



CITY OF BATTLE CREEK

Historic District Commission Meeting
(10 N. Division St., City Commission Chambers, Ste. #301 on 3rd Floor)

Monday, March 9, 2020 at 4:00

1. Call to Order:

2. Attendance:

3. Additions or Deletions to Agenda:

4. Approval of minutes: February 10, 2020

5. Correspondence:

6. Old Business: None.

7. New Business:

A: H-3.20 62 E. Michigan, Café Rica, Certificate of Appropriateness for two new signs.

B: H-4-20 34 E. Michigan Ave., Notice to Proceed with partial demolition of the building to comply with zoning and historical district commission requirements.

C. Election of Chairperson

8. Comments by the Public:

9. Comments from Commission members and Staff:

10. Adjournment:

The City of Battle Creek will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered in the meeting upon notice to the City of Battle Creek. Individuals with disabilities requiring auxiliary aides or services should contact the City of Battle Creek by writing or calling the following: Office of the City Clerk, P.O. Box 1717, 10 North Division – Suite 111, Battle Creek, MI 49016, (269)966-3348 (Voice), (269)966-3348 (TDD)

Phone (269) 966-3320 Fax (269) 966-3555

www.battlecreekmi.gov



Battle Creek Historic District Commission

Staff Report

25 West Michigan Avenue

Meeting: March 9, 2020

To: Historic District Commission

From: Eric Feldt, Planner, AICP, CFM

Date: February 28, 2020

Subject: The petition, filed by Burkett Signs Inc. (applicant), is for the issuance of a Certificate of Appropriateness for two new signs at 62 East Michigan Avenue pursuant to Zoning and Historic District Commission requirements.

Summary

Staff recommends approval of the subject petition because the proposed signs preserves the historic integrity of the building; meets Chapter 1470 Historic Preservation, Michigan's Local Historic Districts Act; meets the criteria for the National Register of Historic Places; and complies with Ch. 1296 *Signs*.

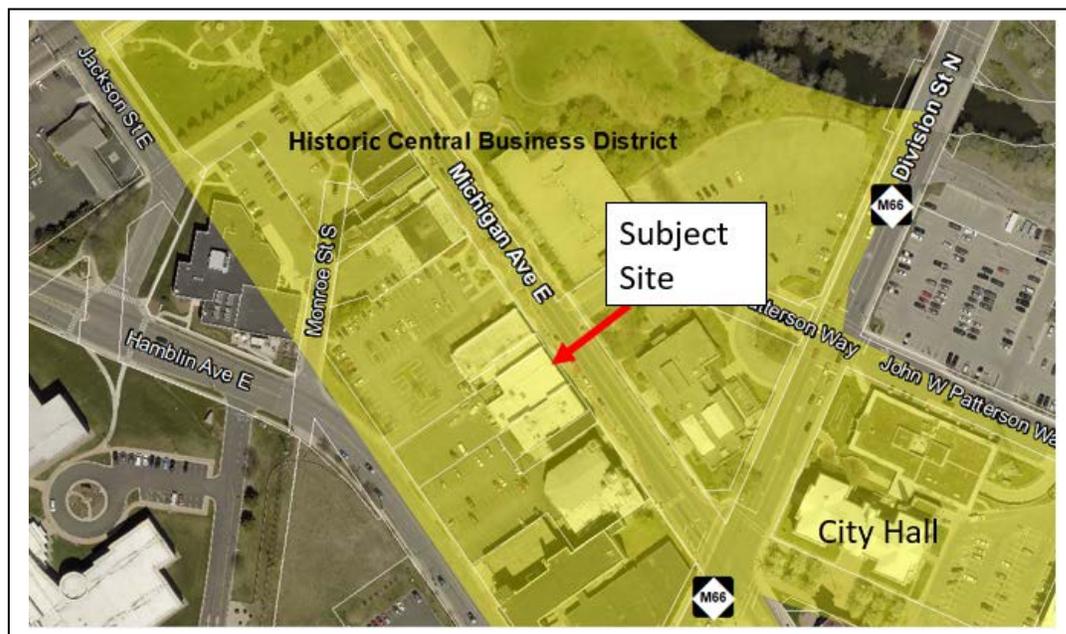


Figure 1: Arrow points to subject site (62 E. Michigan Ave.) located along E. Michigan Ave. between Capital Avenue and N. Division Street within the local historic Central Business District (shading).

Site & History

The subject building consists of a two-story brick structure with large ground-floor windows along the façade. According to the City of Battle Creek Assessor's data, the building was built in 1904. The building also contains the word "Collin" located on the façade.

Recently, the building transitioned to new owners and attracted new tenants: JPG Resources LLC and Fona International. In July of 2019, the HDC approved several signs for those businesses under Certificate of Appropriateness case no. V19-25. Most recently, a third tenant was added: Café Rica. This new tenant seeks signage on the subject building.

Summary of Request

The applicant filed the subject HDC application Certificate of Appropriateness (No.V20-34) for two new signs for the new tenant (Café Rica) stated earlier. Both signs are proposed along the south elevation toward the parking lot (back). One sign is much larger than the other and will provide for easy identification for customers from the parking lot area. While the other sign is much smaller and is proposed next to a rear entrance way in a directory format along with other tenants' signs. A concept image of both signs is attached. Each sign dimension and material is provided below.

Sign 1) Larger sign: 'Café Rica COFFEE COMPANY EST 2016'; dimensions: 10' 4" wide x 4' 4" high = 44.29 square feet; located on second-story area facing rear parking lot; internally-illuminated sign cabinet; matte finish.

Sign 2) Smaller Sign: 'Café Rica COFFEE COMPANY EST 2016'; dimensions: 6" wide x 18" high = .76 square feet; located next to back door facing rear parking lot; Aluminum plate letters bolted into brick material; not illuminated; matte finish.

Along with the submitted HDC application, a Sign permit has been submitted for the subject sign. See attachment. Proposed signs require the submittal of a Sign permit pursuant to City of Battle Creek Chapter 1296 *Signs*. Staff determined that the Sign permit and material complies with Chapter 1296 *Signs*.

Applicable HDC Guidelines and Analysis for a Certificate of Appropriateness to install two new signs at 62 East Michigan Avenue.

This property is reviewed in accordance with City of Battle Creek Building and Housing Code Chapter 1470 "Historic Preservation", as amended, the Michigan's Local Historic Districts Act, as amended, and the criteria for the National Register of Historic Places as outlined in the Secretary of the Interior's Standards and Guidelines.

Specifically, the Commission shall follow Section 1470.09 *Review of Applications*, as follows:

(b) The Commission shall also consider all of the following:

(1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.

- (2) *The relationship of any architectural features of the resource to the rest of the resource and the surrounding area.*
- (3) *The general compatibility of the design, arrangement, texture, and materials proposed to be used.*
- (4) *Other factors, such as aesthetic value that the Commission finds relevant.*
- (c) *The Historic District Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements...*

And

1470.17 PRESERVATION OF HISTORIC FEATURES.

- (a) *Every reasonable effort shall be made to provide a compatible use for a resource which requires minimal alteration of the building, structure or site and its environment, or to use the resource for its originally intended purpose.*

As noted earlier, the proposed signs will be mounted to the back brick elevation, and therefore, result no alteration of the rest of the building, structure, or property.

- (b) *The distinguishing original qualities or character of a resource and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.*

No historic material or distinct architectural features of the building will be removed or altered with the proposed signs.

- (c) *All resources shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.*

No alterations to the building resulting in earlier appearance will result from the proposed signs.

- (d) *Changes which may have taken place in the course of time are evidence of the history and development of a resource and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.*

This criteria is not relevant to the project.

- (e) *Distinctive stylistic features or examples of skilled craftsmanship which characterize a resource shall be treated with sensitivity.*

The features and craftsmanship of the building will not be negatively impacted by the project because the signs will be installed with sensitivity and not require any modifications to the building or its historic features.

- (f) ***Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other resources.***

This criteria is not relevant because the proposal does not entail any repairs or replacements.

- (g) ***The surface cleaning of resources shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic materials shall not be undertaken.***

Intensive cleaning application such as sand blasting will not be necessary for the project.

- (h) ***Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.***

This criteria is not relevant because no underground work is necessary for the project.

- (i) ***Contemporary design for alterations and additions to existing resources shall not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural material and when such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.***

The proposed signs will not alter nor create an addition to the building.

- (j) ***Whenever possible, new additions or alterations to resources shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the resource would not be unimpaired.***

The proposed signs could be removed in the future without negatively affecting the essential form or integrity of the building.

Recommendation

The proposed signs will prominently display the name of the new tenant and create a directory format. With staff's analysis of the application, the proposed signs comply with standards outlined in Chapter 1470 *Historic Preservation* and should be approved. As contained herein, staff is not aware of any issues that the Commission might find in conflict with Chapter 1470 *Historic Preservation*, the Michigan Local Historic Districts Act or the Secretary of the Interior's Standards and Guidelines.

Therefore, planning staff recommends approval of a Certificate of Appropriateness of two new signs for 62 East Michigan Avenue, as the request meets the standards outlined in Chapter 1470.09 "Review of Applications", Chapter 1470.17 "Preservation of Historic Features" and the Secretary of the Interior's Standards and Guidelines, as outlined in the staff report.



City of Battle Creek

Department of Planning and Community Development
10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014
Phone: (269) 966-3320 • www.battlecreekmi.gov

HISTORIC DISTRICT COMMISSION

Application for:

- Certificate of Appropriateness (for repairs or rehab projects)
 Notice to Proceed (for demolition requests)
 Minor Class of Work (admin approval)

Petition No. _____

Date Received: _____

APPLICANT**

NAME: Robb Perrin/ Burkett Signs Inc
ADDRESS: 15886 E. Michigan Ave Climax, MI 49034.
PHONE: 269-746-4295 FAX: N/A.
EMAIL: robb@burkettsigns.com.

OWNER (if different from applicant)

NAME: Cafe Rica Coffee Company
ADDRESS: 62 E. Michigan Ave Battle Creek MI 49017.
PHONE: 269-420-5037. FAX: N/A.
EMAIL: rafericausa@gmail.com.

**If the applicant is not the property owner, a letter signed by the owner agreeing to the application to the Historic District Commission must be included with the application.

SUBMITTAL REQUIREMENTS/EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 62 E. Michigan Ave

Current use of the property: commercial

List existing structures on the property and the approximate age of each. Built in approximately
1900s

Please list all activities/proposed work for the property area and how the proposed work relates to the building as a whole.

Install (1) 18" x 6" panel at the rear entrance of the bldg.
Install (1) internally illuminated sign cabinet on the back of the bldg.

Indicate in which manner the proposed work will result in changes to the size and/or appearance of the features outlined in this application.

1 6' x 18' sign
1- 10'4" x 4'4" illuminated sign cabinet

Does the work proposed include maintenance/repair of existing features of the structure, or will it create new features that do not currently exist?

Create new features (2- new signs).

Please indicate the existing building materials of the following structural features and the proposed materials if that feature is included as part of the application.

| | Existing Materials | Proposed Materials (if applicable) |
|------------|--------------------|------------------------------------|
| Roof | | |
| Windows | | |
| Siding | Brick | aluminum sign blank & cabinet |
| Foundation | | |
| Other | | |

For Notice To Proceed requests only:

What options have you explored for the repair or relocation of the structure proposed for demolition?

