

CITY OF EVANSTON
EVANSTON PRESERVATION COMMISSION
MEETING

Evanston Civic Center, Room 2200
2100 Ridge Avenue
Tuesday, January 13, 2009
7:00 P.M.

MINUTES

MEMBERS PRESENT: Jordan Cramer, Ann Dienner, Suzanne Farrand, Emily Guthrie, Kris Hartzell, Dian Keehan, Anne McGuire and Jon Willarson

MEMBERS ABSENT: Jon Pohl

OTHERS PRESENT: Chris Nesbitt, Thomas W. Conklin, Harry Lowrance, Liz Rorke, Phil Crihfield, Leonard Sciarra, and Elizabeth Kinney

PRESIDING: Jordan Cramer, Chair

STAFF: Carlos Ruiz

I. CALL THE MEETING TO ORDER

Jordan Cramer, Chair called the meeting to order at 7:05 p.m. with a quorum present (Ann Dienner, Dian Keehan, Kris Hartzell, Emily Guthrie, Jon Willarson, and Suzanne Farrand). Anne McGuire arrived shortly after. Staff: Carlos Ruiz.

II. COMMUNICATIONS/REPORTS

Report of the Nomination Committee and Election of the 2009 Preservation Commission Officers

Jon Willarson reporting for the Nomination Committee **moved** to elect the 2009 Preservation Commission Officers: Jordan Cramer as Chair, Emily Guthrie as Vice-Chair, and Kris Hartzell as Secretary. Ann Dienner **seconded** the motion. The motion **passed**. Vote: 8 ayes, 0 nays.

Carlos Ruiz said he received an email from Thomas Conklin regarding 917 Edgemere Court.

III. MINUTES

Approval of June 25, July 15, and December 16, 2008 Minutes

Emily Guthrie moved approval of the June 25, July 15 as submitted and the December 16, 2008 (as corrected). Ann Dienner **seconded** the motion. The motion **passed**. Vote: 8 ayes, 0 nays.

IV. UNFINISHED BUSINESS

A. REVIEW AND TECHNICAL ASSISTANCE COMMITTEE (R&TA)

1. **917 Edgemere Court (L/LSHD)** – Construction of a single-family home with a 3-car attached garage [**Construction**]

Chris Nesbit, owner presented the project. He said the detailed site plan is now prepared, and he submitted plans for a separate zoning analysis which was completed. The property and the site require no zoning variations for the land coverage, the permeable or impermeable surfaces. He said the last page of the drawings reflects the driveway, the path walk and the patio at the furthest east portion of the property. The concrete patio at the furthest east portion of the property is under the jurisdiction of the Army Corps of Engineers.

Chris Nesbitt said he had discussions about the concrete patio with the City's Building, Engineering and Zoning offices. He said the City does not require a permit for that work. That patio was replaced some ten years ago due to damage after a storm. He submitted to the Army Corps of Engineers two separate designs for stabilization of the steel sheet wall. They accepted the one that allows kickers - concrete reinforced stabilizers under ground. This will allow him to do a paver patio which is a permeable surface.

Chris Nesbitt said he was submitting floor plans for the home and that no other changes were made to the home. Ann Dienner asked about the extra kitchen on the second floor and whether that was supposed to be a coach house. C. Nesbitt said no. He submitted a letter to Zoning, it's meant to be an in-law space or a nanny space. The utilities are not separated and it is not a separate rental unit. Also, the inside pool would be in the exercise room.

Jordan Cramer said a discussion came up last time with regard to the side walk or the lack there of. One of the neighbors had said that there was a law suit. J. Cramer said that this is not something the Commission is going to or will express a view in terms of the side walk, he thought it is outside the Commission's jurisdiction because: One, the Commission is dealing with the view from the public way, which in this case is the lakefront and not Edgemere Court, which is not a public street. Two, it would not be subject to a permit issued by the City. Carlos Ruiz said that Assistant Director for Building had confirmed that side walks, walks on private property are not subject to a building permit. The applicant is required to submit for this type of construction for a zoning analysis and obtain a Zoning Certificate of Compliance. The Law Department confirmed that a Zoning Certificate of Compliance is not a permit. J. Cramer said for the record that the Commission is not expressing any views or opinions on whether a side walk is or should be there. The Commission's approval or disapproval of the project should in no way reflect at all upon that dispute.

