

## Evanston Preservation Commission Rules & Procedures

### ARTICLE 1. PERSONNEL

1. Nominations of Commission Officers. Nominations for Chair, Vice-Chair and Secretary will be made at the December meeting. There may be additional nominations from the floor or accepted in writing up to the January meeting at which times elections will be held. Election shall be by a majority of those present and voting, provided there is a quorum.
2. Volunteers to Assist Committee Members. The commission or its individual committees may, at its discretion, ask for community volunteers to assist in various projects. These volunteers are not part of the Commission.
3. Conflicts of Interests. The Preservation Commission shall be subject to the City's Ethics Code, Title 1, Chapter 10, 1-10-4 of the City Code, governing matters pertaining to conflicts of interest and the impartiality required of members of City boards and commissions. Questions about applicability of the Ethics Code to a particular situation may be directed to the Board of Ethics.
4. Attendance at Meetings. Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Commission. In the event that a Commission member must be absent from a meeting, the member shall contact the Commission office before the meeting to advise the Commission of the absence.
5. Qualification to Vote on Certificates of Appropriateness. No Commission member shall vote on any matter deciding an application or any a request to reconsider an application unless that member shall have attended, or have either read the minutes or watched the entire video and record of, the Commission's previous deliberations on such application. In the event of an absence from previous deliberations, the member shall declare for the record that the member has reviewed the minutes and record and is familiar with the Commission's previous deliberations.

### ARTICLE 2. MEETINGS.

1. Notice. Notice of all meetings shall be properly posted and meetings shall be open to the public, as provided by law. A quorum of a simple majority of appointed members is required.

2. Regular Meeting Order of Business.

Call to order/quorum declaration

Old/Unfinished Business, including comments from the public regarding individual applications

New Business, including comments from the public regarding individual applications

Any Additional Public Comment according to Article 10 of these Rules and Procedures

Minutes

Communications/Reports from Commission members and staff

Adjournment

3. Special Meetings. Special meetings may be called by the Chair at his/her discretion, or upon the request of three or more Commission members.
4. Committee Meetings. Committee meetings or other special events attended by 4 or more Commissioners will be held in a public building. For these meetings, required notice for a public meeting will be posted and meeting minutes will be prepared. Meetings of 3 or fewer Commissioners organized as a volunteer working group - need not be held in a public building, and detailed minutes need not be maintained at such meetings. These volunteer working groups will be limited to a maximum of 3 members and since the topics of their meetings will be brought before the Commission at a Commission meeting. A record of volunteer working groups meetings will be maintained, documenting attendance, time, place, and the subject of the meeting. Other special events need not to be held in a public building, and detailed minutes need not to be maintained for such meetings.
5. Temporary Meeting Chair. In the event that neither the Commission Chair nor the Commission Vice Chair are available to preside at a regularly scheduled Commission meeting, the members of the Commission can vote to appoint the Commission Secretary as the Temporary Meeting Chair to preside at that regularly scheduled Commission meeting. A quorum of Commissioners, as defined in the City's Historic Preservation Ordinance section 2-8-3 (E) 7, must be present to vote for the Temporary Meeting Chair to preside at that regularly scheduled Commission meeting.
6. Remote Participation. A quorum of the Commission must be physically present. Additional members unable to attend physically because of personal illness or disability; employment purposes; the business of the public body; or a family or other emergency may attend and participate with full privileges remotely.

### **ARTICLE 3. COMMITTEES**

The Commission, through its ongoing functions, may propose Committees or volunteer working groups to address specific preservation topics or initiatives. Standing committees shall have membership populated by nomination at the January meeting. Said committees shall meet as necessary to accomplish the goals and objectives of the body. Current standing committees include:

1. Application Pre-Review The Application Pre-Review subcommittee shall meet monthly prior to the regularly scheduled Commission meeting to review applications for completeness, recommend supplemental documentation to be provided by the applicant, identify areas of concern or importance for the applicant to focus their presentation on, and offer general guidance to applicants.
2. Education and Advocacy. This committee supports the ongoing creation and dissemination of educational materials, technical assistance guides and brochures, training programs, workshops, and content creation for a quarterly newsletter. The Education and Advocacy subcommittee shall also act as liaison between the Commission, the public, partner organizations, and institutional entities including other Boards, Committees and Commissions, School Districts and Northwestern University, City Departments, and the City Council.
3. Diversity, Equity, and Inclusion. This committee supports ongoing efforts to document and register resources associated with groups not currently represented or underrepresented as well as identify and actively recruit a commission membership which reflects Evanston's diverse demographics and perspectives.

