



Landmarks Ordinance

and the Rules and Regulations of the Commission on Chicago Landmarks



CITY OF CHICAGO
RAHM EMANUEL, MAYOR

Commission on Chicago Landmarks
Rafael M. Leon, Chairman

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The Commission on Chicago Historical and Architectural Landmarks was created in 1957 by the City Council. It served primarily as an advisory board, whose principal purpose was to compile a list of significant buildings.

In 1968, the City Council adopted a landmarks ordinance that gave the Commission the responsibility of recommending to the Council which specific landmarks should be protected by law. The ordinance also gave the Commission the authority to review building permits for landmarks, to ensure that any proposed alterations would not negatively affect the character of the landmark.

In 1987, the ordinance was revised to more clearly articulate the processes for landmark designation and permit review and to add an economic hardship provision for owners. The Commission also was renamed the Commission on Chicago Landmarks at that time.

In 1997 and 1999, other revisions were made to the ordinance, including regarding the status of “pending” landmarks, the waiving of permit fees for owners of landmark properties, and requiring review by the City Council of any demolitions approved by the Commission. In 2009, the Commission membership was expanded from 9 to 10 members (to add an additional ex-officio member as part of a city department reorganization). Effective January 1, 2011, the ordinance was amended to return the membership of the Commission from ten to nine members (including one ex-officio member).

As of February 3, 2011, when this document was printed, there were 349 designated landmarks: 296 individual landmarks and 53 landmark districts and 7 district extensions.

COVER: The staircase of the Rookery Building at 209 S. LaSalle St., a structure designed by Burnham and Root in 1885. The Rookery's restored atrium is one of the city's most famous interior spaces. (Photograph by Richard Nickel, 1972)

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The Commission on Chicago Landmarks is governed by the Chicago Landmarks Ordinance, Chapter 2-120, Sections 580 to 920, of the Municipal Code of Chicago (the “Code”).

The Landmarks Ordinance along with other excerpts from the Code relating to Landmark buildings and districts comprise the first part of this publication. The excerpts compiled herein are solely intended to create a ready reference for interested persons and the citizens of Chicago. Any bracketed text contained herein is provided for convenience only and intended to assist the reader in using this document—said text is not part of the Code and shall not in any manner be construed as modifying, amending, or affecting in any way the Code. Information provided herein should not be used as a substitute for legal, accounting, real estate, business, tax or other professional advice. The City of Chicago assumes no liability for any damages or loss of any kind that might arise from the use, or misuse of, any information contained herein. The official and governing copy of the Code is available from the Office of the City Clerk of Chicago.

The second half of this document relates to the adopted Rules and Regulations of the Commission on Chicago Landmarks governing the conduct of its meetings, hearings and other business.

Chicago Landmarks Ordinance

Chapter 2-120, Article XVII: Commission on Chicago Landmarks

[Purpose and Duties]

2-120-580 Purpose. It is hereby declared necessary for the general welfare of the citizens of the City of Chicago as an exercise of the home rule authority of the City of Chicago under Article VII, Section 6, of the Illinois Constitution, to protect and encourage the continued utilization of areas, districts, places, buildings, structures, works of art, and other similar objects within the City of Chicago eligible for designation by ordinance as "Chicago Landmarks." The purpose of these sections is the following:

1. To identify, preserve, protect, enhance, and encourage continued utilization and the rehabilitation of such areas, districts, places, buildings, structures, works of art, and other objects having a special historical, community, architectural, or aesthetic interest or value to the City of Chicago and its citizens;
2. To safeguard the City of Chicago's historic and cultural heritage, as embodied and reflected in such areas, districts, places, buildings, structures, works of art, and other objects determined eligible for designation by ordinance as "Chicago Landmarks";
3. To preserve the character and vitality of the neighborhoods and Central Area, to promote economic development through rehabilitation, and to conserve and improve the property tax base of Chicago;
4. To foster civic pride in the beauty and noble accomplishments of the past as represented in such "Chicago Landmarks";
5. To protect and enhance the attractiveness of the City of Chicago to homeowners, home buyers, tourists, visitors, businesses, and shoppers, and thereby to support and promote business, commerce, industry, and tourism and to provide economic benefit to the City of Chicago;
6. To foster and encourage preservation, restoration, and rehabilitation of areas, districts, places, buildings, structures, works of art, and other objects, including districts and neighborhoods, and thereby prevent urban blight and in some cases reverse current urban deterioration.

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7. To foster the education, pleasure, and welfare of the people of the City of Chicago through the designation of "Chicago Landmarks";
8. To encourage orderly and efficient development that recognizes the special value to the City of Chicago of the protection of areas, districts, places, buildings, structures, works of art, and other objects designated as "Chicago Landmarks";
9. To encourage the continuation of surveys and studies of Chicago's historical and architectural resources and the maintenance and updating of a register of areas, districts, places, buildings, structures, works of art, and other objects which may be worthy of landmark designation; and
10. To encourage public participation in identifying and preserving historical and architectural resources through public hearings on proposed designations, building permits, and economic hardship variations.

2-120-590 The Commission – Creation, composition and officers.

There is hereby created a Commission on Chicago Landmarks. The Commission shall consist of nine members, eight of whom shall be appointed by the Mayor by and with the consent of the City Council of the City of Chicago. The ninth member shall be the Commissioner of Housing and Economic Development or his designee. The members shall serve without compensation. One of the members shall be designated by the Mayor as chairman, another as vice-chairman, and another as secretary. For the purposes of sections 2-120-580 through 2-120-920, the "Commission" means the Commission on Chicago Landmarks. [Amend. 1/1/11]

2-120-600 Commission membership and meetings. A majority of the members of the Commission shall constitute a quorum. The Commission shall meet on the call of the chairman or four if its members. The term of each member shall be for four years and until a successor is appointed. No more than four members shall be replaced in a one year period. Commission members shall be selected from professionals in the disciplines of history, architecture, historic architecture, planning, archaeology, real estate, historic preservation, or related fields, or shall be persons who have demonstrated special interest, knowledge, or experience in architecture, history, neighborhood preservation, or related disciplines.

2-120-610 Powers and Duties. The Commission shall have and may exercise the following duties, powers, and responsibilities:

1. To conduct an ongoing survey of the City of Chicago for the purpose of identifying those areas, districts, places, buildings, structures, works of art, and other objects of historic or architectural significance; the results of such an

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ongoing survey shall be carried and transmitted online on the City of Chicago website and the website identification shall be carried on the City of Chicago TV Public Access Channel.

2. To hold hearings and to recommend that the City Council designate by ordinance areas, districts, places, buildings, structures, works of art, and other objects as official "Chicago Landmarks," if they qualify as defined hereunder, and to recommend that such designation include all or some portion of the property or any improvements thereon;
3. To cause plaques to be manufactured and installed that identify the significance of designated landmarks and landmark districts;
4. To prepare and publish maps, brochures, and other descriptive and educational materials about Chicago's landmarks and landmark districts and their designation and protection;
5. To review permit applications for alteration, construction, reconstruction, erection, demolition, relocation, or work of any kind affecting landmarks and structures or unimproved sites in landmark districts and to require the presentation of such plans, drawings, elevations, and other information as may be necessary to review those applications;
6. To advise and assist owners or prospective owners of designated or potential landmarks or structures in landmark districts on technical and financial aspects of preservation, renovation, rehabilitation, and reuse, and to establish standards and guidelines therefore;
7. To apply for and accept any gift, grant, or bequest from any private or public source, including agencies of the federal or state government, upon approval of the City Council, for any purpose authorized by these provisions;
8. To make recommendations to the City Council concerning means to preserve, protect, enhance, rehabilitate, and perpetuate landmarks and structures in landmark districts;
9. To adopt, publish, and make available rules of procedure and other regulations for the conduct of Commission meetings, hearings, and other business;
10. To prepare and present nominations of landmarks and historic districts to any state or federal registers of historic places;

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11. To assume whatever responsibility and duties may be assigned to it by the State under Certified Local Government provisions of the National Historic Preservation Act of 1966, as amended;
12. To cooperate with and enlist the aid of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, renovation, rehabilitation, and reuse;
13. To advise any City department or agency concerning the effects of its actions, programs, capital improvements, or activities on designated or potential landmarks;
14. To consider whether denial of permits affecting landmarks and structures or unimproved sites in landmark districts results in economic hardship to property owners;
15. To exercise any other power or authority necessary or appropriate to carry out the purpose of these provisions.

[Criteria for Landmark Designation]

2-120-620 Criteria. The Commission shall familiarize itself with areas, districts, places, buildings, structures, works of art, and other objects within the City of Chicago which may be considered for designation by ordinance as "Chicago Landmarks," and maintain a register thereof. In making its recommendation to the City Council for designation, the Commission shall limit its consideration solely to the following criteria concerning such area, district, place, building, structure, work of art, and other objects:

1. Its value as an example of the architectural, cultural, economic, historic, social, or other aspect of the heritage of the City of Chicago, State of Illinois, or the United States.
2. Its location as a site of a significant historic event which may or may not have taken place within or involved the use of any existing improvements.
3. Its identification with a person or persons who significantly contributed to the architectural, cultural, economic, historic, social, or other aspect of the development of the City of Chicago, State of Illinois, or the United States.
4. Its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.
5. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or

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development of the City of Chicago, the State of Illinois, or the United States.

6. Its representation of an architectural, cultural, economic, historic, social, or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art, or other objects that may or may not be contiguous.
7. Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community, or the City of Chicago.

[Landmark Designation Process]

2-120-630 Preliminary Recommendation. The Commission may, by resolution, make a preliminary landmark recommendation if the Commission determines that an area, district, place, building, structure, work of art, or other object: (1) meets two or more of the criteria required for landmark designation, and (2) has a significant historic, community, architectural or aesthetic interest or value, the integrity of which is preserved in light of its location, design, setting, materials, workmanship, and ability to express such historic, community, architectural, or aesthetic interest or value. The Commission shall send, by certified mail, return receipt requested, written notice of such recommendation to the owner of the property. The Commission shall also notify in writing the alderman of each ward in which the property is located and all relevant City departments. [Amend.2/26/97]

2-120-640 Request for Planning Report. Upon adoption of a resolution making a preliminary recommendation, the Commission shall request a report from the Commissioner of Housing and Economic Development which evaluates the relationship of the proposed designation to the Comprehensive Plan of the City of Chicago and the effect of the proposed designation on the surrounding neighborhood. The report shall also include the Commissioner's opinion and recommendations regarding any other planning considerations relevant to the proposed designation and the Commissioner's recommendation of approval, rejection, or modification of the proposed designation. The report shall be submitted to the Commission within 60 days of the request, if the proposed designation is of an area, place, building, structure, work of art, or other object, or within 90 days, if the proposed designation is a district, and shall become part of the official record concerning the proposed designation. The Commission may make such modifications, changes, and alterations concerning the proposed designation as it deems necessary in consideration of any recommendation of the Commissioner of Housing and Economic Development. If the Commissioner declines or fails to submit a report within the time

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provided herein, the Commission may proceed with designation.
[Amend. 1/1/11]

2-120-650 Request for Owner Consent. The Commission shall thereafter, by first-class mail, notify the owner of the property of the reasons for and effects of the proposed designation and request that the owner consent in writing to the proposed designation. The owner shall respond within 45 days from the date of mailing of the request. In the case of the proposed designation of an area, place, building, structure, work of art, or other object, the owner may, within the 45-day period, request an extension of time, not to exceed 120 days, to submit a response. In the case of the proposed designation of a district, the alderman of a ward in which the district is wholly or partly located may, within the 45-day period, request an extension of time, not to exceed 120 days, for owners to submit responses. If the owner consents to designation, the Commission shall notify the owner of its determination with respect to the proposed designation within 45 days after receipt of the owner's consent and shall forward its recommendation to the City Council as provided in Section 2-120-690. If the owner declines or fails to give written consent to the proposed designation within the time specified in this Section, the Commission shall schedule a public hearing on the proposed designation.

