



MEETING MINUTES

HISTORIC PRESERVATION COMMISSION

Tuesday, March 9, 2021

7:00 PM

Via Virtual Meeting

Members Present: Beth Bodan, Ken Itle, Mark Simon,
Stuart Cohen, Jamie Morris, Aleca Sullivan, E. Dudnik

Members Absent: Suzi Reinhold

Staff Present: C. Sterling, City Planner
C. Ruiz, Senior Planner

Presiding Member: M. Simon, Chair

Notes Taken By: C. Ruiz (C. Sterling wrote 2390 Orrington Minutes)

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chair Simon called the meeting to order at 7:04 p.m.

2. SUSPENSION OF THE RULES: Members participating electronically or by telephone
A motion by Chair Simon to suspend the rules was approved unanimously by roll-call vote.

3. NEW BUSINESS

A. 1111 Judson Avenue – Lakeshore Historic District - 21PRES-0026

Robert Kolososki, architect, applies for a Certificate of Appropriateness to alter the west and east elevations of a circa 1980s non-contributing structure. Specifically the applicant proposes to extend the covered porch with a new roofed structure on the west elevation and construction of a wooden egress stoop on the east elevation.

Applicable standards: Alteration [1-10] and Construction [1-4; 6-8; and, 10, 11, 13].

Homeowner presented a brief introduction of the project.

- Home was built in 1989
- Stairs currently extend the entire width of the front. Proposes smaller cement and stone stairs with a roof overhang to provide for more useable space.
- The new stoop will have new stairs with a railing system and newel posts leading to a new front door with side lites.
- Proposes a small deck or wooden stoop at the rear of the property.
- Commissioner Cohen asked what was below the deck.
 - Storage space.
- Commissioner Dudnik stated that the deck was not visible from a public way and shouldn't be reviewed
 - Mr. Sterling confirmed.
- Commissioner Cohen stated that the roofed structure at the front could have a better transition at the corner of the home. It currently meets flush and could be improved.
 - Applicant stated this was a good idea that they would explore

No public comment

Commissioner Dudnik made a motion to issue a COA for the proposed work. Second by Commissioner Cohen and approved 7-0 by roll-call.

B. 2410 Lawndale Avenue – Landmark - 21PRES-0023

Joe & Shiela Keitel, owners of record, apply for a Certificate of Appropriateness to alter the Landmark structures north, south, and west elevations with replacement of fifteen (15) original true divided lite six-over-one double-hung wood windows with non-divided lite aluminum clad wood windows with interior grilles between the glazing.

Applicable standards: Alteration [1-10]

Applicant provided an introduction of the project stating the windows are all in the rear of the home. Owners thought that only windows at the front of the home would be subject to preservation review.

- 15 windows on rear of home are scheduled to be replaced
- The new windows are proportionally similar to the existing
- The current windows are covered with aluminum storm windows of unknown vintage
- Proposed grilles between the glazing for convenience and safety
- Windows will be the same color on the exterior as existing and are Marvin Ultimate aluminum clad wood.
- Views of the windows from the alley are obstructed with a fence and vegetation
- 4 windows are inoperable and cannot be opened
- The proposed grilles between glazing are 5/8" and are sculpted to provide relief
- Emphasized the windows are at the rear of the home and not visible
- Commissioner Dudnik stated the windows are not at the rear of the home and are visible from the street.
- Commissioner Cohen stated that the windows should have an SDL. It is not appropriate to replace existing wood windows with grilles between the glazing. Commissioner Cohen asked why this wasn't considered.
 - Was not familiar with the requirement. The proposed windows are top of the line. Cost was the primary factor for not having an SDL. It is ~\$40 to \$45 per light x 15 windows. That is not a small number.
- Commissioner Dudnik stated that there is a big difference between an SDL and grilles between glazing as seen from the street
 - Applicant stated that you would need to be so close to the windows to tell a difference.
- Commissioner Cohen stated that it was negligent to purchase the windows prior to approval.
- Commissioner Morris stated that this is an individual landmark house and the applicant has offered no evidence that the windows cannot be restored.
 - Applicant stated that the amount repair far exceeds the cost of replacing. Owners want a thermally efficient window.
- Commissioner Cohen stated that restoration and new storms could provide extra insulation similar to the new window. The reason old windows are drafty is because of air infiltration not necessarily heat loss. This can be resolved in most cases by repair.
- Commissioner Cohen stated the applicant should return with the cost of restoration/vs. replacement and they should look at the cost for muntins to be applied to the exterior of the glass

- Applicant stated frustration with the permit coordinator giving them bad advise and not supplying the proper information
- Chair Simon stated that the application was not complete and that it needed information on the deterioration of the windows. The current condition appears good and there is no evidence to suggest otherwise.
- Chair Simon expressed frustration with the applicant continuing to state the windows were at the rear of the home. They are on the side elevations.
 - Applicant stated what he meant is they are not on the front facing façade. Applicant reviewed the location of all windows scheduled to be replaced
- Commissioner Bodan stated that this is a Landmark and it retains its original windows. Emphasis on Standard 2 and 6.
- Commissioner Dudnik stated that the problem is if the Commission were to approve these windows, which are not appropriate, you could come back in a year or two or three and propose replacing the front elevation windows with the same. It sets a precedent and that is a problem.
- Chair Simon suggested the applicant return with the requested information
- Mr. Sterling stated that he had requested that information from the applicant repeatedly and they have never shown a meaningful interest in providing it. Mr. Sterling suggested the case not be continued and action be taken tonight.
- Chair Simon cautioned Mr. Sterling that he should not speak for the applicant.
 - Applicant agreed with Chair Simon and stated he was willing to provide the information requested in order to move things forward.
- Commissioner Sullivan moved to continue 2410 Lawndale Ave to next meeting to allow the applicant to provide additional information. Commissioner Dudnik seconded and the motion passed 7-0 on a roll-call vote

