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Department of Planning and Development

CITY OF CHICAGO

January 10, 2020

The Honorable Tom Tunney, Chairman
City Council Committee on Zoning, Landmarks and Building Standards 121 North LaSalle Street Chicago, Illinois 60602

Re: Denial of Permit Application No. 100847083
1330 W. Cullerton Street (Proposed Pilsen Historic District)

Dear Chairman Tunney:

This letter is to inform the Committee on Zoning, Landmarks, and Building Standards that the Commission on Chicago Landmarks (the "Commission") has issued the attached written decision disapproving the above permit application.

On May 16, 2019, the Commission on Chicago Landmarks ("Commission") unanimously voted to adopt a Final Landmark Recommendation to the City Council for the Pilsen Historic District and the Commission's recommendation was introduced to City Council on June 20, 2019. According to Section 2-120-630 of the Municipal Code of Chicago, if the Commission issues a preliminary disapproval of an application within a preliminarily designated district, pursuant to Sections 2-120-760 and 2-120-780, the Commission shall schedule and conduct a public hearing on 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.

On December 19, 2019 the public hearing was held and on January 9, 2020 the Commission issued their final denial ofthe permit application. Per Section 2-120-820, if City Council does'not pass an ordinance

granting the proposed landmark designation within 90 days after the recommendation of the Commission, then the application for the above permit shall be deemed approved by the Commission.

Kathleen Dickhut, Deputy Commissioner Bureau of Planning, Historic Preservation and Sustainability

Cc (without attachments): Alderman Sigcho-Lopez, 25 [1] Ward
Rafael Leon, CCL Chair Michael Gaynor,
Department of Law

121 NORTH LASALLE STREET. ROOM 1000. CHICAGO, ILLINOIS 60602

FINDINGS AND CONCLUSIONS OF THE COMMISSION ON CHICAGO LANDMARKS IN THE MATTER OF DEMOLITION PERMIT APPLICATION NO. 100847083 FOR 1330 WEST CULLERTON STREET IN THE PROPOSED PILSEN HISTORIC DISTRICT

I. BACKGROUND

Crisantos Granados and Francisco Ordaz (collectively, "Applicant") seek permission to demolish the building located at 1330 West Cullerton Street (the "Building"). The Building is located within the proposed Pilsen Historic District (the "District"). The Historic Preservation Division of the City's Department of Planning and Development ("DPD" or the "Department") received Wrecking Permit Application No. 100847083 (the "Permit Application") on October 21, 2019. (Commission on Chicago Landmarks ("Commission") Ex. 3.) The Permit Review Committee of the Commission reviewed and denied the Permit Application on November 7, 2019. (Commission Ex. 4, 7.) On November 8, 2019, the Commission's staff notified the Applicant that the Permit Application was preliminarily disapproved. (Commission Ex. 7.) Municipal Code of Chicago ("MCC") § 2-120-820 required the Commission to hold a public hearing on the Permit Application within 90 days after the Commission's preliminary disapproval.

II. PUBLIC HEARING

The Commission scheduled a public hearing for Thursday, December 19, 2019, at 10:00 a.m. (Commission Ex. 8, 9 and 10.) The Commission notified Applicant and issued notice of the meeting in compliance with the requirements of the Landmarks Ordinance. Id. The public hearing was convened on December 19, 2019, at approximately 10:00 a.m. Gabriel Ignacio Dziekiewicz, a member of the Commission, served as the Hearing Officer. Michael Gaynor, Supervising Assistant Corporation Counsel of the Real Estate Division of the City of Chicago's Department of Law, acted as legal counsel to the Hearing Officer during the public hearing.

Commissioner Dziekiewicz recognized that, under the Commission's Rules and Regulations, Applicant and DPD were parties to the public hearing as a matter of right.[1] Applicant was represented by non-attorney Francisco Ordaz. The Department was represented by Maggie Sobota, Supervising Assistant Corporation Counsel, and Oscar Pifia, Assistant Corporation Counsel, of the Constitutional and Commercial Litigation Division of the City of Chicago's Department of Law.

Following opening statements from Applicant and DPD, Applicant attempted to introduce documents that had not been disclosed under the Commission's Rules and Regulations, including a purported letter in support of demolition from the Alderman and proposed plans for new construction at the property. Commissioner Dziekiewicz sustained the Department's objection to introducing those documents at the hearing. Applicant made a statement regarding

[1] DPD objected to the Applicant being recognized as a party as a matter of right because Applicant had not filed an appearance in advance, as required by the Commission's Rules and Regulations, which objection was noted for the record.