2-120-660 Building Owned by a Religious Organization. No building that is owned by a religious organization and is used primarily as a place for the conduct of religious ceremonies shall be designated as a historical landmark without the consent of its owner.

2-120-670 Notice of Public Hearing. Prior to conducting a public hearing under this Chapter 2-120, the Commission shall give written notice of the date, time, and place of the hearing to any owner of the subject property. The Commission shall also cause to be posted, for a period of not less than 15 days immediately preceding the hearing, a notice stating the time, date, place, and matter to be considered at the hearing. The notice shall be prominently displayed on the place, building, object, or structure or on the public ways abutting the property, and, in the case of designation of areas or districts, the notices shall be placed on the principal boundaries thereof. In addition, not less than 15 days prior to the hearing, the Commission shall cause a legal notice to be published in a newspaper of general circulation in the City of Chicago setting forth the nature of the hearing, the property, area, or district involved, and the date, time, and place of the scheduled public hearing.

2-120-680 Public Hearing on Designation. The Commission shall provide a reasonable opportunity for all interested persons to present testimony or evidence under such rules as the Commission may adopt governing the proceedings of a hearing. At the hearing each speaker shall state his name, address, and the interest which he represents. The hearing may be continued to a date certain, and a transcript and record shall be kept of all proceedings. A person, organization, or other

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legal entity whose use or whose members' use or enjoyment of the area, district, place, building, structure, work of art, or other object proposed for designation may be injured by the designation or the failure of the Commission to recommend designation may become a party to a designation proceeding. Any person, organization, or other legal entity whose use or enjoyment of the area, district, place, building, structure, work of art, or other object designated as a landmark may be injured by the approval or disapproval of a proposed alteration, construction, reconstruction, erection, demolition, or relocation of a proposed or designated landmark may become a party to a permit application proceeding. The foregoing shall include, without limitation, persons, organizations, or other legal entities residing in, leasing, or having an ownership interest in real property located within 500 feet of the property line of the proposed or designated landmark or within the proposed or designated landmark district.

2-120-690 Commission Recommendation following hearing. Within 30 days after the conclusion of a public hearing, the Commission shall determine whether to recommend the proposed landmark designation to the City Council. If the Commission makes a determination to recommend a designation to the City Council, it shall set forth its recommendation in writing including findings of fact relating to the criteria for designation in Section 2-120-620 that constitute the basis for its decision and shall transmit its recommendation to the City Council, to the owner of the property, and to the parties appearing at the public hearing. If 51 percent of the owners of the property in a district responding to the request for consent file written objections to designation, a recommendation of landmark designation of that district must be approved by the affirmative vote of six members of the Commission. The Commission shall also transmit to the City Council the official record of its proceedings concerning the recommended designation. If the proposed designation is of an area, place, building, structure, work of art, or other object, the Commission shall transmit its recommendation to the City Council within 180 days from the date of receipt of the report of the Commissioner of Housing and Economic Development, or, if no report has been received, within 240 days from the date of the Commission's request for the report. If the proposed designation is of a district, the Commission shall transmit its recommendation to the City Council within 240 days from the date of receipt of the report of the Commissioner of Housing and Economic Development, or, if no report has been received, within 330 days from the date of the Commission's request for the report. If, however, an extension of time has been granted under Section 2-120-650, the time allowed for submission under this section shall be extended by the same number of days. [Amend. 1/1/11]

2-120-700 City Council Consideration of Designation. The City Council shall give due consideration to the findings, recommendations,

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and record of the Commission in making its determination with respect to the proposed designation of any area, district, place, building, structure, work of art, or other object having a significant historic, community, architectural, or aesthetic interest or value. The City Council may, in its discretion, hold public hearings on any such recommended designation. The City Council may by ordinance designate an area, district, place, building, structure, work of art, or other object: (1) meeting two or more of the criteria stated in Section 1-120-620 hereof, and (2) having a significant historic, community, architectural or aesthetic interest or value, the integrity of which is preserved in light of its location, design, setting, materials, workmanship, and ability to express such historic, community, architectural, or aesthetic interest or value, as a "Chicago Landmark." The City Council may direct that a suitable plaque or plaques be created by the Commission appropriately identifying said landmark. The plaque may be affixed to private property only if the owner or owners consent in writing. [Amend.2/26/97]

2-120-705 Time In Which Recommendation May Be Considered. If the City Council does not take final action upon any landmark recommendation submitted by the Commission on Chicago Landmarks to the City Council within 365 days of the date upon which the recommendation is filed with the City Council, landmark designation based upon the recommendation of the Commission shall be granted. The Historical Landmark Preservation Committee of the City Council shall hold timely hearings and report its recommendation to the City Council. [Amend. 2/26/97]

2-120-710 Preservation Easements. The Commission may consider and recommend to the City Council the adoption of a preservation easement for any designated landmark or for any building, area, district, or place which meets the criteria for landmark designation. If an owner of any property proposes to the Commission a preservation easement, the Commission shall hold a public hearing on the proposal in accordance with Sections 2-120-670 and 2-120-680 prior to recommending that the City Council accept the proposed easement.

2-120-720 Notice of Designation. Immediately following official designation by the City Council or pursuant to Section 2-120-705, the Commission shall notify the Department of Buildings of the City of Chicago of the designation. The Commission shall also, within 10 days of the official designation, send a notice of the designation and a summary of the effects of designation to the owner of the property by first-class mail. The Commission shall also file with the Recorder of Deeds of Cook County, the Assessor of Cook County, the Bureau of Maps and Plats of the City of Chicago, and all other relevant City departments, a certified copy of the designation ordinance.

2-120-730 Amendment, Recision, and Reconsideration. Any designation of an area, district, place, building, structure, work of art, or other similar object as a "Chicago Landmark" shall only be amended or rescinded in the same manner and procedure as the original designation was made. If the Commission votes not to recommend a proposed designation to the City Council or if the City Council has refused to designate a proposed "Chicago Landmark," then the Commission may reconsider such proposed designation only if: (1) the Commission finds that a substantial change in circumstances has occurred or new information becomes available relative to the criteria set forth in Section 2-120-620; or (2) the owner of the property consents to such reconsideration in writing.

[Permit Review Process]

2-120-740 Alteration, Relocation, or Demolition of Landmarks -- Permit Review Requirements. No permit for alteration, construction, reconstruction, erection, demolition, relocation, or other work shall be issued to any applicant by any department of the City of Chicago without the written approval of the Commission for any area, district, place, building, structure, work of art, or other object for which the Commission has made a preliminary recommendation for landmark status or which has been designated as a "Chicago Landmark" in the following instances: (1) where such permit would allow the alteration or reconstruction of or addition to any improvement which constitutes all or a part of a landmark or proposed landmark; or (2) where such permit would allow the demolition of any improvement which constitutes all or a part of a landmark or proposed landmark; or (3) where a permit would allow the construction or erection of any addition to any improvement or the erection of any new structure or improvement on any land within a landmark district; or (4) where a permit would allow the construction or erection of any sign or billboard within the public view which may be placed on, in, or immediately adjacent to any improvement which constitutes all or part of any landmark or proposed landmark. Any City department which receives an application for a permit as defined in this section shall forward the application, including copies of all detailed plans, designs, elevations, specifications, and documents relating thereto, to the Commission within seven days of receipt thereof. It shall be a violation of this ordinance for an owner to perform, authorize, or allow work or other acts requiring review without a permit.

2-120-750 Permit Review for Pre-Existing Work. Erection, construction, reconstruction, alteration, or demolition work begun pursuant to a properly issued permit prior to a preliminary recommendation for landmark status shall not be subject to review by the Commission unless such permit has expired, been canceled or revoked, or

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the work is not diligently proceeding to completion in accordance with the Chicago Building Code.

2-120-760 Preliminary Decision by Commission. Within 15 days of its receipt of an application for a permit, as defined in Section 2-120-740, the Commission shall issue in writing a preliminary decision approving or disapproving the application and shall notify the applicant and the appropriate City departments of its preliminary decision.

2-120-770 Preliminary Approval of Permit by Commission. If the Commission finds that the proposed work will not adversely affect any significant historical or architectural feature of the improvement or of the district, and is in accord with the Standards for Rehabilitation set forth by the United States Secretary of the Interior at 36 C.F.R. 67, as amended from time to time, as well as the Commission's published procedures, the Commission shall issue a preliminary approval of the application. Upon receipt of the Commission's preliminary approval, the appropriate City department shall proceed in its usual matter with its own review of the application. No substantial change shall be made to the work proposed in the application for the permit after approval by the Commission without resubmittal to the Commission and approval thereof in the same manner as for the original application.

2-120-780 Preliminary Disapproval of Permit by Commission. If the Commission finds that the proposed work will adversely affect or destroy any significant historical or architectural feature of the improvement or of the district or is inappropriate or inconsistent with the designation of the structure, area, or district or is not in accordance with the spirit and purposes of this ordinance or does not comply with the Standards for Rehabilitation established by the Secretary of the Interior, the Commission shall issue a preliminary decision disapproving the application for permit; provided, however, that if the construction, reconstruction, alteration, repair, or demolition of any improvement would remedy conditions imminently dangerous to life, health, or property, as determined in writing by the Department of Buildings, or the Board of Health, or the Fire Department, the Commission shall approve the work notwithstanding other considerations relating to its designation as a "Chicago Landmark" or to the fact that the Commission has made a preliminary recommendation for landmark status.

2-120-790 Informal Conference. Within 10 days after receiving the Commission's notice of preliminary disapproval, the applicant for permit may request in writing an informal conference before the Commission for the purpose of securing compromise regarding the proposed work so that the work will not in the opinion of the Commission adversely affect any significant historical or architectural feature of the improvement or district and will be appropriate and consistent with the spirit and purposes of this ordinance. The

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Commission shall hold such conference within 15 days after receipt of the request. The Commission shall consider with the applicant every means for substantially preserving, protecting, enhancing, and perpetuating the special historical or architectural feature of the improvement or district, including investigating the possibility of modifying the proposed work, the possibility of any alternative private use of the structure or structures that would substantially preserve its special features, and the possibility of public incentives for enhancing the use of the structure or structures or district involved. If the Commission and the applicant for permit reach accord through the informal conference, the Commission shall issue its approval of the application for permit as modified and so notify the applicant and the appropriate City departments in accordance with Sections 2-120-760 and 2-120-770.

2-120-800 Public Hearing on Permit Application. If within 30 days after the conclusion of an informal conference under Section 2-120-790, the Commission and applicant for permit have failed to reach accord or if the applicant fails to request an informal conference within 10 days of receiving notice as provided in Section 2-120-790 [also see Article IV-E of the *Rules and Regulations*], the Commission shall commence a public hearing on the permit application in accordance with Sections 2-120-670 and 2-120-680. The public hearing shall be concluded within 90 days after the Commission has disapproved the permit unless the applicant requests or agrees in writing to an extension of time. The Commission shall, within 30 days after the conclusion of the hearing, issue a written decision approving or disapproving the permit application. The decision shall contain the findings of fact that constitute the basis for the decision consistent with the criteria in Section 2-120-740. The Commission shall send written notice of its decision to the applicant by certified mail return receipt requested, to the appropriate City departments, to all parties registered at the public hearing, and to the City Council.