C. 321 Lake Street – Lakeshore Historic District - 21PRES-0018

Paul Janicki, architect, applies for a Certificate of Appropriateness to alter the half story above the full second story of the west and east elevations with construction of a central gable dormer to accommodate attic stair access (west elevation only) as well as enlargement of five existing gable dormers to accommodate larger windows for egress. Applicable standards: Alteration [1-10]; and [Construction 1-4, 7, 8, and 10-14]

Paul Janicki presented the application. The client has a growing family and the third floor has the potential for two additional bedrooms, but needs egress and access. Proposes to bring the stair case from the second floor to the third floor and needs a dormer on the west of roof to accommodate this. Windows with the round heads are not egress code compliant. Proposed to make them casements to look like the double hung, slightly bigger by 8%. Slightly larger dormer, new windows with SLD, all wood (casements).

- Commissioner Cohen asked if other alternatives were considered, including using the existing stair access and reconfiguring some of the interior space.
 - This was looked at and there was no realistic way to accommodate that.
- Commissioner Dudnik asked of the new dormers will match the existing.
 - Yes, slightly larger but in proportion
- Commissioner Bodan asked about replacing two windows on the east that don't need to be replaced, just to match those on the west. Are they are in good condition currently?
 - They are in marginal condition. Single glazed, but not horrible.
- Commissioner Bodan stated a preference for having the windows at the east remain and not altered unnecessarily
- Commissioner Dudnik offered alternatives to the larger central dormer

- Commissioner Itle moved to approved the COA as presented. Commissioner Cohen seconded and approved on a roll call vote of 6-1. Commissioner Bodan dissenting.

D. 1228 Forest Avenue – Lakeshore Historic District – Landmark - 21PRES-0025

Moshe Calamaro & Associates, applicant, applies for a Certificate of Appropriateness to alter the non-original front-porch to closely align with the original circa 1880s design. Specifically the applicant proposes to rebuild the existing front porch stairs on the east elevation, remove the uncovered porch and stair on the homes south elevation, and add a new stair at the south terminus of the front-porch. Additional improvements include restoration of the porches column bases and capitals, the wood frieze, fascia, soffit, and trims, and replacement of the concrete porch floor with tongue and groove wood decking.

Applicable standards: Alteration [1-10]; Construction [6, 7; and, 10-13]; and, Demolition [1-5]

Applicant presented a brief introduction of the project.

- Owner restored the interior of the house and other portions of the exterior beautifully and is looking at this project as a capstone.
- The project team tried to strike a balance between being historically accurate and practical. Many portions of the porch are in bad condition due to rot and they would like more resilient and dependable materials.
- Proposed to closely match the original plans for the porch with some minor changes. Proposes to remove the non-original open porch/deck at the south and west.
- All columns and capitals in need of replacement will be replaced in wood. Capitals will be hand carved. The front stairs which are non-original will be removed and rebuilt to closely match the original plans with altered railing and balustrade to be code compliant.
- Copper gutter system will be replaced in-kind.
- The Column bases are almost completely rotten and have been replaced previously. Proposed to be replaced with a composite material
- The ball finials on the main stair newel posts will be limestone, while the smaller finials on the intermediate posts will be a composite material.
- Proposes all balusters to be a composite polyurethane material.
- Commissioner Sullivan stated that the porch original drawings do not show a the covered portion extending as far south as it does now. Is that to remain?
 - Yes, it will remain and will be re-roofed with a cedar shingle.
- Commissioner Cohen stated that the project was well developed but the use of a composite for the balusters is questionable. They don't look or feel right. Best used in locations where they can't be touched. The question is of material, not design.
- Commissioner Bodan agreed. The design is beautiful, the balusters would ideally be wood. The difference will be noticeable.
- Property owner – wanted to do the project for a long time. Takes things seriously. How to do it in the best way, while maintaining historic value and practicality. The location of the balusters is susceptible to poor weather and they are worried wood would rot. They looked at other alternatives such as Africa Mahogany, which was used to other balusters elsewhere on the property, but it didn't make sense.
- Commissioner Cohen moved to approve the COA. Commissioner Dudnik seconded and was approved 7-0 on a roll-call vote.

E. 701 Sheridan Road – Lakeshore Historic District - 21PRES-0024

Holbert & Associates, applicant, applies for a Certificate of Appropriateness to alter the north and east elevations of the property. Specifically, the applicant proposes replacement of the north elevation casement windows with aluminum clad double-hung windows to match those extant on other elevations of the residence, replacement of the north side-door and, removal of the east rear-door and existing roofed entry structure to be replaced with a metal awning over new aluminum clad casement windows and transoms to match those on the existing east facing sunroom. Additional alterations include replacement of the existing sunroom windows with aluminum clad windows of similar profile and lite configuration to those existing.

Applicable standards: Alteration [1-10]. East elevation not visible from any public way.

