

From: Tom Whitaker [mailto:tgwhitaker@gmail.com]
Sent: Wednesday, March 10, 2010 12:14 AM
To: Planning
Cc: Rampson, Wendy; Kowalski, Matthew; Thacher, Jill
Subject: Heritage Row - Does it Comply with Secretary of Interior Standards?

Members of the Planning Commission:

At tonight's planning commission working session, I was concerned that you may have been left with the impression that Heritage Row complies with the Secretary of the Interior's Standards for Rehabilitation, with only a possible concern about the new buildings in the rear. This is not accurate. There are several problems with it. Please see the attached letter, which summarizes a preliminary review conducted of the plans (those presented at your last meeting) by Jill Thacher, the City's Historic Preservation Coordinator. This letter describes a number of possible violations of the standards. While staff says this letter was delivered to Mr. de Parry, he recently told a neighbor that he was not aware of its contents--in particular Jill's comment about the brick.

Mr. de Parry likes to describe the work on the existing houses as "preservation," but it would be more accurate to say that he is preserving only portions of the houses. He says he is only demolishing rear "additions" but offers no proof that all of the parts to be demolished are indeed additions. Some may be original rear wings of the houses. Regardless, most of the rear portions of these houses that are existing today are over 100 years old. I don't know that any are younger than 50 years, the cut-off for the federal standard for being eligible for historic status, and therefore are just as entitled to protection as what Mr. de Parry is calling the "original" houses. Further, per plans at the last hearing, Mr. de Parry planned to move 4 of the houses from their current locations, disturbing their original foundations in the process. All of this violates the Secretary of Interior Standards.

Mr. de Parry has agreed to put compliance with the Secretary of the Interior Standards in his PUD agreement. Could be he will try to narrow this to one aspect of the project or the other, but that is not satisfactory. This area appears destined to be designated an historic district, and as such, only complete compliance for the entire project will be adequate. In fact, I would dare to say that the neighbors would actually support the project if it was in full compliance with the standards, as determined by the HDC.

You all spoke fairly consistently about the desire to preserve the essence of this neighborhood, yet time and time again, you have not shown this desire in your official actions and have defined the weakest of features as PUD benefits. I hope this time you will stand up for what is right. The master plan does not call for increased density in this neighborhood and it specifically discourages the combining of lots for larger developments. It calls for preservation of existing housing stock and historic resources. So far, the R4C study committee is receiving substantial support from the community for upholding the preservation aspects of the Central Area Plan and protecting our near downtown neighborhoods from destruction. As Ms. Bona rightly stated tonight, the A2D2 process also called for preservation of the neighborhoods surrounding downtown.

SO LET'S DO IT!! LET'S PRESERVE THESE NEIGHBORHOODS WITH THE TOOLS AT YOUR DISPOSAL!

Some of you also spoke about the need for infill housing. I disagree that there is currently any need for any housing in the City, except for perhaps very low income housing, which we already have an abundance of in this neighborhood (Baker Commons, 2 Avalon houses, and 2 ICC co-ops, plus very affordable housing, generally and informally). The City's population has declined in the past 5 years and is only expected to slowly regain what it has lost over the next 25 years. Many approved projects are not being built because of lack of financing. They cannot be financed because it is clear that there is not enough demand right now, or in the foreseeable future. Don't forget, North Quad goes into service this Fall, with 600 more beds for upper-classmen.

Regardless, Heritage Row is not "infill." Infill is what is developed on empty lots or where a building burns down and must be replaced. Infill was never intended to mean the stuffing of oversized buildings into the backyards of multiple houses, right up to the lots lines, and again, the CAP discourages combining of lots! Heritage Row is a detriment to the immediate neighboring properties. It is your task to protect those property owners from inappropriate developments that would damage the enjoyment and value of their property and the master plans and the PUD ordinance give you the tools you need to defend them. Please, please, enforce the PUD ordinance and other standards and send Mr. de Parry back to the drawing board. His latest proposal is better than previous ones, but it still does not meet the high standards for approval of a PUD--its only mitigates some of the issues it creates, and does not have any substantial benefit to the neighborhood or the city, only detriments. "Better than before" is not a standard for approval.

Thank you.