2-120-810 Final Commission Decision. Unless the decision is subject to City Council review under Section 2-120-825, the written decision of the Commission approving or disapproving an application for a permit under Section 2-120-800 shall be on the date it issues a final administrative decision appealable to the Circuit Court of Cook County under the provisions of the Illinois Administrative Review Act, Ill. Rev. Stat. Chapter 110. Sec. 3-101 *et seq.* (1985).

2-120-815 Permit Fee Waivers. Notwithstanding any other provision of this code to the contrary, the City Council shall, by the passage of an appropriate order, waive any fees charged by the City of Chicago for the issuance of any permit for which approval of the Commission is required pursuant to this chapter. [Added 2/26/97]

2-120-820 Expedited Consideration of Designation and Permit.

Notwithstanding any other provision in this ordinance, if an owner of an area, parcel within a district, place, building, structure, work of art, or other object for which the Commission has made a preliminary recommendation pursuant to Section 2-120-630 applies for a permit, and if the Commission issues a preliminary disapproval of the application, pursuant to Sections 2-120-760 and 2-120-780, the Commission shall schedule and conduct a public hearing on both the proposed designation and the application for permit and shall notify the City Council of its recommendations thereon within 90 days of the date the application for permit is received by the Commission. If the Commission fails to make its recommendation on designation to the City Council within 90 days, then the application for the permit shall be deemed approved by the Commission. If the Commission submits its recommendation within 90 days and the City Council does not pass an ordinance granting the proposed designation within 90 days after the recommendation of the Commission, then the application for permit shall be deemed approved by the Commission.

2-120-825 Permits for Demolition of Landmarks - City Council Approval Required.

(a) Notwithstanding any other provision of this ordinance to the contrary, except as provided in subsection (c), in the case of any permit application for the demolition of 40% or more of any building or other structure designated as a “Chicago Landmark” or located in any district designated as a “Chicago Landmark”, the Commission’s decision approving an application issued under Section 2-120-770, Section 2-120-790 or Section 2-120-800 shall be subject to review by the City Council. Upon issuing its decision approving an application, the Commission shall forward a recommendation for the approval of the permit application, in writing, to the Committee on Historical Landmark Preservation of the City Council. Within 75 days after the receipt of the Commission’s recommendation, the Committee on Historical Landmark Preservation shall vote to consider the Commission’s recommendation and vote to recommend that the City Council accept or reject the Commission’s recommendation. At the next regular meeting of the City Council following the following the Committee’s vote, unless the matter is deferred and published in accordance with state law, the City Council shall, by passage of an appropriate order, accept or reject the Commission’s recommendation. If the matter is deferred and published, the City Council shall, by passage of an appropriate order, accept or reject the Commission’s recommendation at the next regular meeting of the City Council following the meeting at which the matter was deferred and published. If the City Council does not accept or reject the Commission’s recommendation within the time specified herein, the Commission’s recommendation shall be deemed to be accepted. The City Council’s decision shall be based on whether the proposed demolition will adversely

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affect any significant historical or architectural feature of the improvement or the district, and is in accord with the Standards for Rehabilitation set forth by the United States Secretary of the Interior at 36 C.F.R. 67, as amended from time to time, as well as the criteria to review demolition as set forth in the Rules and Regulations of the Commission.

(b) For purposes of this section, 40% or more of a building or structure shall mean 40% or more of the significant historical or architectural features identified in the ordinance designating the building or structure or the district in which the building or structure is located a "Chicago Landmark"; provided that, if no significant features were identified in the designation ordinance, the entire building or structure shall be deemed a significant feature for purposes of this section.

(c) This section shall not apply to permit applications for the demolition of: (i) any building or structure that is necessary to remedy conditions imminently dangerous to life, health or property, as determined in writing by the Department of Buildings, the Board of Health or the Fire Department; or (ii) auxiliary buildings or structures such as garages. Within 30 days of the Commission's decision approving a permit application for a building or structure pursuant to subsection (c)(i) of this section, the Commission shall forward to the Committee on Historical Landmark Preservation of the City Council a written report informing the Committee of the Commission's decision and stating the reasons for its decision. [Added 9/1/99]

[Economic Hardship]

2-120-830 Application for Economic Hardship Exception. Upon final notification from the Commission or the City Council of a decision to deny an application for a permit to construct, reconstruct, alter, add to, demolish, or relocate property given a preliminary recommendation for landmark status or designated a "Chicago Landmark," the applicant may within 30 days apply to the Commission for an economic hardship exception on the basis that the denial of permit will result in the loss of all reasonable and beneficial use of or return from the property. The Commission shall develop regulations that describe factors, evidence, and testimony that will be considered by the Commission in making its determination.

2-120-840 Public Hearing on Economic Hardship Exception. The Commission shall schedule and hold a public hearing on the application for an economic hardship exception within 30 days from receipt of the application. Notice of the date, time, place, and subject matter of the hearing shall be provided in accordance with Section 2-120-670 and, in addition, shall be provided in writing to all persons who presented

testimony at the public hearing on the permit application under Section 2-120-800. The hearing shall be concluded within 90 days after the application for exception has been received by the Commission. All interested persons shall be allowed to participate in the hearing as provided in Section 2-120-680. The Commission or the hearing officer may solicit expert testimony or relevant information from the applicant. A record of the proceedings shall be kept by the Commission.

2-120-850 Commission Decision on Economic Hardship Exception. Within 60 days following conclusion of the hearing under Section 2-120-840, the Commission shall determine whether denial of the permit denies the applicant of all reasonable and beneficial use of or return from the property. The determination shall be accompanied by a report stating the reasons for the decision. In the case of a finding of economic hardship, the decision shall also be accompanied by a recommended plan to relieve any economic hardship. This plan may include, but is not limited to, property tax relief, loans or grants from the City of Chicago or other public or private sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations including a transfer of development rights, or relaxation of the provisions of this ordinance sufficient to allow reasonable beneficial use of or return from the property.

2-120-860 Appeal from Commission Decision. The determination by the Commission pursuant to Section 2-120-850 approving or disapproving an application for an economic hardship exception shall, on the date it issues, be a final administrative decision appealable to the Circuit Court of Cook County under the provisions of the Illinois Administrative Review Act, Ill. Rev. Stat. Chapter 110, Sec. 301-1, *et seq.* (1985).

2-120-870 Report to City Council. Upon a determination by the Commission pursuant to Section 2-120-850 finding an economic hardship, the Commission shall forward its decision, report, and proposal to the Finance Committee of the City Council.

2-120-880 City Council Consideration of Economic Hardship Exception. The Finance Committee of the City Council shall give prompt consideration to the decision, report, and recommended plan to relieve economic hardship filed by the Commission hereinabove provided, and shall recommend to the City Council within 60 days after the receipt of said report whether or not said owner relief plan, as modified or not by the Finance Committee, shall be approved or disapproved.

2-120-890 City Council Decision on the Exception. The City Council, within 30 days following said Finance Committee recommendation, shall approve or disapprove by ordinance a plan to relieve economic hardship to the owner. If the City Council does not approve a plan to relieve economic hardship within the time specified, the plan to relieve economic hardship shall be deemed to be denied and the

permit shall issue. If the City Council approves a plan to relieve economic hardship that requires that any action be taken by City departments or agencies, the action shall be initiated within 30 days following passage of the ordinance.

2-120-900 Hearing and Hearing Officer. In any hearing conducted by the Commission pursuant to Section 2-120-680, 2-120-800, or 2-120-840 hereof, the Commission may designate any Commission member or members or any other person as hearing officer to hold such hearing and take evidence. No member of the Commission absent from the entire hearing shall be eligible to vote on any matter which is the subject of the hearing until such member is provided with transcripts or tapes of the testimony heard and evidence presented at such hearing. The Commission, in making its determination, shall take into account any written opinion of the appointed hearing officer, if any, on the evidence presented.

[Penalties and Remedies]

2-120-910 Penalties and Remedies. The following penalties and remedies shall be applicable to violations of this ordinance:

1. Penalties: Failure to perform any act required by this ordinance or performance of any action which is prohibited by said sections shall constitute a violation thereof. Every day on which a violation exists shall constitute a separate violation and a separate offense. Any person violating any of the provisions of this ordinance shall be subject to a fine of not less than \$500 nor more than \$1,000 for each offense. In addition, if the owner of property designated a "Chicago Landmark" willfully or through gross negligence causes all or any part of the property to be demolished or substantially destroyed or altered without the approval of the City Council or the Commission, as the case may be, then no permit to construct a new structure or improve said structure shall be issued for said property or for the land upon which the landmark stood within five years of the date of the demolition or alteration. Thereafter for a period of 20 years, commencing at the end of the five-year period herein before stated, any application for a building permit on the subject premises shall follow the procedure heretofore set out in Sections 2-120-740 through 2-120-800.
2. Remedies: Notwithstanding the provisions of subsection (1) hereof, in the event any building or structure is erected, constructed, reconstructed, altered, added to, or demolished in violation of this ordinance, the City of Chicago may institute appropriate proceedings to prevent or remedy such unlawful

Excerpts From The Municipal Code Of Chicago

erection, construction, reconstruction, alteration, addition, or demolition.

2-120-920 Severability. If any provision of this ordinance or application thereof to any person or circumstance is invalid, such invalidation shall not affect other provisions or applications of the Act which can be given effect without invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Chicago Streets, Public Ways, Parks, Airports and Harbors Code

Title 10, Chapter 28, Section 017: Structures On and Under Public Ways

10-28-017 Public Way Use Permit – Fees. (a) (1) No fee shall be charged for a public way use that is on or above the public way for the following: (i) In the case of a residential building, as that term is defined in Section 17-17-02146, constructed in or before 1922, a public way use that is part of the original construction and is a permanent structure of the building; provided that in the case of a mixed used building, any public way use that solely is for the use or benefit of any commercial or business activity in the building shall pay the fees as provided for in subsection (b); or (ii) in the case of a landmark building, any part of the building which is on or over the public way, including a clock or light fixture if the clock or light fixture is part of the landmark designation.

For purposes of this section, a landmark building shall also include any building, other than a non-contributing building in a landmark district.

(2) For any public way use which is below grade level or under the public way or other public place for any building specified in subsection (a)(1) of this section, the fee shall be as set forth in subsection (b). [See Sec. 10-28-017(b) through Sec. 10-28-017(c) for fee schedule and further information.]

Chicago Building Code

Title 13, Chapter 32, Sections 020 and 120: Building Permits

13-32-020 Exceptions. A permit shall not be required for any minor repairs [...] as may be necessary to maintain existing parts of buildings, but such work or operations shall not involve [...] changes in the materials of roofs, and windows and exterior walls visible from a public street of properties designated as Chicago landmarks in accordance with applicable provisions of Chapter 1(2-120) of this.

13-32-120 Construction Contrary to Permit -- Stop Work Order. It shall be unlawful for any owner, agent, architect, structural engineer, contractor, or builder engaged in erecting, altering, or repairing any building, structure or portion thereof to make any departure from the drawings or plans, as approved by the Commissioner of Buildings, of a nature which involves any violation of the provisions of this Code on which the permit has been issued. Any such departure from the approved drawings and plans involving a violation of requirements, shall operate to void the permit which has been issued for such work.