- Applicant provided a brief introduction on the proposed work for the north elevation, asking if the east elevation was going to be reviewed.
 - Chair Simon stated that the portion was visible from a public park
 - Mr. Sterling stated that the public park is not considered a public way, atleast as directed by the Law Department.
- Applicant stated they are proposing changes to allow for an interior remodel of the kitchen. Replacing some windows, reusing an existing door and window in a new location, and using wood for all materials. Windows will have true divided lites.
- Wood windows, true divided lights...
- Commissioner Dudnik stated the reuse of half the leaded window is not necessary.
- Commissioner Dudnik moved to issue a COA. Commissioner Cohen seconded and the motion was approved 7-0 by roll-call vote.

F. 720 Judson Avenue – Lakeshore Historic District – Landmark - 21PRES-0020

Thomas Ahleman, architect, applies for a Certificate of Appropriateness to remove an existing wood pergola and construct a one-story roofed porch addition at the rear-volume of the residence accessed by a large aluminum clad wood sliding french door replacing an existing aluminum clad casement window and fixed double-window at basement level.

Applicable standards: Alteration [1-10] and Construction [1-8; and, 10-15].

Applicant provided a brief introduction of the project. They propose removal of a wood pergola at the back of the house and replacement with an open covered porch. Believe the addition is compatible with the existing prairie style. Will match existing materials.

- Commissioner Cohen asked about the railing system.
 - Wood railing (south elevation)
- Commissioner Cohen asked about the proposed materials
 - Piers will be stucco to match the existing home with a Boral trim painted the same color. This is a more durable material. Guard rail at south side of the porch will be wood. Underside of the soffit is bead board painted in the same color as the stucco.
- Applicant stated that the proposal is minimally visible from the alley. Cannot be seen from the street
- Commissioner Cohen stated the metal lattice on the plater box wall may be unnecessary and not required by code.
 - Applicant stated they would like to remove it and will look into it
- Commissioner Dudnik asked what the double line around the roof was in plan.
 - Applicant stated it is a box gutter for water run-off.

- Commissioner Bodan asked about the gutter system and if the size was appropriate as well as if spitters were considered instead of down spouts. More consistent with a prairie style.
 - Can't use them because of the walkway and other drainage challenges. Believes the size is adequate.
 - Commissioner Dudnik stated box gutters are prone to ice dams and would recommend removing them completely.
- Commissioner Cohen moved to approve the COA. Seconded by Commissioner Itle and approved 7-0 by roll-call vote.

G. 415 Dempster Street – Lakeshore Historic District – Landmark - 21PRES-0019

Mark A. Miller, architect, applies for a Certificate of Appropriateness to alter the existing front porch on the south elevation of the structure to more closely match the original condition. The applicant proposes to remove the screen porch, construct an expanded front stair and open porch, as well as relocate the properties main entrance to be identifiable from the street. Additionally, the applicant proposes to extend the open porch to the west and north and include an overhead wood pergola structure and side stair. Applicable standards: Alteration [1-10]; Construction [1-7; and, 10-15]; and, Demolition [1-5].

Mark Miller, architect, presented the application and provided a brief introduction.

- Proposes to open the enclosed front porch to more closely match the condition the the neighbors porch (double house). Also proposed an extension to the porch to the west with built-in seating and overhead pergola.
- Commissioner Cohen asked if the pergola was original?
 - No, but there is precedent for a similar style in the District. Applicant shared some photos.
- Commissioners discussed the location of the pergola and its transition into the existing trim. The detail was best illustrated in section.
- Commissioner Dudnik asked about the zoning variation and if the Commission needed to make a recommendation on it.
 - Mr. Sterling stated they did not need to make a recommendation since it was for minor zoning relief.
- Chair Simon acknowledged the request for zoning relief.
- Applicant stated any proposal would trigger a variation request due to the substandard lot and non-conforming setbacks.
- Commissioner Itle stated that overall the composition and return of symmetry to the structure is appreciated, but the introduction of the pergola unnecessarily complicates the composition.
- Commissioner Cohen agreed with Commissioner Itle.
- Commissioner Dudnik stated the location of the pergola does little to provide protection from the elements and is mostly a visual intervention with little functionality such as rain protection.
- Applicant stated a roofed portion would make sense to provide for rain cover.
- Applicant shared the letters of support from neighboring property owners.
- Chair Simon asked if Commissioners would approve the plan if the pergola were not considered
- Commissioner Bodan stated that Construction standard #6 is problematic. This is a Landmark and its symmetry is an important feature that is compromised with the pergola. All other aspects are appropriate.
- Commissioner Dudnik stated the pergola creates problems and the transition between it and the structure is not clear

- Commissioner Sullivan stated that the pergola is largely removable, it isn't the worst intervention and could be removed in the future, but it is a better proposal without it.
- Chair Simon asked if any Commissioners would support the proposal with the pergola. No response.
- Chair Simon asked if a Commissioner would make a motion to approve without the pergola.
- Commissioner Itle moved to approve the COA with a condition that the applicant eliminate the pergola from the drawings. Commissioner Dudnik seconded. The motion was approved 7-0 by roll-call vote.

At 10:33, Chair Simon stated that he would move the case for 2390 Orrington to the end of the agenda to allow the remaining applicants time to present. Chair Simon stated there was potential that 2390 Orrington would not be heard tonight due to the pace of the meeting so far and remaining cases.

