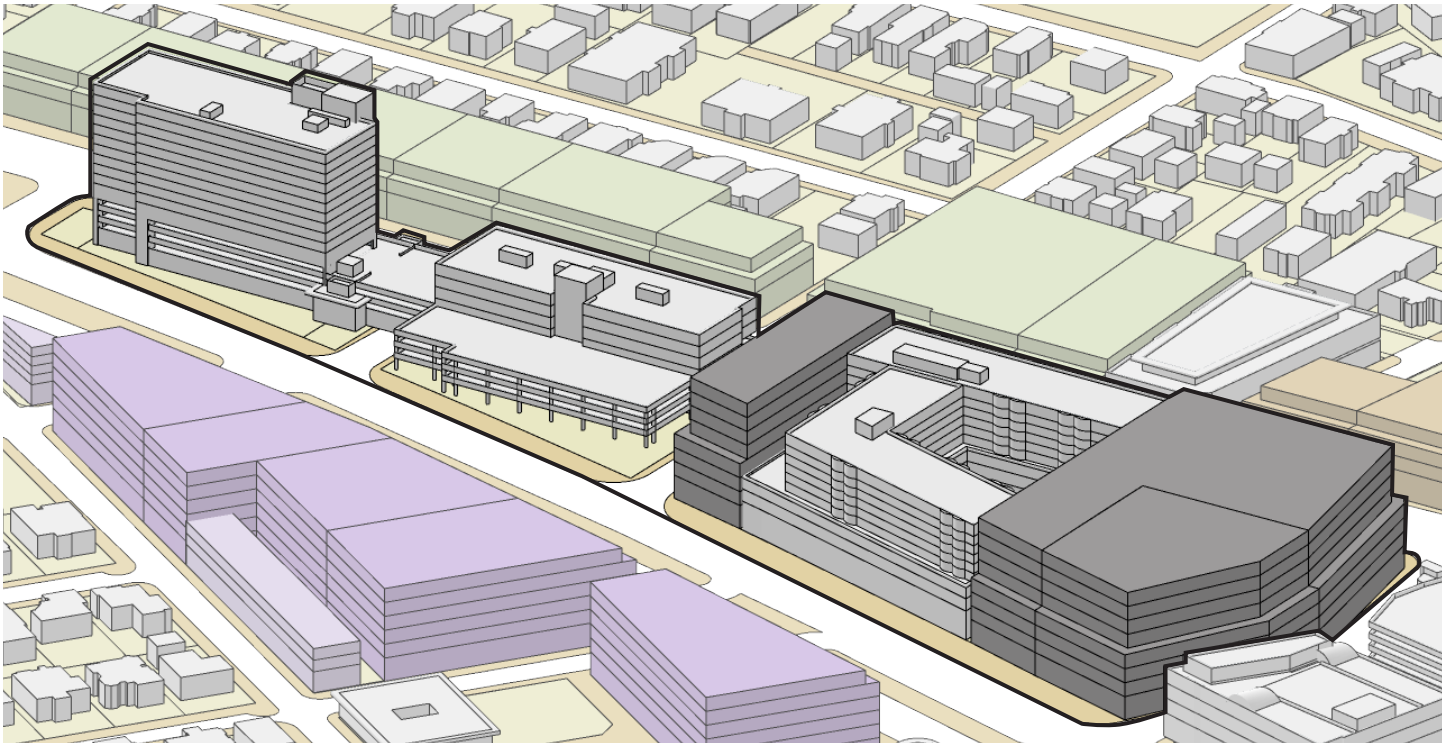

D5 Study

Massing Studies - Development potential under D5 zoning

Downtown Overlay

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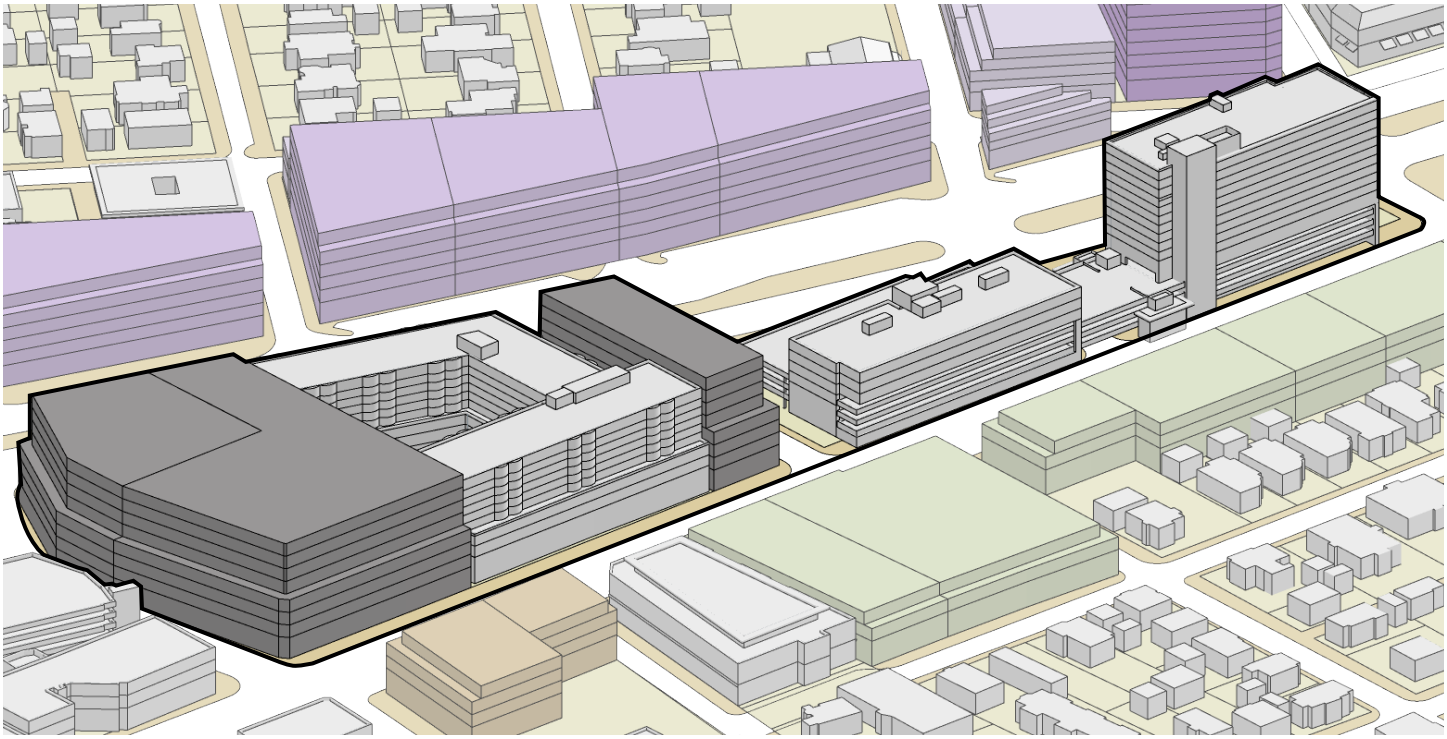
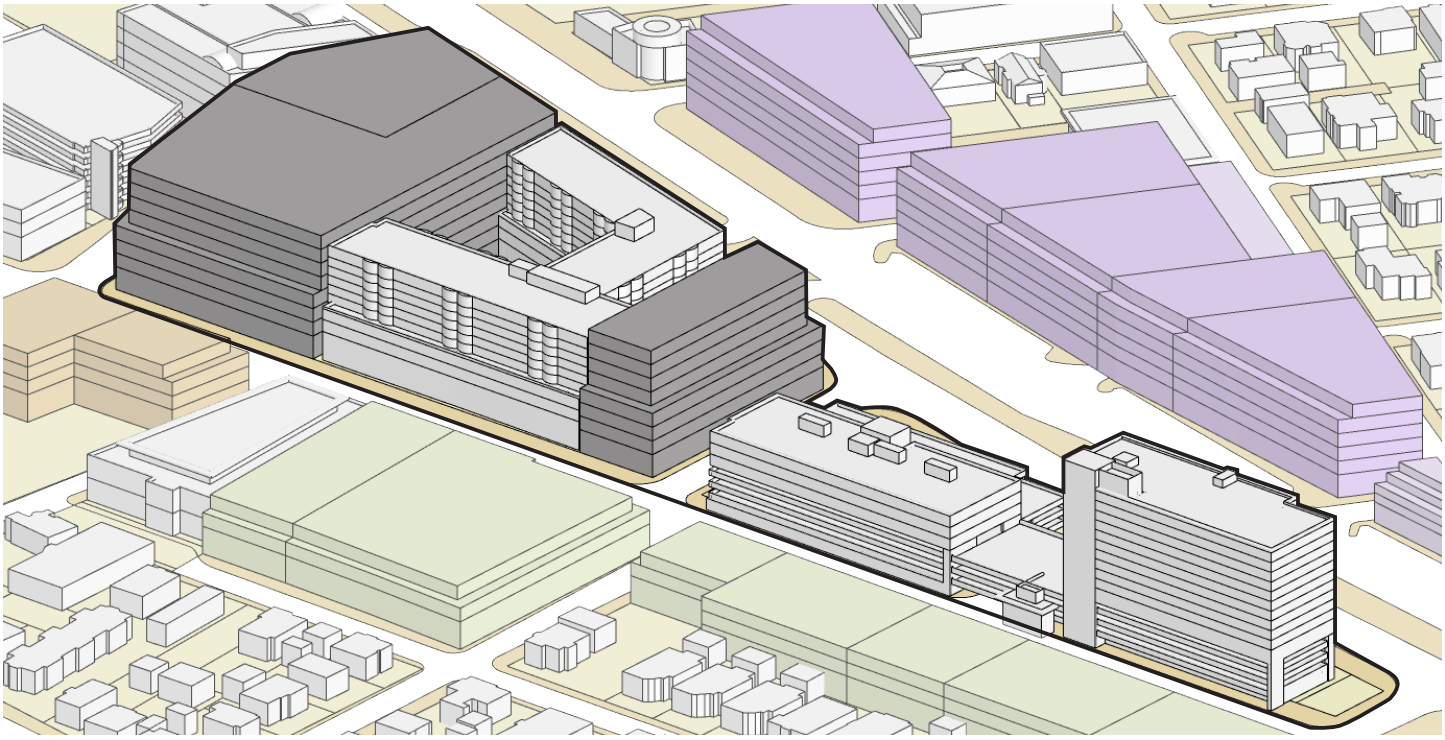




D5 views

1 message

Matthew J. Lambert <matt@dpz.com>
To: Jana Ecker <jecker@bhamgov.org>

Tue, Oct 1, 2019 at 12:01 AM

Here are the built-out views. I hope that it is understood that its not likely any building would actually be built to the maximum envelope as there is need for windows and such which would further break down the potential massing of new buildings.

1817-D5_Study_14-15 (2).pdf
1275K

JPHOWE PLLC

280 N. Old Woodward
Suite 12
Birmingham, MI 48009
O 248.385.3112
C 248.835.2068
F 888.450.1682
jphowe@jphowe.com
www.jphowe.com

August 26, 2019

VIA EMAIL & HAND DELIVERY

City of Birmingham Planning Board
c/o Ms. Jana L. Ecker
Planning Director
City of Birmingham
151 Martin St.
Birmingham, MI 48012

Re: Objection to DPZ Proposal to Study D5 Properties in Birmingham

Dear Members of the Planning Board,

This firm represents Birmingham Place Master Condominium Association, which is comprised of various owners and occupants of the Birmingham Place mixed use building located at 411 S. Old Woodward. The undersigned was present at the July 10, 2019 Birmingham Planning Board (the "Board") meeting, wherein the Board considered a request from the owner of 469-479 S. Old Woodward Ave. (the "D5 Applicant") to amend the City of Birmingham Zoning Ordinance to address the following: (i) clarify building height standards within the D5 zone, (ii) clarify the meaning of the words "immediately adjacent and abutting", and (iii) determine the properties to which the D5 overlay classification should be applied in Downtown Birmingham within the area bounding by Haynes, Brown, Old Woodward, and Woodward Ave. The Board declined to address these questions at the July 10th meeting, and Chairman Clein noted that it would be inappropriate to address these questions in the context of a single property or project when he stated:

> "I think determining which parcels should be allowed to go up to densities and heights and massing of this nature, is not properly done through simple rezoning on a one by one basis. It is done by doing a downtown plan, it is done looking at this region and saying that lot should be there; we don't have to do it now, but it is eligible because we think it should be, and if the owner wants to come forth and do it they should be allowed to." (July 10, 2019 Planning Board Video, 1 hr. 43 min. mark).

The Board directed City Planner, Jana Ecker, to obtain a proposal from planning firm, DPZ CoDesign ("DPZ"), which is currently updating the City of Birmingham Master Plan, to provide guidance on the questions presented by the D5 Applicant. Specifically, the Board wanted DPZ to provide a "subarea plan" for the downtown area bounded by Haynes, Brown, Old Woodward, and Woodward Ave. DPZ submitted a proposal to the City on July 25, 2019, which is attached as **Exhibit 1** (the "DPZ Proposal"). The purpose of this letter is advise the Board of our client's objection to: (i) the scope of the DPZ Proposal, and (ii) the Board's reliance on any recommendations from DPZ related to the questions presented by the D5 Applicant, or any "subarea plan" provided by DPZ, which are prepared without the same outreach, public engagement, and citizen input that has been (and will be) afforded to City residents and stakeholders during the ongoing City Master Plan creation and implementation process.

For some reason, it appears that the Board feels that it owes the D5 Applicant an expedited "subarea plan" to address the D5 Applicant's questions. This Board and the City need to slow down, and let the City's master planning process takes its course. Just because the D5 Applicant asked the Board to address certain questions about the D5 Zoning Ordinance, does not mean that the Board has to immediately engage a third party consultant to address them. **The sole question before the City is whether it is appropriate to increase the permitted building height in downtown Birmingham above 5 stories**. That is the only question that the D5 Applicant wants addressed, and that is essentially the only question that DPZ will be addressing in a "subarea plan." This is exactly the type of question that should be addressed in a master plan. Why the Board believes that this vitally important question needs to be addressed outside of the ongoing master plan process is simply without explanation.

With respect to the DPZ Proposal itself, the scope outlined by DPZ does not reflect the charge issued by the Board. The DPZ Proposal states that DPZ will "make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height." This scope makes it appear that there is consensus among the Board (and presumably all stakeholders), that new buildings in downtown Birmingham should exceed 5 stories, and DPZ now needs to tell us which properties are eligible. This assumption is wrong and misleading. The Board, City Commission, residents and stakeholders have not been afforded an opportunity to thoroughly discuss increasing building heights above 5 stories generally, along with all the associated consequences of increasing building heights. Our client believes (and the current City zoning ordinance clearly states), that 5 stories is the appropriate height for all new construction in downtown Birmingham. DPZ should begin any study that it completes, whether as part of the City Master Plan, or a "subarea plan", with this same assumption. To assume otherwise is wrong, and is not supported by any formal action or position taken by the Board, the City Commission, or the City's residents and stakeholders.

If the City decides to engage DPZ to prepare a "subarea plan", our Client adamantly objects to the Board's reliance on it in any respect unless it is created with the same outreach, public engagement, and citizen input that has been part of the ongoing City master planning process. To turn the vitally important question of increased building

heights in downtown Birmingham over to a third party consultant for a recommendation, while skipping the public engagement component of the planning process (which is not mentioned anywhere in the DPZ Proposal), flies in the face of planning best practices, and may produce a recommendation that is completely contrary to what actual City residents and stakeholders deem appropriate. We urge you to not create a "subarea plan" for the area in question, but to address the question of increased building heights in the updated Master Plan that is currently in process. If you authorize DPZ to create a "subarea plan" for the area in question, you must require DPZ to complete a thorough public engagement process similar to what it designed and completed for the update of the City Master Plan.

We appreciate you taking the time to consider our client's position with respect to this important matter, and look forward to further discussing this matter with the Board at an upcoming Board meeting.

Very truly yours,

JPHOWE, PLLC

J. Patrick Howe

cc: Birmingham Place Master Condominium Association

Exhibit 1

(see attached)

DPZ
CODESIGN

July 25, 2019

Jana L. Ecker
Planning Director
City of Birmingham, MI

Proposal to study D5 properties in Birmingham

Dear Jana,

Pursuant to your request and that of the City of Birmingham Planning Board, we have prepared the following proposal for consideration.

Scope of Work

To conduct a focused study of the area in Downtown Birmingham bounded by Haynes, Brown, Old Woodward, and Woodward Avenue, and make recommendations as to which properties should be considered for rezoning to D5 given their proximity to properties with existing buildings over 5 stories in height, to properties that are currently zoned to allow greater than 5 stories of height or due to other identified factors.

Process

To achieve a fair outcome, we propose including both our Birmingham Master Plan staff who may efficiently produce diagrams as necessary for this evaluation as well as additional opinion from DPZ partner Marina Khoury, who has had no contact with the Birmingham Master Plan. Marina has extensive experience with zoning, including co-leading Miami21, re-zoning of the entire City of Miami. We will diagram the existing conditions and potential development capacity given current zoning, provide opinion of current and future conditions by two partners, independently, and finally provide a coordinated recommendation. Particular attention will be paid to those elements which influence the recommendation, in consideration of Planning Board's discussions over the terms "abutting" and "adjacent" as they have considered this question.

DPZ.COM
Portland, OR
305.644.1023

DPZ
CODESIGN

Cost

Cost for this work is determined by DPZ's normal hourly rates and an estimate of time required to complete the study, producing a lump sum to be contracted for. The estimate and sum are as follows:

Diagramming and analysis: $2,300.00
Partner - 2 hours @ $250 / hr.
Staff - 12 hours @ $150 / hr.
Independent opinion and combined recommendation: $1,500.00
Partner - 2 people, 3 hours @ $250 / hr.
Assembly of study and recommendations: $1,275.00
Partner - 1.5 hours @ $250 / hr.
Staff - 6 hours @ $150 / hr.

Lump sum proposal: $5,075.00

We hope that you find this proposal acceptable, and we believe that it can provide an unbiased recommendation to assist the Planning Board in this and future decisions.

Sincerely yours,

Matthew Lambert
Partner, DPZ CoDesign

DPZ.COM
Portland, OR
305.644.1023

City of Birmingham
Street Map
Fire Station
The Birmingham Museum
Library
Community Facilities
Parking Structure
City Hall - Police Station
Cemetery
Department of Public Services
School
Place of Worship
US Post Office
Lakes,Rivers
Municipal Boundary
Booth Trail
Fairway Trail
Linden Park Trail
Quarton Lake Trail
Willits Trail
Voting District Boundary
Local Road
Major Road
State Road
Railroad
Golf Course
Park
Bloomfield Hills
Bloomfield Twp
Troy
Royal Oak
Beverly Hills
Quarton Rd
W Big Beaver Rd
W Maple Ave
E Maple Ave
W Lincoln Ave
E Lincoln Ave
W Fourteen Mile Rd
E Fourteen Mile Rd
Fourteen Mile Rd
Woodward Ave
N Old Woodward Ave
S Old Woodward Ave
N Adams Rd
S Adams Rd
Southfield Rd
Cranbrook Rd
Coolidge Hwy
Pierce St
Chesterfield Ave
Oakland Ave
Quarton Lake
Lincoln Hills Golf Course
Birmingham Art Association
Disclaimer
The information provided hereon has been compiled from recorded deeds, plats, taxmaps, surveys, and other public records and data.
The data provided hereon may be inaccurate or out of date and any person or entity who relies on said information for any purpose whatsoever does so solely at his or her own risk.
Data Sources: Oakland County GIS Utility, City of Birmingham
Updated: November 2016
Feet
0
1,000
2,000
4,000

August 26, 2019
Birmingham Planning Board:

I write to you regarding the process by which the Planning Board has asked the current planning consultants to conduct a sub area plan with respect to D5 zoning.

At the July 10, 2019 Birmingham Planning Board meeting, the Board requested the planning director to go to the city manager to explain that the board would like to tackle the matter of "abutting and adjacent" more closely and that they believe the city Master Planning Consultants may be able to quickly and inexpensively provide the city with a professional opinion regarding the Haynes, Brown, Old Woodward and Woodward Avenue area to help inform those definitions.

I write this letter as a Birmingham Citizen in strong opposition to the process. After careful thought, I do not believe that a reasonable scope of work can be done inexpensively or quickly.

As proposed, the mandate to the planning consultants is extremely limited and will not clarify any of the controversy regarding the proposed development project at 449 South Old Woodward.

The controversy involves rezoning a plot of land to D5 which cannot be addressed in a short term limited study. As proposed, the consultants will have a limited amount of resources to make recommendations. 1½ days are allocated to diagramming and analysis. 7/8 of a day for independent opinion and combined recommendation, and slightly less than 1 day for assemble of study and recommendations. This issue has been before the Board and City Commissioners for over a year. Reviewing the minutes and multiple legal arguments (on both sides) will take considerably more effort than the proposed contract. Most importantly, there is no public input into this process. This flies in the face of open government.

The essence of this controversy regards a request for D5 rezoning for a very specific project. There is no way that consultants can accurately comment on this in the proposed short period of time.

How the question to be addressed by the Consultants is critical to a fair process. By limiting the scope of their work to the area in question creates an unnecessary bias. An alternative (and reasonable) suggestion is to ask the Consultants if Birmingham should have more tall buildings than the D4 zoning allows and if so where? It does not take much imagination to realize that this is an extremely complex issue.

The specific issues revolving around the property in question have everything to do with the legal history of the creation of D5 as a means to allow nonconforming buildings to remodel and not to provide a loophole for Developers to turn Birmingham into Troy. The impact of taller structures on adjacent property needs more than a brief review. A few days' work is unrealistic.

At the July 10 meeting, Mr. Boyle suggested limiting the subcontract to the proposed area to prevent an ever increasing D5 zone. While an excellent suggestion, it may not limit future attempts to rezone. If this rezoning occurs, there is no way to stop the moving train of Developers seeking to maximize profits by building higher building at a great loss to this wonderful community. The essence of our first-class community is the upscale small town concept, not the urban sprawl of Southfield or Troy.

The Developer emphasized that time is of the essence. By rushing through a process that requires considerable due diligence, a poor outcome for all parties is guaranteed. Asking consultants to form a quick opinion on whether 1 property show be rezoned is fraught with problems and only adds to the conflict.

I am not opposed to development in downtown Birmingham. In fact, I was most disappointed that the parking structure bond did not pass and the RH project which could have been a great magnet for new money into downtown Birmingham will not see the light of day.

However, I am strongly opposed to building the largest construction project in downtown Birmingham on a small property which risks damage to adjacent and adjoining structures, along with congestion, noise, parking problems, etc. That project would also close Hayes Street which is a much-used neighborhood street for the years of construction.

I respectfully request the City Commissioners to terminate the proposed sub contract. Perhaps the consultants should address the question as to whether or not Birmingham should have any more buildings that exceed D4 regulations. I hope not.

Michael L. Schwartz, MD
411 South Old Woodward #1018
Birmingham, MI 48009

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Division

DATE: **November 8, 2019**

TO: **Planning Board Members**

FROM: **Nicholas Dupuis, City Planner**
Brooks Cowan, City Planner

APPROVED: **Jana Ecker, Planning Director**

SUBJECT: **Study Session – Window Glazing Standards**

The City of Birmingham has engaged in designing ordinances to fulfill the goals of the Downtown Birmingham 2016 Master Plan with regards to encouraging walkability and a healthy retail setting to increase the pedestrian environment and economic vitality of the City. Included in the many ordinances adopted over time has been the recent adoption of ordinances regulating glazing on Birmingham's commercial buildings. Since adoption, City Staff have fielded inquiries from architects, developers, business owners and glass manufacturers about the standards, which have spilled over into several recent Planning Board Hearings (Lincoln Yard, Baldwin Library, Brooklyn Pizza). The purpose of this memorandum is to present the Planning Divisions findings based on current ordinance, meetings with glass professionals, research into the science behind light and windows, and the conflicts that arise based on different regulations.

The City of Birmingham currently regulates glazing in Article 4, Section 4.90 (A) of the Zoning Ordinance:

1. No less than 70% of a storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing.
2. Only Clear Glazing is permitted on storefront facades at the first floor. Lightly tinted glazing above the first floor may be permitted. Mirrored glass is prohibited.
3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
4. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.

On July 24th, 2017, in order to provide more clarity as to what determines "clear glazing", the City Commission approved the definition of Clear Glazing as follows:

- Glass and other transparent elements of building facades with a minimum visible light transmittance of 80%.

Before the adoption of the Clear Glazing definition, applicants were required to provide glass samples and specification sheets to the Planning Board at Site Plan Review to determine if the

type of glass proposed was considered clear to the point that it met the spirit and the intent of the Ordinance. Applicants are still required to provide samples and specification sheets, but the Clear Glazing definition leaves little variation in the types of glass available to utilize.

As alluded to, there has been some recent pushback by architects and developers citing the challenges they face meeting the energy standards as required by the Michigan Building Code while also meeting the City's Glazing Standards. Perhaps obviously, this is more of an issue for buildings being redeveloped or renovated as opposed to brand new buildings that are able to account for the 80% VLT glass as a part of an entire energy system strategy rather than working around existing conditions. This discussion gained prominence during the selection process for the glass at the Baldwin Library project, and has subsequently spilled over into several site plan reviews. To consider any changes to the current Window Standards, it is helpful to define several glass industry terms:

Visible Light Transmittance – The amount of light in the visible portion of the spectrum that passes through a glazing material.

U-Factor – A measure of thermal transmittance, through conduction, convection, and radiation; a measurement to quantify overall heat flow.

R-Value – The capacity of an insulating material to resist heat flow.

Solar Heat Gain Coefficient (SHGC) – The fraction of incident solar radiation admitted through a window, both directly transmitted and absorbed, and subsequently released inward.

Reflectivity – The reflecting of varying amounts of light and solar heat, away from a glazing unit/building.

Absorptance – Energy that is not transmitted through the glass or reflected off its surfaces.

Low-E Coatings – Coatings (sputtered or pyrolytic) that minimizes the amount of ultraviolet and infrared light that can pass through glass without compromising the amount of visible light that is transmitted.

Window Tinting – The process performed to glass for the purposes of absorbing a portion of the solar heat and blocking daylight for the purposes of reducing glare and the amount of solar energy transmitted through glass.

Insulated Glass – Glass manufactured with trapped air or gas between them, which provides cost saving benefits through controlling heat gain/loss and condensation.

Laminated Glass – Glass made of two or more layers of glass with one or more polymeric material layers bonded between the glass layers.

Safety Glass - A type of commercial glass specifically designed to withstand blunt force. It is covered with a film or laminate to help hold the glass together and prevent further

damage if it fractures, and the pane will break into many small "crumbs" instead of large shards.

