

Bailey Newsletter

BAILEY COMMUNITY ASSOCIATION



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!!! 42nd ANNUAL BAILEY ICE CREAM SOCIAL!!!

DATE: Wednesday, July 6th, 2016

TIME: 6:00 – 8:00 p.m. (note new time)

PLACE: Orchard Street Pump House
(368 Orchard St. between Chittenden and Linden)

BAND: Smooth Daddy—the funkiest band in Lansing

**ICE CREAM
EATING:** Begins at 6:30 p.m.

RAIN DATE: Thursday, July 7th

**FIRE TRUCK! CLOWN! MUSIC! ICE CREAM! POLICE DOG! CHILDREN! DANCING!
FUN! NEIGHBORS! SUMMERTIME!**

You are invited to the 42nd Annual Bailey Neighborhood Ice Cream Social. It takes place on Wednesday, July 6th, at the Orchard Street Pump House. Come enjoy this wonderful tradition where neighbors gather to savor delicious MSU Dairy ice cream.

While enjoying ice cream and treats, children can have balloon animals made by Shenanigans the Clown and explore an East Lansing Fire truck. YES! It will be here this year after a glitch in scheduling last year. At about 6:00 p.m. and back by popular demand, *Smooth Daddy* will get everyone feeling funky. This event is open to people from every neighborhood, so invite all your friends! This is also a great time to sign up for or renew membership in the Bailey Community Association.

And please bring a treat to pass -- be it savory or sweet, nutritious or not!

SUMMER PUMP HOUSE CONCERTS

All shows start at 7 p.m.

We don't have specific concerts to announce at this time, as Smitty is unwinding after organizing the stupendous Pumpstock! Thanks, Smitty! But you may be sure there will be concerts! To learn about them, go to pumphouseconcerts@gmail.com, or go to www.facebook.com/pumphouseconcerts. The Pump House Concerts music series at the Bailey Pump House brings in top-level talent from Michigan, Nashville, and across the country to play in this special venue, so you won't want to miss them.

REVISED COMPREHENSIVE PLAN PROCESS DRAWING TO A CLOSE

In October of 2013, East Lansing's Planning Commission kicked off the process of revising the city's Comprehensive Plan, which the Michigan Planning Enabling Act requires city planning commissions to update every five years. In the summer of 2013 the city appointed six large committees to tackle different aspects of the plan. Now that revision process is winding down.

Darcy Schmitt, the City's Planning and Zoning Administrator, spoke to the Bailey Community Association Board of Directors on June 9th to discuss the plan and show the board maps of proposed Future Land Uses. The maps display brightly colored areas that represent proposed densities for different parts of the city, defined in 'units per acre.' For example, a single house might be one unit; or a single apartment in a building might represent a unit. These density classifications are further explained by charts that show sketches of the types of buildings that correspond to each density class, their proposed heights, and the types of uses to expect in these buildings. Darcy explained that this Comp Plan will be more graphic than in the past, though other portions of the plan, such as the statement of goals and objectives, are also being updated.

The Planning Commission will initiate community discussions of the proposed plan in September, but Bailey neighbors should begin this summer to look at these maps, because some ideas may surprise and concern them. For example, the west side of the 400 block of Bailey Street and the south side of Elizabeth west of Bailey is shown to have proposed densities of 16 units/acre, three or four times the current densities. These altered densities split the west and east sides of Bailey and the north and south sides of Elizabeth. Thus one side of these blocks might remain single-family houses, while the other might be townhouses! Now both of these blocks are single-family and dual-family houses and mostly owner-occupied. The same is true for the 600 block of Grove Street. Those close to Grand River may also want to see what the map proposes for areas adjacent to the city's commercial core. Note that these land uses do not define areas in terms of conventional zones, and if the plan were adopted as is, would require rezoning in order to realize this vision. But now is the time to take notice. The maps and other features of the proposal can be seen at: <http://www.cityofeastlansing.com/ComprehensivePlan>