I. 1729 Asbury Avenue - Ridge Historic District - 21PRES-0021

Mike Hauser, architect, applies for a Certificate of Appropriateness to construct a new two-and-a-half story single-family residence and detached garage on a vacant lot in the Ridge Historic District and R1 Single-Family Residential Zoning District.

Applicable standards: Construction [1-11; 13,14, and 16].

Mike Hauser, architect presented the application and provided a brief introduction.

- Siting of the building provides for driveway access to the north which is beneficial since the south property is closer to the lot line. The garage at the rear is placed to provide some privacy from the new YWCA structure to the east. The steepness of the garage roof also helps with privacy.
- The owners are NU faculty and want to use the home to entertain and host functions. There is a pedestrian scale front entry with useable front porch. The style blends well with surrounding homes.
- Side-entry is a nod to some historic homes in the area as well as a practical feature to allow for deliveries of goods.
- The home uses a brick water table, fiber cement lap siding, fiber-cement shingle siding, asphalt and standing seam metal roofing.
- Applicant reviewed surrounding homes showing context in materials, height, and form.
- Commissioner Bodan asked about the two variations in siding
 - One will be a lap siding and the other a shingle pattern. The home is rendered in gray tones since color hasn't been selected yet, so it's a little difficult to show the variation, but it would likely be a distinct color as well

Public Comment:

- The neighbors to the south found the proposal to be appropriate and welcomed the new addition to the neighborhood

Motion:

- Commissioner Bodan moved to approve a COA as proposed. Commissioner Dudnik seconded. The motion was approved 7-0 by roll-call vote.

J. 1211 Ridge Avenue - Ridge Historic District - 21PRES-0028

Kirsten & Patrick Coleman, owners of record, apply for a Certificate of Appropriateness to construct a new two-and-a-half story single-family residence on a vacant lot in the Ridge Historic District and R1 Single-Family Residential Zoning District.

Applicable standards: Construction [1-11; 13,14, and 16].

Kristen and Patrick Coleman, owners, presented the application and provided a brief introduction on the proposal.

- The lot was previously part of the home to the north but was subdivided recently.
- The only thing substantially different from earlier conceptual plans is a reoriented front entry which helps protect a large existing tree.
- The home shares a circular driveway with the home to the north at 1217 as agreed to during the subdivision. The front of the two properties will be landscaped to create cohesion.
- An existing coach house is at the back of the house which provides 2 parking spaces on an open pad to be converted from gravel to cobble stone.
- The only change to the coach house is removal of a non-original and dilapidated screen porch on the west elevation.
- Materials include painted brick, cedar lintels, metal standing seam copper roof, arched entry and masonry front entry.
- Commissioner Cohen asked about the primary material for the roof. Not all standing seam copper.
 - Correct. The majority is asphalt to match the home to the north.
- Commissioner Dudnik noted that the plans are very comprehensive. The owners could go in for permit tomorrow with approval.
 - Applicant stated they thought the detail was necessary.
- Commissioner Dudnik asked for clarification on whether something was previously approved by the Commission during the review of subdivision.
 - Chair Simon stated nothing was approved previously, just the subdivision.
- Applicant clarified aspects of the rear elevation including its use for a master suite, family room, walkout area, and basement. Breakfast room of the kitchen is canted over the basement walkout. Patio not part of the construction.
- Chair Simon asked about compatibility with the surrounding structure.
 - K. Coleman, height is consistent with the adjacent houses. Material is a combination such as brick, stucco, siding, two brick house next to the sided houses.
- Commissioner Sullivan asked about the siting of the home in relationship to others on the block
 - The home will sit on the lot in a similar way to other homes on the block. Similar setbacks.
- Commissioner Itle asked if the circular driveway was existing
 - Yes
- Commissioner Cohen stated that the context was nearly irrelevant since the block has an amalgam of styles, forms, sizes, colors, and materials.
- Commissioner Dudnik agreed. The block is eclectic.

Motion:

- Commissioner Sullivan moved to approve the COA as proposed. Second by Commissioner Dudnik. Motion approved 7-0 by roll-call vote.

H. 2390 Orrington Avenue – Northeast Historic District - 21PRES-0022

North Shore Builders, applicant, applies for a Certificate of Appropriateness to construct a new two-and-a-half story single-family residence with attached alley-accessible garage on a vacant lot in the Northeast Historic District and R1 Single-Family Residential Zoning District. Applicable standards: Alteration [1-2]; Construction [1-11; 13,14, and 16].

