



May 7, 2007

Dan Musson
Cleveland Landmarks Commission
City of Cleveland
601 Lakeside Avenue, Room 519
Cleveland, OH 44114

Dear Mr. Musson:

RE: Art House (Brooklyn Center HD), Cleveland, OH

August, 2006 ^{WT}

This letter is in response to your correspondence, received ~~February 20, 2007~~, concerning the proposed redevelopment of this property. We also received some additional information by email and discussed this project with you on April 19, 2007. In addition, we have received more than 30 additional public comments regarding this project over the last few weeks. Our comments are made pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, and the associated regulations at 36 CFR Part 800.

As you know, this property is listed in the National Register of Historic Places a contributing element of the Brooklyn Centre Historic District. We agree that the demolition of the property will have an adverse effect on that historic district. The City has provided summary information in the initial submission that presents a consultation process that has already advanced to the point of offering to resolve adverse effects with a draft Memorandum of Agreement (MOA). Has the City notified the Advisory Council on Historic Preservation about their adverse effect determination? We are concerned that the City may have expedited the consultation to a point where it is difficult for other consulting parties to have an opportunity for meaningful participation in the resolution of these adverse effects.

The information that you have submitted provides only part of the project documentation that is required to demonstrate that the City has completed its Section 106 responsibilities. The basic documentation that is required can be found at 36 CFR Section 800.11(e), as follows:

OHIO HISTORICAL SOCIETY

Ohio Historic Preservation Office

567 East Hudson Street, Columbus, Ohio 43211-1030 ph: 614.298.2000 fx: 614.298.2037

www.ohiohistory.org

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(e) *Finding of no adverse effect or adverse effect.* Documentation shall include:

- (1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
- (2) A description of the steps taken to identify historic properties;
- (3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- (4) A description of the undertaking's effects on historic properties;
- (5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and
- (6) Copies or summaries of any views provided by consulting parties and the public.

(f) *Memorandum of agreement.* When a memorandum of agreement is filed with the Council, the documentation shall include, any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1), an evaluation of any measures considered to avoid or minimize the undertaking's adverse effects and a summary of the views of consulting parties and the public.

At this time, it is not entirely clear whether the initial acquisition of this property received federal assistance from the City or other sources. It is our understanding that the current proposal is to use Community Development Block Grant (CDBG) funds for the demolition of the property at 3119 Denison and to support the acquisition and rehabilitation of 3201 Denison. Although you have stated in a recent email that no CDBG funding was used for earlier phases of the Art House's development, the information presented in Appendix R lists specific City contract numbers showing the previous use of CDBG funds. We also have received public comments that suggest that the rehabilitation of 3119 Denison might have been a condition of the use of those funds. Has the condition of the property changed substantially since its initial acquisition, or have the programming needs of the Art House influenced their decision to use 3201 Denison as an alternative site?

In addition, although this office was not listed as being involved in early steps of this project, Karla Kaulfuss did contact us for technical assistance in reviewing work on the Quonset building that was also acquired with 3119 Denison. Please review your files to determine whether you might have inadvertently overlooked previous Section 106 review records that would have supported a local Section 106 review of the property's acquisition and rehabilitation under the City's Programmatic Agreement with the Ohio Historic Preservation Office.

Can you provide a more comprehensive description of the Area of Potential Effects (APE) for this project and how it was established? The only reference to APE that we found in the project documentation submitted was a suggestion in a draft MOA that the APE was limited to the parcels containing 3119 and 3201 Denison Avenue. We do not agree that an APE that is limited to those parcels can adequately take into account the potential effects of the expansion project on the historic district. Please provide clarification regarding this issue and more clearly describe how the project's APE was developed.

A significant number of letters were provided with the submission, both in support of the Art House expansion and against the proposed demolition. The City provided a series of project timelines that show that at least one public meeting was held and that concerned members of the public might have had an opportunity to speak at local commission meetings. How did the City meet its obligation under 36 CFR Section 800.2(c)(5) to identify consulting parties with an interest in this undertaking so that their views could be taken into account? How was the general public notified about the adverse effect determination and the City's proposed resolution? Are all of the individuals who submitted comments considered to be consulting parties, or is there an advocacy group that is acting on their behalf? If so, have they been provided the documentation required to support their participation in consultation to resolve adverse effects, as required at 36 CFR Section 800.6(a)(3)? The City needs to clearly show how consulting parties were identified for this project and how their views regarding historic preservation issues were taken into account.

We have received very limited information about the proposed rehabilitation of 3201 Denison, which is also within the listed historic district. Is it the City's expectation that future work undertaken at this property will meet the Secretary of the Interior's Standards for Rehabilitation? At this point, no information has been provided that shows any level of detail about the rehabilitation or the proposed addition. How were effects to this property taken into account by the City, in its consideration of the current expansion proposal? Since the City already appears to have authorized the work that is proposed, will the preliminary plans be reviewed for consistency with the Standards by City staff when they have been completed?

The MOA that was submitted by the City proposes that mitigation include the documentation of the Wirth House and installation of an art project with benches. Although the documentation has already been completed, we have concerns about the introduction of an open lot onto Denison Avenue, a primary street within the Brooklyn Centre Historic District. Does the design proposed for the parking lot provide any screening for the lot from the street or other historic properties that face the site? Are there other design considerations that could minimize the gap in setback that would be visible along Denison Avenue? Would the City consider the development of an historic preservation plan for this area as part of the mitigation for this project? Such a plan could help identify key contributing built resources and establish future development goals that took into account the historic design characteristics of the historic district.

Given the amount of public contact that we have had regarding this project, we ask that the City establish a structured plan for further project consultation. The City should identify consulting parties that meet the regulatory definition at 36 CFR Section 800.2(c)(5). We also strongly suggest that the City hold at least one consulting parties

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meeting to provide up to date information about the proposed project and solicit the views of consulting parties regarding the proposed mitigation.

If you have any questions about this letter or our review of this project, you can contact Lisa Adkins at (614) 298-2000. Thank you for your cooperation.

Sincerely,



Mark J. Epstein, Department Head
Resource Protection and Review

MJE/LAA: la

RPR Serial No. 1008075

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