Where any work done under a permit authorizing erection, alteration, or repair of a building, structure or portion thereof, is being done contrary to the approved drawings and plans, the Commissioner of Buildings or the President of the Board of Health shall have the power to stop such work at once [...] Nothing in this paragraph shall be construed to prevent minor changes in arrangement or decoration which do not affect the requirements of any provisions of this Code, except where they affect significant features, as communicated in the report of the Commission of Chicago Landmarks, of a Chicago landmark designated in accordance with applicable provisions of Chapter 1(2-120) of this code.

13-32-200 Fences – Permit Required. It shall be unlawful for any person to erect or construct any fence more than five feet in height, or a solid fence of any height visible from a public street on property containing a Chicago landmark designated in accordance with applicable provisions of Chapter 1(2-120) of this code, without first obtaining a permit from the Executive Director [of the Department of Construction and Permitting].

**Title 13, Chapter 196, Section 205:
Existing Buildings – Minimum Requirements Code**

13-196-205 Automatic Sprinkler System Installation in Existing High-Rise Buildings. Subject to the exceptions listed below, every existing building exceeding 80 feet in height above grade shall be protected throughout by an approved automatic sprinkler system meeting the requirements of Chapter 15-16 of this Code unless otherwise provided by Section 13-196-207. The owner of each such building shall, no later than September 1, 2005, submit for approval to the bureau of fire prevention a plan for compliance with the requirements of this section. The requirements of this section shall be enforceable against the building owner and against any subsequent owner.

Every building subject to the provisions of this section shall comply with the following schedule for installation of an approved automatic sprinkler system: one-third of the gross square footage of the building shall be equipped with automatic sprinklers by January 1, 2009; two-thirds of the gross square footage of the building shall be equipped with automatic sprinklers by January 1, 2013; and the entire gross square footage of the building shall be equipped with automatic sprinklers by January 1, 2017. Buildings subject to any of the following exceptions 3 through 7, inclusive, shall comply with the requirements of Section 13-196-206. [See Sec. 13-196-205 for *Exception Number 1* through *4*.]

Exception Number 5: A building designated as a Chicago Landmark pursuant to Article XVII of Chapter 2-120 of this Code unless the landmarked building is required to be equipped with an automatic sprinkler system by other provisions of this Code.

Exception Number 6: A building within a landmark district designated pursuant to Article XVII of Chapter 2-120 of this Code and determined to be a contributing building unless the contributing building is required to be equipped with an automatic sprinkler system by other provisions of this Code.

Exception Number 7: A building color-coded red or orange in the *Chicago Historic Resources Survey*, published in 1996, unless the building is required to be equipped with an automatic sprinkler system by other provisions of this Code.

For purposes of this section, “non-transient residential” means a residential use other than a hotel, motel, bed-and-breakfast establishment, dormitory, transitional shelter, emergency shelter or other temporary residential use.

**Title 13, Chapter 200, Sections 100 and 110:
Rehabilitation Code**

13-200-100 Historic Preservation. When authorized by the Building Commissioner, any repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conforming to all of the requirements of this Code when:

- a) The building or structure has been recommended for designation by the Commission of Chicago Historical and Architectural Landmarks as designated by the city council as a "Chicago Landmark" having special historical or architectural significance;
- b) Any unsafe conditions are corrected in accordance with approved plans. Unsafe conditions include those which in relation to the existing use constitute a hazard to safety, health, or public welfare, either within the building itself or to adjacent buildings, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment;
- c) The restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.

Interpretation Note: The Chicago Department of Buildings has rendered an interpretation of this Section of the Building Code. Please see "Policy for Emergency Ladders" in the Interpretation Appendix.

13-200-110 Commission on Chicago Historical and Architectural Landmarks. The Commission on Chicago Historical and Architectural Landmarks shall examine and advise the Building Commissioner whether the proposed work meets with their approval for all applications for building permits for alterations, additions, repairs or demolition of any building or structure designated as a "Chicago Landmark" or located within a Chicago Landmark District. Such examination shall be made after application for the permit is filed but before review by the Department of Buildings. This examination shall be based on the appropriateness of the proposed work in relation to the spirit of the Landmarks Ordinance and consistent with the most recent guidelines available from the Commission on Chicago Historical and Architectural Landmarks. In cases where the proposed work would remedy conditions imminently dangerous to life, health, and property, the commission shall approve the permit application for emergency repairs notwithstanding other considerations relating to its status as a "Chicago Landmark."

Chicago Building Infrastructure Code

Title 18, Chapter 13, Section 101.4.2: Energy Conservation

18-13-101.4.2 Historic Buildings. The provisions of this chapter relating to the alteration, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures that have been, either individually or as part of a landmark or historic district, designated as Chicago Landmarks under Chapter 2-120 of the Municipal Code of Chicago, or listed in the State or National Register of Historic Places. Such buildings are only exempt from these chapter requirements as they apply to the exterior envelope of a building or structure and any designated interior in instances where these chapter requirements conflict with the requirements of the Chicago Landmarks Ordinance as determined by the Commission on Chicago Landmarks. This exception only applies to existing structures that are designated landmarks or are contributing buildings within landmark or historic districts, not non-contributing buildings, new construction or new additions.

Chicago Zoning Ordinance

Title 17, Section 4-1022:

Adopt-a-Landmark

[Downtown Districts – Floor Area Bonuses]

17-4-1022-A Planned Development Approval

Floor area bonuses for “adopting an historic landmark may be approved only in accordance with the planned development procedures of Sec. 17-13-0600. These bonuses are in addition to the permitted floor area bonuses set forth in Sec. 17-4-1004 through Sec. 17-4-1017. The site for which the bonus is requested must be located in a dash 5, 7, 10, 12 or 16 “D” district. [See Sec. 17-4-1022-B through Sec. 17-4-1022-C for further information on **Adopt-a-Landmark Guidelines** and **Bonus Formula.**]

Title 17, Section 13-1003-G:

Authorized Administrative Adjustments

17-13-1003-G Setbacks in Landmarks Districts

1. The Zoning Administrator is authorized to approve an *administrative adjustment* to reduce the depth of a *front setback*, *rear setback* or *side setback* for buildings in official Chicago Landmark Districts.
2. Such an *administrative adjustment* may be approved only when the Zoning Administrator determines that such a reduction would match the predominate *yard* depth of buildings contributing to the district’s character when such setback reduction is approved by the Commission on Chicago Landmarks.

Title 17, Section 15-0303-D:

Nonconforming Uses – Expansion [Coach Houses]

17-15-0303-D Nonconforming coach houses on properties designated as official Chicago Landmarks or located within the boundaries of a Chicago Landmark District may be used as a dwelling unit for a single household if the Zoning Administrator determines that competent evidence exists that the coach house was previously used as a legal dwelling unit. Incidental repairs and normal maintenance necessary to keep nonconforming coach house in sound condition are permitted, but no expansions are allowed.

[One of the powers, duties and responsibilities of the Commission on Chicago Landmarks under Section 610 of the Chicago Landmarks Ordinance, Chapter 2-120 of the Municipal Code of Chicago, is to adopt rules of procedure and other regulations for the conduct of its meetings, hearings, and other business. The last major revisions to the Commission's Rules and Regulations were adopted on December 7, 2006. On February 3, 2011, minor technical revisions were adopted by the Commission to reflect an amendment to the Ordinance reducing the membership of the Commission from ten to nine members.]

Rules and Regulations

of the Commission on Chicago Landmarks

Article I - The Commission

A. Membership, Officers, and Committees

1. *Membership*

a. *Members.* As set forth in section 2-120-590 of the Municipal Code of Chicago (the "Municipal Code"), the Commission on Chicago Landmarks (the "Commission") shall consist of nine members, eight of whom shall be appointed by the Mayor, by and with the consent of the Chicago City Council. The ninth member shall be the Commissioner of the Department of Housing and Economic Development or his or her designee. [Amend. 2/3/11]

b. *Powers and Duties.* Commission members' powers and duties are set forth in section 2-120-610 of the Municipal Code, these *Rules and Regulations*, and any future rules or policies adopted by the Commission consistent with law.

c. *Ethics.* Members of the Commission are subject to the Governmental Ethics Ordinance, codified at Chapter 2-156 of the Municipal Code. If any party to a proceeding believes with good reason that a member of the Commission has a conflict of interest pursuant to Chapter 2-156 of the Municipal Code in the matter being considered, said party shall immediately bring this possible conflict of interest to the attention of the Commission or, at a public hearing, to the attention of the

hearing officer, who may request that the Commission member abstain from participation.

2. *Officers*

Pursuant to section 2-120-590 of the Municipal Code, the officers of the Commission, designated by the Mayor, shall be a Chair, a Vice-Chair, and a Secretary.

a. *Chair.* The Chair shall be the chief executive of the Commission, shall set meeting dates, preside at meetings, decide all points of order and procedure, and have such additional duties and powers as delegated in these *Rules and Regulations*. In the absence of or recusal by the Chair, the Vice-Chair shall serve as the Chair. In the absence of or recusal by both the Chair and the Vice-Chair, the Chair shall appoint another member of the Commission to serve as the Chair. All powers delegated to the Chair in these *Rules and Regulations* shall apply equally to the Vice-Chair or any other member of the Commission when acting as Chair.

b. *Vice-Chair.* The Vice-Chair shall serve as Chair in the absence of or recusal by the Chair. All powers delegated to the Chair in these *Rules and Regulations* shall apply equally to the Vice-Chair when acting in the absence of or recusal by the Chair.

c. *Secretary.* The Secretary shall keep and maintain the records of the Commission as set forth in Article I, Section C, of these *Rules and Regulations*.

3. *Committees*

a. *Standing Committees.* There shall be the following standing committees of the Commission:

1. *Permit Review Committee.* The Permit Review Committee shall have the duties and responsibilities set forth in Article III of these *Rules and Regulations*.

2. *Program Committee.* The Program Committee shall: (i) review and make recommendations to the Commission on nominations to the National Register of Historic Places; (ii) solicit suggestions from the public for possible Chicago Landmark designations; and (iii) perform other functions as delegated by the Chair.

b. *Ad hoc Committees.* In his or her discretion, the Chair may create committees of the Commission to evaluate specific issues that arise in the conduct of the Commission's affairs. An ad hoc committee shall exist for the time specified by the Chair.

c. *Committee Membership.* The Chair shall appoint members of the Commission to serve on committees and shall also name a chair for each committee. The Chair may also appoint members of the Commission to serve on committees on an interim basis, as required, to meet any quorum requirements as set forth in these *Rules and Regulations*. The Commissioner of the Department of Housing and

Economic Development shall not be a member of the Permit Review Committee. [Amend. 2/3/11]

d. *Quorum.* A quorum for a meeting of the Permit Review Committee shall consist of three members. A quorum for a meeting for all other committees shall consist of two members.

e. *Committee Chairs.* The chair of any committee shall set meeting dates, preside at committee meetings, decide all points of order and procedure, report to the full Commission on all business of the committee, and have any such additional duties and powers as delegated in these *Rules and Regulations*. In the absence of or recusal by the chair of the committee, the committee chair shall appoint another member of the committee to serve as the chair of the committee. All powers delegated to the committee chair in these *Rules and Regulations* shall apply equally to any other member of the committee when acting as its chair

B. Meetings, Public Notice of Meetings, and Agendas

1. Meetings

All meetings of the Commission shall be open to the public, except where otherwise provided in the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* All meetings shall be held at times and places specified by the Chair in accordance with law and these *Rules and Regulations*.

a. *Quorum.* A quorum for a meeting of the Commission shall consist of five members.

b. *Voting.* All motions of the Commission may be approved, adopted, or passed by a favorable vote of a simple majority of the members present at a meeting. However, when considering a recommendation of landmark designation for a proposed district, an affirmative vote by six Commission members shall be required if 51% or more of the owners of property in said district responding to the request for consent file written objections to the designation.