UPDATE: Final Report of the Non-Conforming Use Committee

The last two issues of the *Bailey Newsletter* have included articles regarding the city's Non-Conforming Use Committee (NCUC). The committee, which was appointed by City Council last Fall, began meeting in late January and held its last meeting on May 19th. During those months it formulated a series of 'menu items' on three topics pertaining to non-conforming rental houses: modifications to such rental houses, zoning changes, and rental license mobility. On the 19th, committee members voted aloud on each item; each person's votes were recorded separately. This is a report on the how the committee voted and not a detailed description of the committee's background. You will find that in the *Bailey Newsletters* from February and April. Please read those articles before reading this article at: <http://www.eastlansingneighborhoods.com/Bailey>. At that location you will also find Sally Silver's reports on the committee's meetings. For the agendas, synopses, and materials of the meetings themselves please consult: <http://www.cityofeastlansing.com/1730/Non-Conforming-Use-Committee>.

The broader purpose of the committee was to resolve conflicts that arose when the city council passed Ordinance 900 in 1997. That law reduced the number of tenants in newly licensed rental houses from more than 2 unrelated people (or a family) to only 2, making most rental houses 'non-conforming' to the new law. These non-conforming rentals, however, retained the right to rent to more than 2. When cities make new laws to prevent certain uses of property, they seek to discourage those uses in other ways. Typically, they do not allow owners of non-conforming structures to alter their structures in ways that expand or cement the non-conforming use, such as by adding space to accommodate more than the desired number of tenants. But facing competition from new apartment buildings, adding space -- especially bedrooms and bathrooms -- was exactly what landlords wished to do. And for reasons unknown, until 2011 they had done so with impunity.

The conflict between the landlords' desires to modify their non-conforming rental properties in ways the city disallowed, the aim of the city to reduce non-conforming uses, and the desires of owner-occupants to reduce the number of rental houses, led to several actions. They were: 1) the creation of several committees to deal with these issues beginning in 2012, 2) in response to a landlord group, the eventual introduction of State House Bill 5041 that would override city law and allow more additions to rental houses than East Lansing law allows, and 3) the creation of the non-conforming use committee to sort through all of this. The pending action by the state House committee on Local Government in November 2015 placed a time limit on the city's actions. Below is a description of the approaches the NCUC took, and the way it voted.

ZONING: A direct way to address non-conforming uses of structures is to make those uses conforming. One way to do that is to create zones for single-family houses and duplexes that would make new rental houses for more than 2 into a conforming use. In such zones, Ordinance 900 would not apply. (It does not currently apply to single-family rental houses in some multi-family zones.) Therefore, in such zones owner-occupied houses could be converted to rental, and rentals for more than 2 could be altered in the same way as conforming houses. Except for the 2 landlord representatives, the committee rejected this proposal.

A way to get around the problem of such a zone's allowing conversions of owner-occupied houses to rental would be to only 'upzone' the non-conforming rental houses that were already licensed in such residential zones. To accomplish this, a mechanism was proposed that would create a new zoning classification of property for 'rooming houses.' Rental houses for 3-4 unrelated adults would be labeled 'Class-4' properties, and rental houses for 5-8 unrelated adults would be labeled 'Class-8' properties.

New zones, similar to our current zones for single-family and dual-family houses (R2, R2, and R3 but labeled RR1, RR2 and RR3) could be created that would permit C-4 or C-4 + C-8 ‘rooming houses’ to be conforming uses in those zones, but where only currently licensed ‘rooming houses’ could become conforming. This would prevent owner-occupied houses from converting to rental in these areas. The committee rejected that idea, but approved the creation of Class-4 and Class-8 designations of rental houses, as well as a proposal that the Planning Commission might recommend areas that could be upzoned to the RR1, RR2 and RR3 zones, even though the committee had rejected the idea of such zones!