SUBMITTAL REQUIREMENTS

As outlined in "HDC, Information and Procedure", each request requires supplementary items that thoroughly describe the existing structure and proposed project. These items are to be submitted with the completed application; incomplete applications will not be forwarded to the Historic District Commission.

APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for Historic District Commission review has been submitted. Furthermore, the applicant confirms that they have thoroughly read the "Historic District Commission, Information and Procedures" and agrees to comply with all requirements and procedures outlined therein.

Name Neil Per Date 1/30/2020

Cafe Rica

Store Signage - Exterior

Specifications:

Custom fabricated aluminum sign cabinet. Features halo lit channel letters on custom oval Body. Body face is router cut with 3/4" acrylic push through copy as indicated.

Body:
Custom formed oval sign body, the face is custom routed aluminum. Finished in MVP matte white with push through acrylic copy as indicated.

Channel Letters:
1 set of aluminum channel letters, reverse/halo illuminated with white LED lighting. Mounted to oval oversize signbody.

Mounting:
Secured to brick wall with recommended fasteners.

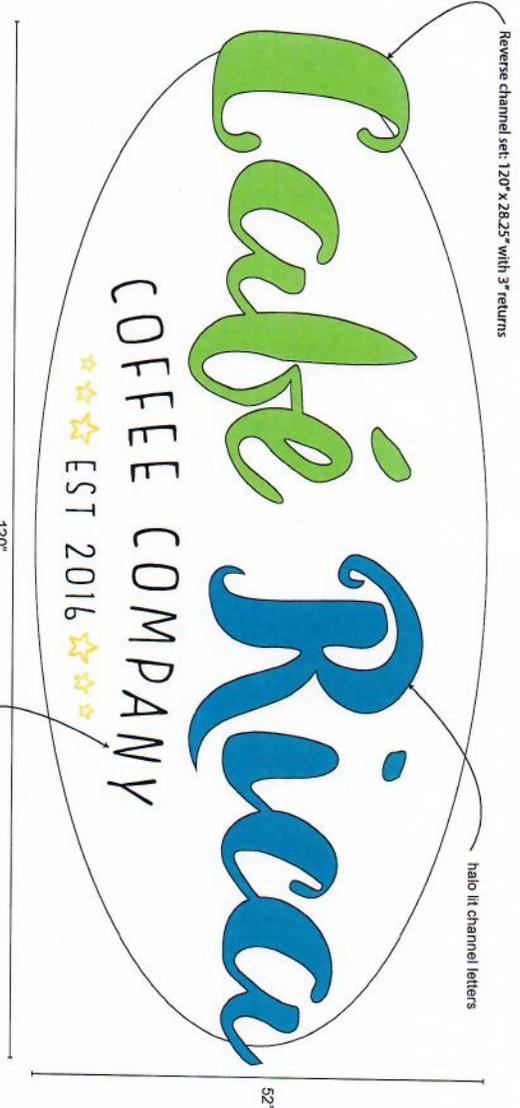
Quantity:
1

Lighting:
Pre-installed lighting on channel set, sign body receives Principle Street Fighter True White LED

Option B

- Matte White
- Satin Green - Pantone XXXC
- Satin Blue - Pantone XXXC
- Oracal 8900-021 Yellow
- Oracal 8900-070 Black

**Pantone colors needed
Survey Needed**



CUSTOMER APPROVAL

This design & engineering drawing is submitted as our proposal and is to remain our property exclusively until accepted and approved by purchase. This artwork is not to be shared or distributed without written permission. Every effort will be made to ensure the most accurate data. If absolute color matches are required, please specify the PMS color and Pantone color. Changes applied to photo images are intended as rough visual representations and are not to scale. Refer to specifications for actual sizes.

Date _____

Project ID: **Cafe Rica 2020**

DRAWN BY/DATE: 01/09/2020
 REVISION DATE: 01/14/2020 01/16/2020 01/20/2020 01/21/2020
 FILE NAME: Cafe Rica 2020



15886 E. Michigan Ave.
 Climax, MI
 Phone: 269-746-4285
 Fax 269-746-5246
 On the web at burkett signs.com



Cafe Rica

Store Signage - Exterior

Wall Wrap Rear

Specifications:

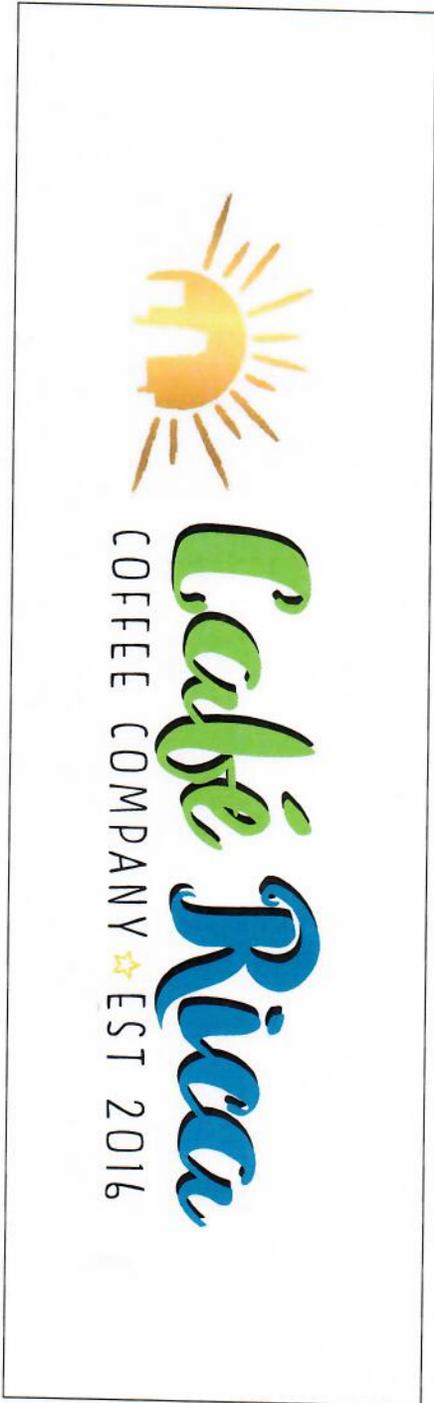
100 aluminum sign blanks
custom formed and painted
in indicated colors with applied
pressure sensitive vinyl.

Mounting:

Direct mount to brick wall
with recommended adhesive

Quantity:

1



- Matte White
- Satin Green - Pantone XXXC
- Satin Blue - Pantone XXXC
- Oracal 8800-021 Yellow
- Oracal 8800-070 Black

Pantone colors needed

CUSTOMER APPROVAL

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to be used in substrate, finishing processes and further enables the final product may differ in color from original artwork. Every effort will be made to ensure the design and engineering drawing is accurate and complete. ALL DIMENSIONS, FINISHES, MATERIALS, COLORS, AND CONSTRUCTION, ARE DEEMED ACCEPTABLE BY APPROVAL OF SHOP DRAWINGS. Refer to specifications for actual sizes.

Date _____

Project ID: **Cafe Rica 2020**

DRAWN BY/DATE: 01/09/2020

REVISION DATE: 01/14/2020 01/16/2020 01/20/2020 01/21/2020

FILE NAME: Cafe Rica 2020



15888 E. Michigan Ave.
 Climax, MI
 Phone: 269-746-4285
 Fax 269-746-5246
 On the web at burkettsgns.com



Battle Creek Historic District Commission

Staff Report

34 E. Michigan Ave.

Meeting: March 9, 2020

To: Historic District Commission

From: Eric Feldt, Planner, AICP, CFM

Date: February 28, 2020

Subject: Basis for determination: HDC determination on a Notice to Proceed for partial demolition of the building at 34 East Michigan Avenue that will comply with zoning and historic district commission requirements.

History

Building Condition

The subject building at 34 E. Michigan Avenue, known as the 'Binder Building', is located in the local historic Central Business District and has been under discussion by the HDC for possible demolition or preservation of the six-story building portion. This portion of the building is currently failing. Since September of 2019, two floors of the building have collapsed internally and portions of the roof and wall have large openings that allow weather elements inside the building. The City of Battle Creek has installed security fencing around the site and deemed the building unsafe to enter. Over the past 30 years, the owner has not occupied the building nor put it in an active use. However, the owner has been storing historic artifacts and general personal items inside the building during that period. Those items are believed to be temporarily aiding in supporting certain building floors or structure components. Further, those items are likely deteriorating due to the entrance of water, snow, and other weather conditions. During those past 30 years, building maintenance has been deferred to the point that led to the today's deterioration.

September HDC Meeting

During the September 16, 2019 HDC meeting, City staff informed the HDC of recent deterioration of the subject building consisting of possible structural failure and top floor internal collapse. City staff and local professionals conducted a brief exterior observation and analysis of the building condition. The HDC members were informed that the owner would be required to submit either an HDC Certificate of Appropriateness for renovations or an HDC Notice to Proceed for demolition of the building. Since no HDC application was presented, no action was recommended for the HDC. This was an information-based item on the HDC agenda.

October Dangerous Buildings Hearing

Sometime in late September or early October, City staff learned of further building failure including another floor collapse. The owner did not submit a plan of action nor was an HDC application submitted. City staff had scheduled a Dangerous Building Hearing to review the condition of the building who had determined that the building was deemed a 'Dangerous Building', which required

the owner to address the deteriorated elements within 30 days. This deadline was not met. More details of this meeting are provided in the December HDC staff report (see attachment).

Also in October, an engineering company (WJE Inc.) was hired to further analyze the building condition and determine approximate costs for rehabilitating and demolishing the tower portion of the building. A thorough interior analysis of building could not be accomplished due to structural instability. Demolition was determined to be the safer and much less expensive option. The brief analysis and costs of rehabilitation and demolition (Attachment A) was shared with the owner but the owner did not pursue either option. Due to the building's imminent public hazard, the City promptly requested a demolition plan (Attachment B) to be created by the engineering company.

December 9, 2019 HDC Meeting

Since the owner did not submit a plan to rehabilitate or demolish the building, the City filed an HDC application Notice to Proceed (Case no. V19-35) for the demolition of the tower portion of the building and installation of new wall on the middle portion of the building. The engineer's demolition plan was to be used. As noted in the HDC December 03, 2019 memorandum (Attachment C) and discussed during the December 9th HDC meeting, City staff recommended the HDC support a Notice to Proceed for the demolition of only the six-story portion of the building. Staff determined that the building's condition did meet the required findings under Ch. 1470.09 (e) for approving the Notice to Proceed.

During that meeting, the HDC members heard various testimony from the owner and his representative who had requested a 90-day period to acquire additional consulting and engineering reports to rehabilitate the building. The HDC supported the owner's request; thus, not supporting the City's recommended Notice to Proceed. However, City staff determined that the HDC did not actually make actual findings to oppose the City's findings. As a result, the City scheduled this item to be heard at following HDC meeting.