2. Public Notice of Commission Meetings

a. *Regular Meetings.* The Commission shall provide public notice of its meetings at the beginning of each calendar year and shall state the dates, times, and places of such meetings. If the annual meeting schedule is changed, at least 10 days notice of such change shall be given by publication in a newspaper of general circulation in Chicago. If the location of a scheduled meeting changes from that stated on the public notice issued at the beginning of the calendar year, the Commission shall post a notice at the originally scheduled location and at the Commission's office stating the new location of the meeting.

b. *Special, Rescheduled, or Reconvened Meetings.* The Commission shall provide public notice of any special, rescheduled, or reconvened meeting at least 24 hours before such meeting. However, no additional public notice of a reconvened meeting need be given: (i) when

announcement of the time and place of the reconvened meeting is made at the original meeting and there is no change in the agenda, or (ii) if the meeting is convened within 24 hours.

c. *Form of Notice.* Public notice requirements of the Commission are met by: (i) posting a copy of the notice of the annual schedule and of all regular, special, rescheduled, or reconvened meetings at the office of the Commission; and (ii) supplying a copy of the notice to any news medium which has filed with the Commission a request to receive such notices.

3. *Agendas*

The Commission shall post the agenda for each regular meeting at its office and the location where the regular meeting shall be held at least 48 hours in advance of holding the meeting.

C. *Records*

1. *Public Records*

The Secretary shall keep all records of the Commission at the office of the Commission. Public records shall be made available for inspection during the hours determined by the Commission. In no instance shall a member of the public remove any record from the office unless such removal is approved in writing by the Secretary or directed by court order. Access to such records may be obtained upon written request to the Commission to the extent required by the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.* The cost for copies of Commission records shall be paid by the person requesting same, and no such copies shall be released until payment is received.

2. *Minutes*

The Commission shall keep minutes of all Commission meetings, indicating those members in attendance and showing the vote of each member present upon each question, or if declining to vote, indicating such fact. The Secretary shall sign all minutes adopted by the Commission and maintain them as public records.

D. *Definition of Owner*

For the purposes of notifying or otherwise contacting an owner as specified in Chapter 2-120 of the Municipal Code, an owner, to the extent known, shall be as defined in Article II, Section D.1.a through e, of these *Rules and Regulations*.

E. *Website*

Information, Commission meeting agendas and minutes, and other educational materials on the Commission and Chicago's landmarks, landmark districts, and other historical and architectural resources can be found on the City of Chicago's Chicago Landmarks website.

Article II - Hearings on Landmark Designations

A. Purpose

Public hearings on proposed landmark designations are held to gather relevant facts and information to assist the Commission in deciding whether the subject property or properties meet the criteria for landmark designation set forth in section 2-120-620 of the Municipal Code.

B. Necessity of a Public Hearing

The Commission shall schedule a public hearing on a proposed landmark designation when the owner of the subject property declines or fails to give written consent to the proposed designation within the time specified in section 2-120-650 of the Municipal Code. In the case of a proposed landmark district, a public hearing shall be held by the Commission unless all known owners of property located within the proposed district consent to landmark designation within the time specified in section 2-120-650 of the Municipal Code.

C. Hearing Officer

A Hearing Officer shall preside over any public hearing held by the Commission on a proposed landmark designation.

1. Appointment

The Chair shall appoint a Hearing Officer to preside over a public hearing on a proposed landmark designation. The Chair shall appoint either: (a) a member of the Commission to serve as Hearing Officer; or (b) an uninterested person found by the Chair, in his or her sole discretion, to have the education, experience, and skill necessary to serve as a Hearing Officer. The Chair shall exercise the powers and duties of the Hearing Officer until a Hearing Officer is appointed.

2. Powers and Duties of the Hearing Officer

The Hearing Officer shall have the duty to conduct the hearing, to take all necessary action to avoid delay, and to maintain order. The Hearing Officer shall have all powers necessary to those ends, including, but not limited to, the power to:

- a. Arrange and change the date, time, and place of hearings in accordance with law;
- b. Extend any deadlines contained in sections 2-120-630 through 730 of the Municipal Code or these *Rules and Regulations* by agreement of all parties;
- c. Rule on all requests to become a party;
- d. Receive, exclude, or limit statements, testimony, or evidence;
- e. Question participants and witnesses;
- f. Resolve any procedural questions;

g. Recognize any member of the Commission present at the hearing and permit such member to question parties and witnesses; and

h. Take any other necessary or appropriate actions not prohibited by law.

D. Notice of Public Hearing on Designation

Pursuant to section 2-120-670 of the Municipal Code, the Commission shall provide notice prior to conducting a public hearing on a landmark designation as set forth below.

1. *Notice to Owner*

The Commission shall give written notice by United States regular mail, postage prepaid, of the date, time, and place of the public hearing to any known owner of the property being considered for landmark designation. In the case of a landmark district, the Commission shall provide such notice to all known owners of property in the proposed landmark district.

a. *Definition of Owner.* For purposes of supplying notice of a landmark designation hearing, an owner is any person, organization, corporation, condominium unit title holder, or other legal entity having a recorded fee simple interest in a building and/or its underlying land. When an owner has entered into a recorded land lease extending for a term in excess of 75 years which lease entitles the lessee to construct, demolish, or alter buildings on the land, the lessee shall also be considered an owner.

b. *Joint Ownership.* When one or more persons, organizations, corporations, or other legal entities are joint owners of a building and/or its underlying land, the rights afforded to owners herein shall be exercised as if there were only one owner. In such circumstances, the Commission shall have no obligation to investigate or determine the legal relationship among the joint owners governing the exercise of such rights. Absent any timely protest by an owner, the Commission may rely on representations made by a joint owner as to the manner in which such rights will be exercised.

c. *Cooperative.* When a building is owned by a cooperative corporation, the corporation will be considered the owner.

d. *Condominium.* When the ownership of a building has been divided into condominiums, the condominium association will be considered the owner. If the proposed designation includes the interior or other portions of the building not held in common ownership by the association, then the individual condominium unit owners of such portions will also be considered owners.

e. *Land Trust.* A land trustee shall be considered the owner unless the land trustee notifies the Commission in writing of the identity of the beneficial owner or owners and certifies that the beneficial owner or owners will act on behalf of the land trustee in proceedings before the Commission.

2. *On-Site Notice*

The Commission shall cause to be posted, for a period not less than 15 days immediately preceding the hearing, a notice stating the time, date, place, and matter to be considered at the hearing. The notice shall be prominently displayed on the place, building, object, or structure under consideration for landmark status or on the public ways abutting it. In the case of designation of an area or district, the notice shall be placed on the principal boundaries thereof.

3. *Publication Notice*

Not less than 15 days immediately preceding the hearing, the Commission shall cause to be published in a newspaper of general circulation in the City of Chicago a legal notice of the hearing setting forth the nature of hearing, the property, area, or district under consideration for landmark status, and the date, time, and place of the hearing.

E. Parties to Designation Hearing

1. *Party Status*

a. *Owners.* Owners of property being considered for landmark designation have the right to be a party to the designation proceeding. Any owner wishing to exercise that right shall submit an appearance form to the Hearing Officer at the public hearing. Any owner wishing only to make a statement at the public hearing or ask questions as part of the presentation by Commission staff need not declare party status.

b. *Other Parties.* Pursuant to section 2-120-680 of the Municipal Code, the following persons may become parties to a landmark designation hearing: (i) any person, organization, or other legal entity whose use or whose members' use or enjoyment of the area, district, place, building, structure, work of art, or other object proposed for designation may be injured by the designation or the failure of the Commission to recommend designation; and (ii) any person, organization, or legal entity residing in, leasing, or having an ownership interest in real property located within 500 feet of the property line of the proposed landmark or landmark district. A request to become a party shall be made by submitting an appearance form at the public hearing to the Hearing Officer along with information demonstrating satisfaction of either subsections (i) or (ii) above.

2. *Rights of Parties*

a. *Participation.* A party to a designation proceeding shall be permitted to make a presentation for or against the proposed landmark designation. Such presentation may include an oral or written statement, documents, photographs, and/or testimony from witnesses. Such presentation shall be limited to whether the area, district, place, building, structure, work of art, or other object proposed for designation meets the criteria set forth in section 2-120-620 of the Municipal Code.

b. *Prohibited Subjects.* Under no circumstances shall a party be permitted to present any information not related to whether the area, district, place, building, structure, work of art, or other object proposed for designation meets the criteria set forth in section 2-120-620 of the Municipal Code, including but not limited to, information related to any economic hardship that may result from the proposed landmark designation, an application for a permit, or zoning concerns.

F. Participation of Non-Parties

1. Participation

Any person, organization, or other legal entity not eligible to participate as a party or whose request to be a party is denied by the Hearing Officer may participate in a public hearing for a proposed landmark designation as a non-party. Such participation shall be limited to making a brief statement for or against the proposed landmark designation.

2. Procedure

To participate in a public hearing, a non-party shall complete an appearance form available at the Commission office or at the public hearing. The appearance form shall be submitted to the Hearing Officer prior to the commencement of the public hearing. The Hearing Officer may, at his or her sole discretion, allow the submission of an appearance form after the commencement of the public hearing, provided the submission will not result in prejudice to any party or cause an unreasonable delay in the hearing.

G. Conduct of Hearing

Hearings shall be conducted in an informal but orderly manner in accordance with these *Rules and Regulations* and the directions of the Hearing Officer. Participants in any hearing shall conduct themselves in a courteous manner and shall address themselves solely to the Hearing Officer. Refusal to comply with this section shall constitute grounds for immediate exclusion from any hearing.

The following shall be the order of procedure for public hearings on landmark designations. The Hearing Officer may alter the order of procedure as circumstances require.

1. Opening of the hearing by the Hearing Officer, the Commission's counsel, or other designated representative.

2. Incorporation into the record of various documents of the Commission, if any. Such documents may include, but are not limited to: (i) notification to the owner or owners; (ii) certificate(s) of publication of a legal notice; (iii) letter(s) attesting to the posting of notices; (iv) the preliminary landmark recommendation and summary of information adopted by the Commission; (v) report(s) from the Commissioner of the Department of Housing and

Economic Development; and (iv) consent/non-consent form(s). Documents may be examined at the hearing and are available for inspection at the Commission office. [Amend. 2/3/11]

3. Hearing and ruling by the Hearing Officer on all requests for party status.

4. Presentation by the Commission staff summarizing the preliminary landmark recommendation. At the conclusion of the Commission staff's presentation, any owner, whether or not a party to the hearing, and any other party may ask questions of the Commission staff provided such questions relate to whether the area, district, place, building, structure, work of art, or other object proposed for designation meets the criteria set forth in section 2-120-620 of the Municipal Code. To the extent the presentation by the Commission staff includes any testimony from witnesses, any owner, whether or not a party to the hearing, and any other party may question the witnesses.

5. Presentation(s) in support of the designation by owners who have become parties and any other parties to the hearing, if any. To the extent any presentations include testimony from witnesses, any other parties to the hearing, the Commission staff, and the hearing officer may question the witnesses.

6. Presentation(s) in opposition to the designation by owners who have become parties and any other parties to the hearing, if any. To the extent any presentations include testimony from witnesses, any other parties to the hearing, the Commission staff, and the hearing officer may question the witnesses.