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the Building but presented no witnesses.

The Department presented testimony from Edward Torrez, AIA, LEED AP BD+C, in opposition to the Permit Application. The Department introduced, and Commissioner Dziekiewicz accepted into the record, DPD Exhibits C, and D.I, 2, 7, 8, 10 and 12. A member of the public made a statement in opposition to the Permit Application.

III. CRITERIA FOR EVALUATING PERMITS

In the case of proposed work to a property located within a landmark district, the Commission must first determine whether the property in question contributes to the character of the district using the criteria set forth in Article III, section G.4 ofthe Commission's Rules and Regulations. The Commission must also determine whether the proposed work would have an adverse effect on any significant architectural or historic feature of the district, using the criteria set forth in Article III, section G.3 ofthe Commission's Rules and Regulations. Under Article III, section G.2 of the Rules and Regulations, in evaluating the effect of work proposed in a permit application, the Commission is also governed by guidelines adopted and published by the Commission itself, as well as by the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.

IV. FINDINGS OF FACT

After careful consideration of the record of the December 19, 2019 public hearing, including the Commission's exhibits, the testimony of Mr. Torrez, the exhibits submitted by DPD, and the public statement, the Commission, in its review pursuant to MCC § 2-120-740 and the standards set forth above, makes the following findings of fact regarding the Permit Application for demolition of the Building.

A. The Building Contributes to the Character of the District

Based on the record, which includes the Commission's Recommendation to the City Council that Chicago Landmark Designation be Adopted for the Pilsen Historic District ("Commission's Recommendation") (Commission Ex. 1), the Landmark Designation Report regarding the proposed designation of the Pilsen Historic District ("Landmark Designation Report") (Commission Ex. 2), the testimony of Edward Torrez, AIA, LEED AP BD+C, an architect and expert in the field of historic preservation and restoration, the Summary of Opinion of Mr. Torrez (DPD Ex. D.2), photographs of the Building and other buildings in the District (DPD Ex. C and D. 10), relevant pages from the Robinson's Atlas of Chicago and the Sanborn Insurance Maps (DPD Ex. D.8), the Commission finds that the Building satisfies all of the criteria set forth in Article III, section G.4 of the Commission's Rules and Regulations for determining whether a property contributes to the character of a landmark district.

1. Criterion One

Criterion 1 reads: "The subject property exhibits the general historic and architectural features described in the designation ordinance."

Currently, there is no designation ordinance for the District because the City Council has not yet acted on the Commission's Recommendation. Pursuant to Article III, Section G. 1 .c. of the Rules and Regulations, in the absence of a designation ordinance "the significant historical or architectural features shall be any ... building . .. that makes an essential contribution to those qualities or characteristics by which the criteria for designation set forth in section 2-120-

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620 of the Municipal Code ofChicago are met." On May 16, 2019, the Commission recommended to the City Council that the Pilsen Historic District be designated as a Chicago Landmark because the District meets four criteria for landmark designation under MCC § 2-120-620: (1) the District contributes to the City's social and cultural history as the district has been a port of entry for immigrants from Central Europe in the late-19th century and Mexico in the mid-20th century; (2) the District's distinctive architecture which includes a wide variety of structures built between 1870 and 1969; (3) all of the buildings in the District work together to narrate this period of the City's history; and (4) the murals in the district depict themes from Mexican history and culture which lend the District a distinct visual presence. (Commission Ex. I.)[2]

Moreover, the Landmark Designation Report states the District represents "a self-contained port of entry for immigrants from Europe in the late-19th century and Mexico beginning in the mid-20th century" and exhibits an "extensive collection of high-quality buildings that were largely designed and produced by talented immigrant tradesmen and architects, many of whom lived in the neighborhood." (Commission Ex. 4.) The Landmark Designation Report further provides that these buildings "collectively convey [ ] a strong sense of architectural continuity in terms of their scale, materials, and 'Bohemian Baroque' details, as well as many additive Mexican decorative features." Id. The Landmark Designation Report further states that "Pilsen's historic residential buildings represent a mix of building types ranging from small worker's cottages to two- three- and four-flats, to larger multi-family structures." Id. The Landmark Designation Report notes that "Pilsen's early property owners often built a cottage at the rear of their lot," and that many were "built before or during the time when the area's streets were raised. Thus, [such properties have] a lower level entry door that is below street level." Id. Finally, the Landmarks Designation Report states that "[m]any of Pilsen's cottages are composed of brick" and have "special architectural flourishes." Id.