The rooming house classification idea was also a major tool for implementing rental license mobility, whereby a rental license for a C-4 or C-8 house in one location might be moved in whole or in part to a house in another area, but only if the increase of occupancy (number of tenants) in the ‘recipient’ rental house was matched by an equal reduction of occupancy in the ‘donor’ rental house. This would not decrease the total number of rental properties, but rather probably consolidate where they were located. The committee as a whole supported this idea, though the two landlord representatives opposed it. The landlord group has never been enthusiastic about the idea of rental license transfers. Note that though it supported this idea, the committee had not supported creation of the zones that would be needed to facilitate implementation of the transfers.

RENTAL LICENSE MOBILITY: This, the last section voted on, describes how moving a rental license or part thereof from a ‘donor’ house to a ‘recipient’ house affects the conforming status of those houses. The idea of transferring a rental license or part thereof from one property to another is to reduce the non-conformity of the ‘donor’ house by reducing the number of tenants above 2 unrelated or a family, either to make it a conforming rental (2 only), a non-rental, or closer to this goal (for instance, a rental for 3 instead of 4). The proposed language moves through the progression of possible reductions in non-conformities on the donor house.

On the recipient side, the language moves through the progression of the potential effects of adding tenants to a recipient house, for example, from “increased occupancy in existing living space” to “increased occupancy with addition of new living space.” The committee approved these sections. But it did not approve adding tenants to existing owner-occupied houses, where it split 3 ‘yes’, 3 ‘no’, and 3 ‘abstain’, again opposing conversions of owner-occupied houses to rental. The committee also strongly approved a proposal for the termination of rental licenses through the purchase of rental houses or licenses, and a proposal whereby licenses could be bought and sold on an open market, although the mechanisms for this were not spelled out.

It should be noted, however, that when committee members were asked to designate areas on maps that were appropriate for rezonings of the types discussed, including areas that might receive rental licenses, they balked and refused to do this. Since areas that would receive rental licenses might create concentrations of rental houses or at least more tenants in a given area than previously, the choice of such areas would be contentious. The committee had not really discussed how such areas should be selected or defined, though there was some language implying that areas close to campus should ‘receive’ the license transfers and areas further away should not. This might attract landlords to transfer licenses, since licenses close to campus might be worth more than those further away. But not everyone agreed about this.

Some committee members felt that designations of actual zoning changes on a map at this time might conflict with the goals of the new Comprehensive Plan, still in progress. Thus, one committee member,

member-at-large Michael Lawrence, abstained from voting on most zoning matters. The representative of the student commission voted 'No' on most of the zoning matters. This weakened the entire 'zoning' vote, though this was the main way to reduce non-conformities in rental houses. Moreover, since the committee voted on myriad lesser items, it never directly voted on whether a zoning approach was useful in and of itself to resolving the problems the committee was dealing with.

MODIFICATIONS: The "modification" section would allow more alterations to **non**-conforming rental houses than now allowed, ranging from additional interior changes to additions of 10, 20, and 40 percent of above-grade square footage. This was the most direct way to meet the desires of landlords to make more additions to their houses and had the merit of being easy to understand and direct. But it had the disadvantage of not reducing non-conforming uses of rental houses (i.e., reducing the number of tenants in non-conforming rentals). However, after the NCUC decided not to apply the zoning concepts discussed to actual maps, it favored this direct approach to the landlords' problem.

The two neighborhood representatives supported broader interior changes and additions up to 10% only, which would allow the addition of bathrooms and a small bedroom. The two landlord representatives, the representative of the Housing Commission, and the representative of the Student Commission supported the most generous additions, "any type of addition . . . that is currently authorized by code for conforming properties." This proposal was defeated 5 to 4.

Although neighborhood representatives on various committees have persistently argued that allowing more additions to non-conforming rentals should be done in exchange for some kinds of *quid pro quos*, such as landscaping or paving improvements or reductions in the number of tenants, none of those proposals passed, probably because the 'swaps' were vague. For instance, which sort of landscaping improvements should be required for which sort of additions was never spelled out, and the city staff stated that such requirements would be difficult to enforce in any case. However, with the exception of the two neighborhood representatives and the at-large representative, all committee members did support allowing 40% additions *if* basement bedrooms were eliminated.