January 13, 2020 HDC Meeting

During the HDC January 13, 2020 meeting, the HDC did state new findings opposing staff's findings (Attachment D) which led to denying the Notice to Proceed. This allowed the property owner more time to determine methods of preserving the building.

Leading up to the HDC January meeting, the owner's representative communicated with the Michigan Historic Preservation Network (MHPN) to seek assistance in preserving the building. On January 14, the MHPN and their contracted engineer (Silman Structural Engineers) came to Battle Creek to inspect the building and tasked with examining details of the building for possible preservation. After this inspection, the engineer provided an analysis of the condition of the building and suggested methods for building stabilization. In summary, the report (Attachment E) states that the tower-portion building had several areas of failure and collapse in floors; rot and rust of ceiling material; mortar loss and cracking; and supportive beam misalignment. During this inspection, additional structure decay was observed. The report states that the building is salvageable with recommended maintenance and construction. Further, the structural condition of the tower (rear-section) must be addressed and suggested an immediate plan of stabilization. This includes first installing new perimeter beams across the north-south walls and east-west walls, and restoring exterior walls to reinforce building stability. Once completed, construction would begin removing interior material, debris, and stored items from a top-down sequence. The report clearly states that immediate action is needed to reduce the stress onto the building from previous floor collapses and to stabilize the building. Staff notes that this engineer's analysis provides a general surface-level scope of work and does not contain any engineered drawings,

structural specifications or calculations and, therefore, would not be acceptable for approval for starting physical work on the building.

Staff notes that the 90-day period discussed during the December HDC meeting concluded on March 3rd 2020.

Conclusion

As of the date of this memorandum, a demolition and stabilization plan have been received. The demolition plan provided by 'WJE Inc.' recommended sequence of building steps and plan drawings to demolish tower portion of the building and shore up a wall on the would-be exposed middle-building portion. Also submitted is a stabilization plan by 'Silman Structural Engineers' which suggests steps to rehabilitate the tower portion of the building. The owner has not indicated to the City which plan will be pursued nor how soon any action will be taken. Both submitted reports indicate the severe condition of this tower portion, and that immediate action is necessary.

Without a committed plan showing detailed analysis of immediate action by the owner, City staff finds that the building continues to decay and present an immediate hazard to the public. and continues to meet criteria under Ch. 1470.09(e). Staff's responses to that criteria from the December HDC report are provided below with the new information stated in the subject memorandum. Therefore, City staff continues to recommend approval of the Notice to Proceed for demolition.

The following criteria is from the December HDC staff report with new information underlined.

If the standards outlined in the Secretary of Interior's Standards and Guidelines cannot be met, the State Act and local ordinance (Ch 1470.09(e)) states that a notice to proceed **shall** be issued if any **one** of the following criteria is met:

(e) Work within a Historic District shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Historic District Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structures and occupants.

As stated earlier, the City of Battle Creek determined that the tower section of the building cannot be occupied because it's structural instability, imminent danger of collapse, and has been declared a 'Dangerous Building.' Structural instability will worsen and affect the adjoining buildings, if left unaddressed. Therefore, the tower section of the building constitutes a hazard to the safety of the public.

As of the date of the subject memorandum, the building continues to show signs of decay. A supportive beam has become further misaligned from its intended fixture.

This criterion is met.

- (2) *The resource is a deterrent to a major improvement program that will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary planning and zoning approvals and financing and environmental clearances.*

As of staff's knowledge, there is no major improvement program currently planned in the area around the subject building.

This criterion is not met.

- (3) *Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other event beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner.*

The current condition of the tower building is the result of owner's control of deferring building maintenance and repairs. Due to the extent of deferring building maintenance and repairs, expensive undertakings will be needed to take corrective measures. Retaining the building and selling it, is an highly unlikely successful endeavor considering the current state of condition and high costs of demolition or repair. Retaining the building through relocation, is not feasible due to the structure instability.

This criterion is met.

- (4) *Retaining the resource is not in the interests of the majority of the community.*

Retaining a unique, historic building may likely be in the interest of the community. However, the building's current condition and history of deferred maintenance has the potential to harm adjacent buildings if further structural conditions decline and costlier repairs are needed to reinstate a new business. Therefore, retaining the resource is not in the interest of the majority of the community.

This criterion is met.

Criterion (e)(1), (3), and (4) are met.

Recommendation for Notice to Proceed

The City of Battle Creek submitted an application for a Notice to Proceed to demolish the tower section (rear portion) of the tower building section and stabilization of the middle building section of the site at 34 W. Michigan Avenue. Demolition has been chosen as meeting Ch 1470.09(e).

Staff recommends the HDC approve the subject Notice to Proceed to the City of Battle Creek for the demolition of the tower building portion and stabilization of the middle building section at 34 East Michigan Avenue, if the Commission finds that the application meets Chapter 1470.09(e) “Review of Applications”.

Attachments

- A – Email dated 11.20.2019 between Ross Smith (WJE Inc.) and Bryant DeBolt (Property Owner)
- B - WJE Inc. Demolition Plan
- C - City of Battle Creek Memorandum dated 12.3.2019; December 9, 2019 HDC Meeting
- D – Draft Meeting Minutes, January 13, 2019 HDC Meeting
- E - Silman Structural Engineers Stabilization Plan

Fw: 34 E. Michigan

Richard E. Bolek

Fri 11/22/2019 2:47 PM

To: Christine M. Zuzga <CMZuzga@battlecreekmi.gov>; Eric S. Feldt <esfeldt@battlecreekmi.gov> 1 attachments (43 KB)

RE: 34 E. Michigan - Battle Creek;

FYI

From: Smith, Ross <RSmith@wje.com>
Sent: Wednesday, November 20, 2019 2:44 PM
To: deboltbc@gmail.com <deboltbc@gmail.com>
Cc: Richard E. Bolek <rebolek@battlecreekmi.gov>
Subject: 34 E. Michigan

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

Good afternoon Mr. DeBolt,

Thank you for accepting my call today which I extended as requested by Mr. Bolek with the City of Battle Creek. My intent was to answer any questions you might have and relay my opinions on options moving forward. Thank you also for giving me more insight on the historic significance of the structure. As I mentioned, our firm deals with restoration and historic buildings in many instances, and we are always interested in preservation when feasible. My opinions expressed below are based on my experience, my concerns over safety (both yours and the public), and my gathered estimates regarding feasible options. As I mentioned on the phone, this opinion was previously provided to the City as well.

Regarding the tower portion of 34 E. Michigan which has suffered several iterations of progressive collapse of the past several weeks or months, please refer to our previous email for a general discussion of stabilization vs. demo (attached). Regarding costs, we have not conducted a detailed construction estimate, but we have conferred generally with a demolition and restoration contractor to establish some order-of-magnitude costs. Based on what we know so far, for the recommended demolition of the tower and stabilization of the middle building, we would estimate a cost of \$600k to \$850k. If we were to try to stabilize the existing tower and put it back into service, we would estimate a cost of \$3M to \$5M. This is due to the need for extensive perimeter scaffolding, long term crane usage, and many other safety requirements. Frankly, the current state of the structure would make this very challenging. Further, the extensive amount of contents within the building complicates every step of this process for either option. These estimates do not include significant design or engineering oversight costs. These estimates also assume that given the safety challenges of the building, no hazardous materials assessments or abatement will be conducted. This may impact disposal costs for the debris which could also increase costs.

As we uncover more information and open more areas, these costs are subject to change, but these are order-of-magnitude projections based on what we know thus far. I hope this is helpful as you continue to make decisions toward the best outcomes for all involved.

Thanks again for our discussion today. If you have additional questions, my contact information is below.

Regards,
Ross

Ross J. Smith, PE, LEED AP BD+C, CDT

Associate Principal

Wiss, Janney, Elstner Associates Inc.

Engineers | Architects | Materials Scientists

41 Washington Avenue, Suite 315

Grand Haven, MI 49417

Ph: 616-401-2228 | Fx: 248-593-8532

rsmith@wje.com

34 East Michigan Avenue Tower Demolition Plan

34 East Michigan Avenue, Battle Creek, Michigan 49017



WJE Engineers & Architects, P.C.
30700 Telegraph Road, Suite 3580
Bingham Farms, Michigan 48025
248.593.0900 tel | 248.593.8532 fax
www.wje.com

Headquarters & Laboratories: Northbrook, Illinois
Atlanta | Austin | Boston | Chicago | Cleveland | Dallas | Denver | Detroit
Honolulu | Houston | Los Angeles | Minneapolis | New Haven | New York
Philadelphia | Princeton | San Francisco | Seattle | South Florida | Washington, D.C.

GENERAL NOTES

SCOPE OF WORK

The work to be performed at 34 East Michigan Avenue in Battle Creek, Michigan includes the demolition of the tower portion of the building, the shoring and protection of the middle portion of the building, additional protection of adjacent buildings, and the temporary relocation of power feed and temporary removal of a power pole and light.

This project is being undertaken due to the progressive collapse, in September 2019, of the roof and several subsequent floors of the tower portion of the building. The intent of this project is to demolish the remaining standing portions of the tower building and support the to-be-exposed southwest end of the middle portion.

DESIGN LOADS

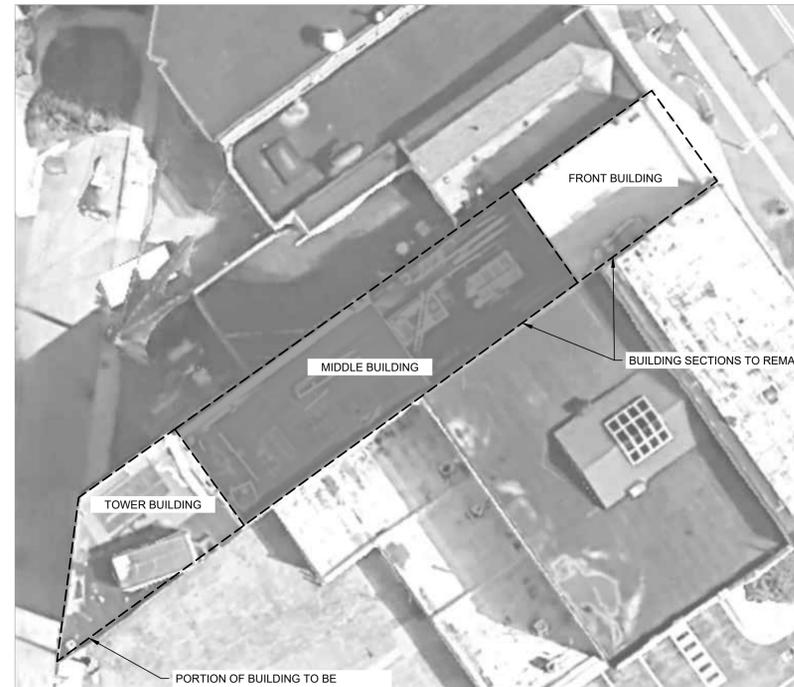
1. Dead Loads (D)
 - a. Roof Dead (Roofing, Deck, Joists) 10 psf ±
2. Snow Loads (S)
 - a. Ground Snow Load: 30 psf
 - b. Flat Roof Snow Load: 19 psf
 - c. Snow Exposure Factor: 0.9
 - d. Thermal Factor: 1.0
 - e. Snow Load Importance Factor 1.0
 - f. Snow Drifts in Accordance with ASCE/SEI 7-10 Section 7.7.
3. Roof Live Load (Lr): 20 psf
4. Wind Loads (W)
 - a. Basic Wind Speed: 115 mph
 - b. Importance Factor: 1.00
 - c. Occupancy Category: II
 - d. Exposure Category: B
 - e. Enclosure Classification: Enclosed