Tom Whitaker
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Planning & Development Services - Planning (734) 794-6265

January 28, 2010

Dear Mr. de Parry,

As you know, your Heritage Row petition currently under review by the Ann Arbor Planning Commission is located within an area being studied by the Ann Arbor City Council as a potential historic district. At present, this area is under an emergency moratorium which would preclude issuing permits for your project. I've undertaken a preliminary review of the petition from the perspective of the standards and ordinances that govern the Historic District Commission. The information contained in this letter has no bearing on Planning Commission's review of your petition. It is being provided to you as a courtesy in the event that the Heritage Row PUD petition is approved by City Council and a historic district is formally established by Council which would require Historic District Commission (HDC) review of the project.

Should your site become part of a historic district, the HDC would apply the City's Historic Preservation Ordinance, Chapter 103 of City Code, which by reference includes the Secretary of the Interior's Standards for Rehabilitation and the Secretary of the Interior's Guidelines for Rehabilitation, as well as other standards. I've attached a sampling of the Secretary of the Interior's (SOI) Standards below, and after each standard are a few of the many Guidelines provided by the SOI that help with interpretation of that standard. Finally, staff comments relate the standard and guidelines to the Heritage Row project.

Please be aware that the comments by no means constitute a complete HDC staff review. The information you would need to provide for an application to the HDC differs from what is required by Planning Commission, so the staff comments are preliminary and incomplete. Staff comments are intended to illustrate some of the challenges this project may face should the project be approved and the area be designated a Historic District. Ultimately, the HDC would make any final decision regarding approval of the project under the City's Historic Preservation Ordinance.

If you have any questions, please don't hesitate to call me at (734) 794-6000 x42608 or email jthacher@a2gov.org.

Sincerely,

Jill Thacher
City Planner/Historic Preservation Coordinator

From the Secretary of the Interior's Standards for Rehabilitation:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

— and —

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

From the Secretary of the Interior's Guidelines for Rehabilitation:

Not Recommended: Removing a major portion of the historic wood from a facade instead of repairing or replacing only the deteriorated wood, then reconstructing the facade with new material in order to achieve a uniform or "improved" appearance.

Not Recommended: Removing or radically changing masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.

Staff comments: Wood siding is a character-defining feature and is present on several of the houses, and others most likely have wood siding that may or may not be repairable beneath their artificial siding. The site plan calls for "horizontal lap siding, typ" on all of the seven houses. Replacing the siding wholesale on all of the houses does not meet this or several other Standards. Instead, it would be appropriate to repair and maintain the original siding wherever it is present, and undertake limited replacement in-kind of siding that is deteriorated beyond repair with materials matching the original.

At least six of the houses have cut stone foundations which vary in color and size of block from house to house and which are character-defining features of each. All of the houses are proposed to receive new foundations with an applied stone veneer. This work does not meet several of the Standards. It would be appropriate to retain and repair the cut stone foundation walls.

From the Secretary of the Interior's Standards for Rehabilitation:

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

From the Secretary of the Interior's Guidelines for Rehabilitation:

Not Recommended: Removing or relocating historic buildings or landscape features, thus destroying their historic relationship within the setting.

Not Recommended: Introducing new construction onto the building site which is visually incompatible in terms of size, scale, design, materials, color, and texture; which destroys historic relationships on the site; or which damages or destroys important landscape features.

Staff comments: The three proposed new buildings in the rear yard are not compatible in massing, size, scale and architectural features with the historic houses. The proposed buildings are significantly larger than any of the seven historic houses in terms of width and height, and the proposed exterior material (brick) is not compatible with the historic houses on the site or its setting (the block which encloses the site.) Houses on site and on the block are predominantly wood framed houses that have, or originally had, wood cladding and are two to two-and-a-half stories in height.

Also, the historic relationships between houses on the site and on the block would be substantially compromised if the backyards are occupied with three, four story buildings in what has historically been open space. It would be appropriate, for example, to build one- or two-story structures toward the rear of each lot using a design and materials that are compatible with the historic houses, and which are similar in size to historic barns or carriage houses found near downtown. This could maintain the historic relationships between the houses and the street while allowing additional floor area in a context-sensitive manner.

From the Secretary of the Interior's Standards for Rehabilitation:

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

From the Secretary of the Interior's Guidelines for Rehabilitation:

Not Recommended: Introducing new construction into historic districts that is visually incompatible or that destroys historic relationships within the setting.

Staff comments: The three new buildings would be detached from the historic buildings, which is appropriate for this standard. However, by moving the historic homes closer to the street in order to accommodate the new buildings, the historic relationship between the buildings and landscape would be permanently destroyed, which would not meet this standard.