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GUIDANCE TO THE COMMISSION AND PUBLIC REGARDING SPR/SLU REVIEWS
This advisory document has been prepared to provide background information and answer typical questions concerning the role of the Historic District Commission in Site Plan Review via SPR and SLU applications.

Section 50-3-204 of the 2019 Detroit City Code, part of Subdivision E, Division 5, "Site Plan Review," of Article III, Chapter 50, Zoning, states in full:

> *"The appropriate review body, as specified in Subdivision C of this division, shall include the Historic District Commission as part of the site plan review team where related to property within, or adjacent to, across an alley, across a public or private street, or across a railroad right-of-way from a City historic district."*

Per the direction of the city Law Department, the requirement that the Commission is included as "part of the site plan review team" means that, when Site Plan Reviews are distributed electronically by BSEED's Zoning Division to department reviewers, that the Commission (as a body) is the assigned reviewer, when the location criteria described in the code language above are triggered. HDC staff (i.e., PDD staff) may not, under the ordinance, assume this role on behalf of the Commission; i.e., even if the Commission wanted to delegate this task to staff, it may not do so.

Site Plan Reviews are triggered for varied reasons under City Code, and sometimes required under processes established through various policies and development agreements. Neither PDD nor HDC staff will always know why a site plan review was required, though we do endeavor to provide some context when helpful. HDC/PDD staff, given our lack of contact with the applicant and ability to ask questions, do not prepare written staff reports or recommendations. Additionally, there are cases where such reviews do not involve noticeable exterior work of the most concern to the Commission.

When SPR or SLU applications are referred to multiple departments by BSEED, there is usually a single individual reviewer for each department who is tasked with providing comments with respect to their jurisdiction (e.g., DPW, PDD, DWSD, etc.). For referrals to "Historic" under Section 50-3-204 quoted above, the Commission, since it can only meet in public and is not an individual but a group, must conduct their "review" in public under the Open Meetings Act, but does so under the same limitations as other individual reviewers, meaning:

- No additional information other than what is available in the SPR/SLU application file is considered or provided, same as any other "reviewer."
- No notice of review to the public, applicant, owner, or any other entity is required or provided.
- No testimony from either the public or applicant will or should be taken, again because such additional context is not provided to any other "reviewer."
- Because of the open and public nature of Commission meetings, documents in front of the

Commission as part of an SPR/SLU application necessarily become part of the public record.

- A motion on a single Commission response must be made and entered into the SPR/SLU record in their role as the Historic "reviewer." A response of no comment is acceptable. A response asking for more information is also acceptable, same as any other "reviewer."
- After the review, any comments are documented and returned to the applicant via the electronic system managed by BSEED, same as any other "reviewer." No other report or communication is made to the applicant, owner, public, or any other entity, though the Commission's motion is recorded in its publicly available Meeting Minutes.
- The SPR/SLU review under Section 50-3-204 is NOT a substitute, prerequisite, or analog to a "building permit review" for a Certificate of Appropriateness (COA) under Section 21-2-78 or in any way conducted per the State Local Historic Districts Act (LHDA). This is a wholly separate role under Detroit's local ordinance.
- The Commission's review comments for locations **outside** of city historic districts under Section 50-3-204 are advisory only (not binding on the applicant). There is no subsequent COA review for these locations, since they are not within historic district boundaries.
- The Commission's review comments for locations **inside** city historic districts under Section 50-3-204 are also advisory for the immediate review, but can often provide valuable advance guidance to applicants who, in the future, may require building permit review under Section 21-2-78 and the LHDA. However, it is <u>not required</u> that applicants in receipt of SPR/SLU comments from the Commission revise their projects in advance of submission for a COA. For instance, there may be reasons certain design decisions were made that the applicant wishes to explain to the Commission as part of the later COA review. The Commission may also cite additional objections during the COA review not identified during the earlier Site Plan Review, without restriction. There is no statutory connection between the two reviews.
- Application to the Commission for a COA is a **separate process** dictated by the LHDA and Section 21-2-78, and must be initiated by the applicant via the Commission's online application, typically as part of, or shortly in advance of, an application for building permit review.

Note also that SPR/SLU reviews may be returned to BSEED for multiple cycles, based on comments of other reviewers or other reasons that may not be known to HDC/PDD Staff. It is typically the responsibility of BSEED, not HDC/PDD staff, to determine whether subsequent cycles already answered or closed by "Historic" need to be reopened for additional comment, based on the changes made, or any other reason. Occasionally, HDC/PDD staff will be routed on subsequent cycles, and determine on behalf of the Commission that no substantive change has occurred, and simply reinforce the Commission's earlier comments without sending it back to the public body.

This is an advisory document prepared by staff of the Planning and Development Department reflecting our understanding, and is not meant to represent official city ordinance, policy, or position on this or any other matter, or represent the opinion of any other city department or agency.

Additional questions/comments are welcome at **hdc@detroitmi.gov**.