

May 12, 2025

Detroit Historic District Commission
Coleman A. Young Municipal Center
2 Woodward Ave., Suite 808
Detroit, MI 48226

RE: Historic District Commission Application at 1395 Antietam, 1 Lafayette Plaisance, 1300-01 Nicolet Place, 1300-01 Joliet Place

Dear Commissioners,

I have been asked by concerned homeowners in Lafayette Park to analyze the current Historic District Commission (HDC) application submitted by Detroit Thermal regarding its compliance with or derogation from the Secretary of the Interior's Standards. As you can imagine, the proposed work has deeply alarmed many residents. What follows is my professional opinion as to the nature of the work and how it affects this National Historic Landmark (NHL) district including: outlining the character defining features of the district; how work proposed in NHL districts should receive a heightened scrutiny due to the heightened importance of these sites; whether the work complies with the *Secretary of the Interior's Standards*; and why a Notice to Proceed is not appropriate here.

Work Proposed

Based upon the limited application materials submitted, the applicant proposes to perform work inside the NHL district to install new steam system infrastructure requiring extensive excavation, new vent stacks, and, what appears to be, the removal and/or disturbance of numerous mature trees, shrubs, and other landscaping features. The proposed work areas are large—one spans more than 25' in length—while the staging areas, to be cordoned off by chain link fencing, encompasses an even larger area. The assessment of the full extent of the damage to the landscape is impossible given that the drawings submitted by the applicant do not appear to fully articulate all elements of the landscape, and a narrative scope of work was not submitted. It appears that many shrubs, flowers, and trees are not accounted for in the drawings nor are significant landscape features like the playground. Setting aside the inadequacy of the drawings, even if they were fully realized, as a dispassionate tool of communication, they cannot fully express the impact this work will have on the landscape; after all, the foot traffic and movement of heavy machinery through the district to effectuate this work will undoubtedly cause additional damage that cannot be drawn and measured.

Character Defining Features of the Historic District

The local historic district report cites the architecture, the layout, the landscape, and the social history of the site as key character defining features that make the district significant. The elements of design for the Lafayette Park local historic district articulate that the relationship of significant landscape features, relationship of open spaces to structures, and the orientation, vistas, and overviews are all important when reviewing work in this local historic district.¹ Likewise, the NHL designation program identifies the "essential elements" of a historic resource that must be given the utmost care and protection in order to maintain the NHL designation.² Much like the local district, the essential elements of the Lafayette Park NHL district are

¹ Detroit Code of Ordinances, 21-2-181.

² See: "Robert Frost Farm, "The Gully," National Historic Landmarks, National Park Service, accessed May 9, 2025, accessed at <https://home.nps.gov/subjects/nationalhistoriclandmarks/robert-frost-farm-the-gully.htm>. Where the "essential element" of the National Historic Landmark farm were so heavily altered as to lose their NHL status; "Wickyp (Richard E. Byrd House)," National Historic Landmarks, National Park

those features described as significant (which are echoed in the earlier National Register of Historic Places nomination for the Mies van der Rohe homes) and include: the social history, architectural elements designed by Mies van der Rohe, and the landscape and views and vistas designed by Alfred Caldwell. These are the features that are essential to maintaining the integrity of the local district.

The landscape in particular is worth noting because designer Alfred Caldwell went to significant lengths to hide the intrusion of the modern mechanical world—automobile parking areas and driveways are set below the grade of the lawns to minimize their visual intrusion. The result is a finely landscaped “residential area with no through streets, a spacious park devoid of traffic, and an inviting network of paths for pedestrians, who could walk to a shopping center, school, and recreational areas without having to cross a single busy street.”³ And, as stated in the NHL nomination, “the contribution of Alfred Caldwell cannot be overlooked...the landscape design, particularly for the Mies van der Rohe townhouses and courthouses, is key to the success of the complex...Native trees and shrubs delineated spaces organized as sequence of outdoor rooms and framed views into and out of the landscape.”⁴ The landscape, specificity of plantings, arrangement of plants, open spaces, and arrangement of landscape features were all carefully designed and are integral to the significance of the district.