The issue in Birmingham has generally revolved around the Visible Light Transmittance (VLT) value that is controlled through the Zoning Ordinance. As evident by the many different facets of building design and window manufacturing in modern times, the topic appears to be more complicated than simply controlling for VLT. In meeting with glass industry professionals, it became evident that Low-E Coatings (LEC) are very important in the approach to glazing, as LEC's contribute to less heat flow and increasing the R-Value, especially in areas with significant glazing. Utilizing LEC's can help building meet the required U-Factors in the Michigan Building Code.

Because the original intent of the glazing requirements in the Zoning Ordinance was to maintain storefronts that are active with the ability to see into buildings and the activity happening inside of them, the Ordinance was written to achieve those goals. However, according to research and glass professionals, there is another factor to consider when seeking clear glazing, which is reflectivity. Reflectivity becomes especially apparent during low light conditions. The surface on the brighter side acts like a mirror because the amount of light passing through the window from the darker side is less than the amount of light being reflected from the lighter side. This effect can be noticed from the outside during the day and from the inside during the night. This means that during a bright day outside, the reflectivity of a glazing unit may actually make the glass appear less clear. Special coatings, such as LEC's, can reduce this effect.

The important correlation between the VLT, LEC and reflectivity of glass is that LEC's reduce the VLT of a glazing unit, but also significantly reduce the reflectivity. In other words, although a LEC can make glass appear darker in reducing the VLT figure, adding the LEC reduces the reflectivity, which actually makes the glazing unit appear clearer. As described above, LEC's also increase R-Values and Reduce the U-factor, so it would appear that allowing LEC's (and subsequently lowering the VLT requirements) may prove beneficial towards both the energy and clarity issues that the City is concerned with. To quantify this concept, two glass samples were obtained by the Planning Division, and the properties are as follows:

	Visible Light Transmittance	**Reflectance**	**U-Factor**
Glass #1 (No LEC)	80%	15%	0.47
Glass #2 (LEC)	68%	11%	0.29

In applying the LEC, the glass sample's reflectivity was reduced by 25%, while the u-factor was decreased by almost 40%. With this information, it became evident that the City may benefit from relaxing its VLT standards to allow for LEC's, but in addition, adding regulations regarding the reflectivity of proposed glass. In regulating both, the City may be able to achieve the goals of clear glazing, while also having high performing buildings and reducing the environmental footprint of its developments. The City may also be able to take advantage of this information and readdress the concept of Window Tinting in the ordinance.

The following is an example of how the Ordinance language could read:

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(E), ARCHITECTURAL STANDARDS, TO AMEND ARTICLE 4, SECTION 4.90(A), WINDOW STANDARDS, AND TO AMEND ARTICLE 9, SECTION 9.02, DEFINITIONS TO REDFINE CLEAR GLAZING, AND TO ELIMINATE LIGHTLY TINTED GLAZING

Article 3, Section 3.04

E. Architectural standards. All buildings shall be subject to the following physical requirements:
    1. …
    2. …
    3. …
    4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.
    5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.
    6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.
    7. Clear glazing is required on the ~~first floor. Lightly tinted glazing is permitted on upper floors only~~ **storefront facade**. Windows shall not be blocked with opaque materials or the back of shelving units or signs.

Article 4, Section 4.90 – Window Standards (WN)

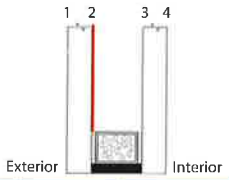
A. Storefront Windows: Ground floor facades shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
    1. No less than 70% of a storefront/ground floor façade between 1 and 8 feet above grade shall be clear glazing.
    2. Only Clear glazing is permitted on storefront facades ~~at the first floor. Lightly tinted glazing above the first floor may be permitted~~. Mirrored glass is prohibited.
    3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
    4. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
    5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.

Article 9, Section 9.02 – Definitions

Clear Glazing: Glass and other transparent elements of building facades with a minimum visible light transmittance of ~~80%.~~ **60% and a reflectivity of 15% or less.**

~~Lightly Tinted Glazing: Glass and other transparent elements of building facades with a minimum visible light transmittance of 70%.~~

GUARDIAN SUNGUARD®



Insulating Glass Data

Product	Outboard - Inboard Substrate	Appearance	Transmittance			Reflectance			U-Value Winter Nighttime		Relative Heat Gain	Solar Heat Gain Co-efficient	Light to Solar Gain (LSG)
			Visible Light %	Ultra-violet %	Solar Energy %	Visible Light Out %	Visible Light In %	Solar Energy Out %	Air	Argon			
SuperNeutral		Coating #2 Surface - unless noted (#3)									6 mm/12.7 mm a.s./6 mm		
SNX 62/27	UltraClear - UltraClear	Ultra Clear	64	8	24	11	13	51	0.29	0.24	65	0.27	2.40
	Clear - Clear	Clear	62	6	23	11	12	39	0.29	0.24	65	0.27	2.31
	Green - Clear	Green	52	3	18	9	12	10	0.29	0.24	59	0.24	2.13
	CrystalGray - Clear	Light Gray	44	3	16	8	11	19	0.29	0.24	54	0.22	1.98
	Gray - Clear	Gray	31	3	12	6	11	19	0.29	0.24	45	0.18	1.71
	CrystalBlue - Clear	Blue	40	4	15	7	11	25	0.29	0.24	51	0.21	1.91
SNX 51/23	UltraClear - UltraClear	Light Blue	53	14	20	14	14	46	0.29	0.24	57	0.23	2.28
	Clear - Clear	Light Blue	51	11	19	14	14	36	0.29	0.24	57	0.23	2.19
	Green - Clear	Blue-Green	43	5	15	11	13	10	0.29	0.24	52	0.22	1.99
	CrystalGray - Clear	Light Gray	36	6	14	9	13	18	0.29	0.24	48	0.20	1.85
	Gray - Clear	Gray	26	5	10	7	13	17	0.29	0.24	41	0.16	1.57
	CrystalBlue - Clear	Blue	33	7	13	9	13	23	0.29	0.24	46	0.19	1.78
SN 68	UltraClear - UltraClear	Ultra Clear	71	40	37	11	13	43	0.29	0.25	94	0.39	1.80
	Clear - Clear	Clear	68	30	33	11	12	33	0.29	0.25	90	0.38	1.80
	Green - Clear	Green	57	13	23	9	12	9	0.29	0.25	72	0.30	1.92
	CrystalGray - Clear	Light Gray	48	17	23	8	11	16	0.29	0.25	71	0.30	1.64
	Gray - Clear	Gray	34	13	18	6	11	16	0.29	0.25	61	0.25	1.37
	CrystalBlue - Clear	Blue	44	19	23	7	11	21	0.29	0.25	70	0.29	1.51
SN 54	UltraClear - UltraClear	Ultra Clear	56	22	26	13	19	44	0.29	0.24	69	0.29	1.96
	Clear - Clear	Clear	54	16	24	13	18	35	0.29	0.24	68	0.28	1.92
	Green - Clear	Green	45	7	17	11	18	10	0.29	0.24	58	0.24	1.89
	CrystalGray - Clear	Light Gray	38	9	17	9	18	17	0.29	0.24	56	0.23	1.67
	Gray - Clear	Gray	27	7	13	7	17	16	0.29	0.24	48	0.19	1.40
	CrystalBlue - Clear	Blue	35	10	16	8	17	22	0.29	0.24	54	0.22	1.57
SNR 43	UltraClear - UltraClear	Light Silver	45	24	21	28	14	54	0.29	0.24	56	0.23	1.96
	Clear - Clear	Light Silver	43	17	19	28	14	43	0.29	0.24	56	0.23	1.89
	Green - Clear	Green	36	8	14	21	14	14	0.29	0.24	50	0.20	1.78
	CrystalGray - Clear	Silver Gray	31	9	13	16	14	21	0.29	0.24	47	0.19	1.59
	Gray - Clear	Silver Gray	22	8	10	10	13	19	0.29	0.24	41	0.17	1.31
	CrystalBlue - Clear	Silver Blue	28	11	13	14	13	26	0.29	0.24	46	0.19	1.50
High Performance													
Neutral 78/65(#3)	UltraClear - UltraClear	Ultra Clear	81	54	66	13	13	23	0.31	0.27	171	0.72	1.12
	Clear - Clear	Clear	78	39	55	13	13	19	0.31	0.27	156	0.66	1.18
Neutral 78/65	UltraClear - UltraClear	Ultra Clear	81	54	66	13	13	22	0.31	0.27	160	0.68	1.19
	Clear - Clear	Clear	78	39	55	13	13	18	0.31	0.27	147	0.62	1.26
Neutral 50	Clear - Clear	Neutral Blue	50	31	32	16	11	20	0.33	0.29	95	0.39	1.27
	Green - Clear	Green	42	13	20	13	10	9	0.33	0.29	68	0.28	1.50
Neutral 40	Clear - Clear	Neutral Gray	40	27	25	21	12	23	0.33	0.29	78	0.32	1.25
	Green - Clear	Green	34	11	16	16	12	10	0.33	0.29	59	0.24	1.40
AG 50	UltraClear - UltraClear	Light Silver	52	43	33	28	19	41	0.30	0.25	86	0.36	1.45
	Clear - Clear	Light Silver	50	30	29	27	19	34	0.30	0.25	82	0.34	1.48
	Green - Clear	Green	42	12	18	21	18	13	0.30	0.25	61	0.25	1.66
	CrystalGray - Clear	Silver Gray	35	16	20	16	18	18	0.30	0.25	64	0.26	1.34
	Gray - Clear	Silver Gray	25	12	16	10	18	16	0.30	0.25	57	0.23	1.08
	CrystalBlue - Clear	Silver Blue	32	17	20	14	18	21	0.30	0.25	65	0.27	1.20
AG 43	UltraClear - UltraClear	Light Silver	45	38	30	30	15	40	0.30	0.26	80	0.33	1.34
	Clear - Clear	Light Silver	43	26	26	30	15	33	0.30	0.26	76	0.31	1.37
	Green - Clear	Green	36	11	16	22	15	13	0.30	0.26	57	0.23	1.55
	CrystalGray - Clear	Silver Gray	30	14	18	17	14	18	0.30	0.26	60	0.25	1.23
	Gray - Clear	Silver Gray	21	11	15	11	14	15	0.30	0.26	54	0.22	0.98
	CrystalBlue - Clear	Silver Blue	28	15	18	15	14	20	0.30	0.26	61	0.25	1.10
Solar Control													
Silver 20	Clear - Clear	Silver	18	16	14	30	30	26	0.37	0.33	56	0.22	0.81
	Green - Clear	Green	15	7	8	23	30	12	0.37	0.33	46	0.18	0.83

- The performance values shown are nominal and subject to variations due to manufacturing tolerances.
- Guardian performance data are calculated for center-of-glass only (no spacer or framing) in accordance with the LBNL Window 7 program.
- Relative Heat Gain, Solar Heat Gain Coefficient and/or LSG may change slightly when using argon gas fill.
- A slight shift in visible light reflectance or transmission may be noticed after heat-treatment.
- Guardian reserves the right to change product performance characteristics without notice or obligation.

Guardian Glass
2300 Harmon Road, Auburn Hills, Michigan 48326
1-866-GuardSG (482-7374) | www.SunGuardGlass.com

City Glazing/Transparency Requirements

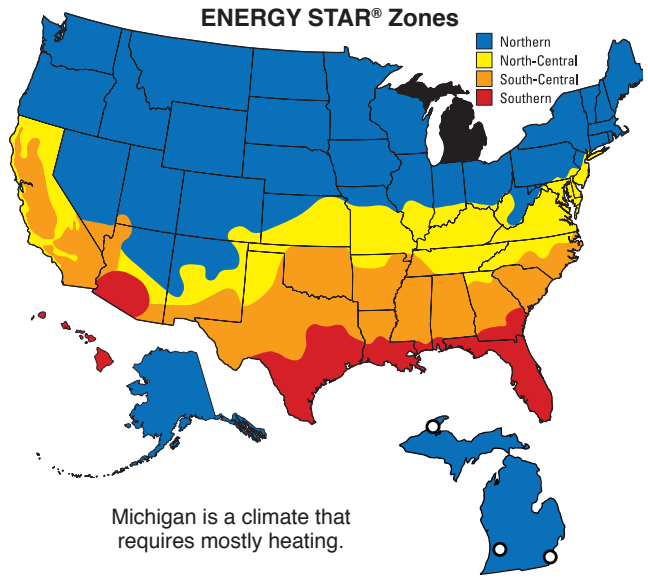
In the table shown below are the first floor facade transparency and tinting requirements (also referred to as "glazing") for various Michigan municipalities as set forth in their respective zoning ordinances.

First Floor Transparency and Tinting Requirements by City		
Municipality	**Transparency Requirement**	**Tinting Requirement**
City Grand Rapids	Minimum of 60% transparency measured between 2 ft. and 8 ft. on storefront/ground floor facade	Minimum of 70% visible light transmission (VLT)
City of Traverse City	70-90% of total storefront/ground floor façade	Minimum of 70% VLT
City of Ferndale	50% of building façade at street level shall consist of windows	No tinting
City of Muskegon	60 – 80% transparency of first floor storefront/ground floor façade	Minimum of 70% VLT
West Bloomfield Township	N/A	Minimum of 75% VLT
Village of Douglas	Minimum of 60% transparency of storefront/ground level façade	Minimum of 70% VLT
City of Wyoming	60-80% transparency of storefront/ground level façade	Minimum of 70% VLT
City of Pontiac	50% minimum of storefront/ground level façade	No tinting

Efficient Windows™ Collaborative

Selecting Energy Efficient Replacement Windows in Michigan

www.efficientwindows.org January 2016



Michigan is a climate that requires mostly heating.

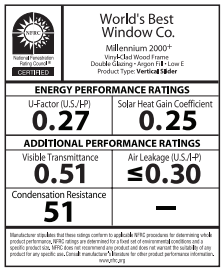
U-factor	SHGC	Air Leakage
Windows: U ≤ 0.27 **Windows: U = 0.28** **Windows: U = 0.29** **Windows: U = 0.30** **Skylights: U ≤ 0.50**	**Windows: Any** **Windows: SHGC ≥ 0.32** **Windows: SHGC ≥ 0.37** **Windows: SHGC ≥ 0.42** **Skylights: Any**	**Windows: AL ≤ 0.30** **Skylights: AL ≤ 0.30**
For superior energy performance, select windows with a U-factor of 0.25 or less. If air conditioning is not a concern, look for a higher Solar Heat Gain Coefficient (SHGC) of 0.35–0.60 so winter solar heat can help offset the heating energy need. If cooling is a significant concern and no shading is available, select windows with a SHGC less than 0.32.		
U-factor	**SHGC**	**Air Leakage**
Windows: U ≤ 0.30 **Skylights: U ≤ 0.53**	**Windows: SHGC ≤ 0.40** **Skylights: SHGC ≤ 0.35**	**Windows: AL ≤ 0.30** **Skylights: AL ≤ 0.30**
The larger your heating bill, the more important a low U-factor becomes. For superior energy performance, select windows with a U-factor of 0.25 or less. A low SHGC value reduces summer cooling demand, but also reduces free winter solar heat gain. If you have significant air conditioning costs or summer overheating issues, look for SHGC values of 0.25 or less.		
U-factor	**SHGC**	**Air Leakage**
Windows: U ≤ 0.30 **Skylights: U ≤ 0.53**	**Windows: SHGC ≤ 0.25** **Skylights: SHGC ≤ 0.28**	**Windows: AL ≤ 0.30** **Skylights: AL ≤ 0.30**
A low U-factor is useful during cold days when heating is needed and is also helpful during hot days when it is important to keep the heat out. Windows with low SHGC values help reduce summer cooling demand. If you have significant air conditioning costs or summer overheating issues, look for SHGC values of 0.25 or less.		
U-factor	**SHGC**	**Air Leakage**
Windows: U ≤ 0.40 **Skylights: U ≤ 0.60**	**Windows: SHGC ≤ 0.25** **Skylights: SHGC ≤ 0.28**	**Windows: AL ≤ 0.30** **Skylights: AL ≤ 0.30**
A low SHGC is the important window property in warm to hot climates. For superior energy performance, select windows with a SHGC of 0.25 or less. A low U-factor is useful during cold days when heating is needed and is also helpful during hot days when it is important to keep the heat out.		

1. Meet the Energy Code & Look for the ENERGY STAR®

Windows must comply with your local energy code. Windows that are ENERGY STAR certified often meet or exceed energy code requirements. To verify if specific window energy properties comply with the local code requirements, look for the NFRC label.

2. Look for Efficient Properties on the NFRC Label

The National Fenestration Rating Council (NFRC) label is needed for verification of energy code compliance. The NFRC label displays whole-window energy properties and appears on all fenestration products which are part of the ENERGY STAR program (www.nfrc.org).



3. Compare Annual Energy Costs for a Typical House

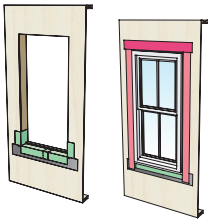
Use computer simulations for a typical house to compare the annual energy performance of different window types. A comparison of the performance of a set of windows for this climate begins on Page 3 or use the Window Selection Tool on the EWC web site or the Window Selection Tool Mobile App (www.efficientwindows.org).

4. Customize Energy Use for a Specific House

A simulation program, such as RESFEN, lets you compare window options by calculating performance based on utility rates for your climate, house design, and window design options (windows.lbl.gov/software).

5. Ensure Proper Installation

Proper window and skylight installation is necessary for optimal performance, to avoid air and water leakage. Always follow manufacturers' installation guidelines and use trained professionals for window and skylight installation.



Benefits of High Performance Windows

Heating & Cooling Season Savings
In climates with a significant heating season, standard windows can represent a major source of unwanted heat loss. Low-E coatings, gas fills, and insulating spacers and frames result in a lower U-factor, meaning less winter heat loss. In climates that mainly require cooling, non-energy efficient windows can be a major source of unwanted heat gain. Low-solar-gain low-E coatings can reduce solar heat gain while still providing comfort, daylight and views.

Improved Daylight and View
Daylight and view are two fundamental attributes of a window. Low-E coatings can significantly reduce solar heat gain with a minimal loss of light and view.

Improved Comfort
High performance windows can make a home more comfortable. Cold glass can create uncomfortable drafts as air next to the window is cooled and drops to the floor. Windows with low U-factors will results in higher interior window temperatures in the heating seasons and thus greater comfort. Also, during cooling seasons, strong direct sunlight can create overheating and discomfort. Windows with a low SHGC will reduce the solar radiation (heat) coming through the glass.

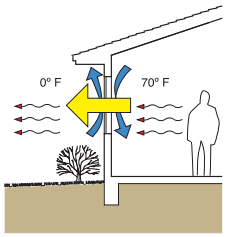
Less Condensation
High performance windows with warm edge technology and insulating frames have a warm interior surface so that condensation on interior surfaces is significantly reduced or eliminated.

Reduced Fading
Coatings on glass or plastic films within the window or skylight assembly can significantly reduce the ultraviolet (UV) and other solar radiation which causes fading of fabrics and furnishings.

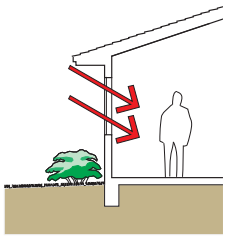
Lower Mechanical Equipment Costs
Efficient windows reduce annual heating and cooling bills as well as peak heating and cooling loads. Peak loads determine the size of the home's furnace, heat pump, air conditioner, and fans. Reducing peak load may allow homeowners to install a smaller heating or cooling system.

A Quieter Home
High performance windows provide reduced sound transmission, resulting in an Indoor-Outdoor Transmission Class (IOTC) rating that is often 5–10 points below a standard window.

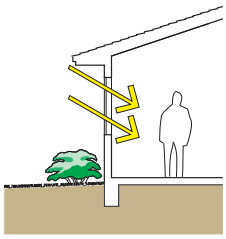
Efficient Window Properties



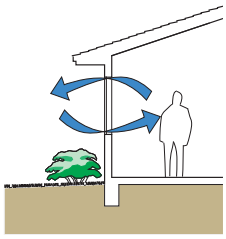
U-Factor
The rate of heat loss is indicated in terms of the U-factor (U-value). This rate of non-solar heat loss or gain through a whole window assembly is measured in Btu/hr-sf-°F. The lower the U-factor, the greater a window's resistance to heat flow and the better its insulating value.



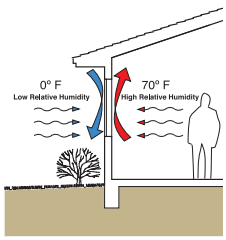
Solar Heat Gain Coefficient (SHGC)
The SHGC is the fraction of incident solar radiation admitted through a window. SHGC is expressed as a number between 0 and 1. The lower a window's solar heat gain coefficient, the less solar heat it transmits. Whether a higher or lower SHGC is desirable depends on the climate, orientation, shading conditions, and other factors.



Visible Transmittance (VT)
The VT is an optical property that indicates the amount of visible light transmitted. VT is a whole window rating and includes the impact of the frame which does not transmit any visible light. While VT theoretically varies between 0 and 1, most values are between 0.3 and 0.7. The higher the VT, the more light is transmitted.



Air Leakage (AL)
AL is expressed in cubic feet of air passing through a square foot of window area (cfm/sf). The lower the AL, the less air will pass through cracks in the assembly. AL is very important, but not as important as U-factor and SHGC.



Condensation Resistance (CR)
CR measures how well a window resists the formation of condensation on the inside surface. CR is expressed as a number between 1 and 100. The higher the number, the better a product is able to resist condensation. CR is meant to compare products and their potential for condensation formation. CR is an optional rating on the NFRC label.

Comparing Window Performance in Detroit, Michigan

The annual energy performance figures shown here assume a typical existing 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).

WINDOW SYSTEM							STANDARDS		PERFORMANCE	ENERGY			COMFORT		
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	Cool	Total	Winter	Summer	Cond.
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes							
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes							
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes							
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes							
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes							
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes							
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No							
11	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No							
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No							
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No							
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No							
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No							
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No							
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No							
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No							
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No							
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No							
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No							

$0 $300 $600 $900 $1200

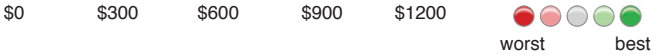
worst best

Note: “HSG,” “MSG,” and “LSG” stand for high-solar-gain, moderate-solar-gain, and low-solar-gain respectfully. “Improved” includes warm-edge spacer technology and thermally improved frame. The annual energy performance figures shown here were generated using RESFEN6 provided by Lawrence Berkeley National Laboratory. U-factor and SHGC are for the total window including frame. The costs shown here are annual costs for space heating and space cooling only and thus will be less than total utility bills. Costs for lights, appliances, hot water, cooking, and other uses are not included in these figures. The mechanical system uses a gas furnace for heating and air conditioning for cooling. Natural gas prices used are projections of the average natural gas price for the heating seasons of 2012-2014. Electricity prices used are the average electricity price for the cooling seasons of 2012-2014. All pricing information provided by the Energy Information Administration (www.eia.doe.gov). A simple comfort analysis was performed using EPW weather files for each location to determine how often the winter night and summer day temperatures exceed beyond an acceptable number of hours. The room condition contains a large, west-facing window with a single person facing the window. A large window was used because a large view factor will have a greater impact on comfort. The two extremes of summer day and winter night conditions were only considered. A simple condensation analysis was performed using heating season design temperatures for each location, performance properties of the glazing system, edge performance properties of the framing system, and interior glass temperatures of a glazing system simulated in WINDOW6 to determine if the interior glass temperature falls to a level in which condensation may occur. See the www.efficientwindows.org for more information on all the energy, comfort, and condensations metrics.

Comparing Window Performance in Grand Rapids, Michigan

The annual energy performance figures shown here assume a typical existing 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).

WINDOW SYSTEM							STANDARDS		PERFORMANCE	ENERGY			COMFORT		
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	Cool	Total	Winter	Summer	Cond.
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes							
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes							
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes							
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes							
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes							
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes							
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No							
11	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No							
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No							
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No							
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No							
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No							
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No							
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No							
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No							
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No							
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No							
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No							



Note: “HSG,” “MSG,” and “LSG” stand for high-solar-gain, moderate-solar-gain, and low-solar-gain respectfully. “Improved” includes warm-edge spacer technology and thermally improved frame. The annual energy performance figures shown here were generated using RESFEN6 provided by Lawrence Berkeley National Laboratory. U-factor and SHGC are for the total window including frame. The costs shown here are annual costs for space heating and space cooling only and thus will be less than total utility bills. Costs for lights, appliances, hot water, cooking, and other uses are not included in these figures. The mechanical system uses a gas furnace for heating and air conditioning for cooling. Natural gas prices used are projections of the average natural gas price for the heating seasons of 2012-2014. Electricity prices used are the average electricity price for the cooling seasons of 2012-2014. All pricing information provided by the Energy Information Administration (www.eia.doe.gov). A simple comfort analysis was performed using EPW weather files for each location to determine how often the winter night and summer day temperatures exceed beyond an acceptable number of hours. The room condition contains a large, west-facing window with a single person facing the window. A large window was used because a large view factor will have a greater impact on comfort. The two extremes of summer day and winter night conditions were only considered. A simple condensation analysis was performed using heating season design temperatures for each location, performance properties of the glazing system, edge performance properties of the framing system, and interior glass temperatures of a glazing system simulated in WINDOW6 to determine if the interior glass temperature falls to a level in which condensation may occur. See the www.efficientwindows.org for more information on all the energy, comfort, and condensations metrics.

Comparing Window Performance in Houghton, Michigan

The annual energy performance figures shown here assume a typical existing 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).

WINDOW SYSTEM							STANDARDS		PERFORMANCE	ENERGY			COMFORT		
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	Cool	Total	Winter	Summer	Cond.
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes		best	worst	best	best	worst	best
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes		best	worst	best	best	worst	best
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes		best	best	best	best	best	best
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes		worst	best	best	best	best	best
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes		worst	best	best	best	worst	best
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No		best	worst	best	worst	worst	best
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes		worst	best	best	best	best	best
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No		worst	best	worst	worst	worst	best
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No		worst	worst	worst	worst	worst	best
11	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No		worst	best	worst	worst	best	best
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No		worst	best	worst	worst	worst	best
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No		worst	best	worst	worst	best	best
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No		worst	worst	worst	worst	worst	worst
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No		worst	worst	worst	worst	worst	worst
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No		worst	worst	worst	worst	worst	worst
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No		worst	worst	worst	worst	worst	worst
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No		worst	worst	worst	worst	worst	worst
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No		worst	worst	worst	worst	worst	worst
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No		worst	worst	worst	worst	worst	worst
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No		worst	worst	worst	worst	worst	worst

$0 $300 $600 $900 $1200 $1500

worst best

Note: “HSG,” “MSG,” and “LSG” stand for high-solar-gain, moderate-solar-gain, and low-solar-gain respectfully. “Improved” includes warm-edge spacer technology and thermally improved frame. The annual energy performance figures shown here were generated using RESFEN6 provided by Lawrence Berkeley National Laboratory. U-factor and SHGC are for the total window including frame. The costs shown here are annual costs for space heating and space cooling only and thus will be less than total utility bills. Costs for lights, appliances, hot water, cooking, and other uses are not included in these figures. The mechanical system uses a gas furnace for heating and air conditioning for cooling. Natural gas prices used are projections of the average natural gas price for the heating seasons of 2012-2014. Electricity prices used are the average electricity price for the cooling seasons of 2012-2014. All pricing information provided by the Energy Information Administration (www.eia.doe.gov). A simple comfort analysis was performed using EPW weather files for each location to determine how often the winter night and summer day temperatures exceed beyond an acceptable number of hours. The room condition contains a large, west-facing window with a single person facing the window. A large window was used because a large view factor will have a greater impact on comfort. The two extremes of summer day and winter night conditions were only considered. A simple condensation analysis was performed using heating season design temperatures for each location, performance properties of the glazing system, edge performance properties of the framing system, and interior glass temperatures of a glazing system simulated in WINDOW6 to determine if the interior glass temperature falls to a level in which condensation may occur. See the www.efficientwindows.org for more information on all the energy, comfort, and condensations metrics.