Chris Nesbitt said he should have been provided with Thomas Conklin's correspondence so he could have prepared to respond to it, unless it was received today. Carlos Ruiz said the email was received today. J. Cramer said Mr. Nesbitt is welcomed to have a copy. He also said the Commission is not going to express a view on it. J. Cramer said for the record that M. Conklin submitted to the Commission a statement along the lines that he was expressing the Commission to state one way or the other whether or not the Commission was going to express a view on this. J. Cramer said he made it clear for the record that the Commission will not.

Thomas Conklin said he represents various property owners along Edgemere Court. The plans in front of the Commission they have not seen. They received two elevations, a west elevation, east elevation, two sides, a map, and no floor plan. He said it was his understanding that the Commission was not taking a position on the Edgemere Court easement. He said it is a 66' wide easement created in early 1900s which is now known as Edgemere Court. The law suit in the Circuit Court of Cook County was filed on behalf of a number of property owners to enforce those rights, including the right to have an uniform side walk, parkways, curbs and essentially unobstructed access to walk wherever they want to walk within that 66'. That is the subject of the suit. T. Conklin said he respected the Commission's position that any decision made today is not and should not be construed as approving or denying...for example where Mr. Nesbitt shows a side walk on these plans.

T. Conklin said his purpose tonight was to ask the Commission to state clearly on the minutes, so that he could show a Judge in the event Mr. Nesbitt's attorney or anybody else for that matter were to argue in Court that the Commission approved where the side walk is going or approved what is shown as brick pavers. He could say then, no they didn't. That the Commission expressly said they are staying out of this law suit. He asked that the minutes so reflect that.

Jordan Cramer said floor plans are irrelevant to the Commission's decision in terms of what is visible from the public way. The layout of a property is entirely up to the home owner, the exterior facades are what the Commission is concerned with. Carlos Ruiz said floor plans are requested so that the Commission can understand better the location of windows on the exterior elevations. T. Conklin said his point was that what the Commission was presented by Mr. Nesbitt is different than what the public was given. He did not know for instance if the south elevation that Mr. Crihfield, his client was given is the same as what the Commission is looking at.

Phil Crihfield of 900 Edgemere Court asked if the Commission's approval or disapproval apply to the foot print, so that if the foot print is not followed [they] would have recourse. Jordan Cramer said what the Commission is approving [or not] is what has been submitted, what is on record with the City. If something is built different than that, the owner would be in violation of the Certificate of Appropriateness and subject to having it potentially turn down. There is recent precedent for this, making one owner take out new windows and revert the windows, because he did not follow what the Commission had approved. J. Cramer said the public are the eyes and ears of the community, if they see something being built that is not in accordance with the plans, for example the height, they should let the City know. P. Crihfield asked will the minutes reflect the height, setback and foot print as depicted in the plan submitted to the Commission. Jordan Cramer said the minutes would reflect that the standards are: a) applicable and b) are found to be either in conformance or not in conformance. P. Crihfield asked if they will have recourse if there is a deviation from the plans as submitted to the Commission and as reviewed tonight. J. Cramer said if there is a deviation from the plans as approved and it is brought to the City's attention, the City will look into it, and certainly if it is not something the Commission approved, if it comes before the Commission, it will be addressed at that time.