GENERAL NOTES

1. Construction, shoring, or other means of supplemental support shall conform to the requirements contained in the 2015 *Michigan Rehabilitation Code for Existing Buildings* (MRCEB). Because the MRCEB is the selected code for compliance, the 2015 Michigan Building Code (MBC) is only applicable where specifically referenced by the MRCEB and when cited, only apply to the prescribed extent of the reference.
2. The subject building is currently not in operation, though it houses a large volume of contents. As a precautionary measure, no portions of the building should be occupied during demolition. The contractor shall take appropriate measures to protect existing elements to remain during construction including structural framing components, existing building elements, and existing contents which have not been removed or relocated to accommodate shoring or accessibility.
3. The exterior of the building, including the demolition area, potential fall zone, crane site, laydown area, and other space needed to safely conduct demolition of the tower are to be cordoned off by way of barricades, fencing, or other means. Tape and ropes are not acceptable barricades.
4. At Floors 1-3 of the middle portion to remain, remove contents as required to access shoring area and then provide structural support at the to-be-exposed southwest end of building where the tower will be removed.
5. Following additional review and coordination with Engineer, provide semi-permanent infill walls capable of providing required structural capacity for gravity and lateral loads.
6. The Contractor shall verify all existing conditions at the job before starting the work and shall immediately notify Engineer of any discrepancies, omissions, or unanticipated conditions not addressed by the Drawings which may affect the scope of work.
7. Coordinate construction activities and access with the Engineer's requirements.
8. Existing Mechanical, Electrical, and Plumbing elements are not shown and are not explicitly known. Contractor should arrange for necessary de-energization of electrical systems, remove, drainage, and capping of plumbing, disconnection of HVAC systems, etc, to disconnect the tower from the remaining portions of the building. Utility services should be maintained or only temporarily suspended and restored to the remaining portions of the building so as not to cause damaged to the remaining buildings.
9. Hazardous materials - The materials status of the existing building components has not been specifically tested or abated. Due to the volume of building contents, and the state of structural collapse, it is not advised to complete traditional sampling and remediation. Based on age, the contents should be assumed to contain some asbestos-containing materials as well as lead-based paint. Proper dust control measures and disposal methods are required for all of the demolition rubble.
10. Adjacent buildings are to be protected from damage. This includes protection of the exposed roof areas and temporary shoring as needed. Adjacent and nearby surrounding buildings should be monitored for movements prior to, during and following demolition efforts.
11. At exterior, relocation of existing power pole and power feed will be required prior to demolition. Coordinate with utility company and effected neighbors.
12. Do not scale drawings. Details not shown, detailed on drawings, or called for in these notes shall be constructed to same size and character as for similar conditions that are shown, detailed, specified or that exist elsewhere in the building.
13. The contractor shall be responsible for all construction means and methods.
14. Removal of certain structural components is required to implement the work. Contractor shall take necessary precautions to protect the structural members that are to remain in place and the members that will need to be removed for re-installation at a later date (if applicable). The Engineer shall observe all affected members and will determine if any such members are unsuitable for continued use.
15. Do not place or store construction materials or equipment on the structure that may damage finishes and/or overload structural elements.
16. Coordinate and obtain inspections required for the work.
17. All construction shall be performed and the site shall be maintained in accordance with Michigan Occupational Safety & Health Administration (MIOSHA) Construction Safety Standards.

INDEX TO DRAWINGS

| Sheet No. | Drawing Title |
|-----------|-----------------------------------|
| S0.0 | General Notes and Building Layout |
| S1.0 | Floors 1-3 Demolition Plans |
| S1.1 | Floors 4-6 Demolition Plans |
| S2.0 | Demolition Elevations |



2 BUILDING LAYOUT
N.S.



1 SITE LOCATION PLAN
N.S.

Consultants

Project

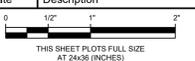
34 East Michigan Avenue
Tower Demolition Plan
34 East Michigan Avenue
Battle Creek, MI 49017

Client

City of Battle Creek
10 North Division Street
Battle Creek, MI 49014

1 10-25-19 OWNER'S REVIEW

Mark Date Description



Project No. 2019.6706

Date 10/30/2019

Drawn JDB

Checked RJS/BPC

Scale As Noted

General Notes and
Building Layout

Sheet Title

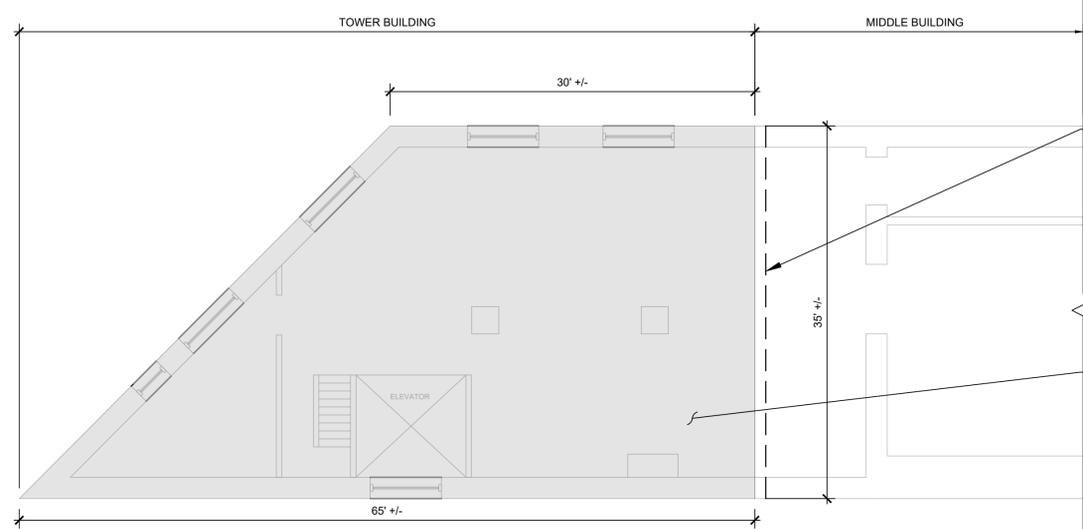
Sheet No. **S0.0**

Plotted: 10/25/2019 8:40 AM by Jibber, Derek File Name: P:\2019\2019 65xct\2019.6706.0 - 34 E. MICHIGAN - BATTLE CREEK - COLLAPSE (RJS) Drawings\2019.6706_34EMichiganDemolitionPlans.dwg © Copyright 2019. All rights reserved. No part of this document may be reproduced in any form or by any means without permission from WJE, Junco, Jibber, Ebaner Associates, Inc. (WJE). WJE disclaims any responsibility for its unauthorized use.

Plotted: 10/25/2019 8:40 AM by Jibber, Derek File Name: P:\2019\2019 65xct\2019.6706.0 - 34 E. MICHIGAN - BATTLE CREEK - COLLAPSE (RSD) Drawings\Models\2019\706_34EMichiganDemolitionPlans.dwg

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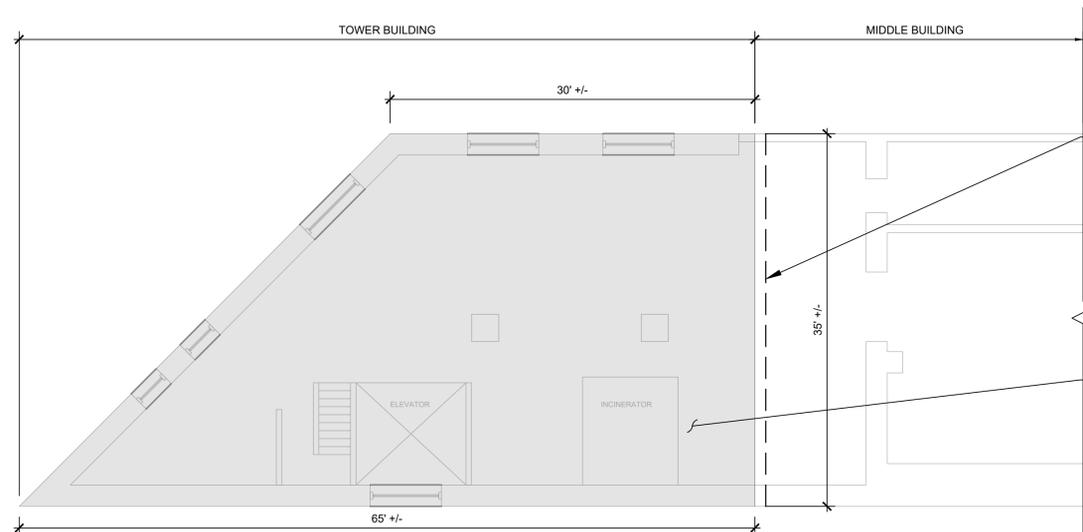
NOTE: FLOOR LAYOUTS AND DIMENSIONS ARE APPROXIMATE AND ARE BASED ON INFORMATION PROVIDED BY OTHERS.



INSTALL TEMPORARY SHORING OF STRUCTURAL FRAMING AT SOUTHWEST EDGE OF MIDDLE BUILDING. PLAN FOR EVENTUAL STRUCTURAL INFILL OF WALLS FOR CLOSURE OF BUILDING. FOLLOWING SHORING AND TOWER DEMOLITION, CONTACT ENGINEER FOR FURTHER INSPECTION. DO NOT INFILL WALLS PRIOR TO ENGINEER INSPECTION AND DESIGN. SOME CONTENT REMOVAL WILL BE REQUIRED TO ACCESS THE AREA FOR SHORING.

STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

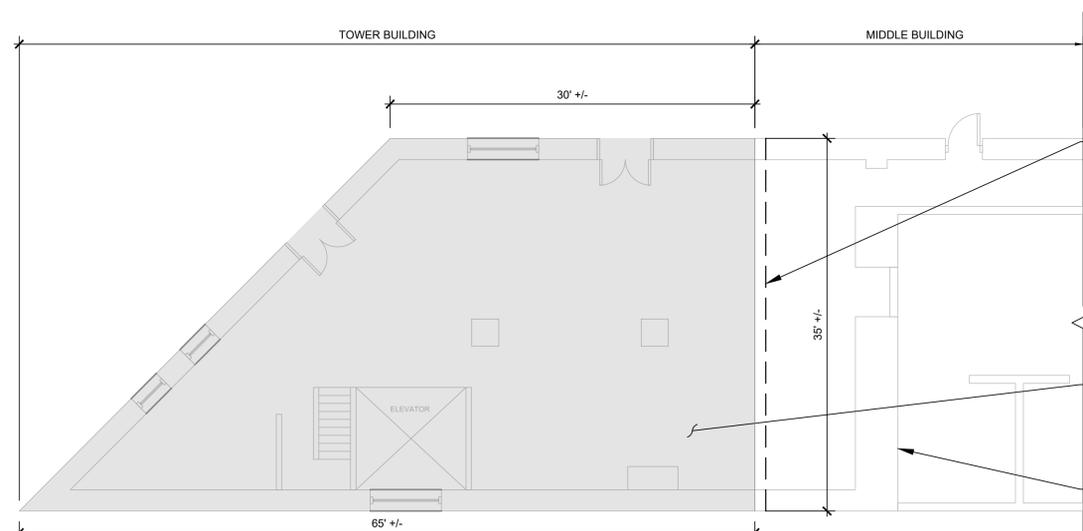
3 THIRD FLOOR DEMOLITION PLAN
N.T.S.