In 1989 the glazing and fenestration industry self-organized to create the National Fenestration Rating Council (NFRC). Nine years later the Efficient Windows Collaborative (EWC) was formed and since that time, market share for high performance windows has grown from roughly 30% to over 80% in the residential sector. During that growth, the EWC has been at the forefront of educating manufacturers about how to communicate the value of energy efficiency to consumers and providing performance comparisons across generic products. First incorporating NFRC labels and then ENERGY STAR for fenestration labels, the EWC has maintained a clear and consistent message regarding product performance. The purpose of the EWC is to provide unbiased information, outreach, education, and research dissemination to the general public on the energy efficiency, technical, and human considerations that influence window and façade design, selection, and use.

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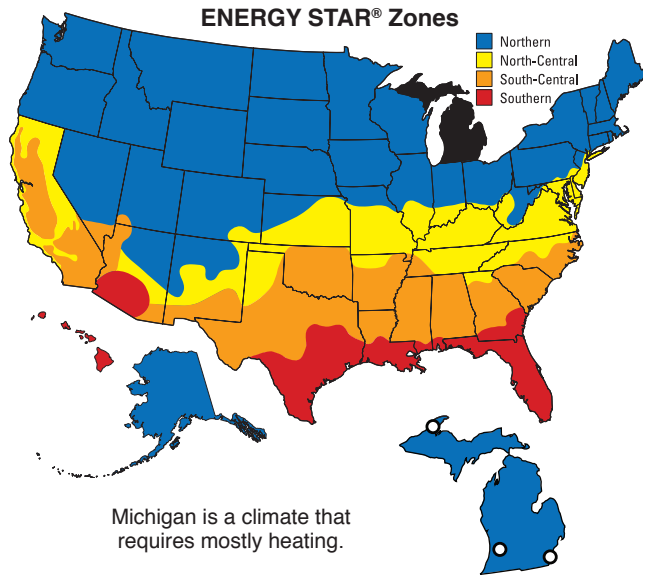
The mission of the Efficient Windows Collaborative is to lead and support — through the use of advanced window, façade and skylight technologies — the transformation of the built environment toward greater energy efficiency.

The Efficient Windows Collaborative is a nonprofit, 501(c)3 organization that partners with window, door, skylight, and component manufacturers, research organizations, federal, state & local government agencies, and others interested in expanding the market for high-efficiency fenestration products.

Efficient Windows™ Collaborative

Selecting Energy Efficient New Windows in Michigan

www.efficientwindows.org January 2016



Michigan is a climate that requires mostly heating.

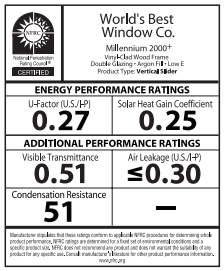
U-factor	SHGC	Air Leakage
Windows: U ≤ 0.27 **Windows: U = 0.28** **Windows: U = 0.29** **Windows: U = 0.30** **Skylights: U ≤ 0.50**	**Windows: Any** **Windows: SHGC ≥ 0.32** **Windows: SHGC ≥ 0.37** **Windows: SHGC ≥ 0.42** **Skylights: Any**	**Windows: AL ≤ 0.30** **Skylights: AL ≤ 0.30**
For superior energy performance, select windows with a U-factor of 0.25 or less. If air conditioning is not a concern, look for a higher Solar Heat Gain Coefficient (SHGC) of 0.35–0.60 so winter solar heat can help offset the heating energy need. If cooling is a significant concern and no shading is available, select windows with a SHGC less than 0.32.		
U-factor	**SHGC**	**Air Leakage**
Windows: U ≤ 0.30 **Skylights: U ≤ 0.53**	**Windows: SHGC ≤ 0.40** **Skylights: SHGC ≤ 0.35**	**Windows: AL ≤ 0.30** **Skylights: AL ≤ 0.30**
The larger your heating bill, the more important a low U-factor becomes. For superior energy performance, select windows with a U-factor of 0.25 or less. A low SHGC value reduces summer cooling demand, but also reduces free winter solar heat gain. If you have significant air conditioning costs or summer overheating issues, look for SHGC values of 0.25 or less.		
U-factor	**SHGC**	**Air Leakage**
Windows: U ≤ 0.30 **Skylights: U ≤ 0.53**	**Windows: SHGC ≤ 0.25** **Skylights: SHGC ≤ 0.28**	**Windows: AL ≤ 0.30** **Skylights: AL ≤ 0.30**
A low U-factor is useful during cold days when heating is needed and is also helpful during hot days when it is important to keep the heat out. Windows with low SHGC values help reduce summer cooling demand. If you have significant air conditioning costs or summer overheating issues, look for SHGC values of 0.25 or less.		
U-factor	**SHGC**	**Air Leakage**
Windows: U ≤ 0.40 **Skylights: U ≤ 0.60**	**Windows: SHGC ≤ 0.25** **Skylights: SHGC ≤ 0.28**	**Windows: AL ≤ 0.30** **Skylights: AL ≤ 0.30**
A low SHGC is the important window property in warm to hot climates. For superior energy performance, select windows with a SHGC of 0.25 or less. A low U-factor is useful during cold days when heating is needed and is also helpful during hot days when it is important to keep the heat out.		

1. Meet the Energy Code & Look for the ENERGY STAR®

Windows must comply with your local energy code. Windows that are ENERGY STAR certified often meet or exceed energy code requirements. To verify if specific window energy properties comply with the local code requirements, look for the NFRC label.

2. Look for Efficient Properties on the NFRC Label

The National Fenestration Rating Council (NFRC) label is needed for verification of energy code compliance. The NFRC label displays whole-window energy properties and appears on all fenestration products which are part of the ENERGY STAR program (www.nfrc.org).

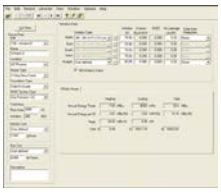


3. Compare Annual Energy Costs for a Typical House

Use computer simulations for a typical house to compare the annual energy performance of different window types. A comparison of the performance of a set of windows for this climate begins on Page 3 or use the Window Selection Tool on the EWC web site or the Window Selection Tool Mobile App (www.efficientwindows.org).

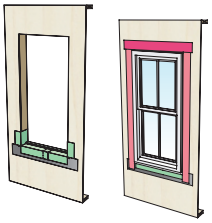
4. Customize Energy Use for a Specific House

A simulation program, such as RESFEN, lets you compare window options by calculating performance based on utility rates for your climate, house design, and window design options (windows.lbl.gov/software).



5. Ensure Proper Installation

Proper window and skylight installation is necessary for optimal performance, to avoid air and water leakage. Always follow manufacturers' installation guidelines and use trained professionals for window and skylight installation.



Benefits of High Performance Windows

Heating & Cooling Season Savings
In climates with a significant heating season, standard windows can represent a major source of unwanted heat loss. Low-E coatings, gas fills, and insulating spacers and frames result in a lower U-factor, meaning less winter heat loss. In climates that mainly require cooling, non-energy efficient windows can be a major source of unwanted heat gain. Low-solar-gain low-E coatings can reduce solar heat gain while still providing comfort, daylight and views.

Improved Daylight and View
Daylight and view are two fundamental attributes of a window. Low-E coatings can significantly reduce solar heat gain with a minimal loss of light and view.

Improved Comfort
High performance windows can make a home more comfortable. Cold glass can create uncomfortable drafts as air next to the window is cooled and drops to the floor. Windows with low U-factors will results in higher interior window temperatures in the heating seasons and thus greater comfort. Also, during cooling seasons, strong direct sunlight can create overheating and discomfort. Windows with a low SHGC will reduce the solar radiation (heat) coming through the glass.

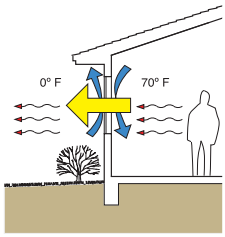
Less Condensation
High performance windows with warm edge technology and insulating frames have a warm interior surface so that condensation on interior surfaces is significantly reduced or eliminated.

Reduced Fading
Coatings on glass or plastic films within the window or skylight assembly can significantly reduce the ultraviolet (UV) and other solar radiation which causes fading of fabrics and furnishings.

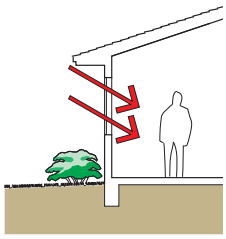
Lower Mechanical Equipment Costs
Efficient windows reduce annual heating and cooling bills as well as peak heating and cooling loads. Peak loads determine the size of the home's furnace, heat pump, air conditioner, and fans. Reducing peak load may allow homeowners to install a smaller heating or cooling system.

A Quieter Home
High performance windows provide reduced sound transmission, resulting in an Indoor-Outdoor Transmission Class (IOTC) rating that is often 5–10 points below a standard window.

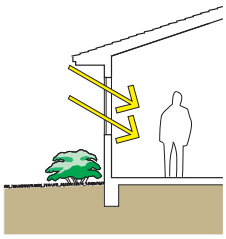
Efficient Window Properties



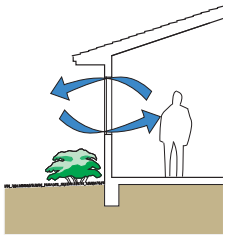
U-Factor
The rate of heat loss is indicated in terms of the U-factor (U-value). This rate of non-solar heat loss or gain through a whole window assembly is measured in Btu/hr-sf-°F. The lower the U-factor, the greater a window's resistance to heat flow and the better its insulating value.



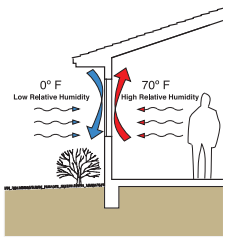
Solar Heat Gain Coefficient (SHGC)
The SHGC is the fraction of incident solar radiation admitted through a window. SHGC is expressed as a number between 0 and 1. The lower a window's solar heat gain coefficient, the less solar heat it transmits. Whether a higher or lower SHGC is desirable depends on the climate, orientation, shading conditions, and other factors.



Visible Transmittance (VT)
The VT is an optical property that indicates the amount of visible light transmitted. VT is a whole window rating and includes the impact of the frame which does not transmit any visible light. While VT theoretically varies between 0 and 1, most values are between 0.3 and 0.7. The higher the VT, the more light is transmitted.



Air Leakage (AL)
AL is expressed in cubic feet of air passing through a square foot of window area (cfm/sf). The lower the AL, the less air will pass through cracks in the assembly. AL is very important, but not as important as U-factor and SHGC.

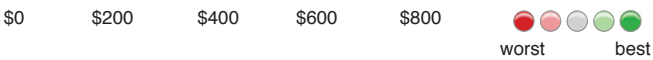


Condensation Resistance (CR)
CR measures how well a window resists the formation of condensation on the inside surface. CR is expressed as a number between 1 and 100. The higher the number, the better a product is able to resist condensation. CR is meant to compare products and their potential for condensation formation. CR is an optional rating on the NFRC label.

Comparing Window Performance in Detroit, Michigan

The annual energy performance figures shown here assume a typical new 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).

WINDOW SYSTEM							STANDARDS		PERFORMANCE	ENERGY			COMFORT		
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	Cool	Total	Winter	Summer	Cond.
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes							
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes							
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes							
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes							
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes							
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes							
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No							
11	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No							
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No							
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No							
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No							
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No							
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No							
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No							
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No							
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No							
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No							
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No							

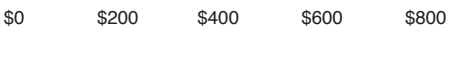


Note: “HSG,” “MSG,” and “LSG” stand for high-solar-gain, moderate-solar-gain, and low-solar-gain respectfully. “Improved” includes warm-edge spacer technology and thermally improved frame. The annual energy performance figures shown here were generated using RESFEN6 provided by Lawrence Berkeley National Laboratory. U-factor and SHGC are for the total window including frame. The costs shown here are annual costs for space heating and space cooling only and thus will be less than total utility bills. Costs for lights, appliances, hot water, cooking, and other uses are not included in these figures. The mechanical system uses a gas furnace for heating and air conditioning for cooling. Natural gas prices used are projections of the average natural gas price for the heating seasons of 2012-2014. Electricity prices used are the average electricity price for the cooling seasons of 2012-2014. All pricing information provided by the Energy Information Administration (www.eia.doe.gov). A simple comfort analysis was performed using EPW weather files for each location to determine how often the winter night and summer day temperatures exceed beyond an acceptable number of hours. The room condition contains a large, west-facing window with a single person facing the window. A large window was used because a large view factor will have a greater impact on comfort. The two extremes of summer day and winter night conditions were only considered. A simple condensation analysis was performed using heating season design temperatures for each location, performance properties of the glazing system, edge performance properties of the framing system, and interior glass temperatures of a glazing system simulated in WINDOW6 to determine if the interior glass temperature falls to a level in which condensation may occur. See the www.efficientwindows.org for more information on all the energy, comfort, and condensations metrics.

Comparing Window Performance in Grand Rapids, Michigan

The annual energy performance figures shown here assume a typical new 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).

WINDOW SYSTEM							STANDARDS		PERFORMANCE	ENERGY			COMFORT		
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	Cool	Total	Winter	Summer	Cond.
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes							
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes							
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes							
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes							
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Mabye	Yes							
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes							
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No							
11	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No							
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No							
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No							
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No							
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No							
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No							
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No							
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No							
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No							
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No							
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No							
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No							



Note: “HSG,” “MSG,” and “LSG” stand for high-solar-gain, moderate-solar-gain, and low-solar-gain respectfully. “Improved” includes warm-edge spacer technology and thermally improved frame. The annual energy performance figures shown here were generated using RESFEN6 provided by Lawrence Berkeley National Laboratory. U-factor and SHGC are for the total window including frame. The costs shown here are annual costs for space heating and space cooling only and thus will be less than total utility bills. Costs for lights, appliances, hot water, cooking, and other uses are not included in these figures. The mechanical system uses a gas furnace for heating and air conditioning for cooling. Natural gas prices used are projections of the average natural gas price for the heating seasons of 2012-2014. Electricity prices used are the average electricity price for the cooling seasons of 2012-2014. All pricing information provided by the Energy Information Administration (www.eia.doe.gov). A simple comfort analysis was performed using EPW weather files for each location to determine how often the winter night and summer day temperatures exceed beyond an acceptable number of hours. The room condition contains a large, west-facing window with a single person facing the window. A large window was used because a large view factor will have a greater impact on comfort. The two extremes of summer day and winter night conditions were only considered. A simple condensation analysis was performed using heating season design temperatures for each location, performance properties of the glazing system, edge performance properties of the framing system, and interior glass temperatures of a glazing system simulated in WINDOW6 to determine if the interior glass temperature falls to a level in which condensation may occur. See the www.efficientwindows.org for more information on all the energy, comfort, and condensations metrics.

Comparing Window Performance in Houghton, Michigan

The annual energy performance figures shown here assume a typical new 1700 sq. ft. single-story house with 15% window-to-floor area. The windows are equally distributed on all four sides of the house and include typical shading (partially deployed interior shades, overhangs, trees and neighboring buildings).

WINDOW SYSTEM							STANDARDS		PERFORMANCE	ENERGY			COMFORT		
ID	Panes	Glass	Frame	U-factor	SHGC	VT	ENERGY STAR	2012 IECC	Annual Energy Cost	Heat	Cool	Total	Winter	Summer	Cond.
18	3	HSG Low-E	Non-metal, Improved	≤0.22	0.41-0.60	0.41-0.50	Yes	Yes		best	worst	best	best	worst	best
15	2	HSG Low-E	Non-metal, Improved	0.23-0.30	0.41-0.60	0.51-0.60	Maybe	Yes		best		best	best	worst	best
19	3	MSG Low-E	Non-metal, Improved	≤0.22	0.21-0.40	0.41-0.50	Yes	Yes		best	best	best	best	best	best
20	3	LSG Low-E	Non-metal, Improved	≤0.22	≤0.20	≤0.40	Yes	Yes		best	best	best	best	best	best
16	2	MSG Low-E	Non-metal, Improved	0.23-0.30	0.26-0.40	0.51-0.60	Maybe	Yes		best		best	best	worst	best
17	2	LSG Low-E	Non-metal, Improved	0.23-0.30	≤0.25	0.41-0.50	Maybe	Yes			best	best	best	best	best
9	2	HSG Low-E	Metal, Improved	0.41-0.55	0.41-0.60	0.51-0.60	No	No		best		best	worst	worst	best
10	2	MSG Low-E	Metal, Improved	0.41-0.55	0.26-0.40	0.51-0.60	No	No					worst	worst	best
11	2	LSG Low-E	Metal, Improved	0.41-0.55	≤0.25	0.51-0.60	No	No			best		worst	best	best
4	2	HSG Low-E	Metal	0.56-0.70	>0.60	>0.60	No	No					worst	worst	best
5	2	MSG Low-E	Metal	0.56-0.70	0.26-0.40	0.51-0.60	No	No					worst	worst	best
6	2	LSG Low-E	Metal	0.56-0.70	≤0.25	0.51-0.60	No	No			best		worst	best	best
13	2	Clear	Non-metal	0.41-0.55	0.41-0.60	0.51-0.60	No	No					worst	worst	worst
14	2	Tint	Non-metal	0.41-0.55	0.41-0.60	≤0.40	No	No					worst	worst	worst
7	2	Clear	Metal, Improved	0.56-0.70	>0.60	>0.60	No	No					worst	worst	worst
8	2	Tint	Metal, Improved	0.56-0.70	0.41-0.60	0.41-0.50	No	No					worst	worst	worst
2	2	Clear	Metal	0.71-0.99	>0.60	>0.60	No	No					worst	worst	worst
3	2	Tint	Metal	0.71-0.99	0.41-0.60	0.51-0.60	No	No					worst	worst	worst
12	1	Clear	Non-metal	0.71-0.99	>0.60	>0.60	No	No					worst	worst	worst
1	1	Clear	Metal	≥1.00	>0.60	>0.60	No	No		worst		worst	worst	worst	worst

$0 $200 $400 $600 $800

worst best

Note: “HSG,” “MSG,” and “LSG” stand for high-solar-gain, moderate-solar-gain, and low-solar-gain respectfully. “Improved” includes warm-edge spacer technology and thermally improved frame. The annual energy performance figures shown here were generated using RESFEN6 provided by Lawrence Berkeley National Laboratory. U-factor and SHGC are for the total window including frame. The costs shown here are annual costs for space heating and space cooling only and thus will be less than total utility bills. Costs for lights, appliances, hot water, cooking, and other uses are not included in these figures. The mechanical system uses a gas furnace for heating and air conditioning for cooling. Natural gas prices used are projections of the average natural gas price for the heating seasons of 2012-2014. Electricity prices used are the average electricity price for the cooling seasons of 2012-2014. All pricing information provided by the Energy Information Administration (www.eia.doe.gov). A simple comfort analysis was performed using EPW weather files for each location to determine how often the winter night and summer day temperatures exceed beyond an acceptable number of hours. The room condition contains a large, west-facing window with a single person facing the window. A large window was used because a large view factor will have a greater impact on comfort. The two extremes of summer day and winter night conditions were only considered. A simple condensation analysis was performed using heating season design temperatures for each location, performance properties of the glazing system, edge performance properties of the framing system, and interior glass temperatures of a glazing system simulated in WINDOW6 to determine if the interior glass temperature falls to a level in which condensation may occur. See the www.efficientwindows.org for more information on all the energy, comfort, and condensations metrics.

In 1989 the glazing and fenestration industry self-organized to create the National Fenestration Rating Council (NFRC). Nine years later the Efficient Windows Collaborative (EWC) was formed and since that time, market share for high performance windows has grown from roughly 30% to over 80% in the residential sector. During that growth, the EWC has been at the forefront of educating manufacturers about how to communicate the value of energy efficiency to consumers and providing performance comparisons across generic products. First incorporating NFRC labels and then ENERGY STAR for fenestration labels, the EWC has maintained a clear and consistent message regarding product performance. The purpose of the EWC is to provide unbiased information, outreach, education, and research dissemination to the general public on the energy efficiency, technical, and human considerations that influence window and façade design, selection, and use.

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The mission of the Efficient Windows Collaborative is to lead and support — through the use of advanced window, façade and skylight technologies — the transformation of the built environment toward greater energy efficiency.

The Efficient Windows Collaborative is a nonprofit, 501(c)3 organization that partners with window, door, skylight, and component manufacturers, research organizations, federal, state & local government agencies, and others interested in expanding the market for high-efficiency fenestration products.

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Contents

On the Cover

The Daimler Trucks North America Headquarters in Portland, Ore., features Vitro Architectural Glass' Solarban® R100 Solarblue® glass fabricated by Hartung Glass and installed by Benson Industries.

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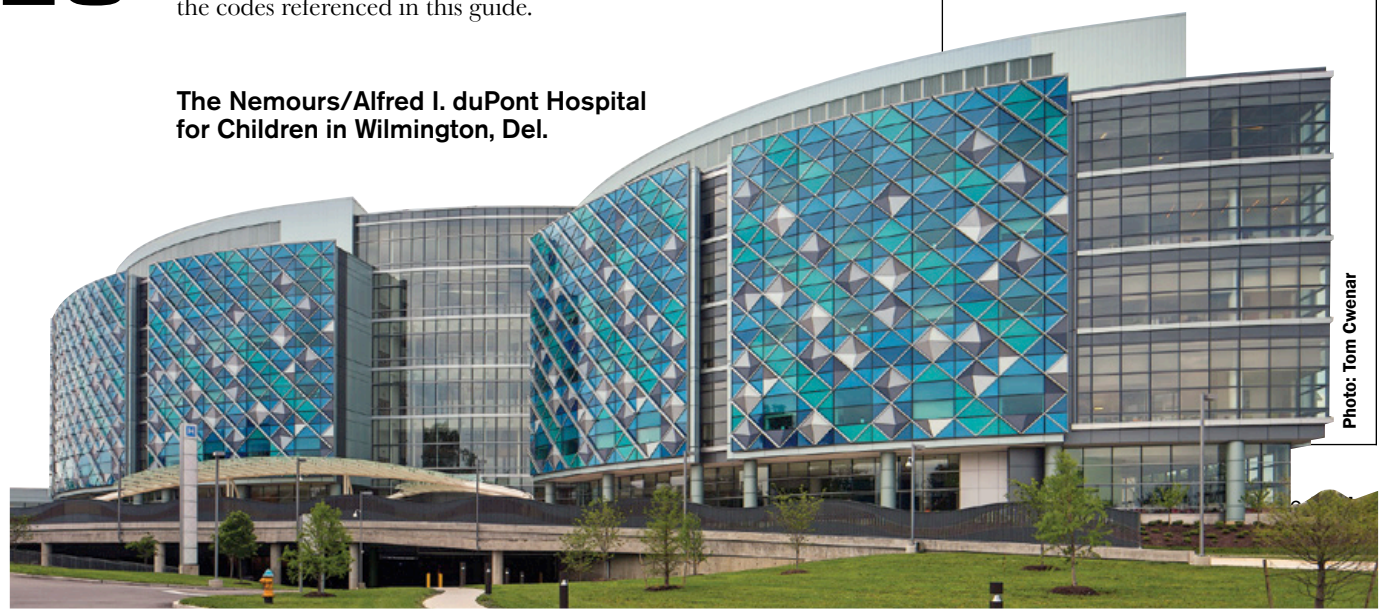

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Glass

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It is both the artist and the canvas.
The destination and thoroughfare.
It illuminates, reflects and obscures.
There is no other thing on earth like it.

Glass is glorious.
Imagine, for a moment, a glassless world.
How different life would be.
No mirror to reflect our sense of self.
No insulating glass to keep us comfortable while allowing a view. No vantage point into cars or out of small spaces.
No security with a vista.

There is no thing on earth like glass.
It is a chameleon to be celebrated.
It changes shape and depth and color to meet the needs of its surroundings.
A delightfully durable material of strength and whimsy.
Give bricks, concrete, wood and metal their due.
But nothing does what glass is. ❖

Our sponsors at Vitro Architectural Glass commissioned this educational brochure to help those who design and build with glass to understand its characteristics and the building codes that affect it. We hope it proves helpful to you as you work with a material that knows no bounds.

Vitro projects, clockwise from left:
VIA 57 West, New York, New York, Solarban® 70XL glass; UCSD Jacobs Medical Center, La Jolla, Calif., Solarban® 70XL glass coated on Starphire Ultra-Clear® glass and Solarban® 72 glass;Chicago O'Hare Airport, Terminal 5, Chicago, Starphire® glass; The Terry Thomas, Seattle, Solarban® 70XL glass; The Tower at PNC Plaza, Pittsburgh, Sungate® 400 passive low-E glass and Starphire-Ultra-Clear® glass.

Codes for the Planet

Green & Energy Regulations

Energy codes set the minimum efficiency requirements for both new and renovated buildings. There are a number of building codes that affect the use of glass and glazing products. The two primary standards that apply to the energy performance requirements for exterior fenestration and glazing systems are ASHRAE 90.1 and the International Energy Conservation Code. In addition, some states have developed their own codes for energy performance, and other organizations have combined efforts to create one stringent "green" code.

ASHRAE 90.1

ASHRAE 90.1, "Energy Standard for Buildings Except Low-Rise Residential Buildings" provides the minimum requirements for energy-efficient design of most buildings, except low-rise residential buildings. There are multiple versions of the standard, which are referenced by different states across the country *(see map below)*.

The most recent version is ASHRAE 90.1—2016 and it is currently being reviewed by the states for consideration based on more stringent requirements. It is important to recognize that the performance requirements for these standards are for the fully framed glazing systems and not just for the center-of-glass performance.

