MEETING MINUTES
HISTORIC PRESERVATION ORDINANCE
REVIEW SUBCOMMITTEE
OF THE EVANSTON PRESERVATION COMMISSION

Thursday, March 2, 2017
8:00 A.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2404

Members Present: Robert Bady, Ken Itle, Tim Schmitt, Karl Vogel and Diane Williams
Members Absent: Sally Riessen Hunt and Mark Simon
Staff Present: Carlos D. Ruiz Preservation Coordinator
Others Present: Julie Hacker and Stuart Cohen
Presiding Member: Diane Williams, Chair

CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present Chair Williams called the meeting to order at 8:11 a.m.

APPROVAL MINUTES – February 10, 2017

Commissioner Itle made a motion to approve the February 10, 2017 minutes with the addition of Mark Simon as a Subcommittee member, seconded by Commissioner Bady. The motion passed unanimously. Vote: 4 ayes, 1 abstention (Tim Schmitt).

OLD BUSINESS

A. Historic Preservation Ordinance Review

1. Review of Section 2-8-9. - STANDARDS FOR REVIEW OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS (B) Standards for review of construction 15 and 16, (C), (D) and (E), and Section 2-8-10. - CERTIFICATE OF ECONOMIC HARDSHIP (A) and (B).

No discussion.

NEW BUSINESS

A. Historic Preservation Ordinance Review
1. 2-8-10. - CERTIFICATE OF ECONOMIC HARDSHIP (C) Consideration of Evidence to (M) Appeals and Section 2-8-11. - CERTIFICATE OF SPECIAL MERIT.

Subcommittee members discussed Section 2-8-10. - CERTIFICATE OF ECONOMIC HARDSHIP (C) Consideration of Evidence to (M) Appeals and Section 2-8-11. - CERTIFICATE OF SPECIAL MERIT, and made the following text amendments (new text) and deletions (deleted text):

2-8-10. - CERTIFICATE OF ECONOMIC HARDSHIP.

(C) Consideration of Evidence. In applying this standard, the Commission shall consider among other things any evidence presented concerning the following:

4. In the case of a For applications for Certificate of Economic Hardship proposing demolition, any estimates, prepared by licensed architects, real estate consultants and appraisers or other real estate professionals licensed or certified by the State and experienced in rehabilitation, as to the economic feasibility of restoration, renovation or rehabilitation of any existing structures or objects.

(D) Information to be Supplied by Applicant. The applicant shall submit by affidavit the following information:

2. Real property taxes for the previous two (2) three (3) years.

4. The current balance of any mortgages or any other financing secured by the property, structure, site or object, and the annual debt service, if any, for the previous two (2) three (3) years.

5. All appraisals obtained within the previous two (2) three (3) years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, structure, site or object.

8. For income producing property or structures, itemized income and expense statements from the property or structures for the previous two (2) three (3) years.

9. For other non-residential properties, itemized income and expense statements, as well as grants, endowments and other assets or funding sources.

9.10. Estimates, prepared by general contractors …certificate of appropriateness.

10.11. Form of ownership or operation of the property …joint venture or other.
11. Any other information … in Subsection 2-8-10(B).
12. Where applicable, evidence or documentation.

(F) Public Hearing. The Commission…therewith.

1. Notice of the time … the following methods:

   (a) By mailing of notification to the applicant and the owner of record of the affected landmark or property, structure, site or object site, building, structure or object in a district; and

   (b) By mailing of notification to the owners of record of all property within two hundred fifty feet (250') of the affected landmark or property, structure, site or object site, building, structure or object in a district; and

   (d) By publication in a newspaper of City-wide circulation. (insert standard notification by Law Department)

(G) Determination by the Commission. The determination by the Commission of whether the denial of the certificate of appropriateness has or has not resulted in economic hardship or the denial… reasons for the decision.

(H) Disapproval by Commission. If the determination of the Commission is to disapprove the application for a certificate of economic hardship, the applicant shall be notified within five (5) business days. The notice shall include a copy of the findings of fact. The Commission’s report will be provided within 35 days following the closing of the public hearing.

(I) Determination of Economic Hardship. (ASK LAW DEPARTMENT OR CHECK OTHER ORDINANCES)

2. A copy of the determination of the Commission together with the findings of fact shall be mailed to the applicant and transmitted to the Council or its duly authorized committee within five (5) thirty five (35) business days following the determination of economic hardship.