**ARTICLE 4. APPLICATION HEARINGS**

1. Consideration of Applications.

Completed application is due fifteen (15) business days prior to the application hearing or public meeting.

Any party may appear in person or by agent or attorney at the Commission meeting.

The order of business for consideration of applications for Certificates of Appropriateness shall be as follows:

- a) If a major alteration is proposed, applicant must have the City's zoning analysis completed with the results 15 business days prior to the hearing.
- b) If a major alteration or demolition is planned, City must notify neighbors within 250 feet of the property five (5) or more business days prior to the hearing to allow neighbors to comment on the proposal at the meeting.
- c) All persons who wish to address the Commission regarding an application shall sign in and indicate the application to be addressed. Additional sign in sheets will be available for persons to record their attendance at the Commission meeting.
- d) The applicant shall present evidence in support of the application, i.e. that the applicable standards according to the City of Evanston Historic Preservation Ordinance, Title 2, Chapter 8, 2-8-9 are met;
- e) Persons may speak in support of the application within a time limit established by the Commission's Chair;
- f) Persons opposed to the application may speak or present evidence in opposition to the application within a time limit established by the Commission's Chair ;
- g) Statements or evidence submitted by any official, board or commission or department of the City of Evanston, shall be presented as directed by the Chair;
- h) Any person may ask questions relevant to the application;
- i) The applicant shall then be given the opportunity to rebut any evidence against the application. The applicant shall not re-state the initial evidence in support of the application;
- j) The Chair, or such person as the Chair shall direct, may summarize the evidence that has been presented, giving all parties an opportunity to make objections or corrections;
- k) The Commission shall thereafter make a motion to approve, approve with conditions, continue, or deny and following a second thereafter proceed to discussion of the proposed motion with respect to the appropriate standards;
- l) As part of the discussion, the Commission shall develop and adopt findings of fact that the proposal is or is not incongruous, citing applicable sections of the appropriate standards;

- m) Based upon the discussion and findings of fact, the Commission may discuss the appropriateness of amending the motion on the floor including imposing conditions, or utilizing a friendly amendment process if agreed to by the Commissioner who made the original motion and not objected to by any other Commissioner;
- n) The Commission shall then vote to do one of the following: approve the application, approve the application subject to conditions, defer the application for further information, or deny the application for a Certificate of Appropriateness. If an amendment is made to the main motion, the Commission shall first vote on the proposed amendment followed by a vote on the main motion (if amendment fails) or the amended motion (if the amendment is adopted), unless a friendly amendment is agreed to.
- o) Prior to vote the Commission may allow through its discretion the withdrawal of the application.
- p) The Commission may, at its discretion, conduct additional visits to the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact, and where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be appropriate under the circumstances.
- q) In considering applications, witnesses may be called and factual evidence may be submitted. The Commission shall not be bound by the rules of evidence, but may hear and consider any evidence it considers to have probative value on the issues before it.

2. Continuance of Applications

The Preservation Commission can continue to a date certain applications scheduled for review at a particular scheduled meeting, no more than two (2) times without re-noticing the application to neighbors within 250 feet from the subject property. Applications that have been continued more than two (2) times without a presentation will be re-noticed to a scheduled Preservation Commission meeting in accordance to Section 2-8-8 Certificate of Appropriateness (C) 2. The re-notice should also apply to applications for Landmark or Historic District Nominations, Certificate of Special Merit, Subdivision, Resubdivision or Consolidation

3. Modifications to Certificates of Appropriateness.

An approved Certificate of Appropriateness may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the modification is minor, it may be approved according to the Minor Works procedure as outlined in Article 5. If the modification constitutes a substantial change, the applicant must treat it as a new application and appear before the Commission according to these Rules and Procedures.