7. Statements of interested persons in favor of the proposed landmark designation who have submitted an appearance form. In lieu of an oral statement, written statements may be submitted at the time of the hearing.

8. Statements of interested persons in opposition to the proposed landmark designation who have submitted an appearance form. In lieu of an oral statement, written statements may be submitted at the time of the hearing.

9. Adjournment by the Hearing Officer.

H. Recommendation to the City Council

The Commission shall make its recommendation regarding the proposed landmark or landmark district to the City Council as set forth in section 2-120-690 of the Municipal Code. As part of its recommendation, the Commission shall specifically identify the significant historical or architectural features of the proposed landmark or landmark district. A significant historical or architectural feature shall be any part, portion, or whole of an area, district, place, building, structure, work of art, or other

object that makes an essential contribution to those qualities or characteristics by which the criteria for designation are met.

The Commission shall make the entire record of a hearing available to the public pursuant to Article I, Section C, of these *Rules and Regulations*.

Article III - Procedure and Standards for Review of Permit Applications

A. Purpose

The Commission reviews all permit applications to ensure that proposed work will not adversely affect any significant historical or architectural feature of any area, district, place, building, structure, work of art, or other object that has been designated a Chicago landmark or for which the Commission has made a preliminary determination of landmark status.

B. Overview of the Process

The permit review process is set forth in sections 2-120-740 through 2-120-815 of the Municipal Code. An overview of the permit review process is set forth below. The Commission offers this overview to provide context for its regulations only and does not intend for it to supplant the requirements of the Municipal Code. Applicants and other interested persons therefore are urged to consult the Municipal Code. “Commission” as used only in this Article III.B means the Commission itself, or the Commission staff or the Permit Review Committee acting on behalf of the Commission pursuant to these Rules and Regulations.

1. *Preliminary Decision.* Following receipt of a properly completed permit application for work to a landmark or proposed landmark, the Commission shall issue in writing a preliminary decision approving or disapproving the application within 15 days of its receipt.

2. *Informal Conference.* If the Commission preliminarily disapproves the permit application, the applicant may request an informal conference with the Commission to discuss possible compromises. If the applicant wishes to have an informal conference, the applicant must submit its request in writing to the Commission within 10 days of receipt of the preliminary denial. The informal conference shall be held within 15 days of receipt of the applicant’s request by the Commission.

3. *Commission Hearing.* If the Commission and applicant are unable to reach a compromise within 30 days of the conclusion of the informal conference, or if the applicant does not request an informal conference, the Commission shall commence a public hearing on the

permit application. The public hearing shall be completed within 90 days after the Commission initially disapproved the permit application.

4. *Final Decision.* Within 30 days of the conclusion of the public hearing, the Commission shall issue a written decision approving or disapproving the permit application.

C. Review of Projects Before Applicant Files Permit Application

The Commission encourages, but does not require, applicants to seek its advice and guidance before filing a permit application for work that would affect any area, district, place, building, structure, work of art, or other object that has been designated a Chicago landmark or for which the Commission has made a preliminary determination of landmark status.

1. *Requirements*

The staff to the Commission may provide advice and guidance to a permit applicant before a permit application is filed. In certain instances, however, the staff may refer the request for pre-permit advice and guidance to either the Permit Review Committee or the Commission. The Commission shall establish in writing: (i) the types of proposed work that shall be referred by the staff to the Permit Review Committee or the Commission; and (ii) the information which must be submitted by the permit applicant to qualify for a pre-permit review under this section. The Commission shall make the aforementioned writing available at its offices and on the City of Chicago's Chicago Landmarks website.

2. *Pre-Permit Approvals*

a. The Permit Review Committee or the Commission may issue a conditional approval of the project based on the pre-permit submission by the applicant or engage in negotiations with the applicant to bring the project into compliance. If the Permit Review Committee or the Commission conditionally approves, with or without conditions, the pre-permit submission, the applicant, if it elects to file a permit application, shall complete the permit application consistent with the conditional approval and these *Rules and Regulations*.

b. Upon receipt of a permit application pursuant to Article III, Section E, of these *Rules and Regulations* for which the Permit Review Committee or the Commission has issued a conditional approval, the staff to the Commission shall compare the permit application to the conditional approval. If the scope of the proposed work has not changed, and the permit application conforms with the conditional approval, the staff shall approve the permit application, subject to any conditions, and report its approval to the Commission. If the scope of the work has not changed but the permit application does not conform to the conditional approval, the staff shall deem the application incomplete and notify the applicant of its decision.

c. If the applicant has altered the scope of the proposed work of a project for which the Permit Review Committee or the Commission issued a conditional approval, the staff to the Commission may approve the application, subject to any conditions, if the staff deems the changes to be immaterial to the conditional approval. If the staff determines that the changes made by the applicant are material, the conditional approval shall be deemed withdrawn and the permit application shall be reviewed pursuant to Article III, Section E, of these *Rules and Regulations*.

3. *Criteria*

The criteria, standards, and guidelines for review of pre-permit submissions shall be the same as those for the review of permit applications under these *Rules and Regulations*.

4. *Expiration of Pre-Permit Approval*

A conditional approval issued by the Permit Review Committee or the Commission pursuant to this section is valid for two years from the date of the conditional approval. The staff to the Commission may extend the approval for an additional year provided that the staff finds that the circumstances of the original approval, including the project and the applicable criteria, standards, and guidelines of the Commission, are substantially the same.

D. Content of Permit Applications

The Commission shall establish in writing what information must be submitted by the applicant for the permit application to be considered complete. The Commission shall make its requirements available both at its offices and on the City of Chicago's Chicago Landmarks website.

E. Preliminary Review of Permit Applications

1. *Time for Preliminary Review*

As set forth in section 2-120-760 of the Code, the Commission shall issue in writing a preliminary decision approving or disapproving a permit application within 15 days of its receipt by the Commission. The applicant may waive in writing the 15-day period required for a preliminary decision by the Commission.

2. *Review by Commission Staff for Completeness*

The staff to the Commission shall review a permit application to determine whether it is complete. If the staff determines that the application is not complete, the staff shall notify the applicant. The 15-day period for the Commission to preliminarily approve or disapprove such application shall not commence until the Commission receives an application that is complete.

If the staff to the Commission determines that the permit application is complete, it shall next determine if the proposed work will

affect any significant historical or architectural features. If the significant historical or architectural features have not been defined by the designation ordinance, the staff to the Commission shall preliminarily identify the significant historical and architectural features pursuant to Article III, Section G.1 of these *Rules and Regulations*.

3. *Determination of Effect*

a. *No effect.* If the staff to the Commission determines that the proposed work will not affect a significant historical or architectural feature, the staff shall approve the permit application, subject to any conditions required by the staff to the Commission, and report the approval to the Commission.

b. *Effect present.* If the staff to the Commission determines that the proposed work will affect a significant historical or architectural feature, the staff shall determine whether the proposed work will have an adverse effect on the significant historical or architectural features.

1. *No adverse effect.* If the staff to the Commission determines that the proposed work will not have an adverse effect on any significant historical or architectural feature, the staff shall approve the permit application, subject to any conditions required by the staff to the Commission, and report the approval to the Commission.

2. *Adverse effect.* If the staff to the Commission determines that the proposed work will have an adverse effect on any significant historical or architectural feature, the staff may take any of the following actions, except with respect to applications for demolition, in which case the staff to the Commission shall refer the application to either the Permit Review Committee or the Commission for review.

a. Contact the applicant and discuss alternative solutions which may eliminate the adverse effect. If the staff elects to contact the applicant and an agreement is reached between the staff and applicant that will eliminate the adverse effect, the staff shall approve the permit application subject to the agreement between the staff and the applicant and report the approval to the Commission. If no agreement is reached between the staff and applicant, the staff shall refer the permit application to the Permit Review Committee or Commission.

b. Refer the application to the Permit Review Committee or the Commission for preliminary approval or disapproval.

c. Preliminarily deny the permit application and report the preliminary denial to the Commission. The staff to the Commission may only issue a

preliminary denial of a permit application when the staff has communicated with the applicant in an effort to eliminate the adverse effect and an agreement has not been reached one business day before the expiration of the 15-day deadline set by section 2-120-760 of the Code.

3. *Permit Committee Review.*

If the staff to the Commission refers a permit application to the Permit Review Committee, the Committee may take any of the following actions.

a. Direct the staff to the Commission to approve the application, subject to any conditions, if the Committee finds that proposed work will not have an adverse effect on any significant historical or architectural feature and report the approval to the Commission.

b. Discuss potential compromises with the applicant that would eliminate any adverse effect. If the Permit Review Committee reaches an agreement with the applicant, it shall direct the staff to the Commission to approve the application subject to the agreement between the Committee and the applicant and report the approval to the Commission. If the Permit Review Committee does not reach an agreement with the applicant, the Committee shall refer the permit application to the full Commission for preliminary approval or disapproval.

c. Forward the permit application to the full Commission for preliminary approval or disapproval.

d. Preliminarily disapprove the permit application.

4. *Commission Review of Permit Applications.*

Upon receipt of a permit application from either the staff to the Commission or the Permit Review Committee, the Commission shall preliminarily approve or disapprove the permit application consistent with sections 2-120-770 and 2-120-780 of the Municipal Code.

F. Review Following Preliminary Disapproval of Permit by Commission

1. *Informal Conference*

Within 10 days of receipt of the Commission's written decision disapproving the permit application, the applicant may request in writing an informal conference with the Commission to review its decision. The Commission will conduct the informal conference within 15 days of receiving the written request unless the applicant and Commission agree in writing to an extension of the time limit. The purpose of this informal conference is to review the Commission's decision and attempt to resolve the issues identified in the disapproval of the permit application. The Chair shall appoint a member of the Commission, other than the Commissioner of the Department of Housing and Economic

Development, to attend the informal conference on behalf of the Commission. [Amend. 2/3/11]

2. *Public Hearing*

If the informal conference does not resolve the issues identified in the preliminary disapproval of the permit application, or should the applicant waive the informal conference and choose to pursue the permit application without modification, the Commission will hold a public hearing in accordance with section 2-120-800 of the Municipal Code and Article VI of these *Rules and Regulations*, to determine whether the proposed work will have an adverse effect on any significant historic or architectural feature of a landmark or proposed landmark.

G. **Standards and Criteria for Review of Permit Applications**

1. *Determination of Significant Historical and Architectural Features*

a. The significant historical or architectural features shall be those identified in the ordinance designating the area, district, place, building, structure, work of art, or other object as a landmark.

b. To the extent the designation ordinance for a landmark district does not identify the significant historical or architectural features, there shall be a rebuttable presumption that the significant historical or architectural features are all exterior elevations and rooflines, unless otherwise determined by the Permit Review Committee or the Commission.

c. In all other instances, the significant historical or architectural features shall be any part, portion, or whole of an area, district, place, building, structure, work of art, or other object that makes an essential contribution to those qualities or characteristics by which the criteria for designation set forth in section 2-120-620 of the Municipal Code of Chicago are met.

2. *Standards*

The U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as well as other criteria, standards, and guidelines that may be adopted and published by the Commission, including but not limited to these *Rules and Regulations*, govern the Commission in evaluating the effect of work proposed in a permit application.

3. *Criteria for Determining Adverse Effect*

a. Work proposed as part of a permit application that is contrary to any of the following criteria will be deemed to have an adverse effect.

1. The work will maintain the significant historical or architectural feature with no material change to that feature.

2. The work will repair the significant historical or architectural feature with no material change to that feature.

3. The work will replace the significant historical or architectural feature where the original feature is deteriorated beyond reasonable methods of repair, and the replacement feature is in kind—that is, similar in design, construction, function, appearance, material, and other characteristics.