Carlos Ruiz said the Commission is not looking at construction drawings and the applicant will have to submit construction drawings at the time when he applies for a building permit. It is not unusual that construction drawings deviate from the exact drawings that the Commission reviews. He, as staff, will have to make a judgment whether or not those alterations are more than what the Commission approved or reflect what the Commission approved. If it something very obvious (alteration) he will ask the applicant to [re]submit for the Commission's approval. For something like a Code issue such as a window, if the window reflects the same style, design and materials that the Commission approved, he would close the case. The intention is that the applicant is to submit drawings [for building permit] that would reflect what the Commission has approved.

Harry Lowrance of 919 Edgemere Court asked about the pier, there seems to be some type of an appendage sticking out into the Lake. He said that the Commission had established before that the Lake is part of the public way and looking toward Edgemere Court from the Lake there is nothing like that [on Edgemere Court]. C. Nesbitt said that element is a 6-foot extension of the patio; it is under the jurisdiction of the Army Corps of Engineers and they have approved it. It is a cantilevered semicircular patio with two stone staircases going down, so it does not touch the sand. The Army Corps has a program of eliminating sheet steel pylon walls or cover steel with natural materials or concrete coating. C. Nesbitt maintained that the Army Corps of Engineers had full jurisdiction and the City had said that they have no permit requirements what so ever. Jordan Cramer said if there is no permit issued from the City then the Commission would not review it. Carlos Ruiz said that the other

requirement is that the activity would need a building permit from the City. C. Nesbitt said that he has not absolutely decided to do the cantilever. It is something that he is considering, however, because of the scrutiny of plans and possible changes. He said he put it onto this plan (not shown on previous site plan) so no one would say that they knew nothing about it, if he decides to go that direction with the Army Corps of Engineers and the Department of Natural Resources.

Harry Lowrance asked what recourse they have in regard to the compliance of tonight's proceedings. J. Cramer said there are the meeting minutes and the standards that would be followed and that will become part of the record. C. Nesbitt said that Carlos Ruiz has to sign final plans before the building permits are issued. J. Cramer said that the City does the best they can with the resources they have. The neighbors are the best police out there.

Liz Rorke of 920 Edgemere Court said the neighbors and Commission have a disadvantage because construction drawings are not available, so details of what is being approved are not available. Her concern is that the height ends up resembling 35' and there is no rising grade level and that the setback is not closer to the street to its neighbors to either side. She wondered if something is not quantified how it could be enforced. Emily Guthrie said the Building [Department] enforces the code and plans.

Commission's Findings

R&TA recommendation: Emily Guthrie said standards for construction 1-11, 13 and 16 are applicable with the question if there is a fence. C. Nesbitt said that on the site plan it does call for a fence. There is an existing fence on the south property line, a 6-foot cedar fence, belonging to 911 Edgemere Court and a new fence on the north side, a 6-foot wrought iron (a 10-foot section) between 18" square Lannon stone piers. Jon Willarson **moved** to issue a Certificate of Appropriateness for the construction of the new house at 917 Edgemere Court in that: 1) height is visually compatible with properties around it, as are 2) proportion of front façade, 3) proportion of openings, 4) rhythm of solids to voids, 5) rhythm of spacing of structures, 6) rhythm of porches and recesses, 7) relationship of materials, 8) roof shapes, 9) walls of continuity, 10) and scale of the structure. Also, 13) archaeological resources will be turned in and 16) the Commission is not imposing a single architectural style. Emily Guthrie **seconded** the motion. The motion passed. Vote: 8 ayes, 0 nays

V. NEW BUSINESS

A. DISCUSSION ON THE PROPOSED GREEN BUILDING ORDINANCE

Leonard Sciarra, AIA, LEED, Chair of the Environmental Board and Elizabeth Kinney, Board member discussed with the Preservation Commission the proposed Green Building Ordinance. L. Sciarra said couple years ago the Environmental Board started working on an Energy Code. Now they are looking at a Green Building Ordinance that talks about energy, water, toxins, and transportation issues. Also the U.S. Green Building Council developed the LEED program; with a series of points to allow design flexibility. From out of 69 points one can attain gold, silver and platinum. Along with the Energy Commission the Environmental Board started working since 2006 with the City Council's Human and Services Committee. In between they worked on the Solar Panel Ordinance. The Solar Panel Ordinance was a text amendment to the Zoning Code.