4. Re-issuance of Expired Certificate of Appropriateness.

A certificate of appropriateness is valid for one hundred eighty (180) days from the date of issuance. Requests by the original applicant to re-issue an expired certificate of appropriateness after the one hundred eighty (180) days have expired and when the original application as approved has not changed shall be granted upon review and approval by the city manager or his/her designee if the request is made within one (1) year from the date of expiration of the original certificate of appropriateness.

**ARTICLE 5. RULES OF CIRCUMSTANCE FOR COA REVIEW**

Historic districts reflect pride in the character of a community and a desire on the part of the community and the city to preserve their assets. Historic districts are an important planning tool for the city, a way to improve the quality of life, sustain neighborhoods and at the same time, a way to encourage new development that enhances the historic character and scale of an area.

Historic district status recognizes change as an important indicator of healthy, vital communities. The City Code establishes a special design review process to assist in shaping change that enhances the uniqueness of a historic district's assets. Certificates of Appropriateness are issued to show that projects have been reviewed.

The following list is provided as a general outline of the level of review that may be expected of various types of projects that are often undertaken. It is not intended to be comprehensive, and it cannot cover every circumstance that will be encountered in a project.

**1. Applicability.**

A Certificate of Appropriateness is not necessary for routine maintenance, which includes repair or replacement where there is no change in the design, materials or general appearance of the structure or grounds. Certificates of Appropriateness are issued for all other projects. Any repair or replacement where there is a change in the design, materials, or general appearance is defined as an alteration and needs a Certificate of Appropriateness. The Commission only has purview over those alterations that can be seen by the public way (publicly accessible street, alley, sidewalk, or other publicly accessible thoroughfare not including Lake Michigan).Vegetation, fences, and walls are not considered permanent line of sight obstructions.

**2. Minor Work Projects.**

Minor Work projects are reviewed by the City of Evanston's Community Development Department staff. Staff will refer Minor Work projects to the Commission for review, if in staff's judgment, the change involves alterations, additions, solar panels, green roofs, wind power generators and other technologies, or removals that are substantial, do not meet the standards, or are of a precedent-setting nature.

**3. Major Work Projects.**

Major Work projects, of the types listed below are reviewed by the Commission. In general, Major Work projects involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects. Such changes include new construction, expansion of a building footprint or significant changes in landscape features.

(a) Provisional Deferrals: The Commission may, in times of unforeseen circumstance, and by an affirmative vote of a simple majority of members present, provisionally defer additional Major Work projects to City Staff for administrative review. Such a deferral shall be accompanied by a sunset provision and require a vote for renewal or modification.

(b) Application Pre-Review Subcommittee Deferrals: Understanding the inability for the list of projects below to account for all types of work or variations in scope and project intensity, the Commission's Application Pre-Review Subcommittee is authorized to defer applications for Major Work projects listed below as administrative reviews.

	Type of Work	Routine Maintenance	Minor Work (Staff)	Major Work (Commission)
1	Construction or Additions to <i>primary contributing/significant buildings</i> or landmarks			X
2	Demolition of any <i>primary structures</i> in a district; landmarks, or contributing structures			X
3	Demolition of any <i>part of a primary structure</i>			X
4	Demolition of a <i>non-contributing structure</i> in a district		X	
5	Relocation of <i>landmark, or contributing buildings</i> including accessory structures			X
6	Alteration/Removal of <i>Contributing Historical Architectural or Archeological structures</i> or objects			X
7	Repair in kind of existing <i>Accessory Structures or Buildings</i> when there is no change in design, materials, or general appearance	X		
8	Alteration of existing <i>Accessory Structures or Buildings and Garages/Coach Houses</i>		X or	X
9	Additions to existing <i>Accessory Structures or Buildings affecting landmarks or contributing structures</i>			X
10	Construction of new <i>Accessory Structures or Buildings</i>		X or	X
11	Demolition of <i>existing Accessory Structures or Buildings</i>		X or	X
12	Repair or Replacement of <i>Architectural Details</i> when there is no change in design, materials, or general appearance	X		
13	Alteration/Addition/Removal of <i>Architectural Features and Details</i>		X or	X
14	Construction/Alteration/Removal of <i>Chimneys</i>		X or	X
15	Repair/Replacement of uncovered rear <i>Decks and stairs</i> when there is no change in design, materials or general appearance		X	
16	Alteration/Addition/Removal of uncovered rear <i>Decks and stairs</i>		X	

