

July 2, 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 Joliet Place, adjacent ROWs

Dear Commissioners,

I have been asked by concerned homeowners in the Lafayette Park Co-ops (the Co-op owners) to analyze the updated Historic District Commission (HDC) application submitted by Detroit Thermal—those materials dated June 11, 2025—regarding its compliance with or derogation from the *Secretary of the Interior's Standards*. What follows is my professional opinion as to the nature of the work and how it affects this National Historic Landmark (NHL) district including: the completeness of the application, whether the work complies with the *Secretary of the Interior's Standards*, and the intent behind the *Secretary of the Interior's Standards* which should guide how this application is handled.

Work Proposed

Based upon the application materials submitted, the applicant proposes to perform work inside the NHL district to install new steam system infrastructure requiring extensive excavation, new manholes, and the removal and/or disturbance of numerous mature trees, shrubs, and plants. The proposed work areas are large while the staging area, to be cordoned off by chain link fencing, encompasses an even larger area.

Completeness of Application

It's worth noting that the Detroit Code of Ordinances presupposes the applicant has legal authority to conduct work within the district¹ but it is not clear Detroit Thermal has the legal authority to perform work on this privately owned property. And although it's outside the purview of the HDC to determine whether the easement giving Detroit Thermal access is valid, it is not outside the purview of HDC to request documentation to ensure that easement exists in the first place. Relevant to this inquiry, the HDC is given broad authority in the Code of Ordinances to request any information they deem necessary to complete an application to HDC. Section 21-2-72 of the City of Detroit Code of Ordinances states that "Upon receipt of a completed permit application for work under this division, the Buildings, Safety Engineering, and Environmental Department shall forward, within seven calendar days, the same, together with all necessary plans, specifications, and supporting materials to the Historic District Commission. All plans, elevations, construction documents and **any other information and documentation deemed necessary by the Historic District Commission to make the application complete and to determine the appropriateness of the proposed work** [emphasis added] shall be submitted to the Historic District Commission by the applicant before the application will be considered to have been received by the Buildings, Safety Engineering, and Environmental Department or by the Historic District Commission."² Because there are questions as to the legality of Detroit Thermal's access to this privately owned site, this application should be

¹ This is most commonly expressed as implicating the "owner" of the property, but the underlying assumption baked into the Code is that the applicant has legal authority to perform the work as petitioned for in the application to the HDC. See: Section 21-2-59(a) "Require the owner of the resource to repair all conditions," and Section 21-2-59(b) "If the owner does not make the necessary repairs," and Section 21-2-75(3) "...would cause undue hardship to the owner."

² Detroit Code of Ordinances, 21-2-72.

put on hold while that inquiry is solved to avoid irreparable damage to the district that will ensue should the Certificate of Appropriateness (COA) be granted.

Work Proposed Does Not Meet the Secretary of the Interior's Standards for Rehabilitation or Preservation

The *Secretary of the Interior's Standards* give general guidance as to how historic properties should be treated and this project runs contrary to Standards #2 and #5. Note that Standards #2 and #5 are the same in both the *Secretary of the Interior's Standards for Preservation* and the *Secretary of the Interior's Standards for Rehabilitation*. These 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.

- This application proposes that one mature flowering hawthorn will be spaded and removed, Japanese yews will be removed, mature hostas will be removed, Japanese Pachysandra will be removed and replaced, a blue spruce will be trimmed and is located so close to the work it may need to be replaced, and it seems likely a crab apple will be removed as well. It is proposed that the roots of one mature honey locust tree will be pruned, which can be detrimental to the health of a tree, especially those that are mature. The damage to the tree may not become apparent for several years following pruning, and the application does not address the extent to which the pruning process will affect the historic landscape. Additionally, the application also states that construction is anticipated to be completed in the fall, which may not provide the relocated and pruned trees with adequate time to recover before winter.³ These are historic landscape features, and the removal runs contrary to the plain meaning of Standard #2.

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

- Several mature landscape features are being removed as a part of this work. Even once Plant 1 (flowering hawthorn) is replanted there is no guarantee it will survive this traumatic removal and replanting. Plant 4 (crab apple) may also be removed and given its proximity to the active construction site, this seems likely. This fate seems similar for the blue spruce which will be trimmed but is located so close to the construction work it seems likely it will need to be replaced too. It is proposed that the roots of one mature honey locust tree will be pruned, which can be detrimental to the health of a tree, especially those that are mature. The damage to the tree may not become apparent for several years following pruning. The application does not address the extent to which the pruning process will affect the historic landscape. Additionally, the application also states that construction is anticipated to be completed in the fall, which may not provide the relocated and pruned trees with adequate time to recover before winter.⁴ When distinctive historic elements of the landscape are removed and/or damaged the plain meaning of Standard #5 is contravened.

Finally, it's also important to note that this project includes extensive ground disturbance. In an area like Lafayette Park—the area around Macomb and Russell Streets was subdivided in the 1830s—there is a high

³ "Root Pruning Guidelines," Landscape Plants, University of Florida, last modified January 24, 2020, accessed June 30, 2025, <https://hort.ifas.ufl.edu/woody/root-prune-guidelines.shtml>; "Cutting Roots," Landscape Plants, University of Florida, last modified January 24, 2020, accessed June 30, 2025, <https://hort.ifas.ufl.edu/woody/disturbing.shtml>.