Special Status of National Historic Landmarks

It’s hard to overstate the historic significance of the Lafayette Park historic district. Lafayette Park is one of the best examples in the country of a successful urban renewal project and it was developed and designed by some of the finest minds in architecture and landscape design. Detroit has just nine NHLs including exceptionally significant buildings like the Fox Theater, the Fisher Building, Ford Piquette Avenue Plant, and, of course, Lafayette Park, among a few distinguished others.

Because of their importance and rarity, NHLs should receive additional consideration when reviewing work that would affect them. Although it is the local historic district that is triggering this review, it is helpful to look at guidance from the National Park Service as to how NHLs should be treated. The National Park Service has recognized that, because NHLs are sites with “exceptional value to the nation as a whole rather than to a particular state or locality” these sites should be treated with additional care and consideration given their elevated status.⁵

There is precedent for treating National Historic Landmarks with additional consideration when federal funding or licensure is involved that is baked into the legal framework supporting historic preservation.⁶ Although no federal funding or licensure seems to be implicated here, it remains true that the federal government treats NHLs with additional consideration. This additional consideration occurs by way of Section 106 of the National Historic Preservation Act. Section 106 requires the participation of the Advisory Council on Historic Preservation and, when NHLs are impacted, additional participation must be afforded to the National Park Service (NPS): “Given the heightened importance of NHLs, the NPS must also be invited to

Service, accessed May 9, 2025, accessed at

<https://www.nps.gov/subjects/nationalhistoriclandmarks/wickyup-richard-e-byrd-house.htm>. Where outbuildings remained but the “essential feature” of the NHL was destroyed by fire.

³ “Proposed Lafayette Park/Mies van der Rohe Historic District Final Report,” Detroit Historic Designation Advisory Board, July 29, 2002.

⁴ Thomas C. Jester, Ruth E. Mills, Lindsey Pickornik, Brenda W. Williams, “Lafayette Park,” National Historic Landmark Nomination, U.S. Department of the Interior, National Park Service (December 8, 2014), 99.

⁵ “Federal Effects of National Historic Landmark Designation,” National Park Service, accessed May 7, 2025, accessed at: <https://www.nps.gov/subjects/nationalhistoriclandmarks/federal-effects-of-nhl-designation.htm>.

⁶ Julia H. Miller, *A Layperson’s Guide to Historic Preservation Law* (Washington, D.C.: National Trust for Historic Preservation, undated), 2.

participate in any consultation regarding a property so designated.”⁷ As another example of their importance, NHLs receive special consideration in many grant funding opportunities including the Save Americas Treasure grant which is only available to NHLs and nationally significant properties on the National Register of Historic Places. Therefore, treating National Historic Landmarks with a higher standard of care at the Detroit Historic District Commission meeting mirrors the way the federal government handles them as well.

Repeatedly the Secretary of the Interior’s Standards and Guidelines re-iterate the obligation to “avoid unnecessary alterations.”⁸ Any analysis of work planned within an NHL district should first ask if the work is even necessary and whether there are viable alternatives that would entirely negate the need to perform destructive work in the historic district in the first place. If it is determined that work must be performed in the district, then any review of work proposed should, subsequently, use a heightened form of review given the highly significant and historic nature of NHL properties.

The Standard of Review: The Secretary of the Interior’s Standards

In order to analyze whether a particular project complies with the Secretary of the Interior’s Standard we must first decide which standard to apply because there are four separate treatment standards. These include Preservation, Rehabilitation, Restoration, and Reconstruction.

Detroit’s Code of Ordinances indicates that the Historic District Commission “shall follow the U.S. Secretary of the Interior’s Standards for rehabilitation and guidelines for rehabilitating historic buildings as set forth in 36 Part 67...” However, the code goes on to say that “Design review standards and guidelines that address special design characteristics of historic districts administered by the Historic District Commission may be followed if they are equivalent in guidance to the Secretary of the Interior’s standards and are established or approved by the Michigan State Housing Development Authority.”⁹ It stands to reason that a NHL is a “special design characteristic” and this clause indicates flexibility to use the Secretary of the Interior’s Standard for *Preservation* in lieu of the Secretary of the Interior’s Standard for *Rehabilitation*. This distinction is important because the two standards differ in their philosophical approach.