- Joe Balistreri, applicant, presented the application.
 - Provided information on the proposal related to the stand of oaks to the northeast including the plan to cut one Oak while leaving the stump and root system intact, and strengthening the root system of the tree just to the north of the one proposed to be cut. The other oaks on the site are proposed to remain.
 - The arborist for the project suggests this is the best course of action to potentially save one of the two large oaks near the middle of the property along the north lot line
 - The root system of the trees in question extend to, and now likely beyond, the original Kendall College administration building foundation.
 - The applicant presented an overview of the location of the former foundation, identifying that the buildable area of the lot that would not impact the trees root systems is very small, contending that any reasonable proposal for construction on this lot would impact those trees, whether a smaller house or not.
 - Chair Simon and Commissioner Cohen asked for clarification on the relevance of the former Kendall College foundation
 - Saving both the trees in the middle portion of the lot is not possible because the root system extends so far into the lot. To, and now beyond the location of the former foundation.
 - Commissioner Cohen asked how far south the root system extends on the proposed floor plan. To the proposed garage?
 - Further south, to the middle of the garage
 - Commissioner Cohen stated if this was true, than if you build this home, both trees will be impacted.
 - Applicant replied that this was not necessarily true if they leave the root system in place and strengthen the roots of the remaining tree with a chemical compound.
 - Commissioner Cohen stated that realistically, regardless of what is done, there is a significant chance that anything built on this lot will kill all the trees
 - Applicant provided additional information on how the root system can be strengthened
 - Commission Cohen asked how leaving the root system intact was possible since it would need to be cut back during excavation for the foundation wall. Unless you're hand excavating that portion and pruning the roots as they're discovered.
 - Applicant stated that they would be undertaking extensive root pruning to lessen the impact of the foundation wall
- Commissioner Sullivan inquired as to why when the Commission determined the previous plan was too close to the trees, you've come back with a plan where the foundation is even closer to the trees.
 - The change was made to address the problematic standards for review that were brought up previously, particularly the orientation of facades along the north lot line as well as the previous plans interruption of street facing rhythm

- Came back with a proposal exactly the same as some already approved by the Commission in order to meet those standards
- Chair Simon asked if the placement of the north wall was in the same place as the prior plan reviewed and denied by the Commission
 - Predominately, but the proposed plan removed the previous indent which provided more space around the trees. Overall width of the north façade is similar
- Commissioner Cohen stated that regardless of the foundation having an indent or not, there is likely no way not to kill the trees.
- Commissioner Cohen offered an example of a home he designed where they hand excavated an area around trees with no basement and foundation, but rather a crawl space supported by a grade beam with concrete piers. This limits the excavated area to the piers, and if you uncover substantial roots you can prune them or adjust the location of the piers a foot or two to accommodate the root system.
- Commissioner Cohen stated although this is possible, it likely won't happen for a builder house
 - Applicant stated that this was discussed during the last meeting and there just isn't a good solution. The trees were initially listed as "to remain" but this was changed to "if possible" by the mayor and council at the time because of the challenges of the lot and buildable area
- Commissioner Cohen asked Chair Simon to provide clarification. Is the Commission charged with overseeing structures or trees?
 - Chair Simon stated that at the previous meetings, the members of the public said something similar, that the root system extend far into the lot. There doesn't seem to be a dispute about that.
 - Chair Simon stated that the arborist letter in the packet states that if they follow the proposed plan and the arborist guidelines, they might be able to save the one tree to the north, but no one really knows
 - All the opposition by the public suggest that a smaller footprint for the home is appropriate to give the trees a better chance at survival. You're saying it can't be pulled back to the old foundation line, but have you assessed if you can build a home that is moved further away from the trees.
 - Applicant stated that this was not financially possible and that the reasons the proposal was turned down previously did not have to do with the trees, it was for standards related to spacing and rhythm of the facades which has been corrected.
 - Chair Simon asked what the square footage of the proposed home is
 - Roughly 4,000 square feet which is similar to the previous proposal.
 - Commissioner Cohen stated it was slightly larger than the previous proposal, but what they're discussing are insignificant changes that are meaningless for effectively protecting the trees
 - Chair Simon stated that the standards for construction, many which are being discussed, are unrelated to the trees. In terms of the trees, there are many different pieces which the individual commissioners need to make a decision on their application.
 - The subdivision itself was approved by City Council and indicates that the trees are to be preserved only if possible. The preservation commission also approved this subdivision.

- At the same time a tree preservation ordinance was passed but only applies to lots 2 acres or more, so that tree ordinance does not apply to this case
 - Standards for construction don't mention trees. They do mention landscape masses, and commissioners can make up their own mind if that standard applies to trees
 - The other possibility, is that the City Planner has listed in the applicable standards, standard for alteration 1 and 2 which was something not considered previously. Traditionally standards for alteration haven't been applied for new construction. However, if Commissioners do think these apply, they mention alteration to a site, property, and its environment.
 - There is an argument to be made to apply standards for alteration because this is an alteration of a site and its environment
 - After the last meeting, Alderman Fiske was going to propose more stringent requirements to the tree preservation ordinance so that situations like this would apply. This was not adopted.
 - There are examples in other communities where trees are landmarked and protected, but the City hasn't taken any such action here.
- Commissioner Cohen asked the applicant how old the trees are and what the effective life span is for that species
 - Age wasn't discussed. The health of the trees isn't great, developing some blight.
- Commissioner Cohen stated it was important to understand the life span of the house compared to the remaining life span of the trees. Builder homes that were constructed circa 1980s are now being torn down. Today, lengths of mortgages are often thought of as the effective life span of a home, so if the trees could remain for 50 years or more, I would vote for the trees and not the house.
- Chair Simon stated they are Oak trees, they're very old and they're very large.
- Commissioner Bodan stated they were between 30 and 50 inches in caliper and the residents say they're between 100 and 200 years old.
- Commissioner Cohen stated that oaks are particularly vulnerable to changes in their environment. Any house here will probably kill the trees even if they undertake measures to preserve them. What are we supposed to do in this situation?
- Applicant stated that there is a 50 inch caliper oak close to the foundation of the home to the west and it appears to be in good condition despite construction
- Applicant stated that they do their best to preserve trees, but when they bought this property they had an understanding that homes could be built as platted and not have a lot sit vacant for 12 years while incurring considerable cost in maintenance, property taxes, interest on the loan etc...
- Commissioner Cohen asked if the City would purchase the property
 - Applicant stated they were certainly not opposed to that and would consider an offer
- The lot itself is worth \$750,000. This is a big financial hardship.
 - Commissioner Dudnik stated that the value of the land is not accurate. Understand you can't just walk away from it, but its not worth \$750k without a home on it.
- Chair Simon asked the applicant to discuss the proposed home itself.

