

To: Town of Chapel Hill Historic District Commission
From: Erik Mehlman, AIA - Applicant 306 N. Boundary Street on behalf of S. Cumbie and D. French
Date: April 18, 2019
Re: Re-opening of public hearing for this application

Dear Commissioners,

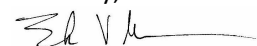
Commissioner Schwartz opened the 4/9/19 review of this application asking if there was anyone who desired the public hearing to be reopened. We did not realize there was a need at that time. However, during Commission discussion that evening, our team observed confusion by members of the Commission concerning features of the proposed work as well as overlooked or forgotten factual evidence provided in the application and supportive materials. We understand that this process has taken a long time and the materials submitted from many different sources for your review are voluminous. We know the Commission desires to make the right decision based on competent evidence. As such, we strongly urge you to open the public hearing in order to allow us to clarify information that may have been interpreted in error. Some examples of erroneous information are listed here without introducing new evidence in this letter:

- 1) Discussion of the Eastward movement of the circular garden path was stated to be as much as 10 feet and as little as 3 feet. The proposed plan shows the move to be 4 feet. This information is scalable in the site plans provided and unchanged since presented February 12, 2019.
- 2) It was claimed by the Commission that the project exterior lighting has not been addressed. This is also a statement made by the public in opposition to the project. Exterior lighting is addressed with appurtenant fixtures in Section F, 3, h of the original application submitted December 7, 2018.
- 3) Concern was expressed regarding public opinion about the size of the garage. Amber Stimpson, Preservation Commission Coordinator at SHPO, notes the following from the Quasi-Judicial Handbook: "Public opinion is *irrelevant* for quasi-judicial decisions." At the end of the March 12 meeting, Mr. Cumbie provided photo examples to HDC Staff of detached garages with second floor ADUs in the historic district which he referenced during his testimony. HDC Staff asked for the addresses which have since been gathered but have not been able to be submitted.

We further suggest that it would be appropriate to open the public hearing for the applicant to make submittals of new information if necessary for design changes. The applicant was asked to address specific items of the architecture and the site in the January 8 meeting and asked to address only items of the site at the February 12 meeting. No architectural comments were received in the February 12 or March 12 application reviews. The Commission circled back to the architecture in the April 9 review with potentially drastic consequences to the current design but did not issue any official requests for design consideration or changes by the applicant. The normal review process allows the applicant to work with the Commissioners to attempt to address their comments and resubmit supplemental design and information. For instance, if the public hearing is reopened, the Applicant can submit a modification of the east addition to avoid moving the circle at all (see 1 above).

After the loss of almost three months of opportunity for Commission comments and applicant design responses, it appears the Commission may now feel rushed to issue a decision prior to the 180-day review window closing on the application. The timing of this process has been unfair to the applicant and we urge that the COA should not be denied without the opportunity to address further comments from the Commission.

Sincerely,



Erik Mehlman, AIA