Guidance from the National Park Service (NPS) indicates several factors that should be considered when determining an appropriate treatment standard:

- The level of historic importance
 - In this case, Lafayette Park holds the highest level of historic distinction as an NHL so the most stringent standard (preservation) is warranted.
- The geographic context
 - The NHL nomination extensively documents how the landscape of Lafayette Park contributes to the district’s significance and is intact. The setting around the district likewise reinforces its significance, as areas outside of the district lack the extensive tree cover and purposeful arrangement of landscape and buildings. Therefore, the use of preservation as a treatment standard supports the continued preservation of the setting that greatly contributes to Lafayette Park’s significance.
- The use of the property
 - Lafayette Park resources retain their historic and significant use as residential buildings. The landscape of the townhouses likewise retains its original use as an open green space for townhouse residents. As the historic and current uses are the same, supporting the retention of the district’s integrity, preservation is an appropriate treatment to continue retaining the historic fabric of the district.

⁷ Jess R. Phelps, *Preserving National Historic Landmarks?*, N.Y.U. Environmental Law Journal 24 (2016), 168.

⁸ Id.

⁹ Detroit Code of Ordinances, Chapter 21-2-73.

- The degree of integrity that remains.¹⁰
 - Finally, preservation is often the right approach when “distinctive materials, features, and spaces are essentially intact and convey the building’s historical significance” as is the case in Lafayette Park which is remarkably intact, thus retaining high integrity.¹¹

In this case, the Preservation standard is the most appropriate when a National Historic Landmark is involved because of these factors.¹² Restoration is not applicable because the goal is not to return Lafayette Park to a specific point in time. Likewise, reconstruction is not applicable because the goal is not to recreate a vanished or lost portion of the property. Rehabilitation, while most often used in the preservation field, is not the most appropriate standard because of the highly historic nature of Lafayette Park. This leaves the preservation standard as the most appropriate standard to use in this case.

Work Proposed Does Not Meet the Secretary of the Interior’s Standards for Preservation

The Preservation standards give general guidance as to how historic properties should be treated and this project runs contrary to Preservation standard 2, 5, and 7. These three standards are copied below for discussion.

#2 - The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

- Plans submitted by the applicant make no mention of retaining and preserving the historic character of the property. The drawings submitted indicate at least one tree is likely to be removed and photographs of the area indicate other landscape features have already been damaged or are located so close to the proposed worksite they are likely to be damaged.

#5 - Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

- The trees, plants, flower beds, circulation paths, views, vistas, and organization of the space are all integral parts of the landscape and must be preserved. Any plans that damage or remove these features will not comply with this standard.

#7 - Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

- The work conducted so far in the historic landscape of Lafayette Park has damaged historic elements of that landscape including a magnolia tree, shrubs, and flowers.

Work Proposed Does Not Meet the Secretary’s Guidelines for the Treatment of Cultural Landscapes

The *Secretary of the Interior’s Standards for the Treatment of Historic Properties* contains a special section for landscapes entitled *Guidelines for the Treatment of Cultural Landscapes*. The *Guidelines for the Treatment of Cultural Landscapes* provide more targeted guidance for landscapes than the Secretary of the Interior’s

¹⁰ “The Secretary of the Interior’s Standards for the Treatment of Historic Properties + Guidelines for the Treatment of Cultural Landscapes,” National Park Service, accessed May 9, 2025, accessed at <https://www.nps.gov/crps/tps/landscape-guidelines/factors.htm>.

¹¹ Anne E. Grimmer, ed., *Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings*, National Park Service (Washington, D.C.: U.S. Department of the Interior, 2017), 3.

¹² Anne E. Grimmer, ed., *Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings*, National Park Service (Washington, D.C.: U.S. Department of the Interior, 2017), 3.