IECC

The second referenced standard is the IECC, which was developed by the International Code Council (ICC). The most recent version was published in 2018. The IECC is in use or adopted in 48 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. California's energy codes requirements conform to the 2016 California Title 24 Building Energy Efficiency Standards, and Indiana references the 2010 Indiana Energy Conservation Code based on ASHRAE 90.1-2007.

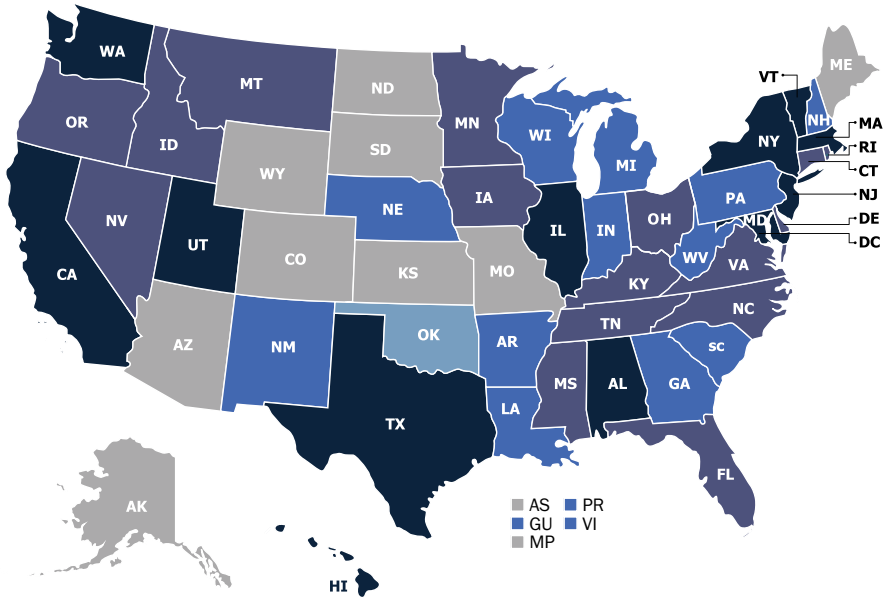
A comparison of the U-factor and Solar Heat Gain Coefficient (SHGC) requirements of the IECC and various versions of ASHRAE 90.1 is illustrated in the chart on the following page.

Title 24

California's Title 24 mandates stringent energy performance requirements. These include lower U-factors based on product type, such as curtainwall and storefront. Other fixed windows and operable windows require low-E double glazing with a thermally broken frame in most cases, as well as argon and warm edge spacers. In addition, triple-silver low-E coatings likely will be necessary given the code's low SHGC and minimum Visible

continued on page 6

Commercial Code Status



- Meets or exceeds ASHRAE 90.1-2013 or equivalent (12)
- Meets or exceeds ASHRAE 90.1-2010 or equivalent (17)
- Meets or exceeds ASHRAE 90.1-2007 or equivalent (15)
- Meets or exceeds ASHRAE 90.1-2004 or equivalent (1)
- No statewide code or predates ASHRAE 90.1-2004 (11)

(Source: bcapcodes.org)

IECC U-Factor and Solar Heat Coefficients

Vertical Fenestration U-Factors									
Climate Zone	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**Specification**
Non-Metal Framing	1.2	0.75	0.65	0.4	0.35	0.35	0.35	0.35	ASHRAE 90.1-2010
	0.5	0.4	0.35	0.35	0.32	0.32	0.32	0.32	ASHRAE 90.1-2013
	0.5	0.37	0.33/0.35	0.31	0.31	0.3	0.28	0.25	ASHRAE 90.1-2016
	Same as metal framing fixed or operable								
IECC 2012-2018									
Metal Framing - Fixed	1.2	0.7	0.6	0.5	0.45	0.45	0.4	0.4	ASHRAE 90.1-2010
	0.57	0.57	0.5	0.42	0.42	0.42	0.38	0.38	ASHRAE 90.1-2013
	0.57	0.54	0.33/0.35	0.31	0.31	0.3	0.28	0.25	ASHRAE 90.1-2016
	0.5	0.5	0.46	0.38	0.38	0.36	0.29	0.29	IECC 2012-2018
Metal Framing - Operable	1.2	0.75	0.65	0.55	0.55	0.55	0.45	0.45	ASHRAE 90.1-2010
	0.65	0.65	0.6	0.5	0.5	0.5	0.4	0.4	ASHRAE 90.1-2013
	0.65	0.65	0.6	0.46	0.46	0.45	0.4	0.35	ASHRAE 90.1-2016
	0.65	0.65	0.6	0.45	0.45	0.43	0.37	0.37	IECC 2012-2018
Metal Framing - Entrance Doors	1.2	1.1	0.9	0.85	0.8	0.8	0.8	0.8	ASHRAE 90.1-2010
	0.65	0.65	0.6	0.5	0.5	0.5	0.4	0.4	ASHRAE 90.1-2013
	1.1	0.83	0.77	0.68	0.68	0.68	0.68	0.68	ASHRAE 90.1-2016
	1.1	0.83	0.77	0.77	0.77	0.77	0.77	0.77	IECC 2012-2018
Vertical Fenestration SHGC									
Climate Zone	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**Specification**
SHGC	0.25	0.25	0.25	0.4	0.4	0.4	0.45	0.45	ASHRAE 90.1-2010 & 2013
									IECC 2012 & 2015
	0.25	0.25	0.25	0.36	0.38	0.4	0.45	0.45	ASHRAE 90.1-2016
Source: IECC									IECC 2018

The chart above compares the differences in U-factor and SHGC requirements of the IECC and various versions of ASHRAE 90.1 for different glazing products.

IgCC ASHRAE U-Factor Requirements

Vertical Fenestration U-Factors									
Climate Zone	**1**	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**Specification**
Non-Metal Framing	0.45	0.36	0.32	0.32	0.29	0.29	0.29	0.29	ASHRAE 189.1-2014
	0.48	0.35	0.31	0.29	0.29	0.29	0.27	0.24	ASHRAE 189.1-2017 & 2018 IgCC
									2015 IgCC
	same as metal framing fixed or operable								
Metal Framing - Fixed	0.51	0.51	0.45	0.38	0.38	0.38	0.34	0.34	ASHRAE 189.1-2014
	0.54	0.51	0.43	0.36	0.36	0.36	0.31	0.28	ASHRAE 189.1-2017 & 2018 IgCC
	0.48	0.48	0.44	0.36	0.36	0.34	0.28	0.28	2015 IgCC
Metal Framing - Operable	0.59	0.59	0.54	0.45	0.45	0.45	0.36	0.36	ASHRAE 189.1-2014
	0.63	0.57	0.44	0.44	0.43	0.38	0.33	0.4	ASHRAE 189.1-2017 & 2018 IgCC
	0.62	0.62	0.57	0.43	0.43	0.41	0.35	0.35	2015 IgCC
Metal Framing - Entrance Doors	0.99	0.75	0.69	0.69	0.69	0.69	0.69	0.69	ASHRAE 189.1-2014
	1.05	0.79	0.73	0.65	0.65	0.65	0.65	0.65	ASHRAE 189.1-2017 & 2018 IgCC
Source: IgCC/ASHRAE	1.05	0.79	0.73	0.73	0.73	0.73	0.73	0.73	2015 IgCC

The chart above illustrates maximum U-factor requirements for vertical fenestration for several versions of the ASHRAE and IgCC standards.

continued from page 7

Transmittance (VT) requirements. The requirements also allow area-weighted averaging across the façade, which can be useful when balancing the higher U-factors of certain products, such as vents and awnings, with the lower U-factors of a high-performance curtainwall.

It's not unusual for architects and designers in California to follow the building performance path. By following this path, you do not have to meet each and every individual prescriptive requirement as long as the energy equivalence of the overall building design can be shown.

California Title 24 has statewide maximum requirements for U-factor, SHGC and VT for all non-residential fenestration and glazed systems *(see chart below)*.

California Title 24 – Commercial

2013 and 2016 Title 24			
	Max U-Factor	Max SHGC	Max VT
Curtainwall/ Storefront	0.41	0.26	0.46
Fixed Windows	0.36	0.25	0.42
Operable Windows	0.46	0.22	0.31

IgCC

In addition to the national energy codes, there are also the more stringent "green" codes. Traditionally, there have been three national green standards: ICC's International Green Construction Code (IgCC); ASHRAE 189.1, Design of High Performance Buildings, except Low-Rise Residential Buildings; and the LEED green building program. In 2016, the three governing bodies agreed to merge the requirements of these three standards into one document.

The IgCC was created to provide a whole-systems approach to the design, construction and operation of buildings. The 2015 IgCC is the currently available version of the code; the 2018 version is under development.

These codes call for higher-performing glass and glazing products, with both the U-value *(see chart on page 7)* and the SHGC set slightly beyond the base energy code. In addition, daylighting is also a major focus of the IgCC. These requirements call for minimum top-lighting in large, open areas, such as warehouses, as well as minimum sidelighting in offices, classrooms and other similar facilities. Other areas covered by the green codes include shading and sun-shading, renewable energy, such as building integrated photovoltaics, and sustainable materials.

Energy Code Awareness

Energy codes, like all building codes, can be challenging to understand. Vitro Architectural Glass offers a number of tools and resources to help you select the right glass to meet your project's specific high-performance needs. Visit www.vitroglazings.com to start your search.

Product Assurance: Environmental Product Declarations

Environmental Product declarations (EPD) are voluntary transparent reports created by companies regarding the life-cycle impacts of their products on the environment. Reporting and documentation for product-specific EPDs address energy use and emissions associated with a product's manufacture and packaging, as well as the extraction, transportation and processing of related raw materials.

Vitro Architectural Glass has published third-party-verified, product-specific Type III Environmental Product Declarations (EPDs) for both its flat glass and processed glass products. The product-specific flat glass EPD is valid for all annealed and untreated glass products manufactured by Vitro. The product-specific processed glass EPD is valid for products that undergo secondary treatment, such as the addition of magnetron sputtered vapor deposition coatings, heat-strengthening or fabrication into multi-pane insulating glass units.

Both EPDs are certified by ASTM International as conforming to the requirements of ISO 14025. Life-cycle assessments for flat glass and processed glass products were performed according to ISO 14040, ISO 14044 and EN 15804 following the product category rules for each product type.

"EPDs continue to grow in value as green building certification programs and sustainable design become more mainstream," says Paul W. Bush, Vitro's director of quality and technical services. "Today's architects demand greater transparency and Vitro Glass is committed to meeting their expanded requirements. As part of that commitment, we decided to pursue the publication of product-specific, third-party-verified EPDs and to post them publicly with the goal of making it easier for architects to confirm the information we provide and to include our EPDs in their sustainability and certification documentation."

The EPDs and other information about Vitro Architectural Glass' sustainability efforts are available through the company's website: www.vitroglazings.com. ❖

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Codes That Bind

Structural Regulations

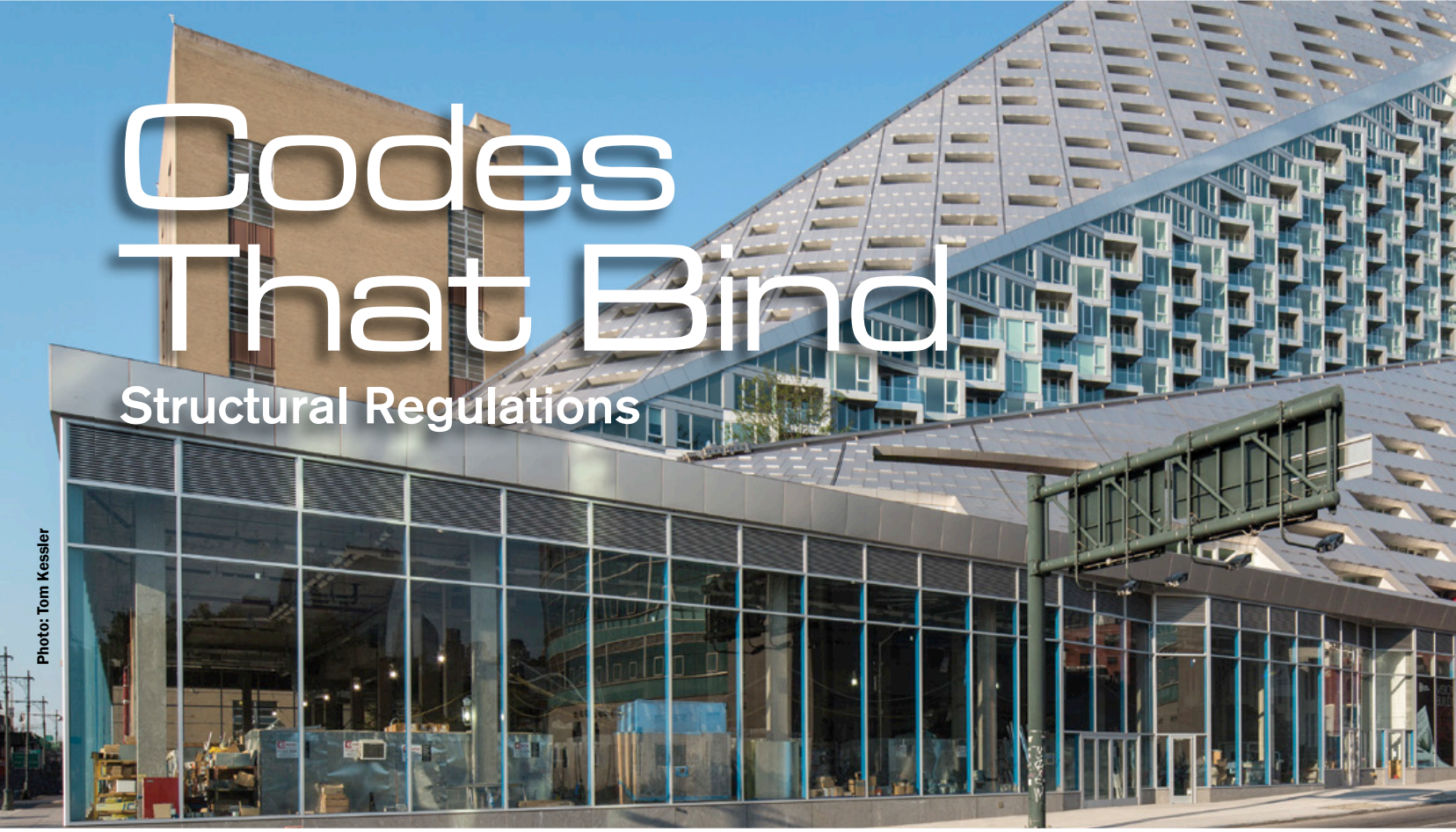

Photo: Tom Kessler

Vitro Architectural Glass products have been used in glazing projects in all regions of the U.S. Examples include VIA 57 West in New York (left), which features Solarban® 70XL glass fabricated by Tecnoglass and installed by

Building codes are written with one goal in mind: safety. Meeting them requires extensive planning, meetings and inspections, and they are critical to the success of any building.

The International Building Code (IBC), developed by the International Code Council (ICC), is in use or adopted in all 50 states, the District of Columbia, the U.S. Virgin Islands, Guam and the Northern Marianas Islands. The most recent version (which at press time was the 2018 IBC) was published in August 2017. However, most jurisdictions lag behind in their adoption of the code, so it is important to continue to reference the 2012 or 2015 versions. The IBC establishes the structural performance requirements for glass, glazing and fenestration installed in all buildings. There are some exceptions, such as detached one- and two-family dwellings and multiple single-family dwellings (i.e., townhouses) not more than three stories above grade plane in height. The requirements for these structures are found in the International Residential Code (IRC).

Here's a closer look at the structural performance requirements of the IBC.[1]

Structural Design

Windloads on buildings are determined in accordance with Chapters 26 to 30 of American Society of Civil Engineers (ASCE) 7 or provisions of the alternate all-heights method in Section 1609.6 of the IBC. In accordance with Section 2404.1,

> *"Glass sloped 15 degrees (0.26 rad) or less from vertical in windows, curtain and window walls, doors and other exterior applications shall be designed to resist the windloads due to ultimate design wind speed, Vult, in Section 1609 for components and cladding. Glass in glazed curtainwalls, glazed storefronts and glazed partitions shall meet the seismic requirements of ASCE 7, Section 13.5.9. The load resistance of glass under uniform load shall be determined in accordance with ASTM E1300."*

Glass Strength

ASTM E1300, *"Standard Practice for Determining Load Resistance of Glass in Buildings,"* describes procedures to determine the load resistance of monolithic and laminated glass, including combinations of glass types used in a sealed insulating glass unit. It does not apply to any form of wired, patterned, sandblasted, drilled, notched, or grooved glass or to glass with surface or edge treatments that reduce the glass strength.

IBC 2015 requirements for framing members that support glass and glazing systems are found in Section 2403.3, "Framing" as follows:

> *"To be considered firmly supported, the framing members for each individual pane of glass shall be designed so the deflection*

1. While the requirements for glazing and fenestration are predominantly the same between the 2012 and 2015 versions of the IBC, these sections reference the 2015 version.

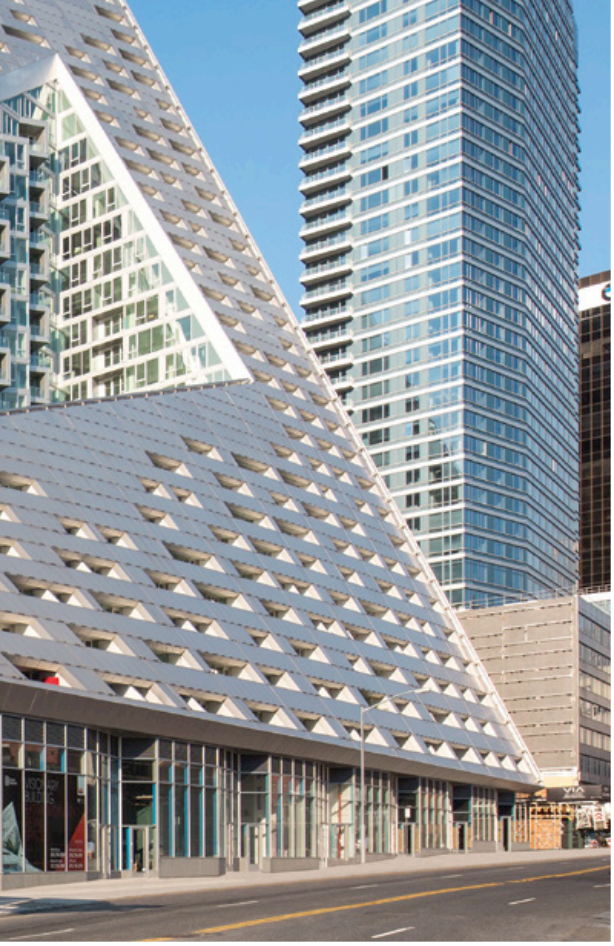

Photo: Tom Kessler

Enclos, as well as the Grove at Grand Bay in Miami, which features Solarban® 72 Starphire® glass, also fabricated by Tecnoglass. Giovanni Monti and Partners was the glazing contractor.

of the edge of the glass perpendicular to the glass pane shall not exceed 1/175 of the glass edge length or 3/4 inch (19.1 mm), whichever is less, when subjected to the larger of the positive or negative load where loads are combined as specified in Section 1605."

The requirements for fully framed exterior windows and doors are found in Section 1709.5:

"Exterior windows and sliding doors shall be tested and labeled as conforming to AAMA/WDMA/CSA101/I.S.2/A440. The label shall state the name of the manufacturer, the approved labeling agency and the product designation as specified in AAMA/WDMA/CSA101/I.S.2/A440. Exterior side-hinged doors shall be tested and labeled as conforming to AAMA/WDMA/CSA101/I.S.2/A440 or comply with Section 1709.5.2. Products tested and labeled as conforming to AAMA/WDMA/CSA101/I.S.2/A440 shall not be subject to the requirements of Sections 2403.2 and 2403.3.

1709.5.2 Exterior windows and door assemblies not provided for in Section 1709.5.1.

Exterior window and door assemblies shall be tested in accordance with ASTM E330. … Exterior window and door assemblies containing glass shall comply with Section 2403. The design pressure for testing shall be calculated in accordance with Chapter 16. Each assembly shall be tested for 10 seconds at a load equal to 1.5 times the design pressure."

Impact Performance

Exterior glazed products installed in windborne debris regions, such as South Florida and certain other coastal regions, are required to be impact-resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E1996 and ASTM E1886 as follows. Per the 2015 IBC:

"1. Glazed openings located within 30 feet (9144 mm) of grade shall meet the requirements of the large missile test of ASTM E1996.
2. Glazed openings located more than 30 feet (9144 mm) above grade shall meet the provisions of the small missile test of ASTM E1996."

In accordance with Chapter 2 of the IBC, a wind-borne debris region is defined as:

"Areas within hurricane-prone regions located:

1. Within 1 mile (1.61 km) of the coastal mean high water line where the ultimate design wind speed, Vult, is 130 mph (58 m/s) or greater; or
2. In areas where the ultimate design wind speed is 140 mph (63.6 m/s) or greater."

Tools and Resources

Vitro Architectural Glass offers a number of resources that can help you navigate your code questions related to glass and glazing products. Our team of dedicated experts also can help answer questions and get you on the right track to designing and specifying a structurally sound and safe building. Visit www.vitroglazings.com to learn more. ❖

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Codes for Safety and Health

Safety Regulations

Skyline Design fabricated Starphire® glass for the 1K Fulton project in Chicago. Glass Solutions Inc. was the contract glazier.

Glass is central to most of the building-related codes in the United States, including residential, energy codes and fire codes, among others. The safety glazing codes are chief among these because they are focused on human life safety. Safety glazing codes are designed to preserve the lives of and/or reduce injuries to any individual who comes in contact with glass in a particular opening. Glass is one of the few building materials with some of its use regulated by the Federal government in addition to regulation by code groups. The Code of Federal Regulations, Title 16 Commercial Practices, Chapter II Consumer Product Safety Commission (CPSC), Subchapter B-Consumer Product Safety Act Regulations, includes Title 16, part 1201—Safety Standard for Architectural Glazing.

Federal Regulations

The CPSC regulations detail how to test and certify safety glass products used in architectural applications.

When first put in place in the 1970s, the Federal Code regulated the use of glass in doors and side panels. It did not address most other hazardous locations. That has changed over the years and today 16 CFR 1201 applies only to glass in doors; the International Building Code (IBC) produced by the International Code Council, regulates glass in other locations. It covers glass adjacent to a door or in the same plane as a door, glass in hazardous locations such as pools, spas, certain walking surfaces, shower enclosures, handrails, etc. Let's look at the Federal CPSC regulation first.

It generally requires safety glazing in:

- Storm doors
- Combination doors;

The Right One for Your Project

Photo: Goldray Industries

Goldray applied a digitally printed pattern to Starphire® glass used in Terminal 5 at the Chicago O'Hare Airport.

So for strength and breakage-resistance, tempered glass is often the first consideration. For flexibility, UV-resistance, security and sound considerations, laminated glass is often the product of choice. Both are considered safety glazing materials and can be obtained in a variety of thicknesses and colors or tints. Both are easy to clean and maintain when installed properly.

Typically, laminated glass products are slightly more expensive than tempered products of the same type and thickness. The optical clarity for both laminated and tempered glass is excellent, and either product will provide many years of satisfactory service in your application.

Photo: Scott Shigley

- Doors;
- Bathtub doors and enclosures;
- Shower doors and enclosures;
- Sliding doors, such as the patio type.

It has exemptions for:

- Louvers of jalousie doors;
- Certain wired glass applications;
- Carved, dalle or leaded glass if the glazing meets certain criteria.

State and National Building Codes

Local and national building codes such as the IBC address glazing in hazardous locations.

Hazardous locations include:

- Doors (though the language about doors is harmonized with the language in 16 CFR 1201);
- Glazing adjacent to doors;
- Windows;
- Glazing in guardrails and railings;
- Glazing near wet surfaces;
- Glazing next to stairways and ramps or next to a stairway landing.

The IBC also covers glass in a variety of applications. Specifically:

- Chapter 24—Glass and Glazing 2405—Sloped Glazing and Skylights
- 2406—Safety Glazing
- 2407—Glass in Handrails and Guards
- 2408—Glazing in Athletic Facilities
- 2409—Glass in Walkways and Elevators.

In rare cases, states and larger municipalities adopt their own glazing codes or modify those provided by the ICC.

What is Safety Glass?

CPSC uses the testing procedures detailed in ANSI Z97.1-2015, *the American National Standard for Safety Glazing Materials in Buildings-Safety Performance Specifications and Methods of Test* to determine whether a particular glass is considered safety glazing or not.

ANSI Z97.1-2015 is a voluntary standard that codifies both performance specifications and testing methods for safety glazing. It also has two categories. CPSC Cat I glass is generally equivalent to ANSI Class B; CPSC Cat II is generally equivalent to ANSI Class A. Either terminology is acceptable.

The CPSC's Safety Standard defines two different types of safety glass—simply named Category I and Category II for their reference in the regulations. CPSC 16 CFR 1201-1 (Cat 1) defines safety glass as glass that is subject to human impact but has an area of less than or equal to 9 square feet. CPSC 16 CFR1201 -2 (Cat 2) defines glass used in any area greater than 9 square inches.

Which Glasses are Safety Glasses?

When selecting safety glass for an application, whether decorative or functional, two choices often arise: tempered or laminated glass. Both qualify as "safety glazing materials" meaning they comply with the current safety glazing codes, so they can be used in doors, in sidelites, railings and other locations that may be deemed hazardous.

Tempered (Toughened) Glass

Tempered glass is made by heating and cooling a piece of standard glass in a tempering furnace. The glass, which must be pre-cut and edged before going into the furnace, is heated to approximately 1200°F then cooled rapidly.

This process is also known as quenching. The quenching process leaves the glass hardened so that it is now approximately four to five times stronger, and therefore more resistant to breakage than it was before the tempering process. If it does break, tempered glass shatters into small pieces that are less likely to cause injury or damage than non-tempered glass.

Pros and Cons of Laminated Glass

Laminated glass basically is a glass sandwich. It is typically made of two or more lites of glass with a vinyl interlayer in between (sandwiched, if you will, as in a car's windshield). The glass will tend to stay together in case one lite is broken.

The other key advantages of laminated glass is that it blocks 99 percent of the UV-light transmission, has sound reduction properties, can be cut and its edges polished after laminating, and lead times are generally faster because most glass shops stock laminated glass. Certain thicker, multilayered forms of laminated glass can even qualify as burglar- and bullet-resistant glass.

Because laminated glass holds together after impact better than most other types of glass, it is used in modern windshields. The sandwiched interlayer gives the glass structural integrity and keeps it from shattering apart as tempered glass might. This is key for effective airbag deployment and helping to keep occupants inside the vehicle in the event of a crash. ❖

Codes for Birds and Marine Life

Nature's Regulations

Glazing products that can "go green" extend beyond those that can help increase the energy efficiency and performance requirements of buildings. Glazing products also can be beneficial in mitigating the potentially harmful impact to the surrounding environment, including wildlife.