(J) Incentive Plan. (ASK LAW DEPARTMENT)

(K) City Council Consideration of Incentive Plan. (ASK LAW DEPARTMENT)

The Commission decided to ASK LAW DEPARTMENT to look at Section 2-8-10

Commissioner Bady left the meeting at this time

2-8-11. - CERTIFICATE OF SPECIAL MERIT.

(D) Public Hearing. Submission of Application for Certificate of Special Merit: Within five
(5) thirty five (35) business days of submission of an application for certificate of special merit the Commission shall transmit the application to the Council or its duly authorized committee.

(H) Approval of Certificate of Special Merit. Council shall transmit a copy of the ordinance approving a certificate of special merit to the Commission within five (5) fifteen (15) business days following the enactment of the ordinance. The Commission shall issue a certificate of appropriateness within five (5) thirty five (35) business days after the applicant:

(K) Denial of Certificate of Special Merit. (STOPPED HERE 3.2.2017)

PUBLIC COMMENT

No public comment.

DISCUSSION

The following discussion points were made during the review of Section 2-8-10. - CERTIFICATE OF ECONOMIC HARDSHIP (C) Consideration of Evidence to (M) Appeals and Section 2-8-11. - CERTIFICATE OF SPECIAL MERIT.

The Subcommittee noted that application forms for Economic Hardship and Special Merit will be created and made available as links in the Preservation Commission’s web page.

Section 2-8-10 (C) 1. – 5. - Should property appraisals be required as evidence? Answer: the value of a home is not found out until is listed. A check list of what is needed to provide could be included with the application form.

Section 2-8-10 (L) 4. – This provision applies for Economic Hardship cases only.

Section 2-8-10 (C) 4. The Subcommittee amended the text: In the case of a For applications for Certificates of Economic Hardship proposing demolition…

Section 2-8-10 (D) – The Subcommittee increased required information from two (2) to three (3) years in (D) 2, 4, 5 and 8.

Section 2-8-10 (F) 1. (a) and (b) The Subcommittee amended the text: structure, site or object site, building, structure or object In (d), insert standard language per Law department.

The Subcommittee discussed cases involving tax exempt properties, where no tax returns or appraisals may be available. Add to (B) the denial of a Certificate of Appropriateness, resulted in the denial of all reasonable use or return from the property, or some burdensome expense. What about tax exempt organizations? Ask Law Department.
The Subcommittee decided instead adding in D) a new paragraph: 9. For other non-residential properties, itemized income and expense statements, as well as grants, endowments and other assets or funding sources.

The Subcommittee made the following text amendments:

(G) Determination by the Commission. The determination by the Commission of whether the denial of the certificate of appropriateness has or has not resulted in economic hardship or the denial... reasons for the decision.

(H) Disapproval by Commission. If the determination of the Commission is to disapprove the application for a certificate of economic hardship, the applicant shall be notified within five (5) business days. The notice shall include a copy of the findings of fact. The Commission’s report will be provided within 35 days following the closing of the public hearing.

(J) Incentive Plan and (K) City Council Consideration of Incentive Plan. The Subcommittee discussed (J) and (K). The Subcommittee did not understand why these provisions are included, but are not necessarily a bad idea. The incentives are pretty broad. Chair Williams said she will look at other Ordinances. For non-residential properties, it might be good to know who the owners approached for funding. The Subcommittee determined to ask the Law Department to look at Section 2-8-10 CERTIFICATE OF ECONOMIC HARDSHIP in its entirety.

The Subcommittee noted that Economic Hardship is an appeal to the Preservation Commission first and then to the City Council, then to the Courts if denied.

The Subcommittee concluded that in Section 2-8-10, the incentives make it confusing and that City incentives are likely to be minimal. The Subcommittee agreed to ask the Law Department to look at Section 2-8-10.

Section 2-8-11 CERTIFICATE OF SPECIAL MERIT.

Carlos Ruiz said the Certificate of Special merit was used once for the demolition of a landmark and the City block for the construction of the movie theaters on Maple Avenue.

(D) Public Hearing. Submission of Application for Certificate of Special Merit: Within five (5) thirty five (35) business days of submission of an application for certificate of special merit the Commission shall transmit the application to the Council or its duly authorized committee.

ADJOURNMENT

Commissioner Itle made a motion to adjourn the meeting at 9:30 am, seconded by Commissioner Vogel. Motion passed unanimously. Vote: 4 ayes, 0 nays

The next Subcommittee meeting is April 6, 2017.

Respectfully Submitted,

Carlos D. Ruiz
Preservation Coordinator, Community Development Department