Standards for Rehabilitation. *The Guidelines for the Treatment of Cultural Landscapes* are especially helpful to analyze the work being proposed in Lafayette Park and the Preservation standard in particular requires the “retention of the greatest amount of historic fabric, including the landscape’s historic form, features, and details as they have evolved over time.”¹³ Carefully planning work and following the Preservation standards found within the *Guidelines for the Treatment of Cultural Landscapes* can help prevent irrevocable damage to the landscape. The Guidelines are extensive, thus only Guidelines relevant to the work proposed in Lafayette Park are discussed below:

- “Before undertaking work, research of a cultural landscape is essential.”¹⁴
 - There is no indication the applicant has conducted any research into the elements within the historic district that make it significant. Without this research the applicant cannot know which features are most important to the landscape.
- “All component landscapes and features that contribute to the landscape’s historic character should be recorded. The level of documentation needed depends on the nature and the significance of the resource.”¹⁵
 - It does not appear that any inventory or survey of the landscape has been conducted by the applicant. Because of the elevated historic importance of this landscape a detailed and precise survey (including botanical names, common name, and size) is required.¹⁶
- “Identify, Retain, and Preserve Historic Features and Materials.”¹⁷
 - The guidelines recommend that existing vegetation (woodlands, forests, trees, shrubs, crops, meadows, planting beds, vines, and ground covers) be identified, retained, and preserved. Removing any of these features will negatively impact the historic landscape.
- “Identify, retain, and preserve spatial organization and land patterns as they have evolved over time.”¹⁸
 - Introducing steam vent stacks into this carefully designed landscape will alter the views and vistas and introduce mechanical elements that the landscape that designer Alfred Caldwell went to significant lengths to eliminate.
- The Guidelines do anticipate upgrades for accessibility, health and safety, environmental considerations, and energy efficiency and the Guidelines note that this kind of work is “assessed for its potential negative impact on the landscape’s historic character. For this reason, particular care must be taken not to obscure, alter, or damage character defining features” of the landscape.¹⁹

¹³ “The Secretary of the Interior’s Standards for the Treatment of Historic Properties + Guidelines for the Treatment of Cultural Landscapes,” National Park Service, accessed May 9, 2025, accessed at <https://www.nps.gov/crps/tps/landscape-guidelines/index.htm>.

¹⁴ “The Secretary of the Interior’s Standards for the Treatment of Historic Properties + Guidelines for the Treatment of Cultural Landscapes,” National Park Service, accessed May 9, 2025, accessed at https://www.nps.gov/crps/tps/landscape-guidelines/preservation_planning.htm.

¹⁵ Id.

¹⁶ Id.

¹⁷ “The Secretary of the Interior’s Standards for the Treatment of Historic Properties + Guidelines for the Treatment of Cultural Landscapes,” National Park Service, accessed May 9, 2025, accessed at <https://www.nps.gov/crps/tps/landscape-guidelines/preserve/vegetation.htm>.

¹⁸ “The Secretary of the Interior’s Standards for the Treatment of Historic Properties + Guidelines for the Treatment of Cultural Landscapes,” National Park Service, accessed May 9, 2025, accessed at <https://www.nps.gov/crps/tps/landscape-guidelines/preserve/spatial.htm>; Views and vistas should be protected and maintained. See: “The identification and protection of historic planned views along the George Washington Memorial Parkway is an integral part of the parkway documentation project.”

¹⁹ “The Secretary of the Interior’s Standards for the Treatment of Historic Properties + Guidelines for the Treatment of Cultural Landscapes,” National Park Service, accessed May 9, 2025, accessed at <https://www.nps.gov/crps/tps/landscape-guidelines/preserve/special.htm>.

- Before even considering the guidelines in this section a critical question should be answered first: is the project necessary? At several points, the Guidelines re-iterate the obligation to “avoid unnecessary alterations.”²⁰ To this point, the applicant has provided no information as to whether there are alternate routes that would avoid potential damage in this nationally significant district altogether.

Notice to Proceed

Because the work is contrary to the Standards as discussed above, a Certificate of Appropriateness should not be issued. Additionally, a Notice to Proceed is not warranted here either. The Detroit Code of Ordinances gives four conditions where a Notice to Proceed may be given. Additionally, the HDC “must find that the work is necessary to substantially improve or correct any of these conditions.”