The Building, a two-story residential brick worker's cottage, is an excellent example of a worker's cottage that reflects the working-class heritage of the District. (DPD Ex. D. 10.) The Building's masonry structure reflects the district's immigrant population from Central Europe. (See DPD .Ex. D.2.) The Building retains its original form, with distinctive styles and defined materials, and is one of many residential buildings in the District that is set below grade. Id. at 1 -2. Similar worker's cottages are found throughout the District, including at 1320 W. Cullerton Street, 2004 S. Throop Street, and 1335 W. Cullerton Street. Id. at 2-3. Further, the style of the Building falls within the District's distinctive but varied architecture and was built in the period of significance. Id. at 1-4; Commission Ex. 2. Thus, based on the Building's age, size, materials, and masonry worker's cottage style, the Building satisfies Criterion 1.

[2] Additionally, by operation of Article III, section G.l.b of the Rules and Regulations, there is "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."

2. Criterion 2

Criterion 2 states that "[t]he subject property exhibits the general historic and architectural characteristics associated with the district."

As the Landmarks Designation Report explains, the District has historically been a working-class neighborhood and worker's cottages are a prime example of the modest residential buildings constructed by immigrants and working-class families. (Commission Ex. 4.) The Landmarks Designation Report states that the "architecture of many of Pilsen's early homes and businesses often reflected the influence ofthe owner's homeland. The preferred building material, brick, not only provided better fire resistance than wood, but it was also the material used for many traditional structures in Central Europe." Id. The Landmarks Designation Report also notes that many worker's cottages are adorned with decorative elements, and that "[fjront doors are typically located at one side of the front facade, visually balanced by windows, with a smaller window at the attic level beneath the peak of the gable." Id. DPD Exhibit C and Commission Exhibit 4 contain photographs of worker's cottages in the District.

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The Building is an excellent example of a modest masonry worker's cottage, representative of Pilsen's development when early immigrants built their homes. Its roof line, detailing, fenestration and decorative elements represent the historic and architectural characteristics associated with the District. Similar buildings in the District are located at 1320 W. Cullerton Street, 2004 S. Throop Street, and 1335 W. Cullerton Street. (DPD Ex. D.2.) Because the overall style and construction of the Building is consistent with modest masonry worker's cottages, the Building is consistent with the historic and architectural characteristics of buildings commonly found in the District. Therefore, Criterion 2 is satisfied.

3. **Criterion 3**

Criterion 3 reads: "The subject property respects the general site characteristics associated with the district."

The District contains a variety of lot sizes with different building types, including mixed-use buildings, single family homes, and multi-unit buildings. Many residential properties in the District are set below grade and many are also located at the rear of their lots. (DPD Ex. D,2.)

The Building is set on the rear of its lot, which itself is below grade, a relatively common feature in the District. Based on the Sanborn Fire Insurance Maps from 1914 and 1950, a building at 1330 West Cullerton of the same general size as the Building existed on the front of the lot, and by 1950, the building was either moved to the rear of the lot or a new building was constructed, both of which were common during the period of significance. (DPD Ex. D.8.) For these reasons, the Building therefore satisfies Criterion 3.

4. **Criterion 4**

Criterion'4 states: "The subject property exhibits the general size, shape, and scale associated with the district."

The record demonstrates that there are a variety of historic building types of varying sizes, shapes and scales within the District. As discussed above, one type of historic building that is common in the District is a worker's cottage, particularly those located below grade and at the rear of a lot. Many examples of this building type are found in the District.

The Building is a two-story masonry worker's cottage, located at the rear of its lot and below grade, which is seen frequently in the District, fts pitched roof and fenestration pattern match other worker's cottages in the District. These traits are consistent with the general size, shape, and scale associated with the District, as shown in the photographs submitted by DPD as Exhibits C and Commission Exhibit 4. The evidence demonstrates that the Building is consistent with the many other worker's cottages in the District, which are generally two stories in height, constructed of masonry and often located on lots below street grade and at the rear of the lots. The Building therefore satisfies Criterion 4.

5. **Criterion 5**

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

The record demonstrates that the architecture of many of Pilsen's early homes and businesses often reflected the influence of the owner's homeland. The preferred building material, brick, not only provided better fire resistance than wood, but it was also the material used for many traditional structures in Central Europe. Masonry construction is frequently found in worker's cottages.