Conclusions: The NCUC was set up to act quickly on a series of topics discussed by previous committees and to review information developed for those committees. It was not given much time to do additional research or to debate broader questions. The committee proceeded by examining lists of specific topic ideas. Members could add to this list at will, whether or not the committee as a whole supported each new idea. Similarly, people voted aloud with their votes recorded separately rather than voting by a show of hands. This approach, while very fair and giving each participant a voice, did not encourage consensus.

As a result (though this might have happened in any case), committee members representing different points of view did not change their minds very much: neighborhood representatives voted for the lesser amounts of alterations for non-conforming rental houses and landlords voted for the most. Landlords voted against ideas facilitating license transfers, while others favored those ideas. Yet clearly, if license transfers are ever to work, those 'owning' a rental license would need to co-operate in the transfer of such a license. The two landlords on the committee voted identically on every issue. None of the other committee members voted identically on every issue with any other member.

The lack of time meant the committee could not come to grips with defining what a 'donor' or 'recipient' zone for rental license transfers might look like. Nor did the committee have time to set criteria for how to select any area for rezoning that might make non-conforming rentals into

conforming properties. Because the committee's dates of meeting coincided with the final stages of the revision of the Comprehensive Plan, some members also felt it was premature for this committee to suggest where to rezone parts of the city since such zones might conflict with the master plan, which focuses on future land uses. That meant that the committee never fully addressed how to reduce non-conforming rental houses, one of its major charges. On the contrary, by focusing on increasing the types of modifications rental houses might make to non-conforming rentals, the committee essentially embraced the approach preferred by landlords and reduced the landlords' incentive to give up their licenses. And the modifications that were supported by the committee did not even come with *quid pro quos* that neighborhood representatives had in the past suggested, possibly because these were vague and/or difficult to enforce.

However, to its credit, the committee did explore a number of interesting ideas to pass on to the city council when it wrestles soon with how to deal with non-conforming rental houses. The lack of consensus emphasizes how difficult these issues are.

About the Bailey Community Association

The Bailey Community Association was founded to enhance the residential quality of life for those living in the Bailey Neighborhood. The Bailey neighborhood extends from Hagadorn to Abbot, and from Saginaw to Grand River. Anyone living within the boundaries of the neighborhood is welcome to join the association. The BCA Board of Directors meets on the second Monday of each month except August at 7:30 p.m. at the Bailey Community Center. Meetings are open to the public, and all residents are urged to attend meetings with their concerns. If you have questions, please contact Chairperson Konrad Hittner at khittner1@gmail.com or Vice Chairperson Ed Wagner at eddiewags@gmail.com.

Dues help the Bailey Community Association to organize meetings where viewpoints and concerns can be aired, organize "meet the candidates" forums; organize and complete Bailey park and neighborhood clean-up days; work with MSU's Community Relations Coalition; work with the Pump House Board to organize social events such as the Ice Cream Social and Valentine's Party; and publicize these through emails and newsletters. Don't forget the **Bailey website** for updates and more information: found under <http://www.eastlansingneighborhoods.com/Bailey>.

BCA MEMBERSHIP and ANNUAL DUES FORM

NAME: _____ ADDRESS: _____
EMAIL: _____ PHONE: _____

ANNUAL DUES: \$10.00 for couples and families

\$5.00 for singles

\$5.00 for couples and singles over 65 or for students.

(Please send dues to Jim Liesman, 436 Division Street, East Lansing, MI 48823. Checks should be made out to the Bailey Community Association. If you are sending annual dues, please make a note of the date for your records so you do not send another payment by mistake in the same year period. Thank you!)

Thanks to the City of East Lansing for helping to pay for the copying of this *Newsletter!*