As Amended on 3.14.23

	Type of Work	Routine Maintenance	Minor Work (Staff)	Major Work (Commission)
17	Repair/Replacement of existing covered <i>Porches</i>		X	
18	Alteration/Addition of <i>Porches</i>			X
19	Repair of existing <i>Fences or Walls</i> when there is no change in design, materials, or general appearance	X		
20	Construction of new, or replacement of existing <i>Fences or Walls</i> which meets ordinance standards	X or	X	
21	Removal of existing <i>Fences or Walls</i>		X	
22	Repair/Replacement of <i>Gutters and Downspouts</i> when there is no change in design, materials, or general appearance	X		
23	Installation of <i>House Numbers and Mailboxes</i>	X		
24	Installation/Replacement/Alteration/Removal of <i>Exterior Light Fixtures</i>	X		
25	Repairs/Replacement, including repointing, to existing <i>Masonry</i> when the color and composition of the mortar match the original, and new brick or stone matches the original	X or	X	
26	Construction/Alteration/Removal of <i>Masonry</i>		X	
27	Installation/Removal of <i>Mechanical Equipment</i> , such as air conditioning units, Vents and Ventilators		X	
28	Repair/Replacement of existing <i>Parking Lots and Parking Areas</i> when there is not change in design, materials, or general appearance	X		
29	Alteration/Removal of existing <i>Parking Lots and Parking Areas</i>		X	
30	New Construction of/Addition to <i>Parking Lots</i>			X
31	Repair/Replacement of existing covered Porches		X	
32	Alteration/Addition/Removal of <i>Porches</i>			X
33	Repair of <i>Roofing</i> materials when there is no change in design, materials, or general appearance	X		
34	Replacement/Alteration of <i>Roofing</i> materials		X or	X

As Amended on 3.14.23

	Type of Work	Routine Maintenance	Minor Work (Staff)	Major Work (Commission)
35	Repair/Replacement of exterior <i>Stairs and Steps</i> when there is no change in design, materials, or general appearance	X		
36	Alteration/Addition/Removal/new Construction of exterior <i>Stairs and Steps</i>		X	
37	Repair/Replacement of <i>Exterior Building materials</i> when there is no change in design, materials or general appearance	X		
38	Alteration/Addition/Removal of <i>Exterior Building materials</i>		X or	X
39	New Construction/Alteration Addition of <i>Swimming Pools</i>		X	
40	Installation/Alteration/Removal of <i>Temporary Features</i> that are necessary to ease difficulties associated with a medical condition		X	
41	Repair/Replacement of existing <i>Walks</i> and at grade <i>Patios</i> when there is no change in design. Materials or general appearance	X		
42	Alteration/Addition/Removal of existing <i>Walks and at grade Patios</i>		X	
43	Construction of new <i>Walks and at grade Patios</i>		X	
44	Repair of <i>Windows and Doors</i> when there is no change in design, materials, or general appearance	X		
45	Replacement of <i>existing Windows and Doors</i> when there is no change in design, materials, or general appearance		X	
46	Alteration/Removal/Replacement of existing <i>Windows in non-Contributing Structures</i> when there is no change in design, materials, or general appearance		X	
47	Alteration/Removal/ Replacement of existing <i>Windows and Doors or addition of new Windows or Doors</i> when there is a change in design, materials or general appearance.		X or	X

**As Amended on 3.14.23**

	<b>Type of Work</b>	<b>Routine Maintenance</b>	<b>Minor Work (Staff)</b>	<b>Major Work (Commission)</b>
48	Installation of new <i>Windows</i> in non-contributing structures		X	
49	Installation/Alteration/Removal of <i>Storm Windows and Storm Doors</i>		X or	X
50	Repair/Replacement of existing <i>Skylights and roof windows</i> when there is no change in design, materials or general appearance	X		
51	Addition/Alteration/Removal of <i>Skylights</i> and roof windows when there is a change in design, materials or general appearance		X	
52	Changes to previous Certificates of Appropriateness		Most changes	Changes deemed by staff to be substantial in nature and previously reviewed by Commission
53	Emergency installation of Temporary Features to protect a historic resource (that does not permanently alter the resource); six-month duration; replacement with in-kind reconstruction or an approved certificate of appropriateness (i.e. temporary ramps for accessibility)		X	
54	<i>Solar Panels and Green Roofs,</i>		X or	X
55	<i>Turbines, Wind Power Generators and other technologies</i>		X or	X (When visible from a street)
56	<i>Fountains and landscape features when a part of the Statement of Significance for a landmark</i>			X