4. The work will restore the significant historical or architectural feature to its original character where the feature has been removed or altered and the alteration is not in itself significant in terms of its design, character, or material, and where the restoration is based upon documented evidence, such as photographs or drawings, of the original feature.

5. The work will restore the significant historical or architectural feature to its original character where the feature has been removed or altered and the alteration is not in itself significant in terms of its design, character, or material, and where the restoration, lacking documentary evidence, is intended to restore the general historic character of the feature as evidenced by similar building features and types.

6. The work constitutes an addition of a feature where the new feature will not adversely alter, change, obscure, damage, or destroy any significant historical or architectural feature.

7. The work constitutes new construction or an addition to a building or structure that meets the established criteria, standards, and guidelines of the Commission.

8. The work will alter a non-contributing building in a landmark district, meets the established criteria, standards, and guidelines of the Commission, and will not otherwise have an adverse effect on the significant historical or architectural features of the landmark district.

9. The work otherwise meets the Commission's criteria, standards, and guidelines and will not have an adverse effect on the significant historical or architectural features.

b. Demolition of either (i) a building or structure designated as a landmark or (ii) a contributing building or structure within a landmark district, shall be deemed a *per se* adverse effect on the significant historical or architectural features.

4. *Criteria for Determining a Contributing Building within a Landmark District*

a. *Criteria.* The following criteria shall be considered in determining whether a property contributes to the character of a landmark district:

1. The subject property exhibits the significant historical or architectural features described in the designation ordinance. If the significant historical or architectural features are not defined in the designation ordinance, they shall be determined pursuant to Article III, Section G.1 of these *Rules and Regulations*.

2. The subject property exhibits the general historic and architectural characteristics associated with the district.

3. The subject property respects the general site characteristics associated with the district.

4. The subject property exhibits the general size, shape, and scale associated with the district.

5. The materials of the subject property are compatible with the district in general character, color, and texture.

6. If the subject property has been altered in a manner which is contrary to these criteria, such changes could be easily reversed or removed. Synthetic siding, dormers, and porch enclosures shall be deemed easily reversed or removed.

b. *Prerequisites for Demolition.* Demolition of non-contributing buildings, structures, or improvements within a landmark district may be allowed if the building, structure, or improvement proposed for demolition is non-contributing to the character of the district and its removal will not have an adverse effect on the significant historical or architectural features of the district.

5. *Criteria for New Construction, Additions, and Alterations to Non-Contributing Buildings*

Permit applications for new construction, additions, and alterations to non-contributing buildings are reviewed to ensure that they are compatible with and complement existing significant historical or architectural features and qualities. The intent is to encourage excellence in contemporary design that does not imitate, but rather complements, existing architectural and environmental characteristics of the subject property or district.

The following criteria shall be considered in evaluating permit applications for new construction, additions, and alterations to non-contributing buildings:

- a. The new structure exhibits the general size, shape, and scale of the features associated with the property or district.
- b. The site plan exhibits the general site characteristics associated with the property or district.
- c. The design respects the general historic and architectural characteristics associated with the property or district in general character, color, and texture.
- d. The materials are compatible with the existing structures in the district in general character, color, and texture.
- e. In the case of additions, the addition is so connected to the property that it does not adversely alter, change, obscure, damage, or destroy any significant critical features.
- f. In the case of minor alterations to non-contributing buildings, minor alterations compatible with the architectural character of the existing building shall be deemed to not have an adverse effect on the significant historical or architectural features of the landmark.

Article IV - Hearings on Permit Applications

A. Purpose

A public hearing shall be held by the Commission on a permit application to determine whether proposed work will adversely affect any significant historical or architectural feature of a landmark or a proposed landmark.

B. Necessity of a Public Hearing

A public hearing shall be held by the Commission on a permit application when required and within the time period specified by section 2-120-800 of the Municipal Code.

C. Hearing Officer

A Hearing Officer shall preside over any public hearing held by the Commission on a permit application.

1. *Appointment*

The Chair shall select a hearing officer in accordance with Article II, Section C.1, of these *Rules and Regulations*, except that the Chair shall not select the Commissioner of the Department of Housing and Economic Development to serve as a Hearing Officer. The Chair shall

exercise the powers and duties of the Hearing Officer until a Hearing Officer is appointed. [Amend. 2/3/11]

2. Powers and Duties of the Hearing Officer

The Hearing Officer shall have the duty to conduct the hearing, to take all necessary action to avoid delay, and to maintain order. The Hearing Officer shall have all powers necessary to those ends, including, but not limited to, the power to:

- a. Arrange and change the date, time, and place of hearings in accordance with law;
- b. Extend any deadlines contained in sections 2-120-670 through 680 and sections 2-120-740 through 800 of the Municipal Code or these *Rules and Regulations* by agreement of all parties;
- c. Rule on all requests to become a party and set deadlines for any submissions of information contained in these *Rules and Regulations*;
- d. Receive, exclude, or limit evidence;
- e. Question witnesses;
- f. Resolve any procedural questions;
- g. Recognize any member of the Commission present at the hearing and permit such member to question witnesses;
- h. Report in writing his or her findings and/or conclusions to the Commission; and
- i. Take any other necessary or appropriate actions not prohibited by law.

D. Notice of Public Hearing on Permit Application

Pursuant to section 2-120-670 of the Municipal Code, the Commission shall provide notice prior to conducting a public hearing on a permit application as set forth below:

1. Notice to Applicant and Owner, if Different

Notice of the date, time, and place of the public hearing shall be given to the applicant of the permit application and any known owner(s) of the property at issue, if different from the applicant. For the purpose of supplying notice of a public hearing on a permit application, an owner shall be as defined in Article II, Section D.1, of these *Rules and Regulations*.

2. On-Site Notice and Publication Notice

Notice shall be given as stated in Article II, Sections D.2 and D.3, of these *Rules and Regulations*.

E. Parties to Permit Application Hearing

1. Procedure

a. *Parties as a Matter of Right.* In any public hearing held by the Commission on a permit application, the (i) applicant of the permit application, (ii) the owner of the property at issue, if different from the applicant, and the (iii) Historic Preservation Division of the Department of Housing and Economic Development shall be deemed parties to the hearing. All parties as a matter of right shall complete an appearance form available from the Commission and file it with the Commission by the date set by the Hearing Officer, but no later than 10 days prior to the hearing. [Amend. 2/3/11]

b. *Parties by Request.* Pursuant to section 2-120-680 of the Municipal Code, the following persons may become parties to a permit review hearing: (i) any person, organization, or other legal entity whose use or enjoyment of the area, district, place, building, structure, work of art, or other object designated as a landmark may be injured by the approval or disapproval of a proposed alteration, construction, reconstruction, erection, demolition, or relocation of a designated landmark; and (ii) any person, organization, or legal entity residing in, leasing, or having an ownership interest in real property located within 500 feet of the property line of the designated landmark or landmark district. Such person, organization, or legal entity must request to become a party by completing an appearance form available from the Commission and filing it with the Commission by the date set by the Hearing Officer, but no later than 5 business days prior to the public hearing. The Hearing Officer may rule on a request for party status prior to the public hearing, but if the Hearing Officer does not, he or she shall rule at the commencement of the public hearing.

c. At his or her discretion, the Hearing Officer may accept appearance forms after the set deadlines for such filings provided it will not result in prejudice to a party or an unreasonable delay in the hearing.

2. Rights of Parties

a. *Evidence and Testimony.* A party to a public hearing on a permit application shall be permitted to present evidence and testimony either in support of or in opposition to the permit application. A party's evidence and testimony may consist of both documents, including but not limited to reports, records, and photographs, and testimony from fact and/or expert witnesses. Under no circumstances shall a party be permitted to present any evidence related to economic hardship which may result from the denial of the permit application.

b. *Cross-Examination.* A party shall be entitled to cross-examine witnesses of an adverse party. Re-direct and re-cross shall also be permitted.

c. *Rebuttal Evidence and Testimony.* The applicant for a permit or the owner, if different from the applicant, shall be permitted

to present rebuttal evidence and testimony. The right to cross-examination, re-direct, and re-cross, as set forth above in subsection 2(b), shall apply to the witnesses called during rebuttal.

d. *Post-Hearing Submission.* Following a public hearing, a party may submit draft findings or conclusions for the Hearing Officer's consideration.

3. *Disclosure of Testimony and Evidence*

a. *Disclosures by Parties.* All parties to a public hearing on a permit application shall disclose the following information to all other parties:

1. *Position Statement.* A written statement setting forth whether the party supports or disapproves of the permit application and all bases for its position.

2. *Fact Witnesses.* The name and address of every witness the party will call to testify at the public hearing, together with a summary of the facts to which each witness is expected to testify.

3. *Expert Witnesses.* The name and address of every expert witness the party will call to testify at the public hearing. The party shall also disclose the qualifications of the expert witness, the expert's conclusions and opinions, any report or summary prepared by the expert of his or her opinions and conclusions, and any documents relied upon or examined by the expert witness in the formulation of his opinions or conclusions.

4. *Documents.* A copy of each document or other tangible item that the party will introduce as evidence at the hearing.

b. *Timing of Disclosures.* Parties as a Matter of Right, as defined in Article IV, Section E.1.a of these *Rules and Regulations*, shall make their disclosures by such date set by the Hearing Officer, but no later than 10 days prior to the commencement of the public hearing. Parties by request, as defined in Article IV, Section E.1.b of these *Rules and Regulations*, shall make their disclosures by such date set by the Hearing Officer, but no later than 5 business days prior to the commencement of the public hearing. At his or her discretion, the Hearing Officer may accept disclosures after the deadline provided it will not result in prejudice to a party or an unreasonable delay in the hearing.

F. Participation of Non-Parties

1. *Participation*

Any person, organization, or other legal entity not eligible or desiring to participate as a party or whose request to become a party is denied by the Hearing Officer may participate in a public hearing on a

permit application as a non-party. Such participation shall be limited to making a brief statement for or against the proposed permit application.

2. Procedure

To participate in a public hearing, a non-party shall complete an appearance form available at the Commission office or at the public hearing. The appearance form shall be submitted to the Hearing Officer prior to the commencement of the public hearing. The Hearing Officer may, at his or her sole discretion, allow the submission of an appearance after the commencement of the public hearing, provided the submission will not result in prejudice to any party or cause an unreasonable delay in the hearing.

G. Burden of Proof

The permit applicant bears the burden of proving that the proposed work will not have an adverse effect on the significant historical or architectural features of the landmark property or district. Whether the proposed work will have an adverse affect shall be governed by the standard set forth in Article III, Section G of these *Rules and Regulations*.

H. Conduct of Public Hearing

Public hearings shall be conducted in a formal and orderly manner in accordance with these *Rules and Regulations* and at the direction of the Hearing Officer. Participants in any hearing and their attorneys, if any, shall conduct themselves in a courteous manner and shall address themselves solely to the Hearing Officer. Refusal to comply with this section shall constitute grounds for immediate exclusion from any hearing.

The following is the order of procedure for public hearings on permit applications. The Hearing Officer may alter the order of procedure as circumstances require.

1. Opening of the hearing by the Hearing Officer, the Commission's counsel, or other designated representative.
2. Hearing and ruling by the Hearing Officer on all requests for party status.
3. Taking of appearances of parties and their counsel, if any.
4. Incorporation into the record of various documents of the Commission, if any. Such documents may include, but are not limited to: (i) notification of the hearing to the applicant and owner of the subject property, if different; (ii) certificate(s) of publication of a legal notice; and (iii) letter(s) attesting to the posting of notices. Documents may be examined at the hearing and are available for inspection at the Commission office.
5. Opening statements by the parties.