INSTALL TEMPORARY SHORING OF STRUCTURAL FRAMING AT SOUTHWEST EDGE OF MIDDLE BUILDING. PLAN FOR EVENTUAL STRUCTURAL INFILL OF WALLS FOR CLOSURE OF BUILDING. FOLLOWING SHORING AND TOWER DEMOLITION, CONTACT ENGINEER FOR FURTHER INSPECTION. DO NOT INFILL WALLS PRIOR TO ENGINEER INSPECTION AND DESIGN. SOME CONTENT REMOVAL WILL BE REQUIRED TO ACCESS THE AREA FOR SHORING.

STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

2 SECOND FLOOR DEMOLITION PLAN
N.T.S.



INSTALL TEMPORARY SHORING OF STRUCTURAL FRAMING AT SOUTHWEST EDGE OF MIDDLE BUILDING. PLAN FOR EVENTUAL STRUCTURAL INFILL OF WALLS FOR CLOSURE OF BUILDING. FOLLOWING SHORING AND TOWER DEMOLITION, CONTACT ENGINEER FOR FURTHER INSPECTION. DO NOT INFILL WALLS PRIOR TO ENGINEER INSPECTION AND DESIGN. SOME CONTENT REMOVAL WILL BE REQUIRED TO ACCESS THE AREA FOR SHORING.

STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

EXISTING WALL, TYP.

1 FIRST FLOOR DEMOLITION PLAN
N.T.S.

WJE ENGINEERS ARCHITECTS

WJE Engineers & Architects, P.C.
30700 Telegraph Road, Suite 3580
Bingham Farms, Michigan 48025
248.593.0900 tel | 248.593.8532 fax
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Atlanta | Austin | Boston | Chicago | Cleveland | Dallas | Denver | Detroit
Honolulu | Houston | Los Angeles | Minneapolis | New Haven | New York
Philadelphia | Princeton | San Francisco | Seattle | South Florida | Washington, D.C.

Consultants

Project

34 East Michigan Avenue
Tower Demolition Plan
34 East Michigan Avenue
Battle Creek, MI 49017

Client

City of Battle Creek
10 North Division Street
Battle Creek, MI 49014

| Mark | Date | Description |
|------|----------|----------------|
| 1 | 10-25-19 | OWNER'S REVIEW |



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|-------------|------------|
| Project No. | 2019.6706 |
| Date | 10/30/2019 |
| Drawn | JDB |
| Checked | RJS/BPC |
| Scale | As Noted |

Floors 1-3 Demolition Plans

Sheet Title

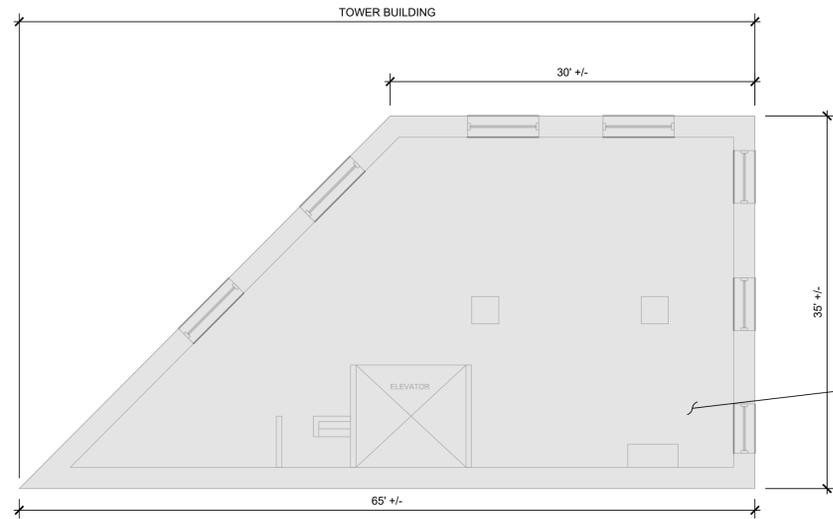
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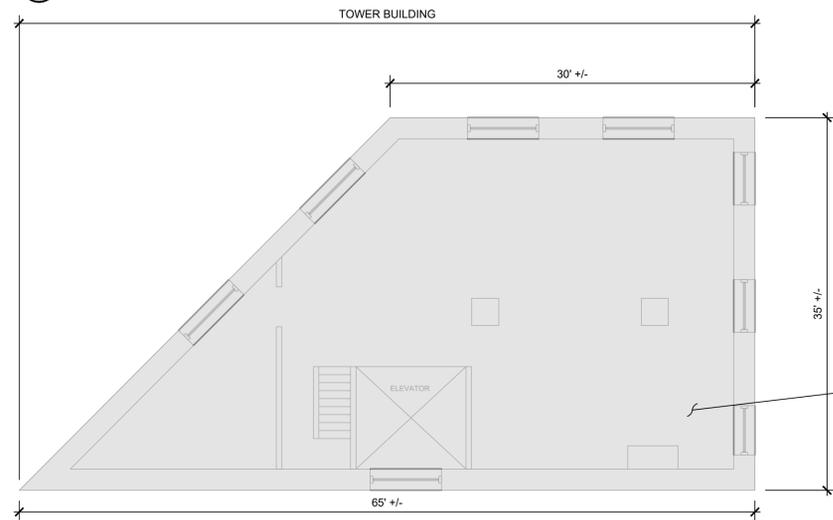
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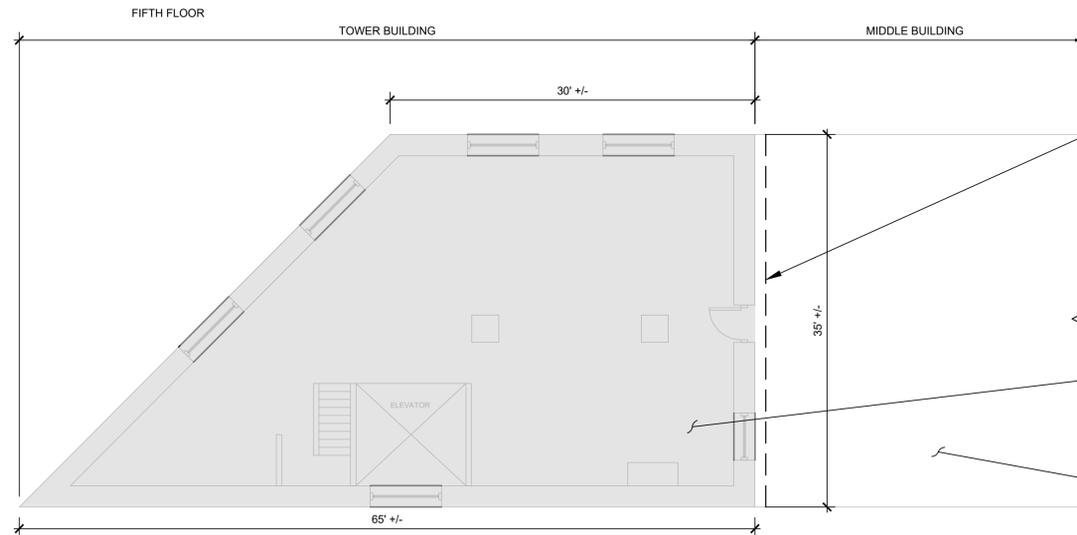
STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

3 SIXTH FLOOR DEMOLITION PLAN
N.T.S.



STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

2 FIFTH FLOOR DEMOLITION PLAN
N.T.S.



INSTALL TEMPORARY SHORING BELOW OF STRUCTURAL FRAMING AT SOUTHWEST EDGE OF MIDDLE BUILDING. PLAN FOR EVENTUAL STRUCTURAL INFILL OF WALLS FOR CLOSURE OF BUILDING. FOLLOWING SHORING AND TOWER DEMOLITION, CONTACT ENGINEER FOR FURTHER INSPECTION. DO NOT INFILL WALLS PRIOR TO ENGINEER INSPECTION AND DESIGN. SOME CONTENT REMOVAL WILL BE REQUIRED TO ACCESS THE AREA FOR SHORING.

STARTING AT THE ROOF LEVEL, CAREFULLY REMOVE ALL MATERIALS (WALLS, STRUCTURAL BEAMS AND COLUMNS, FLOOR, STORED CONTENTS) IN TOWER AREA.

PROVIDE RIGID PROTECTION (5/8IN. PLYWOOD OVER 2IN RIGID INSULATION, OVER COMPATIBLE SACRIFICIAL MEMBRANE) OVER ADJACENT ROOF AREAS

1 FOURTH FLOOR DEMOLITION PLAN
N.T.S.

WJE ENGINEERS ARCHITECTS

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Headquarters & Laboratories: Northbrook, Illinois
Atlanta | Austin | Boston | Chicago | Cleveland | Dallas | Denver | Detroit
Honolulu | Houston | Los Angeles | Minneapolis | New Haven | New York
Philadelphia | Princeton | San Francisco | Seattle | South Florida | Washington, D.C.

Consultants

Project

34 East Michigan Avenue
Tower Demolition Plan
34 East Michigan Avenue
Battle Creek, MI 49017

Client

City of Battle Creek
10 North Division Street
Battle Creek, MI 49014

| Mark | Date | Description |
|------|----------|----------------|
| 1 | 10-25-19 | OWNER'S REVIEW |



Project No. 2019.6706

Date 10/30/2019

Drawn JDB

Checked RJS/BPC

Scale As Noted

Floors 4-6 Demolition Plans

Sheet Title

Sheet No.

S1.1



Battle Creek Historic District Commission

Staff Report

34 E. Michigan Ave.

Meeting: December 9, 2019

To: Historic District Commission

From: Eric Feldt, Planner, AICP, CFM

Date: December 3, 2019

Subject: The application, filed by the City of Battle Creek, is for a Notice to Proceed for partial demolition of the building at 34 East Michigan Avenue that will comply with zoning and historic district commission requirements.

Summary

Staff recommends the approval of the subject Notice to Proceed because the application meets Chapter 1470.09(e) "Review of Applications." Staff's findings are provided at the end of this memorandum.