**ARTICLE 6. NOMINATION OF HISTORIC DISTRICT**

Since the rules in Ordinance 2-9-5 best support nominations for individual landmarks, the following additional rules apply to nominations for historic districts.

1. In the case of the Criteria for notable architects, it is understood that a district may have structures that are designed by many notable architects. The word architect in the nomination may be *multiple architects*.
2. In the case of the criteria for architectural styles, it is understood that a district may have multiple house styles. The word style in the nomination may be *styles*.

**ARTICLE 7. REMOVAL OF A PROPERTY FROM LANDMARK STATUS**

The Commission will follow section 2-8-5 (E) to determine whether a property no longer meets the Criteria for Designation in section 2-8-4. It is the applicant's responsibility to complete the application for rescission and establish that the property no longer meets the criteria for designation.

The applicant must show that the landmark no longer meets a majority of the applicable criteria for designation. (For example – Many of the criteria refer to archeological sites. The applicant cannot use this as justification, if it doesn't apply).

In instances of proposed demolition of a registered Landmark, the applicant must concurrently file for Rescission of the Landmark designation. The application for rescission shall be heard first.

**ARTICLE 8. REVIEW OF CITY OF EVANSTON PROJECTS OR PROPERTIES**

Projects on properties, structures or buildings owned by the City of Evanston and designated as local, state or federal landmarks, or located within areas designated as historic districts (whether a contributing or non-contributing structure), are subject to review for appropriateness dependent on their potential impact to the area.

For the purposes of this Article, the review of these projects or activities are either conducted by the City of Evanston's Community Development Department staff or the Preservation Commission as described below (routine maintenance for City infrastructure not listed below is considered exempt from review):

City projects or activities reviewed by City of Evanston's Community Development Department:

- Removal of healthy trees.
- Exterior alterations of City-owned properties, conforming to the definition of Alteration in the Historic Preservation ordinance section 2-8-2. These alterations represent either no change in appearance to the historic, cultural, architectural or archaeological features and/or the in-kind replacement of materials on these same properties.
- In-kind replacement of any traffic signals or street light poles and fixtures.
- Installation of any new above-ground infrastructure and signage in City parks.

City projects or activities reviewed by the Commission:

- Reconstructing or removal of any of the City's brick streets

- Street widening to greater than 24 feet in width, including adding or improving bike paths, modifying lane configurations, and constructing traffic circles.
- Installation of new street light poles and fixtures or traffic signals. Replacement of existing street light poles and fixtures or traffic signals with those of a different design or configuration.
- Installation of new signage, specifically historic district signs, wayfinding signs, and monument signs.
- Installation of new playground equipment in City parks.
- Construction, as defined in the Historic Preservation ordinance section 2-8-2, of new City-owned buildings or structures.
- Exterior alteration of City-owned buildings or structures, conforming to the definition of Alteration in the Historic Preservation ordinance section 2-8-2. Alterations requiring Commission review are those City projects or activities proposing a change to the appearance of that property, building or structure's historic, cultural, architectural or archaeological features.

**ARTICLE 9. AMENDMENT OF RULES**

The rules may be amended by an affirmative vote of a simple majority of the members of the Commission.

Any proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken. Copies of such proposed amendments shall be forwarded to any absent member.

**ARTICLE 10. PUBLIC COMMENT**

Opportunity for public comment for items not on the agenda shall be provided at all meetings of the Commission, in a manner determined to be appropriate by the Chair.

**ARTICLE 11. ANNUAL REPORTING**

The Chair of the Commission or his/her designee shall provide an annual report/presentation to the Planning and Development Committee during the first quarter of the calendar year.