⁴ "Landscape Plants," University of Florida, last modified January 24, 2020, accessed June 30, 2025, <https://hort.ifas.ufl.edu/woody/disturbing.shtml>.

likelihood of archaeological resources given the long history of human habitation here.⁵ The *Secretary of the Interior's Standards for Rehabilitation* #8 states that, "Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken." Although the Detroit Code of Ordinances does not require that applicants research the potential for archaeological resources, per the aforementioned section 21-2-72 of the Code, HDC can request any information they deem necessary to complete the application. Because of the sensitivities surrounding this application it is reasonable to request that Detroit Thermal conduct additional due diligence by conducting an archaeological records check at SHPO to ensure there are no known archeological resources in this area before work begins. And because of the sensitivities at issue here, the HDC should request an additional step.

Unlike most HDC applications where the owner of the property is making the petition, in this case Detroit Thermal is proposing to conduct work via an easement over the strenuous objections of the owners of this private piece of property. Further, Detroit Thermal is proposing to conduct work that runs contrary to the *Secretary of the Interior's Standards* and work that will cause significant ground disturbance all in a highly significant National Historic Landmark. And, as the HDC likely knows, conducting archaeological research is required when a federal permit or federal money is involved and requiring this additional step is neither onerous nor unreasonable when such invasive work is proposed at such a highly historic site.

The 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 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."⁶ 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:

- "Identify, Retain, and Preserve Historic Features and Materials."⁷
 - The guidelines recommend that existing vegetation (woodlands, forests, trees, shrubs, crops, meadows, planting beds, vines, and ground covers) be identified, retained, and preserved. The vegetation has not been accurately or fully identified or inventoried as there are misidentified species, species under-reported as to their size, and many plants are not inventoried at all. Because the inventory is incomplete it is impossible to tell whether the applicant's plans are appropriate.
 - Although the applicant has made some improvements to the application by protecting the trees, the fact remains that one mature flowering hawthorn will be spaded and removed, Japanese yews will be removed, mature hostas will be removed, Japanese Pachysandra will be removed, a blue spruce will be trimmed and is located so close to the work it may need to be replaced, and it seems likely a crab apple will need to be removed as well. The overall

⁵ John Farmer, "Map of the city of Detroit in the State of Michigan," (C.B. & J.R. Graham Lithographers, 1835), accessed at Library of Congress at: <https://www.loc.gov/resource/g4114d.ct002016/?r=0.872,0.273,0.076,0.048,0>.

⁶ "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>.

⁷ 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>.

impact on this landscape is not insignificant. Removing any one of these features will negatively impact the historic landscape and the

- “Identify, retain, and preserve spatial organization and land patterns as they have evolved over time.”⁸
 - Changes to a landscape can accrue historic significance over time. Although changes have been made in the district over time, changes made like the raised garden beds, bulb plantings, and the planting of annuals were done with the active consent and participation of the homeowners in the Co-op homes. That is not the case with the applicant’s proposed work—the homeowners in the Co-op homes heartily object to the changes now proposed due to their highly invasive nature and potential for irrevocable damage.

Intent of the *Secretary of the Interior’s Standards*

Although the HDC must take the application as they find it, it is important to remember that this application is submitted to remedy a problem at a site that is not part of the NHL. The *Standards* are predicated on the notion that the work at issue is being conducted to benefit the resource at issue.⁹ But it’s crucial to keep in mind that the work proposed here is not being conducted in this NHL district to perform any preservation work in the NHL nor is the work being performed to benefit the NHL district. Rather, this work is being undertaken to fix an issue at a different resource altogether, a resource that is not an NHL.

It turns the *Standards* on their head to approve detrimental work inside an NHL for a project that only harms the NHL and provides no benefit to it. The historic site at issue does not need any work done to it to make it a useful, functioning, highly historic site—it is already all of those things. Additionally, it’s especially troubling that the work is being done via a utility easement and the work involved is not initiated by the private property owners and is stridently opposed by those property owners.

Conclusion

There are just 43 National Historic Landmarks in the entirety of Michigan and approaching this application with the care and caution a site like this deserves is warranted. There is no sense carving out a program like the National Historic Landmark program if the sites deemed so esteemed are not given extra consideration when work is planned that could irrevocably harm them. 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:

- With valid questions as to whether Detroit Thermal has legal authority to perform work on this privately owned property, it is reasonable that HDC exercise its ability to request additional documentation not to determine the validity of an easement but to ensure it exists at all.
- The work shown in the application does not conform to the Secretary’s Standards #2 and #5 because the application fails to fully protect, maintain, and preserve the historically significant landscape

⁸ 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.”

⁹ For instance, the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* recommend that “Planning and carrying out any necessary investigation before preservation begins” and recommend that “Protecting the building site and landscape features against arson and vandalism before preservation work begins” and recommend that “Stabilizing deteriorated or damaged building and site features as a preliminary measure, when necessary, prior to undertaking preservation work.” All of these declarations presuppose the work being conducted is being to benefit the historic property at issue. The opposite is happening in Lafayette Park, and this is not an insignificant detail.

elements and proposes work that will damage features integral to the landscape. Thus, a COA is not appropriate here because the project fails to adhere to the *Standards*.

- Given the sensitivities at issue in this application and given the extensive ground disturbing work proposed, it is reasonable to request that archaeological research be conducted before this application is approved.
- The *Standards* are predicated on the notion that that the work at issue is being conducted to benefit the resource at issue, but the work proposed here is doing the exact opposite.
- Given the heightened historic character of this property and the fact that work is not being performed at the behest of, with the approval of, or to benefit of the private property owners at the Co-ops, the HDC should request additional documentation (evidence the easement exists, archaeological investigation) before deciding on this application.

For these reasons, the denial of the COA is warranted here. 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,



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