- Proposing to build a home of the same size and with same expression of facades as those already built and approved in this community
 - Proportion of openings was a concern previously, so we've shown the same dormers and window placement as the home on lot 12
 - Windows are Anderson 400 windows, cedar siding, brick chimney, very similar materials and construction to what is on lot 12
- Commissioner Cohen asked if the Commission had approved all the other homes in the subdivision, including the one he's referencing on lot 12
 - Applicant and Chair Simon stated that was correct.
 - Commissioner Dudnik stated they were approved one at a time
- Commissioner Cohen stated that there was no reason not to approve this house. Its no better or worse than those adjacent to it
- Chair Simon asked if the applicant could review the adjacent homes on the block
- Commissioner Bodan mentioned that Chair Simon had mentioned the two standards for review that could apply when new construction impacted a sites environment and stated that in addition to the two alteration standards, standard for Construction 14 could apply, talking about innovative or new design is ok as long as it doesn't impact the character of the property and environment. So environmental features are discussed in alteration and construction
 - Chair Simon stated he didn't think this applied and was intended for unique and innovative designs which didn't fit in with surroundings
 - Commissioner Bodan stated it applied for new construction.
 - Chair Simon clarified that it used to say contemporary design and it was changed to say innovative design to address this issue.
- Commissioner Cohen stated there needs to be a mechanism for landmarking and protecting significant landscape features or new standards which would clearly apply.
- Chair Simon stated that there are good examples of how other communities do this, but it doesn't seem the City Council is interested in this.

Public Comment:

- Alderman Fiske stated that the Council considered an ordinance for heritage trees and the support was there, but it was held up because it could not be enforced due to lack of dedicated staff. There is no lack of interest in protecting these trees or others like it. The other item to consider is efficiency homes, which is up for action on March 22. There are possibilities here for a smaller home which can still fetch a significant sale price. A well designed smaller home here would not negatively impact the developer.
- Alderman Fiske stated the trees were 200 to 300 years old, withstood demolition on the site, construction of Kendall College. They are doing fine and can live another 200 to 300 years. The character of the Historic District is in part dependent on trees like these and their contribution to the surrounding streetscape. An applicant earlier in the evening adjusted the front entrance of their home to accommodate a significant tree. Does not understand why the developer in this instance isn't willing to show some flexibility and it is an appalling situation.
- Chair Simon asked how trees would be designated under the proposed ordinance which was tabled

- Alderman Fiske stated it was based on caliper size
- Ada Young, 708 Lincoln Street, pointed out that the colonial aesthetic is similar to many surrounding homes. Also wanted to mention that the arborist stated that the trees were in good condition, very healthy, no observable structural flaws. Would like to see a smaller house on this lot. This has been told to the developer over and over and the commission should deny their application due to the size of the home not just for the trees, but that its too large for the lot.
- Michael Aslouski (sp) 2380 Orrington, stated the last time the developer was in front of this committee, they ignored the commissions advise, especially in regards to its size. The tree issue is very important as well, but the developer is going counter to any advise they've been given. The home is larger and now closer to the two trees. At this point you cannot trust the developer to do the right thing and the application should be denied.

Deliberation

- Chair Simon asked if the applicant had anything else to speak toward.
 - Applicant went through some of the proposed materials for the home
- Chair Simon stated that the primary concern for the commission is to what level they believe they can regulate the trees as part of this application and asked the applicant if he had any additional arguments to make to that point
 - Applicant stated that he thought this was addressed well at the last meeting. Landscape masses do not apply. This was brought up by the assistant City Attorney.
 - The applicant stated frustration with the agreement it made with the City when the subdivision was platted and the financial expectation that homes would be built on each lot. If the City had directed them that these trees were to be preserved, they would have gladly replatted the subdivision to preserve them, but the City did not do that.
- Commissioner Dudnik stated it would have been appropriate to show the trees drip lines on the proposed site plan to see how they would be impacted. The applicant makes a fair point in regards to the agreement it made with the City. It is easy to now see that this subdivision could have been re-platted to preserve these trees, but that wasn't done.
- Commissioner Dudnik questioned the developer following the tree preservation plan noting that of all the trees identified as remain if possible, on the lots west of 2390 Orrington, none exist today.
 - The applicant disagreed saying most were saved
- Commissioner Cohen stated that Commissioner Dudnik made an interesting point that the developer never had any intention to save those trees
 - The applicant disagreed saying that there was.
- Commissioners and the applicant reviewed the adopted tree preservation plan.
- Commissioner Cohen suggested the applicant donate the land as a tax deduction or let the City know what it would sell the land for. Perhaps there are enough people in the community who would pay to see the trees preserved.

