

Amy Harvey

From: Jeanette Coffin
Sent: Tuesday, March 23, 2021 1:50 PM
To: dschwartz1965@icloud.com
Cc: Judy Johnson; Colleen Willger; Allen Buansi; Amy Ryan; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Michael Parker; Pam Hemminger; Tai Huynh; Amy Harvey; Ann Anderson; Carolyn Worsley; Flo Miller; Laura Selmer; Mary Jane Nirdlinger; Maurice Jones; Rae Buckley; Ran Northam; Ross Tompkins; Sabrina Oliver
Subject: FW: Approve LUMO text amendment re: HDC procedures
Attachments: Town Council memo_3.22.21.docx
Categories: Agenda Packet Process

Thank you for your correspondence with the Town of Chapel Hill. The Mayor and Town Council are interested in what you have to say. By way of this email, I am forwarding your message to the Mayor and each of the Council Members, as well as to the appropriate staff person who may be able to assist in providing additional information or otherwise addressing your concerns.

Again, thank you for your message.

Sincerely,

Jeanette Coffin

Jeanette Coffin
Office Assistant
Town of Chapel Hill Manager's Office
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514
(o) 919-968-2743 | (f) 919-969-2063

-----Original Message-----

From: David Schwartz [mailto:dschwartz1965@icloud.com]
Sent: Tuesday, March 23, 2021 1:40 PM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Subject: Approve LUMO text amendment re: HDC procedures

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Mayor Hemminger and Town Council members,

At your March 24 meeting, you will consider a text amendment to the section of the Town's LUMO governing the procedures of the Historic Districts Commission (agenda item #18). The attached memo provides some background information on the change you are asked to consider. The HDC and the Planning Commission have each unanimously endorsed the proposed change and we encourage the Town Council to enact it.

Sincerely,

David Schwartz
Chairperson, Historic Districts Commission

Chapel Hill Historic Districts

Design Standards Timeline

Under federal and state law, local preservation commissions, like the Chapel Hill Historic Districts Commission, are required to make determinations about applications for Certificates for Appropriateness on the basis of detailed Design Standards.

1976 Town of Chapel Hill was one of the first towns in North Carolina to create a local Historic District along with an Historic District Commission charged with reviewing proposed changes to structures and landscape features in order to preserve the District's special character.

When it was established, the Chapel Hill Historic District Commission did not yet have its own DESIGN STANDARDS.

Instead, under the provisions of State law and Federal regulation, the Commission's review of Certificate of Appropriateness applications was based on the U.S. Secretary of the Interior's Standards for Rehabilitation and accompanying Guidelines, which were first issued in 1976. Because they were intended to apply to historic properties across the nation, these federal standards and guidelines were long and complicated documents—and they included a great deal of material that was of little direct relevance to conditions in Chapel Hill.

This awkward arrangement explains why the ordinance creating the Historic District Commission included language under "Review Criteria" specifying, among other things, that a series of broad issues should be taken into consideration by the Commission in making determinations about applications for Certificates of Appropriateness (labeled A-J).

Note, however, that these "review criteria" are actually mis-labeled. They are not "criteria" by which yes/no determinations can be made. Rather, they are labels for a series of issues to be considered by the Commission, when relevant.

Item J, for example, reads, in its entirety: **"J. Architectural scale."**

Thus, during this period, the Commission was charged with determining whether the issue of "Architectural scale" was relevant to a particular application and then left to search the Secretary of the Interior's Standards and Guidelines for Rehabilitation for specific criteria to interpret in light of the particular facts in evidence regarding that application.

1979 The Chapel Hill Historic District Commission, working with a consultant, developed a set of detailed DESIGN STANDARDS which were approved by the Commission and adopted by the Town.

—The DESIGN STANDARDS provided detailed, practical considerations and standards for evaluating Certificate of Appropriateness applications in light of the requirements of the Town ordinances (including Review Criteria A-J) and North Carolina state law.

—For example, while the Review Criteria identified in the LUMO identified an issue to be considered as "Architectural scale" the DESIGN STANDARDS explained how scale was to be considered in specific contexts—for example the relationship between new the size and location of new garages in comparison with those of "traditional" garages in the Historic Districts, or the relationship between the size of a new addition and that of the original structure.

2001 A sub-committee of the Chapel Hill Historic District Commission, working with a consultant, updated the DESIGN STANDARDS FOR THE HISTORIC DISTRICTS. The Commission approved the updated DESIGN STANDARDS in 2001 and the Town Council adopted them in 2002.

2016-2018. In recent years there has been some confusion on the part of Town Staff and among some residents about the proper role of the DESIGN STANDARDS FOR THE HISTORIC DISTRICTS in the HDC's review of Certificates of Appropriateness.

In part, this was because the Town Staff was under the mistaken impression that the Town Council had not adopted the current DESIGN STANDARDS (as required by state law). This mistake was finally corrected in mid-2018 when the minutes for the relevant Council meeting were located and it was established that the Council did indeed approve the current DESIGN STANDARDS in 2002.

Recent public presentations in Chapel Hill by authorities from the UNC School of Government (David Owens, Adam Lovelady) and the State Historic Preservation Office (Amber Stimpson, Ramona Bartos, etc.) have repeatedly emphasized that the Chapel Hill Historic District MUST base its review of Certificate of Appropriateness applications on the town-approved DESIGN STANDARDS.

2019 Confusion on this matter persists in part because the language in Chapel Hill's LUMO does not explicitly address the role of DESIGN STANDARDS. This is a result of the long history of Chapel Hill's Historic Districts and of the fact that that language in the LUMO dating back to 1976 has not been updated to reflect the fact that Chapel Hill has, for the last forty years, had its own detailed, customized DESIGN STANDARDS.

Remedying this problem would not change the proper functioning of the HDC, but would avoid needless confusion and provide the consistency and transparency that are an essential aspect of everyone's right to due process.