Photo: Phillip Castleton Photography

BioSteel Centre in Toronto features AviProTek® bird-friendly glass by Walker Textures® glass, acid-etched on tinted Optiblue® glass and Solarban® R100 glass. Trulite was the glass fabricator.

Turtle Codes

Coastal areas are prime locations for the use of large spans of glass. Lighting from inside homes and buildings onto shorelines, however, is an important design consideration, as it can be detrimental to nearby sea turtles.

The sea turtle nesting season in Florida runs from May through October. After hatchlings emerge, they head toward the light over the ocean, but, in many cases they are disoriented by the light inside homes and buildings along the beach and head the wrong way. This can be a danger to the hatchlings, which can die or be killed before finding their way to the ocean.

Because sea turtles are protected by the Federal Endangered Species Act of 1973, Florida Endangered and Threatened Species Act of 1977, and Florida's Marine Turtle Protection Act of 1995 (379.2431), the state of Florida developed a Model Lighting Ordinance for Marine Turtle Protection. This prohibits light from having a negative effect on nesting and hatching turtles. The ordinance requires that tinted glass be used on all windows and doors in new construction of single or multi-story structures within line-of-sight of the beach.

Tinted glass, according to the ordinance, refers to "glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass."

Vitro Architectural Glass offers a number of products that can be used to meet these requirements. Combining a tinted substrate with one of the low-E coatings from Vitro Architectural Glass in an insulating glass unit (IGU), for example, creates many options that provide a visible light transmittance (VLT) of 45 percent or less.

For existing buildings, the ordinance lays out a number of measures to reduce or eliminate the negative effects of interior light coming from doors and windows within line-of-sight of the beach. These actions include updating windows to meet the 45 percent light transmittance requirements, applying tint or film that meets these same standards, and using window treatments, among other actions.

The 45 percent or less VLT is also beneficial in reducing glare and solar heat gain. Hurricane-rated glass also can be constructed to meet these requirements.

Bird-Friendly Glass

Each year, more than 600 million birds die from collisions with glass in the United States alone. Although bird-friendly building regulations continue to increase in North America, glazing options have been limited.

Vitro Architectural Glass and Walker Glass have partnered to create

AviProtek®E glass: a line of sustainable glass options that deliver both exceptional energy efficiency and bird safety, with minimal impact on VLT.

Experts agree that the best way to deter birds from striking glass is through visual markers on the #1 or outside surface of the glass. By combining a Walker AviProtek® acid-etched pattern on surface #1 with a Solarban® high-performance low-E coated glass by Vitro on surface #2 in an IGU, architects and building owners get an environmentally responsible glass that does double duty.

AviProtek® E glass is available in standard or custom patterns on clear or Starphire Ultra-Clear® glass by Vitro Glass, combined with Solarban® 60, Solarban® 67 or Solarban® 70XL solar control low-E glass coatings, exclusively from members of the Vitro Certified™ Network.

Bird Safe Glazing Standards and Guidelines

Published Standards or Guidelines:

- Toronto, Canada, Bird-Friendly Development Guidelines (2007)
- San Francisco, Standards for Bird-safe Buildings (2011)
- State of Minnesota, Sustainable Building 2030 (SB 2030); Energy Standards (2010)
- Cook County, Ill., Building Construction Ordinance (2008)
- Oakland, Calif., Bird Safety Measures (2013)
- Portland, Ore., Resource Guide for Bird-friendly Building Design (2012)
- State of California, Green Building Standards Code, Appendix C: Bird-friendly Building Design (2010)
- Calgary, Canada, Bird-Friendly Urban Design Guidelines (2011)
- San Jose, Calif., Bird Friendly Guidelines (2015)
- Vancouver, Canada, Bird Strategy and Bird-Friendly Design Guidelines and Bird-Friendly Landscape Operational Guidelines (2015)

Proposed or Pending Standards or Guidelines:

- Federal Bird-Safe Buildings Act of 2011
- State of New York, Bird-friendly Buildings Act (2011)
- Sunnyvale, Calif., Bird Friendly Guidelines (2015)

Bird-Friendly Glass Checklist

Not sure what to look for in bird-friendly glazing? These guidelines can serve as a starting point to help address and manage bird-window collisions. This checklist provides guidance on treatments and techniques for both new and retrofit construction.

At Grade Conditions:

The bird-friendly treatment should be applied to at least 85 percent of the contiguous glass panel area if each panel area is greater than two square meters and within 16 meters from the finished grade.

Roof Landscape Conditions:

The bird-friendly treatment should be applied to at least 85 percent of the contiguous glass panel area if each panel area is greater than two square meters and within 16 meters from the roof-level finished grade; the development should not contain any glass panel within 16 meters from the roof-level finished grade.

Patterns (one or more should apply):

- **Stripes**: Horizontal strips are spaced less than 5 cm on center; vertical strip spacing is less than 10 cm on center; horizontal strip widths should be greater than 3.1mm; and vertical strip widths should be greater than 6.1mm.
- **Dots**: The dot size is larger than 5 mm; horizontal strip spacing is less than 5 cm on center; and vertical strip spacing is less than 10 cm on center.
- **Specifications**: The pattern should be applied as fritting or etching on the glass; and the pattern color should be a high contrast in relation to the background. ❖

The bird-friendly glass in the Humber College Centre for Entrepreneurship in Toronto was fabricated by Trulite. The project incorporates AviProTek® bird-friendly glass by Walker Textures® glass, acid-etched on tinted Solarban® 70XL glass.

Fire-Rated Glazing Codes

More Safety Regulations

At first glance, fire-rated glass might not seem all that different than traditional glass products. Yet fire-rated glazing is very different in not only its composition, but also in how and where it can be used in building projects. Fire-rated glass is a life safety product, and its use is governed by the International Building Code (IBC). While regular glass breaks easily during a fire, fire-rated glass products are designed to stay in the opening, keeping smoke and flames away.

Photo: SAFTI FIRST

Fire-rated glass products can be used in a variety of applications, including building exteriors, such as The Kensington, located in Boston.

A Closer Look

There are two types of fire-rated glass: fire-protective glass and fire-resistive glass. Fire-protective glass includes ceramics, specialty fire protective glass, and wired glass. It is tested to National Fire Protection Association (NFPA) 252/257 or Underwriters Laboratories (UL) 9/10B/10C and is designed to compartmentalize smoke and flames. It does not radiate heat, and therefore is subject to application, area and size limitations under the IBC. Fire-protective glass typically is used in doors and openings up to 45 minutes *(see box on page 19)* and cannot exceed 25 percent of the total wall area. It can be used in 60- and 90-minute doors, but is limited to 100 square inches. Fire-protective glass is marked with either a D for door or O for openings. If it meets the hose stream test *(see box on left)* it will be marked with an H.

Fire-resistive glass is tested to American Society for Testing and Materials (ASTM) E-119/UL 263 and is designed to compartmentalize smoke and flames and limit radiant heat transmission. Unlike fire-protective glass, fire-resistive glass doesn't have size or application restrictions. When installed within an equally rated fire-resistive framing system, it can be used in wall-to-wall and floor-to-ceiling applications, and is considered a "transparent wall." This type

What is the Hose Stream Test?

The hose stream involves heating the glazing product in a furnace to more than 1600° F for 45 minutes, and even higher temperatures for longer ratings. Immediately after heating, the hot glass is sprayed with water from a fire hose at specified pressures. If the glass remains intact without exceeding the tolerable openings, it passes the test. The NFPA 257 hose stream test allows for a 30 percent loss of glazing around the perimeter and a 5 percent loss at the center.

NFPA 251, ICC model codes and ASTM E-119 exclude fire-rated construction of less than one hour from the hose stream test requirement; 45-minute glazing, which is limited to no more than 25 percent of the total wall area, must pass the hose stream test. Twenty-minute glazing products are exempt.

Passing the Test

Fire-rated glazing products are required to undergo a fire-endurance rating test, which is conducted in a nationally recognized testing laboratory. During the test, the fire-rated glass is placed in a test furnace where it follows a specific time and temperature curve that mimics the normal progression of a fire. Temperatures in the furnace can reach up to 1900° F. If the specimen remains in the frame with no through openings and limits flames, it is certified with a fire-endurance rating of either 20, 45, 60, 90, or 120 minutes, depending on what it passes.

of glass is marked with a W for walls. Because the code recognizes it as a wall, it can be used in place of gypsum or masonry where a one- or two-hour fire-resistive rating is required. It also can be used in glass floor applications as fire barriers and fire-resistance-rated horizontal assemblies. Examples include fire-resistive tempered and multi-laminates. During a fire, the intumescent interlayers expand and react to the heat, forming a solid wall that contains smoke, flames and limits the transmission of radiant heat significantly. This helps provide building occupants a safe path of egress.

Codes to Know

International Building Code (IBC), Chapter 7, Fire-Resistance Rated Construction

Per the IBC, this chapter governs "the materials and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings."

NFPA 252: Standard Methods of Fire Tests of Door Assemblies

This standard outlines methods of fire-testing door assemblies used by testing labs and manufacturers to determine the assembly's degree of fire protection, as well as it suitability when fire resistance of a specific duration is required.

NFPA 257: Standard on Fire Test for Window and Glass Block Assemblies

This document establishes test protocols to measure how well window and glass block assemblies prevent or slow the spread of fire. It provides a standardized method for comparing the relative performance of different fire window assemblies.

UL 9, Standard for Fire Tests of Window Assemblies

These fire test methods apply to window assemblies for use in the protection of openings in vertical fire-resistive assemblies.

UL 10B, Standard for Fire Tests of Door Assemblies

These fire test methods apply to door assemblies of various materials and types of construction for use in wall openings to delay the passage of fire.

UL 10C, Standard for Positive Pressure Fire Tests of Door Assemblies

These fire test methods apply to swinging door assemblies, including door frames with lites and panels, of various materials and types of construction for use in wall openings to delay the passage of fire. Swinging door assemblies, when not part of a larger assembly (such as a sliding fire door), or when used as an elevator entrance, are not included.

UL 263, Standard for Fire Tests of Building Construction and Materials

These fire tests apply to masonry unit assemblies and to composite assemblies of structural materials for buildings, including bearing and other walls and partitions, columns, girders, beams, slabs, and composite slab and beam assemblies for floors and roofs. They also apply to assemblies and structural units that constitute permanent integral parts of a finished building.

ASTM E-119, Standard Test Methods for Fire Tests of Building Construction and Materials

These test methods apply to assemblies of masonry units and to composite assemblies of structural materials for buildings, including load-bearing and other walls and partitions, columns, girders, beams, slabs and composite slab and beam assemblies for floors and roofs. They also apply to other assemblies and structural units that constitute permanent integral parts of a finished building. The test methods evaluate the duration for which these building elements contain a fire, retain their structural integrity or exhibit both properties during a predetermined test exposure. ❖

Glass Education

Photo: Tom Kessler

The Nemours/Alfred I. duPont Hospital for Children in Wilmington, Del., features Solarban® 60 Azuria® and Solarban® 70XL glasses fabricated by Cristacurva and Oldcastle BuildingEnvelope® and installed by RA Kennedy.

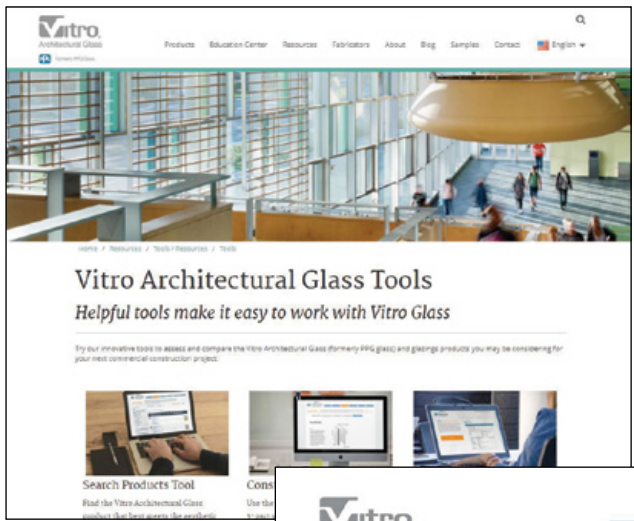
Glass is one of the most sought-after building materials in today's architectural market, and for good reason. Not only is it aesthetically pleasing, but it also provides plenty of high-performance features and benefits. With so many product options available—and hundreds of building code requirements driving what to use when and where—it's common to have questions. To help architects navigate their glass and glazing product selections, Vitro Architectural Glass has developed a series of online tools to make design and specification easy for your next project.

Start by taking a look at the online Vitro Glass Education Center, a comprehensive website to help architects, specifiers, students and construction industry professionals learn more about designing, specifying and building with glass. It is divided into three sections; Glass Topics, Glass FAQs and a Glossary and includes a comprehensive mix of informative videos, colorful illustrations and educational features that address issues such as preventing thermal glass breakage, specifying large insulating glass units (IGUs), how low-emissivity (low-E) glass works, and how heat-treated glass differs from heat-strengthened glass.

By hovering over the Glass Topics section, visitors will see numerous articles such as "How Glass is Made," "The Benefits of Designing with Reflective Glass," and "How to Prevent a Thermal Break."

These topics and many more are all important when researching a new project. There is also an article titled "Why Specify Which Type of Glass?" and a slide show that highlights the different types of glass, and what is appropriate to use in various architectural situations.

The Vitro Glass Education Center



Vitro offers a number of online educational resources to help architects and specifiers find the right glass products for their projects.

Spec Check

One unique feature of the Education Center is the Spec Check tool, a helpful resource for checking glass specification. Correct specifications are extremely important to ensure projects are designed correctly and that the proper codes and standards are followed. The Spec Check can be used on every project, to make sure products that meet specifications are chosen correctly.

Architectural Glass Tools

Another resource available from Vitro is its online Architectural Glass Tools. This unique feature offers four tools to help architects select the right glass for their projects, including the Search Products Tool, Construct Tool, Thermal Stress Analysis Tool and more. These tools allow architects to compare and assess different products, while learning more about Vitro's many glass options.

Construct Tool

With the Construct Tool from Vitro Architectural Glass, users can quickly generate 3-part specifications in the Construction Specifiers Institute (CSI) format, the basis for all building construction documentation in North America.

The tool allows users to search, construct and compare virtual configurations for monolithic glazings, multi-pane insulating glass units, decorative glasses and spandrel glasses. With the new feature, they can generate, with a single keystroke or mouse-click, industry-standard 3-part CSI specifications for any such configuration they create using the Construct Tool, as long as it contains 100-percent Vitro Glass products.

"Our Construct Tool is widely used because it enables architects and industry professionals to save time by comparing multiple glazing configurations online for performance and aesthetics," says Steve Marino, technical support manager, Vitro Architectural Glass. "The new feature makes the Construct tool even more versatile and valuable by instantly generating required construction documents for those configurations as well."

The 3-part CSI specification lists performance data for individual glazing configurations such as glass thickness, visible light transmittance, interior and exterior reflectance, winter nighttime u-value, solar heat gain coefficient and light-to-solar gain ratio. It also contains descriptions for the glass products used in the glazing configuration, along with related certification standards, testing and compliance requirements, sourcing information and more.

The Construct tool incorporates several other exclusive features including:

- Password-free access to the Lawrence Berkeley National Laboratory International Glazing Database for use with the WINDOW 7.3 software; and
- The ability to customize reports according to user-defined criteria, and to personalize them with the name of a building project, the logo of the architectural firm and other user-provided artwork.

www.vitroglazings.com

Information

American Architectural Manufacturers Association (AAMA) ..... www.aamanet.org

American Bird Conservancy (Bird-friendly codes) ..... www.abcbirds.org

American National Standards Institute (ANSI) ..... www.ansi.org

American Society of Civil Engineers (ASCE) ..... www.asce.org

American Society of Heating Refrigerating and Air-Conditioning Engineers (ASHRAE) ..... www.ashrae.org

American Society of Testing Materials (ASTM) ..... www.astm.org

ANSI Z97.1 Safety Glazing Materials Used in Buildings - Safety Performance Specifications and Methods of Test. www.ansiz97.com/standard/

Consumer Product Safety Commission (CPSC) ..... www.cpsc.gov

Canadian Standards Association (CSA) ..... www.csagroup.org

Florida Administrative Codes and Administrative Register (Turtle-Friendly Codes) ..... https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62b-55

Ask the Glass Detective, Glass.com® ..... www.glass.com

International Code Council (ICC) ..... www.iccsafe.org

Insulating Glass Certification Council (IGCC) ..... www.igcc.org

Insulating Glass Manufacturers Alliance (IGMA) ..... www.igmaonline.org

International Standards Organization (ISO) ..... www.iso.org

Leadership in Energy & Environmental Design (LEED) ..... www.leed.usgbc.org

National Fire Protection Association (NFPA) ..... www.nfpa.org

National Fenestration Rating Council (NFRC) ..... www.nfrc.org

Safety Glazing Certification Council (SGCC) ..... www.sgcc.org

Underwriters Laboratories (UL) ..... www.ul.com

Vitro Glass Education Center ..... www.vitroglazings.com

Window & Door Manufacturers Association (WDMA) ..... www.wdma.com

Photo: Jim Scafer

The Phipps Conservatory and Botanical Gardens, Center for Sustainable Landscaping in Pittsburgh features Vitro Architectural Glass Products.

NOTE: The publisher does not provide design, code, material or engineering advice. This material has been prepared for informational purposes only, and is not intended to provide, and should not be relied on for design, code, engineering or any other advice. You should consult your own advisors before engaging in any project.

Humber College Centre for Entrepreneurship in Toronto incorporates AviProTek® bird-friendly glass by Walker Textures® glass, acid-etched on tinted Solarban® 70XL glass.

Resources:

ANSI
1899 L Street, NW, 11th Floor
Washington, DC 20036

ANSI z 97.1
http://www.ansiz97.com/standard/

ASTM
100 Barr Harbor Drive
P.O. Box C700
West Conshohocken, PA 19428-2959

Florida Administrative Code & Florida Administrative Register, Model Lighting Ordinance for Marine Turtle Protection
https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62b-55

Glass.com
20 P G A Dr., Suite 201
Stafford, VA 22554

U.S. Consumer Product Safety Commission
U.S. Code of Federal Regulations, Title 16 Volume 2, Consumer Product Safety Commission 16 CFR 1201
4330 East West Hwy.
Bethesda, MD 20814

Common Acronyms

Abbreviation	Full Name	Website
AAMA	American Architectural Manufacturers Association	www.aamanet.org
ANSI	American National Standards Institute	www.ansi.org
ASCE	American Society of Civil Engineers	www.asce.org
ASHRAE	American Society of Heating Refrigerating and Air-Conditioning Engineers	www.ashrae.org
ASTM	American Society of Testing Materials	www.astm.org
CPSC	Consumer Product Safety Commission	www.cpsc.gov
CSA Group	Canadian Standards Association	www.csagroup.org
ICC	International Code Council	www.iccsafe.org
IGCC	Insulating Glass Certification Council	www.igcc.org
ISO	International Standards Organization	www.iso.org
LEED	Leadership in Energy & Environmental Design	www.leed.usgbc.org
NFPA	National Fire Protection Association	www.nfpa.org
NFRC	National Fenestration Rating Council	www.nfrc.org
SGCC	Safety Glazing Certification Council	www.sgcc.org
UL	Underwriters Laboratories	www.ul.com
WDMA	Window & Door Manufacturers Association	www.wdma.com

Accept no substitutes.

See the beauty—not the glass—only with *Starphire*® glass

Don't accept imitations. Only *Starphire Ultra-Clear*® Glass by Vitro Architectural Glass (formerly PPG Glass) allows views so brilliant, you'll forget the glass is even there. For interiors, exteriors as well as heavy and safety glass applications in thicknesses up to ¾ inch, no low-iron glass consistently maintains its transparency, color fidelity, vivid beauty and distinctive blue edge like *Starphire*® glass.

Request samples at www.starphireglass.com

STARPHIRE
ULTRA-CLEAR® GLASS

Vitro®
Architectural Glass

City of Birmingham
A Walkable Community

MEMORANDUM

Planning Division

DATE: **November 8, 2019**

TO: **Planning Board Members**

FROM: **Jana Ecker, Planning Director**

SUBJECT: **Master Plan Update**

Over the past few months, the DPZ team hired by the City to update our comprehensive master plan has been conducting information gathering sessions with members of the public. The team conducted a web survey this spring with a strong participation rate among residents. In addition, the team conducted many stakeholder meetings during April and May, meeting with property owners, residents, neighborhood groups, business owners and institutional partners in the City to solicit detailed input on the City's needs, specific concerns and recommendations for the future vision of the City.

From May 14, 2019 through May 21, 2019 the DPZ team also conducted a public visioning charrette to gather input from residents and business owners for integration into a strategic vision for the neighborhood and commercial areas within the Plan. An analysis of the findings from the survey and the stakeholder meetings was incorporated into the sessions running during the charrette and the key findings and proposals that were presented in the final presentation at the end of the weeklong charrette.

A second web survey was released to solicit additional input from residents based on the proposals developed during the charrette process to gage how these ideas resonated with the public. In addition, a public open house was held July 8 – 10, 2019 in the former charrette space at 255 S. Old Woodward to discuss and evaluate some the key findings and discuss their refinement and progression into a draft master plan.

DPZ team members attended both the City Commission and Planning Board meetings on July 8 and 10, 2019, respectively to provide an update on the findings and progress to date, to solicit input, and to promote the next steps of the master planning process.

At the joint meeting of the City Commission and the Planning Board on October 17, 2019, the DPZ team presented an overview of the first draft of the Master Plan.

On October 23, 2019, the Planning Board conducted a debrief from the joint meeting, and discussed review options going forward. Staff was asked to prepare a Master Plan review schedule for upcoming Planning Board meetings and to provide recommendations for ongoing public engagement.

A proposed review schedule is as noted in the chart below. Please note that communication is ongoing regarding the status of the Master Plan, using email, social media, a project website, enewsletters and articles in the Quarterly publication and local newspapers.

Meeting Dates	Areas of Review
November 13, 2019	Master Plan Review Schedule
Web Survey # 3 – November 2019	Questions on major areas of recommendation in the first draft of Master Plan
December 11, 2019	Master Plan Premises The Future City (Vision)
January 8, 2020	Neighborhood Components
January 23 & 24, 2020	Drop in Clinic (not currently in scope of work)
January 22, 2020	Neighborhood Plans
February 12, 2020	Mixed Use Districts Maple & Woodward Market North
February 26, 2020	Haynes Square South Woodward Gateway Rail District

Once the Board has consensus on a review and engagement schedule, the Planning Board may wish to pass a resolution to request that the Commission either endorse the Board's plan or provide direction for a revised review process.

DRAFT Planning Board Minutes
October 23, 2019

H. Study Session Items

1. Master Plan Update

Chairman Clein asked the Board for ideas to encourage community involvement during the rest of the master plan process.

Mr. Williams said there is excessive and redundant narrative discussion within the first draft, and that bullet points couldbetter convey the information. He said the plan needs to do a better job of addressing the implementation timing for its recommendations. Mr. Williams opined the City needs engagement from neighborhood representatives in order to achieve buy-in from the neighborhoods before the plan is finalized. Mr. Williams refuted the idea, ventured by a public commenter at the October 17, 2019 City Commission-Planning Board Joint meeting (Joint Meeting), that free discussion would be stymied if City representatives attended neighborhood association meetings. Rather, according to Mr. Williams, City representatives at neighborhood association meetings would better allow the City to hear and subsequently address citizens' perspectives and needs. Mr. Williams expressed pressing concern that the first draft does not give the City a sense of the best way to get a broad range of community feedback regarding ideas in the master plan, and that efforts to acquire that feedback from the public should be a City effort undertaken immediately.

Mr. Share agreed. He said it would be important to invite community engagement, to engage each neighborhood in a familiar environment, and to be sure to engage each community in discussions relevant to their particular concerns. Mr. Share expressed hope that if well-publicized public meetings were held with City decision makers in various neighborhoods that the public would choose to attend.

Ms. Whipple-Boyce stated that DPZ did an outstanding job of soliciting community engagement during the spring charrettes and that the plan best represents guidelines for how to begin to draw the neighborhoods together. While Ms. Whipple-Boyce agreed with the importance of getting the neighborhoods involved, she noted for the Board that the community has been highly engaged and responsive throughout the entire process thus far. Ms. Whipple-Boyce stated that the first draft provides the City laid out some ideas for building further community engagement, and that by her assessment the level of community engagement is right in line with where it should be for implementing the plan's next steps. She also echoed Mr. Share's recommendation from the Joint Meeting that the Board create some subcommittees, possibly with some Commissioners as well, to discuss and invite public engagement on any aspects of the first draft that would benefit from a more in-depth review.

Chairman Clein agreed with Ms. Whipple-Boyce that the community has been engaged in the process. He said he wants to see continued community engagement because the plan cannot purport to represent the community's interests if very few community members ever attend the meetings or give input. Responsibility falls to the Board members, according to Chairman Clein, to encourage community engagement as much as possible. He opined that ad hoc meetings to

discuss particular issues would ultimately amount to a well-intentioned misappropriation of time, since the public will often either be insufficiently aware of them, or the meetings are often scheduled for times when most people could not attend. Chairman Clein strongly recommended that any topics to be discussed from the first draft should be done as part of the Board's regular meetings. He also cautioned that the City is currently in a review stage of the process, and that implementation will not begin until the master plan is formally adopted sometime in the spring of 2020.

Mr. Boyle suggested three levels at which the plan should be discussed:

- Board-level planning topics, announced and scheduled for the Board's regular meetings;
- Implementation, which will be determined by various parts of City governance and by the Plan's ultimate recommendations; and,
- Leadership. After the November 5, 2019 City elections, Mr. Boyle anticipated the City Commission would recommence decision making processes regarding the master plan.

Mr. Boyle said the Board's focus should be on reviewing the planning elements of the plan, and providing feedback and guidance on what DPZ and McKenna have set forth.

Mr. Jeffares said a diversity of strategies will be required to retain public engagement through the balance of the process. He mentioned surveys, meetings at schools, social media posts, door-to-door conversations, and neighborhood meetings as some of the options. Anything less than a comprehensive effort, similar to what the master planning team did for community engagement in the spring, would be insufficient in Mr. Jeffares' view.

Chairman Clein requested that Staff begin the process of breaking down the draft into manageable pieces and scheduling them for the Board's upcoming meetings. He said that once the Board has a full Study Session meeting a month, beginning in January 2020, it would be worth considering whether whatever master plan topic is scheduled should be the only topic during those meetings. He also said that City Manager Valentine could review these minutes for thoughts on developing a communication strategy in regards to the master plan, and how best to engage City residents through the multiple platforms the City possesses.

Mr. Williams said he would like the City Commission, after the election, to state what the Board's role should be during the rest of the process.