- Commissioner Cohen stated there appears to not have been a huge effort made to plat this subdivision in a way that would have kept those trees if possible
- Commissioner Sullivan stated that there is a compromise between nothing being built and what's proposed being built. Why does the foundation have to go right up against the trees? It would be nice to see a good faith effort by the developer to decrease the square footage a little to give the trees a better chance. You could still get a good return on the property. Everyone would be compromising. You get to build a house, and the trees get a chance to be saved. It says, "if possible" meaning you need to try, and that isn't evident.
- Commissioner Sullivan stated that the trees are significant to the character and integrity of the site and neighborhood
- Commissioner Dudnik acknowledged that this lot should have been developed first and the likely scenario would have been re-platting the lots as everything shifted south
- Commissioner Cohen stated that there is an issue with regulating these trees, which the developer owns, on his own property.
 - Mr. Sterling responded that the commission regularly regulates the use of private property [in the interest of the public good]
- Commissioner Cohen stated that there is difficulty disapproving this house, when it is so similar to those already approved by the commission. There is no standard available to reject this application
 - Chair Simon stated that it would have to come from one of the standards [that staff identified] that deals with the trees
 - Commissioner Cohen asked Chair Simon for his legal opinion on the use of those standards in this instance
 - Chair Simon stated that it is a very close case. The standards for alteration 1 or 2 could apply since it is an alteration of the site and its environment. However, the City Council guided the Commission with intent to preserve the trees if possible and that is the question. Is it possible?
 - Chair Simon stated that the Commission does not have the right to deny the developer of their investment in this property. However, the question about has every reasonable effort been made is legitimate. This is the language in standards for alteration 1 and 2.
 - Commissioner Cohen stated that every reasonable effort has not been made to preserve these trees
 - Chair Simon stated that the Commission should not interpret the ordinance to allow them to force the developer to move the home so far back to the original foundation to ensure the trees would be preserved. That is not reasonable, but some additional effort should be made by the developer. Similar to what Commissioner Sullivan stated, there has to be a compromise to increase the chance of survival.
- Commissioner Dudnik stated that the tree to the south is likely unable to be saved but a reasonable effort should be made for the tree to the north. The developer has indicated that they're making an effort with injection of

- a chemical treatment etc... or if moving the house a foot or two south will make any difference
- Commissioner Cohen asked if there was a way to have a similar floor area with requested zoning relief. Could you vacate part of the alley or shift where the front-yard is? Build the garage on the property line?
 - The alley has already been vacated and you would have no backyard
 - Commissioner Cohen stated that you wouldn't have a backyard, you would have a front and side-yard with these fantastic trees
 - Commissioner Cohen stated the best solution is for the developer to come up with a number that they would walk away from this lot for and propose it to the City as a park
 - Chair Simon stated that this came up two years ago and the City has done nothing to make that happen
 - Commissioner Sullivan stated that the house could be a center colonial, simpler and smaller in design with less square footage, would give several feet for those trees. It might help and is a compromise. Each time the developer comes back, they never decrease the square footage or size of the house.
 - Chair Simon stated that the Commission should move forward with some kind of action on the proposal. The applicant could appeal if it is denied, or return with a modified plan
 - Chair Simon stated that even if variations were granted, it only gives a small amount of wiggle room with the current plan that's before the commission. It would have to be a smaller structure.
 - Chair Simon asked for someone to make a motion to approve and they would vote on that motion.
 - Commissioner Dudnik stated that they should see if the applicant would be willing to return in a month with a revised plan
 - Chair Simon stated it would need to be a substantially different house and they should make a decision on this proposal as presented. Chair Simon asked for input from staff on this approach
 - Mr. Ruiz stated that regardless of the Commissions decision, they need to address each of the standards that pertain during the vote. Mr. Ruiz stated that it was his opinion that the standards for alteration did not apply and have never been applied to cases of new construction previously. Mr. Ruiz stated he wanted the commission to be aware of this because using the standards for alteration in this instance would not be consistent with previous determinations by the Commission. Mr. Ruiz continued stating that it doesn't take away from the merit of the decision by Mr. Sterling to include these standards, just that Mr. Sterlings opinion was not consistent with the Commissions previous actions on new construction.
 - Chair Simon stated that this was a very good point. The Commission has not applied the standards for alteration in instances of new construction. Commissioners should take this into account.
 - Chair Simon stated that for purposes of the motion, they should include the staff [Mr. Sterlings] recommended appropriate standards. Chair Simon

- read the first standard for alteration and cited that the second standard was similar.
- Commissioner Cohen asked if those standards were for alteration or new construction
 - Chair Simon stated for alteration
 - Commissioner Cohen expressed confusion stating that Mr. Ruiz had just stated that the Commission cannot apply standards for alteration
 - Mr. Ruiz stated it would not be consistent with precedent. Not that they can't apply them, but it would not be consistent
 - Commissioner Sullivan asked about the application of standard for construction 9, walls of continuity.
 - The applicant interjected stating that this is the standard the City Attorney stated did not apply and that the Preservation Ordinance does not provide for preservation of trees or anything non man made
 - Mr. Sterling stated that the City Attorney in question no longer works for the City and that the current City Attorney agreed that standards for alteration 1 and 2 apply to this situation. Mr. Sterling stated that the use of these standards may not be consistent, but he was not aware of any application for new construction which proposed such a significant impact to a site and its environment by destroying trees of this significance.
 - Mr. Sterling stated that the point Mr. Ruiz made about precedent is misleading because there is no precedent.
 - Commissioner Sullivan stated that the comment the applicant made about the ordinance not referencing anything manmade is curious since in standard 9, it directly references landscape masses.
 - Mr. Ruiz stated that the City Attorney was referencing the definitions in the ordinance
 - Mr. Sterling stated that in his opinion Standard for construction 9 likely doesn't apply as it seems more intended for cohesive enclosures created through, for example, the use of hedge walls which extend from property to property
 - Commissioner Dudnik stated that the wall of continuity in question is at the front facing elevation along Orrington, not Lincoln where these trees are located.
 - Commissioner Sullivan stated that the corner lot has two primary frontages, so both apply.
 - Commissioner Sullivan stated that the grand trees are creating a "wall" of landscape mass along the Lincoln Street frontage.
 - Commissioner Dudnik stated that the wall has no continuity since all the trees to the west have been removed.
 - Commissioner Dudnik stated that even if the north façade of the home was set to align with the front facing facades of the homes to the west, the tree still wouldn't be saved.
 - Commissioner Sullivan stated that no-one knows that. You would give it more of a chance. Any amount the home is further set away from the trees gives them a higher chance of survival