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The Building is constructed primarily of brick, with stone accents above windows and doors. The color and texture of the Building matches those found elsewhere in the District, such as 2004 S. Throop Street. (Commission Ex. 4.) The materials of this Building are therefore compatible with those found in the District and the Building satisfies Criterion 5.

6. **Criterion 6**

Criterion 6 states: "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."

The record demonstrates that the Building has had some modifications, including the application of a stucco-like facade on the front elevation and the use of non-compatible brick and mortar. (DPD Ex. D.2.) As Mr. Torrez testified, such changes are easily reversed and do not detract from the overall historic and architectural significance of the District. Criterion 6 is therefore satisfied.

B. Demolition of the Building Would Have an Adverse Effect on the District.

Article III, section G.3.b of the Rules and Regulations provides, in pertinent part: "Demolition of. . . (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." Applicant seeks to demolish the Building, which the Commission has determined is a contributing building to the District. As a result, demolition of the Building is deemed to have a per se adverse effect on the District.

Additionally, Article III, section G.3.a of the Rules and Regulations states that "[w]ork proposed as part of a permit application that is contrary to any of the following criteria will be deemed to have an adverse effect." Criterion 1 of this section requires that the proposed work "maintain the significant historical or architectural feature with no material change to that feature." The Commission finds that demolition of the Building would be contrary to Criterion 1 of section G.3.a.

C. **The Commission's Guidelines on "Demolition"**

The Commission's decision is also governed by its Guidelines for Alterations to Historic Buildings and New Construction. (DPD Ex. D.12.) The Guidelines provision on "Demolition" states, in pertinent part:

> DEMOLITION: The purpose of designating landmark districts is to conserve the historic building stock and encourage maintenance, repair, and restoration. Demolition is not a means toward this end. The Commission recognizes that in a few RARE situations demolition may be acceptable when a structure does not contribute to the landmark qualities and character of a district or is an intrusion on that character.

Here, the Commission finds the demolition of the Building would not be consistent with this Guideline because, for the reasons explained above in Part A, the Building is a contributing building to the District's qualities and character. For these reasons, demolition of the Building would be contrary to the Commission's Guidelines.

D. ***The U.S. Secretary of the Interior's Standards***

The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings (DPD Ex. D.12) also govern

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the Commission's evaluation of the permit application. Standards 1, 2, 5, and 6 of the Interior Standards state:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alterations of features and spaces that characterize a property shall be avoided.

5.. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

The Commission finds that demolition of the Building would violate Standard 1 because demolition would not allow the Building to be used for its historic purpose and would eliminate its defining characteristics. Demolition would also violate Standards 2 and 5 because demolition would not preserve the Building's historic character or its distinctive features discussed above. Finally, demolition would violate Standard 6 because it does not allow for the repair or replacement of the Building's historic features but would instead lead to their permanent removal. For these reasons, the Commission concludes that the proposed work would not be consistent with the Interior Standards.

E. Extraneous,Evidence

To the extent the record contains any evidence relating to the interior ofthe Building, Aldermanic support for demolition of the Building, proposed new construction at the property, or economic considerations, the Commission has not considered such evidence because it falls outside the Commission's purview. Nothing in the Commission's Rules and Regulations, Guidelines, or the U.S. Secretary of the Interior's Standards mentions those factors as a criterion for the Commission to consider in deciding whether to approve the application, which was the subject of this hearing. Moreover, the Commission's Rules and Regulations specifically prohibit "any evidence related to economic hardship which may result from the denial ofthe permit application." Article IV, section E.2.a. Thus, the Commission did not consider such evidence in determining whether to approve the Permit Application.

V. CONCLUSION

The Commission concludes that the Permit Application must be denied because, under the Commission's Rules and Regulations, the Building is a contributing building to the District and its demolition would have an adverse effect upon the significant historical and architectural features of the Building and the District. Demolition of the Building is also contrary to the Commission's Guidelines and the U.S. Secretary of the Interior's Standards for Rehabilitation for Historic Buildings. Demolition of the Building is therefore directly contrary to the spirit and purposes of the Landmarks Ordinance and the applicable standards and cannot be approved pursuant to MCC §§ 2-120-740 and 2-120-800.

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VI. FINAL DECISION

The Commission hereby disapproves the Permit Application. This is the Commission's final decision.

Rafael M. Leon, Chairman Commission on Chicago Landmarks

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Dated:

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