Chairman Clein agreed. He said that at their next meeting the Board could review the proposed schedule of meetings, a recommendation of enhanced engagement, and a request to the Commission for further direction. Once the Board has consensus on those, he suggested the Board could either ask through Staff or pass a resolution to request that the Commission either endorse or redirect the Board's plan.

The Birmingham Plan

Draft 1 | 10/03/19

A. Vision

B. Neighborhoods

Contents

A Vision for the City of Birmingham

The Purpose of any government is to guarantee the quality of life for its citizens

Compliments to the City of Birmingham for its commitment to the quality of life of its residents. Essential components to ensure quality of life are well established and well maintained in the city: Police, Fire, EMS, trash collection, public schools and environmental aspects such as walkability, parks, and tree canopy. Can these things be better? Can the city improve? Sure. But so far – well done.

Prosperity (which includes but is not limited to making profit) always follows quality of life

Birmingham and its citizens are the recipients of the high quality of life in having a vibrant local economy and increasing house values. But,

Birmingham should not lose its focus on quality of life in preference to making money

Quality of life always leads to prosperity but making profit does not always guarantee quality of life, which leads to a deterioration of prosperity. So, this means that in my vision the city will focus on replacing lead water lines to increase quality of life, and not spend money on retail developments to benefit specific retailers and masquerade the project as a parking structure.

The government should extend its environmental timeline perspective

By this I mean the government should conceptualize issues decades ahead. My sewer line collapsed because of the decision to use Orangeburg tubing, which was cheap but had a short useful life of only 25 years. A community outside of Grand Rapids showed a spike in cancer in its residents because a business (now extinct) dumped PFA which leached into the groundwater 30 years ago. I do not want to expect an increase in cancer in our residents in 2050 because of the tons of chemicals we put on our lawns in 2020.

Rooftops are an undeveloped resource

If I stand on the fifth or sixth floor of a building and look out over the neighborhoods (not just in Birmingham) I can see hundreds of acres of desolate, arid, lifeless wasteland. A person can actually see the distortions in the atmosphere caused by the rising heat. This wasteland is the rooftops of the buildings. In my vision the City of Birmingham would see this wasteland as an opportunity to incentivize developments such as rooftop gardens or solar panel fields, or maybe a windmill or two like we have on Seaholm's roof.

Thank you for your attention,

Len Billingsley
527 Larchlea, Birmingham
248-645-1542

City of Birmingham, MI

Planning Commission Meeting - October 23, 2019

Master Plan Comments

Submitted by Jim Arpin

1. On page 39 (Section A. Vision A.2 the Future City) DPZ states in the Discussion "Birmingham Zoning Code is due for an **overhaul**." Can the Board or Staff comment on how this recommendation will impact upcoming zoning ordinance change requests before there is a potential overhaul?

2. Can the Board or Staff comment on how **supporting building infrastructure** factors such as; police, fire, pedestrian/cycle/motor vehicle traffic, electric power/water/IT utility availability, rock bed strata and vehicle parking impact a recommendation to amend a zoning district?

3. On page 200 (Section C. Mixed-use Districts C.4. Haynes Square) Can the Board or Staff comment on how the implementation of DPZ's recommendations for Haynes Square can co-exist with the DPZ D5 Study (submitted 9/5/19). It appears Figure C.4-01 Haynes Square in the Master Plan Draft conflicts with multiple Figures in the DPZ D5 Study. Will the Board or Staff be coordinating with DPZ on their recommendations and **impacts to adjacent Mixed-use Districts** prior to recommending any zoning district ordinance amendments?

4. It appears the DPZ D5 Study is not included in the **Document Library** on the www.thebirminghamplan.com web site. Can the Board or Staff comment on this omission of DPZ City of Birmingham related work to the Document Library?

5. In the DPZ D5 Study, DPZ recommended the **Peabody Mansion historic building** could be moved to make room for a 10 story building. I did not see a designated area in the Master Plan draft for a suitable place in the City of Birmingham to relocate the Peabody Mansion. Can the Board or Staff comment on the process involved in moving historic buildings within the City?

CITY OF BIRMINGHAM
Date 10/29/2019 2:25:56 PM
Ref 00164119
Receipt 510947
Amount $100.00

APPROVED
10-29-19

City of Birmingham
A Walkable Community

Administrative Approval Application
Planning Division

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

1. Applicant
Name: Facilities Management Group of MI
Address: 553 E Jefferson Detroit MI

Phone Number: 248-894-6092
Fax Number:
Email Address: tim@fmgsite.com

2. Property Owner
Name: Dennis Dahlstedt
Address: 2432 Hickory Glen Dr., Bloomfield Hills MI 48304

Phone Number: 248-909-2682
Fax Number:
Email Address: gidocdd@gmail.com

3. Applicant's Attorney/Contact Person
Name: Tim Rottman
Address: 553 E Jefferson Detroit mi

Phone Number:
Fax Number:
Email Address: TIM@FMGSITE.COM

4. Project Designer/Developer
Name: Five/eights Architecture
Address: 707 E Lewiston Ave, Ferndale MI

Phone Number: 248-981-8744
Fax Number:
Email Address:

5. Project Information
Address/Location of Property: 2450 Cole St. Birmingham

Name of Development: F45
Parcel ID#:
Current Use:
Area in Acres:
Current Zoning:

Name of Historic District if any:
Date of HDC Approval, if any:
Date of Application for Preliminary Site Plan:
Date of Preliminary Site Plan Approval:
Date of Application for Final Site Plan:
Date of Final Site Plan Approval:
Date of Revised Final Site Plan Approval:

6. Required Attachments
- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples
- Specification sheets for all proposed materials, fixtures, and/or mechanical equipment
- One (1) digital copy of plans
- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations
- Photographs of existing conditions on the site where changes are proposed

7. Details of the Request for Administrative Approval
1. Exterior block wall to be changed into a glass storefront windows.
2. Exterior door installed for life safety per Architect.

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and/or Building Division of any additional changes to the approved site plan.

Signature of Applicant: Tim Rottman Date: 10/22/19

Office Use Only

Application #: PAA19-0175 Date Received: Fee:
Date of Approval: 10-29-19 Date of Denial: Reviewed By:

CONSENT OF PROPERTY OWNER

I, Dennis Dahlstedt, OF THE STATE OF MI AND
(Name of Property Owner)

COUNTY OF Oakland STATE THE FOLLOWING:

1. That I am the owner of real estate located at 2450 Cole st. Birmingham MI;
(Address of Affected Property)

2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by: Tim Rottman;
(Name of Applicant)

3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Name of Owner (Printed): Dr. Dennis Dahlstedt

Signature of Owner: _____ **Date:** _____

ADMINISTRATIVE APPROVAL APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: Facilities Management Group of MI Date: 10/22/19

Address: 2450 Cole St. Birmingham Project: F45

All site plans and elevation drawings prepared for administrative approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording.

Administrative Approval of Design Changes

- ☐ 1. Name and address of applicant and proof of ownership;
- ☐ 2. Name of Development (if applicable);
- ☐ 3. Address of site and legal description of the real estate;
- ☐ 4. A separate location map;
- ☐ 5. Legend and notes, including a graphic scale, north point, and date;
- ☐ 6. A list of all requested design changes;
- ☐ 7. Elevation drawings with all requested design changes marked in color;
- ☐ 8. A list of all new materials to be used, including size specifications, color and the name of the manufacturer.

Administrative Approval of Site Plan Changes

A full site plan detailing the proposed changes for which administrative approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

- ☐ 1. Name and address of applicant and proof of ownership;
- ☐ 2. Name of Development (if applicable);
- ☐ 3. Address of site and legal description of the real estate;
- ☐ 4. Name and address of the land surveyor;
- ☐ 5. Legend and notes, including a graphic scale, north point, and date;
- ☐ 6. A separate location map;
- ☐ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
- ☐ 8. A list of all requested changes to the site plan;

☐ 9. All changes requested marked in color on the site plan and on all elevations of any building(s);

☐ 10. A chart indicating the dates of approval of the Preliminary Site Plan, Final Site Plan; Revised Final Site Plans, and any dates of approval by the Historic District Committee ("HDC");

☐ 11. Existing and proposed layout of streets, open space and other basic elements of the plan;

☐ 12. Existing and proposed easements and their purpose;

☐ 13. Location of natural streams, regulated drains, 100-year flood plains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development;

☐ 14. General description of, location of, and types of structures on the site;

☐ 15. Details of existing or proposed lighting, signage, landscaping, and other pertinent development features;

☐ 16. Any other information requested in writing by the Planning Division, the Planning Board, or the Building Official deemed important to the development.

PLEASE NOTE: All requests for administrative approval must comply with Article 7 of the Zoning Ordinance, which outlines the terms and conditions under which administrative approval may be granted.

FEE SCHEDULE

Application	Fees
Administrative Approval	$100
Administrative Sign Approval	$100
Board of Zoning Appeals* • Single Family Residential • All Other Zoning Districts	 $310 $510
Community Impact Study Review*	$2,050
Design Review*	$350
Division/Combination of Platted Lots	$200
Historic District Review* • Single Family Residential • All Other Zoning Districts	 No Charge $350
Public Notice Sign • Notice Sign Rental • Returnable Sign Bond	 $50 $100 ➔ $150 total
Preliminary/Final Site Plan Review • R4 – R8 Zoning District • Nonresidential Districts	 $850, plus $50 per dwelling unit $1,050, plus $50 per acre or portion of acre
Special Land Use Permit* • Plus Site Plan Review • Plus Design Review • Plus Publish of Legal Notice • Plus Sign Rental and Deposit	$800 $1,050 $350 $450 $150 ➔ $2,800 total
Special Land Use Permit Annual Renewal	$200
Temporary Use Permit	$100
Zoning Compliance Letter	$50

***The fees for Board of Zoning Appeals, Community Impact Study Review, Design Review, Site Plan Review, Historic District Review and Special Land Use Permits shall be double the listed amounts in the event the work is commenced prior to the filing of an application for review by the City of Birmingham.**

City of Birmingham

CONSENT OF PROPERTY OWNER

I, Dennis Dahlstedt (Name of Property Owner), OF THE STATE OF MI AND

COUNTY OF Oakland STATE THE FOLLOWING:

1. That I am the owner of real estate located at 2450 Cole st. Birmingham MI (Address of Affected Property);

2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by: Tim Rottman (Name of Applicant);

3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Name of Owner (Printed): Dr. Dennis Dahlstedt

Signature of Owner: _____ **Date:** 10/22/19

abbreviation	description	product / type	manufacturer	color	notes
BB-1	baseboard	vinyl base	roppe	161 snow	apply adhesive with roberts nozzle cartridge
CB-1	prefabricated base cabinets	basis of design sektion base cabinet frame kungsbacka door	ikea	anthracite	contractor to ensure finish countertop height to be ADA compliant
CL-1	ceiling	gypsum board ceiling	-	PT-1	3-5/8" metal studs, 16" o.c. with 5/8" gyp bd
CT-1	countertop	20 mm ultracompact surface	dekton	domoos	maximum span distance 24"
FL-1	LVT	per owner	per owner	per owner	
PT-1	interior paint	cashmere	sherwin williams	white to match existing	satin sheen - apply (1) primer coat and (2) finish coats
PT-2	interior paint	cashmere	sherwin williams	yellow to match existing	satin sheen - apply (1) primer coat and (2) finish coats, apply to all new gas pipe
PT-3	interior paint	cashmere	sherwin williams	red to match existing	satin sheen - apply (1) primer coat and (2) finish coats, apply to all new sprinkler pipe

schedule / finish schedule 9

1. all dimensions to be verified in field, built conditions to be compared to drawn conditions, if discrepancies exist, consult architect.
2. do not scale from drawings, architect to provide dimensions as requested.
3. Coordinate all work before and during construction with all other affected trades.
4. Where interfaces develop, notify owner for resolution of conflict. Relocation of conflicting installed work, due to the lack of coordination or poor coordination shall not be considered extra work.
5. provide PT-1 and BB-1 on all new gyp bd walls

general notes / floor plan 6

C		interior wall:	3-5/8" metal studs, 16" o.c with 5/8" gypsum board on both sides
B		interior wall:	5-1/2" metal studs, 16" o.c. with 5/8" gypsum board on both sides
C		interior wall:	3-5/8" metal studs, 16" o.c with 5/8" gypsum board on one side
D		existing exterior wall:	12" CMU wall
E		existing interior wall:	1 hr fire rated - extend to b.o. roof 3-5/8" metal studs, 16" o.c. with two layers 5/8" gypsum board on both sides
F		existing exterior wall:	aluminum storefront (SF-1) - Tubelite 2" x 4-1/2" 14000 Series in dark bronze or similar

notes:

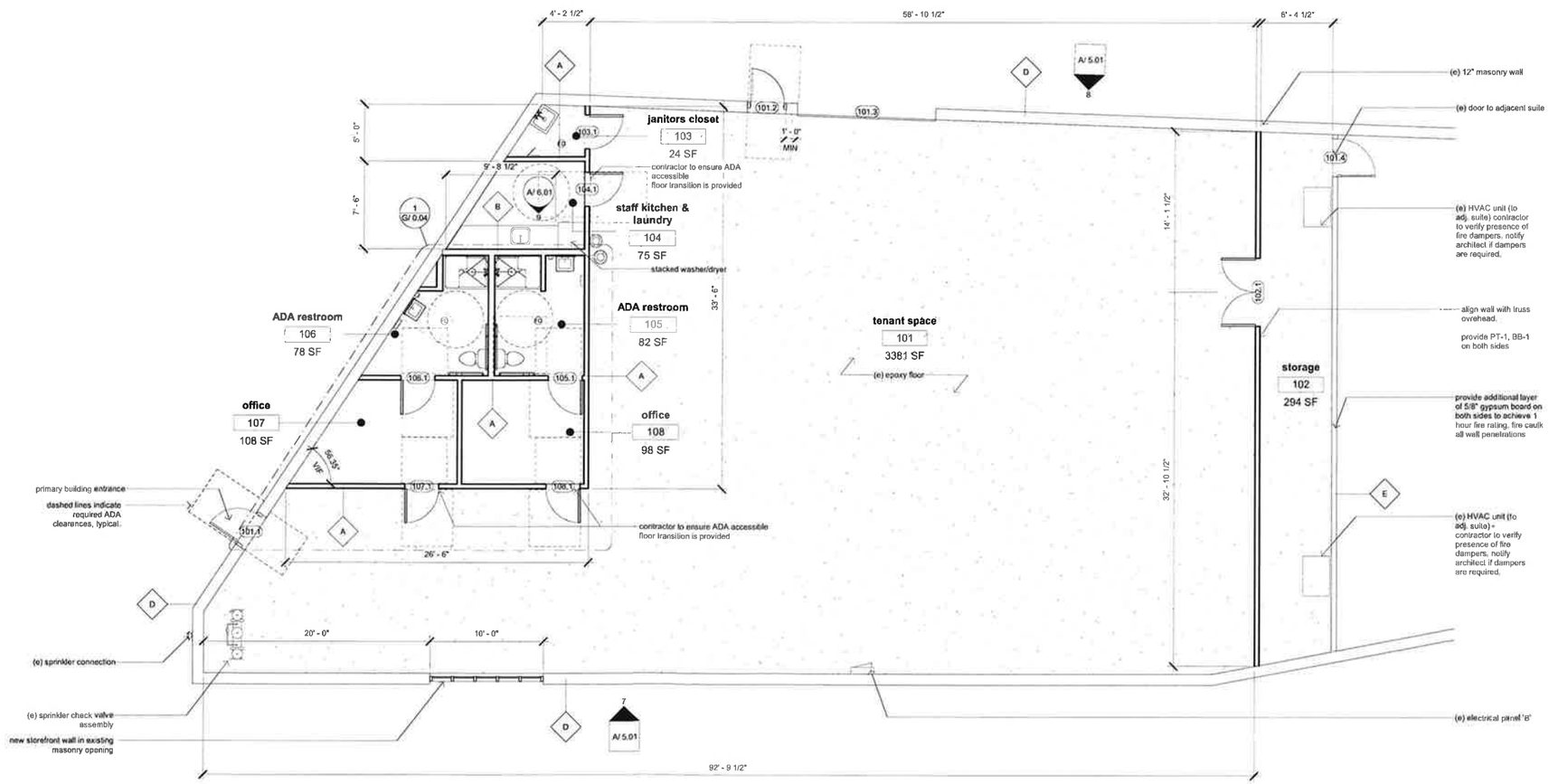
*: at bathrooms, use mold/mildew resistant gypsum board;
at walls to receive tile, use 1/2" cementitious backer board in lieu of gypsum board

walls not tagged on the floor plan on sheet A/ 1.01 are existing to remain, refer to reference drawings for existing wall types.

all new walls are non-structural.

refer to building sections and elevations for wall heights.

legend / wall types 3



floor plan / first floor 1
3/16" = 1'-0"

five / eighths architecture
707 e. lewiston avenue / #105 / ferndale / michigan / 48220
313 / 936 / 0835
info@5-8ths.com
www.5-8ths.com

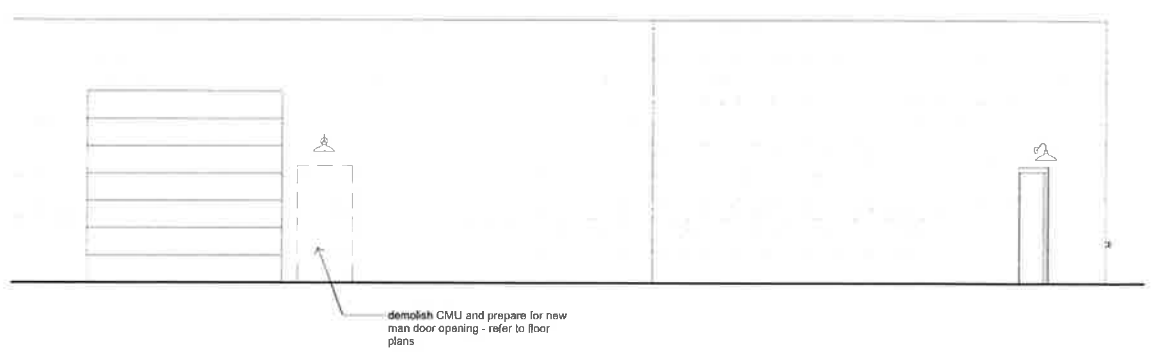
cole st white box
2450 cole st / birmingham / michigan
dennis dahlstedt

floor plan / first floor
permit set
sheet number 9 of 16

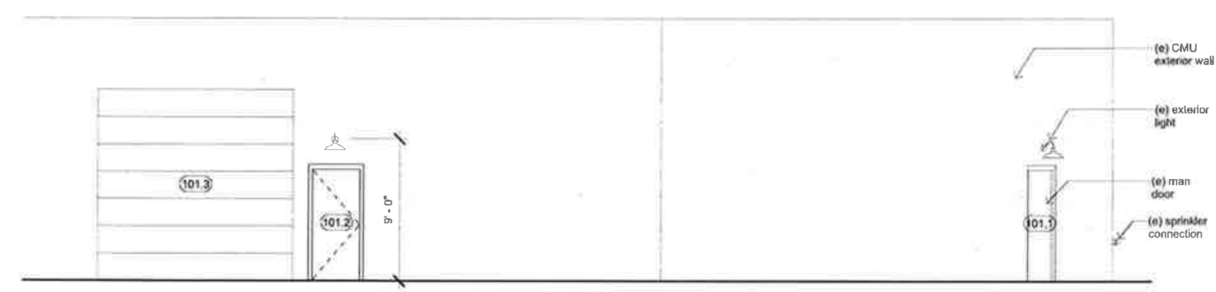
05 / 31 / 2019
10 / 25 / 2019

STATE OF MICHIGAN
GRANT A. JEFFRIES
ARCHITECT
No. 1301062454
LICENSED ARCHITECT

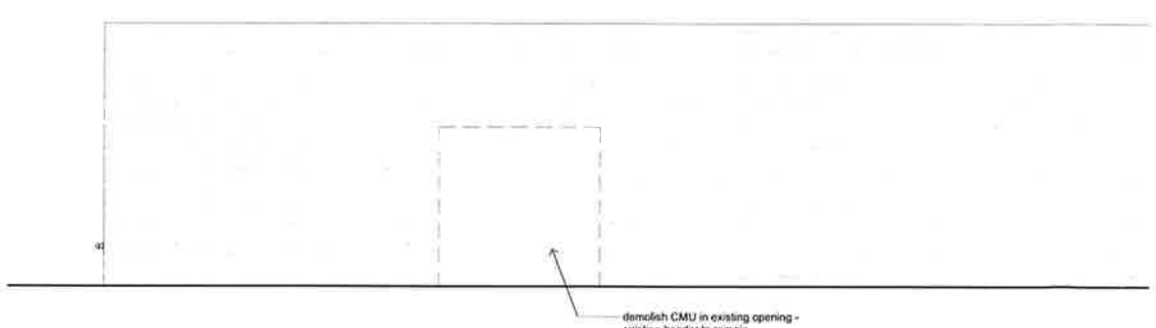
A/
1.01



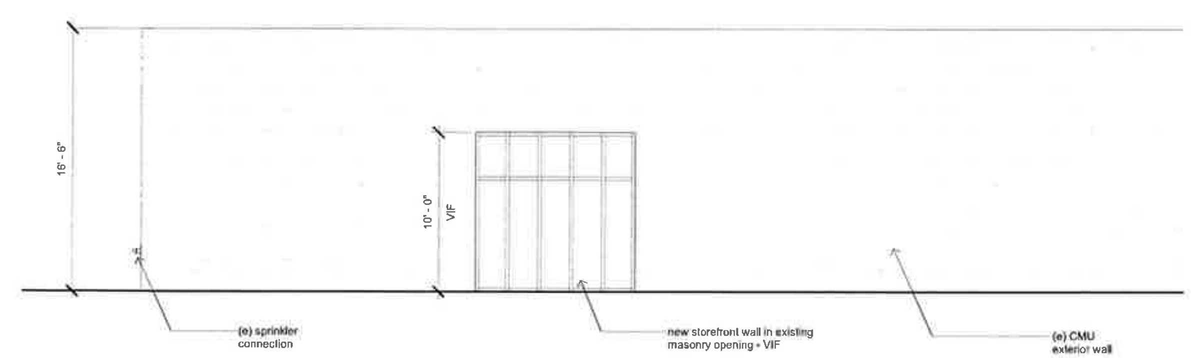
demo elevation / north 8
3/16" = 1'-0"



exterior elevation / north 2
3/16" = 1'-0"



demo elevation / south 7
3/16" = 1'-0"



exterior elevation / south 1
3/16" = 1'-0"

five / eighths architecture
707 e. lewiston avenue / #106 / ferndale / michigan / 48220
313 / 936 / 0835
info@5-8ths.com
www.5-8ths.com

cole st white box
2450 cole st / birmingham / michigan
dennis dahlstedt

elevations / exterior
permit set
sheet number 0 of 16

05 / 31 / 2019
10 / 25 / 2019

STATE OF MICHIGAN
GRANT A. JEFFRIES
ARCHITECT
No. 1301062494
LICENSED ARCHITECT

A/
5.01

City of Birmingham
A Walkable Community

APPROVED
10-8-19

Administrative Approval Application
Planning Division
Form will not be processed until it is completely filled out

1. Applicant
Name: NOVA CONSULTANTS INC.
Address: 21580 NOVI RD. SUITE # 300
NOVI, MICHIGAN 48375
Phone Number: (248) 347-3512
Fax Number: (248) 347-4152
Email: joe.ruffing@novaconsultants.com

Property Owner
Name: Steven B. Roby (ANN STREET PROPERTY LLC.)
Address: 566 ANN STREET
BIRMINGHAM, MICHIGAN 48009
Phone Number: (248) 554-8500
Fax Number:
Email: steven.roby@robylaw.com

2. Applicant's ~~Attorney~~/Contact Person
Name: Joe Ruffing
Address: NOVA CONSULTANTS INC.
21580 NOVI RD, SUITE #300, NOVI, MICHIGAN 48375
Phone Number: (248) 347-3512
Fax Number: (248) 347-4152
Email: joe.ruffing@novaconsultants.con

Project Designer
Name: Rick Marble
Address: NOVA CONSULTANTS INC.
21580 NOVI RD, SUITE #300, NOVI, MICHIGAN 48375
Phone Number: (248) 347-3512
Fax Number: (248) 347-4152
Email: rick.marble@novaconsultants.com

3. Project Information
Address/Location of Property: 566 ANN STREET
BIRMINGHAM, MICHIGAN 48009
Name of Development: SOLAR CARPORT CANOPY
Parcel ID #: 1936205034
Current Use: BUILDING
Area in Acres: 420.5 Sq.ft (Solar Carport Canopy)
Current Zoning: R3 (SINGLE FAMILY RESIDENTIAL)

Name of Historic District site is in, if any: N/A
Date of HDC Approval, if any: N/A
Date of Application for Preliminary Site Plan: N/A
Date of Preliminary Site Plan Approval: N/A
Date of Application for Final Site Plan: N/A
Date of Final Site Plan Approval: N/A
Date of Revised Final Site Plan Approval: N/A

4. Attachments
- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples/Specification Sheets
- Digital Copy of plans
- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

5. Details of the Request for Administrative Approval
On behalf of Ann Street Property LLC, NOVA Consultants Inc., is installing a 7.3 kW Solar Photovoltaic Carport Canopy System at the building located at 566 Ann Street, Birmingham, MI 48009. The proposed solar carport canopy will be 420.5 Sq.ft.

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: [signature] Date: 10/2/19

Office Use Only

Application #: PA19-0134 Date Received: 10/2/19 Fee: $100

Date of Approval: 10-8-19 Date of Denial: Reviewed by: [signature]

City of Birmingham
A Walkable Community

CONSENT OF PROPERTY OWNER

I, STEVEN B. ROBY (ANN STREET PROPERTY LLC), OF THE STATE OF MICHIGAN AND COUNTY OF
(Name of property owner)

OAKLAND STATE THE FOLLOWING:

1. That I am the owner of real estate located at 566 ANN STREET, BIRMINGHAM, MICHIGAN 48009 ;
(Address of affected property)

2. That I have read and examined the Application for Administrative Approval made to the City of Birmingham by: JOE RUFFING, NOVA CONSULTANTS INC. ;
(Name of applicant)

3. That I have no objections to, and consent to the request(s) described in the Application made to the City of Birmingham.

Dated: 8/5/19

STEVEN B. ROBY (ANN STREET PROPERTY LLC.)
Owner's Name (Please Print)

Owner's Signature

LIST OF DRAWINGS

NUM	TITLE	REV	ISSUED: INTERCONNECTION (7/3/2019)	ISSUED: PERMITS (9/26/2019)
G-001	COVER SHEET	0	●	●
C-101	SITE PLAN	0	●	●
C-101	FRAMING PLAN			●
E-601	ONE-LINE DIAGRAM	0	●	●

NOVA CONSULTANTS, INC.

