



Date: 14 February 2013
TO: Historic District Commission
RE: Site Plan, 413 East Huron
From: Christopher Graham

Hi, Folks –

I would like to suggest and request that you be outspoken in opposition to the site plan for a 14 story tall building on the property on the NE corner of Huron and Division, to be shortly before the City Council.

The building is simply too tall for that location, by about double. And it infringes upon a key element of the North Fourth Ward Historic District (which encompasses the original area of Ann's Arbour, as you know), that being a very old Burr Oak – certainly a tree present prior to the arrival of Europeans in Ann Arbor.

The shadow this tall building would cast north along Division that will shade or completely shade historic houses and gardens that are adjacent, along Division Street much of the year. That means very fine historic houses which have always lived in the sunlight, would now be cast in the shade – forever changing their environment inside and outside.

And, the grandest boulevard for old, historic homes and structures in the City (Division St from Huron to Broadway) will be forever infringed upon by an oversized structure at its gateway.

I imagine diminished streetscapes and shading by tall buildings in an adjacent location are not things that happen often in such an historic district as this. But, isn't the impact of such a building as proposed as real and forever present as any other change that hurts the character of a district?

Then, immediately on the north property line of the construction site is one the great namesake trees of our fair City – a nearly 4 foot diameter, 225+ year old Burr Oak. There was a grove of old trees in this district, under which the Indians camped. It was then an open, great but widely spaced tree canopied, regularly burned (prairie fire), elegant, gently sloping park like setting, that flowed down to Allen's Creek. It was this place the two founders of Ann Arbor found most charming, named and platted our fair town in their two wives' first names, and for the grove of trees overhead – Ann's Arbour.

There are a couple of handfuls of these trees still left in the neighborhood. They qualify as landmark trees of the highest importance, ones called out in the Natural Features Guidelines of Chapter 57 (the Development ordinance) and in the Natural Features Master Plan as trees to be especially careful of. Under the guidelines, natural features of the highest importance are generally not to be disturbed, especially these trees.

But, this tree will have deep excavation and surface construction traffic well within its critical root zone (1.5 times the extent of its canopy branches) – causing me to fear for its life.

Though it will take five years or more – I expect the tree will die.

And, that does not include the fact that the building as proposed would place it in shadow much of the year. It is a plant grown through its life in, and a plant adapted to full sun (it would not want to grow here, without sun).

The gardens around these three houses north of this project area have many other landmark trees, and are gardens of considerable age. Their character will be changed significantly by the shadow that would be cast upon them – many plants would begin a slow but certain decline.

Those of us who have worked for many years on the City's natural features talked about identifying the great, old trees of Ann's Arbour – designating them and their neighborhood as the first stewardship area in the City, wherein we would go to work with the land owners in the neighborhood to sustain the trees for a long life, to restore some of the savanna where we can, and to insure that a new generation of these trees can be established.

There are three standards the City must find satisfied in order to approve a Site Plan:

Standards for site plan approval. A site plan shall be approved by the appropriate body after it determines that:

- (a) The contemplated development would comply with all applicable state, local and federal law, ordinances, standards and regulations; and*
- (b) The development would limit the disturbance of natural features to the minimum necessary to allow a reasonable use of the land, applying criteria for reviewing a natural features statement of impact set forth in this Chapter; and*
- (c) The development would not cause a public or private nuisance and would not have a detrimental effect on the public health, safety or welfare.*

In my view the project proposed does not comply with the spirit if not the actual letter of protections afforded historic structures adjacent, and those offered natural features – by virtue of off-site impacts of this project. It is not just the zoning code that must be satisfied, but the master plans, the needs of historic districts, etc.

I do not agree that mitigation is acceptable in this particular case, even though the petitioner professes not to be disturbing the great Burr Oak (they certainly will with the project as proposed). The tree should be fenced off limits 1.5 times the radius of the outer most reach

of canopy branches – with NO activity on the surface in that area (except hand done gardening), and with not the slightest hydrological change permitted.

And, I would call the project proposed a public and private nuisance. I would suggest that it would have a detrimental effect on the adjacent properties, its natural features, on a very important historic district, on three of its more magnificent houses and gardens, and the district's legacy natural features as represented by a great old Burr Oak.

I hope you can do your best to persuade the Council to agree, and decline to approve the site plan.

Thank you.