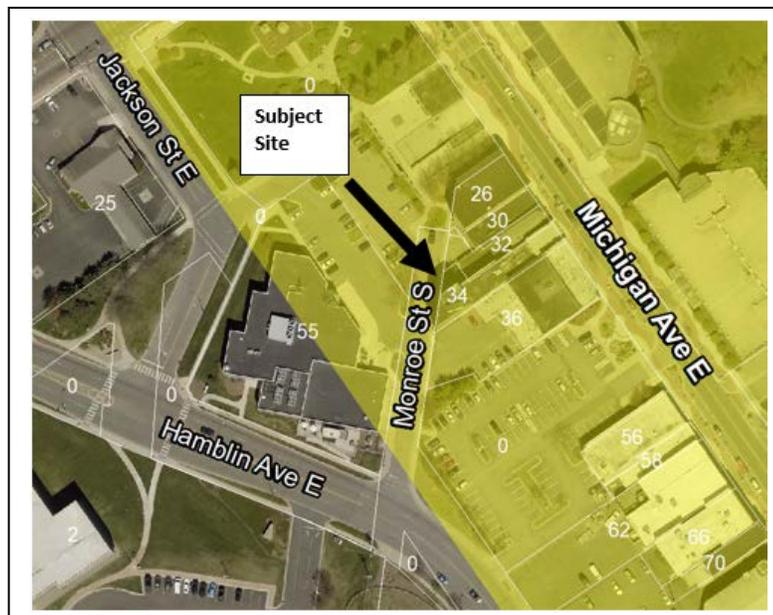


Figure 1. Location map showing subject site. Area in yellow is Central Business District local historic district.

Site & History

The subject building is known as the Binder Building, and is located at 34 E. Michigan Avenue in the local historic Central Business District (CBD). See Figures 1 & 2. This building consists of three sections: front section facing E. Michigan Avenue, middle section, and rear section facing Monroe Street South. According to the City's Assessor's data, the building was built in 1887. A slaughterhouse business occupied the building in its early years, followed by various restaurants. However, the building has been unoccupied during the past 20 years. It is currently used as general storage by the owner. The contents and value of which are unknown to staff. This building is quite long as it stretches from E. Michigan Avenue to S. Monroe Street. The building abuts other buildings along E. Michigan Avenue, and is surrounded by parking lots at the rear. The building varies in height, with three stories along E. Michigan Avenue (front) and six stories along S. Monroe Street (rear). The rear portion is known as the tower and is shaped as tall flat iron, making it one of the more unique buildings in the area.



Figure 2: Arrow points to subject site (34 E. Michigan Avenue) fronting E. Michigan Avenue and S. Monroe Street within the Central Business District local historic district (shading).

Background

In 2018, City Code Officials contacted the property owner about exterior property maintenance issues along the front and rear sections. Later in September of 2019, city staff was notified by a concerned citizen that the subject building was showing signs of exterior deterioration. The severity of deterioration warranted further investigations by city staff who had a local engineer/ architect use a lift to safely observe exterior and interior areas. They concluded that there was extensive cracks, fallen debris, and the collapse of the top two floors. Further, it was determined that the overall structure was in jeopardy of potential collapse. Due to possible imminent danger, the city established a perimeter fence to prohibit access to the building and had the power disconnected from the building. On October

4, 2019, the City Building Official, Richard Bolek, determined that the condition of the building violated the International Property Maintenance Code 2015, and that the building could no longer be occupied (pursuant to City Ord. # 1456). Several signs were posted at the property stating “Imminent Danger. This structure is unsafe and its occupants has been prohibited by the code official.” This Imminent Danger notice is attached.

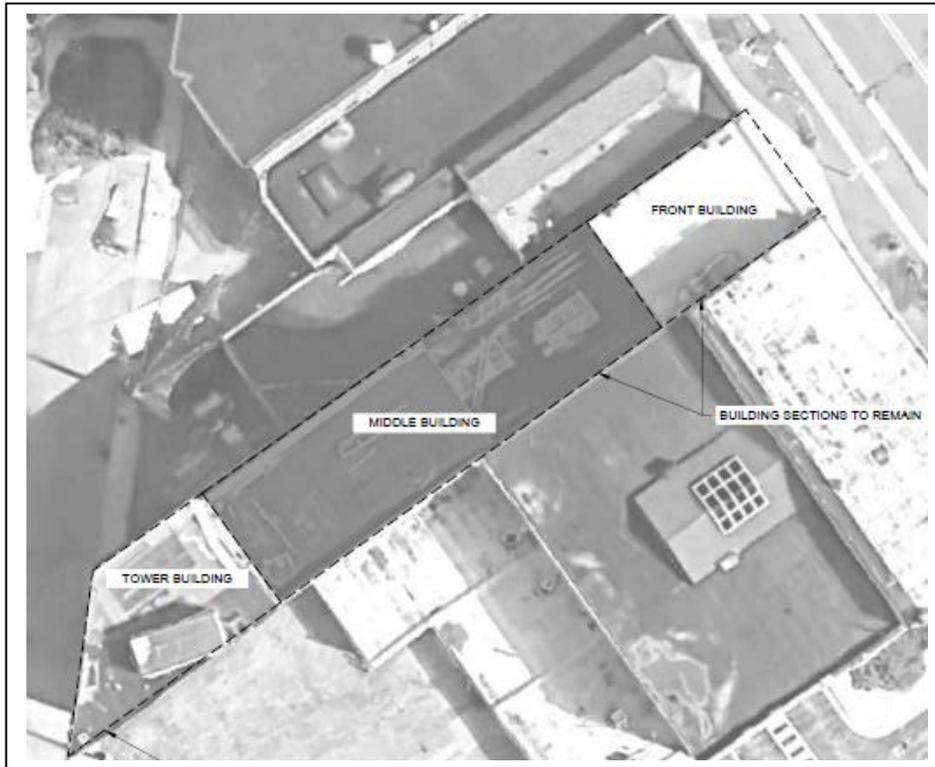


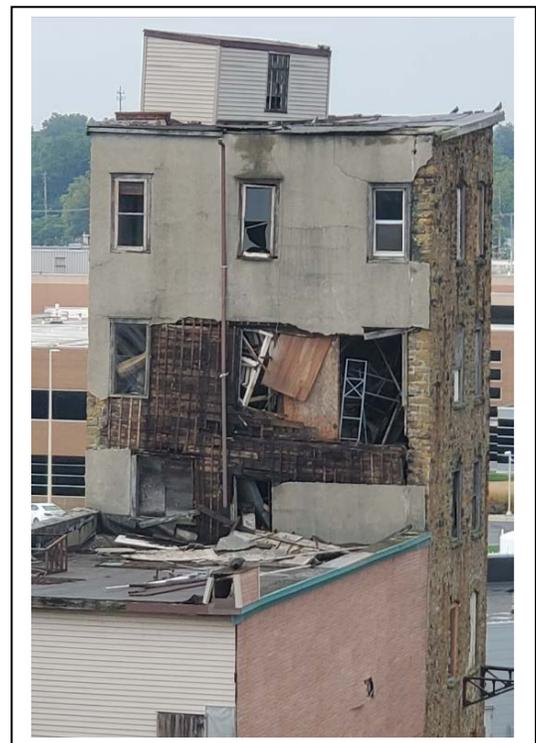
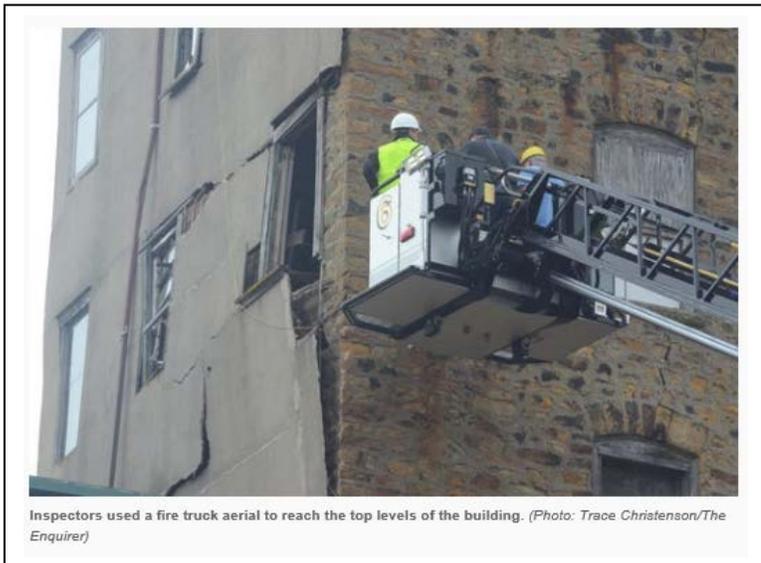
Figure 3. Shows sections of the building: front, middle, and tower (rear).

The sequence of events are noted in a letter dated September 11, 2019 from Mr. Bolek to Bryant DeBolt Trustee (subject property owner). This letter is attached. The letter further states that Mr. DeBolt sought an architect and engineer to assess options to either stabilize, demolish, or partial demolition. In the letter, Mr. Bolek asserted the urgency for Mr. DeBolt to choose an option and take action quickly due to potential building collapse and endanger of surrounding buildings. The letter indicated that the building’s condition would be reviewed by the HDC and later Dangerous Buildings Hearing. HDC review is required because the building is located in the local historic Central Business District. Further the building’s deteriorated condition warranted to staff to present it to the Dangerous Building Hearing.

During a special HDC meeting on September 16, 2019, Mr. DeBolt did not submit a plan of action; therefore, the HDC was only informed of the situation and had no action to vote upon. The September 16, 2019 HDC meeting minutes are attached. The HDC was informed that a proposed action for the building will be presented to the HDC in the near future. The subject HDC Notice to Proceed contains a plan of action for the HDC to now vote on.

During a special Dangerous Buildings Hearing on October 21, 2019, the City Building Inspector (Don Wilkinson) provided new information about the building’s worsened condition: the collapse of the 3rd

floor which now places additional pressure on lower floors and weight load. The roof lost more structural support with the collapsed 3rd floor. Large openings in the building are allowing more weather elements inside the building. The north wall is compromised and partially collapsed onto a lower roof section. Portions of adjacent buildings and parking areas were still unusable due to possible building collapse. In its current condition, Mr. Wilkinson recommended affirming the property as a Dangerous Building. “Mr. DeBolt states that his intent is to repair the building as best he can due to its historical nature, and would like the city to assist him an (and) saving it.” Mr. Bolek and Mr. Wilkinson expressed their concerns about the severe condition of the building, the stability needed for any repairs, and requiring engineered plans for any repairs and stabilization. Mr. DeBolt indicated that he would like to start work soon. The hearing concluded with the property deemed a Dangerous Building, and that Mr. DeBolt had 30 days to bring the building into compliance (with the International Property Maintenance Code 2015). The Dangerous Buildings Hearing minutes are attached. Thirty days concluded on November 20, 2019. As of the date of the subject memorandum, compliance has not been obtained.



Figures 4 & 5. (Left) Photograph showing the use of a lift truck in September to safely view various building conditions. Picture provided by Trace Christenson obtained from the Battle Creek Enquirer. (Right) Picture taken September 16, 2019 showing the buckling of the outer material of the back elevation near S. Monroe Street.