- The resource constitutes a hazard to the safety of the public or the occupants
 - There is no safety hazard at issue here. If anything, re-activating the steam infrastructure under Lafayette Park is introducing a hazard to the district not eliminating one.
- The resource is a deterrent to a major improvement program that will be of substantial benefit to the community. Substantial benefit shall be found only if the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances, and the improvement program is otherwise feasible.
 - While there may be benefit here there is not enough information in the applicant’s proposal to support a finding of “substantial” benefit.
 - Moreover, the applicant has submitted no information to support a finding that this is a “major improvement program.”
 - In discussing the benefits of this project, it’s worth noting that all the benefits flow to others outside the historic district while all the consequences inure to homeowners inside the district.
- Retention of the resource would cause undue financial hardship to the owner. Undue financial hardship shall be found only when a governmental action, an act of God, or other events beyond the owner’s control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to an appropriate vacant site within the historic district, have been attempted and exhausted by the owner.
 - There may be a financial burden on the applicant if a Certificate of Appropriateness or Notice to Proceed is not issued, but there is no governmental action, act of God, or other event beyond the control of the applicant to warrant a Notice to Proceed under this criterion. Likewise, based on the materials the applicant has submitted it is not clear ANY feasible alternatives have been considered let alone “all feasible” ones.
- Retention of the resource would not be in the interest of the majority of the community.
 - Per guidance given by the Michigan State Historic Preservation Office the “community at large” must benefit from the project and the applicant has a duty to “explicitly demonstrate why” this project is in the interest of the majority of the community and how that majority interest was determined.²¹
 - The applicant has not met this burden of proof and, on its face, this project does not appear to be in the interest of the majority of the community.

²⁰ Id.

²¹ “Notice to Proceed: What Does It Mean?” Practical Preservation, Michigan State Historic Preservation Office (April 2022).

Conclusion

There are just 43 National Historic Landmarks in the entirety of Michigan and if we, as citizens of Michigan, were to rank order the sites most worthy of preservation, it's likely these 43 sites would be at the top of the list. Lafayette Park is a member of an exceptional club that deserves exceptional treatment. Based upon what was discussed above, there are a few key takeaway points, summarized here:

- The application materials submitted are incomplete and do not fully detail the work proposed and the damage that will ensue.
- The character defining features of the historic district include the Mies van der Rohe designed buildings, the social history, and the Alfred Caldwell designed landscape, landscape features, and the views and vistas. Special attention should be paid to the lengths that Caldwell went to in order to eliminate modern mechanical intrusions on the landscape.
- National Historic Landmarks receive special considerations when federal work will affect them and it's therefore reasonable and appropriate to ask that the Detroit Historic District Commission likewise use an elevated review standard.
- The proper standard in this case is the Preservation standard given the elevated status of Lafayette Park and its current use, geographic context and remarkably intact condition.
- The work shown in the application does not conform to Preservation standards 2, 5, 7 because the application fails to fully protect, maintain, and preserve the historically significant landscape elements and proposes work that will damage features integral to the landscape.
- It does not appear that the applicant has completed any research into the history of the site, nor has it conducted a survey of the landscape. Further, the applicant proposes to remove landscape elements and introduce new elements (manhole covers and steam stacks) to the landscape. None of these actions comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties - Guidelines for the Treatment of Cultural Landscapes*.
- A Certificate of Appropriateness is not appropriate here given the failure to follow the *Standards* but a Notice to Proceed is also unwarranted given that none of the four Notice to Proceed criteria have been met.

Thank you for taking the time to review this analysis. Should you have any questions, please contact me at the phone number/email listed below.

Sincerely,



Cassandra Talley
Principal, 36 CFR 61 Architectural Historian
Loggia Preservation
(810) 333-2572
cassandra@loggiapreservation.com

Copy to: Nicolet Townhouses Cooperative
Joliet Townhouses Cooperative
LaSalle Townhouse Cooperative