NOVA PROJECT #19-07-1045

Ann Street Property, LLC

Roby Law Solar Canopy

7.3 kW DC/ 6 kW AC

PROFESSIONAL ENGINEER
SUNIL K AGRAWAL, P.E.

NOVA Consultants, Inc.
21580 Novi Road
Suite 300
Novi, MI 48375

Phone: (248) 347-3512
Fax: (248) 347-4152

www.novaconsultants.com

ISSUED

DATE	ISSUED FOR	APPVD
7/3/19	INTERCONNECTION	SV
9/26/19	PERMITS	SV

VICINITY MAP

REVISED

NO.	DATE	DESCRIPTION	APPVD

Ann Street Property, LLC
ROBY LAW
Solar PV Canopy
15.2 kW AC/19.8 kW DC

566 ANN ST
BIRMINGHAM, MI 48009

DESIGNED BY
RM

CHECKED BY
SV

COVER SHEET

DRAWN BY	SHEET NUMBER
RM	G-001
SCALE: NONE	
DATE: 7/3/19	

CLIENT SERVICE PANEL
(LOCATED IN BASEMENT)

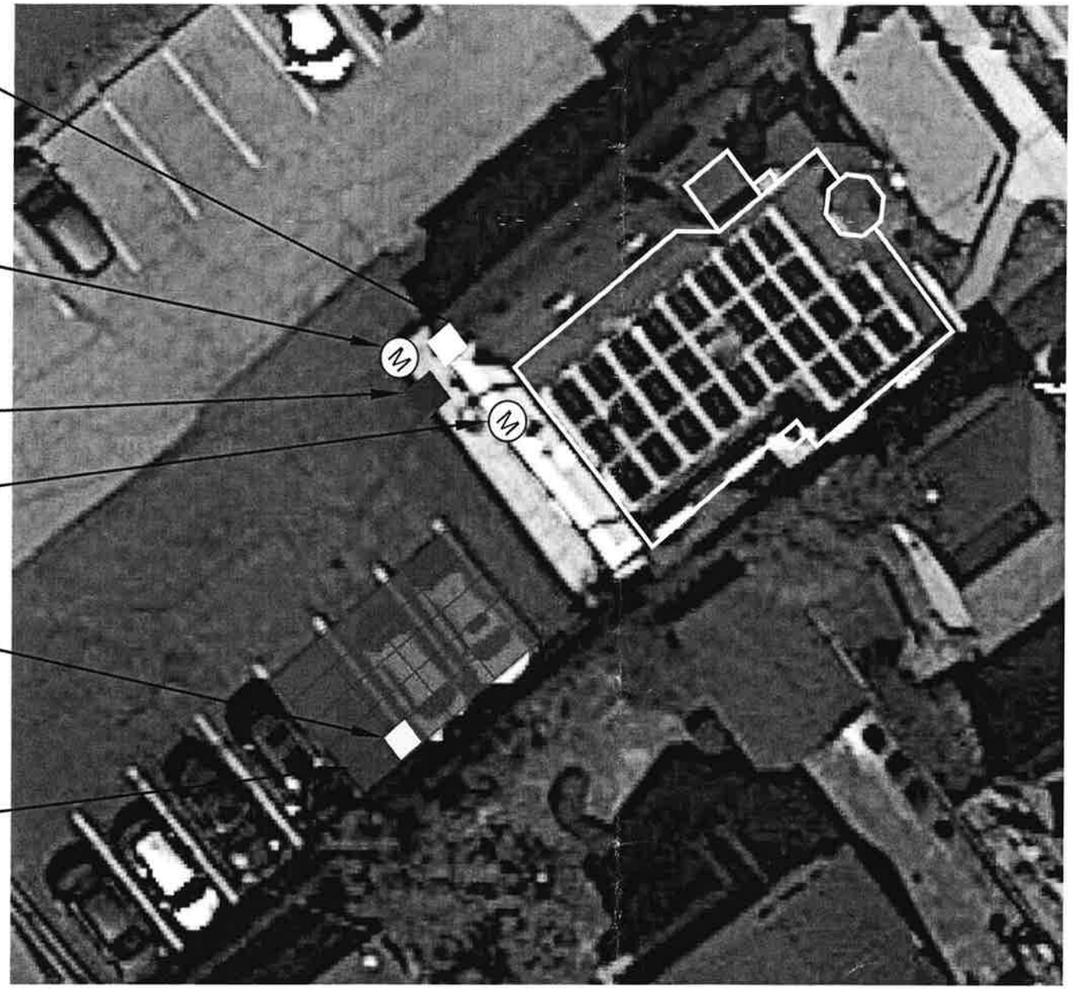
EXISTING UTILITY METER
(LOCATED OUTSIDE AND
ACCESSIBLE TO DTE)

SOLAR AC DISCONNECT
(LOCABLE AND TAGGABLE
LOCATED OUTSIDE AND
ACCESSIBLE TO DTE)

SOLAR GENERATION
METER

SOLAR INVERTER
WITH EV CHARGER
(LOCATED ON CANOPY
POST)

ON SITE SOLAR
GENERATOR



A1 PLAN VIEW: SOLAR ARRAY LAYOUT

Scale: None

KEY PLAN

- SOLAR MODULES
- SOLAR INVERTER
- CLIENT SERVICE PANEL
- AC DISCONNECT
- (M) METER

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Novi, MI 48375

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Fax: (248) 347-4152

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ISSUED

DATE	ISSUED FOR	APPVD
7/3/19	INTERCONNECTION	SV
9/26/19	PERMITS	SV

VICINITY MAP

REVISED

NO.	DATE	DESCRIPTION	APPVD

Ann Street Property, LLC
ROBY LAW
Solar PV Canopy
15.2 kW AC/19.8 kW DC

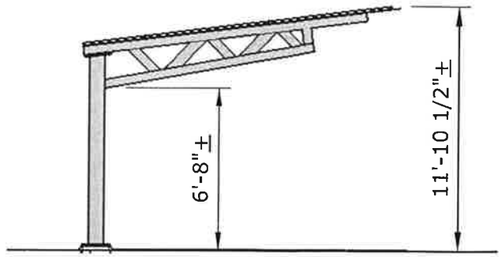
566 ANN ST
BIRMINGHAM, MI 48009

DESIGNED BY
RM

CHECKED BY
SV

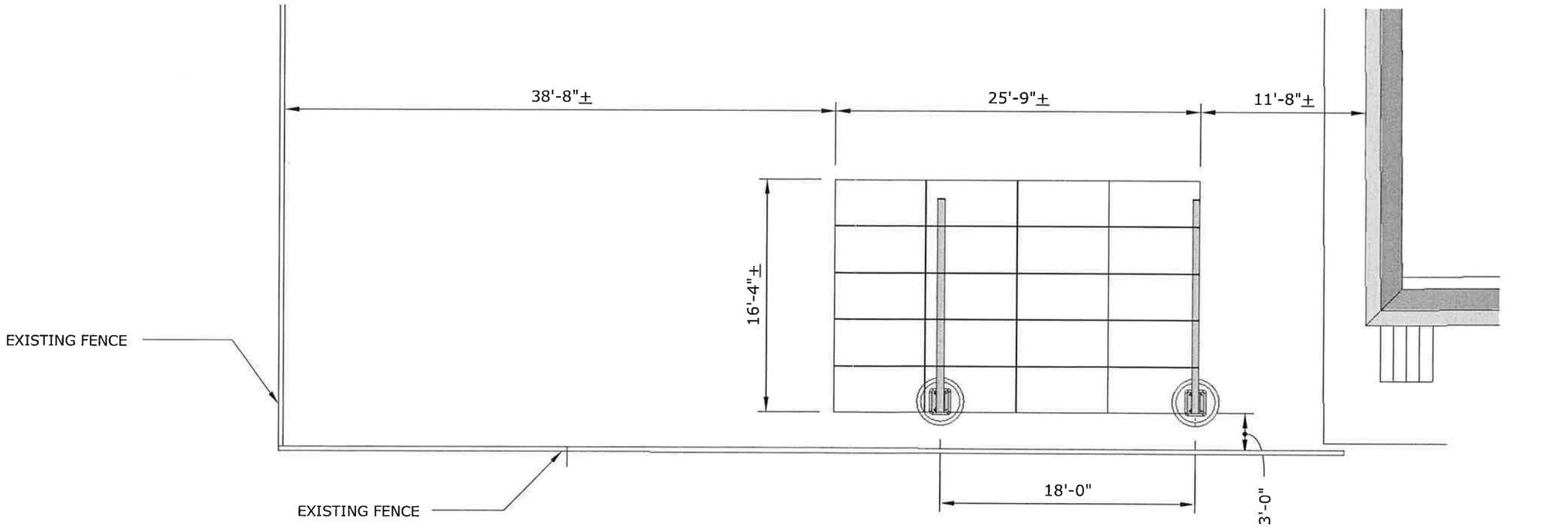
SITE PLAN

DRAWN BY	SHEET NUMBER
RM	C-101
SCALE: NONE	
DATE: 7/3/19	



A1 ELEVATION

Scale: 1/8"=1'-0"



A1 FRAMING PLAN

Scale: 1/8"=1'-0"

GRAPHIC SCALE
1/8"=1'-0"

0 1' 5' 10'

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ISSUED

DATE	ISSUED FOR	APPVD
9/27/19	PERMITS	SV

VICINITY MAP

REVISED

NO.	DATE	DESCRIPTION	APPVD

Ann Street Property, LLC
ROBY LAW
Solar PV Canopy
15.2 kW AC/19.8 kW DC

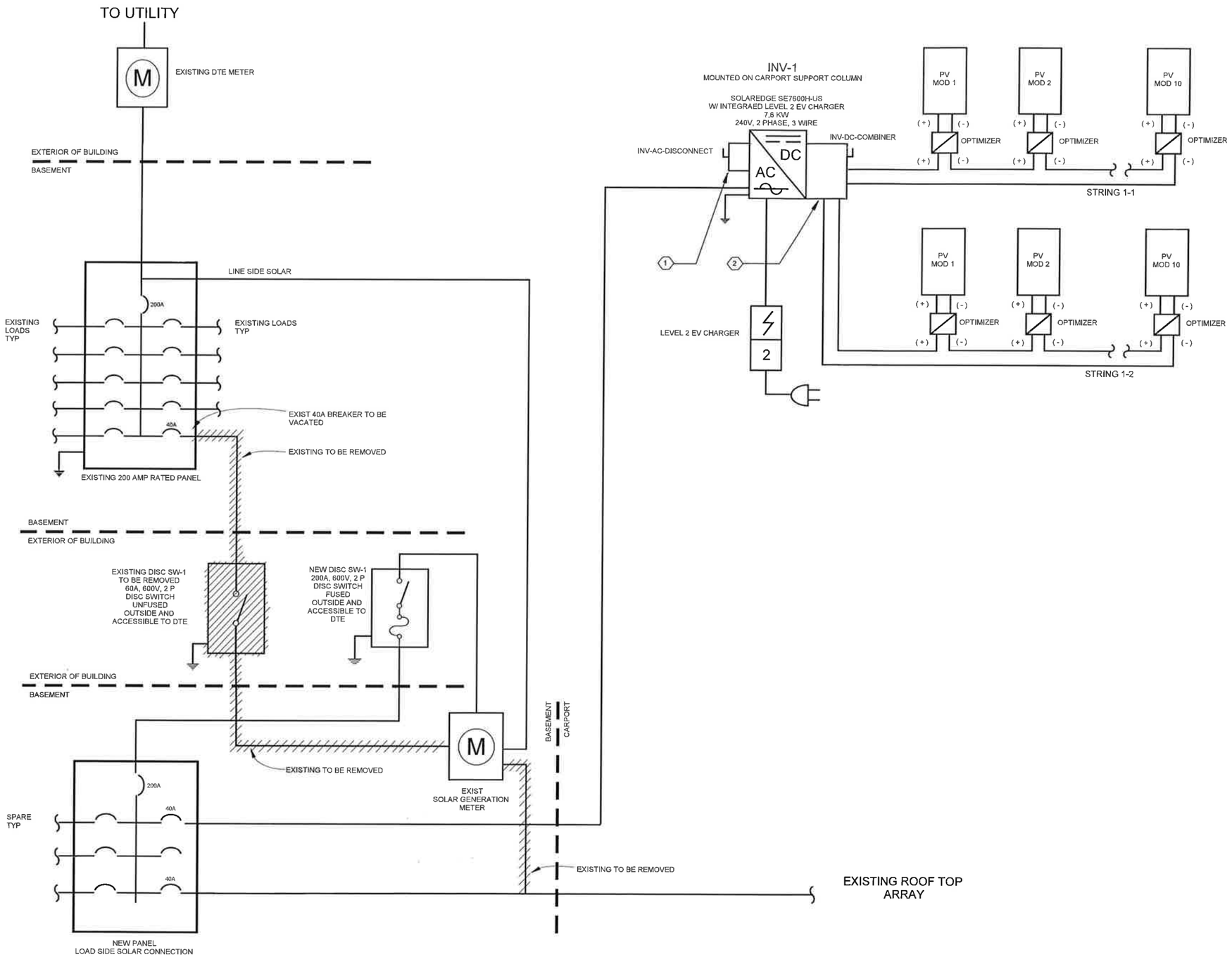
566 ANN ST
BIRMINGHAM, MI 48009

DESIGNED BY
RM

CHECKED BY
SV

FRAMING PLAN

DRAWN BY: RM
SCALE: NONE
DATE: 7/3/19
SHEET NUMBER: C-102



A1 ONE-LINE DIAGRAM

Scale: None

SHEET GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT MICHIGAN ELECTRICAL CODE 2017 NATIONAL ELECTRIC CODE (nec), AND ALL APPLICABLE LOCAL CODES AND STANDARDS.

SHEET KEY NOTES

1. AC DISCONNECT SWITCH AND DC COMBINER ARE INTEGRAL WITH INVERTER.
2. DC RECOMBINER BOX IS FURNISHED WITH INTEGRAL DC DISCONNECT.

PV SYSTEM DESCRIPTION

PV MODULE MODEL:	Astronergy, CHSM6612M-365 (365W)
PV MODULE SIZE:	77.01 X 39.06 X 1.57
PV MODULE Pmax:	365 W
OPTIMIZERS:	SOLAREDGE P370
INVERTERS:	SOLAREDGE SE7600H-US WITH INTEGRATED LEVEL 2 EV CHARGER
NUMBER OF STRINGS PER INVERTER:	2
NUMBER OF STRINGS :	2
NUMBER OF MODULES PER STRING:	10
NUMBER OF MODULES:	20
NUMBER OF OPTIMIZERS:	20
TOTAL NAMEPLATE SIZE:	6 kW AC 7.3 kW DC

LEGEND

- DISCONNECT SWITCH - NON FUSABLE
- DISCONNECT SWITCH (1-LINE)
- CIRCUIT BREAKER
- FUSE
- GROUND
- SURGE PROTECTIVE DEVICE (SPD)
- OPTIMIZER
- 1 - 1 PV STRING DESIGNATION (1 - STRING #, 1 - INVERTER #)

NOVA Consultants, Inc.
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Novi, MI 48375

Phone: (248) 347-3512
Fax: (248) 347-4152

www.novaconsultants.com

ISSUED

DATE	ISSUED FOR	APPVD
7/3/19	INTERCONNECTION	SV
7/15/19	INTERCONNECTION REVISION	SV
9/26/19	PERMITS	SV

VICINITY MAP

REVISED

NO.	DATE	DESCRIPTION	APPVD

Ann Street Property, LLC
ROBY LAW
Solar PV Canopy
15.2 kW AC/19.8 kW DC

566 ANN ST
BIRMINGHAM, MI 48009

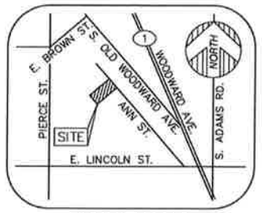
DESIGNED BY: RM

CHECKED BY: SV

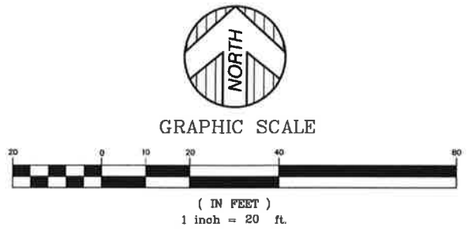
ONE LINE DIAGRAM

DRAWN BY	SHEET NUMBER
RM	E-601
SCALE: NONE	
DATE: 7/3/19	

ALTA/NSPS LAND TITLE SURVEY



VICINITY MAP
(NOT TO SCALE)



PARKING

HANDICAP PARKING = 0 STALLS
STANDARD PARKING = 8 STALLS

PARCEL AREA

6,511± SQUARE FEET = 0.150± ACRES

BUILDING AREA

FIRST FLOOR	1320 SQ FT
SOLAR CANOPY	420 SQ FT
TOTAL AREA	1740 SQ FT

COVERAGE

STRUCTURES AREA / PARCEL AREA
1740 SQ FT / 6511 SQ FT = 26.72 %

BASIS OF BEARING

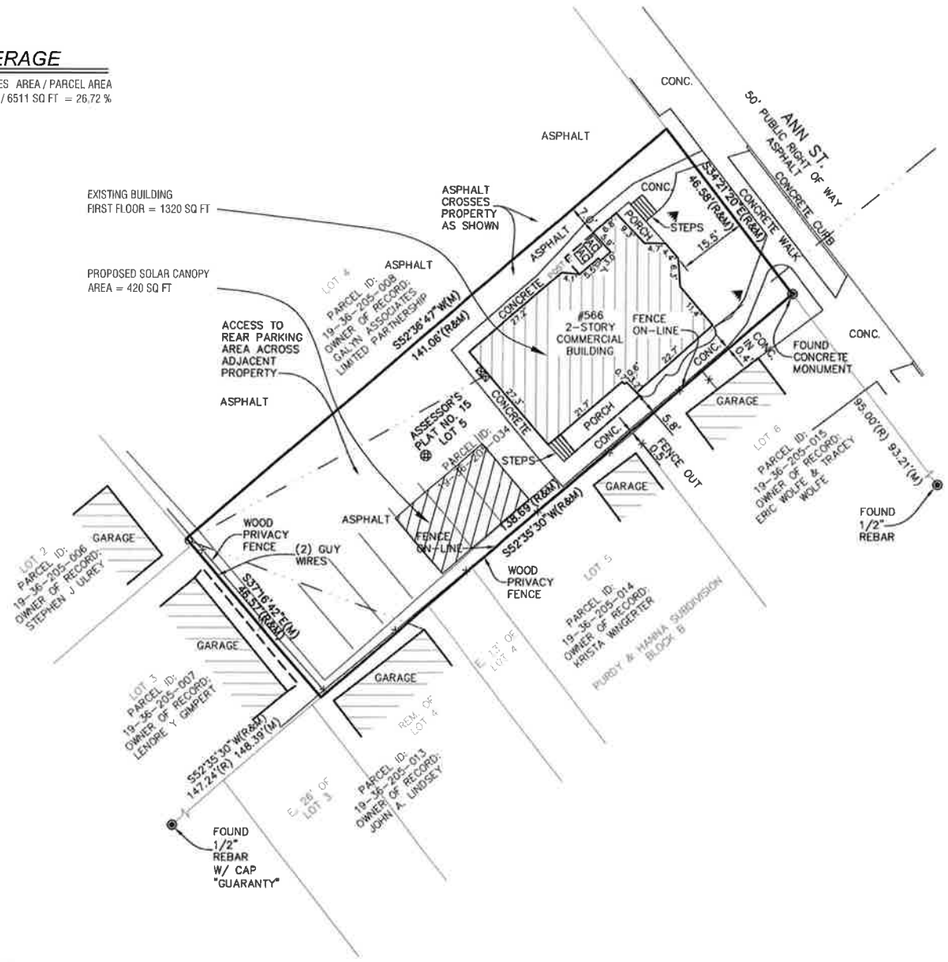
SOUTH 34°21'20" EAST, BEING THE WESTERLY RIGHT OF WAY LINE OF ANN ST. AS PLATTED.

SURVEYOR'S NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

LEGEND

●	SET 1/2" REBAR WITH CAP P.S. 47976
◉	FOUND MONUMENT (AS NOTED)
(R&M)	RECORD AND MEASURED DIMENSION
(R)	RECORD DIMENSION
(M)	MEASURED DIMENSION
⊠	ELECTRIC METER
○	UTILITY POLE
⊕	ROUND CATCH BASIN
AC	AIR CONDITIONING UNIT
	FLOOD LIGHT
	PARCEL BOUNDARY LINE
	PLATTED LOT LINE
	BUILDING
	BUILDING OVERHANG
	BUILDING HATCH
	CONCRETE CURB
	EDGE OF CONCRETE (CONC.)
	EDGE OF ASPHALT (ASPH.)
-x-	FENCE (AS NOTED)
	OVERHEAD UTILITY LINE



PROPERTY DESCRIPTION

LAND SITUATED IN THE CITY OF BIRMINGHAM, COUNTY OF OAKLAND, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

LOT 5, ASSESSOR'S PLAT NO. 15, PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWN 2 NORTH, RANGE 10 EAST, VILLAGE (NOW CITY) OF BIRMINGHAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 51 OF PLATS, PAGE 25, OAKLAND COUNTY RECORDS.

566-568 ANN, BIRMINGHAM, COUNTY OF OAKLAND, MI
TAX I.D. NO.: 19-36-205-034

TITLE REPORT NOTE

ONLY THOSE EXCEPTIONS CONTAINED WITHIN THE STEWART TITLE GUARANTY COMPANY FILE No. 1718433, DATED APRIL 04, 2017, AND RELISTED BELOW WERE CONSIDERED FOR THIS SURVEY. NO OTHER RECORDS RESEARCH WAS PERFORMED BY THE CERTIFYING SURVEYOR.

NO SPECIFIC EASEMENTS LISTED

SURVEYOR'S CERTIFICATION

TO ROBY LAW ASSOCIATION PLLC, STEWART TITLE GUARANTY COMPANY, AND PARKS TITLE:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDED ITEMS 2, 4, 7A, 8, AND 9 OF TABLE A, THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 26, 2017.

DATE OF PLAT OR MAP: MAY 01, 2017

ANTHONY T. SYCKO, JR., P.S.
PROFESSIONAL SURVEYOR
MICHIGAN LICENSE NO. 47976

KEM-TEC & ASSOCIATES
PROFESSIONAL SURVEYORS – PROFESSIONAL ENGINEERS
22556 GRATIOT AVE * EASTPOINTE, MICHIGAN 48021
(586)772-2222 * (800)295-7222 * FAX (586)772-4048

PREPARED FOR: ISHBIA AND GAGLEARD PC		
DATE:	MAY 01, 2017	JOB #: 17-01485
SCALE:	1" = 20'	SHEET: 1 OF 1
DRW. BY:	JDM	REV.:

570 Merrill

APPROVED
10/18/19
PAA19-0170

City of Birmingham
A Walkable Community

RECEIVED
OCT 18 2019
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

Administrative Approval Application
Planning Division
Form will not be processed until it is completely filled out

1. Applicant
Name: Pytiak Design Build
Address: 7805 Cooley Lk RD Ste 500
W. Bloomfield, MI 48324
Phone Number: (248) 425-8523
Fax Number: (248) 363-9829
Email: mark@pytiakdb.com

Property Owner
Name:
Address:
Phone Number:
Fax Number:
Email:

2. Applicant's Attorney/Contact Person
Name:
Address:
Phone Number:
Fax Number:
Email:

Project Designer
Name:
Address:
Phone Number:
Fax Number:
Email:

3. Project Information
Address/Location of Property: 570 Merrill
Birmingham, MI 48009
Name of Development: Parkview Townhomes
Parcel ID #: 19-36-126-011
Current Use: Residential Condominiums
Area in Acres:
Current Zoning: R7

Name of Historic District site is in, if any:
Date of HDC Approval, if any:
Date of Application for Preliminary Site Plan:
Date of Preliminary Site Plan Approval:
Date of Application for Final Site Plan:
Date of Final Site Plan Approval:
Date of Revised Final Site Plan Approval:

4. Attachments
- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples
- Digital Copy of plans
- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations

5. Details of the Request for Administrative Approval
Siding + Trim Replacement on Exterior of Building

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and / or Building Division of any additional changes to the approved site plan.

Signature of Applicant: _____ Date: 10/17/19

Office Use Only

Application #: PAA19-0170 Date Received: 10/18/19 Fee: $100.00

Date of Approval: 10/18/19 Date of Denial: N/A Reviewed by:

CITY OF BIRMINGHAM
Date 10/18/2019 10:47:53 AM
Ref 001837
Receipt 509219
Amount $100.00

City of Birmingham
A Walkable Community

ADMINISTRATIVE APPROVAL APPLICATION CHECKLIST – PLANNING DIVISION

Applicant: _____ Date: _____

Address: _____ Project: _____

All site plans and elevation drawings prepared for administrative approval shall be prepared in accordance with the following specifications and other applicable requirements of the City of Birmingham. If more than one page is used, each page shall be numbered sequentially. All plans must be legible and of sufficient quality to provide for quality reproduction or recording.

Administrative Approval of Design Changes

_____ 1. Name and address of applicant and proof of ownership;
_____ 2. Name of Development (if applicable);
_____ 3. Address of site and legal description of the real estate;
_____ 4. A separate location map;
_____ 5. Legend and notes, including a graphic scale, north point, and date;
_____ 6. A list of all requested design changes;
_____ 7. Elevation drawings with all requested design changes marked in color;
_____ 9. A list of all new materials to be used, including size specifications, color and the name of the manufacturer.

Administrative Approval of Site Plan Changes

A full site plan detailing the proposed changes for which administrative approval is requested shall be drawn at a scale no smaller than 1" = 100' (unless the drawing will not fit on one 24" X 36" sheet) and shall include:

_____ 1. Name and address of applicant and proof of ownership;
_____ 2. Name of Development (if applicable);
_____ 3. Address of site and legal description of the real estate;
_____ 4. Name and address of the land surveyor;
_____ 5. Legend and notes, including a graphic scale, north point, and date;
_____ 6. A separate location map;
_____ 7. A map showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land;
_____ 8. A list of all requested changes to the site plan;
_____ 9. All changes requested marked in color on the site plan and on all elevations of any building(s);
_____ 10. A chart indicating the dates of approval of the Preliminary Site Plan, Final Site Plan; Revised Final Site Plans, and any dates of approval by the Historic District Committee ("HDC");
_____ 11. Existing and proposed layout of streets, open space and other basic elements of the plan;
_____ 12. Existing and proposed easements and their purpose;

APPROVED
PAA 19-0170
10/18/19

RECEIVED
OCT 18 2019
CITY OF BRYAN-AM
COMMUNITY DEVELOPMENT DEPARTMENT


REPLACE

Parkview Townhomes

2 Foot Contours
5 Foot Contours
FEMA Base Flood Elevations
FEMA Cross Sections
100 yr - FEMA Floodplain
100 yr (detailed) - FEMA Floodplain
500 yr - FEMA Floodplain
FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Flooplain data may not always be present on the map.