Summary of Request

On November 20, 2019, Ross Smith (Engineer and Associate Principle with Wiss, Janney, Elstner Associates Inc.) who is familiar with the building, emailed Mr. DeBolt of two options to address the building’s failing condition: 1) stabilize the tower building for a future unidentified use; or 2) full demotion of the tower building and stabilization of middle section. This email is attached. Mr. Smith

indicates that his team has not conducted a detailed construction analysis for these two options but the listed amounts are based on their knowledge of the building. The first option is expected to cost approximately \$3,000,000 to \$5,000,000 for stabilizing the tower building for future use. This work would consist of extensive perimeter scaffolding, long-term crane use, and many other safety requirements. Mr. Smith states “Frankly, the current state of the structure would make this very challenging. Further, the extensive amount of contents within the building complicates every step of this process for either option.” The second option would consist of full demotion of the tower building portion and stabilization of middle section, and cost approximately \$600,000 - \$850,000. Mr. Smith notes that additional costs may be incurred due to more detail drawings and analysis, debris removal, hazardous materials, etc.

At request by the City, an engineer’s drawing of a proposed demolition has been submitted pursuant to option two discussed above. This is demolition plan is attached. In summary, the proposal consists of removing the entire portion of the tower building (rear section) and constructing a new structural wall on the western portion of middle section. Demolition of the tower building will occur from top elevations to grade level through the use of a crane. Adjacent rooftops will be provided flat rigid insulation and plywood in the case of debris fall. All utilities will be disconnected from tower building. The demolition methodology shall comply with the 2015 Michigan Rehabilitation Code for Existing Buildings. As a result of the demolition, the property will comply with International Property Maintenance Code 2015.

Generally, demolition of a structure will not comply with the standards outlined in the Secretary of Interior’s Standards and Guidelines. And a demolition by not correcting building code and general building maintenance is likely considered a ‘demolition by neglect.’ See this term below.

1470.11 DEMOLITION BY NEGLECT

Upon a finding by the Historic District Commission that an historic resource within an Building Inspection Department Historic District or proposed Historic District is threatened with demolition by neglect, the Commission may require the owner of the resource to repair all conditions contributing to demolition by neglect. If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The cost of the work shall be charged to the owner and may be levied by the City as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.

As stated earlier, the building has been vacant for a number of years and maintenance has been deferred to the point of building collapse. The owner has not voluntarily addressed the building’s condition. Without taking immediate corrective action, the subject building could collapse and threaten the safety of neighboring buildings and the general public. The owner has passed the 30-day deadline issued at the 10-21-19 Dangerous Building Hearing to take corrective action. Therefore, the City of Battle Creek filed the subject HDC Notice to Proceed to take corrective action through Ch. 1470.11 *Demolition by Neglect*. The subject Notice to Proceed for demolition (option two discussed earlier) would satisfy the outstanding building code violations (International Property Maintenance Code 2015) and ensure the safety of the neighboring buildings and general public.

Applicable HDC Guidelines and Analysis for a Notice to Proceed to demolish the building located at 34 East Michigan Avenue.

This property is reviewed in accordance with City of Battle Creek Building and Housing Code Chapter 1470 "Historic Preservation", as amended, the Michigan's Local Historic Districts Act, as amended, and the criteria for the National Register of Historic Places as outlined in the Secretary of the Interior's Standards and Guidelines.

If the standards outlined in the Secretary of Interior's Standards and Guidelines cannot be met, the State Act and local ordinance (Ch 1470.09(e)) states that a notice to proceed **shall** be issued if any **one** of the following criteria is met:

(e) Work within a Historic District shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Historic District Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structures and occupants.

As stated earlier, the City of Battle Creek determined that the tower section of the building cannot be occupied because it's structural instability, imminent danger of collapse, and has been declared a 'Dangerous Building.' Structural instability will worsen and affect the adjoining buildings, if left unaddressed. Therefore, the tower section of the building constitutes a hazard to the safety of the public.

This criterion is met.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary planning and zoning approvals and financing and environmental clearances.

As of staff's knowledge, there is no major improvement program currently planned in the area around the subject building.

This criterion is not met.

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other event beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner.

The current condition of the tower building is the result of owner's control of deferring building maintenance and repairs. Due to the extent of deferring building maintenance and repairs, expensive undertakings will be needed to take corrective measures. Retaining the building and selling it, is an highly unlikely successful endeavor considering the current state of condition and high costs of demolition or repair. Retaining the building through relocation, is not feasible due to the structure instability.

This criterion is met.

(4) ***Retaining the resource is not in the interests of the majority of the community.***

Retaining a unique, historic building may likely be in the interest of the community. However, the building's current condition and history of deferred maintenance has the potential to harm adjacent buildings if further structural conditions decline and costlier repairs are needed to reinstate a new business. Therefore, retaining the resource is not in the interest of the majority of the community.

This criterion is met.

Criterion (e)(1), (3), and (4) are met.

Recommendation for Notice to Proceed

The City of Battle Creek submitted an application for a Notice to Proceed to demolish the tower section (rear portion) of the tower building section and stabilization of the middle building section of the site at 34 W. Michigan Avenue. Demolition has been chosen as meeting Ch 1470.09(e).

Staff recommends the HDC approve the subject Notice to Proceed to the City of Battle Creek for the demolition of the tower building portion and stabilization of the middle building section at 34 East Michigan Avenue, if the Commission finds that the application meets Chapter 1470.09(e) "Review of Applications".

HISTORIC DISTRICT COMMISSION
MEETING MINUTES
JANUARY 13, 2020
4:00 P.M.

CALL TO ORDER:

Chairperson Mr. Jim Hopkins called the meeting to order at 4:00 p.m.

ATTENDANCE:

Members Present:

| | |
|------------------|--------------|
| Jim Hopkins | Kim Tuck |
| Cody Newman | Ross Simpson |
| Mike Troutman | Trey White |
| John Paul Wilson | Kaytee Faris |

Members Absent:

Staff Present:

Marcel Stoetzel, Deputy City Attorney
Jill Steele, City Attorney
Christine Zuzga, Planning Manager
Glenn Perian, Senior Planner
Eric Feldt, Planner
Michele K. Jayakar, Customer Service Rep., Planning Dept.

ADDITIONS / DELETIONS TO AGENDA: Welcome new HDC member Trey White.

APPROVAL OF PREVIOUS MINUTES:

MOTION MADE BY MR. J.P. WILSON TO APPROVE THE MINUTES FOR THE DECEMBER 9, 2019 HISTORIC DISTRICT COMMISSION MEETING, SECONDED BY MR. CODY NEWMAN. ALL IN FAVOR; NONE OPPOSED; MINUTES APPROVED

CORRESPONDENCE: None

- A. OLD BUSINESS: H-14-19, City of Battle Creek (34 E. Michigan Avenue): Notice to Proceed for partial demolition of the building.**

Staff Presentation: Presentation given by Eric Feldt. Staff recommends the HDC approve the Notice to Proceed to demolish the tower section of the building at 34 E. Michigan Avenue, if the commission finds that the application meets Chapter 1470.09(2) "Review of Applications" as outlined in the staff report.

Applicant Presentation: Marcie Gillette states in October the property was in imminent danger and that no entry should be allowed. The impact on the community and the safety is the biggest factor being weighed by City Administration.

HDC Discussion:

Ross Smith a structural engineer from WJE gave a brief overview of his findings. He states it will be more cost effective to take down that portion of the building.

Battalion Chief Michele Hughey states the building is red flagged at Calhoun County Dispatch. No one will be entering the building in the event of a fire. The only entry that can be made is for rescue of life.

Public Comment:

Jill Anderson for Mr. Debolt states Michigan Historic Preservation Network President and structural engineer will be giving an assessment at 10 a.m. the following day

MOTION WAS MADE BY CODY NEWMAN TO TABLE H-13-19, 34 E.MICHIGAN AVE., NOTICE TO PROCEED FOR THE PARTIAL DEMOLITION OF THE BUILDING UNTIL THE NEXT COMMISSION MEETING. SECONDED BY COMMISSIONER SIMPSON.

Attorney Jill Steele states that in Section 9 of the ordinance states that you shall not consider other factors that are not in the ordinance. The Commission should not postpone in order to obtain further information, i.e., Historic Preservation Network structural engineer.

Commissioner Faris reinstated what the attorney said, that it is not within the powers of the HDC to decide to table such a vote.

Commissioner Tuck states he would call the question.

Chair Hopkins The criterion is not met in my eyes. I believe that we can defer the motion to postpone for a month because the four criterion have not been met.

Commissioner Newman asked if we are still on a motion.

Marcel Stoetzel answered that the motion was standing.

Jill Steele questioned that she thought they had agreed to rescind the motion.

Commissioner Simpson agreed to rescind his support on the previous motion.

Commissioner Newman didn't believe he had rescinded. He would rescind if no support.

Commissioner Tuck states we still need a motion either up or down.

Jill Steele states the motion is sitting there.

Commissioner Simpson states he will support.

Commissioner Newman rescind.

After some discussion the Commissioners were asked to vote on each question and express what they believe.

Question #1 Do you believe the resource constitutes a hazard to the safety of the public or the structures and occupants?

Commissioner Faris... Yes.
Commissioner Newman. No, not enough information.
Commissioner Simpson I don't believe there is enough information.
Commissioner Troutman. Yes, it is a hazard.
Commissioner Tuck It has met the criteria.
Commissioner Wilson No occupants, no danger. Does not constitute a hazard to the safety of the public.
Commissioner White Yes.

Item # 2 was determined by Staff not to have been met.

Item #3 Retaining the resource will cause undo financial hardship to the owner when a governmental action and Act of God or other event beyond the owner's control created the hardship and all feasible alternatives to eliminate the financial hardship which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District have been attempted and exhausted by owner.

Commissioner Faris... I agree with staff finding.
Commissioner Newman.... I do not feel there is enough information at this time.
Commissioner Simpson.... I don't agree with that finding.
Commissioner Troutman... I agree.
Commissioner Tuck..... Yes I would agree.
Commissioner Hopkins.. It has not been met.
Commissioner Wilson.... Criterion is not met.
Commissioner White....I believe it is met.

Item #4 retaining the resource is not in the interest of the majority of the community.

Commissioner Faris.... I believe this has been met.
Commissioner Newman... I do not believe this criteria has been met.
Commissioner Simpson... I don't believe that criteria has been met.
Commissioner Troutman... I do not believe it's been met.
Commissioner Tuck.... Has not been met.
Commissioner Wilson.. It has not been met.
Commissioner White... I also believe it has not been met.
Chairperson Hopkins.. I agree that it has not been met.

MOTION MADE BY CHAIRPERSON HOPKINS TO APPROVE A NOTICE TO PROCEED AT 34 E. MICHIGAN. MOTION SECONDED BY MR. KIM TUCK. VOTE ON MOTION: TWO FOR (KIM TUCK, MICHAEL TROUTMAN) FIVE AGAINST (CHAIRPERSON JIM HOPKINS, TREY WHITE, CODY NEWMAN, JOHN PAUL WILSON AND ROSS SIMPSON); MOTION DENIED.

B. NEW BUSINESS: 2020 Election of Board Members

A UNANIMOUS BALLOT WAS CAST FOR MR. CODY NEWMAN FOR VICE CHAIR. ALL IN FAVOR, APPROVED.

COMMISSIONER TUCK NOMINATED JIM HOPKINS FOR CHAIR. COMMISSION ROSS SIMPSON SECONDED THE NOMINATION. ALL IN FAVOR, APPROVED.