6. Presentation of cases-in-chief by parties in support of the application, with cross-examination of the their witnesses by parties adverse to the application, and re-direct and re-cross to the extent necessary. The Hearing Officer may also question witnesses.

7. Presentation of cases-in-chief by parties in opposition to the application, with cross-examination of their witnesses by parties in support of the application, and re-direct and re-cross to the extent necessary. The Hearing Officer may also question witnesses.

8. Presentation of rebuttal case, if any, by applicant or owner, if different, with cross-examination of the witnesses by parties adverse to the application, and re-direct and re-cross to the extent necessary.

9. Statements of interested persons in favor of the permit application who have submitted an appearance form. In lieu of an oral statement, written statements may be submitted at the time of the hearing.

10. Statements of interested persons in opposition the permit application who have submitted an appearance form. In lieu of an oral statement, written statements may be submitted at the time of the hearing.

11. Closing statements by the parties.

12. Adjournment by the Hearing Officer. Before adjournment, the Hearing Officer shall set a deadline for the optional submission of draft findings or conclusions by the parties for the Hearing Officer's consideration.

I. Record of Hearing

The record of the hearing shall consist of (i) the transcript of the hearing, (ii) all documents admitted as evidence at the hearing, (iii) any written statements submitted at the hearing, (iv) any documents of the Commission incorporated into the record as described in Article IV, Section H.1, and (v) any draft findings or conclusions submitted by the parties.

J. Post-Hearing Submission to Commission

1. *Submission of Draft Findings and Conclusions by Parties*

Any party may submit draft findings or conclusions for the Hearing Officer's consideration. The Hearing Officer shall set a deadline for submission of such draft findings or conclusions before concluding the public hearing.

2. Report by Hearing Officer

Following a public hearing on a permit application, the Hearing Officer shall report in writing his or her findings and/or conclusions to the Commission and make the entire record of the hearing available to the full Commission for its review.

K. Final Review by the Commission

1. Scope of Commission Review

The public hearing is the forum for the presentation of all evidence and testimony by the parties regarding the permit application. The Commission shall only consider evidence or testimony included in the record of the hearing described in Article IV, Section I in determining whether to approve or disapprove the permit application.

2. Final Commission Decision

Following receipt and consideration of the report of the Hearing Officer, the Commission shall issue a written administrative decision approving or disapproving the permit application within the time specified in section 2-120-800 of the Municipal Code. The decision shall contain the findings or conclusions that constitute the basis for the decision consistent with the criteria in sections 2-120-740 through 780 of the Municipal Code and these *Rules and Regulations*.

Pursuant to section 2-120-810 of the Municipal Code, the written decision of the Commission constitutes a final administrative decision subject to judicial review, unless the decision involves approving a application for demolition subject to City Council review under section 2-120-825 of the Municipal Code.

3. Recusal by the Commissioner of the Department of Housing and Economic Development

The Commissioner of the Department of Housing and Economic Development shall recuse himself or herself from any vote by the Commission on any final decision on a permit application. [Amend. 2/3/11]

Article V - Hearings for Expedited Consideration of Proposed Landmark Designations and Permit Applications

A. Purpose

A public hearing on both a proposed landmark designation and a permit application involving the area, district, place, building, structure, work of art, or other object under consideration for landmark designation is held (i) to gather relevant facts and information to assist the Commission in deciding whether the property under consideration for landmark designation meets the criteria set forth in section 2-120-620 of

the Municipal Code; and (ii) to determine whether the work set forth in the permit application will adversely affect any significant historical or architectural feature of the proposed landmark.

B. Necessity of a Public Hearing

A public hearing on both the proposed landmark designation and the permit application shall be held by the Commission within the time specified by section 2-120-820 of the Municipal Code when (i) the Commission has issued a preliminary disapproval of a permit application for work involving the area, district, place, building, structure, work of art, or other object being considered for landmark designation, and (ii) the Commission has failed to resolve the permit application with the applicant.

C. Hearing Officer

A Hearing Officer shall preside over any public hearing held by the Commission on both a proposed landmark designation and a permit application.

1. *Appointment*

The Chair shall select a Hearing Officer in accordance with Article II, Section C.1, of these *Rules and Regulations*, except that the Chair shall not select the Commissioner of the Department of Housing and Economic Development to serve as a Hearing Officer. [Amend. 2/3/11]

2. *Powers and Duties of the Hearing Officer*

As related to the proposed landmark designation, the Hearing Officer shall have all powers and duties as described in Article II, Section C.2, of these *Rules and Regulations*. As related to the permit application, the Hearing Officer shall have all powers and duties as described in Article IV, Section C.2, of these *Rules and Regulations*.

D. Notice of Public Hearing

As related to the proposed landmark designation, the Commission shall provide notice as set forth in Article II, Section D, of these *Rules and Regulations*. As related to the permit application, the Commission shall provide notice as set forth in Article IV, Section D, of these *Rules and Regulations*.

E. Parties to the Public Hearing

Parties and non-parties to the landmark designation portion of the public hearing shall be governed by Article II, sections E and F, of these Rules and Regulations. Parties and non-parties to the permit application portion of the public hearing shall be governed by Article IV, sections E and F, of these *Rules and Regulations*.

F. Burden of Proof

As related to the permit application, the applicant bears the burden of proof as described in Article IV, Section G, of these *Rules and Regulations*.

G. Conduct of Public Hearing

1. Order

The permit application portion of the hearing shall precede the landmark designation portion of the hearing. The Hearing Officer may alter the order of procedure as circumstances require.

2. Permit Application

For the permit application portion of the hearing, the conduct of the hearing, the hearing record, the post-hearing submissions, and the final review by the Commission shall follow Article IV, Sections H through K, of these *Rules and Regulations*.

At the discretion of the Hearing Officer and by mutual agreement of all parties, the parties may offer evidence and testimony pertaining to whether the property under consideration for landmark designation meets the criteria set forth in section 2-120-620 of the Municipal Code during the permit application portion of the hearing, and such evidence or testimony may be incorporated by reference in the landmark designation portion of the hearing to avoid unnecessary duplication.

3. Landmark Designation

For the landmark designation portion of the hearing, the conduct of the hearing and the Commission's final recommendation to City Council shall follow Article II, Sections G through H, of these *Rules and Regulations*.

Article VI - Economic Hardship

A. Application for Economic Hardship

Pursuant to section 2-120-830 of the Municipal Code, upon final notification from the Commission or the City Council of a decision to deny an application for a permit to construct, reconstruct, alter, add to, demolish or relocate property given a preliminary recommendation for landmark status or designated as a landmark, the permit applicant may within 30 days apply to the Commission for an economic hardship exception on the basis that the denial of the permit will result in the loss of all reasonable and beneficial use of or return from the property.

B. Public Hearing on Economic Hardship

Pursuant to section 2-120-840 of the Municipal Code, the Commission shall hold a public hearing on an application for an economic hardship exception within 30 days from receipt by the Commission of the application. Public hearings on applications for an economic hardship exception shall follow the procedures for public hearings as set forth in Article IV of these *Rules and Regulations*.

C. Burden of Proof

The applicant bears the burden of proof that the existing use of the property is economically infeasible and that the sale, rental, or rehabilitation of the property is not possible, resulting in the property not being capable of earning any reasonable economic return. Proof of economic hardship is not established solely by submission of proof of actual financial loss or lost opportunity to obtain increased return from the property, although these factors the Commission may consider. Proof of economic hardship must be established by clear and convincing evidence.

D. Evidence of Economic Hardship

Any applicant for an economic hardship exception shall offer at the public hearing described in section 2-120-840 of the Municipal Code evidence relevant to the following issues:

1. The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.

2. The current level of economic return on the property as considered in relation to the following:

a. The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any terms of financing between seller and buyer.

b. The annual gross and net income from the property for the previous three years; itemized operating and maintenance expenses for the previous three years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

c. Remaining balance on any mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years.

d. Real-estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations.

e. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

f. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

g. Any state or federal income tax returns on or relating to the property for the past two years.

3. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:

a. Any real-estate broker or firm engaged to sell or lease the property.

b. Reasonableness of the price or rent sought by the applicant.

c. Any advertisements placed for the sale or rent of the property.

4. The infeasibility of profitable alternative uses for the property as considered in relation to the following:

a. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

b. Estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Commission issued pursuant to section 2-120-800 of the Municipal Code.

c. Estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

d. In the case of a proposed demolition, the testimony of an architect, developer, real-estate consultant, appraiser, or other real-estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

Article VII - Preservation Easements

A. Definition and Purpose

A preservation or conservation easement is a legal agreement between a property owner and a public agency or a private, not-for-profit organization which gives the agency or organization the right to monitor and protect the architectural and historic character of the property. Easement donations may be made to the City of Chicago.

B. Public Hearing on Preservation Easements

The Commission shall hold a public hearing on any proposed donation before recommending to the City Council that the donation be accepted. The Commission's public hearing will be conducted according to the procedures set forth in Article II of these *Rules and Regulations*.

Chicago Landmark Designation Process*

Commission on Chicago Landmarks

- 1. Preliminary Summary of Information Report by Commission Staff**

Commission staff researches the historic and architectural significance of the building or the district and submit a report to the Commission.
- 2. Preliminary Recommendation**

The Commission votes whether to initiate the consideration process for a proposed designation. A positive vote puts in place the Commission's authority to review building permits during the consideration process.
- 3. Report from Department of Housing and Economic Development**

Statement of how the proposed landmark designation affects neighborhood plans and policies.
- 4. Commission Requests Owner Consent**

The Commission contacts each owner and requests consent. Owner consent is advisory—not required—for designation (except for houses of worship). When an owner does not consent, a public hearing is held.
- 5. Public Hearing**

A public hearing is held to gather relevant facts and information to assist the Commission in its consideration of the proposed landmark designation.
- 6. Final Commission Recommendation**

After a review of the entire record, the Commission votes whether to recommend the proposed landmark designation to the City Council.
- 7. Hearing by City Council's Landmarks Committee**

The Commission's recommendation is referred to the Committee on Historical Landmarks Preservation, which votes on whether to recommend the designation to City Council.
- 8. Vote on Designation by City Council**

Designation of a Chicago Landmark is a legislative act of the Chicago City Council.

*This overview is offered as context for the landmark designation process as set forth in sections 2-120-630 through 2-120-730 of the Municipal Code and does not supplant the provisions of the Code. Interested persons are therefore urged to consult the Code.



Alta Vista Terrace (3800 block) was the first landmark district to be designated as a landmark by the City Council (Sept. 15, 1971). The forty English-style row houses facing this one-block-long street – located just north of Wrigley Field—were built in 1900-04 by developer Samuel E. Gross. (Photograph by Richard Nickel, c. 1970.)

COMMISSION ON CHICAGO LANDMARKS

Rafael M. Leon, Chairman
John W. Baird, Secretary
Anita Blanchard, M.D.
James M. Houlihan
Tony Hu
Christopher R. Reed
Mary Ann Smith
Ernest C. Wong
Andrew J. Mooney

The Commission is staffed by the:



Department of Housing and Economic Development,
Bureau of Planning and Zoning

Historic Preservation Division
33 N. LaSalle St., Suite 1600
Chicago, Illinois 60602
312.744.3200 (TEL) ~ 312.744.9140 (FAX)
<http://www.cityofchicago.org/landmarks>