- Commissioner Dudnik asked if they were talking about saving just the northern most tree or the southern most tree as well. If both, then only a very small home could be proposed
- Commissioner Cohen asked which of the two trees were the largest
 - Applicant stated the largest tree is at the end of the alley. The two in question are nearly the same size. 30+ inches.
- Chair Simon stated that the comments weren't adding to the discussion and the Commission should move forward with action.
- Commissioner Dudnik asked if the Commission was done reviewing the home on its architectural merits
 - Commissioner Cohen stated he was unclear if this was what they were supposed to be doing anyway [discussion largely surrounding the trees not the home]
 - Commissioner Dudnik stated they were supposed to
 - Commissioner Sullivan stated they needed to discuss and review both aspects
- Commissioner Dudnik stated this was important because as Mr. Ruiz stated, the Commission is going to vote and going to need to address each standard and if it met all the standards. Therefore it's important to review the proposal as it relates to each of the standards and it isn't clear that this was done other than for the tree.
- Chair Simon stated that no objections were raised on the merits of the home architecturally

Motion

- Commissioner Dudnik moved to issue a Certificate of Appropriateness for the proposal.
 - Commissioner Dudnik read the applicable standards and questioned why the standards for alteration applied.
 - Chair Simon encouraged Commissioner Dudnik to continue with his motion
- The motion was seconded by Commissioner Bodan

Vote

- Commissioner Cohen stated the proposal was amoral and the issue abhorrent. The house meets the standards.
 - Chair Simon asked if the vote was yes or no
 - Commissioner Cohen stated it was yes
 - Commissioner Dudnik stated that it needs to be clear that each standard was met as advised by Mr. Ruiz
 - Commissioner Cohen asked if the standards could be reviewed and brought up on the screen. Commissioner Cohen stated confusion if the standards for alteration were included and applied
 - Commissioner Dudnik stated that the motion included those applicable standards for reasons unknown to him
 - Commissioner Cohen stated that with the two standards for alteration included, he felt the proposal

met all standards for construction but not the two for alteration

- Chair Simon asked for clarification that it was a no on alteration and a yes on construction [no objection]
- Commissioner Itle voted yes and stated that the proposal is not the right answer to the problem but didn't see that the Commission had a standard available to force the applicant to preserve the trees. The error occurred when the subdivision was platted but its too late now.
- Commissioner Dudnik stated that standard 1 [and 2] for alteration was met because they had undertaken all reasonable effort to preserve the trees. Standards for construction were met and the vote is aye.
- Commissioner Morris voted yes, the proposal meets all the standards although it is difficult to support losing the trees
- Commissioner Sullivan voted no stating that every reasonable effort has not been made to preserve the trees. Alteration 1 and 2 are not met and Construction 9 is not met. Commissioner Sullivan reiterated the purpose of the Commission and the preservation ordinance, that new construction must respond to and compliment the integrity of the overall district in much the same manner that an addition should respond to a original building. It is the Commissions role to use and interpret the standards to preserve the integrity of key features in the districts and a compromise and every effort has not been made to do that for this proposal
- Commissioner Bodan voted no. Standards for alteration 1 has not been met
- Chair Simon stated that it was a difficult decision but the City had made an agreement with the developer and he was not sure that a modification of the home would save the tree but this is very unclear. Chair Simon voted aye.
- Chair Simon asked if staff had counted the vote
 - Mr. Sterling stated that he was unclear how Commissioner Dudnik voted
 - Commissioner Dudnik stated he voted aye
 - Mr. Sterling stated that the motion carried on a vote of 4-3
 - Commissioner Cohen asked for clarification on how his vote was counted
 - Mr. Sterling stated that Commissioner Cohens vote was counted as a no because he indicated that two of the standards were not met
 - Commissioner Cohen agreed to this
 - Commissioners expressed sentiments on the difficulty of the decision.
 - Commissioner Cohen stated it should be discussed how the standards could be modified so this couldn't happen again
 - Mr. Sterling stated that he would argue there doesn't need to be a modification to the standards [the appropriate standards exist but need to be interpreted appropriately and applied by Commissioners]

4. APPROVAL OF MEETING MINUTES of February 9, 2021

Commissioner Cohen moved to approve as presented. Second by Commissioner Bodan and unanimously approved by roll-call vote.

5. DISCUSSION

6. ADJOURNMENT

Adjourned 11:47pm