OAKLAND COUNTY MICHIGAN
Economic Development & Community Affairs

L. Brooks Patterson
Oakland County Executive

Date Created: 10/17/2019

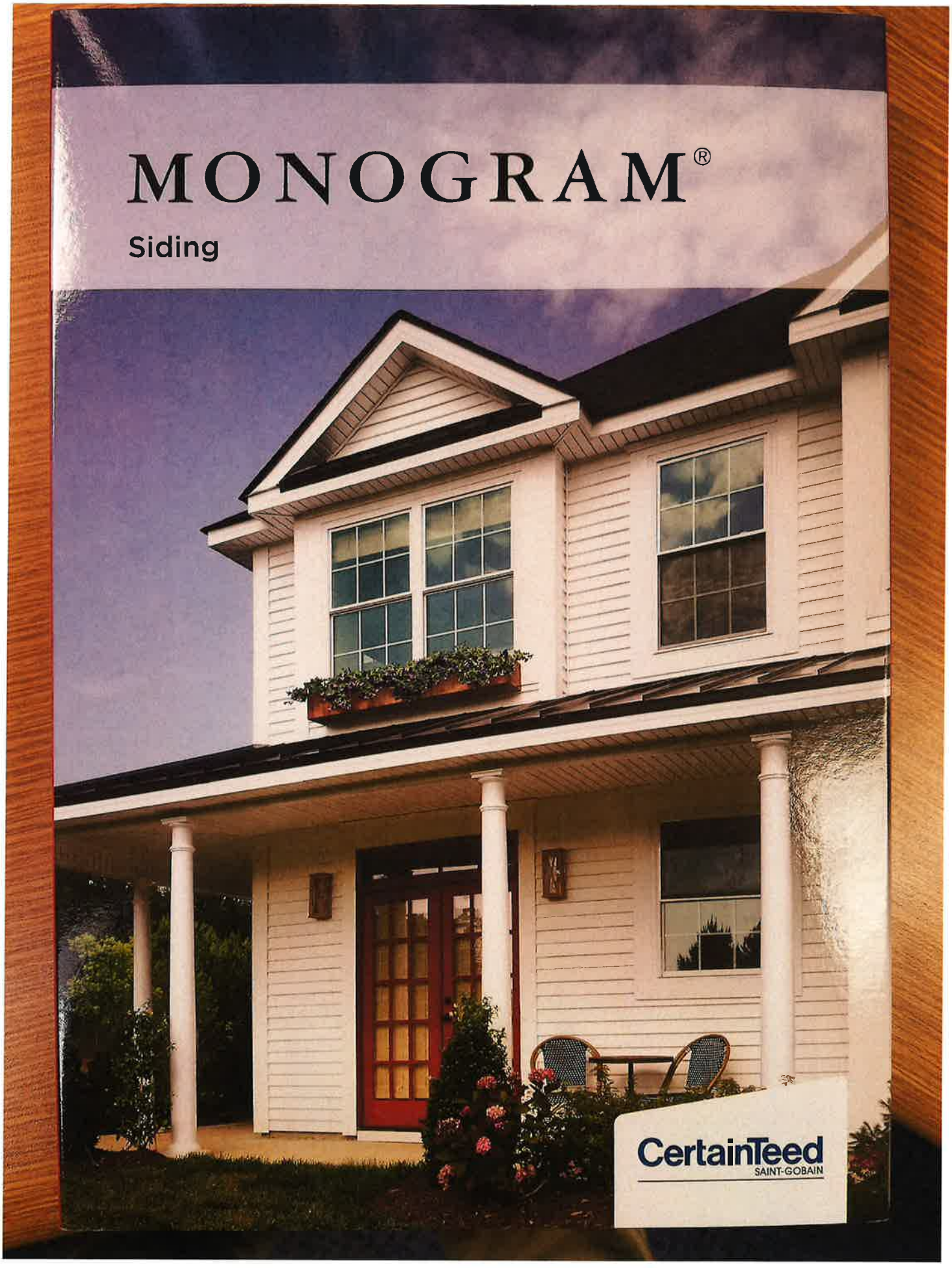
NORTH
1 inch = 100 feet


Arbor Blend
(Premium Color)
Arctic Blend
(Premium Color)
Weathered Blend
(Premium Color)
Frontier Blend
(Premium Color)
Timber Blend
(Premium Color)
Canyon Blend
(Deluxe Color)
Meadow Blend
(Deluxe Color)
Glacier Blend
(Deluxe Color)
Brownstone
(Deluxe Color)
Melrose
(Deluxe Color)
Autumn Red
(Deluxe Color)
Terra Cotta
(Deluxe Color)
Mountain Cedar
(Deluxe Color)
Slate
(Deluxe Color)
Espresso
(Deluxe Color)
Sable Brown
(Deluxe Color)
Hearthstone
(Deluxe Color)
Suede
Spruce
(Deluxe Color)
Forest
(Deluxe Color)
Midnight Blue
(Deluxe Color)
Pacific Blue
(Deluxe Color)
Flagstone
(Deluxe Color)
Charcoal Gray
(Deluxe Color)
Castle Stone
Granite Gray
Sterling Gray
Bermuda Blue
Oxford Blue
Seagrass


d
e
r
S Solid Pacific Blue

MONOGRAM®

Siding



RECEIVED
NOV 01 2019
CITY OF BIRMINGHAM
COMMUNITY DEVELOPMENT DEPARTMENT

City of Birmingham
A Walkable Community

APPROVED
11/1/19
PAA 19-0177

Administrative Approval Application
Planning Division

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

1. Applicant
Name: FLS Properties #5, LLC
Address: 2950 Walnut Lake Road
W. Bloomfield, MI 48323
Phone Number: 248-680-1401
Fax Number: 248-720-0293
Email Address: fsimon@simonattys.com

2. Property Owner
Name: Frank R. Simon/FLS Properties #5, LLC
Address: 2950 Walnut Lake Road
W. Bloomfield, MI 48323
Phone Number: 248-790-9500
Fax Number: 248-720-0293
Email Address: fsimon@simonattys.com

3. Applicant's Attorney/Contact Person
Name: N/A
Address:
Phone Number:
Fax Number:
Email Address:

4. Project Designer/Developer
Name: Marusich Architecture
Address: 36880 Woodward Ave., #100
Bloomfield Hills, MI 48304
Phone Number: 313-482-0645
Fax Number:
Email Address: johnm.marusicharchitecture@gmail.com

5. Project Information
Address/Location of Property: 856 N. Old Woodward
Birmingham
Name of Development: The Pearl
Parcel ID#: 1925328001
Current Use: Retail/Apt Mixed
Area in Acres:
Current Zoning: 02/D2

Name of Historic District if any: None
Date of HDC Approval, if any: None
Date of Application for Preliminary Site Plan:
Date of Preliminary Site Plan Approval:
Date of Application for Final Site Plan:
Date of Final Site Plan Approval:
Date of Revised Final Site Plan Approval:

6. Required Attachments
- Warranty Deed with legal description of property
- Authorization from Owner(s) (if applicant is not owner)
- Completed Checklist
- Material Samples
- Specification sheets for all proposed materials, fixtures, and/or mechanical equipment
- One (1) digital copy of plans
- Two (2) folded copies of plans including an itemized list of all changes for which administrative approval is requested, with the changes marked in color on all elevations
- Photographs of existing conditions on the site where changes are proposed

7. Details of the Request for Administrative Approval
1. Additional roof vents per plan
2. Revised storefront entry door locations
3. Revision to exterior wall light sconces on the 3rd and 4th floor west elevation

The undersigned states the above information is true and correct, and understands that it is the responsibility of the applicant to advise the Planning Division and/or Building Division of any additional changes to the approved site plan.

Signature of Applicant: _____ Date: 10/31/19

Office Use Only

Application #: PAA19-0177 Date Received: 11/1/19 Fee: $ 100.00
Date of Approval: 11/1/19 Date of Denial: N/A Reviewed By:

CITY OF BIRMINGHAM
Date 11/01/2019 1:41:13 PM
Ref 00164204
Receipt 51815
Amt $100.00

OWMAN 6 WALL SCONCE

TECH LIGHTING

classic silhouette of this sleek LED wall sconce makes it suitable for both indoor and door applications. The Bowman's die-cast aluminum body houses a powerful, long-lasting light source tightly controlled for down light only, yet supplying significant illumination even the darkest nights.

gh quality LM80-tested LEDs
consistent long-life performance and color

tstanding protection against the elements:
Powder coat finishes
Stainless Steel mounting hardware
Impact-resistant, UV stabilized frosted acrylic lensing

ECIFICATIONS

ELIVERED LUMENS	1161
WATTS	47.2
OLTAGE	120V, 277V
IMMING	ELV
IGHT DISTRIBUTION	Symmetric
OUNTING OPTIONS	Downlight
CT	2700K*, 3000K
RI	80+
OLOR BINNING	3 Step
UG RATING	B1-U0-G0
ARK SKY	Compliant
ET LISTED	IP65
ENERAL LISTING	ETL
ALIFORNIA TITLE 24	Can be used to comply with CEC 2016 Table 6-8 Part 6 for outdoor use. Registration with CEC Appliance Database not required
TART TEMP	-30°C
IELD SERVICEABLE LED	No
ONSTRUCTION	Aluminum
ARDWARE	Stainless Steel
INISH	Powder Coat
ED LIFETIME	L70, 50,000 Hours
ARRANTY*	5 Years
EIGHT	3.7 lbs

BOWMAN 6
shown in black

BOWMAN 6
shown in bronze

BOWMAN 6
shown in charcoal

BOWMAN 6
shown in silver

BOWMAN 6
shown in white

RDERING INFORMATION

OWSBOW	LENGTH	FINISH	LAMP
	6"	B	LED827
		Z	LED827277
		H	LED830
		I	LED830277

Certifications/Qualifications

Class 2	Yes
Location Rating	Wet
Title 24 Compliant	Yes
	www.kichler.com/warranty

Dimensions

Base Backplate	24.25 x 6.00
Extension	4.00'
Weight	6.00 LBS
Height from center of Wall opening (Spec Sheet)	12.25"
Height	24.25'
Width	6.00"

Electrical

Input Voltage	Dual (120/140)V

Mounting/Installation

Interior/Exterior	Exterior
Mounting Style	Wall
Mounting Weight	6.00 LBS

Photometrics

Color Rendering Index	80
Color Temperature Range	3000
Delivered Efficacy (Lumens/Watt)	28
Delivered Lumens	875
Kelvin Temperature	3000K

Primary Lamping

Expected Life Span	40000
Lamp Included	Integrated
Light Source	LED
Max or Nominal Watt	30W
# of Bulbs/LED Modules	1

Product/Ordering Information

SKU	49435AZ
Finish	Bronze
Style	Contemporary
UPC	783927430685

Specifications

Diffuser Description	Clear Polycarbonate
Material	ALUMINUM

Additional Finishes

Architectural Bronze

Platinum

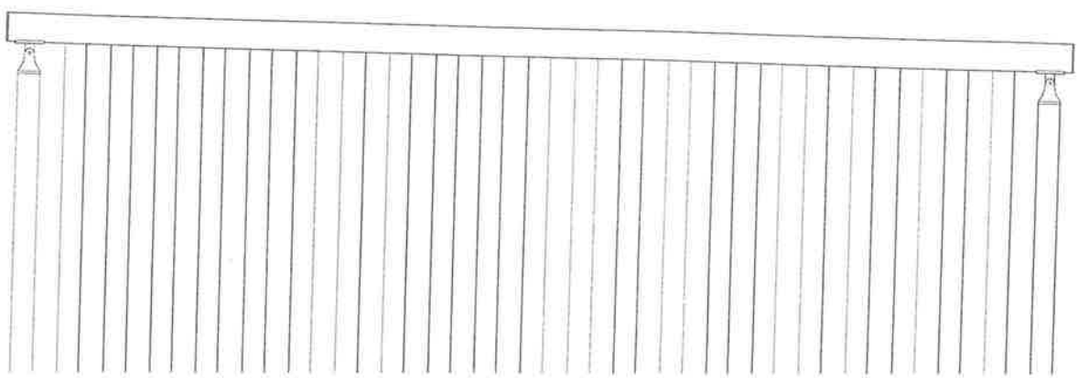
Satin Black

'2" □ S.S. TOPCAP

POST & TOPCAP
)DLE

CLASS CLIP/DISK/
PORT ROD ASSEMBLY

□METAL CABLES
CED 4" O.C MAX



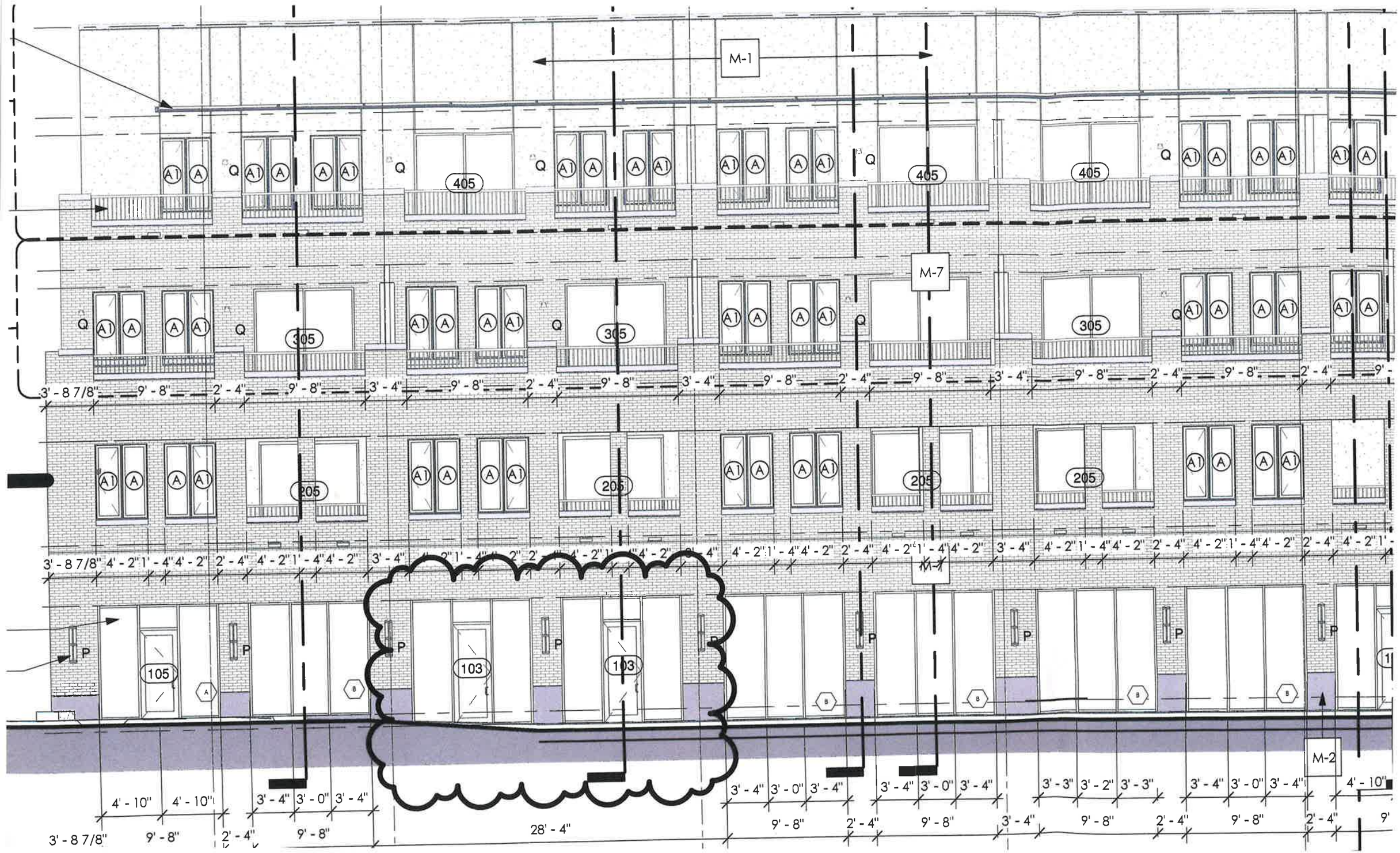
A
A.101

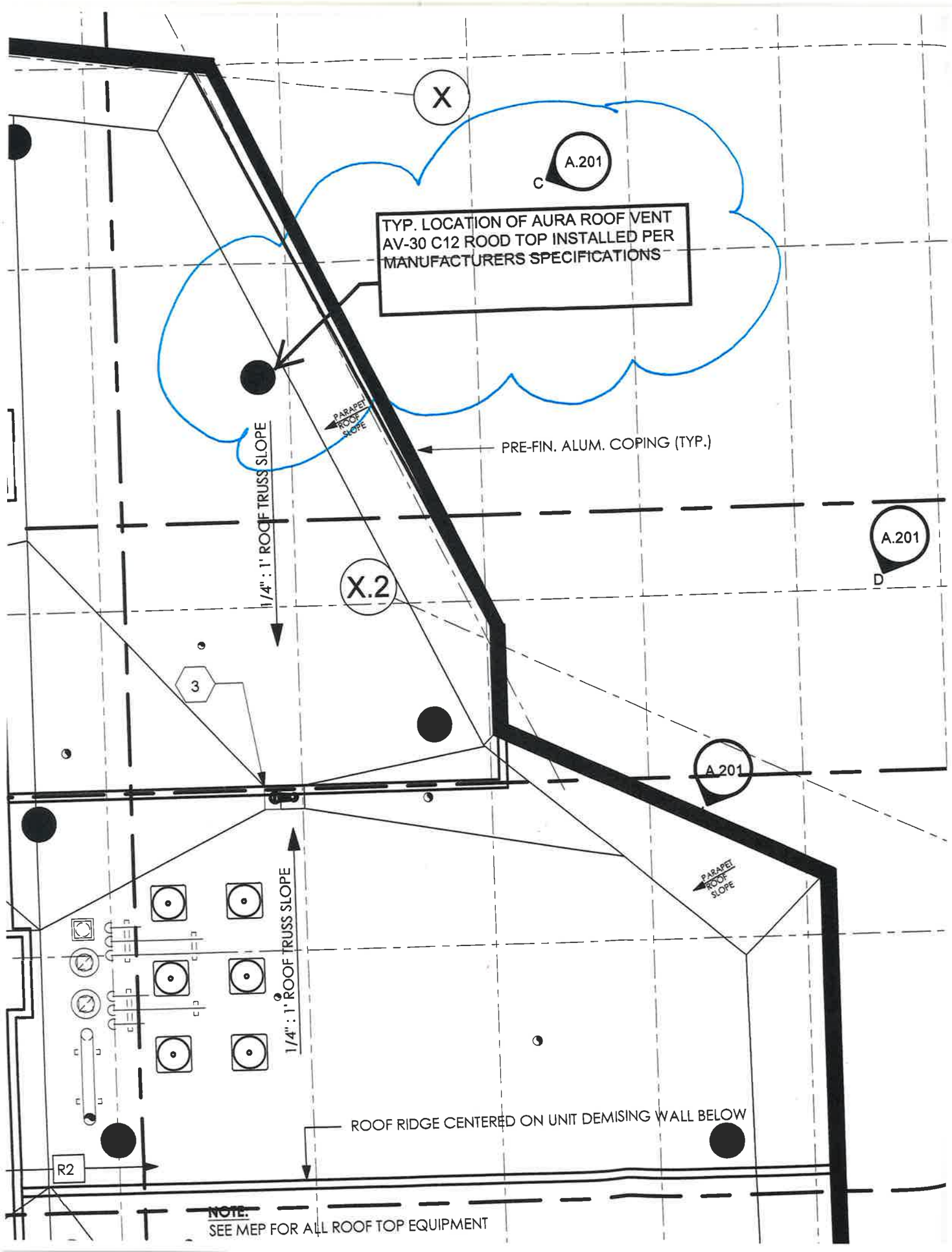
West (Front) Elevation

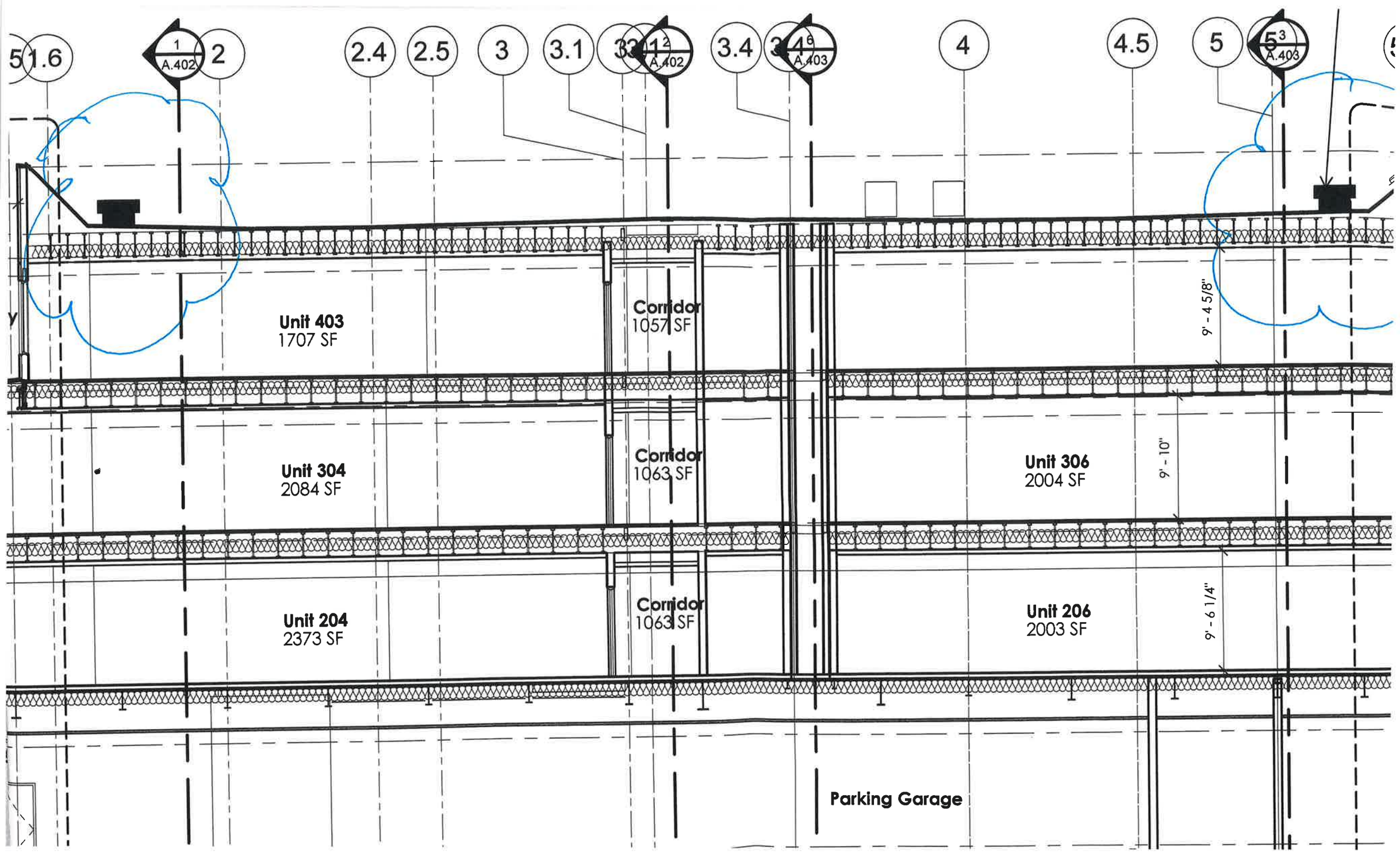
1/8" = 1'-0"

Exterior Lighting Fixture Schedu

MARK	DESCRIPTION	MANUFACTURER	MODEL	L/
P	LIGHT SCONCE	Visa Lighting		
Q	RESIDENTIAL LIGHT SCONCE	Aculite	COD	LED


M-1
M-7
M-2
405
305
205
105
103
A1
A
Q
P
B
3' - 8 7/8"
9' - 8"
2' - 4"
3' - 4"
4' - 2"
1' - 4"
4' - 10"
3' - 0"
28' - 4"


X
A.201
C
TYP. LOCATION OF AURA ROOF VENT
AV-30 C12 ROOD TOP INSTALLED PER
MANUFACTURERS SPECIFICATIONS
PARAPET ROOF SLOPE
PRE-FIN. ALUM. COPING (TYP.)
1/4" : 1' ROOF TRUSS SLOPE
A.201
D
X.2
3
A.201
PARAPET ROOF SLOPE
1/4" : 1' ROOF TRUSS SLOPE
ROOF RIDGE CENTERED ON UNIT DEMISING WALL BELOW
R2
NOTE:
SEE MEP FOR ALL ROOF TOP EQUIPMENT


1.6
1
A.402
2
2.4
2.5
3
3.1
3.2
A.402
3.4
3.4
6
A.403
4
4.5
5
5
3
A.403
Unit 403
1707 SF
Corridor
1057 SF
Unit 304
2084 SF
Corridor
1063 SF
Unit 306
2004 SF
Unit 204
2373 SF
Corridor
1063 SF
Unit 206
2003 SF
Parking Garage
9' - 4 5/8"
9' - 10"
9' - 6 1/4"

City of Birmingham
A Walkable Community

Jana Ecker <jecker@bhamgov.org>

Bristol

1 message

Eric Wolfe <elwolfe1@comcast.net> Thu, Oct 24, 2019 at 10:24 AM
To: Joe Valentine <jvalentine@bhamgov.org>, Jana Ecker <jecker@bhamgov.org>

Re: The Bristol

Dear Joe,

I watched the 10/23/19 meeting and am pleased that the Planning Board will address the east wall of the property which does not conform to the site plan approval for this project. It strains credulity that this experienced developer thought he was in compliance.

It is also imperative that the Planning Board address the administrative approval of the enclosure of the porches on the northwest corner. As I have previously stated in several emails, this is a significant alteration to the final site plan approval *and the ordinance* does not permit such modifications to be changed administratively. It should not be necessary for residents to police changes to approved site plans. There was no notification to neighbors for this proposed increase in interior square footage and the Planning Director's administrative approval far surpasses her authority. It is the responsibility of the Planning Board, not staff, to review and approve such matters, with notice to residents and the opportunity for comment. This developer made a series of representations to the neighbors including the open porches on this northwest corner and we relied on the City to ensure such representations were carried out. *I have been unable to find any other example of such a significant change to the approved site plan being changed administratively*.

I would also like to add that this development, now that the bulk is obvious, makes a mockery of the term "transitional". Since when is the "transitional" development twice the size of the property with the more intense zoning on the main street? It was the softening of the corners through open porches that was intended to provide relief from this bulk. To date, the Planning Board has skirted this serious matter entirely, and irresponsibly.

Please ensure that this email is part of the packet. Thank you.

Eric Wolfe