Leonard Sciarra said in discussions with Carlos Ruiz they agreed that the Green Building Ordinance should be referred to the Preservation Commission. Ann Diener said that in one instance the Commission had to deal with solar panels on a landmark building. Emily Guthrie said the Commission dealt with solar panels in a back yard.

Leonard Sciarra said the Green Building Ordinance requires that all buildings of 10,000 S.F. or larger shall adhere do it. Single family homes do not apply. He said realizing the potential conflict between the Green Building Ordinance and the Preservation Ordinance what a challenge.

At first a blanket exemption was in placed for any building in a landmark historic district. The Environmental Board did not want to exempt all buildings within historic districts. The latest proposed ordinance includes now paragraph VI where if it is a landmark or a structure in a historic district; that before doing the Green Building Ordinance, they should present to the Preservation Commission for approval.

Carlos Ruiz said one of the issues is replacement of windows; the preservation approach is the repair rather than replacement. The Commission has approved for new construction double pane insulated glass windows. Also, the Commission approved once controversial wind turbines for a new house in a historic district. The neighbors were not very receptive to the wind turbines because they could see them from their rear yard. L. Sciarra said of the 69 points to be earned, only a small portion of those [materials] would be visible and under the purview of the Preservation Commission.

The Commission discussed the possibility of hosting a joint workshop with the Environmental Board to discuss preservation and green building initiatives. L. Sciarra said he has contacts with the Midwest Energy Efficiency Alliance and the Chicago Green Homes Program where there is a LEED for homes program. Jordan Cramer said there might be more tax, State and Federal incentives for people to do green buildings. He said the Preservation Commission and the Environmental Board could work together.

Leonard Sciarra, Elizabeth Kenney and the Commission revised the language on paragraph VI to say: "Landmark or historic structures in a historic district shall comply with the standards for review set forth in the Preservation Ordinance, Section 2-9-9."

Regarding the process L. Sciarra said the Building Department has a couple of tools; Building Permits and Certificates of Occupancy. The intention is when seeking a building permit, a LEED check list is submitted; presumably that would happen after zoning approval. J. Cramer said he envisions a process whereby the Commission would make a recommendation to the appropriate person or body regarding the Green Building Ordinance when dealing with a landmark building or historic district structure. In respect to Planned Developments that might happen up front.

Ann Dienner suggested adding on the first page, 9th WHEREAS "save natural resources" after 'save financial resources'. Anne McGuire suggested removing the word "new" before the word 'buildings' (9th WHEREAS, first line). L. Sciarra concluded his remarks and said the intent is to refer the green building projects to the Preservation Commission in cases of landmark structures. He also said that some points are awarded for reusing existing structures, doors and windows.

Jordan Cramer thanked Leonard Sciarra and Elizabeth Kinney for their presentation.

B. 2009 EVANSTON PRESERVATION AWARDS

Consideration on Appointing the 2009 Preservation Awards Committee

Emily Guthrie and Kris Hartzell volunteered to be part of the 2009 Preservation Awards Committee. The awards ceremony is expected to take place in front of the City Council during Preservation Month in May 2009.

C. 2009 PRESERVATION COMMISSION RETREAT

Consideration on Appointing the 2009 Preservation Commission Retreat Committee

Dian Keehan and Emily Guthrie volunteered to be part of the 2009 Preservation Commission Retreat Committee. The Commission set Saturday, April 4, 2009 as the date for holding the retreat. The location is yet to be determined.

VI. COMMENTS BY PUBLIC, COMMISSION MEMBERS, STAFF

No comments.

VII. ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Respectfully submitted:

Carlos D. Ruiz
Senior Planner/Preservation Coordinator

Date: 2/16/09