PUBLIC COMMENTS: None

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

ADJOURNMENT:

Chairperson, Mr. Jim Hopkins adjourned the meeting at 6:01 P.M.

Submitted by: Michele K. Jayakar, Customer Service Rep., Planning Department

Thursday, February 20, 2020

Michigan Historic Preservation Network
Mark Rodman, Executive Director
313 E. César E. Chávez Avenue
Lansing, MI 48906

**Structural
Engineers**

211 N. Fourth Avenue
Suite 2A
Ann Arbor, MI 48104
734 800 2460
silman.com

RE: Binder Building/34 E. Michigan Avenue Stabilization
Silman Project No 19427

Dear Mark:

The MHPN requested the services of Silman in January 2020 to provide structural engineering recommendations on the feasibility of stabilizing the property at 34 E. Michigan Avenue. This followed a city ordinance that deemed the buildings as dangerous in fall 2019.

The Binder Building, located at 34 E. Michigan Avenue in Battle Creek, Michigan, is a series of buildings, with the northernmost storefront along E. Michigan Avenue, a 6 story masonry tower at the southernmost edge of the lot, and a 2 story and 3 story building connecting the two. It has been privately owned for the past 33 years and is currently used as a storage facility for the owner's private collection. It has been unconditioned and uninhabited for most, if not all, of that time. The deferred maintenance on this unconditioned space has led to portions of the structures being in advanced states of deterioration.

Silman toured the site on Tuesday, January 14, 2020, with members of the MHPN, the owner, and the Fire Department. The entire team walked around the exterior of the building and viewed exterior elements via adjacent rooftops. Silman and the owner then proceeded to conduct an interior site walk through. There is a large amount of storage in all areas of the buildings; there is also a good amount of finishes (ceiling, flooring, walls) that remain throughout. Therefore, the site review was limited to structural conditions that could be seen. No destructive probing or removal of debris and storage was done. The walk-through was limited to areas deemed safe both from a stability standpoint (areas of advanced structural deterioration were avoided) and egress (the assessment did not venture past a point where a fast and speedy exit pathway could not be achieved through the space and collections).

This memo provides a review of the current conditions of the existing structure and provides recommendations to stabilize and repair the buildings, specifically the tower, such that it will not longer pose a threat to the community.

Existing Structure

The property with the 34 E. Michigan lot consists of four buildings (local information suggests only three buildings while the structures have four different roof lines). The northernmost building along E. Michigan Avenue is a three-story wood framed structure with a basement. The first floor is wood joists that frame between perimeter below grade masonry walls and a central steel girder that is supported on steel posts; the basement floor is slab on grade. The second floor, similarly, consists of wood joists spanning to perimeter walls and a central steel line of support. The third floor was hidden behind ceiling finishes; it was also inaccessible and therefore, the roof framing was not seen.

The second building, directly south of this first building, is a two-story wood framed building. One difference from the northern building is that the first-floor framing using a mixture of heavy timber girders and posts in lieu of the steel central support line that was used in the northern building. The second-floor framing consists of wood and steel framing with interior wood and steel posts, though due to existing finishes, the exact layout of framing could not be determined. There are skylights in the wood framed roof above the second floor.

The third building is another three-story wood framed building. Due to the congestion of material within the first and second floors, access was limited to a west side aisle through the basement that connected the second building to the tower.

All three buildings have stucco-ed masonry foundation walls. The above grade walls are a mix of brick on the west, stucco-ed walls on the east (building material could not be identified behind the stucco), and wood walls between the different spaces. The basement space is a continuous slab on grade, and all superstructures are predominantly wood framed with localized steel framing.

The southernmost tower deviates in design from the northern neighbors. It is a 6-story tower with three unreinforced rubble stone walls; the north wall, which is shared with the adjacent building, is wood framed above the third floor of the adjacent building; the walls within the shared interior space down to the basement are believed to be stone though it

has not been confirmed. The first floor is steel framed and supports a concrete arched pan joist floor system. Steel joists frame between the stone perimeter walls and central girders that are supported on steel posts. The upper floors are wood framed with a central line of timber posts breaking up the width. The roof has a built-up, wood-framed penthouse in the southeast corner of the building.

Conditions Assessment

The buildings range in condition from fair to poor, which the general level of deterioration becoming progressively worse as you move from north to south.

The limited areas of the first three buildings that were seen were in fair to good condition; the first-floor framing throughout the basement space appeared to be in fair condition, except for an area on the west end of the third building where wood framing is rotted at its bearing support into the west foundation wall. The majority of the foundation walls were stucco-ed with many areas cracked; their conditions could not be determined at this time.

At the upper floors and roofs of the first three buildings, interior finishes hide structure, but these wall finishes are intact without any cracking. The areas of removed ceiling finishes revealed localized areas of wood and steel framing rot/rust, most likely attributed to water infiltration from openings in the roof. When Silman visited the site, fresh plaster had fallen in the second story frontmost room, and water was actively dripping through the second building's skylight.

The tower appears to be in the worst condition of all the buildings with multiple collapsed floors that were revealed during the video survey. The exterior wall conditions vary from fair at grade to areas of extensive mortar loss and cracking higher up on the elevations. The north exterior wood wall that extends from the fourth floor to the roof has failed between the fourth and sixth floors; it is partially collapsed at the sixth floor but the perimeter framing element that supports this wall appears to be a steel beam which is in fair condition. The fifth floor wall is support by a timber beam that is fire cut laid into the ends of the east and west masonry walls; this beam has rotated out of position and because it has become dislodged from the building, the wall is has supported has collapsed.

All buildings are currently used for a significant amount of storage, most likely more than the buildings were intended for. However, right now, there have been no framing collapses in the first three buildings, while several of the floors of the tower above the second floor

have failed. The roof of the tower is beginning to collapse with the penthouse visible leaning toward the center.

Recommendations

The buildings are salvageable. From the very limited review, the front buildings do not appear to cause an immediate threat to the public. However, the following steps should be taken:

1. A team should access the building to begin removal of the excessive storage so that an engineer can safely move through the building to assess the rest of the buildings. This is most necessary above the first-floor level, though it is crucial to alleviate the loading on the floor framing.
2. All loose finished (ceiling, wall, flooring) shall be removed to make safe the space once the space is emptied. This will allow a skilled team to safely walk through the structure to determine areas where repairs may be necessary.
 - a. This removal of loose finish is to also occur on the exterior face of the walls, where the exterior stucco is failing and beginning to dislodge from the building.
3. From the walk-through, the engineer and architect may suggest selective probes through the remaining finish to determine the state of the floors, roofs, and walls so that proper repair scope can be documented and recommended.

The more immediate concern, the tower, is at a state where deferred maintenance will lead to structural instability and must be addressed. The means to stabilize this structure require stages of stabilization and storage removal that cannot happen independently of one another. The process will most likely be iterative in nature (some removal to access one area, stabilization of that area, continue removal in a second area, stabilization of that area, and so forth).

We foresee the following steps as necessary to achieve stabilization:

1. Remove debris/collapsed framing at the north exterior wall, including the fallen walls and rotated beam at the fifth floor. The means to achieve this need to be discussed with a contractor but some suggestions include the use of bucket lifts or creating staging at the east and west sides of the third building that and providing a platform over the north roof of the third building.
2. Install a new perimeter beam at the fifth floor; this can be a new steel beam or timber girder that would match the one at the sixth floor or the rotated/removed one at the fifth floor, respectively.

3. Restore the four exterior masonry walls using a combination of localized stone resetting and deep grouting. Based on limited site review, the walls need approximately 20% of localized stone resetting and 50% of deep grouting/pointing.
 - a. The stone resetting will need to be completed by a skilled mason who can carefully remove and reset the stones. A reserve of stone from a nearby quarry should be on hand in case any stones need to be replaced; assume 25% of the reset stone will need to be replaced.
 - b. The deep grouting/pointing campaign will need to include a study of the existing mortar to ensure that any new mortar matching the strength and durability characteristics of the existing mortar to ensure the materials do not compete with one another, causing further damage to the masonry.
 - c. Deep grouting/repointing would include raking out existing mortar at cracked and dislodged joints, preparing the void and injecting the area with the approved mortar.
4. Beginning from the rooftop, remove the penthouse structure which has failed and any other failed rooftop framing. Install a new perimeter beam at the roof level that spans between east and west walls. It can be installed under the existing roof framing so that it supports the central beam that is framed into this wall.
5. Demolish the remaining roof framing to access the lower floors.
6. At the rooftop level, install perimeter “beams” against all four walls, beginning on the east side and west side. These “beams” will be 4’-0” wide and consist of wood framing, possibly LVL and other engineered framing that can span the full length of the building north-south. The member adjacent to the wall should be continually anchored into the stone wall from the inside and frame into the north perimeter beam and south masonry wall (a collector wood beam can be installed against the inside face of the north wall and anchored continuously into the stone wall for easier framing of the east and west “beams”). Once the framing is in place, it can be sheathed with plywood.
7. Once the east and west “beams” are installed, north and south “beams” can be installed running parallel to the north and south walls and framing into the east and west “beams”. Once all four “beams” are framed and sheathed, the perimeter walls will be properly braced at that level AND they can act as a working platform for a crew to be inside the building and continue with the debris removal below.
8. Temporarily roof over the building once the platform “beams” at the roof level are complete. The temporary roof can be opened and closed as need be for the debris removal.
9. Begin removing the debris and collapsed sixth floor framing from the sixth floor from the rooftop platform above. When the level of removal allows the installation of the “beams” as described above, steps 6 and 7 can be completed slightly above the existing sixth floor. Placed the framing slightly above the floor will allow the demo team

to more easily remove the existing sixth floor framing once the debris removal and platform “beams” are complete.

10. Complete steps 6, 7, and 8 at the fifth through second floors.
11. Once the second floor is removed and the “beams” are in, remove the debris at the first floor. When the debris is removed to a point where it appears to be a safe working load over top the first floor, the contractor and engineer can assess the first floor framing from the basement space to decide whether the demo team can safely remove the remaining debris from the existing first floor instead of from overhead. Once the first floor can be assessed, it can be determined if the framing is in fair enough condition to remain in place. Assume the steel framing will need to be scraped and painted and the beam bearing ends into the wall need to be patched.
12. Once all the floors above are stable, the debris in the basement should be removed and the foundations assessed.
13. The perimeter platforms created at each floor could be kept in place as the beginning of future finished floor framing. Also, once the first floor framing is repaired (if necessary), new wood posts and girders can be installed up the building in their original location to complete the framing at each floor.

Conclusions

The buildings at 34 E. Michigan Avenue can be saved; however, they are at a state where immediate action is needed to alleviate the overburden on these buildings (by removing the necessary debris and storage throughout the buildings) and to stabilize the more advanced areas (most noticeably, the tower). We recommend that the unsafe areas continue to be cordoned off to prevent access until such time that a contractor can safely stabilize the structure. Note that the sequencing we note above is a suggestion and ultimately, the contractor retained to perform this work will have to determine the sequencing to stabilize the building in a safe manner. We can work with the selected contractor and their engineer to detail the stabilizations on drawings and specifications.

Sincerely,

A handwritten signature in black ink that reads 'Jenna Bresler'.

Jenna Bresler
Associate